

MINUTES
NVTC COMMISSION MEETING – APRIL 7, 2016
NAVY LEAGUE BUILDING – FIRST FLOOR CONFERENCE ROOM
ARLINGTON, VIRGINIA

The meeting of the Northern Virginia Transportation Commission was called to order by Chairman Fisetto at 7:33 P.M.

Members Present

Katie Cristol
Christian Dorsey
Jay Fisetto
John Foust
James LeMunyon
Matt Letourneau
Tim Lovain
Jennifer Mitchell (Alternate, Commonwealth of Virginia)
Paul Smedberg
David F. Snyder
Jennifer Wexton

Members Absent

Richard Black
Sharon Bulova
John Cook
Jim Corcoran
Jeff Greenfield
Catherine Hudgins
David LaRock
Jeff McKay
J. Randall Minchew

NVTC Staff Present

Karen Finucan Clarkson
Kelley Coyner
Jen Deci
Rhonda Gilchrest
Dan Goldfarb
Laurel Hammig
Patricia Happ
Scott Kalkwarf
Jeong Yun Kweun
Kate Mattice
Aimee Perron Siebert
Daito Nobuhiko
Melissa Walker
Steve MacIsaac (Counsel)
Doug Allen (VRE)
Joe Swartz (VRE)

Opening Remarks

Chairman Fisetto announced that based on the results of a Commissioner survey, the start time for Commission meetings has been changed to 7:30 P.M. Next month there will be an Open House starting at 6:00 P.M. and a Public Hearing at 7:00 P.M. for the Transform 66 Multimodal Project, with the Commission meeting immediately following.

Chairman Fisetto suggested beginning with information items while waiting for a quorum. There were no objections.

Ms. Cristol arrived at 7:36 P.M.

Envision Route 7 Project

Ms. Coyner introduced Dan Goldfarb, NVTC's technical lead, and Mike Flood and Sean Libberton from Parsons Brinckerhoff, the consultants for the Envision Route 7 Project. She stated that Mr. Flood will brief the Commission on the analysis that led to the recommended alternative of Bus Rapid Transit (BRT) that runs from Tysons, with a connection to the East Falls Church Metro Station, ending at the Mark Center, and Mr. Libberton will review funding strategies. Mr. Goldfarb gave a brief presentation of the project background and status. NVTC will seek comment on the recommended alternative for new transit service on Route 7 and hold three public meetings on June 6, 8 and 9. The Commission will be asked to accept the preferred alternative at its July meeting.

Mr. Flood explained that this phase of the project focused on which mode is best for the corridor; what is the best terminus in the City of Alexandria and in Tysons Corner; and should service stay on Route 7 or should it make connections to the East Falls Church Metro Station. The recommended alternative is Bus Rapid Transit (BRT) that runs from Tysons Spring Hill Metro Station, with a connection to the East Falls Church Metro station, ending at the Mark Center. The study shows that BRT is the most cost effective and competitive option.

Mr. Flood stated that based on the ridership forecast, there is significant demand (38 percent increase over ridership estimates without the connection) for service to the East Falls Church Metro Station. Connection to the Mark Center supports the City of Alexandria's long-term vision for its transit capital program and allows for connections to the current West End Transitway to provide connectivity through the city.

Mr. Flood stated that the estimated capital costs for BRT as the recommended alternative is \$250–\$270 million in 2015 dollars (\$290-310 million in 2020 dollars) with annual operating and maintenance costs of approximately \$18 million.

Mr. Libberton reviewed potential funding sources at the regional, state and federal levels. The study looked at five perspectives of the alternatives evaluation, including effectiveness, impacts, equity, cost effectiveness, and feasibility. BRT rates higher than other alternatives in FTA Capital Investment Grant (CIG) ratings.

Mr. Libberton reviewed next steps, which include getting input from the public and stakeholders on the recommended alternative; bringing it back to NVTC for acceptance; programming the project into long-range funding programs; identifying the appropriate time to enter the federal funding process; completing the NEPA and design phases; and securing funding for the project.

Delegate LeMunyon asked to what extent this project fits into the TransAction plan. Mr. Goldfarb stated that it will be included in the current TransAction 2040 update. NVTC staff will meet with the TransAction consultant team to make sure they are coding the project correctly. Ms. Coyner also noted this study was funded with NVTA funding.

Executive Director Report

Ms. Coyner reviewed NVTC staff activity over the last month in which they participated in the Metropolitan Washington Council of Governments/Board of Trade Metro Summit, participated in VTrans Multimodal Transportation Planning Webinar, reviewed the Gainesville-Haymarket Extension Study, attended the APTA Legislative and Policy Conference, conducted analyses to support dedicated funding for the I-395 HOV Lanes Northern Extension Project, and advocated for sustainable funding for regional transit, including WMATA, VRE and bus. Regarding emergency preparedness, this week the working group completed three station emergency preparedness plans in Alexandria. With this, there are new or updated plans in each of the jurisdictions with a Metro station. NVTC staff participated in a full-scale Metrorail evacuation exercise in Alexandria. NVTC continues to work to make sure these plans are integrated into first responder drills and emergency response.

Ms. Coyner reported a new Members Manual is in final production and will be posted on NVTC's website and available to all Commissioners. The manual has been used as part of NVTC's new member orientation.

Ms. Coyner announced that staff is planning to propose technical conformance amendments to NVTC's By-Laws to reflect recent legislation that adds a second voting member from Loudoun County and to update Code citations. Staff anticipates including these proposed changes on the June agenda as an information item and as an action item for the July meeting.

Transform 66 Multimodal Project

Ms. Coyner reported that NVTC received 19 applications for approximately \$43 million in requests for components that will expand transportation capacity in the I-66 corridor inside the Beltway. Applications were received from across the region and include six new and four enhanced bus services, three new park and ride lots, three real-time transit information efforts, a set of bus stop improvements, Phase I of a second entrance at East Falls Church Metro station, Capital Bikeshare, and two transportation demand management projects. The technical team assessed the applications and determined they appear to meet the eligibility requirements of the Memorandum of Agreement (MOA). Individual jurisdictions have been briefed on their project scoring and were able to provide

additional information if needed. On Friday, April 8th, the Multimodal Working Group will review scoring for all the projects and provide input into the development of a prioritized list for Commission approval. The Multimodal Working Group includes representatives from NVTC's six jurisdictions, Prince William County, PRTC, VRE, and WMATA.

Ms. Coyner stated NVTC has advertised the list of components for the Open House and Public Hearing starting at 6:00 P.M. on May 5th, prior to the NVTC Commission meeting. The Commission will be asked to approve the list of projects at that meeting. Comments are already coming in and NVTC has had a record number of visits on its website.

Ms. Coyner stated the initial allocation is \$5 million from the Commonwealth. The Commission will be asked to approve a list of prioritized projects that will be in excess of the \$5 million. If a project does not receive approval by the CTB, another project could be substituted. These projects must have their funds obligated by Toll Day One (summer of 2017) and additional priority will be given to those projects that can be implemented by Toll Day One. She also stated NVTC has been coordinating with NVTA staff, especially with respect to those applications that have also sought funding from NVTA, notably Falls Church's application for Capital Bikeshare.

In response to a question from Chairman Fiset, Ms. Coyner stated that staff does not anticipate completion of the final scoring for several weeks. The Multimodal Working Group is expected to meet several times prior to the Commission's consideration of the applications.

In response to a question from Delegate LeMunyon, Ms. Coyner stated there is only one public hearing scheduled for May 5th at NVTC. Delegate LeMunyon expressed his concern about the distance that constituents from the outer jurisdictions will have to travel to attend the hearing. VDOT holds multiple public hearings at different locations. He asked if there was any consideration given for holding a public hearing in the western jurisdictions. Ms. Coyner explained NVTC followed NVTA's public hearing process for its initial program. NVTC has engaged with the public over the course of the last year and has provided a way for active engagement by the public to submit comments through email, phone and website. She also noted that each jurisdiction considered their project applications in a public forum where the public could comment on the specific project.

Delegate LeMunyon also expressed his concern that there will be no opportunity for the public to comment after the public hearing. VDOT continues its public comment period several weeks following a hearing. Ms. Coyner stated that the timeline approved by the Commission includes a 30-day public comment period that began on April 5th. Chairman Fiset stated that some of these issues are due to a compressed time line because the funds need to be obligated or used by Toll Day One. He asked if extending action is feasible, and if not, staff should take it under advisement for the next cycle. Delegate LeMunyon requested staff discuss this with the Commonwealth to see if the vote can be extended. Mr. Letourneau also expressed concern about having the vote immediately following the public hearing. Loudoun County does not vote at the same time as a hearing. Chairman Fiset stated each jurisdiction does it differently. Arlington County usually votes immediately following a public hearing. Mr. Letourneau asked staff to look at the possibility of deferring action to the June meeting.

Mr. Letourneau had several questions about the scoring process. He expressed his concern about the use of activity centers in scoring since it is not the most scientific way of scoring. He asked if there is a way for localities to appeal their scores. Ms. Coyner stated that an appeals process was not contemplated but there have been opportunities for the localities to review and vet the process. She stated that the criteria were established with the assistance of technical staff from the jurisdictions to address these kinds of concerns upfront. The technical team has met with all the jurisdictions to discuss and address any concerns regarding the scoring of their project. Mr. Goldfarb explained that the scores are based on three scores. The technical team is engaged with the jurisdictions throughout the process.

The Commission further discussed the implications of delaying the vote to the June meeting. Ms. Mitchell stated the Commonwealth Transportation Board is scheduled to vote on the recommended list of projects in June. Ms. Coyner stated that NVTC was asked by the Commonwealth to complete the selection process in time to be submitted for discussion at the May CTB workshop and for action at the June CTB meeting. CTB approval is needed in June so that NVTC can execute the grant agreements in July. Ms. Coyner agreed to review the schedule and work with DRPT staff to contact the CTB about their meeting schedule.

In response to a question from Chairman Fisette, Ms. Coyner also agreed to explore alternative dates and costs associated with holding another public hearing. Mr. Dorsey stated that if a second hearing is not feasible, NVTC could emphasize the multiple ways the public can provide input. He expressed concern that a second hearing may not be well attended by Commissioners.

Mr. Lovain arrived at 8:26 P.M.

In response to a question from Delegate LeMunyon, Ms. Coyner stated that as required by the MOA, all the projects submitted have been deemed to comply with federal and state law.

Minutes of the March 3, 2016 NVTC Meeting

Mr. Snyder moved, with a second by Mr. Smedberg, to approve the minutes. The vote in favor was cast by Commissioners Cristol, Dorsey, Fisette, Foust, Letourneau, Lovain, Mitchell, Smedberg and Snyder. Commissioners LeMunyon and Wexton abstained.

Consent Agenda

Ms. Mitchell asked that Item #3.A.2 "Commonwealth – Atlantic Gateway" be removed from the Consent Agenda for discussion.

Mr. Snyder moved, with a second by Mr. Smedberg, to approve the amended Consent Agenda:

- A. Approve Letter of Endorsement for US DOT FASTLANE Grant Application
 1. Fairfax County – Route 7
- B. Approve Letters of Endorsement for US DOT TIGER Grant Applications
 1. City of Alexandria – Potomac Yard Metro Station
 2. Fairfax County – Frontier Drive Extension

Delegate LeMunyon asked that Item #3.B.2 “Fairfax County – Frontier Drive Extension” be removed from the Consent Agenda.

Mr. Snyder withdrew his motion and Commissioners agreed to vote on each item separately.

Letter of Endorsement for a USDOT FASTLANE Grant Application for Fairfax County – Route 7

Mr. Foust moved, with a second by Mr. Snyder, to authorize NVTC’s Chairman to sign and send a letter of endorsement for a USDOT FASTLANE grant application for Fairfax County for the Route 7 Project.

Mr. Lovain noted that FASTLANE grants are primarily for freight rail projects, so this project may not score as well as other freight projects.

The Commission then voted on the motion and it passed. The vote in favor was cast by Commissioners Cristol, Dorsey, Fisette, Foust, LeMunyon, Letourneau, Lovain, Mitchell, Smedberg, Snyder and Wexton.

Letter of Endorsement for a USDOT FASTLANE Grant Application for the Commonwealth – Atlantic Gateway

Ms. Mitchell moved, with a second by Mr. Foust, to authorize NVTC’s Chairman to sign and send a letter of endorsement for a USDOT FASTLANE grant application for the Commonwealth Atlantic Gateway Project.

Ms. Mitchell explained that the Atlantic Gateway Project is envisioned to unlock the I-95 corridor to expand, enhance and create additional freight and personal mobility choices in one of the most congested multi-modal corridors. The Commonwealth is pursuing a FASTLANE grant to leverage \$1.4 billion corridor-wide enhancements to improve I-95/I-395 from Fredericksburg to the Pentagon. Ms. Mitchell reviewed the program of projects:

- Highway
 - I-95/I-395 Enhancements (HOT extension north to Pentagon, south to Fredericksburg)
 - I-95/I-395 Capacity Improvements at Duke Street and southbound across Rappahannock
 - Pentagon Access Improvements

- Freight, Intercity, and Commuter Rail Improvements
 - Phase I of Long Bridge (the East Coast rail chokepoint)
 - Construction of 14 miles of additional rail track within existing right-of-way
- Transit
 - Enhanced Bus Service
 - Two additional VRE roundtrips (I-66 & I-95)
 - Additional Park and Ride Options (Stafford County)
- Innovation and Technology
 - Corridor-wide upgrades (TDM, ramp metering, etc.)

The Commission voted on the motion and it passed. The vote in favor was cast by Commissioners Cristol, Dorsey, Fisette, Foust, LeMunyon, Letourneau, Lovain, Mitchell, Smedberg, Snyder and Wexton.

Letter of Endorsement for a USDOT TIGER Grant Application for the City of Alexandria – Potomac Yard Metro Station

Mr. Smedberg moved, with a second by Mr. Dorsey, to authorize NVTC's Chairman to sign and send a letter of endorsement for a USDOT TIGER grant application for the City of Alexandria's Potomac Yard Metro Station Project. The vote in favor was cast by Commissioners Cristol, Dorsey, Fisette, Foust, Letourneau, Lovain, Mitchell, Smedberg, Snyder and Wexton. Delegate LeMunyon abstained.

Letter of Endorsement for a USDOT TIGER Grant Application for Fairfax County – Frontier Drive Extension

Mr. Foust moved, with a second by Mr. Snyder, to authorize NVTC's Chairman to sign and send a letter of endorsement for a USDOT TIGER grant application for Fairfax County's Frontier Drive Extension Project. The vote in favor was cast by Commissioners Cristol, Dorsey, Fisette, Foust, Letourneau, Lovain, Mitchell, Smedberg, Snyder and Wexton. Delegate LeMunyon abstained.

Report of the Legislative and Policy Committee

Chairman Fisette asked Mr. Snyder to give the Legislative and Policy Committee Report. Mr. Snyder expressed his disappointment with the recent General Assembly Session especially with the failure to pass the gas tax floor legislation. NVTC and PRTC are losing significant revenue which translates into a shift in taxing burden to the local governments as well as their businesses and constituents. He stated that for those who argue establishing a floor would be a tax increase, it is his opinion that not establishing a floor is basically a tax increase on the citizens of Northern Virginia. It will have an impact on local government's budgets, as well as NVTC and PRTC budgets. This comes at a time when WMATA needs more funding, which could potentially result in less service and higher fares for people least able to afford them.

Ms. Perron Siebert provided an overview of the 2016 General Assembly Session, beginning with noting that the legislature and the Governor reached a compromise on how to address congestion on I-66. Legislation was passed that increases the procurement limits for engineering contracts, which will benefit VRE. The General Assembly also created an advisory board to review future transit capital revenue options. The budget includes language for a VRE impact analysis where the Commonwealth Transportation Board will look at VRE's long range Strategic Plan and Financial Plan. Ms. Perron Siebert also reviewed the legislation on tolling and spoke briefly on the gas tax floor legislation that was not successful.

Chairman Fisette asked if Senator Wexton and Delegate LeMunyon would like to speak about the Session. Senator Wexton reminded Commissioners that the gas tax legislation passed the Senate but died in the House of Delegates. Delegate LeMunyon noted the legislation probably got mixed up in the I-66 tolling issue and members of the House didn't seem to want to do much more for Northern Virginia. He reported that his bill (HB731) permits reimbursement to NVTC's non-elected WMATA member for expenses and a daily compensation rate of \$50, which is in parity with all other state appointed commissions.

Chairman Fisette stated that Northern Virginia should be making the gas tax floor issue a major focus for the next General Assembly Session. NVTC Commissioners and General Assembly members should work together on this issue. Mr. Snyder stated it is important to explain what it means to the region and how it impacts local budgets, as well as the social equity issue if transit funding is cut. Chairman Fisette stated it would also be helpful to have some discussion with legislators who did not vote for the gas tax floor to identify their concerns. Senator Wexton observed that she suspects many General Assembly members would be hesitant to vote for something that can be construed as a tax increase. She stated that it may be difficult to pass it next Session.

Washington Metropolitan Area Transit Authority (WMATA)

Mr. Dorsey announced that on April 6th the Federal Transit Administration (FTA) launched inspections of the top 10 "segments of concern" of the Metrorail system. The only area in Virginia is on the Orange Line between Rosslyn and Clarendon. The inspections should not impact service unless serious safety issues are discovered. A status report is expected to be released in summer. Mr. Dorsey stated that the Acting Chief Safety Officer resigned last month effective April 22nd. Interviews for a permanent safety officer are underway. Mr. Dorsey stated that following a cable fire in the tunnel outside of McPherson Square Metro Station on March 14th, WMATA shut down the entire system for one-day on March 16th to inspect and replace jumper cables.

Mr. Dorsey announced that last month the WMATA Board approved the FY2017 Operating Budget which includes no fare or subsidy increases and no service reductions. They also approved a one-year extension of the Capital Funding Agreement (CFA). WMATA has launched a Select Pass pilot program.

Mr. Smedberg reported that there is a new fare forgiveness provision where riders have a grace period of 15 minutes from the time of ticket purchase to leave the station without being charged. He also reported that WMATA General Manager Wiedefeld is looking at

the organizational structure of WMATA and alignment of different departments. The Governance Committee will look at aligning the committee structure to be consistent with these changes.

In response to a question from Mr. Letourneau about WMATA Chairman Evan's comments at the Metro Summit about shutting down lines for extended periods of time, Mr. Dorsey stated that the comments were not made on behalf of the WMATA Board. He said the main message was that we need to invest in WMATA and support it. Mr. Smedberg stated it is unfortunate that this one remark was focused on by the media because Chairman Evan's presentation was on finance and what it will take to address the issues at WMATA. Ms. Mitchell stated that it seems the point Chairman Evan was trying to make was that WMATA won't get out of this mess by just doing track work on the weekends. She stated WMATA is going to have to start thinking differently if it ever wants to get ahead in State of Good Repair and other safety issues.

Mr. Smedberg stated he is impressed with Mr. Wiedefeld's straight forwardness in addressing these issues and not sugar coating the status of WMATA. He has also done a good job of communicating these issues to the region's elected officials, the public and WMATA employees.

Mr. Snyder observed that the reason why people are not riding Metro on the weekends is because of the long headways (20-25 minutes). He stated that the region needs to establish expectations and hold management accountable, as well as make the case for additional federal funding and make a commitment to provide regional funding. It is important to hold the federal government accountable since Metro is a critical part of the federal infrastructure.

Delegate LeMunyon asked if the WMATA Board of Directors could report at the May meeting on the timing, framework and main points of the WMATA labor negotiations scheduled for this summer. Mr. Dorsey indicated that they could. Delegate LeMunyon also observed that the parking lot at the West Falls Church Metro station is rarely full. He asked if there is a way to communicate with VDOT to suggest they use the signs over I-66 to advertise that parking spaces are available at Metro stations to encourage drivers to get off the roads and use transit.

Mr. Dorsey stated that at the last meeting, the Commission requested an update on the status of the recommendations NVTC made to WMATA on safety and reliability. He reported that the general recommendations of NVTC are well reflected in General Manager Wiedefeld's vision and work plan for the coming year. In terms of restoring the public's trust, Mr. Dorsey agreed with Mr. Snyder's point that if you don't have a system that actually runs, people won't be interested in using it. WMATA does not have a third track and it hinders its ability to do maintenance and other work during service hours.

Mr. Dorsey stated that over the last 60 days, Mr. Wiedefeld has directed a number of actions and set targets across four of the five areas named in NVTC's recommendations. Mr. Dorsey directed Commissioners' attention to a report that provides a matrix aligning the recommendations with the targets and activities set by Mr. Wiedefeld. Mr. Dorsey noted that there are no targets or actions yet defined for the Commission's recommendation on sustainable funding.

Regional Bus Agenda

Ms. Mattice gave a brief presentation updating the Commission on the Regional Bus Agenda. Back in 2012, NVTC embarked on the development of a strategic effort to identify outcomes and strategies that support the vision of a high capacity, high quality network of transit systems that serve businesses, allowing this diverse region to thrive economically. In October 2015, NVTC approved the Regional Bus Agenda, which is a five-year strategic document that identifies five main objectives and supporting strategies.

Ms. Mattice explained her presentation focuses on two strategic areas. The first strategic area is to implement a regional bus investment strategy that leverages increased, dedicated and diverse regional revenue sources. She reported that this is on track and NVTC is engaging with the regional and state-level transportation plans to see that these plans are supportive of investments in bus transit to serve this region. NVTC has done this through creating regional maps – to understand the opportunities for leveraging the HOV and HOT lanes and dedicated busways for high capacity, high quality transit like BRT. The maps show that there are over 140 miles of current and proposed HOV and HOT lanes in the region, plus 42 miles of current, planned or proposed BRT routes. In response to a question from Mr. Smedberg, Ms. Mattice stated that Arlington County's Crystal City Transitway is included in the maps.

Ms. Mattice stated an additional strategic area is how NVTC can effectively monitor and assess regional connectivity. NVTC has made great strides in working with the jurisdictions to develop performance measures and other analyses to better understand how bus service could better serve the region. NVTC is working with the Management Advisory Committee (MAC) on region-wide and corridor based measures for quality, accessibility, efficiency, safety, and financial performance. Over the next several months NVTC staff, in consultation with the MAC, will develop an approach for reporting on these metrics. In the fall, the Commission will receive a status report on these efforts.

Delegate LeMunyon asked to what extent the Commonwealth Transportation Board has included BRT as part of the I-66 Outside the Beltway Project. Ms. Mitchell responded that a robust commuter bus service is planned. Based on analysis, all-day rapid bus service in a corridor of this length would be very expensive and it was deemed not cost efficient.

I-395 HOT Lanes Northern Extension Project

Chairman Fiset gave a brief update on the action taken at the last Transportation Planning Board meeting where they discussed NVTC's call for an annual payment for transit to be incorporated into TPB's resolution. Mr. Lovain stated the critical issues were having the transit payment amount identified before TPB voted on the CLRP in November, as well as VDOT's concerns about generating an accurate number. Agreement was reached that it would be provided by October 1st.

Virginia Railway Express

Approve Submission of a USDOT TIGER Grant Application for VRE Station Improvements. Mr. Smedberg explained Resolution #2302 would approve the submission of a USDOT TIGER grant application for VRE Station Improvements, including the VRE Alexandria Station Pedestrian Tunnel Project and the Brooke and Leeland Road Platforms.

Mr. Smedberg moved, with a second by Ms. Cristol, to approve Resolution #2302.

In response to a question from Ms. Cristol, Mr. Allen explained that for VRE to add capacity on the Fredericksburg Line corridor, VRE needs to negotiate with CSX Transportation (CSXT) and agree to rail improvements to the corridor. These three projects are part of this agreement with CSXT.

The Commission then voted on the motion and it passed. The vote in favor was cast by Commissioners Cristol, Dorsey, Fisette, Foust, LeMunyon, Letourneau, Lovain, Mitchell, Smedberg, Snyder and Wexton. (A copy of the resolution is attached.)

VRE CEO Report. Mr. Allen reported on recent VRE safety and security activities including the kick-off of VRE's annual Roadway Worker Protection safety training for employees and contractor staff who work near tracks. This is especially important in light of the recent Amtrak accident near Philadelphia. Mr. Allen also reported overall on-time performance (OTP) for the month of February was 89 percent system-wide with 93 percent on the Manassas Line and 85 percent on the Fredericksburg Line. Average Daily Ridership for February was just under 18,000.

Mr. Allen announced the successful conclusion to the procurement protest filed by RailPlan International Inc. concerning the award of the contract to Keolis Rail Services, Virginia for life cycle maintenance of VRE rail equipment. After a two-day hearing in the Alexandria Circuit Court, the judge ruled in favor of VRE. The 30-day appeal process has expired so VRE will proceed with the award of the lifecycle maintenance contract to Keolis.

Department of Rail and Public Transportation (DRPT) Report

Ms. Mitchell provided a status update of the Metro Safety Commission (MSC). The Commonwealth is working closely with Maryland and the District of Columbia to establish legislation to create a Metro Safety Commission. She explained that it is a complicated legal issue. Secretary Foxx established a deadline of February 8, 2017 and has stated his intent to withhold federal urbanized funds statewide if the deadline is not met. Although the Commonwealth will not meet this deadline since the General Assembly does not end until April 2017, it is working to make substantial progress.

Ms. Mitchell also reported that the General Assembly established a Transit Capital Revenue Advisory Board to look at long-term transit funding. The Commonwealth is expecting to experience a significant drop in statewide capital funding. With the fiscal cliff coming, and as WMATA looks to renegotiate the Capital Funding Agreement next year,

she stated that it is important to remember that NVTC jurisdictions are responsible for capital funding should the state capital funding drop. This issue needs to be addressed by NVTC, WMATA and the Commonwealth. Chairman Fisetete asked that this be highlighted at the May meeting including information about the Transit Capital Revenue Advisory Board.

Financial Items for February 2016

The Financial Report was provided to Commissioners and there were no questions.

Closed Session

Chairman Fisetete moved, with a second by Mr. Snyder the following motion:

Pursuant to the Virginia Freedom of Information Act (Sections 2.2-3711A (7) of the Code of Virginia), the Northern Virginia Transportation Commission authorizes a Closed Session for the purpose of consultation with legal counsel concerning actual litigation brought under the Fraud Against Taxpayers Act that is now under seal by the court.

The vote in favor was cast by Commissioners Cristol, Dorsey, Fisetete, Foust, LeMunyon, Letourneau, Lovain, Mitchell, Smedberg, Snyder and Wexton.

The Commission entered into Closed Session at 9:30 A.M. and returned to Open Session at 9:39 P.M.

Chairman Fisetete moved, with a second by Delegate LeMunyon, 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 Chapter 37, Title 2.2 of the Code of Virginia 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 Cristol, Dorsey, Fisetete, Foust, LeMunyon, Letourneau, Lovain, Mitchell, Smedberg, Snyder and Wexton.

Adjournment

Mr. Smedberg moved, with a second by Mr. Snyder, to adjourn the meeting. Without objection, Chairman Fisetto adjourned the meeting at 9:40 P.M.

Approved this 5th day of May 2016.

Jay Fisetto
Chairman

Paul Smedberg
Secretary-Treasurer