

ITEM 5
July 5, 2018
PRTC Regular Meeting
Res. No. 18-07-___

MOTION:

SECOND:

RE: APPROVE MINUTES – JUNE 7, 2018

ACTION:

WHEREAS, on July 5, 2018 at 7:00 p.m. the Potomac and Rappahannock Transportation Commission (“PRTC” or the “Commission”) convened its regular meeting at the PRTC Transit Center, located at 14700 Potomac Mills Road, Woodbridge, Virginia; and

WHEREAS, PRTC conducted business in accordance with a published agenda dated July 5, 2018.

NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation Commission does hereby approve the minutes of June 7, 2018.

Votes:

Ayes:

Nays:

Abstain:

Absent from Vote:

Alternate Present Not Voting:

Absent from Meeting:



POTOMAC AND RAPPAHANNOCK TRANSPORTATION COMMISSION

14700 POTOMAC MILLS ROAD • WOODBRIDGE, VA • 22192 •

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MINUTES

PRTC Commission Meeting – June 7, 2018

Members Present

*Ruth Anderson, Chair
*George Barker
*Maureen Caddigan
*John Jenkins
*Matt Kelly
*Jeanine Lawson
*Wendy Maurer, Treasurer
*Marty Nohe
*Frank Principi, Immediate Past Chairman
*Jeanette Rishell, Vice Chair
*Pamela Sebesky, Secretary
*Gary Skinner, At-Large Member
*Paul Trampe

Members Absent

Mark Dudenhefer
Jennifer Mitchell

Alternates Present

Norm Catterton
Margaret Franklin
Kalai Kandasamy
*Steve Pittard

Alternates Absent

Hilda Barg
Pete Candland
Jack Cavalier
Hector Cendejas
Todd Horsley
D.J. Jordan
Tim McLaughlin
Suhas Naddoni
David Ross
Cindy Shelton
Donald Shuemaker
Billy Withers
Mark Wolfe

Jurisdiction

Prince William County
Virginia Senate (arrived @ 7:25 p.m.)**
Prince William County
Prince William County
City of Fredericksburg
Prince William County
Stafford County
Prince William County
Prince William County
City of Manassas Park
City of Manassas
Spotsylvania County
Spotsylvania County

Stafford County
Department of Rail and Public Transportation

Prince William County
Prince William County
Prince William County
Department of Rail and Public Transportation

Prince William County
Prince William County
Stafford County
City of Manassas Park
Department of Rail and Public Transportation
Prince William County
Spotsylvania County
City of Manassas Park
Spotsylvania County
Stafford County
City of Manassas Park
City of Fredericksburg
City of Manassas

*Voting Member

**Delineates arrival/departure following the commencement of the PRTC Board Meeting. Notation of the exact arrival/departure time is included in the body of the minutes.

Staff and General Public

Doug Allen – VRE
Stacey Allen – PWC
Monica Backmon – NVT
Valerie Blackmon – NVT
Paolo Belita – PWC
Nydia Blake – Prince William County
Joann Bagnerise
Tomonkia Byrd – PRTC
Ryan Connelly
Tracy Dean – PRTC
Rob Dickerson – PRTC Legal Counsel
Joyce Embrey – PRTC
Althea Evans – PRTC
Lamarr Johnson – PRTC
Todd Johnson – First Transit
Ken Jones – PRTC
Bob Leibbrandt – Prince William County
Doris Lookabill – PRTC
Jacque Lucas – PRTC Legal Counsel

Betsy Massie – PRTC
Jerry McIntosh – PRTC
Karen Mills – First Transit
Jacob Mosser – PWC
Perrin Palistrant – PRTC
Sharon Pendak – Legal Counsel
Cynthia Porter-Johnson – PRTC
Michelle Robl – PWC
Christine Rodrigo – PRTC
Rhiannon Roszell – First Transit
Bob Schneider – PRTC
Chuck Steigerwald – PRTC
Joe Swartz – VRE
Nia Tuix – Citizen
Mike Williams – PRTC
Ciara Williams – VDRPT
Patra Wright – PWC
Claudia Yates

Madam Chair Anderson called the meeting to order at 7:04 p.m. The Pledge of Allegiance, Invocation, and Roll Call followed.

Approval of the Agenda –4 [RES 18-06-01]

Commissioner Caddigan moved, with a second by Commissioner Maurer to approve the agenda, as presented. There was no discussion on the motion. (CADDIGAN/MAURER, UNANIMOUS)

Approval of the Minutes of the May 3, 2018 PRTC Board Meeting – 5 [RES 18-06-02]

Vice Chair Rishell moved, with a second by Commissioner Sebesky, to approve the minutes of May 3, 2018, as presented. There was no discussion on the motion. (RISHELL/SEBESKY, UNANIMOUS)

Virginia Railway Express (VRE) – 6

Mr. Allen briefed the Board on the following item(s) of interest:

- VRE is on schedule with Positive Train Control (PTC), a requirement for Amtrak and commuter rail systems operating in mixed traffic with the freight system. Mr. Allen and Rich Dalton attended an APTA positive train control implementation workshop last month, which included systems from all over the country to talk about the need and challenges of PTC. VRE operators are going through training on the new system and the radios and Wi-Fi system that are necessary to transfer the data to the equipment on the trains have been installed at both yards and is undergoing testing. VRE is making good progress in meeting the implementation deadline of December 31, 2018.

- Average daily ridership is 19,000 for the month of April and On-Time Performance (OTP) is 93 percent.
- VRE held the last of this year's Meet the Management sessions at Franconia-Springfield on June 6. Staff goes out to key destination stations to meet and speak with the passengers from all over the system and get feedback.
- VRE ran trains at the Manassas Rail Festival. It is a very good event and Manassas has really stepped up and done a great job in providing a safe and secure environment for those around the rails in downtown. Trains for the festival ran from Manassas to Clifton.
- Metro has changed how they use what are called swing gates at their stations so the Metro option for VRE passengers is no longer available. Riders are encouraged to get their own SmarTrip Cards, but VRE does not have a way to reimburse them at this time. VRE is communicating that to the riders and they have been understanding.
- Metro has announced they will be shutting down stations from south of Reagan Airport to Franconia-Springfield and Huntington and VRE is going to begin looking into what they can do to provide service if possible.
- All the jurisdictions have authorized the refinancing the RIF loan (a federal program that provided funding for transit equipment). About 10 years ago a loan was taken out for the purchase of new rail cars. Because the rates have gone down it made sense to refinance the loan. The transaction was completed and savings of about \$8 million through the term of the loan were realized.

Authorization to Execute an Extension of the Existing Amended and Restated Operating/Access Agreement with CSX Transportation – 6-C [RES 18-06-03]

Commissioner Skinner moved, with a second by Commissioner Caddigan, to authorize the VRE Chief Executive Officer to execute and extension of the existing Amended and Restated Operating/Access Agreement with CSXT through June 30, 2019.

Madam Chair Anderson asked if VRE was expecting any challenges with TransUrban as it relates to the I-95 Express Lane contract and a compensation event since the ultimate goal would be adding rail capacity. Mr. Allen advised there would be no compensation event for VRE related to adding capacity because the tracks are not in the highway right of way. There was no further discussion on the motion. (SKINNER/CADDIGAN, UNANIMOUS)

Authorization to Submit VRE Projects to USDOT for FY 2018 Build Grant Funding Consideration – 6-D [RES 18-06-04]

Commissioner Jenkins moved, with a second by Commissioner Maurer, to authorize the VRE Chief Executive Officer to submit, on behalf of the Commissions, application(s) for VRE station improvements under the U.S. Department of Transportation Better Utilizing Investments to Leverage Development Transportation Discretionary (BUILD) Grants program, to make any necessary corrections to project amounts or descriptions in the application(s), and to execute all project funding agreements that may be required upon approval or grants for the project. There was no discussion on the motion. (JENKINS/MAURER, UNANIMOUS)

Citizens' Time - 7

Madam Chair Anderson noted that anyone wishing to address the Commission to come forward and for those who do speak to introduce themselves and to state if they are representing an organization or themselves and also where they live. It was noted that each person will have three minutes to speak. Two individuals addressed the Commission (Transcript attached).

Approval of the Consent Agenda –8 [RES 18-06-05]

Commissioner Jenkins moved, with a second by Commissioner Caddigan, to approve the consent agenda, as presented. There was no discussion on the motion. [JENKINS/CADDIGAN, UNANIMOUS]

- Accepted the Potomac and Rappahannock Transportation Monthly Jurisdictional Financial Report for the Period Ended March 31, 2018, as presented. [RES 18-06-06]
- Accepted the Authorization to Draw Down from Motor Fuels Tax Funds to Subsidize the VRE Operating and Capital Budget for FY19. [RES 18-06-07]
- Accepted the Authorization to Budget and Appropriate the City of Manassas Motor Fuels Tax Account for Debt Service Payments on the VRE Parking Garage for FY19. [RES 18-06-08]
- Accepted the Authorization to Deobligate \$444,610 of City of Manassas Motor Fuels Tax Funds for FY17 and FY18 Debt Service Payments on the VRE Parking Garage. [RES 18-06-09]
- Accepted the Authorization to Budget and Appropriate City of Manassas Motor Fuels Tax Funds for the Lease of Parking Lots in FY19. [RES 18-06-10]

[Commissioner Barker arrived at 7:25 p.m. after Agenda Item 8]

PRTC Executive Director's Time – 9

Dr. Schneider briefed the Board on the following item(s) of interest:

- Dr. Schneider made an announcement that Karen Mills will no longer be with the Wheels to Wellness program as of June 15.
- Dr. Schneider recognized and thanked Sidney Elam for his 15 years of service.
- Bus Operator Mohamed Elatrebi represented PRTC at the National Bus Rodeo in Tampa, Florida in May and he placed 38 out of 88 contestants.
- Dr. Schneider announced that the motor fuels and motor vehicle fuels sales tax rate have been set by the Commonwealth for the next period. We will start working on the process of how those dollars are applied to the CROC (Capital Rail and Operating Capital fund). A portion comes from NVTC jurisdictions and a portion comes from PRTC jurisdictions and we take those dollars away and make a projection based on what the law says. We will be double checking with NVTC to make sure that the dollars that we calculate are identical. From there, we will then transmit that to different finance departments. We will also notify all members of the Commissioners and parts of its bodies so that it's not just communicated through the finance departments. By the September meeting, we should have a sense about what new dollars will exist for the organization and at what level.
- Article – Summary: "Key Factors Influencing Riders in North America: The Emerging Urban Mobility Ecosystem" has been provided for the Commission's perusal.

- Updated version of the First Transit Senior Staff contact list was provided for Commissioners for their PRTC Board Member Handbooks.
- Dr. Schneider advised that, like VRE, we also got the information from Metro regarding potential closings. We are having conversations internally about what we can do or might do and what we can do differently. We are talking with DRPT and they have given an informal nod to say they will cover fifty percent of operating costs. We are looking at things like starting an enhanced slugging program at underused interior commuter lots with guaranteed bus service, because we have been told that slugging will work if there's a transit element in place. We will be engaging Metro and VRE to understand the bus plans and other regional transit options.

Presentations – 10

There were no presentations.

PRTC Action Items – 11

Authorization to Commence the Public Participation Process for the Transit Development Plan and Transportation Demand Management Plan – 11-A [RES 18-06-11]

Commissioner Maurer moved, with a second by Vice Chair Rishell, to authorize the Executive Director to commence the Public Participation Process for the Transit Development Plan and Transportation Demand Management Plan. There was no discussion on the motion. (MAURER/RISHELL, UNANIMOUS)

Authorization to Execute an Amendment to the SmarTrip Operating and Funding Agreement – 11-B [RES 18-06-12]

Commissioner Caddigan moved, with a second by Commissioner Lawson, to authorize the Executive Director to execute the amendment to the SmarTrip Operations and Funding Agreement pending legal counsel's determination of sufficiency as to legal form. There was no discussion on the motion. (CADDIGAN/LAWSON, UNANIMOUS)

Approval and Appropriation of PRTC FY19 Budget; Authorization to Draw Down from Motor Fuels Tax Funds to Subsidize PRTC Administrative, OmniRide, OmniLink, Marketing, Vanpool, and Capital Budgets for FY19; and Authorization to Apply for Federal Grant Funding Envisioned in FY19 – 11-C [RES 18-06-13]

Commissioner Jenkins moved, with a second by Commissioner Barker, to approve the FY19 budget in the amount of \$42,117,600 and applications for federal funds as envisioned for the budget.

Commissioner Skinner asked for an explanation of the chart on page two of the resolution. Dr. Schneider explained it was the jurisdictional draw down for the motor fuels tax payments for each jurisdiction broken down into the allocations for the various categories as drawn out in the master agreement. The non-bus sponsoring jurisdictions pay a portion of Administrative and Capital Costs. Bus sponsoring jurisdictions cover those items plus a portion of OmniRide, OmniLink and Marketing. Commissioner Skinner asked if the breakdown of the allocation was tied to ridership because he noticed Spotsylvania County was paying more than Stafford County for the first time. Ms. Embrey explained that the Admin allocation was tied to the jurisdictions respective share of the total fuel tax revenue portion. For FY18 we looked at FY17 actuals. Mr. Schneider advised Commissioner Skinner that it basically meant Spotsylvania was collecting more fuel tax than Stafford. There was no further discussion on the motion. (JENKINS/BARKER, UNANIMOUS)

Authorization to Renew Medical, Dental, and Vision Insurance Plans for PRTC and VRE Employees – 11-D [RES 18-06-14]

Commissioner Caddigan moved, with a second by Commissioner Sebesky, to authorize the Executive Director to renew one-year contracts with Aetna, Kaiser Permanente, Delta Dental Plan of Virginia, and Advantica for medical, dental and vision insurance for coverage effective July 1, 2018 and approved management's recommendation to retain the existing employer/employee premium arrangements for the medical insurance plans and 100 percent employer paid premiums for dental and vision insurance. There was no discussion on the motion. (CADDIGAN/SEBESKY, UNANIMOUS)

Authorization to Enroll PRTC as a Member of the Virginia Municipal League Insurance Programs (VMLIP) as of July 1, 2018, for Various Liability Insurance Coverages – 11-E [RES 18-06-15]

Commissioner Maurer moved, with a second by Vice Chair Rishell, to authorize the Executive Director to enroll PRTC as a member of the Virginia Municipal League Insurance Programs (VMLIP) effective July 1, 2018, for various liability coverages, as well as continuing the workers' compensation coverage with VMLIP for PRTC and VRE employees. There was no discussion on the motion. (MAURER/RISHELL, UNANIMOUS)

Authorize Closed Meeting – 11-F [RES 18-06-16]

Commissioner Maurer moved, with a second by Commissioner Caddigan, to convene into Closed meeting at 7:52 p.m. for discussion and consultation with legal counsel regarding employment law, actual or probable litigation posed by EEOC/HRC charges filed by various PRTC employees, application of the Virginia Freedom of Information Act, and discussion of personnel matters concerning the performance of the Executive Director and the Director of Program Administration pursuant to Section 2.2-3711.A.1, 2.2-3711.A.7 and 2.2-3711.A.8 of the Virginia Code. There was no discussion on the motion. (CADDIGAN/SEBESKY, UNANIMOUS)

Certify Closed Meeting – 11-G [RES 18-06-17]

Commissioner Caddigan moved, with a second by Commissioner Sebesky, to certify that to the best of each members' knowledge: (i) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed in the Closed Meeting to which this certification applies, and (ii) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed or considered by the Commission. No member dissents from the aforesaid certification. Closed Meeting session concluded at 9:12 p.m. There was no discussion on the motion. (CADDIGAN/SEBESKY, UNANIMOUS)

Action Items to Report Out of Closed Meeting – 11-H

Madam Chair Anderson began by reading a statement and advised much of what is in the resolution is in the statement. PRTC values diversity in its work force, promotes equal employment opportunities and does not condone or allow any employment discrimination because of race, color, religion, creed, sex, age, disability, national origin, veterans or marital status. The Commission encourages those who are concerned about any potential discriminatory action to bring it to the Commission's attention so that it can be appropriately dealt with. Last fall, the Executive Director developed a proposal that included a recommendation to implement a reduction in force (RIF) policy with respect to certain positions. Before the Commission could implement the policy an anonymous complaint of employment discrimination was received from the PRTC Dispatch Team. The Executive Director was

directed to contact the Prince William County Office of Equality, Affirmative Employment and Diversity (PWC EEO) to conduct the internal employment discrimination investigation. Based on the professional and thorough and expert investigation, it is the conclusion of the investigators that the allegations of the complainants are unfounded.

Recommendations to assist management and minimize unfavorable employee concerns include:

- There should be regular management and staff training on diversity and equal employment issues
- Immediate action should be taken to address any issues that arise which could create a hostile work environment
- Performance evaluations of all staff should be current
- The Executive Director should ensure clarity and consistency of management communications with staff
- All job descriptions should be written objectively to ensure the necessary knowledge, skills and abilities are reflected

The Executive Director is to report back to the Commission at the next regular meeting regarding a proposal to address all five recommendations, and in addition, to address how all supervisors will be provided training regarding supervision and management of employees. The Commission thanked the county EEO for the time and assistance in conducting the investigation and providing the recommendations, and also thanked all the employees who participated in the investigation for bringing these matters to the attention of the Commission.

- Determination of December 2017 Anonymous Discrimination Allegations Regarding Dispatcher Team; and Directive to Executive Director to Report Back to the Commission at the Next Regular Meeting Regarding a Proposal to Address Recommendations [RES 18-06-18]

Commissioner Skinner moved, with a second by Commissioner Caddigan, to accept the recommendation from the Prince William County Office of Equality, Affirmative Employment and Diversity regarding the internal employment discrimination investigation involving allegations made by the "PRTC Dispatch Team"; and based on the investigation the Commission determines the complaint to be unfounded. The Commission further directs the Executive Director to report back at the next regular meeting regarding a proposal to address recommendations. A redacted version of the Fact Finding Summary Report and Recommendations will be made public. There was no discussion on the motion. (SKINNER/CADDIGAN, UNANIMOUS)

Vice Chair Rishell made a motion that the Reduction in Force be set aside and PRTC not proceed with the RIF. The motion was seconded by Commissioner Nohe. Commissioner Kelly stated that the Commission has not had a full presenting of all the information for what the Commission is trying to achieve with regards to getting the organization back on its feet financially and before an action is taken on this motion a full public discussion needs to take place. Commissioner Sebesky also noted that as a jurisdiction that is no longer able to support this organization financially through the tax revenue they receive, it is important that Commissioners wait until they receive a full presentation of the business plan before voting one way or another. Commissioner Maurer stated it would be premature for her to support a motion without hearing all of the facts, as she was only an alternate on the Commission when the plan was initially proposed.

Vice Chair Rishell stated that when the proposal was put forward, demographic information was requested from and provided by PRTC staff. The staffing reduction affects 48% of the African American

employees at PRTC, which she stated has Title VI overtones. There are other opportunities to save money without continuing with the RIF.

Commissioner Lawson stated that the Commission is not prepared to vote on the RIF and the motion is premature so she will not be supporting it. Commissioner Nohe stated it has been so long since the proposal, and his hope and expectation is that now that the investigation is concluded, Dr. Schneider can go back and look at the initial proposal and make adjustments based on lessons learned from the investigation. Vice Chair Rishell clarified that she agrees with Commissioner Nohe and that is why she made the motion, to start with a fresh slate.

A vote was called on the motion made to put aside the Reduction in Force.

Ayes: Rishell, (Franklin - not a voting member at this meeting, but did state aye on the vote)

Nays: Anderson, Caddigan, Jenkins, Kelly, Lawson, Maurer, Nohe, Pittard, Principi, Sebesky, Skinner, Trampe

The motion failed.

PRTC Chairman's Time – 12

Madam Chair Anderson advised the updating of the bylaws was put on hold for this meeting and she hopes to have them ready to go for the July meeting.

Madam Chair Anderson took a poll of who would be available for the next meeting scheduled for July 5. After the poll, Dr. Schneider advised we would struggle with a jurisdictional quorum. Discussion was had about an alternate date, but it was determined that most Commissioners could not commit to a date at this time and we would do our best to come up with a date that would have a quorum.

Madam Chair Anderson noted that Dr. Schneider will email the Engagement Opportunities flyer that is normally placed at their seats.

Other Business/Commissioners' Time – 13

Commissioner Barker noted that we have a state budget.

There was a question if the Commission voted on the resolution that came out of the closed session. After some discussion it was determined that there was a motion, second and unanimous vote.

Adjournment – 14

There being no further business to come before the Commission, Madam Chair Anderson adjourned the meeting at 9:37 p.m.

Information Items

There were no comments.

NEXT MEETING: July 5, 2018, 7:00 p.m.

LOCATION: PRTC Transit Center
14700 Potomac Mills Road, 2nd Floor
Woodbridge, VA 22192-6811

Transcript of June 7, 2018 Citizen's Time

Ken Jones (PRTC Dispatch Manager)

Good evening, Ken Jones, Manager of Dispatch here at PRTC. Um, basically what I wanted to address tonight is integrity of leadership and how important that is to the morale of the organization. Um, excuse me. Here's a time when employees put forth their best effort and they give their all and when it's diminished um it hurts. And I'm not only talking about the Executive Director here I'm talking about leadership as a whole because there are leaders underneath the Executive Director who also understands the functions of dispatch and how important the dispatch team is and how well they meld together and the good job that they do. And so I would like to not only be the only person coming up here to speak about that but it would be nice if people who and people in leadership positions who worked with these people for the past 14/15 years and know the job that they do would stand up and also at least acknowledge that you do have to agree one way or the other but at least acknowledge the job that they do and how well that they do the job. I think that just goes to the integrity. I mean you can be a leader or you can call yourself a leader but sometimes it takes courage to stand up and speak out and speak about issues even though it may not make everybody comfortable but if it's the truth and you're speaking facts then you should go with a clear conscience. So I just you know, that was just on my mind and you know I just wanted to put that out there, just integrity of leadership is important. So thank you.

Nia Tuix (General Public)

Good evening, my name is Nia Tuix. I'm from Prince Georges County Maryland. I'm president of the Greater DC Chapter of the National Action Network under the leadership of one of the greatest leaders walking the planet today, Reverend Dr. Al Sharpton and our chapter covers DC, Maryland surrounding areas and Northern Virginia. And I'm here of course on behalf of the PRTC 13, those that have been served a notice to have their uh employment RIF'd/terminated uh and I've been here about six months maybe, maybe seven and the reasons are unfounded and this is why I keep coming because their civil rights have been uh challenged. And because they've been challenged it brings the National Action Network, well known around the world, our great leader Rev. Sharpton has just left Oxford, England. They are uh the world is watching not only from the political standpoint but the civil and human rights of people are very important, public opinion is important. I too have been out in Virginia talking to the people that ride the bus, I know if people stop riding the buses it's gonna, it's gonna manifest the budget and what we want is uh an honest look at this situation to have a remedy where if there is a RIF it should be uh it should be a proper protocol to follow and we hope not to have a RIF at all. We would hope this situation is settled with a better approach rather than people losing their jobs – majority black, one Hispanic, and I believe uh well one fellow is gone but he was not Caucasian so that's why we looked at it as discriminatory. Whoever made this decision didn't think it through, they seem to have based it on an expendable position of people and it's just wrong. And our group addresses issues like this. We hope to

remedy, I've said it a hundred thousand times, we don't come in here trying to threat uh make threats and all of that. We hope to reach a settlement where you go back to the drawing board, look at how you can save money without dumping great employees that have held the company up that has helped the company with the budgets that you have. I think the gentleman said nineteen, he said nineteen thousand or nineteen, I think he said nineteen thousand riders or something to that effect making a report from Manassas. We have to, we have to hold up and do what we need to do but just keep coming down here I've wrote you a letter, I've tried to speak to you and when you ready you know hopefully we can speak as a you know you had this and I had what I had. [Chair Anderson: Ma'am] Ma'am. [Chair Anderson: You're a little past your three minutes.] Oh am I past three already? Ok, I do appreciate the opportunity Madam Anderson and um thank you for this opportunity.