

**MINUTES**  
**NVTC COMMISSION MEETING – MARCH 4, 2004**  
**NVTC CONFERENCE ROOM - ARLINGTON, VIRGINIA**

The meeting of the Northern Virginia Transportation Commission was called to order by Vice Chairman Ferguson at 8:09 P.M.

**Members Present**

Sharon Bulova  
Gerald Connolly  
Paul Ferguson  
Jay Fisette  
Catherine M. Hudgins  
Dana Kauffman  
Elaine McConnell  
Karen Rae (DRPT)  
Scott Silverthorne  
David F. Snyder  
Christopher Zimmerman

**Members Absent**

David Albo  
William D. Euille  
Ludwig Gaines  
William C. Mims  
Gary A. Reese  
Mick Staton  
Mary Margaret Whipple

**Staff Present**

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

## Legislative Items

Status of Bills of Interest to NVTC. Mr. Taube reported that SB 458, which would have increased the motor fuels tax, cleared the Senate but was passed by indefinitely by a subcommittee of House Finance. Mr. Connolly asked if this legislation could be resurrected if there ends up being a Special Session. He stated that the Speaker of the House himself admitted that a gas tax might be acceptable as a user fee. Mrs. McConnell asked for a listing of who voted for and against this legislation.

Mr. Taube stated that HB 1231, which would add another member to NVTC from the House of Delegates, has passed the House of Delegates and the Senate Rules Committee will take it up on March 5, 2004. Mr. Taube stated that Senator Whipple is aware of NVTC's concerns about quorum requirements. Ms. Rae suggested that NVTC communicate these concerns with the governor's office. Mr. Taube explained that if a new member is added to NVTC, the commission could work to change the quorum requirements, which would need a statutory change.

Tom Biesiadny reported that the Dulles Corridor tax district bill continues to move along through the legislative process. Mr. Connolly reported on the status of several related bills. Ms. Rae stated that the Rail Authority Bill will be carried over until next year.

Transit Education Day. Ms. Quintana reported that on February 10, 2004 the second annual Transit Education Day was held in Richmond. Transit advocates from around the commonwealth met in Richmond to rally in support of more funding. The group provided Krispy Kreme donuts for legislators and their staffs and hand-carried packets of information to each legislator's office. They also heard presentations from several key legislators, including Senator Whipple, and were recognized on the floors of the House of Delegates and Senate.

Mr. Fisette arrived at 8:16 P.M.

Mr. Taube explained that a draft letter has been prepared to send to the House and Senate budget conferees that would urge them to come out of conference with a budget that is transit friendly. Vice Chairman Ferguson stated that NVTC's executive committee reviewed the letter and made some changes. There were no objections to sending the letter.

### Minutes of NVTC's Meeting of February 5, 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, Ferguson, Fiset, Kauffman, McConnell, Rae, Silverthorne, Snyder and Zimmerman.

Ms. Hudgins arrived at 8:21 P.M.

### Federal Legislation

Mr. Taube reported that the TEA-21 reauthorization bill has been extended for two months to allow for further negotiations. Mark Roeber stated that the bill may be extended for another two years.

### Contract Amendment for Air Quality Code Red Analysis

Mr. Taube stated that due to a lack of forecast air quality Code Red days last summer, the on-board survey of transit customers could not be completed. Instead, the survey will be done in Summer, 2004 and included in the project's final report. An additional \$20,000 in CMAQ funds is now available to be added to the consultant contract to cover the costs of retraining surveyors, administering the survey, analyzing the survey results and preparing the final report. The NVT has approved the use of these funds for this purpose.

Mr. Connolly moved, with a second by Mrs. Bulova, to authorize staff to execute a contract amendment with BMI-SG to accomplish the revised scope for an additional amount not to exceed \$20,000 plus funds remaining from the first phase of approximately \$15,000. The vote in favor was cast by commissioners Bulova, Connolly, Ferguson, Fiset, Hudgins, Kauffman, McConnell, Rae, Silverthorne, Snyder and Zimmerman.

### WMATA Items

WMATA FY 2005 Budget. Mr. Taube reported that the WMATA Board has agreed to take to public hearings proposals to increase rail and bus fares by up to 15-cents, the maximum rail fare by 45-cents, express bus fares by 50-cents and daily parking fees as much as \$2.30. Funds are needed to close a budget gap of \$20 to \$36 million. Another controversial issue for public comment is plans for \$740,000 of additional revenue through wrapped advertising on transit vehicles, commercial banners, animated display panels in tunnels and video monitors on trains.

Mr. Taube reported that there will be public hearings throughout Northern Virginia, including March 17<sup>th</sup> at the Fairfax County Government Center, March 18<sup>th</sup> in Falls Church, March 22<sup>nd</sup> in Arlington and March 25<sup>th</sup> in Alexandria.

Emergency Preparedness. In response to a question from Mr. Connolly, Mr. Taube stated that a letter was sent to WMATA inviting its staff to participate in NVTC's emergency preparedness planning sessions.

New WMATA Board Chairman. Mr. Zimmerman reported that WMATA's new Board Chairman, Robert Smith, has mentioned Maryland's interest in opening up Metro's allocation formula. Mr. Kauffman asked for data showing how long it took before there was a Metrorail station in Virginia, while Maryland had miles of track and stations. In response to a question from Mr. Fisette, Mr. Zimmerman speculated that it would probably not be to Maryland's advantage to reopen the allocation formula. Mr. Connolly reminded commissioners that WMATA has had committees look at the formula in the past. The Metro Compact is the single most successful enterprise in the history of this region and he expressed his concern that opening it up could have serious repercussions.

### Regional Transportation Items

Telework Consortium: Estimating Highway Subsidies. Mr. Taube reported that this study by Dr. Anthony Yezer was designed to illustrate how much tax money is being spent on new highway construction, Metrorail extensions and toll roads in the Northern Virginia, in order to make the case that Telework offers a significant savings.

Mr. Connolly asked for a copy of the full report. He expressed his concern that the study basically is saying to readers that investments don't need to be made for these other transportation and transit projects because the best solution is telework. He stated that he is a champion of telework but realizes that it is not a substitute for other investments. Telework should work alongside other investments since there is no one magic solution to the region's congestion problems. Ms. Rae agreed and cited the example of the Springfield Mixing Bowl project where there has been no one solution but a combination of transit, rail, telework and vanpools to make the project a success. Mr. Connolly stated that telework should offer another choice, not be a substitute.

Federal Economic Index for Transportation. The new Transportation Services Index of the USDOT focuses on monthly freight and passenger movements by land, water and air in order to provide another measure of the strength of the overall US economy. Data will be weighed and seasonally adjusted by the Bureau of Transportation Statistics, with the first index to be

released in March, 2004. APTA and the National Transit Database will be the source of public transit ridership and passenger mile data for the index.

Transit Ridership Gains in Northern Virginia. Mr. Taube reported that NVTC issued a media release reporting the commission's compilation of the average weekday transit ridership in Northern Virginia for FY 2003. Overall weekday ridership grew to over 417,367 for an increase of over two percent and total annual ridership grew by almost four percent despite a tough economy that dampened ridership throughout the United States, where overall transit ridership declined slightly.

BRT Performance. Mr. Taube stated that at the request of the commission, Mr. Tennyson provided material about Bus Rapid Transit performance.

#### NVTC's 40<sup>th</sup> Anniversary Event

Ms. Quintana announced that invitations have been mailed for the anniversary event to be held on April 1<sup>st</sup> at the city of Fairfax's Old Town Hall. NVTC will conduct a very brief business meeting starting at 7:15 P.M. and the program will begin at 8:00 P.M., featuring recollections by former and current commissioners. Other historical memorabilia will also be on display. She encouraged all to attend. She thanked Mr. Silverthorne and the city of Fairfax for allowing NVTC to hold the event at the Old Town Hall.

Mr. Connolly suggested producing a commemorative poster, which could be used for educational opportunities.

#### NVTC Financial Reports for January, 2004

The financial reports were provided to commissioners and they had no comments.

#### VRE Items

Report from the VRE Operations Board. Ms. Bulova commended to commissioners the minutes of the February 20<sup>th</sup> VRE Operations Board meeting. She reported that VRE ridership continues to grow. During the first week in March, average daily ridership reached 15,300. Four of the new Gallery railcars have been placed into service on the Manassas Line and additional railcars will be added to the Fredericksburg Line in the near future. Favorable feedback has been received from riders about the railcars. A new parking lot has just opened in Rippon and is already one-third filled.

Status of VRE Chief Executive Officer Recruitment. Ms. Bulova reported that the deadline for applications was March 1<sup>st</sup>. Approximately 10 candidates will be interviewed by the Search Team by early April and the VRE Operations Board will interview the top three to five candidates in mid-April. A recommendation of the top candidate to the commissions may occur as early as the May 6<sup>th</sup> commission meetings.

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 discussion in closed session concerning legal matters relating to the case of Anderson v. VRE and contract negotiations with Amtrak.

The vote in favor was cast by commissioners Bulova, Connolly, Ferguson, Fisette, Hudgins, Kauffman, McConnell, Rae, Silverthorne, Snyder and Zimmerman.

The commission entered into closed session at 8:45 P.M. and returned to open session at 9:15 P.M.

Mrs. Bulova moved, with a second by Mr. Zimmerman, 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, Ferguson, Fisette, Hudgins, Kauffman, McConnell, Rae, Silverthorne, Snyder and Zimmerman.

Mrs. Bulova moved, with a second by Mr. Zimmerman, to approve Resolution #1008. The motion also directed staff to draft language for federal legislation and a strategy for future negotiations with Amtrak.

The vote in favor was cast by commissioners Bulova, Connolly, Ferguson, Fisette, Hudgins, Kauffman, McConnell, Rae, Silverthorne, Snyder and Zimmerman.

Mrs. Bulova moved, with a second by Mr. Fisette, to approve Resolution #1009 concerning the settlement of Anderson v. VRE. Mr. Snyder observed that the legal costs could exceed the settlement costs. Mr. Connolly stated for the benefit of legal counsel that in the future, motions such as this resulting from closed sessions should be drafted with less detail and instead use more general language such as "pursuant to the discussion in closed session." The vote in favor was cast by commissioners Bulova, Connolly, Ferguson, Fisette, Hudgins, Kauffman, McConnell, Rae, Silverthorne, Snyder and Zimmerman.

### Adjournment

Vice Chairman Ferguson adjourned the meeting at 9:20 P.M. There were no objections.

Approved this first day of April, 2004.

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William D. Euille  
Chairman

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Gerald Connolly  
Secretary-Treasurer