



COMMONWEALTH of VIRGINIA

Virginia Passenger Rail Authority

DJ Stadtler
Executive Director

919 East Main Street, Suite 2400
Richmond, Virginia 23219

(804) 303-8700
www.vpra.virginia.gov

Jennifer DeBruhl
Chairperson

MINUTES

Meeting of the Board of the Virginia Passenger Rail Authority

Tuesday, June 4, 2024 · 9:00 am

1725 Duke Street · Alexandria, Virginia 22314

The Virginia Passenger Rail Authority Board held a regular, in-person meeting (with certain members participating remotely) on June 4, 2024, at 1725 Duke Street, Alexandria, VA 22314.

MEMBERS PRESENT IN-PERSON

Jennifer DeBruhl (Chair), Sharon Bulova, Sandy Bushue, Rich Dalton, Patricia Doersch, Thelma Drake, Bruno Maestri, Cynthia Moses-Nedd, James Spore, John Watkins

John Delandro joined virtually at 9:05 a.m. / John Delandro exited the meeting at 1:30 p.m.

Rod Hall joined in person at 9:11 a.m.

Beth Rhinehart joined virtually at 9:22 a.m.

Charlie Payne joined virtually at 9:23 a.m.

Victor Cardwell joined in person at 11:15 a.m.

MEMBERS PARTICIPATING ELECTRONICALLY

John Delandro, Charlie Payne, and Beth Rhinehart (see the attached approval form noting the reasons for remote participation and the location from which each participated)

MEMBERS ABSENT

None

VIRGINIA PASSENGER RAIL AUTHORITY STAFF

DJ Stadtler, Michael McLaughlin, Steve Pittard, Joan Verbonitz, Michael Westermann, John Kostyniuk, Matt Jett, Fyad Constantine, Lamar Bates, Jenna Friedberg, Gerica Goodman, Colin Burch, Jeremy Latimer, Jason Cheeks, and Mary Estelle Douglas.

GUESTS/OTHERS PRESENT

Steve Maclsaac, Counsel for VRE

CALL TO ORDER/ROLL CALL

Chairperson DeBruhl presided and called the meeting to order at 9:00 a.m. Mary Estelle Douglas called Roll and confirmed an in-person quorum was physically present.

BOARD CHAIR WELCOME

Presented by: Jennifer DeBruhl, Board Chairperson

Jennifer DeBruhl welcomed everyone to the Northern Virginia space.

PUBLIC COMMENT

Jay Corbalis provided public comment. He expressed the importance of VPRA's work to National Landing's success and the connection to MARC service and the Amtrak Service to Crystal City Station. A written public comment was received by VPRA and shared with the Board via email.

MOTION TO APPROVE PREVIOUS MEETING MINUTES

January 23, 2024 Minutes: Thelma Drake noted that a previous comment she made was not included in the January 23, 2024 minutes. A commitment was made to have a more fulsome conversation about the level of detail to be recorded in minutes at the August board meeting.

A motion was made by Sharon Bulova and seconded by Cynthia Moses-Nedd to approve the board meeting minutes from January 23, 2024. The motion was carried, with the vote in favor cast by Sharon Bulova, Sandy Bushue, John Delandro, Patricia Doersch, Cynthia Moses-Nedd, James Spore, and John Watkins. Thelma Drake abstained.

May 23, 2024 Minutes: A motion was made by Sharon Bulova and seconded by Thelma Drake to approve the board meeting minutes from May 23, 2024. The motion was carried, with the vote in favor cast by Sharon Bulova, Sandy Bushue, John Delandro, Patricia Doersch, Thelma Drake, Cynthia Moses-Nedd, James Spore, and John Watkins.

EXECUTIVE DIRECTOR'S REPORT

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

DJ Stadtler presented the Executive Director's report to brief the board about administrative updates, SWaM and DBE information, Amtrak performance data, capital project updates, and financial updates for the previous month.

DJ Stadtler reviewed how VPRA is communicating and providing outreach to the public for all TRV projects.

During the SWaM / DBE portion of the presentation, Rod Hall presented a resolution for consideration that he had previously sent to all Board members. He was moving to provide this

resolution as the FRA is not subject to SWaM/DBE rules, and this resolution would make a proactive statement about VPRA's use of SWaM/DBE companies.

Discussion focused on what this resolution would mean for VPRA and what would be done differently. Rod Hall noted that it is making an affirmative statement and not asking VPRA to do anything differently. Sandy Bushue noted that what VPRA is currently doing works and she does not understand the purpose.

John Watkins expressed concern that this could drive up costs. Discussion was held on changing wording for the resolution around the word "feasible". It was recommended to add the word "reasonable" to the language of the resolution.

Rod Hall noted that the intent of this resolution was to be flexible and to make a proactive statement that VPRA views SWaM and DBE as a priority.

Sharon Bulova, James Spore, and Patricia Doersch felt this would be a positive resolution for VPRA to make.

A motion was made by John Watkins and seconded by Sharon Bulova to approve the addition of the word "reasonable" to the SWaM/DBE resolution. The motion was carried, with the vote in favor cast by Sharon Bulova, John Delandro, Patricia Doersch, Thelma Drake, Rod Hall, Cynthia Moses-Nedd, Charlie Payne, Beth Rhinehart, James Spore, and John Watkins. Sandy Bushue voted nay.

A motion was made by Rod Hall and seconded by Cynthia Moses-Nedd to approve the resolution as modified. The motion was carried with the vote in favor cast by Sharon Bulova, John Delandro, Patricia Doersch, Rod Hall, Cynthia Moses-Nedd, Charlie Payne, Beth Rhinehart, James Spore, and John Watkins. Sandy Bushue and Thelma Drake voted nay.

DJ Stadtler continued with the review of the Executive Director's Review and discussed the FY24 Budget adjustments.

Patricia Doersch asked about spend outs around Long Bridge, and DJ Stadtler responded.

Sandy Bushue asked about public reaction to the Alexandria Fourth Track project, and DJ Stadtler responded.

DJ Stadtler then discussed Grant funding status. Patricia Doersch had a question about CDS requests, and DJ Stadtler responded.

Sandy Bushue asked when CRISI grants are awarded, and Mike McLaughlin, Jennifer DeBruhl, and DJ Stadtler responded.

FOIA CHANGES AND REMOTE PARTICIPATION POLICY

Presented by Michael Westermann, Virginia Passenger Rail Authority

Michael Westermann reviewed changes made by recent legislation. He noted that the law continually changes and so the remote participation laws continue to change. Michael Westermann enumerated the changes to the laws. This includes the change that the Remote Participation Policy will need to be adopted each year.

A motion was made by John Watkins and seconded by Rod Hall to approve the annual adoption of the VPRA remote participation policy. The motion was carried unanimously, with the vote in favor cast by Sharon Bulova, Sandy Bushue, John Delandro, Patricia Doersch, Thelma Drake, Rod Hall, Cynthia Moses-Nedd, Charlie Payne, Beth Rhinehart, James Spore, and John Watkins.

POTOMAC SHORES UPDATE

Presented by: DJ Stadtler, Virginia Passenger Rail Authority

DJ Stadtler provided an update regarding the Potomac Shores Development Station. The Board members shared a lot of concerns about why we would want to own this land and our subsequent liability over owning possibly contaminated soil. Thelma Drake asked if the developer was required to build the station, and DJ Stadtler responded that he was not sure but would determine whether that requirement was part of the original zoning approval. James Spore asked if the previous owner had the liability on the property, and Michael Westermann responded. James Spore asked about zoning and what other options were available for the contaminated soil that the developer wants to put there. A request was made to explore options to look into what the land could be used for if the contaminated soil was moved to the site. DJ Stadtler responded that VPRA would look at options for the land. Thelma Drake asked if the site was designated as a superfund site and Michael Westermann replied VPRA did not believe so, but committed to providing confirmation.

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 Va. Code Sec. 2.2-3711(A)(3) for the discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

The motion was seconded by John Watkins to move into a closed session. The motion was carried unanimously, with the vote in favor cast by Sharon Bulova, Sandy Bushue, John Delandro, Patricia Doersch, Thelma Drake, Rod Hall, Cynthia Moses-Nedd, Charlie Payne, Beth Rhinehart, James Spore, and John Watkins.

The Board moved into closed session at 10:13 a.m. on June 4, 2024.

RECONVENE IN AN OPEN SESSION

The chairperson reconvened the open session meeting at 11:40 a.m. on June 4, 2024. Upon reconvening the meeting, the vice-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, Sandy Bushue, Victor Cardwell, John Delandro, Patricia Doersch, Thelma Drake, Rod Hall, Cynthia Moses-Nedd, Charlie Payne, Beth Rhinehart, James Spore, and John Watkins.

PROJECT UPDATES

Presented by: *DJ Stadtler, Jenna Friedberg, and Colin Burch, Virginia Passenger Rail Authority*

Colin Burch reviewed New River Valley (NRV) Project Development phases and passed to Jenna Friedberg who outlined the public outreach activities that had been completed for the NRV project. DJ Stadtler announced that VPRA has been working with Norfolk Southern (NS) on an agreement to purchase the Manassas line from NS and explore a passenger station at Cambria.

Sharon Bulova, Rod Hall, Victor Cardwell, and Beth Rhinehart congratulated VPRA on the outreach efforts and positive results of working with NS.

Rod Hall exited the meeting at 12:15 p.m.

Charlie Payne exited the meeting at 12:07 p.m.

Beth Rhinehart exited the meeting at 12:10 p.m.

FY25 BUDGET AND MANAGEMENT RESERVE

Presented by: *Steve Pittard, Virginia Passenger Rail Authority*

Steve Pittard reviewed that budget development is a continuous process that includes financial planning. He noted that this process looks at the entire life cycle of capital projects. Sandy Bushue asked what our funding is and how it works. Steve Pittard and Jennifer DeBruhl responded, explaining the process. Steve Pittard and DJ Stadtler noted that they would send out a flow chart to the Board showing the source and flow of funding dedicated to VPRA. This was sent at 1:50 p.m.

Steve Pittard reviewed FY25 Financial Plan changes and risks, including ridership information. Patricia Doersch asked if Jeremy Latimer would cover ridership, and Steve Pittard noted that Jeremy Latimer would be covering this topic in a later presentation that day.

A motion was made by Patricia Doersch and seconded by Sharon Bulova to approve VPRA FY25 Budget. The motion was carried unanimously, with the vote in favor cast by Sharon Bulova, Sandy Bushue, Victor Cardwell, John Delandro, Patricia Doersch, Thelma Drake, Cynthia Moses-Nedd, James Spore, and John Watkins.

A motion was made by Patricia Doersch and seconded by Sharon Bulova to approve the Management Reserve balance. The motion was carried unanimously, with the vote in favor cast by Sharon Bulova, Sandy Bushue, Victor Cardwell, John Delandro, Patricia Doersch, Thelma Drake, Cynthia Moses-Nedd, James Spore, and John Watkins.

LONG BRIDGE SOUTH PACKAGE PROCUREMENT

Presented by: *John Kostyniuk and Fyiad Constantine, Virginia Passenger Rail Authority*

John Kostyniuk notes that the Long Bridge South Package is under active procurement. It is on target for 2030 delivery and includes the Ped-Bike Bridge. Mike McLaughlin reminded the Board that the tour had included the Bridge and there was a lot less risk on the South package.

Sandy Bushue asked if DDOT would own the Ped-Bike Bridge, and DJ Stadtler responded that they would.

Sandy Bushue asked for clarification on which part of the Bridge was Long Bridge North and which part was Long Bridge South. DJ Stadtler responded, as did John Kostyniuk and Fyiad Constantine.

Jennifer DeBruhl gave kudos to VPRA for their engagement with the construction industry and the strong industry partnership.

SERVICE PERFORMANCE AND AMTRAK 209 AGREEMENT

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

Jeremy Latimer reviewed the Amtrak 209 agreement as well as Train Performance. This included a discussion of summer schedules and heat orders and the impact those would have on travel. Jeremy Latimer explained that the Amtrak 209 agreement outlines the cost-sharing methodology between Amtrak and a state partner.

Sandy Bushue notes that she likes the data because it shows where improvement is needed, and she likes the service notice so passengers can make a choice about what works for them. She also gave kudos to Amtrak for their work with Virginia.

ADJOURNMENT

DJ Stadtler offered VPRA's thanks to retiring Board Chair DeBruhl.

Jennifer Debruhl, the Chairperson, adjourned the meeting at 2:02 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, Charlie Payne hereby notify the chairperson of my intent to, and do hereby
(Name)

request to, participate remotely from Hirschler's Fredericksburg Office using electronic communication
(Remote Location)
means during the public meeting of VPRA Board scheduled on
(VPRA Board, or name of VPRA committee)
June 4, 2024 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
Related to work obligations. _____¹
(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.

¹ 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, Beth Rhinehart hereby notify the chairperson of my intent to, and do hereby
(Name)

request to, participate remotely from Pawleys Island, SC using electronic communication
(Remote Location)
means during the public meeting of VPRA scheduled on
(VPRA Board, or name of VPRA committee)

June 4, 2024 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

(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.

Beth Rhinehart

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