

**MINUTES**  
**NVTC COMMISSION MEETING – MAY 4, 2017**  
**NORTHERN VIRGINIA CHAMBER OF COMMERCE**  
**TYSONS, VIRGINIA**

The meeting of the Northern Virginia Transportation Commission was called to order by Chairman McKay at 7:25 P.M.

**Members Present**

David Albo  
Sharon Bulova  
John Cook  
Jim Corcoran  
Katie Cristol  
Christian Dorsey  
Adam Ebbin  
John Foust  
Libby Garvey  
Catherine Hudgins  
David LaRock  
Jeff McKay  
Ron A. Meyer  
J. Randall Minchew  
Jennifer Mitchell (Alternate, Commonwealth of Virginia)  
David Snyder  
Jennifer Wexton

**Members Absent**

Jeff Greenfield  
James LeMunyon  
Matt Letourneau  
Tim Lovain  
Paul Smedberg

**Staff Present**

Karen Finucan Clarkson  
Andrew D'huyvetter  
Nobuhiko Daito  
Rhonda Gilchrest  
Dan Goldfarb  
Patricia Happ  
Scott Kalkwarf  
Kate Mattice  
Zachary McCoy  
Aimee Perron Siebert  
Steve MacIsaac (Counsel)  
Paul Dean (VRE)

## Opening Remarks

Chairman McKay stated NVTC is honored to have former U.S. Secretary of Transportation Ray LaHood attend tonight's meeting to brief the Commission on his independent review of WMATA. Last month Governor McAuliffe announced a top-to-bottom review of the Metro system and named Secretary LaHood to spearhead the initiative. Chairman McKay also noted that later in the Agenda, the Commission will hear from those involved in the MWCOC's Technical Panel on its Final Report on Metro.

Chairman McKay stated that the Agenda has been slightly modified so that action items will be considered immediately following Secretary LaHood's comments. There were no objections.

## Presentation by Former U.S. Secretary of Transportation Ray LaHood on the Independent Review of WMATA

Chairman McKay noted Secretary LaHood served as U.S. Secretary of Transportation from 2009 to 2013 and prior to that served in the U.S. House of Representatives (R-18<sup>th</sup> Illinois) from 1995 to 2009. Known as a bipartisan leader and skilled conciliator, Secretary LaHood was instrumental in securing the federal funding for the Silver Line project. He comes with a wealth of experience to led this effort. Chairman McKay stated NVTC is looking forward to working closely and collaboratively with Secretary LaHood on efforts to improve and transform Metro.

Secretary LaHood thanked the Commission for inviting him to speak. He stated that one of the reasons he was asked by Governor McAuliffe to lead this review was because of his involvement with bringing together a large group of stakeholders to reach consensus on the Silver Line project. The Silver Line will impact hundreds of people, including those involved in building it, those running the system, and those that ride it. It is an economic engine in and of itself and he thanked everyone who contributed to its success.

Secretary LaHood stated that as part of the independent review, he will be meeting over the next several months with anyone who has an interest in making Metro a number one system again. He characterized Metro as America's Metro. He explained that he had the privilege as U.S. Secretary of Transportation to sit on the platform as President Obama was sworn into office and look out over the crowd of two million people attending the Inauguration, most of whom were delivered by Metro since it was impossible to drive a car in Washington, DC that day. WMATA not only serves this region, but also serves people from around the world.

Secretary LaHood explained that his efforts will not include any in-depth analysis or study because there are already many existing studies, which will be incorporated into the work being done as part of the review. The goal is to reach consensus among the two governors of Maryland and Virginia and the mayor of the District, as well as the WMATA Board and other stakeholders. There are three or four major issues that this effort will

address, including funding, governance, budget, and the WMATA Compact. He plans to report back to the governor in the fall 2017.

He challenged NVTC to reach a consensus over the next few months on what NVTC would recommend to the governor on such things as what WMATA governance should look like, what a new Compact would look like, and what financing would look like. He is considering all options, including a control board style of governance. He cited the examples of successful control boards for Washington, DC and Boston area's transit system.

Ms. Hudgins and Delegate Albo arrived at 7:39 P.M. and 7:40 P.M., respectively.

Secretary LaHood stated he would like to hear from Commissioners on their thoughts and comments regarding WMATA reform. Chairman McKay stated that NVTC is up to the challenge and is happy to play a role in finding solutions to fix Metro. Secretary LaHood stated it is important to look at what other transit systems have done with issues like labor unions or control boards. If the region wants to get some of the real institutional problems solved it may need to consider doing something different than what exists today. Mr. Dorsey observed that WMATA is different in many unique ways including it is a transit service for the federal governments, a significant number of stations sit on federal land, and the region is ground zero/soft target for potential terrorism in its underground Metro system. WMATA seems to be uniquely positioned to be considered a partner with the federal government in operations funding. He asked if the study will look at the federal role in Metro. Secretary LaHood stated that it would and agreed that there is a federal role. Congress recently approved \$150 million for Metro in the Omnibus Bill, which is a good signal from the new administration that they are committed to fund their obligations. He is scheduled to meet with U.S. Secretary of Transportation Chao to discuss the future of transit.

Mr. Corcoran asked how the political will can be changed. Secretary LaHood stated he plans to listen to the elected officials and reach consensus. Unless the political will of the region can be agreed upon, there will be a stalemate for a long time and that would be a disservice to the riders.

Chairman McKay observed that it is obvious that the District, Maryland and Virginia, as well as the federal government, have differing views. He stated that it is important for Virginia to not shy away from making recommendations, including changes to the WMATA Compact. Delegate Minchew reminded the Commission that Virginia MSC legislation includes an enactment clause that calls for the discussion to look at WMATA Compact reforms.

Mr. Snyder stated that he represents one of the smallest Compact jurisdictions. He recounted the city's recent budget process where the city had to increase the property tax rate due to significant increases in WMATA funding needs. He does not see this as sustainable for future years. He stated that this study is fundamental. He is impressed with Secretary LaHood's view that Metro is a system that serves commuters and also literally serves the world through tourists, university students, and high ranking foreign

officials. Mr. Snyder stated it is important to convey this message more effectively. He is a daily Metro rider and it's fundamental that we fix Metro now. It is important to realize that the General Assembly provided NVTC with an incredible opportunity to have a seat at the table. It is important to reach consensus, which hopefully can be turned into action.

Ms. Bulova stated there are many different groups working independently on solutions to fix Metro. Secretary LaHood's efforts to bring the region together is helpful and she has great hopes that he will be successful. She observed that one of the challenges is the differences among the jurisdictions and how different Virginia is in the way it contributes financially to WMATA and who has a seat at the table. Washington, DC and Maryland don't pay for Metro out of their local budgets. The Virginia jurisdictions get nervous when there is talk about changing the governance structure, because they want a seat at the table. She suggested creating a list of issues for NVTC to work through so Virginia jurisdictions can reach consensus and speak with a united voice.

Mr. Meyer arrived at 7:53 P.M.

Ms. Cristol asked about recommendations Secretary LaHood may make in his final report and his timeline. Secretary LaHood stated he does not know the outcome; there is no option that is off the table for consideration. For the remainder of the summer, he will be in listening mode. He would like to include in his report a consensus agreement from NVTC. He acknowledged NVTC will probably not reach unanimous agreement, but hopefully a majority can agree about what needs to happen with WMATA reform.

Delegate LaRock stated a regional sales tax would be a "non-starter" for his constituents. He hopes Secretary LaHood will look at the fair and equitable aspect of a regional tax since taxes have benefits as well as negative consequences. Secretary LaHood stated one advantage he brings to the table is that he was elected seven times to Congress. He has never met a politician who wants to raise taxes and he understands the challenges.

Ms. Hudgins stated that it is important to convey the message of what Metro contributes to the region. The starting point needs to clarify that this region would not be where it is today without Metro, followed by what happens if the system continues to deteriorate or shuts down. She stated that the region needs to believe Metro is the most important element to the economic benefit to the region and then determine what compromises the jurisdictions will need to make it successful. She stated that it is important to be succinct in what Metro really means to the region.

Secretary LaHood stated that everyone can agree that Metro is important and that Metro is not going away. It may not be as efficient, but our job is to figure out how to make it the best system in the world. He has not heard criticism about the General Manager/CEO. Mr. Wiedefeld is doing the very best he can with a bad situation. Metro has great potential. The leadership at the top is good, which is a good place to start to build consensus.

Mr. Meyer stated that from Loudoun County's perspective, a regional sales tax is detrimental for two reasons: 1) it is not fair and equitable since approximately 50 percent would come from Northern Virginia; and 2) only one-fifth of the county will be served by

Metro so it doesn't make sense for the rest of the county, which goes far west, to impose a tax on its rural constituents. Loudoun County staff believe there are ways to create a dedicated funding source without having to impose a regional tax.

Secretary LaHood stated that he will continue to listen to everyone's comments on Metro and he will not be doing a financing study but will use existing studies. He would like to come back to NVTC after Labor Day to hear NVTC's recommendations. Chairman McKay asked if it is realistic for NVTC to include a recommendation calling for increased federal funding. Secretary LaHood stated that there is a new administration and a new Secretary of Transportation. He encouraged NVTC to talk to its Congressional delegation. Chairman McKay thanked Secretary LaHood for coming and NVTC looks forward to him coming back in the fall.

#### Minutes of the April 6, 2017 NVTC Commission Meeting

Delegate Minchew moved, with a second by Mr. Meyer, to approve the minutes. The vote in favor was cast by Commissioners Albo, Cook, Corcoran, Cristol, Dorsey, Foust, Garvey, Hudgins, LaRock, McKay, Meyer, Minchew and Snyder. Commissioners Bulova, Ebbin and Wexton abstained.

#### Application for a Federal Grant on Behalf of the City of Alexandria

Chairman McKay explained that the Commission is asked to approve Resolution #2336, which would authorize NVTC's Executive Director to apply for a \$2,235,131 grant (including non-federal match) on behalf of the City of Alexandria to fund access facilities related to the King Street-Old Town Metrorail station. As a service to its jurisdictions, NVTC staff applies for and manages federal grants when requested. Alexandria has made this request.

Chairman McKay moved, with a second by Mr. Meyer, to approve Resolution #2336 (copy attached). The vote in favor was cast by Commissioners Albo, Bulova, Cook, Corcoran, Cristol, Dorsey, Ebbin, Foust, Garvey, Hudgins, LaRock, McKay, Meyer, Minchew, Snyder and Wexton.

#### Virginia Railway Express

Contract for Operating Services for Commuter Rail. Chairman McKay stated Resolution #2337 would authorize the VRE CEO to execute an amendment to the Contract for Operating Services for Commuter Rail with Keolis Rail Services, Virginia, LLC by approving up to \$15,416,000 for the third year of the first option period, for a total contract value not to exceed \$147,406,557 through June 30, 2018.

Ms. Bulova moved, with a second by Ms. Cristol, to approve Resolution #2337 (copy attached). The vote in favor was cast by Commissioners Albo, Bulova, Cook, Corcoran,

Cristol, Dorsey, Ebbin, Foust, Garvey, Hudgins, LaRock, McKay, Meyer, Minchew, Snyder and Wexton.

Contract for Maintenance Services for Commuter Rail. Chairman McKay stated Resolution #2338 would authorize the VRE CEO to execute an amendment to the Contract for Maintenance Services for Commuter Rail with Keolis Rail Services Virginia, LLC by increasing the total contract authorization by \$7,092,267, for a total amount not to exceed \$14,344,638 through June 30, 2018.

Ms. Bulova moved, with a second by Ms. Cristol, to approve Resolution #2338 (copy attached). The vote in favor was cast by Commissioners Albo, Bulova, Cook, Corcoran, Cristol, Dorsey, Ebbin, Foust, Garvey, Hudgins, LaRock, McKay, Meyer, Minchew, Snyder and Wexton.

#### Washington Metropolitan Area Transit Authority

There was no report given by Virginia WMATA Board members. The Commission was directed to review the written report.

#### Department of Rail and Public Transportation

DRPT Director Mitchell directed Commissioners to her written report. There were no questions.

#### Report of the Governance and Personnel Committee

Mr. Cook, chair of the Governance and Personnel Committee, gave a brief update on recent committee activities. He reported that the committee has held two meetings and is trying to organize the meetings in a framework of hearing presentations on different Metro reform plans, discussing issues one at a time, and identifying a plan of how to reach consensus on Virginia issues. At the last meeting, there was a difficult discussion about governance issues, which shows the challenges of that issue. The committee will set this issue aside for now and shift to some of the other issues that don't necessarily require Compact changes. He stated it is important to reach agreement on issues to be able to bring them to the Commission for discussion.

Mr. Cook observed that five years ago, NVTC was facing potential legislation disbanding the Commission. Now there is a statute that makes NVTC an equal partner with the Commonwealth on these negotiations. In his opinion, this says a lot about the credibility of NVTC as an organization. To justify that participation, NVTC must address all the issues set forth in the statute, including governance and Compact issues.

Chairman McKay noted that the next Governance and Personnel Committee meeting is scheduled for May 18<sup>th</sup> at NVTC at 7:30 P.M. WMATA's General Manager/CEO has been

invited to present his reform plan at NVTC's June 1<sup>st</sup> meeting. Chairman McKay stated that he has directed staff to prepare a resolution of support for the General Manager's plan for Commission discussion at that next meeting.

Ms. Hudgins stated it would be helpful to provide all the Metro studies to Commissioners. Ms. Mattice stated these documents have been provided to the Governance and Personnel Committee members and are also available on NVTC's website.

Mr. Corcoran noted that conflict can be good. He thought the Governance and Personnel Committee's discussion on governance structure was a good discussion. Ms. Garvey agreed. Mr. Corcoran stated that Delegate LeMunyon suggestion at that meeting to make a list of potential Metro reforms and how they could be implemented (by legislation, Compact changes, WMATA Board policy changes, etc.). Ms. Mitchell stated that DRPT is working on a companion piece to provide benchmarking data to help with the discussion. Since the goal of the Governance and Personnel Committee is to reach consensus on these issues and to bring them to the Commission to discuss a Virginia position, she encouraged Commissioners with strong opinions on these issues to participate in the committee meetings.

Chairman McKay noted that NVTC has a task to do. The process is to have the committee vet these issues and make recommendations to the Commission. It is a tight timeline. Mr. Cook stated that the intent is for the committee to present an issue for discussion and action at each Commission meeting and not to wait and present one large package of recommendations.

Mr. Snyder stated that NVTC has already done analysis on the impact of Metro on specific jurisdictions, the region and then the revenue impact to the Commonwealth. If every jurisdiction is paying for the Metro system, then they need to feel they are receiving value. For those not riding Metro, they are still receiving a benefit. NVTC needs to demonstrate the true value to all players—local, regional, state and federal.

#### NVTC FY2017 3<sup>rd</sup> Quarter Ridership Report

Chairman McKay stated this item is provided as an information item.

#### Executive Director Report

Ms. Mattice encouraged Commissioners to read the Executive Director Newsletter. She gave a brief update on Route 7 Bus Rapid Transit, as requested by Mr. Snyder at the last meeting. NVTC continues to do ongoing work with the jurisdictions and is waiting to hear back from DRPT if NVTC has received a grant to conduct conceptual engineering. She also noted the Upcoming Events handout lists several important events, including NVTC's 2<sup>nd</sup> WMATA public forum on June 15<sup>th</sup> in Alexandria.

The Financial Report for March 2017 was provided to Commissioners and there were no comments.

Presentation on the Metropolitan Washington Council of Governments Technical Panel Final Report on Metro

Chairman McKay asked Sharon Bulova to make introductory remarks since she is the Chair of the Council of Government's Metro Strategy Group. Ms. Bulova first acknowledged several elected officials in the audience: Senator George Barker, Senator David Marsden, Delegate Kathleen Murphy, Delegate Jennifer Boysko, Delegate Mark Keam, and Fairfax County Supervisor Pat Herrity. Chairman McKay also thanked Mr. Corcoran and his staff for hosting NVTC's meeting at the Northern Virginia Chamber of Commerce.

Ms. Bulova stated that about a year ago, the COG Board of Directors created a Technical Panel comprised of Chief Administrative Officers of the WMATA Compact jurisdictions, the District's Chief Financial Officer, and WMATA staff, to identify WMATA's 10-year funding gap and examine potential revenue options through a dedicated source of funding. At its December meeting, NVTC heard the results of MWCOG's Interim Report. Tonight, NVTC will hear the results of the Final Report, which were presented to the COG Board of Directors last week. She stated that this foundational analysis will serve as a starting point for the Metro Strategy Group to review and consider all possible solutions that will work for the District, Maryland and Virginia.

Ms. Bulova named the other members serving with her on the COG Metro Strategy Group:

Kenyan McDuffie, COG Chairman and DC Council  
 Phil Mendelson, Chairman, DC Council  
 Robert Berlinger President, Montgomery County Council  
 Derrick Davis, Chairman, Prince George's County Council  
 Bridget Newton, Mayor, City of Rockville  
 Jay Fisette, TPB Vice-Chairman and Arlington County Board  
 Matt Letourneau, COG Vice-Chairman and Loudoun County Board  
 Marty Nohe, NVTA Chairman and Prince William County Board

Ms. Bulova explained that the Metro Strategy Group will move forward to identify a viable and equitable funding option (or options) for all Compact members. There are big differences between the three jurisdictions which creates unique challenges. She stated that failure and inaction are not options.

Ms. Bulova introduced Barbara Donnellan, Castle Gray Consulting; Jeff DeWitt, D.C. Chief Financial Officer; and Edward Long, Fairfax County Chief Executive, to present the results of the COG Chief Administrative Officers Technical Panel Final Report.

Ms. Donnellan stated that Metro is a regional asset that requires a regional solution. Metro is essential to the region and the regional economy and must be brought to a safe and reliable state. Since the Interim Report was released, the Technical Panel updated analysis of WMATA's capital, operating and maintenance funding needs for the next 10 years to reflect WMATA Capital Needs Inventory and the adopted FY2018 Budget. \$15.6 billion in capital funding is required to address safety and get to a State of Good Repair, with a funding gap of \$6.1 billion. \$21.1 billion is needed for operations and maintenance, with \$1.3 billion maintenance funding gap. Additional capital funding for critical capital projects is also required, with a funding gap of at least \$7 billion over the next 10 years.

Ms. Donnellan stated the Technical Panel narrowed the revenue options and focused on revenue that will meet Metro's capital/maintenance needs over 10 years and then weighed the pros and cons of each option. Failure to invest in Metro could result in regional tax revenue loss of \$1-2 billion annually, as well as over \$50 billion in planned and proposed development near Metro stations. She stated this is a regional problem and local governments cannot continue to afford the funding increases. The Technical Panel weighed the pros and cons of options to generate revenue to meet Metro's funding needs. Mr. DeWitt reviewed the findings and assumptions of the analysis. Some of the assumptions include the continuation of federal PRIIA contributions at present levels through FY2026 and a three percent escalation in jurisdictional contributions for the remainder of the 10-year period (above FY2017 base). He reviewed the 10-year total funding gap summary. He stated that it really is a capital problem. It is recommended that annual capital funding gaps be debt-financed, which requires a stable, predictable and dedicated regional funding source. The criteria for a dedicated funding source include ease of implementation, predictable and sustainable, revenue yield, and fair and equitable. Mr. DeWitt stated the Technical Panel looked at different options for a dedicated funding source, such as a sales tax, property tax, (all property or property one-half mile from Metro), gas tax, value added tax, commuter tax, and income tax. A one percent regional sales tax would yield \$650 million annually. He then reviewed the benefits of a uniform regional sales tax. A one percent dedicated regional tax could fund all of WMATA's State of Good Repair (SGR) capital needs in a 10-year period. Remaining tax revenues could be used to fund additional critical capital needs beyond SGR.

Mr. DeWitt then reviewed the impact of no additional funding. Estimated cost of rush hour trips delays are estimated between \$153-\$235 million annually. Traffic congestion will continue to worsen and economic growth in the region will likely slow. Reducing the economic forecast by 0.25 percent to 0.50 percent would result in annual losses to Compact area taxes, collectively, ranging from \$1 billion to \$2.3 billion, respectively, after ten years.

Mr. Long observed that capping jurisdictional contributions to three percent annually will be helpful as local jurisdictions prepare their budgets. Without a dedicated funding source in place by January 2019, jurisdictions will not be able to fund WMATA's capital needs. He stated that if Northern Virginia is going to continue to be the economic engine that grows the Commonwealth, there needs to be a new source of funding for Metro. No action is not an option.

Ms. Donnellan stated that the Technical Panel will work with the Metro Strategy Group to grapple with all these issues, but there will be hard decisions that will need to be made.

Chairman McKay stated that a regional sales tax proposal does not mirror the current formula commitments at WMATA. Mr. DeWitt agreed that this issue needs to be addressed. For a one-percent regional sales tax approximately 50 percent would come from Virginia and 25 percent from both Maryland and the District of Columbia.

Delegate Albo observed that if WMATA cut personnel by eight percent, it would solve the operating funding gap. Mr. DeWitt agreed that would be one way to fill the gap. Mr. Corcoran stated that would be a good question to ask Mr. Wiedefeld at the June 1<sup>st</sup> meeting to discuss how much further can he go with budget cuts. Mr. DeWitt stated that WMATA has already cut personnel and the General Manager has previously stated he cannot cut WMATA's way out in future budgets. The approved FY2018 budget includes one-time cuts that can't be supported in future years.

Delegate Minchew asked how much of the projections/data/analysis were available in May 2012 when Loudoun County joined the WMATA Compact. He expressed his opinion that if Loudoun County knew these data points in 2012, they probably would have declined to join.

Mr. Foust questioned a regional tax for three jurisdictions that are dramatically different in many ways. He asked if each jurisdiction's funding source could be different. Mr. DeWitt stated it is easier to have it the same, but it doesn't have to be. Whatever source of funding combination needs to be reliable and predictable and sustainable for at least 30 years. Ms. Bulova observed that one scenario could be that the amount needed to cover operating and capital needs and what is fair and equitable for each jurisdiction to pay is agreed upon and then the jurisdictions could individually decide how it is paid. Whatever funding source is chosen needs to be bondable.

Ms. Garvey suggested that it is important to include an option of doing nothing and the costs associated with that. It needs to be clear that there will be a cost to everyone, including those who don't use the system. Mr. Corcoran suggested including a data point noting that a one percent sales tax could have a slight impact on the economy. Mr. Cook suggested focusing on a dedicated revenue source for capital only. This would mean that there would need to be another way to close the operating gap.

Mr. Meyer stated that it should be obvious that Virginia will never agree to paying 50 percent of WMATA's funding obligations. He stated that from Loudoun County's perspective, rural areas need to be excluded from a regional sales tax. The question is how to make it equitable. He stated that two possible solutions would be to return part of the revenues from a regional tax to Virginia or for Virginia to come up with its own funding solution. Delegate LaRock stated that the proposition of a one percent sales tax is very inequitable for Virginia. He asked how is this not the District of Columbia passing off its financial responsibilities to Virginia. Mr. DeWitt stated that the equity issue does need to be addressed. It is important to start a dialogue on how to fix Metro. He does not

wish to see the District benefit over Maryland or Virginia. Delegate LaRock stated it is also important to look at the downsides of a regional sales tax.

Ms. Cristol observed that the region would reach success if each jurisdiction were to identify a funding source that was dedicated, reliable and predictable to meet their individual funding obligations for WMATA, so that the District or Maryland would not make an assumption that Virginia will carry more of the funding burden. Mr. DeWitt agreed and stated that the challenge is that all three jurisdictions have a different problem with equity.

Senator Ebbin left the meeting at 9:32 P.M. and did not return.

Mr. Foust stated that it is a huge inequity to Virginia and asked if a half-cent tax in Virginia with a higher rate in the other two jurisdictions may be a solution. Mr. DeWitt reiterated that this recommendation is to get the dialogue started. He offered to meet with individuals and/or their jurisdictions to discuss the issues and provide further technical assistance.

Mr. Snyder stated that from the perspective of smaller jurisdictions, neither operating nor capital funds are sustainable for their future budgets. WMATA funding is already competing with funding for schools and police. With all due respect to the rural residents in Loudoun County, Mr. Snyder stated that the inner jurisdiction's economies are supporting the schools in those rural areas. There will be a cost of inaction to not just the Compact jurisdictions but also to those that don't ride Metro. There is also a national impact. He asked what is the cost to millions of people not being able to exercise their first amendment rights at events such as Presidential Inaugurations or protests? What is the cost to the United States, with a third world Metro system, when it claims to be the world's leader? Mr. Snyder stated that it is important to change the terms of the debate and discussion.

Ms. Hudgins expressed her appreciation for the report. She stated it is important to look at what is best for each jurisdiction.

Mr. Meyer stated that when Loudoun County starts paying its Compact contribution it will be paying four percent for two stations. In many ways, it is already inequitable because the County joined WMATA at a time when it had problems 30 years in the making.

Mr. Dorsey stated he has his own concerns about the regressive nature of a regional sales tax but observed that the inequities can be addressed. He stated that Mr. Foust's suggestion to rebalance the tax rate could be a solution. The Technical Panel's recommendation is a regional solution and the spirit of the Compact is to act regionally. He stated that it is important to rise above parochial concerns. It is important to protect Virginia's interests, but he cautioned to not be so myopic and lose sight of what we are trying to do—fix Metro. Mr. Foust stated that over the years, this region has built a Metro system that is irreplaceable. He stated Loudoun County still received benefits from the system during this time.

Ms. Bulova stated that the Metro Strategy Group will continue to look at these issues as it prepares a recommendation to present to the COG Board of Directors.

Adjournment

Mr. Corcoran noted Ed Long has announced his retirement as Fairfax County Chief Executive, and thanked him for his decades of service to the county and the region. Mr. Corcoran also noted that Delegate Albo has announced his retirement and thanked him for his service to Fairfax County, the region and the entire Commonwealth.

Ms. Bulova moved, with a second by Ms. Cristol, to adjourn the meeting. Without objection, Chairman McKay adjourned the meeting at 9:45 P.M.

Approved this 1<sup>st</sup> day of June 2017.

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Jeffrey C. McKay  
Chairman

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Matthew F. Letourneau  
Secretary-Treasurer



## RESOLUTION #2336

**SUBJECT:** Authorize the Executive Director to Apply for a Federal Grant on Behalf of the City of Alexandria

**WHEREAS:** The Northern Virginia Transportation Commission is eligible to apply for, receive and manage federal transit grants;

**WHEREAS:** NVTC, as a service to its member jurisdictions, can also apply for, receive and manage federal transit grants on behalf of those members;

**WHEREAS:** The Federal Transit Administration (FTA) requires grant recipients to comply with all grant requirements, including a certification from the Department of Labor regarding labor protection (49 U.S.C. Section 5333(b)); and

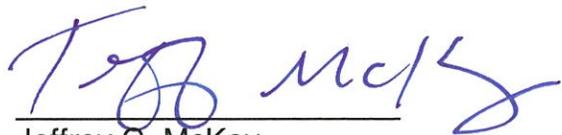
**WHEREAS:** Staff of Alexandria has asked NVTC to apply for federal transit funds on their behalf and indicated that Alexandria is willing to protect NVTC against any and all federal labor protection claims and related expenses using state transit assistance funds held in trust by NVTC.

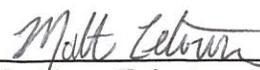
**NOW, THEREFORE, BE IT RESOLVED** that the Northern Virginia Transportation Commission authorizes its executive director to apply to FTA for transit funding and complete all required certifications on behalf of Alexandria for \$2,235,131 of flexed Surface Transportation Program (STP) funds (including non-federal match) for rebuilding access facilities adjacent to the King Street - Old Town Metrorail Station.

**BE IT FURTHER RESOLVED** that NVTC authorizes its executive director as trustee of state transit assistance received by Alexandria at NVTC, to use funds from Alexandria's accounts at NVTC and/or from future receipts of such funds, to pay any and all expenses arising from federal labor protection claims and related costs (including legal fees) associated with these federal grants, after first informing Alexandria and providing appropriate documentation of the expenses.

**BE IT FURTHER RESOLVED** that NVTC requires its executive director to obtain from Alexandria a signed standard sub-recipient agreement before execution of this FTA grant.

Approved this 4<sup>th</sup> day of May 2017.

  
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Jeffrey C. McKay  
Chairman

  
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Matthew F. Letourneau  
Secretary-Treasurer

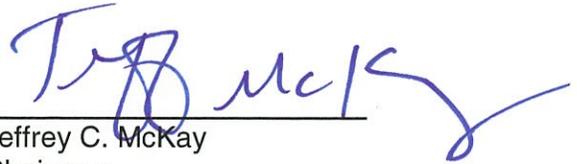


## RESOLUTION #2337

- SUBJECT:** Authorize the VRE CEO to Execute an Amendment for the Third Year of the First Option Period of the Contract for Operating Services for Commuter Rail
- WHEREAS:** On October 16, 2009, the VRE Operations Board approved a five-year contract with Keolis Rail Services Virginia for VRE operations and maintenance services and mobilization in the amount of \$18,459,348 through June 30, 2011;
- WHEREAS:** A contract amendment was approved on December 17, 2010 in the amount of \$2,085,000;
- WHEREAS:** On May 20, 2011, the Operations Board approved the second contract year, through June 30, 2012, in the amount of \$17,954,527, for a total contract value not to exceed \$38,498,875;
- WHEREAS:** On April 20, 2012, the Operations Board approved the third contract year, through June 30, 2013, in the amount of \$18,008,591, for a total contract value not to exceed \$56,507,466;
- WHEREAS:** On April 19, 2013, the Operations Board approved the fourth contract year, through June 30, 2014, in the amount of \$18,974,041, for a total contract value not to exceed \$75,481,507;
- WHEREAS:** On April 18, 2014, the Operations Board approved the fifth contract year, through June 30, 2015, in the amount of \$20,115,047, for a total contract value not to exceed \$95,596,554;
- WHEREAS:** On May 15, 2015, the Operations Board approved the first year of the first option period, through June 30, 2016, in the amount of \$20,931,000, for a total contract value not to exceed \$116,527,554;
- WHEREAS:** On May 20, 2016, the Operations Board further authorized amending the agreement to remove the requirements for the Maintenance of Equipment and Facilities;
- WHEREAS:** On May 20, 2016, the Operations Board approved the second year of the first option period, through June 30, 2017, in the amount of \$15,463,003, for a total contract value not to exceed \$131,990,557; and
- WHEREAS:** The VRE Operations Board recommends the following action.

**NOW, THEREFORE, BE IT RESOLVED THAT**, the Northern Virginia Transportation authorized the VRE CEO to amend the Contract with Keolis Rail Services Virginia, LLC for Operating Services for Commuter Rail by approving up to \$15,416,000 for the third year of the first option period, for a total Contract value not to exceed \$147,406,557 through June 30, 2018.

Approved this 4<sup>th</sup> day of May 2017.



Jeffrey C. McKay  
Chairman



Matthew F. Letourneau  
Secretary-Treasurer



## RESOLUTION #2338

**SUBJECT:** Authorize the VRE CEO to Execute an Amendment for the Second Year of the Contract for Maintenance Services for Commuter Rail

**WHEREAS:** The VRE Operations Board previously recommended, and the Commissions approved, a five-year Contract for Maintenance Services for Commuter Rail with Keolis Rail Services Virginia, LLC (KRSV);

**WHEREAS:** The Contract start date and total authorization was last amended in May of 2016;

**WHEREAS:** The current Contract authorization runs through June 30, 2017;

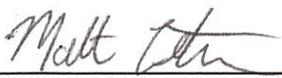
**WHEREAS:** The increase in Contract authorization will allow for continued maintenance services and life cycle maintenance work scheduled for FY 2018; and

**WHEREAS:** The VRE Operations Board recommends the following action.

**NOW, THEREFORE, BE IT RESOLVED** that the Northern Virginia Transportation authorizes the VRE CEO to amend the Contract for Maintenance Services for Commuter Rail with Keolis Rail Services Virginia, LLC (KRSV) by increasing the total Contract authorization by \$7,092,267, for a total amount not to exceed \$14,344,638 through June 30, 2018.

Approved this 4<sup>th</sup> day of May 2017.

  
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Jeffrey C. McKay  
Chairman

  
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Matthew F. Letourneau  
Secretary-Treasurer