

MINUTES
NVTC COMMISSION MEETING – JUNE 7, 2007
NVTC CONFERENCE ROOM – ARLINGTON, VIRGINIA

The meeting of the Northern Virginia Transportation Commission was called to order by Chairman Snyder at 8:10 P.M.

Members Present

David Albo
Sharon Bulova
Adam Ebbin
William D. Euille
Catherine M. Hudgins
Dana Kauffman
Elaine McConnell
Thomas Rust
Paul Smedberg
Scott Silverthorne
David F. Snyder
Matthew Tucker
Christopher Zimmerman

Members Absent

Gerald Connolly
Jay Fiset
Jeannemarie Devolites Davis
Paul Ferguson
Eugene Delgaudio
Joe May
Mary Margaret Whipple

Staff Present

Rhonda Gilchrest
Scott Kalkwarf
Adam McGavock
Steve MacIsaac (VRE)
Elizabeth Rodgers
Kala Quintana
Andrew Ryder
Jennifer Straub (VRE)
Richard K. Taube
Dale Zehner (VRE)

Minutes of NVTC's Meeting of May 3, 2007

On a motion by Mrs. Bulova and a second by Mr. Euille, the commission unanimously approved the minutes. The vote in favor was cast by commissioners Albo, Bulova, Euille, Hudgins, Kauffman, McConnell, Rust, Silverthorne, Smedberg, Snyder, Tucker and Zimmerman.

VRE Items

Report from VRE's Operations Board and Chief Executive Officer. Mrs. Bulova urged commissioners to read the minutes of the VRE Operations Board meeting of May 18, 2007. Mr. Zehner stated that on-time performance and ridership continue to improve.

Status of Governance Approvals. Mrs. Bulova reported that all of VRE's jurisdictions have approved the governance changes. Staff is now drafting changes to the Master Agreement to implement the changes. VRE is continuing talks with Fauquier County representatives about joining VRE so that only one round of Master Agreement approvals would be needed. Mrs. Bulova explained that NVTC will be asked at its July meeting to appoint new VRE Operations Board members, which will include two voting members and two alternates for Fairfax County and one voting member and one alternate each for the city of Alexandria and Arlington County. The newly constituted VRE Operations Board will convene on August 17, 2007.

Insurance Trust Fund Issues. Mrs. Bulova explained that VRE received a letter from Virginia's Division of Risk Management Director Don LeMond expressing his concern about the need for more funds in VRE's Insurance Trust Fund. VRE responded and pointed out that a substantial contribution is budgeted for July 1st, and a plan exists to provide more contributions in the future. Resolution #2063 would authorize VRE's CEO to earmark \$3 million of a \$5 million reserve fund for immediate use by the Virginia Division of Risk Management (DRM) to restore VRE's Insurance Trust Fund to a level approaching \$10 million.

Mr. Taube explained that a revised Resolution #2063 has a minor wording change recommended by VRE legal counsel: "incidents occurring after the date of this resolution."

Mrs. Bulova moved, with a second by Mrs. McConnell to approve the revised resolution.

In response to a question from Mr. Smedberg, Mr. Tucker explained that DRM has wanted for a long time to have the reserve fully restored to \$10 million. Mrs. Bulova reiterated that VRE has in place a plan to replenish the fund. VRE's budget goes into effect on July 1st and VRE is expecting to receive \$25 million annually from NVTAs funds.

In response to a question from Delegate Rust, Mr. Zehner explained that VRE would be holding the \$3 million as encumbered funds and they would not be used for anything else. Mr. Tucker stated that he is uncomfortable with this and is concerned that VRE is not doing what DRM has requested. Mr. Zehner stated that this issue has been part of the budget process and he talked with Mr. LeMond today and he is fine with VRE's approach. Mr. Zimmerman suggested that VRE get this in writing.

In response to a question from Mr. Smedberg, Mr. MacIsaac gave a history of how the Insurance Trust Fund was established and how it works. The goal is to have \$10 million in the fund, but there is no statutory reason why it has to be \$10 million.

Chairman Snyder stated that since he works for the insurance industry, he will not vote on this action. He asked Vice Chairman Euille to sign the letter.

The commission then voted on the motion to approve the resolution and authorize Vice Chairman Euille to send a letter to the Division of Risk Management. The motion passed with the following commissioners voting in favor of the motion: Commissioners Albo, Bulova, Euille, Hudgins, Kauffman, McConnell, Rust, Silverthorne, Smedberg, Tucker and Zimmerman. Mr. Snyder abstained.

Extend Operating Agreement with CSXT. Mrs. Bulova stated that Resolution #2064 would extend VRE's existing operating/access agreement with CSXT to January 31, 2008. This will allow more time to negotiate the terms of a new permanent agreement. Mr. Zehner reported that the only outstanding issue is capping liability insurance. VRE staff is working with APTA staff to seek changes to the federal law.

Mrs. Bulova moved, with a second by Mrs. McConnell, to approve the resolution (copy attached).

Delegate Albo observed that two years ago he spent a lot of time working to pass legislation that established an insurance cap. He expressed his frustration that at that time CSX representatives said they were satisfied with the bill and it would solve all the insurance problems and now they are not acting "in good faith." Mr. Zehner stated that the legislation does not cover gross negligence. Mrs. Bulova observed that it would be helpful to include Delegate Albo in negotiations with the railroads.

The commission then voted on the resolution and it passed. The vote in favor was cast by commissioners Albo, Bulova, Euille, Hudgins, Kauffman, McConnell, Rust, Silverthorne, Smedberg, Snyder, Tucker and Zimmerman.

Extend Operating Agreement with Norfolk Southern. Mrs. Bulova explained that Resolution #2065 would extend VRE's existing operating/access agreement with Norfolk Southern to January 31, 2008. This will allow more time to negotiate the terms of the permanent agreement.

On a motion by Mrs. Bulova and a second by Mr. Smedberg, the commission unanimously approved the resolution (copy attached). The vote in favor was cast by commissioners Albo, Bulova, Euille, Hudgins, Kauffman, McConnell, Rust, Silverthorne, Smedberg, Snyder, Tucker and Zimmerman.

Option for Locomotive Fuel Supply at Broad Run Yard. Mrs. Bulova explained that Resolution #2066, which was recommended by the VRE Operations Board, would authorize VRE's CEO to exercise the third option year of a contract with Mifco Heating Oil of Manassas for the delivery of diesel fuel to VRE's fleet. The amount will not exceed \$1.6 million.

Mrs. Bulova moved, with a second by Mr. Smedberg, to approve the resolution. The vote in favor was cast by commissioners Albo, Bulova, Euille, Hudgins, Kauffman, McConnell, Rust, Silverthorne, Smedberg, Snyder, Tucker and Zimmerman.

Option for Locomotive Fuel Supply at Crossroads Yard. Mrs. Bulova explained that Resolution #2067, which was recommended by the VRE Operations Board, would authorize VRE's CEO to exercise the third option year of a contract with Quarles Petroleum of Fredericksburg for the delivery of diesel fuel to VRE's fleet. The amount will not exceed \$2.15 million.

Mrs. Bulova moved, with a second by Mr. Smedberg, to approve the resolution. The vote in favor was cast by commissioners Albo, Bulova, Euille, Hudgins, Kauffman, McConnell, Rust, Silverthorne, Smedberg, Snyder, Tucker and Zimmerman.

NVTC Comments on WMATA's FY 2008 Budget

Mr. Taube stated that the commission is asked to authorize Chairman Snyder to send a letter to the chair of the WMATA Board. A draft letter was provided for discussion.

Mr. Taube also announced that Shiva Pant, who has been WMATA's Government Relations Officer for Virginia, has been promoted to be Chief of Staff for General Manager John Catoe. Commissioners congratulated Mr. Pant.

Mr. Euille moved, with a second by Mr. Kauffman, to authorize Chairman Snyder to send the letter to the chair of the WMATA Board. The vote in favor was cast by commissioners Albo, Bulova, Euille, Hudgins, Kauffman, McConnell, Rust, Silverthorne, Smedberg, Snyder, Tucker and Zimmerman.

DRPT's Draft Six-Year Program

Mr. Taube stated that NVTC will receive increased funding even though most of the anticipated increases resulting from the 2007 General Assembly's actions will not

materialize until FY 2009. Commissioners discussed a letter to be sent to Secretary Homer providing additional comments (beyond those contained in NVTC's May 23rd statement to the Commonwealth Transportation Board) about the FY 2008 program.

Mr. Zimmerman moved, with a second by Mr. Smedberg, to authorize Chairman Snyder to send the letter containing the commission's comments. The vote in favor was cast by commissioners Albo, Bulova, Euille, Hudgins, Kauffman, McConnell, Rust, Silverthorne, Smedberg, Snyder, Tucker and Zimmerman.

Arlington and Fairfax County Federal Section 5309 Grant Applications

Mr. Taube explained that staff asked NVTC to apply for additional federal transit funds for Arlington and Fairfax counties. Resolution #2068 would accomplish this.

Mr. Zimmerman moved, with a second by Mrs. Bulova, to approve Resolution #2068 (copy attached). The vote in favor was cast by commissioners Albo, Bulova, Euille, Hudgins, Kauffman, McConnell, Rust, Silverthorne, Smedberg, Snyder, Tucker and Zimmerman.

Legislative Items

Mr. Taube stated that Representative Moran has led the successful effort to amend the Defense Authorization Bill (HR 1585) to require the Department of Defense to certify important transportation projects are substantially completed before moving thousands of workers to Fort Belvoir. The commission is asked to authorize NVTC Chairman Snyder to send a letter to Senator Warner to urge him to add a similar amendment to the Senate's version of the Defense Authorization Bill. The amendment does not require the Army to pay for the transportation improvements, but it is reasonable to expect that this amendment will provide sufficient motivation for the Defense Department to identify federal funds to help complete the required projects. Mr. Euille reported that he recently met with Senator Warner to discuss BRAC issues and it was a productive discussion.

Mr. Smedberg moved, with a second by Mrs. Bulova, to authorize Chairman Snyder to send the letter.

Mr. Kauffman requested a minor wording change. Mr. Smedberg and Mrs. Bulova were agreeable to the amendment. The commission then voted on the motion and it passed. The vote in favor was cast by commissioners Albo, Bulova, Euille, Hudgins, Kauffman, McConnell, Rust, Silverthorne, Smedberg, Snyder, Tucker and Zimmerman.

Contract and Grant Application Amendments for SmarTrip Farebox Installation in Northern Virginia

Mr. McGavock gave an update on the status of the farebox installations. He explained that the commission is asked to approve a change order for Cubic Transportation Systems, Inc. to complete pedestal and cashbox modifications for 34 fareboxes for Loudoun County Transit (LCT). These modifications (costing \$34,400 plus \$1,700 shipping) will allow LCT to meet its planned July 1st date for SmarTrip operations. The commission is also asked to authorize NVTC's executive director to submit to DRPT a line-item amendment to NVTC's FY 2008 state transit grant application to cover up to 80 percent of the costs of these modifications.

Mr. Zimmerman moved, with a second by Mrs. Bulova, to approve the change order and to authorize the executive director to submit a line-item amendment to NVTC's FY 2008 state transit grant application.

In response to a question from Chairman Snyder, Mr. McGavock explained that Loudoun County's changes are not the result of any safety-related deficiencies of the fareboxes. The buses need to be retrofitted because LCT buses have a unique problem with the height of the farebox.

The commission then voted on the motion and it passed unanimously. The vote in favor was cast by commissioners Albo, Bulova, Euille, Hudgins, Kauffman, McConnell, Rust, Silverthorne, Smedberg, Snyder, Tucker and Zimmerman.

Public Outreach Campaign for the Summer, 2007 Program of Free Bus Fares on Code Orange/Red Bad Air Days

Ms. Rodgers gave a presentation on the project including the public outreach campaign. DASH ridership reports show that the two recent Code Orange/Red days resulted in an eight percent ridership increase one day and 17 percent increase the other day.

Delegate Ebbin arrived at 9:00 P.M.

Regional Transportation Items

NVTA Administrative Plan. Mr. Zimmerman reported that on June 6th the Northern Virginia Transportation Authority met to consider recommendations of its five working groups (organization, legal, public information, project implementation, and finance). There is a public hearing scheduled for July 12th and a good turn out from citizens is anticipated. Chairman Snyder observed that in addition to this public input, individual jurisdictions are conducting their own public outreach efforts.

In response to a question from Delegate Albo, Mr. Zimmerman stated that a list is being developed of projects for bond issuance. Smaller projects will more likely be included to be able to show significant progress and results. He stated that it has been a complex process undertaken in a short period of time. Jurisdictional staff has contributed a tremendous amount of time, expertise and effort, especially Tom Biesiadny.

Urban Partnership Applications from the Commonwealth of Virginia and Fairfax County. Mr. Taube reported that these two regional applications were submitted to USDOT to meet the April 30, 2007 deadline. Corey Hill of DRPT stated that a total of 25 applications from across the country were submitted to USDOT, but only three or fewer applications will be chosen.

Communications from the Public. Mr. Taube stated that NVTC received a letter from a citizen regarding noise walls in the Tysons Corner area, as well as a letter from Mr. Tennyson providing more details about the Santa Clara light rail project that was mentioned at NVTC's May meeting. Chairman Snyder directed staff to send letters responding to these letters.

In response to a question from Mr. Kauffman, Mr. Tucker stated that there is funding in the six-year plan for congestion mitigation for the Dulles project, but much still needs to be defined. Mrs. McConnell stated that it is important to have elected officials involved in the process. She expressed her concern about timing as it relates to training officers for traffic mitigation issues. Mr. Tucker stated that the process envisions involvement of elected officials.

I-95/I-395 HOT Lanes Transit/TDM Study

Corey Hill introduced Jay Evans and several other consultants from Cambridge Systematics, Inc. Mr. Evans explained that the objective of the study is to develop a recommended plan for enhancing transit and transportation demand management (TDM) services as part of the I-95/I-395 HOT lanes project. The schedule includes submitting a draft final report in November 2007. Progress reports are also planned for NVTC's July, September and November meetings. Regular input from NVTC, PRTC and NVTAA is included in the scope of the study. Mr. Evans explained that the principal activities include data collection and assembly, stakeholder engagements, developing baseline and alternative scenarios with the Transit Advisory Committee (TAC), developing a financial framework and investment strategies, and documenting results/findings.

In response to a question from Delegate Albo, Mr. Hill stated that there will be revenues available from the HOT lanes project to invest in mass transit. There will be a tiered approach where various alternatives with different levels of investment will be analyzed, but there may be some alternatives that are too expensive; these may be considered for future alternatives.

Mr. Kauffman stated that when looking at options for placing mass transit on the HOT lanes, consultants should analyze the private sector running buses, since it would save a great deal of money if equipment does not need to be purchased. Mr. Hill stated that this will be discussed at the next TAC meeting.

Mr. Zimmerman stated that he hopes the timetable will reflect TPB approvals. It's important to model a lane as a transit lane. It is a concern that if all HOV lanes are converted to HOT lanes, mass transit may not be able to continue to function on the lanes. Mr. Hill stated that it is his understanding that Fluor Transurban is running this analysis. Mr. Zimmerman stated that the results of the analysis should be provided to the TAC.

Delegate Rust asked if there is any concern about accurate data collection during the summer months when many people are on vacation. Mr. Evans responded that the COG model data are being used and any additional market research being done this summer would only supplement that data. It is more data assembly versus collection.

Mr. Smedberg observed that public meetings are also scheduled during the summer. Mr. Hill explained that DRPT is working with VDOT to coordinate public meetings schedules. Mr. Smedberg asked if it was possible to have a meeting in early September. A Fluor Transurban representative, Tim Young, stated that there is a formal public hearing effort in early 2008 as well. Mr. Evans stated that there are also public outreach efforts available on the project website.

Chairman Snyder asked for another progress report at NVTC's July 5th meeting.

NVTC Financial Reports for April, 2007

Chairman Snyder observed that Falls Church numbers seem to be erratic and asked staff to investigate.

Other NVTC Business

Chairman Snyder asked that a future agenda include a presentation on light rail.

Adjournment

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

Approved this 5th day of July, 2007.

David F. Snyder
Chairman

Christopher Zimmerman
Secretary-Treasurer