

MINUTES
NVTC COMMISSION MEETING –OCTOBER 3, 2024
FIRST FLOOR LARGE CONFERENCE ROOM – 2300 WILSON BLVD.
ARLINGTON, VIRGINIA

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

Members Present

Canek Aguirre (*via electronic participation*)

Walter Alcorn

Sarah Bagley

James Bierman, Jr.

Juli Briskman

Matt de Ferranti

Adam Ebbin

Libby Garvey

Takis Karantonis

Matt Letourneau

Saddam Azlan Salim

Mark Sickles

Paul Smedberg

David Snyder

Daniel Storck

Zach Trogden (Alternate, Commonwealth of Virginia) (*via electronic participation*)

James Walkinshaw

Members Absent

Paul Krizek

Alfonso Lopez

Dalia Palchik

Catherine Read

David Reid

Staff Present

Kate Mattice, Executive Director

Mirna Armanious

Monique Blyther

Andrew D’huyvetter

Matt Friedman

Allan Fye

Rhonda Gilcrest

Adam Hager

Xavier Harmony

Scott Kalkwarf

Ann McGrane

Tenley O’Hara

Vikram Sinha

Sophie Spiliotopoulos

Colie Touzel

Melissa Walker

Aimee Perron Seibert (*via electronic participation*)

Rich Dalton (VRE)

Steve MacIsaac (VRE)

Joe Swartz (VRE)

Michelle Zamarin (WMATA)

Mary Hynes

Opening Remarks

Chair de Ferranti welcomed everyone to the October 3, 2024 NVTC meeting and noted that the meeting is being livestreamed for the public on YouTube. He gave a special welcome to former NVTC Commissioner and Commonwealth Transportation Board member Mary Hynes and WMATA Inspector General Michelle Zamarin.

Board Administrator Rhonda Gilchrest confirmed an in-person quorum. Chair de Ferranti stated that Mr. Aguirre requested electronic participation for a personal reason as he is out of state on travel. Mr. Trogdon requested electronic participation as he lives over 60 miles from the meeting location in James City County, Virginia.

Ms. Briskman moved, with a second by Mr. Karantonis, to approve Mr. Aguirre's and Mr. Trogdon's requests for electronic participation. The vote in favor was cast by Commissioners Alcorn, Bagley, Bierman, Briskman, de Ferranti, Ebbin, Garvey, Karantonis, Letourneau, Salim, Sickles, Smedberg, Snyder and Storck. (Mr. Aguirre and Mr. Trogdon did not participate in the vote.)

Ms. Mattice stated that NVTC received no general public comments this month.

Chair de Ferranti suggested that with a full agenda, the Commission do block votes for Commuter Choice and VRE actions. There were no objections.

Minutes of the July 18, 2024 Meeting

Chair de Ferranti noted that he found a typographical error in the minutes with the timing of the Closed Session, which was fixed by the board administrator.

Mr. Sickles moved, with a second by Mr. Alcorn, to approve the amended July 18, 2024 meeting minutes. The vote in favor of the motion was cast by Commissioners Alcorn, Bagley, Bierman, Briskman, de Ferranti, Ebbin, Garvey, Karantonis, Letourneau, Salim, Sickles, Smedberg, Snyder and Storck. A roll call vote followed for Commissioners participating electronically and Mr. Aguirre voted in the affirmative. The motion passed.

Consent Agenda

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

- A. Approve the Notice of Direct Contributions to the Jurisdictions
- B. Accept the NVTC Regional Bus Analysis Report

Ms. Garvey moved, with a second by Ms. Bagley, to approve the Consent Agenda. The vote in favor of the motion was cast by Commissioners Alcorn, Bagley, Bierman, Briskman, de Ferranti, Ebbin, Garvey, Karantonis, Letourneau, Salim, Sickles, Smedberg, Snyder and Storck. A roll call

vote followed for Commissioners participating electronically and Mr. Aguirre voted in the affirmative. The motion passed.

Resolution of Commendation for the Honorable Mary Hynes

Chair de Ferranti stated that the Commission is honoring former Commonwealth Transportation Board (CTB) member and former NVTC Commissioner Mary Hynes for her years of service to the region and the Commonwealth. Her tenure on the CTB concluded at the end of June. She has dedicated 30 years of work on public policy and transportation issues during her tenure at NVTC, the Arlington County Board, the Northern Virginia Transportation Authority and the Commonwealth Transportation Board (CTB). On behalf of the entire Commission, the chair thanked Ms. Hynes, who has been a mentor to him.

Mr. Ebbin moved, with a second by Mr. Karantonis, to approve the Resolution of Commendation honoring Mary Hynes for her 30 years of dedicated service.

Mr. Karantonis stated that the region was lucky to have Ms. Hynes serve on the Commonwealth Transportation Board as she made things happen, especially getting this region's transit funding needs heard.

Mr. Walkinshaw arrived at 7:12 p.m. and joined the discussion.

Mr. Snyder stated that he was always impressed with Mary and even with how busy she was, she always had time to listen, to inform and to ask questions. She was a major force in shaping the region's transportation and governance systems over the years. She always stood for the highest values in public service. He stated that it has been an honor to work with her.

Mr. Letourneau stated that it was a pleasure to serve with Mary Hynes on NVTC. On behalf of WMATA, he thanked her for her support of Metro. Her contributions to WMATA go way back as she served on the WMATA Board. Mr. Smedberg agreed and stated her work on the WMATA Board helped to build an important voice for Northern Virginia. She will be missed.

Ms. Hynes thanked the Commission and stated that she has had a great run. For all the organizations she represented, she must recognize their amazing staff. Transit is really important, and she thanked the Commissioners for the work they've done and continue to do for the region. She noted that the new members of the Commonwealth Transportation Board do not have connections to the Northern Virginia region. It's not their fault, but they don't understand the challenges this region has. She stated that Northern Virginia has an obligation to educate them about transportation issues in this region, and how all the layers fit together and how Northern Virginia delivers to other parts of the state. She suggested conducting a transit tour to bring them to this region to see firsthand the challenges. She implored NVTC to reach out to the new Commonwealth Transportation Board members.

Chair de Ferranti thanked Ms. Hynes for her words. He asked staff to follow up on her suggestions.

The Commission then voted on the resolution. The vote in favor was cast by Commissioners Alcorn, Bagley, Bierman, Briskman, de Ferranti, Ebbin, Garvey, Karantonis, Letourneau, Salim, Sickles, Smedberg, Snyder, Storck and Walkinshaw. A roll call vote followed for Commissioners participating electronically and Mr. Aguirre voted in the affirmative. The motion passed. Chair de Ferranti presented Ms. Hynes with a copy of the resolution. (A copy of the resolution is attached.)

Washington Metropolitan Area Transit Authority (WMATA)

Chair de Ferranti asked Mr. Smedberg to introduce WMATA's new Inspector General.

Introduction of WMATA Inspector General. Mr. Smedberg introduced WMATA Inspector General Michelle Zamarin, who is a distinguished attorney and prosecutor. Ms. Zamarin served as Litigation Counsel in the Trial Unit of the Enforcement Division at the Securities and Exchange Commission (SEC). Prior to that, she had a nearly 20-year career at the United States Attorney's Office, serving as its Chief of the Capitol Siege, Assault and Breach Section. In this role, she supervised 80-100 attorneys, including seven deputy chiefs. Her previous leadership roles at the US Attorney's Office included Deputy Chief of the Fraud and Public Corruption Section and Chief of the Federal Major Crimes Section. Ms. Zamarin holds a Juris Doctor, *cum laude*, from the Boston University School of Law, and a Bachelor of Arts from Franklin and Marshall College. Ms. Zamarin is a member of the bars in the State of New York and the District of Columbia. Mr. Smedberg noted that Ms. Zamarin has already made meaningful impacts at WMATA in the months she has been here.

Ms. Zamarin thanked the Commission for inviting her to attend this meeting. She has been a life-long resident of the region and understands the importance of transit. She started her Inspector General role in June. She explained that the mission of the Office of Inspector General (OIG) is to independently seek out waste, fraud and abuse. She was able to be involved with finalizing the Audit Plan, which is currently available to view as part of the public process. It is a powerful tool. She provided some background information about the OIG office, including its independence in hiring and contracting, as well as with the OIG budget. She noted that she has had one-on-one conversations with every member of the OIG team and did not hear anyone say that the WMATA Board had been intrusive in any way. Her team cares about WMATA and believes that they are making a difference.

Ms. Zamarin offered for her and her team to meet with Commissioners to review the Audit Plan or in the future to discuss things that should be audited. Mr. Alcorn expressed his appreciation for her offer and he suggested that it may be helpful for her to meet with the NVTC WMATA Committee sometime in the future.

In response to a question from Mr. Storck about performance auditing, Ms. Zamarin explained that the work of the OIG is broken down into three parts, including looking at contracts before they are finalized, an evaluations team, and a performance group which conducts performance audits. She has a very talented audit group of 20 people. The first performance audit under her leadership is on contract modifications, which will be released soon.

Chair de Ferranti thanked Ms. Zamarin for meeting with the Commission.

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. The actions continue the 24-hour bus service in DC and add additional bus service to compensate for the cancellation of the DC circulator service. DC is entirely funding the services. He also reported that the WMATA Board received the FY 2024 service excellence report. The report highlights increasing ridership, a reduction in crime, and reductions in fare evasion on Metrorail.

Mr. Letourneau reported that WMATA closed the fiscal year budget with a budget favorability of \$28.4 million. Despite lower-than-expected passenger revenues, WMATA achieved significant cost savings through a hiring freeze, vacancy management, and alternative paratransit service providers. As he discussed in past meetings, the WMATA Board is looking at a financial reserve concept. Due to some concerns from Maryland and Virginia, a reserve is not currently on the Board's agenda. He noted that WMATA is the only transit system of its size without any kind of reserve. WMATA will continue to work through the issues and concerns.

Mr. Letourneau also reported that in September WMATA completed the installation of new faregates in all Metrorail stations. These gates have resulted in an 82% drop in fare evasion on Metrorail. In addition, WMATA has replaced 1,500 fareboxes on all buses in the fleet. However, WMATA is still having fare evasion issues on Metrobus. Mr. Letourneau reviewed some of the initiatives to address these issues.

Mr. Letourneau also announced that there will be minor track work in Virginia this weekend resulting in 15-minute headways on short portions of the Blue, Orange, Silver and Yellow Lines. Mr. Smedberg also noted that there will be a major shutdown between Christmas and New Years at some stations in the District of Columbia. Mr. Letourneau gave an update about the collective bargaining agreement.

In response to a question from Mr. Storck, Mr. Letourneau provided more information about fare evasion and WMATA's best practices. The goal is to collect 100% of fares. Chair de Ferranti noted that there could be more information available as time goes on. Mr. Alcorn stated that he hopes WMATA can institute the right incentives to bring bus fare evasion down. Mr. Letourneau stated more information will be forthcoming on the new formula. One component of that formula is paid ridership, which is an incentive to make sure riders are paying. Mr. Karantonis stated his concern with multiple door boarding issues as it relates to fare evasion.

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

WMATA Committee Chair Walter Alcorn reported that the WMATA Committee and the Legislative and Policy Committee met for a joint meeting on September 19. At that meeting, the committees heard a summary of how operating budgets at peer transit agencies to WMATA are funded and what type of dedicated funding revenue sources they have. WMATA is unique in not having dedicated operating funding, and all peers examined by staff use a sales tax. There is a lot of variation in sales tax rates and structures for revenues, often with an intermediary organization

playing a role in the funding. While there is no one-size-fits-all solution, the staff work offers a roadmap in establishing new dedicated funding for all transit agencies in Northern Virginia.

Mr. Alcorn reported that the joint committee also received an update from NVTC staff on regional fare policy and technology. There's a lot of existing success that can be built upon as a region, namely that every local bus operator in Northern Virginia that charges fares uses SmarTrip and matches WMATA's fares and transfer policies, creating a seamless customer experience. The next major step in fare policy and fare technology requires WMATA to move to open payments, where customers can use options like contactless credit cards to pay their fare. He shared the good news that at a recent WMATA Board meeting, the general manager announced that they hope to have this type of open payment system in place by 2025. Lastly, the joint committee reviewed NVTC staff's proposed recommendations for the 2024 Report on the Performance and Condition of WMATA. This year's recommendations mirror last year's recommendations, which call for WMATA to continue efforts in finding cost savings and for the region to find dedicated funding solutions.

Ms. Mattice then reviewed the various work NVTC is doing to support finding a long-term, sustainable, dedicated funding solution for the region. September was a busy month with numerous task forces, working groups and studies. The most recent of these meetings was the DMVMoves Task Force, which met on September 23 and includes NVTC Commissioners Sickles, Smedberg, and de Ferranti. The SJ 28 Joint Subcommittee on Northern Virginia's Growing Needs of Public Transit met on September 26. She serves on the subcommittee along with NVTC Commissioners Sickles, Ebbin, Alcorn and Smedberg. These efforts are all critical to developing a regional solution to ensure a solid future for WMATA as well as the other local transit systems including VRE. While DMVMoves is focused on the greater Washington, DC region, the SJ 28 Subcommittee is doing a deeper dive on the Virginia side of both funding and cost containment priorities.

Mr. Ebbin, who serves as the chair of the SJ28 Joint Subcommittee, reported that the second meeting of the Joint Subcommittee on September 26 included presentations from NVTC, PRTC, VRE and WMATA to get a better understanding of their operating and capital needs over the next 10 years. All agencies are facing fiscal challenges, but with differences in the scale and timing of the need. The needs information provided by WMATA was the same information conveyed at DMVMoves – showing the close coordination between these efforts. WMATA also talked about their progress in reducing fare evasion on Metrorail, ridership growth and management of expense growth. NVTC staff also presented their peer funding research as well as an overview of Virginia's 3% cap on WMATA's operating subsidy growth, which is something that will be looked at by the Technical Working Group.

Mr. Ebbin also noted that Deputy Secretary Sargent gave a presentation on financial and performance trends for WMATA and the region's transit systems. Some of the information in the report relies on currently available but soon to be updated data. The Joint Subcommittee had a robust discussion on how to appropriately contextualize the information and the fact that transit is in a new place post-pandemic and how to move forward. The next meeting of the Joint Subcommittee is on October 17 hosted at NVTC's offices. He thanked Allan Fye and his team for providing helpful presentations.

Mr. Fye, who is the chair of the SJ28 Technical Working Group, reported that the working group had its first meeting, with lots of thoughtful and constructive feedback and various points of view to consider as the working group continues. Several themes emerged:

- Concern about the cost of living in Northern Virginia, recent reports about population loss, and the area's ability to compete with other regions – how to reconcile these concerns with the discussion about needing to fund transit and engage with the business community?
- As we talk funding, ensure we don't take funding from existing transportation partners.
- Transit and overall travel patterns are very different post-pandemic, and we have to adapt our transit funding models to the new transit reality.
- There is a lot to learn from our transit peers across the country – things to do and things not to do.
- Understanding the complexity of transit funding in Northern Virginia and Virginia, including the important role the state plays in investing in transit.
- Continue to work with our regional partners to define the transit needs in Virginia and ensure all stakeholders understand that defining the needs is an iterative process.

Mr. Fye stated that the Technical Working Group will reconvene to dive into NVTC's recent analysis about potential funding sources (local, regional and statewide), the importance of land use to support transit ridership growth and examining the different costs between Northern Virginia and the rest of the state. He also noted that NVTC continues to work closely with WMATA and MCOG staff on the DMVMoves effort, which covers many of these same topics but for the entire DC metropolitan area. NVTC is working behind the scenes to ensure that these two efforts build off each other.

Mr. Sickles, who is a member of the DMVMoves Task Force, reported that at its last meeting, the Task Force focused on how to make transit across the region better and at what cost. Staff provided an overview of the total capital and operating transit needs in the region, including WMATA, under two different scenarios. The first scenario is an existing level of service and a baseline state of good repair needs – basically what is in place today - and the second scenario allows for additional state of good repair needs and limited service improvements. These scenarios create a potential FY 2028 total funding gap across the entire DC region ranging from \$645 million to \$835 million. He noted that these scenarios assume the additional subsidy provided by the region to WMATA in FY 2025 is ongoing. While the state is working hard this year to secure additional state aid in the two-year budget, there should be no assumption that this funding from the General Fund is ongoing. Finally achieving dedicated funding for WMATA, which must be a partnership between the state and NVTC jurisdictions, is a must to continue WMATA's growth as well as the success of the local transit agencies.

Chair de Ferranti stated that from the local perspective – and this was echoed by Fairfax County Board Chair Jeff McKay during the Task Force meeting – it is important that any new revenues fund all the transit systems, not just WMATA, and that new revenues help relieve the pressure that currently falls on local general funds to pay for WMATA and local transit. Northern Virginia

cannot continue to rely so heavily on local property taxes to fund transit. Chair de Ferranti reiterated NVTC's funding principles for long-term, sustainable transit funding, which are:

- A one-size-fits-all approach doesn't work in the region's funding context.
- Virginia, Maryland and DC should each develop their own funding solution and should include an inflation factor.
- Maintain the 50/50 funding partnership between Northern Virginia jurisdictions and the Commonwealth.
- Ensure there are sufficient state and local resources to sustain the rebaselined FY 2026 funding levels at WMATA.

Chair de Ferranti thanked NVTC staff for keeping the Commission informed and up to date on all the work going on right now. NVTC's coordination and research and analysis efforts are vital to achieving long-term, sustainable dedicated for all the transit systems in Northern Virginia.

Mr. Bierman asked the hard question about what an actual dedicated funding stream would look like. He asked about what types of things are on the table for discussion. Chair de Ferranti stated that there are DMVMoves slides that show revenue that could come from a sales tax and there has been discussion about a fuels tax or recording tax. Politically it is complex with the three jurisdictions (Maryland, Virginia and DC). Mr. Smedberg stated that a lot of work is going on and he agreed it is complex. Mr. Sickles stated that there will be a gray area for a while, but he is confident that Virginia will figure out how to pay for Virginia's share. He personally does not want it to land on the shoulders of property owners through an increase in personal property tax. Mr. Bierman stated that he wasn't asking for an answer at this meeting, but his point stands that more concrete conversations would be helpful, because eventually any future revenue options will need to be sold to the public. Chair de Ferranti thanked Mr. Bierman for his question. Mr. Alcorn stated that the role of NVTC staff compiling options is still coming together. There also needs to be a discussion about cost control. Chair de Ferranti suggested that it might be beneficial to touch base with the chair of DMVMoves. Mr. Smedberg stated that he, Mr. Letourneau and WMATA General Manager Randy Clarke met with Governor Youngkin and Secretary Miller, and it was a very constructive discussion. Mr. Letourneau stated that the new NTD data will be available soon to provide more context on Metro performance.

Ms. Mattice reported that when the Legislative and Policy Committee met in a joint meeting with the WMATA Committee on September 19, the committees received a staff briefing on the development of NVTC's 2025 Federal and State Legislative Agenda. NVTC staff, in conjunction with the Legislative and Policy Committee, are developing the 2025 Federal and State Legislative Agenda for the next Virginia legislative session that begins in January. The current draft of the NVTC 2025 Agenda is largely similar to last year's with a few modifications:

- State: focus is protecting and preserving funding for transit; new item is continuing to work with state agencies to streamline bus infrastructure projects, mainly bus shelter construction.
- Federal: focus on advocating for authorized levels of transit investment re: IIJA and supporting our local agencies' ability to leverage federal funding; new item

acknowledges the concerns the entire transit industry has re: bus manufacturer consolidation – national issue with local impacts.

NVTC is also working with its colleagues across the Commonwealth – through the Virginia Transit Association – and across the country – through the American Public Transportation Association – on other issues that may be relevant to address in 2025.

Mr. Smedberg left the meeting at 8:35 p.m. and did not return.

On November 7, the draft Legislative Agenda will be brought to the full Commission for review and feedback, and the Commission will be asked to approve the 2025 State and Federal Agenda at its December 5 meeting.

Ms. Mattice also announced the upcoming NVTC-PRTC-VRE Joint Legislative Forum on Friday, December 13 at George Mason University's Arlington Campus Schar School. It is expected that the agenda will focus on DMVMoves and SJ 28 priorities.

Report from the Chair of the Program Advisory Committee

Chair de Ferranti noted that Program Advisory Committee Chair Dalia Palchik was unable to attend and he asked Director of Program and Policy Allan Fye to give the report. Mr. Fye reported that the Program Advisory Committee (PAC) met with the Joint Commission Working Group (JCWG) on September 19 to receive an update on the Commuter Choice program. The JCWG consists of three members from NVTC and three members from PRTC, as the I-395/95 Commuter Choice program operates as a partnership between the two Commissions. The PAC and JCWG were briefed on the development of the FY 2024 Commuter Choice Annual Report as well as the upcoming FY 2026-2027 I-395/95 Commuter Choice Call for Projects. The PAC also received an update on zero-emission buses in the region.

Mr. Fye explained that there are two actions being requested: to 1) Authorize the Executive Director to Submit the NVTC Commuter Choice FY 2024 Annual Report to the Commonwealth Transportation Board; and 2) Authorize the Executive Director to Issue the I-395/95 Commuter Choice Call for Projects for FY 2026 – 2027. These two actions will be done by a block vote.

Mr. Fye provided a quick refresher on the Commuter Choice program. Regarding the annual report action, he provided a few takeaways from this year's report. As in past years, the report highlights the cumulative benefits of projects funded to date under the program – including, this spring, the highest daily ridership among active projects of 7,500 weekday trips. To date, the Commuter Choice projects have supported nearly seven million trips and supported significant travel time and fuel cost savings for commuters, among other quality of life and environmental benefits (including a 71% GHG emissions reduction relative to drive-alone travel). Mr. Fye noted that as Ms. Hynes mentioned earlier, there are several new and incoming members on the CTB, so this year's annual report provides some context on how Commuter Choice supports the region's economic growth and resilience, provides commuters with faster travel along congested

corridors, supports demands for more travel options and reinvests toll revenue where it's earned, right here in Northern Virginia.

Mr. Fye stated that since the program's inception, Commuter Choice has invested \$66 million in the I-66 corridor savings commuters \$38 million in fuel expenses and travel time, and in the I-395/95 corridor, \$90 million has been invested resulting in \$27 million worth of fuel expenses and travel time savings.

Mr. Fye provided more information about the next call for projects in the I-395/95 corridor for FY 2026-2027 funding. Staff expect \$25-30 million available over the two years for new projects. This amount accounts for an off-the-top \$10 million award to complete the Commissions' and CTB's total commitment of \$20 million for a bus rapid transit project in Fairfax County that was made as part of the prior Program of Projects. Staff expect substantial demand for the funds, including several successful transit service improvements that may return for continued operating support and further anticipated capital proposals. This may lead to some challenging programming decisions for the Commissions. Ultimately the funding is competitive, and NVTC wants to fund the most effective projects. NVTC staff discussed project ideas and policy considerations with eligible applicants over the summer and are offering an additional round of workshops later this month.

Mr. Fye stated that staff are not bringing forward any policy updates, although there is one refinement worth mentioning – clarifying that for projects that improve pedestrian and bicycle access to transit, that these specifically must link directly to a Metro or VRE station or one of several identified regional bus hubs with frequent all-day service, to maximize the likelihood of substantive impacts to peak-period corridor travel.

Mr. Fye explained that following NVTC and PRTC approval, the call for projects will be opened and the application portal will go live October 4 and run through December 16. Staff will then let applicants know of any ineligible applications by late January or early February and will present the results to the Commissions in March. By early to mid-April, staff expect to have a scored set of eligible proposed projects, which will be followed by a one-month public comment period. The JCWG will be reconvened to endorse a draft Program of Projects for the full Commissions approval. In June, the Commissions would adopt the Program of Projects and refer it to the CTB for final approval into the Six-Year Improvement Program.

Ms. Bagley moved, with a second by Mr. Smedberg, to approve the two Commuter Choice actions as block vote:

- Authorize the Executive Director to Submit the NVTC Commuter Choice FY 2024 Annual Report to the Commonwealth Transportation Board
- Authorize the Executive Director to Issue the I-395/95 Commuter Choice Call for Projects for FY 2026 – 2027

The vote in favor was cast by Commissioners Alcorn, Bagley, Bierman, Briskman, de Ferranti, Ebbin, Garvey, Karantonis, Letourneau, Salim, Sickles, Snyder, Storck and Walkinshaw. A roll call

vote followed for Commissioners participating electronically and Mr. Aguirre voted in the affirmative. The motion passed.

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 action items prior to the block vote.

VRE CEO Report. Mr. Dalton encouraged Commissioners to read his written CEO Report.

VRE Electronic Participation Policy. Ms. Bagley stated that the VRE Operations Board recommends Commission approval of Resolution #2540, which will approve the amended VRE Operations Board Electronic Participation Policy. Updates to the policy are necessary to reflect recent changes to the Virginia Code's Freedom of Information Act as a result of legislation passed in the 2024 General Assembly Session and signed into law by the governor. The amended policy was approved by the VRE Operations Board, which must be followed by approval by NVTC and PRTC.

Lease Agreement for Parking at the VRE Broad Run Station. Ms. Bagley stated that the VRE Operations Board recommends Commission approval of Resolution #2541, which will authorize the VRE CEO to execute an amendment to the Lease Agreement with the Prince William County Board of Supervisors for real property used for parking at the VRE Broad Run Station to extend the Lease Agreement for 20 years at the cost of \$1 per year. The current agreement will expire in October 2024 and this amendment to the Lease Agreement will extend the term for an additional 20 years through October 2044, with all other provisions of the agreement unchanged.

Referral of the Preliminary FY 2026 VRE Operating and Capital Budgets to the Participating and Contributing Jurisdictions. Ms. Bagley stated that the VRE Operations Board recommends Commission approval of Resolution #2542, which will authorize the VRE CEO to refer the preliminary FY 2026 VRE Operating and Capital Budget to the jurisdictions for review and comment. A final balanced FY 2026 budget will be submitted in December for the Operations Board's consideration and referral to the Commissions for approval in January 2025.

VRE Chief Financial Officer Mark Schofield provided more details on the preliminary FY 2026 VRE operating and capital budgets. The preliminary operating budget is \$117 million, which is down about \$1 million from the current budget. The preliminary operating budget includes a total jurisdictional subsidy of \$19.8 million (an increase of 8%) and no proposed changes to passenger fares following the FY 2025 fare increase. Approximately \$39.3 million of pandemic relief funding (from the American Rescue Plan Act) is projected to be utilized in the preliminary FY 2026 operating budget. VRE's preliminary FY 2026 capital budget includes commitments of \$73.5 million from federal, state, regional and local funding sources towards the Capital Improvement Program (CIP). VRE plans to maintain the current level of weekday trains and to add Saturday service starting early in 2025. VRE staff will continue to pare down the budget and look for ways to defer or cut costs. The VRE budget will be brought back to the Commissions for approval in January.

Mr. Alcorn asked when the Commissions will see a plan about what happens after the pandemic relief funding runs out. Mr. Schofield stated that this is being worked on currently in the SJ 28 discussions. Chair de Ferranti suggested that a plan is needed within 12 months.

Operating Access Agreement with the Norfolk Southern Railway for Track Access and Dispatching. Ms. Bagley reported that the VRE Operations Board recommends Commission approval of Resolution #2543, which will authorize the VRE CEO to execute an operating access agreement with Norfolk Southern Railway for track access and dispatching. VRE currently has an Operating Access Agreement with Norfolk Southern related to VRE operations on the Manassas Line. The original 1989 agreement has had many amendments and extensions over the years. VRE and Norfolk Southern staff have been in discussions since the latest agreement in 2023 to negotiate a long-term agreement. The current extension expires on October 10, 2024. The new agreement is for a term of 20 years, which will expire in 2044 (with opportunity to renew upon prior notification to Norfolk Southern).

Ms. Bagley explained that with Virginia Passenger Rail Authority's recent purchase of approximately 24 miles of the Manassas Line corridor from Norfolk Southern, VRE still needs an access agreement with Norfolk Southern since VRE will continue to operate on segments of the corridor retained by Norfolk Southern. Norfolk Southern will also provide dispatching for VRE trains.

Mr. Dalton explained that the Norfolk Southern operating access fees were projected to more than double, but with this agreement and the 20-year term, VRE will be paying a flat fee of \$750,000 annually for these services. There is also the potential to reduce this amount.

Mr. Storck moved, with a second by Ms. Bagley, to approve the following four actions as a block vote:

- Approve Resolution #2540: Approve the Amended VRE Operations Board Electronic Participation Policy
- Approve Resolution #2541: Approve and Authorize the VRE CEO to Amend the Lease Agreement for Parking at the VRE Broad Run Station
- Approve Resolution #2542: Authorize the Referral of the Preliminary FY 2026 VRE Operating and Capital Budgets to the Participating and Contributing Jurisdictions
- Approve Resolution #2543: Authorize the VRE CEO to Execute an Operating Access Agreement with the Norfolk Southern Railway for Track Access and Dispatching

The vote in favor was cast by Commissioners Alcorn, Bagley, Bierman, Briskman, de Ferranti, Ebbin, Garvey, Karantonis, Letourneau, Salim, Sickles, Snyder, Storck and Walkinshaw. A roll call vote followed for Commissioners participating electronically and Mr. Aguirre voted in the affirmative. The motion passed. (Copies of the resolutions are attached.)

Proposed Virginia Passenger Rail Authority (VPRA) Funding Agreement. Chair de Ferranti asked Mr. Dalton and Mr. Schofield to give their presentation on the proposed Virginia Passenger Rail Authority Funding Agreement, which will require action by the Commissions at a later date.

Mr. Dalton stated that a copy of the proposed agreement was provided in the meeting materials. Mr. Schofield reviewed the agreement, which will be brought back to the Commissions for approval as noted that VRE will come back multiple times with specific purchase agreements and as part of the budget process. The agreement has a commitment of \$155 million over five years, but the total appraisal is expected to exceed that amount. VRE is pursuing Federal Transit Administration (FTA) funding. The local match (minimum 20%) will be required for any federal funds; other non-federal sources may be needed for reasons of timing or if any components are determined not to be FTA-eligible. Potential sources include existing state and local funds on midday storage; CROC funds currently committed to L'Enfant; CROC PAYGO supporting Transforming Rail in Virginia/Long Bridge; VPRA funds currently committed to access fee reimbursement; I-66 Outside the Beltway funds; and new funding streams (SJ 28, etc.).

Mr. Schofield stated that in addition to the benefit of having the Commonwealth and VRE control part of the Manassas Line, it is also a good deal because it provides a much better location where VRE can store mid-day trains in Alexandria and it will be much cheaper to operate the system. There will be a reduction of \$10 million in annual access fees and Virginia's gross costs of \$180 million for mid-day storage over a 10-year period.

Mr. Schofield reviewed the next steps with the various agreements being negotiated. He emphasized that on the operating side, VRE wants to take advantage of capacity enhancements.

Chair de Ferranti reminded the Commission that the funding agreement will come back for Commission approval at a later date. This discussion is very helpful and part of the transparency of the public process.

Mr. Snyder expressed his excitement that Virginia is retrofitting rail to have a really comprehensive rail system that will serve all of Virginia. For future presentations, he stated that he would like to see how the VRE piece fits into the larger overall context with VPRA and Amtrak.

Department of Rail and Public Transportation (DRPT)

Acting DRPT Director Zach Trogdon reported that DRPT staff are engaged in the SJ 28 Joint Subcommittee and DMVMoves work being done, as well as working closely with NVTC staff. He stated that a RMP3 effort is underway and picking up steam. He suggested there be a future presentation on this at NVTC in the future.

Executive Director Report

Ms. Mattice encouraged Commissioners to read her Executive Director Newsletter, which highlights some of NVTC's recent efforts and events. She thanked everyone who attended NVTC's 60th anniversary event last month. The documentary can be viewed on-line.

Ms. Mattice stated that she attended the American Public Transportation Association's annual meeting where she participated in several key legislative steering committee meetings to help shape the next transportation authorization. She has also been named the chair of a new committee focused on developing strong transit services in multimodal corridors.

Ms. Mattice reviewed upcoming meetings. She announced the October 17 Joint WMATA Committee/Legislative and Policy Committee has been canceled. The next joint meeting is on November 21 and will be all-virtual. The next Commission is on November 7 and the Joint Legislative Forum hosted by NVTC, PRTC and VRE is on December 13 at George Mason University Schar School.

Ms. Mattice introduced new Transit Fellow Mirna Armanious, who is working with the transit team on WMATA and long-term, sustainable funding. Ms. Armanious graduated with a master's in urban and regional planning in December. Ms. Mattice also recognized Sophie Spiliotopoulos and former NVTC Transit Fellow, Rachel Inman, who just got their first journal article approved for publication in the Journal of Urban Planning and Development. They did a deep dive last year into assessing the conditions of bus stops here in Northern Virginia – work that has been highlighted at a national Transportation research conference and now in a published journal.

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

Adjournment

Without objection, Chair de Ferranti adjourned the meeting at 9:13 p.m.

Approved this 7th day of November 2024.

Matt de Ferranti
Chair

Sarah Bagley
Secretary-Treasurer



RESOLUTION OF COMMENDATION

SUBJECT: Commending the Honorable Mary Hynes on Her 30 Years of Dedicated Service

WHEREAS: The Northern Virginia Transportation Commission (NVTC) serves as the voice of public transit in Northern Virginia, promoting the region's transit network through effective and efficient public transit and ridesharing programs to foster economic vitality in the region and the Commonwealth;

WHEREAS: The Honorable Mary Hynes has dedicated 30 years of work on public policy and transportation issues at the county, regional and statewide levels during her tenure on the Arlington County Board (2007-2015), Northern Virginia Transportation Commission (2008-2015), Washington Metropolitan Area Transit Authority Board of Directors (2011-2015), Virginia Transit Association Board of Directors (2012-2015), Northern Virginia Transportation Authority (2014-2024), Commonwealth Transportation Board (2016-2024) and other important bodies;

WHEREAS: The Honorable Mary Hynes served with distinction as a member of NVTC from 2008 through 2015, working to advance transit in the region; holding WMATA accountable for providing fiscally sound, reliable and safe service; understanding the importance of data – its analysis and visualization; and being a consistent voice for creating and protecting dedicated transitways to better connect the entire region;

WHEREAS: As a member of the Arlington County Board, Ms. Hynes was recognized for her strong support for ART-Arlington Transit, resulting in enhanced transit options in the county;

WHEREAS: In 2013, Ms. Hynes was awarded the Elizabeth and David Scull Award for Regional Leadership, for being "a champion for connecting development and affordable housing to sound transportation planning;"

WHEREAS: In the decade or so since her departure from the local and regional bodies, Ms. Hynes continued to advocate for Northern Virginia's interests on the Commonwealth Transportation Board, where she was a strong champion for public transit and for mobility in Northern Virginia and was instrumental in the development and shaping of the SMART SCALE program as well as providing key input to ensure fair treatment of public transit investments at the state level during several rounds of the VTRANS statewide long-range transportation plan;

WHEREAS: Leveraging her years at NVTC and the WMATA Board of Directors, Ms. Hynes provided thoughtful insights and context to educate CTB Board members on WMATA issues and the launch of NVTC's Commuter Choice program, helping to educate and advocate for the use of toll revenues to provide alternative transportation options to those traveling on the I-66 and I-395/95 corridors; and

WHEREAS: In 2024, the Northern Virginia Transportation Commission proudly nominated Mary Hynes to receive the Virginia Transit Association's Joe Alexander Distinguished Public Official Leadership Award, recognizing her 30 years of work on public policy and transportation issues at the county, regional and statewide levels.

NOW, THEREFORE, BE IT RESOLVED that the Northern Virginia Transportation Commission hereby commends the Honorable Mary Hynes for her service to the citizens of Northern Virginia and to the Commonwealth of Virginia.

BE IT FURTHER RESOLVED that NVTC prepare a copy of this resolution for presentation to Ms. Hynes as an expression of its gratitude and in appreciation for her leadership and work in in promoting and funding public transit and ridesharing in Northern Virginia.

Approved this 3rd day of October 2024.

A handwritten signature in black ink, reading "Matt de Ferranti", written over a horizontal line.

Matt de Ferranti
Chair

RESOLUTION #2540

SUBJECT: Approve the Amended VRE Operations Board Electronic Participation Policy

WHEREAS: The Virginia Railway Express Operations Board Electronic Participation Policy was adopted in 2021;

WHEREAS: The VRE Operations Board Electronic Participation Policy was last amended July 2022;

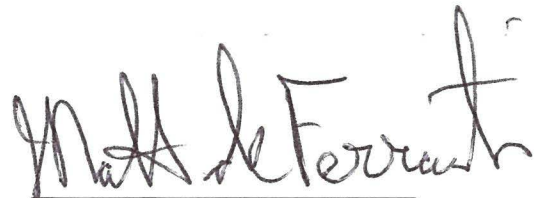
WHEREAS: Updates to the VRE Operations Board Electronic Participation Policy are necessary to reflect recent changes to the Virginia Code - Freedom of Information Action as a result of legislation passed in the 2024 General Assembly Session and signed into law by the Governor;

WHEREAS: Virginia Railway Express Legal Counsel, Steve MacIsaac, has reviewed the updates; and

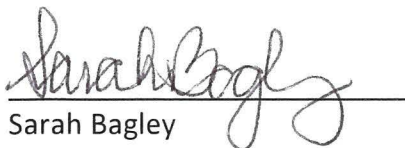
WHEREAS: The VRE Operations Board recommends the following action.

NOW, THEREFORE, BE IT RESOLVED that the Northern Virginia Transportation Commission hereby approves the amended Virginia Railway Express Operations Board Electronic Participation Policy.

Approved this 3rd day of October 2024.



Matt de Ferranti
Chair



Sarah Bagley
Secretary-Treasurer

RESOLUTION #2541

SUBJECT: Approve and Authorize the VRE CEO to Amend the Lease Agreement for Parking at the VRE Broad Run Station

WHEREAS: In May 2004, the VRE Operations Board recommended that the Northern Virginia Transportation Commission (NVTC) and the Potomac and Rappahannock Transportation Commission (PRTC) (the "Commissions") authorize the Acting VRE Chief Operating Officer to enter into an agreement with Prince William County to complete parking expansion projects at the VRE Broad Run Station;

WHEREAS: These parking expansion projects included demolition of the barn adjacent to the VRE Broad Run Yard facility as well as construction of a new parking lot on the land previously occupied by the barn;

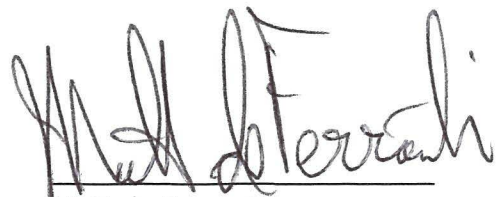
WHEREAS: A Lease Agreement was subsequently established, commencing in October 2004, with Prince William County allowing VRE to utilize the newly constructed parking lot for a term of twenty (20) years through October 2024;

WHEREAS: An amendment to Lease Agreement is necessary to extend the term for an additional twenty (20) years through October 2044; and

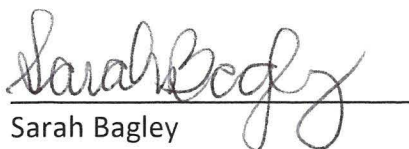
WHEREAS: The VRE Operations Board recommends the following action.

NOW, THEREFORE, BE IT RESOLVED that the Northern Virginia Transportation Commission hereby approves and authorizes the VRE Chief Executive Officer to execute an amendment to the Lease Agreement with the Board of County Supervisors of Prince William County, Virginia for real property used for parking at the VRE Broad Run Station to extend the Lease Agreement for twenty (20) years at the cost of \$1 per year.

Approved this 3rd day of October 2024.



Matt de Ferranti
Chair



Sarah Bagley
Secretary-Treasurer

RESOLUTION #2542

SUBJECT: Authorize the VRE CEO to Refer the Preliminary FY 2026 VRE Operating and Capital Budgets to the Participating and Contributing Jurisdictions

WHEREAS: The VRE Master Agreement requires the VRE Operations Board submit to the Commissions a preliminary fiscal year budget by September 30 each year;

WHEREAS: The VRE Chief Executive Officer has provided the VRE Operations Board with the preliminary FY 2026 Operating and Capital Budget;

WHEREAS: The preliminary FY 2026 budget proposes a total jurisdictional subsidy of \$19,764,842 and no changes to existing passenger fares;

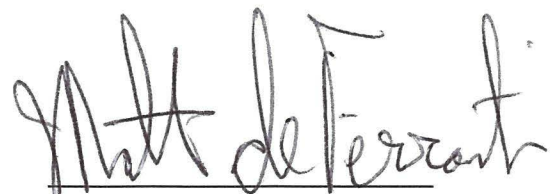
WHEREAS: The VRE Operations Board has directed the VRE CEO to consider and address comments by the jurisdictions and to present a final recommended budget to the VRE Operations Board at the December 2024 meeting for consideration and referral to the Commissions for adoption in January 2025; and

WHEREAS: The VRE Operations Board recommends the following action.

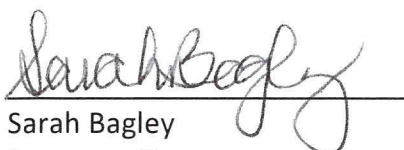
NOW, THEREFORE, BE IT RESOLVED that the Northern Virginia Transportation Commission hereby authorizes the VRE CEO to refer the preliminary FY 2026 Operating and Capital Budget to the jurisdictions for further formal review and comment.

BE IT FURTHER RESOLVED that NVTC directs the VRE Operations Board to forward a final recommended budget to the Commissions for consideration for adoption in January 2025.

Approved this 3rd day of October 2024.



Matt de Ferranti
Chair



Sarah Bagley
Secretary-Treasurer



RESOLUTION #2543

SUBJECT: Authorize the VRE CEO to Execute an Operating Access Agreement with Norfolk Southern Railway for Track Access and Dispatching

WHEREAS: The Northern Virginia Transportation Commission (NVTC) and the Potomac and Rappahannock Transportation Commission (PRTC) (the "Commissions") currently have an amended Operating Access Agreement with Norfolk Southern Railway that has been extended through October 10, 2024;

WHEREAS: Following negotiations with Norfolk Southern Railway and the Virginia Passenger Raily Authority (VPRA), most of the current Manassas Line was purchased by the Virginia Passenger Rail Authority effective September 5, 2024;

WHEREAS: The new Operating Access Agreement between VRE and Norfolk Southern Railway permits VRE operations on the portions of the Manassas Line retained by Norfolk Southern Railway and provides dispatching services for VRE trains;

WHEREAS: A fixed operating fee has been established for both access and dispatching services and will be escalated annually by an agreed upon Association of American Railroads (AAR) index;

WHEREAS: Funding for the Norfolk Southern Railway fixed operating fee has been included in the VRE FY 2025 budget;

WHEREAS: Funding for additional fiscal years will be included in the annual budgets submitted for approval to the VRE Operations Board and Commissions; and

WHEREAS: The VRE Operations Board recommends the following action.

NOW, THEREFORE, BE IT RESOLVED that the Northern Virginia Transportation Commission hereby authorizes the VRE Chief Executive Officer to execute an Operating Access Agreement with the Norfolk Southern Railway Company for track access and dispatching.

Approved this 3rd day of October 2024.

A handwritten signature in black ink, appearing to read "Matt de Ferranti", written over a horizontal line.

Matt de Ferranti
Chair

A handwritten signature in black ink, appearing to read "Sarah Bagley", written over a horizontal line.

Sarah Bagley
Secretary-Treasurer