

**MOTION:**

**SECOND:**

**RE:            AUTHORIZE THE VIRGINIA RAILWAY EXPRESS CHIEF EXECUTIVE OFFICER TO EXTEND  
THE AMENDED AND RESTATED OPERATING/ACCESS AGREEMENT WITH CSX  
TRANSPORTATION**

**ACTION:**

**WHEREAS**, the Potomac and Rappahannock Transportation Commission and the Northern Virginia Transportation Commission (“Commissions”) currently have an Amended and Restated Operating/Access Agreement with CSX Transportation (CSXT) relating to Virginia Railway Express (VRE) operations in the Fredericksburg to Washington corridor, with the agreement ending June 30, 2019; and

**WHEREAS**, VRE staff is currently engaged in ongoing discussions with CSXT concerning a new agreement and does not anticipate conclusion of these discussions prior to the expiration of the Amended and Restated Operating/Access Agreement; and

**WHEREAS**, the purpose of this extension is to allow time to identify and negotiate additional capacity improvement projects in the corridor; and

**WHEREAS**, necessary funding has been incorporated into the FY2020 budget to allow VRE to continue its operations over CSXT tracks via this extension; and

**WHEREAS**, the VRE Operations Board recommends the Commissions authorize the VRE Chief Executive Officer to execute an extension of the existing Restated and Amended Operating/Access Agreement with CSXT through June 30, 2020 in a form approved by legal counsel.

**NOW, THEREFORE, BE IT RESOLVED** that the Potomac and Rappahannock Transportation Commission does hereby authorize the VRE Chief Executive Officer to execute an extension of the existing Restated and Amended Operating/Access Agreement with CSXT through June 30, 2020 in a form approved by legal counsel.

**Votes:**

**Ayes:**

**Nays:**

**Abstain:**

**Absent from Vote:**

**Alternate Present Not Voting:**

**Absent from Meeting:**

**Virginia Railway Express  
Operations Board**

**Resolution  
9I-05-2019**

**Recommend Authorization to Extend the Amended and Restated  
Operating/Access Agreement with CSX Transportation**

**WHEREAS**, the Commissions currently have an Amended and Restated Operating/Access Agreement with CSX Transportation (CSXT) relating to VRE operations in the Fredericksburg to Washington corridor, with the agreement ending June 30, 2019; and,

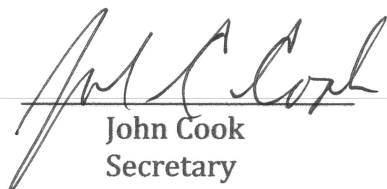
**WHEREAS**, VRE staff is currently engaged in ongoing discussions with CSXT concerning a new agreement and does not anticipate conclusion of these discussions prior to the expiration of the Amended and Restated Operating/Access Agreement; and,

**WHEREAS**, the purpose of this extension is to allow time to identify and negotiate additional capacity improvement projects in the corridor; and,

**WHEREAS**, necessary funding has been incorporated into the FY 2020 budget to allow VRE to continue its operations over CSXT tracks via this extension;

**NOW, THEREFORE, BE IT RESOLVED THAT**, the VRE Operations Board recommends the Commissions authorize the Chief Executive Officer to execute an extension of the existing Restated and Amended Operating/Access Agreement with CSXT through June 30, 2020 in a form approved by legal counsel.

Approved this 17<sup>th</sup> day of May 2019

  
John Cook  
Secretary

  
Katie Cristol  
Chair



VIRGINIA RAILWAY EXPRESS  
OPERATIONS BOARD

**Agenda Item 9-I**  
**Action Item**

**To: Chair Cristol and the VRE Operations Board**

**From: Doug Allen**

**Date: May 17, 2019**

**Re: Recommend Authorization to Extend the Amended and Restated Operating/Access Agreement with CSX Transportation**

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**Recommendation:**

The VRE Operations Board is asked to recommend the Commissions authorize the Chief Executive Officer to execute a one-year extension of the existing Amended and Restated Operating/Access Agreement with CSX Transportation (CSXT) through June 30, 2020.

**Summary:**

VRE's current Amended and Restated Operating/Access Agreement expires on June 30, 2019, and staff recommends extending the current agreement for one-year. During the one-year extension, VRE staff will continue to work with CSXT on a long-term agreement.

**Background:**

The VRE has an Operating Access Agreement with CSXT related to VRE Operations in the Fredericksburg to Washington corridor. That agreement, entered in 1994, has been amended and extended several times. In June 2011, a new amended and restated agreement was executed with a five-year term ending June 30, 2016.

In May of 2016, the VRE Operations Board recommended, and the Commissions subsequently authorized, the VRE CEO to execute an Amendment to extend the current Agreement through June 30, 2017. In May of 2017, the VRE Operations Board



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recommended, and the Commissions subsequently authorized, the VRE CEO to execute an Amendment to extend the current Agreement through June 30, 2018. In April of 2018, the VRE Operations Board recommended, and the Commissions subsequently authorized, the VRE CEO to execute an Amendment to extend the current Agreement through June 30, 2019.

As part of VRE's commitment to the third main line construction, VRE, CSXT and DRPT worked to identify additional capacity enhancement projects in the corridor including constructing a third main track. Currently, VRE, CSXT and DRPT are in discussions to further identify potential capacity improvement projects, funding sources and funding mechanisms for capital improvement projects.

Throughout the one-year extension period, VRE, CSXT and DRPT will continue to work to determine capacity enhancement projects, prioritize these projects, establish methodologies to identify how the capacity enhancements will result in additional service for VRE and identify potential funding sources. VRE anticipates these elements will be integrated into the new Amended and Restated Agreement. Furthermore, CSXT has requested during the one-year extension period VRE and CSXT continue to work to identify a mutually agreed upon cost sharing methodology for the implementation and ongoing operations for Positive Train Control (PTC) and update the Master Facilities Lease Agreement. VRE will also work with CSXT to incorporate processes to simplify the billing and reconciliation process.

**Fiscal Impact:**

Funding is provided for in the approved FY 2020 budget for CSXT track access fees.