

MINUTES
NVTC COMMISSION MEETING – FEBRUARY 5, 2004
NVTC CONFERENCE ROOM - ARLINGTON, VIRGINIA

The meeting of the Northern Virginia Transportation Commission was called to order by Chairman Euille at 8:14 P.M.

Members Present

Sharon Bulova
Gerald Connolly
William D. Euille
Paul Ferguson
Jay Fisette
Ludwig Gaines
Catherine M. Hudgins
Tanya Husick (DRPT)
Elaine McConnell
David F. Snyder
Mick Staton
Christopher Zimmerman

Members Absent

David Albo
Dana Kauffman
William C. Mims
Gary A. Reese
Scott Silverthorne
Mary Margaret Whipple

Staff Present

Rhonda Gilchrest
Scott Kalkwarf
Jana Lynott
Stephen MacIsaac (VRE)
Adam McGavock
Mark Roeber (VRE)
Kala Quintana
Jennifer Straub (VRE)
Richard K. Taube
John Tuohy (VRE)
Dale Zehner (VRE)

Legislative Items

Status of Budget and Tax Restructuring Bills. Mr. Taube stated that if Senator Chichester's tax restructuring bill (SB 635) passes, NVTC could receive at least an additional \$50 million. Mr. Connolly noted that Governor Warner's budget does not include a gas tax increase. Mr. Taube added that Secretary of Transportation Clement has pointed out that the governor's budget proposal provides extra revenue for transportation that is equivalent to a four-cent per gallon gas tax increase.

Transit Education Day. Mr. Taube reported that due to inclement weather Transit Education Day was rescheduled to February 10, 2004. He urged commissioners to participate in this event.

Proposal for a New Transportation Commission. Mr. Taube stated that Delegate Orrock's HB 146 would allow a new commission including Fredericksburg and Stafford County and others to collect a two percent motor fuels tax. In response to a question from Mr. Zimmerman, Mr. Taube stated that this bill has implications for the VRE Master Agreement. In addition to Senator Whipple's SB 458 that would increase NVTC's gas tax to four percent from two percent, Delegate Scott has two bills (HB 1090 and HB 1092) that would provide a local option in Northern Virginia to raise certain taxes, such as the sales tax.

Other Bills of Interest to NVTC. Mr. Taube reported that HB 60, which would have provided for an increase in the statewide fuels tax, was killed by the House Finance Committee. He also stated that Delegate Albo's constitutional amendment to limit transfers from the Transportation Trust Fund was passed forward to the 2005 session. Senator Mims is sponsoring legislation that would provide funds to support administrative costs of the Northern Virginia Transportation Authority. Mr. Connolly observed that Senator Mims also introduced a bill (SB 508) that would stiffen penalties for HOV violators. Mr. Biesiadny reported that with an unanimous vote this bill was passed out of committee and is awaiting Senate action. In response to a question from Mr. Ferguson, Mr. Taube stated that Delegate Albo's legislation concerning HOT lanes (HB 151) is in subcommittee.

Commissioners Fisette and Hudgins arrived at 8:20 P.M.

Mr. Taube reminded commissioners that HB 1231 "Collegial Bodies: Changes and Conformity of Provisions" includes so-called clarifications that introduce issues for NVTC, including confusion over the term "nonlegislative citizen members" and adding another member of the House of Delegates. This has implications for NVTC's quorum. NVTC staff sent a letter to the sponsor of the bill, Delegate Griffith, expressing the commission's concerns.

Federal Legislation. Mr. Taube provided information about the bill to reauthorize TEA-21 (H.R. 3550) introduced by House Transportation and Infrastructure Committee Chairman Don Young and known as TEA-LU.

Mr. Taube stated that provisions of S. 1637 would eliminate the ability of transit agencies to enter into tax-advantaged lease transactions and impede the use of this innovative financing tool as a vehicle for producing economic benefits at the state and local level. WMATA alone has received \$80 million in past benefits, has a \$20 million deal pending and has programmed \$13 million in future receipts for CNG buses. A draft letter to the U.S. congressional delegation and the Bush Administration has been prepared to express NVTC's opposition to these provisions.

On a motion by Mr. Connolly and a second by Mr. Zimmerman, the commission unanimously authorized Chairman Euille to send the letter. The vote in favor was cast by commissioners Bulova, Connolly, Euille, Ferguson, Fisette, Gaines, Hudgins, Husick, McConnell, Snyder, Staton and Zimmerman.

Minutes of NVTC's Meeting of January 8, 2004

On a motion by Mr. Zimmerman and a second by Mr. Connolly, the commission unanimously approved the minutes. The vote in favor was cast by commissioners Bulova, Connolly, Euille, Ferguson, Fisette, Gaines, Hudgins, Husick, McConnell, Snyder, Staton and Zimmerman.

NVTC FY 2005 State Aid Applications

Mr. Taube stated that NVTC's state aid applications on behalf of WMATA, VRE and the commission's local jurisdictions were due on February 2, 2004. NVTC staff submitted the applications following careful review by local staff. Resolution #1002 would confirm the commission's support of these applications and would fulfill a requirement of the Virginia Department of Rail and Public Transportation (DRPT). For NVTC jurisdictions and WMATA the FY 2005 eligibility is about \$15.1 million greater than in FY 2004, consisting of \$6.8 million more for capital and \$8.3 million more for operations. For VRE, the FY 2005 eligibility is \$1.4 million less than in FY 2004, consisting of \$0.7 million less for capital (as a result of two equipment leases repaid) and \$0.7 million less for operations (reflecting VRE's growing passenger revenues). The amount of assistance actually received by NVTC for FY 2005 is likely to be much less than the eligible amount of \$177.7 million, due to a lack of state funds. For FY 2004 this shortfall was over \$83 million.

Mr. Taube explained that NVTC is seeking grant funds for FY 2005 for a project to study appropriate transit system strategies to meet the mobility needs of older Northern Virginia citizens, since this is a rapidly growing segment of the population. The amount requested is up to \$114,000. The second grant request is for a multi-year targeted marketing campaign for segments, such as the elderly and non-English speaking individuals who may be missed by traditional transit marketing approaches. The requested amount for the first year is \$95,000. Both

of these projects are included in NVTC's workprogram for 2004. Two intern grant requests are also included. NVTC is seeking up to \$24,700 for an intern for one-year to specialize in web-site maintenance among other activities. VRE is also seeking up to \$22,800 for an intern.

Mr. Zimmerman moved, with a second by Mr. Gaines, to approve the resolution (copy attached). The vote in favor was cast by commissioners Bulova, Connolly, Euille, Ferguson, Fisette, Gaines, Hudgins, Husick, McConnell, Snyder, Staton and Zimmerman.

NVTC FY 2005 Administrative Budget

Mr. Taube reported that the proposed budget is identical to the preliminary version sent to the jurisdictions in September, 2003 and discussed by the commission in January, 2004. Total expenditures and total local shares are held constant.

On a motion by Mr. Connolly and a second by Mr. Zimmerman, the commission unanimously approved the FY 2005 budget. The vote in favor was cast by commissioners Bulova, Connolly, Euille, Ferguson, Fisette, Gaines, Hudgins, Husick, McConnell, Snyder, Staton and Zimmerman.

WMATA Items

Response to NVTC's Letter. Mr. Taube reminded commissioners that back in December, 2003, NVTC sent a letter to WMATA asking about WMATA's procedures to rank the performance of Metrobus routes in the context of proposed abandonments. NVTC's letter also asked for an explanation about WMATA's new snow policy. NVTC has received a response from WMATA. Mr. Snyder stated that although he realizes that there are technical issues pertaining to running Metro service during certain weather conditions, there is the issue of providing some type of service to those patrons who can't access the rail line at the above ground stations. WMATA needs to refine its snow policy to provide some degree of service, either rail or bus, for these people.

Mr. Connolly stated that Mr. Snyder raised a good point. He observed that NVTC is working on a series of scenarios for emergency situations at various stations. He suggested that the work session on the Ballston Station, which is the last underground station on the Orange Line, include weather related situations. WMATA staff should be invited to participate and NVTC should share the results with the WMATA Board. Mr. Zimmerman stated that this is a good approach. He observed that it is important for WMATA to avoid a situation of debilitating the entire system, which happened during a recent snowstorm when WMATA ran railcars above ground in the snow, which resulted in railcars out of service after the storm.

Mr. Zimmerman stated that during this time of close scrutiny of WMATA's budget, NVTC concerns are relevant as to how bus routes will be evaluated. It is likely that additional routes will be proposed for abandonment in the near future. Due to Mr. Tennyson's analysis, it is clear that the relevant ranking of those bus routes could have been different if WMATA staff had correctly attributed the bus fares. He stated that NVTC should communicate with WMATA to continue to express its concerns to make sure the appropriate criteria are being used to evaluate what should happen to bus routes in the future.

Mr. Zimmerman moved, with a second by Mr. Connolly, to authorize staff to send a letter to WMATA expressing the above mentioned concerns regarding WMATA's snow policy and bus route analysis. The vote in favor was cast by commissioners Bulova, Connolly, Eulle, Ferguson, Fiset, Gaines, Hudgins, Husick, McConnell, Snyder, Staton and Zimmerman.

Mr. Snyder reported that the Virginia Citizens Defense League has raised questions about the policy of firearms on airport property, which affects the National Airport Metrorail station. NVTC should be prepared to support WMATA if it takes a position on this issue.

U.S. Route 1 Corridor Service Restructuring Plan. Mr. Zimmerman announced that public hearings on this plan have been scheduled for the end of February in Fairfax County and Alexandria. Chairman Eulle stated that the hearing in Alexandria is scheduled for February 28, 2004.

Regional Transportation Items

Highways and Transit: Leveling the Playing Field in Federal Transportation Policy. Edward Beimborn and Robert Puentes have co-authored a research paper published in December, 2003 by the Brookings Institution that documents "unfair competition between highways and transit." According to the authors, "federal rules remain stacked against transit."

BRT in the Dulles Corridor. Mr. Taube stated that at the request of DRPT, several months ago NVTC compiled information from Fairfax County and elsewhere to examine the extent to which current bus service in the Dulles Corridor would qualify as Bus Rapid Transit using the definition of the Federal Transit Administration. The bus service operating in the Dulles Corridor certainly qualifies as BRT. This fact is often overlooked in public debates about whether BRT could serve as an effective substitute for the planned Metrorail station. In response to a question from Mr. Zimmerman, Mrs. Hudgins reported that the volume of bus passengers is almost 17,000 each day in the Dulles Corridor.

Other Regional Transportation Items. Mr. Connolly announced that on February 23, 2004 the Fairfax County Board of Supervisors is holding a public hearing on the tax district petition that was submitted for the eastern part of the Dulles Corridor.

NVTC Handbook for 2004

Mr. Taube reported that the 2004 edition of the annual NVTC Handbook is available on NVTC's website. A limited number of printed copies will be made available for libraries and for the public on request.

NVTC Financial Reports for December, 2003

The financial reports were provided to commissioners and there were no questions.

VRE Items

Report from the VRE Operations Board and from the Acting Chief Operating Officer. Mrs. Bulova urged commissioners to read the minutes of the January 16, 2004 VRE Operations Board meeting. She announced the newly elected officers and appointed committee members of the VRE Operations Board:

VRE Operations Board
John Jenkins, Chairman
Elaine McConnell, Vice Chairman
Dana Kauffman, Treasurer
John Grzejka, Secretary

VRE Operations Board
Executive Committee
John Jenkins
Elaine McConnell
Dana Kauffman
John Grzejka
Sharon Bulova

VRE Operations Board
Finance Committee
John Jenkins
Dana Kauffman
John Grzejka
Sharon Bulova

Mrs. Bulova recognized Lilla Richards, a past NVTC commission chairman, who was present at the meeting. Mrs. Bulova recalled VRE's initial struggles with ridership and now VRE is trying to keep up with the rapid growth, with ridership over 15,000 daily riders. Ten of the 24 peak trains are at or over 100 percent capacity. On February 6th, the VRE Operations Board will be having a strategic planning session to discuss how to deal with VRE's growth.

Mr. Zehner reported that he and VRE Chairman Jenkins met with Virginia Secretary of Transportation Clement to discuss funding needs for additional VRE railcars and locomotives. In response to a question from Mr. Connolly, Mr. Zehner explained that VRE's capacity level is about 16,000 daily riders. Mrs.

Bulova stated that the Gallery railcars, which will be put in service soon, will provide an additional 800 seats. VRE is also addressing parking issues with short and long-term solutions. Mr. Connolly observed that it would have been expected that ridership would dip after the recent freight derailment, but in actuality ridership went right back up immediately following the derailment. Mrs. Bulova observed that the relationship between CSX and VRE is working well.

Solicitation of Bids and Award of a Contract to Rebuild 10 VRE Railcar Trucks. Mrs. Bulova reported that the VRE Operations Board recommends commission approval of Resolution #1003, which would provide authorization to solicit bids and award a contract for rebuilding 10 railcar trucks on five VRE Gallery railcars. "Trucks" are the assembly of steel wheels, axles, springs, shock absorbers, bushings, wear plates, pivot points and associated frames that are under each end of every railcar. The cost would not exceed \$325,000, which includes a 10 percent contingency. Contract award would require approval by legal counsel.

On a motion by Mrs. Bulova and a second by Mr. Connolly, the commission unanimously approved the resolution (copy attached). The vote in favor was cast by commissioners Bulova, Connolly, Euille, Ferguson, Fisette, Gaines, Hudgins, Husick, McConnell, Snyder, Staton and Zimmerman.

Approval of Distribution of FY 2003 VRE Audited Financial Report. Mrs. Bulova stated that VRE's auditors, PBGH LLP, completed the audit of VRE's FY 2003 financial report and provided an unqualified (clean) opinion. Resolution #1004 would accept the audit report and authorize staff to provide copies to the distribution list of financial and regulatory agencies, bondholders, local and state jurisdictions and others. The audit firm provided two management letters that will be discussed by VRE's Finance Committee before the VRE Operations Board and then the commissions will be asked to respond.

Mrs. Bulova moved, with a second by Mr. Gaines, to approve Resolution #1004 (copy attached). The vote in favor was cast by commissioners Bulova, Connolly, Euille, Ferguson, Fisette, Gaines, Hudgins, Husick, McConnell, Snyder, Staton and Zimmerman.

Leased Parking at the Manassas Station. Mrs. Bulova reported that the VRE Operations Board recommends approval of Resolution #1005, which would provide authorization for VRE staff to execute an agreement with ABC Photo of Manassas for a five-year lease of 82 parking spaces adjacent to the Manassas VRE station. Funding is available from Governor Warner's Congestion Relief Program. A ceiling for the price to be negotiated is set at \$250,000, which would provide a per space per month fee for five years that is consistent with such fees paid by VRE for parking leases in Fredericksburg. The final agreement would be subject to approval by VRE's legal counsel.

On a motion by Mrs. Bulova and a second by Mr. Connolly, the commission unanimously approved Resolution #1005 (copy attached). The vote

in favor was cast by commissioners Bulova, Connolly, Euille, Ferguson, Fisette, Gaines, Hudgins, Husick, McConnell, Snyder, Staton and Zimmerman.

Funding Agreement for Burke Centre Canopy. Mrs. Bulova reported that Fairfax County has asked that NVTC serve as the project sponsor to facilitate the flow of federal enhancement funds from VDOT to VRE for this project. The project includes \$20,000 for preliminary engineering and \$180,000 for construction to total \$200,000, of which \$160,000 will be federal STP funds and \$40,000 will be local match provided by Fairfax County. VRE staff would manage the work and NVTC staff would provide financial oversight to be certain that the federal and state terms of the grant agreement are met. Resolution #1006 would accomplish this.

On a motion by Mrs. Bulova and a second by Mr. Connolly, the commission unanimously approved the resolution (copy attached). The vote in favor was cast by commissioners Bulova, Connolly, Euille, Ferguson, Fisette, Gaines, Hudgins, Husick, McConnell, Snyder, Staton and Zimmerman.

Other VRE Business. Mr. Zimmerman reported that the VRE Operations Board authorized a public comment period on the proposed elimination of VRE's subsidy to DASH and Arlington Transit. The comment period will run through February 13, 2004.

Mr. Zimmerman also suggested that a strategy needs to be formulated whereby it is conveyed to Congress that VRE is helping the region deal with its traffic congestion problem but the system has reached capacity. VRE could continue to relieve more congestion but it needs funding.

Closed Session. Mrs. Bulova made, with a second by Mr. Zimmerman, the following motion to enter into closed session:

Pursuant to the Virginia Freedom of Information Act (Section 2.2-3711A.7 of the Code of Virginia), the Northern Virginia Transportation Commission authorizes a closed session for the purpose of discussion of two legal matters relating to the terms of an extension agreement with Amtrak and the case of Anderson v. NVTC and PRTC.

The vote in favor was cast by commissioners Bulova, Connolly, Euille, Ferguson, Fisette, Gaines, Hudgins, Husick, McConnell, Snyder, Staton and Zimmerman.

The commission entered into closed session at 8:56 P.M. and returned to open session at 9:30 P.M.

Mrs. Bulova moved, with a second by Mr. Connolly, to approve the following certification:

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

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

The vote in favor was cast by commissioners Bulova, Connolly, Euille, Ferguson, Fisetete, Gaines, Hudgins, Husick, McConnell, Snyder, Staton and Zimmerman.

Adjournment

On a motion by Mr. Ferguson and a second by Mr. Connolly, the commission unanimously agreed to adjourn. The vote in favor was cast by commissioners Bulova, Connolly, Euille, Ferguson, Fisetete, Gaines, Hudgins, Husick, McConnell, Snyder, Staton and Zimmerman. Chairman Euille adjourned the meeting at 9:31 P.M.

Approved this fourth day of March, 2004.

William D. Euille
Chairman

Gerald Connolly
Secretary-Treasurer