

ITEM 7

(14 PAGES)

**POTOMAC AND RAPPAHANNOCK
TRANSPORTATION COMMISSION**

RESOLUTION

MOTION: _____

**RESOLUTION NO. 09-06-_____
OFFICIAL COMMISSION MEETING
JUNE 4, 2009**

SECOND: _____

**RE: APPROVAL OF MINUTES FOR THE POTOMAC AND RAPPAHANNOCK
TRANSPORTATION COMMISSION MEETING OF MAY 7, 2009**

WHEREAS, the Potomac and Rappahannock Transportation Commission (PRTC) reviews and approves the minutes of each meeting; and

WHEREAS, the minutes of the May 7, 2009 PRTC meeting have been presented for review.

NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation Commission does hereby approve the minutes of the May 7, 2009 Commission meeting as presented/amended.

“PENDING BOARD APPROVAL”

POTOMAC AND RAPPAHANNOCK
TRANSPORTATION COMMISSION (PRTC)

OFFICIAL COMMISSION MEETING

MINUTES

DATE: May 7, 2009
TIME: 7:00 p.m.
LOCATION: PRTC Transit Center
14700 Potomac Mills Road, 2nd Floor
Woodbridge, VA 22192-6811

1. CALL TO ORDER

Chairman May called the meeting to order at 7:00 p.m.

2. ROLL CALL

MEMBERS PRESENT

*Maureen Caddigan	Prince William County
*Corey Hill	DRPT (departed at 7:35 p.m.)
*Matthew Kelly, Secretary	City of Fredericksburg
*Scott Lingamfelter	Virginia House of Delegates
*Michael May, Chairman	Prince William County
*Paul Milde, Treasurer	Stafford County
*Jackson Miller	Virginia House of Delegates
*Martin Nohe	Prince William County
*Frank Principi	Prince William County
*George Schwartz	Stafford County

ALTERNATES PRESENT

Jean Benson	City of Fredericksburg
*Lorraine Lasch	Prince William County
*Brian Potvin	Prince William County

STAFF AND GENERAL PUBLIC

Gina Altis	PRTC Executive Assistant
Monica Backmon	PWC Dept. of Transportation

Angelica Betts
Alyssa Brown
Doris Chism
Joyce Embrey
Althea Evans
Al Harf
Anthony Foster
Angela Horan
Robb Howell
Bill Leisen
Eric Marx
Betsy Massie
Charles Steigerwald
Dale Zehner

Assistant, Supervisor Michael May
Assistant, Supervisor Michael May
PRTC Dir., Customer Service & Dispatch
PRTC Dir., Finance & Administration
PRTC Dir., Marketing & Communications
PRTC Executive Director
PRTC Transportation Project Manager
PRTC Legal Counsel
FIRST TRANSIT General Manager
PRTC Manager of Contract Operations
PRTC Dir., Planning & Operations
PRTC Dir., Grants & Project Management
PRTC Senior Transit Planner
VRE Chief Executive Officer

MEMBERS ABSENT

Wally Covington
John Jenkins
Frank Jones, Immediate Past Chairman
Toddy Puller
Jonathan Way, Vice Chairman

Prince William County
Prince William County
City of Manassas Park
Virginia Senate
City of Manassas

ALTERNATES ABSENT

Charles Badger
Harry Crisp
Mark Dudenhefer
Brad Ellis
Peter LaMarca
Suhaz Naddoni
Hal Parrish
Sorine Preli
Phillip Rodenberg
Corey Stewart
John Stirrup
William Wren

DRPT
Stafford County
Stafford County
City of Fredericksburg
City of Fredericksburg
City of Manassas Park
City of Manassas
Prince William County
City of Fredericksburg
Prince William County
Prince William County
City of Manassas Park

*Voting Member

3. INVOCATION Led by Commissioner Nohe.
4. PLEDGE OF ALLEGIANCE Led by Commissioner Schwartz.
5. CITIZENS' TIME No citizens came forward.

6. PRESENTATIONS

[FT\Info]

A. First Transit General Manager Robb Howell –
Employee Recognition and Operations Report.

Mr. Howell recognized the April 2009 Operator-of-the-Month Javid Iqbal. Mr. Iqbal has been a bus operator since July 2007 and currently operates bus service on the Dale City OmniLink route.

Mr. Howell reported that 16 commendations (directed to thirteen different bus operators) were received during the month of April. He went on to report that the complaint rate on the OmniRide service is 5.6 per 10,000 passengers compared to the prior month rate of 5.92 and the year-to-date is 6.96 compared to 8.5 for the same period last year. The complaint rate on the OmniLink service is 3.76 compared to the prior month rate of 4.78.

Mr. Howell reported that the accident frequency rate during the month of April is 1.74 per 100,000 miles (one preventable/five non-preventable). The non-preventable accidents consisted of vehicles “clipping” the mirrors as they passed OmniRide buses in the District.

Mr. Howell went on to report that a new bus operator “safety program” has been established to occur every month. This month’s review concentrated on a five-point key defensive driving program (Smith System). Workplace health is a future topic -- a sports therapist will be invited to speak about health issues associated with driving buses (i.e., lower back health, etc.).

Mr. Howell noted that a “spike” in missed trips occurred during the month of April and explained that an unusual high volume of “call outs” occurred on April 2nd. First Transit’s “extra board” consists of fifteen bus operators and eighteen were absent on April 2nd. Six of the eighteen missed trips occurred on that day.

Mr. Howell reported that First Transit is in the final stages of preparations for Monday’s bus service change (i.e., last minute training, route familiarity, etc.). He went on to report that two additional people have been added to the cleaning crew in response to the “H1N1 influenza pandemic”. The cleaning crew will conduct a full cleaning sweep by sanitizing surfaces including bus steering wheels and fareboxes. PRTC is bearing this expense.

7. APPROVAL OF MINUTES

RES 09-05-01

Minutes of April 2, 2009.

[PRTC\Minutes]

Commissioner Milde moved, with a second by Commissioner Kelly, to approve the Minutes as presented. There was no discussion on the motion. (MILDE/KELLY; WITH MAJORITY VOTE, CADDIGAN\LINGAMFELTER ABSTAINED)

8. AGENDA APPROVAL

RES 09-05-02 Agenda of May 7, 2009.
[PRTC\Agenda]

Commissioner Kelly moved, with a second by Commissioner Principi, to approve the Agenda as amended (Item 12-B.7 added). There was no discussion on the motion. (KELLY\PRINCIPI, UNANIMOUS)

9. CONSENT AGENDA APPROVAL

RES 09-05-03 Consent Agenda of May 7, 2009.
[PRTC\Consent Agenda]

Commissioner Caddigan moved, with a second by Commissioner Schwartz, to approve the Consent Agenda as presented. (CADDIGAN\SCHWARTZ, UNANIMOUS)

RES 09-05-04 A. Treasurer's Report.
[PRTC\Finance]

Accepted the Treasurer's Report for period ended February 28, 2009, as presented. (CADDIGAN\SCHWARTZ, UNANIMOUS)

RES 09-05-05 B. City of Manassas Request for \$350,000 in 2% Motor Fuels
[Manassas] Tax Funds to be Budgeted and Appropriated for the Battle
 Street Project in the City.

Authorized to unappropriate \$350,000 of the City of Manassas's 2% motor fuel tax funds for the Battle Street project in the City. (CADDIGAN\SCHWARTZ, UNANIMOUS)

RES 09-05-06 C. Budget and Appropriate \$393,798 of Stafford County's 2%
[Stafford] Motor Fuels Tax Funds for Transportation Expenditures for
 the Third Quarter of FY 2009.

Authorized the use of \$393,798 of 2% motor fuels tax funding in Stafford County's account for the third quarter of FY 2009 for Transportation Expenditures. (CADDIGAN\SCHWARTZ, UNANIMOUS)

RES 09-05-07 D. Funding of Legal Services in FY 2009.
[PRTC\Legal]

Authorized payment of \$39,000 to Prince William County for legal services rendered during FY 2009 and continuation of legal representation by Prince William County in FY 2010. (CADDIGAN\SCHWARTZ, UNANIMOUS)

10. VIRGINIA RAILWAY EXPRESS (VRE)

[VRE\Info] A. Operations Board Meeting Agenda and Minutes of April 17, 2009. There were no comments.

[VRE\Info] B. Chief Executive Officer's Report (4/09).

Mr. Zehner reported that ridership is 7% higher than last fiscal year through April. System wide on-time performance was 93% in April (93% and 93.2% on the Fredericksburg and Manassas lines, respectively). VRE has experienced over 90% on-time performance three out of the first four calendar months of the year – the exception was in March due to mechanical difficulties. VRE, along with its mechanical contractors, is reevaluating VRE's maintenance program which should prevent any further large scale mechanical locomotive failure. Commissioner Milde commended VRE's excellent on-time performance, particularly on the Fredericksburg line.

Mr. Zehner went on to report that the Federal government has approved earmark funding for VRE to acquire additional locomotives. The VRE Operations Board will be asked to purchase two additional locomotives at its June meeting, meaning that a total of 11 locomotives will have been acquired or more than half of the 20 ordered. VRE anticipates being able to assemble the needed funding to acquire the remaining nine before the options expire.

Mr. Zehner announced that the May 15, 2009 VRE Operations Board meeting is cancelled. The next meeting is scheduled for Friday, June 19th at the PRTC Transit Center.

Commissioner Lingamfelter asked what the prognosis is for extending the VRE service to the Gainesville-Haymarket area. Mr. Zehner explained there is little opposition to extending the VRE service with the exception of the Town of Haymarket. The completed "Alternatives Analysis" Report will be forwarded to DRPT by the end of the month for reaction. Mr. Zehner went on to say that an extension to Gainesville is more likely given Haymarket's opposition and the presence of environmental sensitivities between Gainesville and Haymarket (i.e., wetlands).

Commissioner Hill reported that DRPT has reviewed the draft Alternatives Analysis Report and provided constructively critical comments to the VRE. Both DRPT and VRE agree that the study did not fully evaluate bus rapid transit (BRT) in the I-66 corridor. Commissioner Hill went on to report that the assessment of BRT will occur as part of the ongoing DRPT-led I-66 BRT Study, and thereafter there will be a determination on whether to proceed with the VRE extension. Commissioner Hill noted that the BRT study will be completed before the end of the calendar year.

Commissioner Lingamfelter asked why the Town of Haymarket has taken the position it has and if an extension of VRE to Nokesville has been examined. Mr. Zehner explained that Haymarket residents are concerned about traffic to/from the station and the impacts of more

rail service operating through the town. Also, there are “wetlands” west of Gainesville which will be costly to mitigate. With regard to the extension to Nokesville, Mr. Zehner replied that it has not been the subject of an in-depth study.

Commissioner Principi asked about the status of the Cherry Hill VRE Station at Harbor Station and the “third track” project. Mr. Zehner explained that the Kettler Corporation originally planned to provide a 30% in-kind match, but has been delayed as a result of the economy. Kettler’s CEO has reassured VRE that it will be proceeding, albeit later than originally expected. In the meantime, VRE is working with the state with regard to the eleven mile, third track. CSXT has approved VRE’s preliminary design and no additional property is required.

Mr. Zehner noted that as a result of President Obama’s high speed rail initiative, the state plans to move forward with a high-speed rail project. He explained that the CSXT territory is speed-restricted at 79 mph maximum, but the state is contemplating raising the speed to 90 mph – raising the speed to 90 mph would require redesign work and the acquisition of property, delaying project completion by a couple of years. VRE trains would not operate at 90 mph because of “stopping/starting” every eight to ten miles. The higher speed is basically designed for Amtrak passenger service.

Commissioner Milde asked if it is feasible to operate high-speed rail trains at 90 mph alongside commuter rail and freight trains. Mr. Zehner replied “yes” under the right circumstances (e.g., the presence of a third track). Amtrak trains that “stop/start” would also be unable to operate at 90 mph and would require a double engine. High-speed rail trains would operate ideally between Washington, D.C. and Richmond with not more than one stop (in the City of Fredericksburg).

Commissioner Lingamfelter recommended that an invitation be extended to the Virginia Department of Rail and Public Transportation (VDRPT) to provide a fuller briefing on the high-speed passenger rail initiative at the Commission’s June or July meeting. Chairman May asked Commissioner Hill to arrange this.

11. CHAIRMAN'S TIME

Chairman May had nothing to report at this time.

12. EXECUTIVE DIRECTOR'S TIME

[PRTC\Info] A. Executive Director’s Report.

Mr. Harf reported that the Obama Administration has unveiled its “strategic plan” for high-speed passenger rail service, which envisions \$13 billion as an initial investment in a national high-speed rail system (\$8 billion in the recovery package and \$1 billion in each year of the next five years). Various U.S. corridors have been identified as candidates for high-speed passenger rail service and the “ground rules” for project applications are anticipated to be available by no later than June 17th.

Moving to another subject, Mr. Harf reported that PRTC is actively involved in the "bus rapid transit studies" in the I-95 and I-66 corridors. At last month's meeting, Commissioner Hill provided an update briefing about the "I-66 Transit/TDM Study", which is geared for completion toward the end of the calendar year, a schedule designed to insure timely input to VDOT's planned I-66 EIS work. The timetable for the I-95 corridor is more immediate because the state intends to conclude a comprehensive agreement with Fluor/Transurban prior to the end of the summer. Mr. Harf noted the receipt earlier in the day of a letter from Secretary Homer in response to questions posed by FAMPO, NVTA, NVTC, and PRTC. The letter expresses the state's intention to mitigate concerns expressed by these entities to the maximum extent possible as the project moves forward.

Mr. Harf went on to report that a congressionally mandated General Accounting Office (GAO) Study about liability/indemnification provisions in commuter and freight rail agreements was released on March 26th. The study is critical of liability/indemnification provisions in passenger rail-freight rail agreements, finding that they are structured in a one-sided manner benefiting the freight railroad "landlord". The House is reportedly interested in examining whether there is a need for some regulatory intervention to level the "playing field" so that passenger railroads are not at the mercy of the freight railroads.

Commissioner Milde asked how the liability/indemnification provisions present in VRE's agreements with the CSXT and Norfolk Southern affect the VRE budget. Mr. Zehner explained that VRE carries \$250 million of insurance, which is less than the CSXT is demanding (\$500 million). This is the source of the impasse that is stymieing the completion of a long-term trackage rights agreement. Liability caps that have been legislated exclude third party liability, which is a problem that needs to be resolved in order to break that impasse.

Commissioner Milde asked if there is a connection between the liability/indemnification issue and the size of the trust fund. Mr. Zehner explained that the Department of Risk Management (DRM) manages the trust fund and processes claims for VRE. The state would prefer the trust fund currently set at the \$8.5 million level be increased to \$10 million. Mr. Harf observed that a linkage does exist between the liability/indemnification issue and the size of the trust fund. DRM's assessment about how large the trust fund should be is a consequence of what it thinks the claim exposure is. Mr. Zehner observed that the maximum exposure of any given incident is \$200 million and there is a liability cap of \$250 million at the federal level, (though again this excludes third parties). Mr. Zehner further explained that the freight railroad's argument is that if it were not for commuter rail, it would not have exposure to people, citing the Los Angeles commuter rail accident as an example.

Mr. Harf reminded the Commission that the spring service change takes effect May 11th including curtailment of approximately 5% of PRTC's bus service hours.

Commissioner Hill departed at 7:35 p.m. following Item 12-A – Executive Director's Report and was absent on the vote on Items 12-B.1 through 12-B.7.

[PRTC] B. Action Items:

RES 09-05-08 1. Federal Authorization Earmark Request for PRTC.
[PRTC\Federal Earmark]

Mr. Harf explained that the House is intent on passing a reauthorization bill by Memorial Day that will include earmarks. The Commission is being asked to authorize the transmittal of an "authorization earmark" request for two projects: 1) \$37 million for the replacement of 73 buses scheduled for retirement during the six-year period; and 2) construction funding for the westerly maintenance facility. The earmark request totals to approximately \$49 million.

Commissioner Lingamfelter asked about the transparency of the earmark request. Mr. Harf explained that the House T&I Committee has made it clear that the earmarks will be governed by an unprecedented degree of transparency and each earmark request will be separately identified.

Commissioner Caddigan moved, with a second by Commissioner Principi, to endorse an earmark request for bus replacements and construction funding for a new westerly maintenance facility. There was no further discussion on the motion. (CADDIGAN\PRINCIPI, UNANIMOUS)

RES 09-05-09 2. Application for ARRA Greenhouse Gas and Energy
[PRTC\ARRA] Reduction Grant.

Mr. Harf explained that the ARRA has \$100 million to be awarded on a discretionary basis for greenhouse gas emission reduction purposes. The Commission is being asked to authorize PRTC to vie for a portion of this funding to purchase seven hybrid-electric buses. PRTC's bus fleet does not currently include hybrid-electric buses, which promise O&M savings over the life of the buses. He further explained that PRTC would not purchase the hybrid-electric buses with conventional sources of funds because the added-one time purchase cost of these buses is prohibitive.

Commissioner Lingamfelter asked how PRTC will know if O&M savings will occur. Mr. Harf explained that PRTC is not the first transit agency to acquire hybrid-electric buses and there is a body of experience present confirming the likelihood of O&M savings. While hybrid-electric buses require some increased expense over the life of the buses that conventionally fueled buses would not require (e.g., battery replacement), there is a net O&M savings because of lower fuel costs.

Chairman May noted that the acquisition of the hybrid-electric buses is 100% federally funded; no local match is required. Commissioner Lingamfelter asked if sustainability is included and will PRTC own it after a certain amount of time has lapsed. Mr. Harf noted the 100% federal funding is the capital investment for the acquisition of the buses and the

will realize a favorable variance in FY 2010. Unlike prior years, PRTC cannot lock-in 100% of its fuel consumption because lock-ins require the purchase of fuel in 42,000 gallon per month increments -- the 5% service cut commencing on May 11th reduces PRTC's fuel consumption to less than two contracts per month.

2. PRTC Budget-to-Actual Comparison. There were no comments.
3. Fleet Maintenance Audit Report (2/09). Mr. Harf reported that the audit is favorable.
4. Department of Taxation Letter Dated 4/20/09 re Motor Fuel Sales Tax. There were no comments.
5. Fairfax County Department of Transportation Letter Dated 4/13/09 re Comments on Design Plans for the I-95/395 HOT Lanes Project. There were no comments.
6. Communications:
 - a. Related to Funding. There were no comments.
 - b. Related to Jurisdiction. There were no comments.
 - c. General Interest. There were no comments.
7. News Release – Congressional Leaders Welcome Report Highlighting Model Transit Projects for Transportation Bill. There were no comments.

13. OTHER BUSINESS/COMMISSIONERS' TIME

Commissioner Kelly reported that the City of Fredericksburg is slated to pass the PRTC/VRE budget with the inclusion of two requests: 1) commencing next year, level funding for the ensuing year and no increase in subsidies for the localities and 2) return of any fuel savings to the localities.

Commissioner Milde reported that Mark Dudenhefer resigned today as a PRTC Alternate Commissioner.

Mr. Harf noted that Commissioner Principi hosted an informative "Woodbridge Commuter Ferry Summit" on May 6th. Commissioner Principi elaborated further that both a commuter/tourist interest exists as well as the potential of a Homeland Security application with regard to mass evacuation out of the District via the Anacostia, Occoquan, and Potomac rivers. He went on to say that over the course of the next few weeks, an announcement will be made about the formation of an "Advisory Committee" among the key stakeholders to propel the concept forward. The Committee will receive the feasibility study on June 15th, scope out a market analysis, pursue federal, state, local, and private sector financing opportunities, and recommend an initial service plan and budget between now and January 2010.

Commissioner Lingamfelter recommended that a commuter ferry presentation be provided to the Commission and asked how the concept will affect PRTC. Commissioner Principi observed that the possibility of a modal shift from buses/trains to ferries depends on the markets served. The Commission will be able to review the concept around June 15th when Greenhorne & O'Mara's feasibility study is released outlining the issues. Mr. Harf observed there are a number of markets currently being examined which are not well-served by existing transit services (i.e., Ft. Belvoir, Indian Head, National Airport). On the flip side, there other locations that are well-served. Chairman May asked that a ferry briefing be arranged to occur at the Commission's July meeting.

14. ADJOURNMENT

There being no further business to come before the Commission, Chairman May adjourned the meeting at 8:00 p.m.

NEXT MEETING: Thursday, June 4, 2009, 7:00 p.m.

LOCATION: PRTC Transit Center
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Woodbridge, VA 22192-6811
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