



# COMMONWEALTH of VIRGINIA

## *Virginia Passenger Rail Authority*

DJ Stadtler  
Executive Director

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Jennifer DeBruhl  
Chairperson

### **MINUTES**

#### **Meeting of the Board of the Virginia Passenger Rail Authority**

Tuesday, January 24, 2023, · 10:30 am

Truist Place· 919 East Main Street · Richmond, Virginia 23219

The Virginia Passenger Rail Authority Board held a regular meeting using electronic and in-person communications means on January 24, 2023. The primary location was Truist Place, 919 East Main Street, Richmond, VA 23219.

#### **MEMBERS PRESENT**

The Chair Jennifer DeBruhl, Sharon Bulova, Rich Dalton, John Delandro, Patricia Doersch, Thelma Drake, Jay Fisette, Bruno Maestri, Cynthia Moses-Nedd, James Spore

Ms. Moses-Nedd arrived at 10:37 a.m. and Ms. Bulova arrived at 10:42 a.m.

#### **MEMBERS PARTICIPATING ELECTRONICALLY**

Victor Cardwell, Rod Hall, Charles Payne (See the attached approval forms noting the reasons for remote participation)

#### **MEMBERS ABSENT**

Wick Moorman, John Watkins

#### **VIRGINIA PASSENGER RAIL AUTHORITY STAFF**

DJ Stadtler, Michael McLaughlin, Steve Pittard, Joan Panik, Michael Westermann, Jeremy Latimer, John Kostyniuk, Wini Campbell, Derrick Easter, Shannon Perry, Shirlene Cleveland, Christian Pedersen, Colin Burch, Naomi Klein, Gericia Goodman, Claire Mansfield, Jason Cheeks, MaryEstelle Douglas

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

Andrew Wright

## **GUESTS/OTHERS PRESENT**

Jay Corbalis

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

Chairperson DeBruhl presided and called the meeting to order at 10:31 a.m. Ms. Douglas called roll and confirmed a quorum was present.

## **SAFETY BRIEFING**

*Michael McLaughlin, Chief Operating Officer, VPRA, completed a safety briefing.*

## **PUBLIC COMMENT PROTOCOL PRESENTATION**

*Presented by: Michael Westermann, General Counsel, VPRA*

Mr. Westermann gave the proposed Public Comment Protocol and noted that it is modeled after the protocol used by the Commonwealth Transportation Board. Mr. Fisette asked if there was an option for virtual comments, and Mr. Westermann pointed out that there was no option at this time.

A motion was made by Ms. Doersch and seconded by Ms. Drake to approve the Public Comment Protocol policy. The motion was carried unanimously, with the vote in favor cast by Victor Cardwell, John Delandro, Patricia Doersch, Thelma Drake, Jay Fisette, Rod Hall, Charles Payne, and James Spore. Ms. Moses-Nedd abstained.

## **PUBLIC COMMENT**

Jay Corbalis made Public Comment with JBG Smith. Mr. Corbalis spoke about how VPRA's work is being highlighted when National Landing is promoted. He provided a booklet to those who wanted information showing maps and other data surrounding mobility in National Landing and future plans for the area. Mr. Corbalis also noted the MOU with MTA, which laid the groundwork for MARC run-through service.

## **BOARD CHAIR WELCOME**

*Presented by: Jennifer DeBruhl, Board Chairperson*

Ms. DeBruhl welcomed all in attendance in person and virtually.

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## **MOTION TO APPROVE PREVIOUS MEETING MINUTES**

A motion was made by Ms. Bulova and seconded by Ms. Moses-Nedd to approve the previous board meeting minutes. The motion was carried unanimously, with the vote in favor cast by Sharon Bulova, Victor Cardwell, John Delandro, Patricia Doersch, Thelma Drake, Jay Fisette, Rod Hall, Cynthia Moses-Nedd, Charles Payne, and James Spore.

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## **EXECUTIVE DIRECTOR'S REPORT**

*Presented by: DJ Stadtler, Executive Director, Virginia Passenger Rail Authority*

Mr. Stadtler presented the Executive Director's report to brief the board about administrative updates, capital project updates, and financial updates for the previous month. Amtrak data was reviewed as well. After the Capital projects updates, Ms. Doersch asked why VPRA was not getting a mega grant. Mike McLaughlin responded that the congressional delegation had told us we will not get a mega grant, and we have asked for a debrief.

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## **CAPITAL PROJECT BUDGET ADJUSTMENT FOR VIRGINIA S-LINE PROJECTS**

*Presented by Jeremy Latimer, Director of Rail, Virginia Passenger Rail Authority*

Jeremy Latimer presented information regarding a request to increase the FY23 budget to enable VPRA to move forward with survey and preliminary engineering work. This would be in collaboration with North Carolina DOT in support of the Richmond to Raleigh line.

A motion was made by Ms. Bulova and seconded by Mr. Delandro to approve a capital project budget adjustment for Virginia S-line projects. The motion was carried unanimously, with the vote in favor cast by Sharon Bulova, Victor Cardwell, John Delandro, Patricia Doersch, Thelma Drake, Jay Fisette, Rod Hall, Cynthia Moses-Nedd, Charles Payne, and James Spore.

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## **FY24 BUDGET**

*Presented by: Steve Pittard, Chief Financial Officer, and Shannon Perry, Director of Financial Planning and Analysis, Virginia Passenger Rail Authority*

Shannon Perry reviewed VPRA's financial plan, including funding priorities of Operations as well as Capital and Operating grants. There has been an increase in the Administrative Budget due to additional staffing and related expenses.

Steve Pittard reviewed the FY24 budget changes. VPRA is working to fund a suite of projects to obtain the benefits of service. Potential funding opportunities were reviewed with a note that Amtrak revenues are moving upward. Mr. Fisette asked if it was a disadvantage to plan so far out. Mr. Pittard noted that many agencies do so, with the Commonwealth Transportation Board (CTB) adopting a six (6) year program. Mrs. Bulova pointed out that these programs are large and transformational, and we are fortunate to have a supportive administration.

A motion was made by Ms. Bulova and seconded by Ms. Doersch to approve authorization for VPRA to submit the recommended VPRA FY24 budget to CTB. The motion was carried

unanimously, with the vote in favor cast by Sharon Bulova, Victor Cardwell, John Delandro, Patricia Doersch, Thelma Drake, Jay Fisette, Rod Hall, Cynthia Moses-Nedd, Charles Payne, and James Spore.

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### **LONG BRIDGE PMSS CONTRACT APPROVAL**

*Presented by: Shirlene Cleveland, Long Bridge Senior Director, Virginia Passenger Rail Authority*

Ms. Cleveland presented information about Long Bridge and explained the PMSS contract process. She notes that many consultant teams are highly interested in the Long Bridge project. Ms. Cleveland also noted that all designs around the tidal basin area had been considered. She also said that National Park Service has agreed to allow us to use property for the project.

A motion was made by Mr. Cardwell and seconded by Mr. Fisette to approve awarding of the PMSS contract for the Long Bridge project. The motion was carried unanimously, with the vote in favor cast by Sharon Bulova, Victor Cardwell, John Delandro, Patricia Doersch, Thelma Drake, Jay Fisette, Rod Hall, Cynthia Moses-Nedd, Charles Payne, and James Spore.

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### **MOTION FOR CLOSED SESSION**

Following the presentations, Sharon Bulova made the following motion:

*"I move that the Board convene in a Closed Session pursuant to:*

- a. *Section 2.2-3711 (A)(1) of the Code of Virginia, for the purpose of discussing the performance of a specific public officer; and*
- b. *Section 2.2-3711 (A)(8) of the Code of Virginia, for the purpose of consulting with legal counsel regarding the legal effect of proposed VPRA Procurement Rules.*

*"Additionally, I move that:*

- a. *For the purposes of the motion based on Section 2.2-3711 (A)(1) of the Code of Virginia, legal counsel and the VPRA chief Administrative Officer attend the Closed Session, and*
- b. *For the purposes of the motion based on Section 2.2-3711 (A)(8) of the Code of Virginia, staff and legal counsel attend the Closed Session,*

*because, in each case, their presence is deemed necessary and will aid the board in its consideration of these matters."*

The motion was seconded by Mr. Delandro and carried unanimously with the vote in favor by Sharon Bulova, Victor Cardwell, John Delandro, Patricia Doersch, Thelma Drake, Jay Fisette, Rod Hall, and Cynthia Moses-Nedd, Charles Payne, and James Spore.

The Board suspended the open session at 1:05 p.m. on January 24, 2023, to move into a closed session.

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## RECONVENE IN AN OPEN SESSION

The Chairperson reconvened the open session meeting at 1:40 p.m. on January 24, 2023. Upon reconvening the meeting, the Chairperson made the following statement:

*"We are now going to take a roll call vote, and I ask that each member indicate their agreement with the following:*

*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 roll was then called, with all members indicating their agreement with the statement. Those indicating agreement were Sharon Bulova, Victor Cardwell, John Delandro, Patricia Doersch, Jay Fisette, Cynthia Moses-Nedd, and James Spore.

**Resolution #1** – authorize the Board chair to enter into contract modification to extend the executive director's employment contract by six months and to modify the timing of the annual performance review from April to October each year.

A motion was made by Ms. Bulova and seconded by Mr. Fisette to approve the modifications to the executive director's employment contract. The motion was carried unanimously, with the vote in favor cast by Sharon Bulova, Victor Cardwell, John Delandro, Patricia Doersch, Thelma Drake, Jay Fisette, Cynthia Moses-Nedd, and James Spore.

**Resolution #2** – authorize the Board chair to enter into contract modification with the executive director to raise the annual bonus cap from 10% to 25% of the base salary.

A motion was made by Ms. Bulova and seconded by Ms. Doersch to approve and authorize the contract modification. The motion carried, with the vote in favor cast by Sharon Bulova, Victor Cardwell, John Delandro, Patricia Doersch, Thelma Drake, Cynthia Moses-Nedd, and James Spore. Jay Fisette abstained.

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## ADOPT NORTHERN VIRGINIA CORE CAPACITY PROGRAM

*Presented by: Naomi Klein, Planning Senior Manager, Virginia Passenger Rail Authority*

VPRA applied for a Core Capacity Grant and was accepted into a two-year project development phase in November 2021, focusing on commuter transit. The Northern Virginia Core Capacity Program (NVDD) comprises three (3) VPRA projects. Schedule highlights were reviewed, and Mrs. Klein notes that we will submit templates for a rating in August 2023.

A motion was made by Mr. Spore and seconded by Ms. Doersch to approve adopting Northern Virginia Core Capacity Project. The motion was carried unanimously, with the vote in favor cast by Sharon Bulova, Victor Cardwell, John Delandro, Patricia Doersch, Thelma Drake, Jay Fisette, Cynthia Moses-Nedd, and James Spore.

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### **ADMINISTRATIVE UPDATE**

*Presented by: Joan Panik, Chief Administrative Officer, Virginia Passenger Rail Authority*

Ms. Panik noted that it has become harder to attract candidates, in part due to competition from the private sector. VPRA has added a disclosure to job applications encouraging people to apply even if they think they do not meet every qualification of the job posting. Mr. Fisette noted that the statement was a positive one. Ms. Panik reviewed the updated rating scale on the Performance Management form. VPRA continues its culture work at All Staff meetings by brainstorming to gain employees' input.

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### **UPDATES ON LEGISLATIVE SESSION**

*Presented by: Gerica Goodman, Director of External Affairs and Communications, Virginia Passenger Rail Authority, and Andrew Wright, Chief of External Affairs and Strategic Initiatives, Department of Rail and Public Transportation*

Ms. Goodman noted that there are no initiated legislative proposals that VPRA is currently working on in the legislative session. However, Ms. Goodman and Ms. Mansfield, External Affairs Manager with VPRA, continue to monitor and vet all introduced legislation for potential impact on VPRA.

Mr. Wright discussed changes to the Commonwealth Mass Transit Fund. Funding for VRE will be changed with additional oversight by CTB, although CTB will take no action on the VRE budget. This is similar to what VPRA must do.

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### **SERVICE PERFORMANCE UPDATE**

*Presented by: Jeremy Latimer, Director of Rail, Virginia Passenger Rail Authority*

Mr. Latimer reviewed VRE and Amtrak performance as well as an analysis regarding Silver Star performance, late arrivals of NEC/Train 99, and crew shortages. He also discussed heat orders, NOD-No Delay, and Freight train interference. Mr. Latimer then reviewed the next steps. Mr. Fisette feels that identifying issues and engaging with Amtrak to make adjustments is improving. Ms. Doersch asked about heat orders, and Mr. Latimer noted that he is working with VPRA Engineering and CSX to understand their view and policy

around heat orders. VPRA would like to present to the Amtrak Board in the future. Mr. Maestri notes that a VPRA presentation to the Amtrak Board would be welcomed. He notes that current crew shortages and staffing issues are Amtrak's biggest challenges. Amtrak is taking action to address on-time performance.

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## **ADJOURNMENT**

Ms. Debruhl, the Chairperson, adjourned the meeting at 2:46 p.m. All presentations to the Board and meeting videos can be found at <http://vpra.virginia.gov/about/board-meetings> and on the [VPRA YouTube site](#).

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## VPRA BOARD MEMBER REQUEST TO CHAIRPERSON FOR REMOTE PARTICIPATION

I, Roderick D. Hall hereby notify the chairperson of my intent to, and do hereby  
(Name)

request to, participate remotely from Las Vegas, NV using electronic communication  
(Remote Location)  
means during the public meeting of VA Passenger Rail Authority scheduled on  
(VPRA Board, or name of VPRA committee)  
January 24, 2023 for the following reason:  
(Date)

- ☐ I have a temporary or permanent disability or other medical condition that prevents my physical attendance; or
- ☐ a medical condition of a member of my family requires me to provide care that prevents my physical attendance; or
- ☐ my principal residence is more than 60 miles from the meeting location; or
- ☒ I am unable to attend the meeting due to a personal matter, which is  
client work trip to Las Vegas, NV.<sup>1</sup>  
(Identify with specificity the nature of the personal matter)

This request is (for the chairperson to select):

- ☒ APPROVED
- ☐ DENIED

This form constitutes the record of notice, request, and approval or disapproval required for remote participation pursuant to Va. Code § 2.2-3708.3, and shall be recorded in the minutes of the corresponding VPRA public body.

<sup>1</sup> Remote participation based on a "personal matter" may not exceed the greater between two times and 25% of meetings, in each case, during a specific calendar year with respect to a specific public body. Meetings of the full VPRA Board and meetings of each committee will be measured independently.



## VPRA BOARD MEMBER REQUEST TO CHAIRPERSON FOR REMOTE PARTICIPATION

I, \_\_\_\_\_ hereby notify the chairperson of my intent to, and do hereby  
(Name)

request to, participate remotely from \_\_\_\_\_ using electronic communication  
(Remote Location)

means during the public meeting of \_\_\_\_\_ scheduled on  
(VPRA Board, or name of VPRA committee)

\_\_\_\_\_ for the following reason:  
(Date)

- ☐ I have a temporary or permanent disability or other medical condition that prevents my physical attendance; or
- ☐ a medical condition of a member of my family requires me to provide care that prevents my physical attendance; or
- ☐ my principal residence is more than 60 miles from the meeting location; or
- ☐ I am unable to attend the meeting due to a personal matter, which is

\_\_\_\_\_.<sup>1</sup>  
(Identify with specificity the nature of the personal matter)

This request is (for the chairperson to select):

☐ APPROVED

☐ DENIED



This form constitutes the record of notice, request, and approval or disapproval required for remote participation pursuant to Va. Code § 2.2-3708.3, and shall be recorded in the minutes of the corresponding VPRA public body.

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<sup>1</sup> Remote participation based on a "personal matter" may not exceed the greater between two times and 25% of meetings, in each case, during a specific calendar year with respect to a specific public body. Meetings of the full VPRA Board and meetings of each committee will be measured independently.

## VPRA BOARD MEMBER REQUEST TO CHAIRPERSON FOR REMOTE PARTICIPATION

I, Charles W. Payne, Jr. hereby notify the chairperson of my intent to, and do hereby  
(Name) 715 Jackson Street, Suite 200, Fredericksburg, VA  
request to, participate remotely from ↓ using electronic communication  
(Remote Location)  
means during the public meeting of VPRA Board meeting scheduled on  
(VPRA Board, or name of VPRA committee)  
January 24, 2023 for the following reason:  
(Date)

- ☐ I have a temporary or permanent disability or other medical condition that prevents my physical attendance; or
- ☐ a medical condition of a member of my family requires me to provide care that prevents my physical attendance; or
- ☐ my principal residence is more than 60 miles from the meeting location; or
- ☒ I am unable to attend the meeting due to a personal matter, which is  
work obligation  
(Identify with specificity the nature of the personal matter)

This request is (for the chairperson to select):

- ☒ APPROVED
- ☐ DENIED

This form constitutes the record of notice, request, and approval or disapproval required for remote participation pursuant to Va. Code § 2.2-3708.3, and shall be recorded in the minutes of the corresponding VPRA public body.

<sup>1</sup> Remote participation based on a "personal matter" may not exceed the greater between two times and 25% of meetings, in each case, during a specific calendar year with respect to a specific public body. Meetings of the full VPRA Board and meetings of each committee will be measured independently.