



## COMMONWEALTH of VIRGINIA

### *Virginia Passenger Rail Authority Board*

Jennifer L. Mitchell  
Chairperson

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#### **DRAFT MINUTES**

#### **Meeting of the Virginia Passenger Rail Authority Monday, December 14, 2020 - 10:00 am Electronic Board Meeting**

In light of the continuing state of emergency declared by Governor Northam, where it is impracticable or unsafe to assemble a quorum in a single location, and as allowed by the General Assembly during the continuing state of emergency, this meeting to take action to discuss or transact the business statutorily required or necessary to continue operation, the Virginia Passenger Rail Authority held an electronic meeting on December 14, 2020.

All board members participated remotely using a GotoMeeting platform. Members of the public were able to witness the meeting online via live-streaming and were provided with the opportunity to provide public comment telephonically at the outset of the meeting using a dial in number provided in the online meeting public notice. The online internet public notice for the meeting noted that this meeting would be conducted using an electronic process due to the COVID-19 state of emergency and as a precaution to reduce the risk and spread of the novel coronavirus. The online meeting public notice also furnished the Agenda and Board materials as well as information regarding the availability of online live-streaming of the meeting at the noted link. Online viewers were furnished a telephone number to call to notify staff of any interruption of the live streaming of the meeting in accordance with Item 4-0.01.g. of Chapter 1289 and Section 2.2- 3708.2 of the Code of Virginia.

The audio and meeting documents and presentation materials are on the Virginia Department of Rail and Public Transportation's website, <http://www.drpt.virginia.gov/vpra/board-meetings/>

#### **MEMBERS PRESENT**

Sharon Bulova, Deborah Bulter Painter, Victor Cardwell, Patricia Doersch, Jay Fiset, Roderick Hall, Wick Moorman, Cynthia Moses-Nedd, Paul Nichols, Hossein Sadid, James Spore, Mariia Zimmerman, Rich Dalton (Ex-Officio), Bruno Maestri (Ex-Officio), and Jennifer Mitchell (Chair).

## **VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION STAFF PRESENT**

Linda Balderson, Colin Burch, Fyiad Constantine, Bridget Davis, Tiffany Dubinsky, Suzanne Ellison, Lauren Fishbein, Xavier Harmony, Michael Henderson, Taylor Jenkins, Jeremy Latimer, Michael McLaughlin, Shannon Perry, Steve Pittard, Nicholas Ruiz, Randy Selleck, Emily Stock, Ashwini Tamhane, Michael Todd, Andrew Wright, and Katherine Youngbluth.

## **GUESTS/OTHERS PRESENT**

Monica Backmon (NVTA), Nathan Macek (WSP), and Lisa Wright (Office of the Attorney General).

## **CALL TO ORDER/ROLL CALL**

The Chair, Jennifer Mitchell, presided and called the meeting to order at 10:02 a.m. The Chair welcomed everyone to the meeting and reviewed the procedures and instructions for the electronic meeting, including all votes will be conducted by roll call vote. The following statement was made:

*"On November 19th, Governor Ralph Northam signed House Bill 5005, Virginia's revised biennial budget, which includes new language for meeting electronically. In light of the continuing state of emergency declared by Governor Northam, we are conducting this meeting in a remote setting, keeping safety top of mind and mitigating the impacts and spread of COVID-19."*

Executive Assistant Bridget Davis then called the roll and confirmed a quorum was present.

## **MINUTES OF THE OCTOBER 26, 2020 MEETING**

Ms. Moses-Nedd moved, with a second by Ms. Bulova to approve the minutes of the October 26, 2020 meeting. The vote was conducted by a roll call vote and the motion passed.

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## **WORKSHOP PRESENTATIONS**

The following items were presented for information:

### **1. Board Chair Update**

*Presented by: Jennifer Mitchell, Chair*

Chair Mitchell provided the following highlights:

- **Commonwealth Transportation Board:** On December 9, 2020, the Commonwealth Transportation Board (CTB) approved the FY2021-2026 Six-Year Improvement Program (SYIP) COVID-19 update. The flexibility provided in a budget amendment submitted by Governor Northam and approved during the 2020 Special Session, allowed the CTB to manage the financial impact of COVID-19 on transportation revenues, estimated to be \$850 million through FY2022, while maintaining all projects in the SYIP on time and on schedule.
- **Rail Plan:** DRPT will be developing the Virginia Statewide Rail Plan update in 2021 to address changes in the rail industry and prioritize Virginia's long term investments in freight and

passenger rail services and infrastructure across the Commonwealth. This State Rail Plan will guide Virginia's vision for railroad transportation to the horizon year of 2045, and will be coordinated with the VTrans effort.

- **Gainesville VRE Extension Study:** DRPT is kicking off the Gainesville VRE Extension study before the end of the year. The General Assembly's latest budget bill directed DRPT to evaluate the operating and capital costs associated with an extension of the Virginia Railway Express (VRE) commuter rail service from Manassas to Gainesville and submit by June 30, 2021.
- **Long Bridge Act 2020:** On December 10, 2020 the House passed the Long Bridge Act of 2020, legislation introduced by First District Republican Rob Wittman and Eighth District Democrat Don Beyer that will allow the National Park Service to convey and authorize necessary federal property for the construction of a new commuter rail and pedestrian bridge spanning the Potomac. Senators Mark Warner (D-VA) and Tim Kaine (D-VA) have introduced companion legislation to this bill in the Senate.
- **CARES Act:** Per the CARES Act, Virginia's financial obligation for Amtrak operations in FY20 was capped at 80% of FY19 expenses. Supplemented by the CARES Act funding, for a six month period from April - September 2020, Virginia paid \$1.3M for state sponsored operations, which without the CARES Act funding would've been \$16M. CARES Act funding is now expected to be fully depleted by the end of January 2021. Without additional federal support, because of the revenue loss from decreased ridership, Virginia can expect to pay over \$2M per month to operate state sponsored service.
- **Amtrak:** As of September 7, 2020, Virginia sponsored Amtrak daily round-trip service is operating at 80% of its original service levels, though ridership remains down. All routes are running their normal round trip schedules (pre-COVID) except the Washington D.C. - Richmond Route, which remains suspended. Richmond Route stations are served by Newport News and Norfolk Route trains, as well as by long distance Amtrak service. Capacity restrictions are still in effect on all Amtrak trains. Ridership demand and COVID infection rate will dictate termination of this capacity restriction. Ridership for the month of November 2020 was 29.6% of November 2019 ridership (down -70.4%). Ridership for November 2020 decreased by 9.1% compared to October 2020 ridership (October 2020 ridership was 26,730; M-o-M decrease of -2,435 riders in November).
- **VRE:** VRE trains are operating on an 'S' Schedule Plus (special schedule for holidays and snow days, supplemented with Train 300 for the northbound commute and Train 307 for the southbound commute on the Fredericksburg line). VRE step-up program for Amtrak trains stands suspended. The duration of this suspension is unknown at this time. Seat capacity on VRE trains has been restricted to safely allow social distancing norms. The average VRE car has 130 seats. However, due to social distancing measures, only 45 of those seats are currently available (Source: VRE Train Utilization Trends). As of the week of December 4, 2020, daily utilization of the *available* seats on Fredericksburg Line trains is between 16% and 36%. As of the week of December 4, 2020, daily utilization of the *available* seats on Manassas Line trains is between 7% and 29%.

## **2. Transforming Rail in Virginia Initiative – Project Overview**

*Presented by: Michael McLaughlin, Virginia Department of Rail and Public Transportation*

Mr. McLaughlin noted that the \$3.7B project would be constructed in phases to correspond with the new passenger rail service. Mr. McLaughlin's presentation included a review of the acquisition map, individual project profiles, status and next steps.

## **3. VPRA Organizational Structure**

*Presented by: Jennifer Mitchell, Chair*

Chair Mitchell shared that DRPT had worked with WSP to draft the organizational structure for VPRA. DRPT will continue to move forward to recruit an Executive Director and other key management personnel positions. Chair Mitchell's presentation included a brief overview of the positions and functions.

## **4. Draft FY22 Operating and Capital Budget Presentation**

*Presented by: Steve Pittard, Virginia Department of Rail and Public Transportation*

The Code of Virginia stipulates the parameters for the Virginia Passenger Rail Authority's operating and capital budget, which requires the Authority to submit its budgets to the Commonwealth Transportation Board (CTB) by February 1, annually. Mr. Pittard gave an overview of the draft operating and capital budgets, which included the requirements, basic assumptions, project descriptions and next steps.

Mr. Sadid complimented DRPT for their progress and the sufficient budget information presented.

Chair Mitchell noted that she was appreciative of DRPT's finance and rail team, who had worked to compile the information presented.

Ms. Zimmerman desired to know if a shift to increased teleworking would result in real estate cost savings; and how the Authority planned to include staffing needs beyond the parameters of rail. Ms. Zimmerman requested if the Board could receive all future project sheets with a narrative explaining the benefits of the investment.

Ms. Bulova requested an explanation of the operating budget revenue. Additional conversation and questions were answered.

## **5. VRE Presentation**

*Presented by: Rich Dalton, Chief Executive Officer, Virginia Railway Express*

Mr. Dalton gave an overview of VRE's history, organizational structure and role in the expansion of passenger rail service.

## **MOTION FOR CLOSED SESSION**

Following the presentations, Vice-Chair Bulova made the following motion:

*"I move that the Board convene in a Closed Session pursuant to Section 2.2-3711 (A)(1) and (6) of the Code of Virginia, for the purpose of discussing a personnel issue of the Virginia Passenger Rail Authority which will result the expenditure of public funds where bargaining is involved and where the financial interest of the Commonwealth would be adversely affected if the discussion were made public at this time,*

*And,*

*pursuant to Va. Code Sec. 2.2-3711(A)(8), for the purpose of consulting with legal counsel regarding provisions in the agreement requiring legal advice.*

*"Additionally, I move that staff and attorneys attend the Closed Session because their presence is deemed necessary, and will aid the Board in its consideration of this matter."*

The motion was seconded by Mr. Hall and carried unanimously by Board roll call vote.

The Board suspended the open session at 11:50 a.m. on December 14, 2020 to move into closed session with instructions that the open session would reconvene at 1:30 p.m. on December 14, 2020.

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## **RECONVENE IN OPEN SESSION**

The Chair reconvened the open session meeting at 1:31 p.m. on December 14, 2020. Upon reconvening the meeting, the Chair made the following statement:

*"I move that to the best of my knowledge, during the Closed Meeting, the only matters heard, discussed or considered were those matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act, and only those public business matters as were identified in the motion by which the Closed Meeting was convened."*

The motion was seconded by Vice-Chair Bulova and carried unanimously by Board roll call vote.

## **WORKSHOP PRESENTATIONS**

The following item was presented for information:

### **6. Presentation of Draft Personnel Policy**

*Presented by: Jeremy Latimer, Virginia Department of Rail and Public Transportation*

Mr. Latimer gave an overview of the draft personnel policy and shared that DRPT had been working with WSP to hire priority personnel. The goal is to attract the right workforce, which includes incorporating best practices, generous benefits, accountability, stability, and flexibility.

DRPT is in the process of formalizing VPRA's draft employee manual, which will be shared with the Board for review upon completion.

## **7. VPRA Administrative Items**

*Presented by: Steve Pittard, Virginia Department of Rail and Public Transportation*

Mr. Pittard gave a brief overview of the administrative items that will require action by the Board in the weeks ahead. He shared that DRPT was soliciting proposals to procure payroll services and a financial system. The Commonwealth's Auditor of Public Accounts was working with DRPT to procure an audit firm. Mr. Pittard suggested utilizing one firm to handle the investment and core banking services for the Authority.

## **PUBLIC COMMENT**

Chair Mitchell opened the meeting to the public for comment. No public comments were offered.

## **ACTION ITEMS**

The following items were presented for action in the meeting:

### **1. Action: Appoint Committee Chairs and Members**

*Presented by: Jeremy Latimer*

Ms. Bulova moved, with a second by Mr. Fisetto to approve the committee chairs and members. The vote was conducted by a roll call vote and the motion passed.

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## **NEW BUSINESS**

None.

## **ADJOURNMENT**

Chair Mitchell stated that the next board meeting will be held in late January 2021. The meeting was adjourned at 1:51 p.m. All presentations to the Board and meeting video can be found at [www.drpt.virginia.gov/vpra/board-meetings/](http://www.drpt.virginia.gov/vpra/board-meetings/)

Respectfully Submitted:

Bridget Davis, Executive Assistant

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