


City of Alexandria, Virginia

MEMORANDUM

DATE: OCTOBER 2, 2009

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: JAMES K. HARTMANN, CITY MANAGER 

SUBJECT: CONSIDERATION OF A RESOLUTION TO INCLUDE SPOTSYLVANIA COUNTY AS A SIGNATORY TO THE VIRGINIA RAILWAY EXPRESS (VRE) MASTER AGREEMENT

ISSUE: Consideration of a resolution to include Spotsylvania County as a signatory to the Virginia Railway Express (VRE) Master Agreement.

RECOMMENDATION: That City Council:

- (1) Review the material presented regarding including Spotsylvania as a signatory to the VRE Master Agreement; and
- (2) Adopt the attached resolution which approves the amended Virginia Railway Express (VRE) Master Agreement to include Spotsylvania County as a signatory, effective February 15, 2010, and contingent upon all participating and contributing jurisdictions, and both the Northern Virginia and Potomac and Rappahannock Transportation Commissions ("NVTC" and "PRTC"), approving the amended VRE Master Agreement.

DISCUSSION: On August 18, 2009, the Spotsylvania Board of Supervisors voted to become a member of PRTC and to join VRE as a participating jurisdiction effective February 15, 2010. Three agreements must now be executed by the appropriate parties. These are (1) a Membership Agreement among Spotsylvania County, PRTC and NVTC; (2) an amended VRE Master Agreement approved by Spotsylvania County and each participating and contributing jurisdiction as well as PRTC and NVTC; and (3) an amended PRTC Founding Ordinance and Master Agreement approved by the County and PRTC. A summary of the agreements follows:

(1) Membership Agreement - governs Spotsylvania County's admission into PRTC and participation in VRE and includes the following central provisions:

- **Station** - the terms of membership include Spotsylvania County funding property acquisition, environmental review, design and construction of platform and a 1,000 space

parking lot (500 initially). Work shall be completed on or before the later of February 15, 2012, or completion of the railroad line extension. VRE will assist in obtaining federal and/or state grant funding for the County, if desired. However, if the required grant match amount exceeds 20%, the County may defer construction until more favorable funding is obtained.

- Railroad Infrastructure - VRE is required to fund property acquisition, environmental review, design and construction of an extension of the existing rail line to serve a Spotsylvania station, subject to CSXT approval. Work shall be completed on or before February 15, 2012, subject to funding.
- VRE subsidy – Spotsylvania County shall pay, as stated in the Amended VRE Master Agreement, its share of VRE’s annual budget. In the first fiscal year, the County shall owe a prorated amount and the full amount for each year thereafter. In addition, a deferral has been negotiated to allow deferral at a rate of 100% for FY 2010 and FY 2011 and 50% for FY 2012. If the County fails to pay its subsidy, the County agrees that it may be withheld by PRTC from its share of gas tax revenue.
- Withdrawal - if Spotsylvania withdraws from the VRE by agreement, the County may remain a member of PRTC and collect the gas tax until it satisfies the agreed upon conditions of withdrawal.

(2) Amended VRE Master Agreement - amends the VRE Master Agreement to include Spotsylvania County as a signatory and member of the Operations Board with one seat. A copy of the VRE Master Agreement is available for review in the City Clerk’s Office. It also adds two new financial guidelines to the existing non-binding financial guidelines used in preparing VRE’s annual budget. The first guideline directs the Operations Board to make every effort to keep the total local subsidy for VRE level each year. The second guideline directs the Operations Board to make every effort to enable those participating jurisdictions that have access to dedicated transportation funding sources to rely upon those sources to fund their respective share of the costs of commuter rail service and not their general fund monies.

(3) Amended PRTC Founding Ordinance and Master Agreement – provides Spotsylvania County two seats on PRTC and results in the regional add-on gas tax being collected in Spotsylvania County.

FISCAL IMPACT: This action will not change the amount of subsidy the City pays VRE since it is a “participating member” and not a “contributing member.” Since “participating members” (Alexandria and Arlington County) are not the home locations of VRE patrons, under the original agreements that established VRE, Alexandria and Arlington pay a small fixed yearly fee (\$124,737) for Alexandria in FY 2010, adjusted for inflation, to receive VRE service, and have no liability for any VRE debt, VRE bond debt service obligations, nor potential legal liabilities of VRE. Contributing members (all other jurisdictions) pay far larger amounts based upon the number of its residents who use VRE in each year.

ATTACHMENT: Proposed Resolution

STAFF:

Mark Jinks, Deputy City Manager

Richard J. Baier, P.E., Director, LEED AP, T&ES

Bruce Johnson, Chief Financial Officer

Bob Garbacz, Acting Deputy Director of Transportation and Transit, T&ES

James Maslanka, Division Chief of Transit, T&ES

Antonio Baxter, Division Chief of Administration, T&ES

RESOLUTION NO. _____

WHEREAS, on August 18, 2009, the Board of Supervisors of Spotsylvania County approved and authorized execution of the following: (1) an Agreement Governing Spotsylvania County's Admission to Membership in PRTC and Participation in the VRE (the "VRE Membership Agreement"); (2) an Amended VRE Master Agreement; (3) an Amended PRTC Founding Ordinance and Master Agreement (the "PRTC Founding Ordinance"); and

WHEREAS, the VRE Membership Agreement must be approved by NVTC and PRTC, the Amended VRE Master Agreement must be approved by PRTC, NVTC, and each participating and contributing Jurisdiction, and the PRTC Founding Ordinance must be approved by PRTC; and

WHEREAS, in order to complete the required steps for Spotsylvania County to become a member of PRTC, a certification from the Secretary of the Commonwealth must be obtained stating that the requirements for enlarging PRTC have been complied with, and that certification must be entered into the minutes of a Spotsylvania County Board of Supervisors' meeting; and

WHEREAS, the VRE Membership Agreement approved by Spotsylvania County provides that approval of the three agreements and completion of the certification process must occur by all required parties by November 30, 2009; and

WHEREAS, the VRE Membership Agreement approved by Spotsylvania County provides that the effective date of Spotsylvania County's membership in PRTC and its participation in VRE is February 15, 2010, subject to each party's right to terminate the VRE Membership Agreement on 30 days notice prior to the effective date; and

WHEREAS, the VRE Operations Board has recommended to NVTC and PRTC that the Amended VRE Master Agreement be approved; and

WHEREAS, NVTC and PRTC will consider approval of the foregoing agreements at their meetings in November, 2009, and have forwarded to the participating and contributing VRE jurisdictions the Amended VRE Master Agreement and requested that it be considered for approval by their governing bodies by October 31, 2009.

NOW, THEREFORE BE IT RESOLVED that the City of Alexandria approves the Amended VRE Master Agreement to include Spotsylvania County as a signatory, effective February 15, 2010, and contingent upon each participating and contributing jurisdiction, and both NVTC and PRTC, approving the Amended VRE Master Agreement; and

BE IT FURTHER RESOLVED that the City of Alexandria hereby authorizes the Mayor to execute the Amended VRE Master Agreement on behalf of the City of Alexandria.

The undersigned duly qualified and acting as City Clerk of the City of Alexandria certifies that the foregoing is a true and correct copy of a Resolution, adopted at a legally convened meeting of the City Council held on the 13th day of October, 2009.

ADOPTED: _____
DATE

WILLIAM D. EUILLE MAYOR

ATTEST:

JACKIE M. HENDERSON CITY CLERK

RESOLUTION NO.2362

WHEREAS, on August 18, 2009, the Board of Supervisors of Spotsylvania County approved and authorized execution of the following: (1) an Agreement Governing Spotsylvania County's Admission to Membership in PRTC and Participation in the VRE (the "VRE Membership Agreement"); (2) an Amended VRE Master Agreement; (3) an Amended PRTC Founding Ordinance and Master Agreement (the "PRTC Founding Ordinance"); and

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The undersigned duly qualified and acting as City Clerk of the City of Alexandria certifies that the foregoing is a true and correct copy of a Resolution, adopted at a legally convened meeting of the City Council held on the 13th day of October, 2009.

ADOPTED: October 13, 2009


WILLIAM D. EUILLE MAYOR

ATTEST:


JACKIE M. HENDERSON, CMC CITY CLERK