



Northern Virginia Transportation Authority
The Authority for Transportation in Northern Virginia

GOVERNANCE AND PERSONNEL COMMITTEE

Thursday, February 11, 2021

5:30 PM

NVTA Offices

Meeting to be conducted on WebEx and Live Streamed via YouTube

AGENDA

1. **Call to Order** Chair Randall

2. **Resolution 21-02 Finding the Need to Conduct the February 11, 2021 Governance and Personnel Committee Meeting Electronically** Chair Randall
Recommended Action: Adoption of Resolution

3. **Approval of the Meeting Summary of the January 14, 2021 Meeting**
Recommended Action: Approval of Meeting Summary, (with abstentions from those who were not present).

Discussion/Information

4. **2021 General Assembly Update (Verbal Report)**
Ms. Backmon, Executive Director
Ms. Baynard, MWC, LLC

Closed Session

(If required.)

5. **Adjournment**

Next Meeting: March 11, 2021 at 5:30 PM

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NORTHERN VIRGINIA TRANSPORTATION AUTHORITY
GOVERNANCE AND PERSONNEL COMMITTEE
RESOLUTION 21-02 FINDING NEED TO CONDUCT
FEBRUARY 11, 2021 MEETING ELECTRONICALLY

February 11, 2021

WHEREAS, on March 12, 2020, the Governor of Virginia declared a state of emergency in Virginia in response to the spread of novel coronavirus, or COVID-19, a communicable disease of public health threat as so declared by the State Health Commissioner on February 7, 2020 (“COVID-19”); and

WHEREAS, in subsequent Executive Orders, particularly Executive Order Nos. 53 and 55, as amended, the Governor of Virginia, among other measures designed to ensure safe physical distancing between individuals, prohibited public and private in person gatherings of 10 or more individuals and ordered all individuals in Virginia to remain at their place of residence, with limited exceptions, to mitigate the impacts of COVID-19 and prevent its spread; and

WHEREAS, the Northern Virginia Transportation Authority (Authority) – Governance and Personnel Committee (Committee) finds that it has a responsibility to demonstrate to the public, through the Committee’s conduct, the importance of maintaining proper physical distance from others and to avoid gathering in public where the risks of infection are highest, and to take measures that promote physical distancing in order to protect the public health and mitigate the impacts and spread of COVID-19, including, among others, conducting meetings electronically whenever possible; and

WHEREAS, on April 22, 2020, the Virginia General Assembly adopted, and the Governor signed, budget bill amendments to HB 29 that expressly authorize “any public body, including any state, local, [or] regional body” to “meet by electronic communication means without a quorum of the public body . . . physically assembled at one location when the Governor has declared a state of emergency . . . , provided that (i) the nature of the declared emergency makes it impracticable or unsafe for the public body . . . to assemble in a single location; (ii) the purpose of the meeting is to discuss or transact the business statutorily required or necessary to continue operations of the public body . . . and the discharge of its lawful purposes, duties, and responsibilities” among other provisions; and

WHEREAS, member jurisdictions of the Northern Virginia Transportation Authority have adopted continuity of government ordinances pursuant to Va. Code Ann. § 15.2-1413 which ordinances, among other provisions, contemplate regional bodies of which the locality is a member meeting electronically to transact business to assure the continuity of government; and

NOW, THEREFORE, BE IT RESOLVED, that the Northern Virginia Transportation Authority Governance and Personnel Committee hereby finds that meeting by electronic means is authorized because the nature of the declared emergency makes it both impracticable and unsafe for the Committee to assemble in a single location on February 11, 2021, to discuss and transact the business of the Committee listed on the February 11, 2021 Governance and Personnel Committee Agenda; and

BE IT FURTHER RESOLVED, that the Committee hereby finds that meeting by electronic means is authorized because the items on the February 11, 2021 Governance and Personnel Committee Meeting Agenda are statutorily required or necessary to continue operations of the Authority and the discharge of the Authority's lawful purposes, duties, and responsibilities; and

BE IT FURTHER RESOLVED, that the items on the February 11, 2021 Governance and Personnel Committee Meeting Agenda are encompassed within the continuity of operations ordinances adopted by member localities of the Northern Virginia Transportation Authority to assure the continued operation of the government during the disaster posed by the public health emergency resulting from COVID-19.

Adopted on the 11th day of February, 2021.



Northern Virginia Transportation Authority
The Authority for Transportation in Northern Virginia

GOVERNANCE AND PERSONNEL COMMITTEE

Thursday, January 14, 2020

5:30 PM

NVTA Offices

Meeting conducted on WebEx and Live Streamed via YouTube

SUMMARY MINUTES

1. **Call to Order** Chair Randall
 - ✓ Chair Randall called the meeting to order at 5:37pm.
 - ✓ Attendees:
 - Members: Chair Randall; Chair Wheeler, Board Member Cristol;
 - Staff: Monica Backmon (Executive Director); Michael Longhi (CFO); Peggy Teal (Assistant Finance Officer), Dev Priya Sen (Financial Analyst); Margaret Duker (Executive Asst/Clerk).
 - Other Attendees: Tracy Baynard (McGuireWoods Consulting LLC); Daniel Robinson (Council of Counsels – Fairfax County); Rob Dickerson (Council of Counsels – Prince William County); Steve MacIsaac (Council of Counsels – Arlington County); Joanna Anderson (Council of Counsels – City of Alexandria); Council Member Snyder joined at 5:56pm.
 - Other Attendees: Jurisdictional and agency staff attended the meeting via the Authority's YouTube channel.

2. **Resolution Finding the Need to Conduct the January 14, 2020 Governance and Personnel Committee Meeting Electronically** Chair Randall

Recommended Action: Adoption of Resolution

 - ✓ Chair Randall made the motion to adopt Resolution to Find the Need to Conduct Meeting by Electronic Communication Means during the Governor's Declared State of Emergency during COVID-19 Pandemic; seconded by Chair Wheeler. Motion passed unanimously.

3. **Approval of the Meeting Summary of the December 17, 2020 Meeting**

Recommended Action: Approval of Meeting Summary, with abstentions from those who were not present.

 - ✓ Board Member Cristol moved approval of the December 17, 2020 Meeting Minutes; seconded by Chair Wheeler. Motion passed by 3-0-2.

Discussion/Information

4. **2021 General Assembly Updated (Verbal Report)**

Ms. Backmon, Executive Director
 Ms. Baynard, MWC, LLC

- ✓ Ms. Baynard proceeded with an update of the General Assembly, noting that the first day of the Session was January 13th, 2021 and Sine Die is February 11, 2021.
- ✓ She added that the House and Senate have agreed on an organizational procedural resolution. This resolution will enable the General Assembly to carry over any unfinished business (Bills) from the regular Session into the 2021 Special Session.
- ✓ Chair Randall inquired from Ms. Baynard, whether carrying unfinished work into the Special Session would cause any issues?
- ✓ Ms. Baynard responded that both groups in the General Assembly are interested in getting work done as quickly as possible during the course of this regular Session and most likely all business can be completed within that timeframe.
- ✓ Ms. Baynard went on to remind everyone that the focus areas for 2021 are:
 - To protect the Authority's revenue, its ability to meet its mission, and further highlight the need to return \$32 million of Authority revenue.
 - To support the flexibility to hold virtual meetings in times of health and safety concerns.
 - To support the distribution of any federal relief funds for transit operators.
- ✓ She noted that some General Assembly initiatives for the Authority to follow include:
 - Senators Bell/Ebbin and Delegate Krizek, Patrons of The Northern Virginia Transportation Commission (NVTC), have submitted a budget amendment which seeks a one-time \$30 million in State General Fund assistance to enable WMATA Compact Members meet their FY2022 operating obligations for Metro. Ms. Baynard pointed out that as an organization, this is one initiative she recommends the Authority to support.
 - She also noted that the implementation of the 2020 Grantor's Tax deferred rate is due on May 1st, 2021. She noted that the full rate implementation was pushed out due to the COVID-19 pandemic. However, since the economy has still not recovered fully, there could be a move to push this implementation further back, thus the need to be mindful of it.
 - See noted the introduction of HB 1903 (Carr) which permits localities to reduce speed limit on local roads to less than 25 mph but not less than 15 mph.
 - Delegate Levine has put forward a bill which states that a member of a public body, may attend a meeting remotely due to the care of a family member for either two meetings a year or 25% of the meetings held that year. Chair Randall asked why there cannot be more than that? Ms. Baynard responded that given the history of recent remote participation in meetings due to the pandemic, more stakeholders are likely to want to weigh in on this discussion so there is more to come regarding this conversation.
- ✓ Ms. Baynard added that other initiatives which do not necessarily impact the Authority directly but are worth noting are:
 - The Governor has proposed a \$50 million one-time General Fund transfer to enhance and expand capital rail for passenger rail service along the U.S 29/I-81 corridor. This will create an additional roundtrip service for Burke, Manassas, Charlottesville and other cities.

- The Chair for House Transportation, Delegate McQuinn, has called for DRPT to conduct a study into transit, equity and modernization needs over a two-year period. An interim report is due at end of 2021 and more discussion with respect to timing are ongoing with DRPT Executive Director, Ms. Mitchell.
- Virginia is programmed to receive \$252.7 million in federal transportation COVID relief funds. The federal guidelines regarding the funding are broad and flexible and more details maybe forthcoming when Secretary of Transportation, Shannon Valentine meets with the appropriation.
Chair Randall inquired whether this includes transit funds? Ms. Baynard responded that yes, it does.
- ✓ Other matters worth noting included the introduction of access to electric/low-emission/zero emission vehicles and the transportation sector's role in promoting this.
- ✓ Chair Wheeler noted how difficult it really is to control greenhouse gases in a growing community like Prince William County.
- ✓ Ms. Baynard noted that SB 2023 speaks to need to develop better infrastructure like charging stations and so forth.
- ✓ Also noted that Delegate Cole proposed HB 1910. A bill that creates an alternate process for the creation of regional transportation authorities in Virginia. There are currently four of such regional transportation entities in Virginia; Northern Virginia, Hampton Roads, I-81 and most recently, Central Virginia.
- ✓ This bill enables two or more localities to come together to address their local transportation needs, using their own revenue. However, it does not provide new state dedicated revenue sources and will continue to be a topic for discussion in the weeks to come.
- ✓ Council Member Snyder asked to know more about the clean energy bills.
- ✓ Ms. Baynard responded that these bills are mostly proposing infrastructure enhancements like charging stations to support electric vehicles like the Boysko/Howell bill.
- ✓ Board Member Cristol inquired whether Ms. Baynard had heard anything regarding locomotives?
- ✓ Ms. Baynard responded that the Boysko-Howell bill covers all those areas and also seeks to expand this to cover school buses.
- ✓ Board Member Cristol informed the Committee that the District of Columbia used some of their relief funds to electrify Armtrak locomotives and same could be considered for transit.
- ✓ Ms. Backmon also added that the over the years, the Authority has made great investments in clean energy projects like electric buses in Alexandria, with maintenance and charging infrastructure.

5. **Adjournment:** The meeting adjourned at 6:04pm.

Next Meeting: February 11, 2021 at 5:30 PM
NVTA Offices

NORTHERN VIRGINIA TRANSPORTATION AUTHORITY**MEMORANDUM**

FOR: Chair Phyllis J. Randall and Members
Governance and Personnel Committee

FROM: Monica Backmon, Executive Director
Tracy Baynard, McGuireWoods Consulting LLC.

DATE: February 5, 2021

SUBJECT: 2021 Virginia General Assembly Update

Purpose: To provide the Governance and Personnel Committee with a report of the ongoing 2021 General Assembly Session.

In the accelerated session the next key deadlines:

- Friday, February 5th Crossover for all bills except the budget bills
- Sunday, February 7th Money Committees complete work on their budget bills
- Thursday, February 11th Sine Die
- Governor Northam has called the General Assembly into Special Session starting February 10, 2021

Bills Supported by the Authority

- SB 1271 (McPike) Codifies ability of public bodies and related joint meetings to be held electronically in states of emergency – **passed Senate**
- HB 1903 (Carr) Permits localities to lower speed limits below 25 mph but not lower than 15 mph – **passed House**

Authority Funding

- The hospitality industry of Hampton Roads and the state association sent letters to Governor Northam, Secretary Valentine, Delegate Torian and Senator Howell calling for the repeal or significant delay of the 2020 TOT increases approved for Northern Virginia and Hampton Roads

Transportation and Climate Change

The General Assembly is considering a number of bills that examine the role the transportation sector has in carbon emissions, climate change or Virginia's ability to meet its greenhouse gas (GHG) emission goals. The bills seek to:

- Advance electrification of the transportation system infrastructure
- Affirm that transportation is the largest producer of GHG and 50% of carbon emissions in Virginia

- Affirm the burden of emission pollutions is mostly borne by low-income communities and communities of color
- Affirm carbon and GHG emissions as a health crisis
- Advocate for reductions in vehicle miles travelled and less auto-centric transportation solutions
- Expand access to and use of electronic powered vehicles

Status of bills the Authority is monitoring:

- HB 1850 (Reid) Increase allowed weight limits for electric battery powered vehicles; **Passed House**
- HB 1979 (Reid) Creates and Electric Vehicle Rebate Program; **Reported from committee**
 - Program starts January 1, 2022; expires January 1, 2027
 - Creates an Advisory Council to work with the Department of Mines, Minerals and Energy to develop guidelines and administer the program
 - Provides a \$2500 rebate for new EV purchase with a base price of no more than \$55,000; an enhanced rebate of \$4500 for resident households not exceeding 300% of the state poverty guidelines
 - Provides a \$2500 rebate for purchase of used EV valued at no more than \$25,000; an enhanced rebate of \$3000 for resident household does not exceed 300% of the state poverty guidelines
 - Rebate is provided to the auto dealer
 - Proposed budget amendment for \$5 million proposing to use revenue from expiring coal related tax credits
- HB 2118 (Keam) Creates a grant program for electric school bus purchase; **Reported from committee**
 - Provides no funding but creates a fund to receive any funding dedicated to this purpose; some thought that a federal infrastructure bill will provide funding
- SB 1223 (Boysko) Adds transportation system electrification initiatives to the Virginia Energy Plan; **Passed Senate**
- Create a process to adopt statewide vehicle emission standards
 - HB 1965 (Bagby) Set low and zero emission state vehicle standards; **Passed House**
 - When implemented auto manufacturers must provide 8% of their electric vehicles to Virginia auto dealers starting with the 2025 model year
 - Biggest concerns expressed centered around sufficiency of charging infrastructure, rebates or grants to assist with costs and availability of sufficient electric energy
 - SB 1284 (Favola) Sets out specific tasks reducing GHG in order to reach net zero-emissions by 2045 for all sectors including transportation **Reported from committee**
- Add resiliency as a factor in Virginia's long range transportation plan and design of transportation projects
 - HB 2071 (Convirs-Fowler) **Passed House** /SB 1350 (Lewis) **Reported from committee**

- Equity and environmental justice awareness – **Both bills have passed committee**
 - HB 2074 (Simonds) /SB 1318 (Hashmi) Creates an executive branch inter-secretariat work group on environmental justice with first year focus on air quality monitoring practices and requires analysis for any expenditure over \$1million
 - The provisions of the bill expire July 1, 2031
 - Local governments and land use stakeholders still have concerns about provisions in HB 2074 related to changes to comprehensive plans that occur more frequently than the 5-year update.
- Study of Interest
 - HJR 542 (McQuinn) Study transit equity and modernization; waiting resolution of \$500,000 General Fund request – **passed House**
 - Study is a priority of the Virginia Legislative Black Caucus
 - Directs DRPT to conduct a two-year study with an interim report due by end of 2021
 - Will require participation of local transit agencies who receive state funds
 - Requires completing a needs assessment focusing on equitable delivery of transit services
 - Particularly looking at
 - Transit accessibility
 - Adequacy of transit infrastructure
 - Implementation of emerging technology
 - Transit safety
 - Transit system engagement

Regional Transportation Entities

- HB 1910 (Cole, J.) Creates a Fredericksburg Regional Transportation Improvement Committee – **Failed**
 - The revised bill created regional opposition over the requirement that all localities join the Committee and concerns and confusion over relationship between the new Committee and existing regional transportation planning activities
 - Key provisions in the revised bill
 - Includes all localities in Planning District 16
 - Local government led board with ex-officio seats for VDOT Commissioner, DRPT Director, VRE Director
 - Develop a regional transportation plan that is updated every 5 years in consultation with the Commonwealth Transportation Board (CTB), VDOT, DRPT and the Office of Intermodal Planning and Investment
 - Revised language for HB 1910 requires strategies to reduce carbon emissions and to reduce auto dependency via intraregional transit along with the more traditional strategies for transit, multimodal, congestion reduction, etc. be part of a regional transportation plan
 - Must prioritize projects consistent with Smart Scale

- Prior to adopting the regional plan, the Committee shall consult with CTB regarding the interplay of the state and regional plans and ensure the plan reflects the CTB input
- Requires submitting an interim plan to the Secretary by July 1, 2022 and a final plan by July 1, 2023
- Contains significantly more state oversight/involvement than the Authority or HRTAC

Attachment.

Bill #	Labels	Title	Description	Amendments	Patron	Last Action	Last Action Date	Status
HB 1931	FOIA and Virtual Meetings	"Virginia Freedom of Information Act; public body authorized to conduct electronic meetings."	"Virginia Freedom of Information Act; electronic meetings. Authorizes a public body to conduct through electronic communication means a meeting for which, on or before the day of the meeting, a member of the public body holding the meeting notifies the chair that such member is unable to attend the meeting due to a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance. The bill also clarifies that participation in an electronic meeting by a member of a public body due to the inability to attend because of a personal matter is limited each calendar year to two such meetings, which is current law, or 25 percent of the meetings held that calendar year rounded up to the next whole number, whichever is greater. This bill is a recommendation of the Virginia Freedom of Information Advisory Council."	None	Mark Levine	Senate: Referred to Committee on General Laws and Technology	Jan 27, 2021	Passed First Chamber
HB 2000	FOIA and Virtual Meetings	"Virginia Freedom of Information Act; charges for production of public records."	"Virginia Freedom of Information Act; charges for production of public records. Prohibits a public body from charging a requester for any costs incurred during the first two hours spent accessing or searching for requested records when such requester has made four or fewer individual records requests to such public body within 31 consecutive days. The bill provides that for any additional time spent accessing or searching for such records, or when such requester makes five or more individual records requests to such public body within any 31-consecutive-day period, the public body shall not charge an hourly rate for accessing or searching for the records exceeding the lesser of the hourly rate of pay of the lowest-paid individual capable of fulfilling the request or \$33 per hour. The bill also requires public bodies to post on their website or otherwise publish a written policy (a) explaining how the public body assesses charges for accessing or searching for requested records and (b) noting the current fee charged, if any, by the public body for accessing and searching for the requested records."	None	Danica Roem	House: Tabled in General Laws (22-Y 0-N)	Jan 19, 2021	Failed
SB 1271	FOIA and Virtual Meetings	"Virginia Freedom of Information Act; meetings held through electronic communication means."	"Virginia Freedom of Information Act; meetings held through electronic communication means during a state of emergency. Allows a public body, or a joint meeting thereof, to meet by electronic communication means without a quorum of the public body physically assembled at one location when a locality in which the public body is located has declared a local state of emergency, provided that (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to provide for the continuity of operations of the public body or the discharge of its lawful purposes, duties, and responsibilities. Under current law, public bodies may only meet in such manner when the Governor has declared a state of emergency, and only for the purpose of addressing the emergency. Finally, the bill requires public bodies meeting through electronic communication means during a local or state declaration of a state of emergency to (a) make arrangements for public access to such meeting through electronic communication means, including videoconferencing if already used by the public body, and (b) provide the public with the opportunity to comment at such meetings when public comment is customarily received."	None	Jeremy McPike	House: Referred to Committee on General Laws	Feb 02, 2021	Passed First Chamber
HB 1828	NVTA Funding	"Commissioner of DMV; powers and duties during a declared state of emergency."	"Commissioner of the Department of Motor Vehicles; powers and duties. Authorizes the Commissioner of the Department of Motor Vehicles, for the duration of a declared state of emergency and for up to 90 days after it has been rescinded or expires, to (i) extend the validity or delay the cancellation of driver's licenses, special identification cards, and vehicle registrations; (ii) extend the time frame during which a driver improvement clinic or payment plan may be completed; (iii) extend the maximum number of days of residency permitted before a new resident must be licensed in Virginia to operate a motor vehicle in the Commonwealth; and (iv) extend the time frame during which a new resident may operate a motor vehicle in the Commonwealth that has been registered in another jurisdiction before registering the vehicle in the Commonwealth."	None	Danica Roem	Senate: Referred to Committee on Transportation	Jan 27, 2021	Passed First Chamber
HB 2245	NVTA Funding	"Transportation; revenues dedicated as of July 1, 2020, shall not be redirected."	"Use of transportation funds. States that it is the policy of the Commonwealth that revenues dedicated to transportation purposes shall not be used or redirected for any nontransportation-related purpose. Any attempt to repurpose funds dedicated to transportation as of July 1, 2020, shall be deemed invalid and shall not be effectuated."	None	Dave LaRock	House: Subcommittee recommends passing by indefinitely (6-Y 4-N)	Jan 26, 2021	Failed

Bill #	Labels	Title	Description	Amendments	Patron	Last Action	Last Action Date	Status
HB 1910	Regional Transportation Authorities	"Regional transportation authorities; creation."	"Creation of regional transportation authorities. Authorizes two or more adjacent counties or cities to form a regional transportation authority to engage in regional transportation projects. The bill sets forth the procedures for forming such authority and determining the membership of its governing board. Ordinances adopted by each member of such authority would set forth the local taxes, fees, and revenues to be contributed by each locality to such authority."	The substitute establishes a regional transportation improvement committee for the Fredericksburg metropolitan area that would function similarly to the I-81 Corridor Improvement Committee. This committee will develop plans to reduce traffic congestion, increase transit access, improve environmental quality, and advocate for multimodal travel solutions. It lays the groundwork to establish a regional transportation authority. Key provisions: Includes all localities in Planning District 16; Local government-led board with ex-officio seats for VDOT Commissioner, DRPT Director, VRE Director; Develop a regional transportation plan that is updated every 5 years in consultation with the Commonwealth Transportation Board (CTB), VDOT, DRPT, and the Office of Intermodal Planning and Investment; Must prioritize projects consistent with Smart Scale; Prior to adopting the regional plan, the Committee shall consult with CTB regarding the interplay of the state and regional plans and ensure the plan reflects the CTB input ; Requires submitting an interim plan to the Secretary by July 1, 2022 and a final plan by July 1, 2023	Josh Cole	House: Subcommittee recommends reporting with substitute (9-Y 1-N)	Jan 28, 2021	Still in House Transportation Committee
HB 1903	Safety	"Local government; authority to reduce the speed limit in a business district or residence district."	"Local government authority; reduction of speed limits. Authorizes local governing bodies to reduce the speed limit to less than 25 miles per hour, but not less than 15 miles per hour, in a business district or residence district."	None	Betsy Carr	Senate: Referred to Committee on Transportation	Jan 20, 2021	Passed First Chamber
HJ 536	Studies	"Remote sales and use tax distribution to localities; JLARC to study."	"Study; JLARC; remote sales and use tax distribution to localities; report. Directs the Joint Legislative Audit and Review Commission (JLARC) to study the distribution of remote sales and use taxes to localities. JLARC shall determine whether current practices are distributing the proper amount of revenue to each locality and recommend to the General Assembly any changes needed to improve the system."	None	Martha Mugler	House: Subcommittee recommends laying on the table (5-Y 0-N)	Jan 22, 2021	Failed; Auditor of Public Accounts to study
HJ 542	Studies	"Transit equity and modernization; Department of Rail and Public Transportation to study."	"Study; Department of Rail and Public Transportation; transit equity and modernization; report. Requests the Department of Rail and Public Transportation to conduct a two-year study of transit equity and modernization in the Commonwealth."	A substitute adds transit electrification to the list of items DRPT will study. It also adds a phrase stating that while conducting the study, the Department will place particular emphasis on transit services and engagement opportunities for underserved populations. It also changes the timeline of the study so that an initial report will be due December 2021 and a final report in August 2022.	Delores McQuinn	Senate: Referred to Committee on Rules	Feb 3, 2021	Passed First Chamber
HB 1850	Transportation & Climate	"Motor vehicle weight limits; vehicles powered primarily by electric battery power, etc."	"Motor vehicle weight limits; vehicles powered primarily by electric battery power or fueled primarily by natural gas. Authorizes motor vehicles powered primarily by means of electric battery power to exceed relevant weight limits by 2,000 pounds, provided that such weight is on the power unit and such weight does not exceed 82,000 pounds on an interstate highway. The bill also changes the weight exemption for motor vehicles fueled primarily by natural gas on an interstate highway from the difference between the weight of the natural gas tank and fueling system and a comparable diesel tank and fueling system to up to an additional 2,000 pounds, provided that such weight is on the power unit and does not exceed 82,000 pounds."	Technical amendments	David Reid	Senate: Referred to Committee on Transportation	Jan 20, 2021	Passed First Chamber
HB 1965	Transportation & Climate	"State Air Pollution Control Board; low-emissions and zero-emissions vehicle program."	"State Air Pollution Control Board; low-emissions and zero-emissions vehicle program. Directs the State Air Pollution Control Board to implement a low-emissions and zero-emissions vehicle program for motor vehicles with a model year of 2025 and later. Regulations adopted by the Board to implement the program are exempt from the Administrative Process Act and shall not become effective prior to January 1, 2024. The bill also authorizes the State Corporation Commission to exclude sales related to such vehicles from certain energy efficiency calculations."	An enactment clause added to the end of the bill states that the State Corporation Commission may exclude energy jurisdictional retail sales related to zero-emission vehicles and hybrid electric vehicles from energy jurisdictional retail sales calculated pursuant to § 56-596.2 of the Code of Virginia. This amendment was added at the request of utilities to make sure nothing in this bill complicates their planning and requirements for demand-side management.	Lamont Bagby	Senate: Referred to Committee on Agriculture, Conservation and Natural Resources	Feb 02, 2021	Passed First Chamber
HB 1979	Transportation & Climate	"Electric vehicle rebate program; creation and funding, report."	"Electric vehicle rebate program; creation and funding; report. Creates a rebate program for the purchase or lease of new and used electric vehicles, to be administered by the Department of Mines, Minerals and Energy. A purchaser or lessee of an electric vehicle would receive a \$2,500 rebate at the time of purchase, and a purchaser or lessee with an annual household income that does not exceed 300 percent of the federal poverty level would be entitled to an additional \$2,000 rebate. The motor vehicle dealer where the vehicle is purchased or leased would receive a refund for the amount of the rebate and a \$50 incentive payment for each rebate processed. Funds would be allocated from the revenues generated by the sunset of the Virginia Coal Employment and Production Incentive Tax Credit and the Coalfield employment enhancement tax credit and prohibit the allocation of new credits on and after January 1, 2021. The bill also establishes an Electric Vehicle Rebate Advisory Council to oversee the Electric Vehicle Rebate Program and to make recommendations regarding its implementation. The Director of the Department of Mines, Minerals and Energy is required to report annually to the Governor and the General Assembly regarding the Program. The Program will expire on September 1, 2026."	A substitute was agreed to which adds three legislative members to the Electric Vehicle Rebate Advisory Council. There was a desire to maintain some legislative influence because of the amount of oversight authority granted to this body. Amendments were adopted in full committee which would equalize the value of the rebate for used and new electric vehicles; remove the \$50 dealer incentive; advance the effective dates; remove the plug-in electric vehicles from the substitute; clarify that the Department can either increase or decrease the rebate in line with the Advisory Council's advice; and fix technical errors.	David Reid	House: Read first time	Feb 3, 2021	On House Floor

Bill #	Labels	Title	Description	Amendments	Patron	Last Action	Last Action Date	Status
HB 2071	Transportation & Climate	"Transportation funding; statewide prioritization process, resiliency."	"Transportation funding; statewide prioritization process; resiliency. Adds resiliency, defined in the bill, to the list of factors to be considered during the statewide transportation funding prioritization process commonly known as SMART SCALE. The bill also requires that the factors of congestion mitigation, economic development, accessibility, safety, resiliency, and environmental quality be considered relative to the anticipated life-cycle cost of the project or strategy under consideration."	A substitute removes the part of the bill which added resiliency to the evaluation criteria of SMART SCALE. There are no modifications to the Smart Scale section of the code. It proved to be difficult to quantify resiliency in the same ways as other criteria. There will be information about resiliency provided to members of the CTB on the score card, but it will not be used as one of the benefit criteria when a project is scored. There were also some other provisions about VDOT design standards and ensuring resiliency is appropriately considered in the Commonwealth's long-range plan.	Kelly Convors-Fowler	Senate: Referred to Committee on Transportation	Feb 1, 2021	Passed First Chamber
HB 2074	Transportation & Climate	"Environmental justice; interagency working group."	"Environmental justice; interagency working group. Establishes the Interagency Environmental Justice Working Group as an advisory council in the executive branch of state government to further environmental justice in the Commonwealth and directs each of the Governor's Secretaries to designate at least one environmental justice coordinator to represent the secretariat as a member of the Working Group. The bill directs the Working Group to focus its work during its first year on the environmental justice of current air quality monitoring practices in Virginia and provides that the Working Group shall expire on July 1, 2031."	A substitute removed language from the bill regarding community involvement processes and public notice related to permitting because it's covered in another piece of legislation introduced by Delegate Hayes. A clarifying line amendment was also agreed to. Another substitute directs environmental justice policies to be developed at the secretariat level rather than the agency level. The original bill also required an impact analysis of any environmental, economic development, infrastructure, or transportation project undertaken by agencies that were in excess of \$500k. The substitute raises that project threshold to \$1M. It also adds an additional year for the development of strategies and loosens requirements for the air quality monitoring study to be conducted by the Working Group.	Shelly Simonds	House: Read first time	Feb 3, 2021	On House Floor
HB 2118	Transportation & Climate	"Electric Vehicle Grant Fund and Program; creation, report."	"Electric Vehicle Grant Fund and Program; creation; report. Requires the Department of Environmental Quality to establish the Electric Vehicle Grant Program (the Program) for the purpose of (i) awarding grants on a competitive basis to school boards for (a) assisting with the complete replacement of existing diesel school buses with electric school buses no later than 2031; (b) the implementation of recharging infrastructure or other infrastructure needed to charge or maintain such electric school buses; and (c) workforce development and training to support the maintenance, charging, and operation of such electric school buses and (ii) developing education outreach to promote the Program. The bill contains provisions relating to grant applications, priority, awards, and uses. The grants would be funded from a \$0.05 per gallon tax on dyed diesel fuel. Farmers would be eligible for a refund of the tax for dyed diesel fuel used for agricultural or horticultural purposes. The bill has an expiration date of July 1, 2031."	Delegate Keam's original bill would have created the Electric Vehicle Grant Fund, established a tax to raise revenue for the fund, and devoted money from the fund to projects related to electric vehicles. The substitute removes the tax portion from the bill entirely and eliminates any state revenue dedicated to the fund. With this substitute, a state electric vehicle fund will still be created and a stakeholder workgroup led by DEQ will convene to identify future spending priorities for the fund for when money eventually comes in. A second substitute specifies that no state funds will be spent until other funds are made available. An amendment to give DEQ a more flexible timeline for establishing the workgroup was agreed to as well as an amendment to remove some superfluous language.	Mark Keam	House: Engrossed by House - committee substitute HB2118H1	Feb 3, 2021	On House Floor
HB 2282	Transportation & Climate	"State Corporation Commission; transportation electrification, utility recovery of certain costs."	"State Corporation Commission; transportation electrification; utility recovery of certain costs; report. Directs the State Corporation Commission (Commission) to report on policy proposals to accelerate transportation electrification in the Commonwealth. The bill requires the Commission to submit, no later than May 1, 2022, a report to the General Assembly recommending policy proposals that could govern public electric utility programs to accelerate widespread transportation electrification in the Commonwealth. The bill requires the Commission to utilize a public process, facilitated by a third party with expertise in transportation electrification, in which the Commission, the Department of Environmental Quality, the Department of Mines, Minerals and Energy, the Department of Transportation, and appropriate stakeholders participate. The bill requires that the Commission, in developing its policy recommendations, evaluate (i) areas where utility or other public investment may best complement private efforts to effectively deploy charging infrastructure, with particular focus on low-income, minority, and rural communities; (ii) how smart growth policies can complement and enhance the Commonwealth's transportation electrification goals; (iii) how utility programs, investments, or incentives to customers or third parties to facilitate the deployment of charging infrastructure and related upgrades can support or enhance (a) statewide transportation electrification, including electrification of public transit; (b) the electrification of medium-duty and heavy-duty vehicles, school buses, vehicles at ports and airports, personal vehicles, and vehicle fleets; (c) increased access to electric transportation and improved air quality in low-income and medium-income communities; (d) achievement of existing energy storage targets; (e) improvements to the distribution grid or to specific sites necessary to accommodate charging infrastructure; and (f) customer education and outreach programs that increase awareness of such programs and the benefits of transportation electrification. The bill requires that the report also address whether and how transportation electrification can, under current law, (a) reduce total ratepayer rates and costs; (b) assist in grid management and more efficient use of the grid, in a manner that does not increase peak demand, through time-of-use rates, managed charging programs, vehicle-to-grid programs, or other alternative rate designs; (c) utilize increased generation from renewable energy resources; and (d) reduce fueling costs for vehicles. The bill requires that, to the extent that the Commission and stakeholders conclude that transportation electrification cannot currently deliver these benefits, the report include public policy recommendations."	None	Rip Sullivan	Senate: Referred to Committee on Commerce and Labor	Feb 1, 2021	Passed First Chamber

Bill #	Labels	Title	Description	Amendments	Patron	Last Action	Last Action Date	Status
SB 1223	Transportation & Climate	"Virginia Energy Plan; amends Plan to include an analysis of electric vehicle charging infrastructure"	"Transportation electrification; Virginia Energy Plan. Amends the Virginia Energy Plan to include an analysis of electric vehicle charging infrastructure and other infrastructure needed to support the 2045 net-zero carbon target in the transportation sector."	None	Jennifer Boysko	House: Referred to Committee on Labor and Commerce	Feb 02, 2021	Passed First Chamber
SB 1282	Transportation & Climate	"Greenhouse gas emissions inventory; regulations."	"Greenhouse gas emissions inventory; regulations. Directs the Department of Environmental Quality to conduct a statewide baseline and projection inventory of all greenhouse gas emissions and to update such inventory every four years. The bill requires that the inventory be published and included in the annual report of the State Air Pollution Control Board. The bill also authorizes the Board to adopt regulations, to become effective no later than January 1, 2022, necessary to collect data needed to conduct, update, and maintain the inventory."	A substitute removes the second enactment clause - the Administrative Process Act exemption language. It also adds a new paragraph to provide clarity regarding the protection of proprietary information.	Joe Morrissey	Senate: Constitutional reading dispensed (39-Y 0-N)	Feb 3, 2021	On Senate Floor
SB 1284	Transportation & Climate	"Commonwealth Clean Energy Policy; established."	"Commonwealth Clean Energy Policy. Establishes the Commonwealth Clean Energy Policy, replacing the Commonwealth Energy Policy. The bill sets out the energy policy and objectives of the Commonwealth Clean Energy Policy, which include: (i) the Commonwealth recognizes that effectively addressing climate change and enhancing resilience will advance the health, welfare, and safety of the residents of the Commonwealth and that addressing climate change requires reducing greenhouse gas emissions across the Commonwealth's economy sufficient to reach net-zero emission by 2045 in all sectors, including the electric power, transportation, industrial, agricultural, building, and infrastructure sectors; (ii) the Commonwealth recognizes the need to promote environmental justice and ensure that it is carried out throughout the Commonwealth and the need to address and prevent energy inequities in historically economically disadvantaged communities; and (iii) the Commonwealth must continue to prioritize economic competitiveness and workforce development in an equitable manner."	A substitute focuses on the clean energy policy section of the bill. The most significant change is the inclusion of the sentence: "Nothing in this section shall preclude reliable access to electricity and natural gas during the transition to renewable energy." This statement alleviates the concern regarding projects currently underway that would deliver natural gas.	Barbara Favola	Senate: Constitutional reading dispensed (39-Y 0-N)	Feb 3, 2021	On Senate Floor
SB 1318	Transportation & Climate	"Interagency Environmental Justice Working Group; established, report."	"Environmental justice; interagency working group. Establishes the Interagency Environmental Justice Working Group as an advisory council in the executive branch of state government to further environmental justice in the Commonwealth and directs each of the Governor's Secretaries to designate at least one environmental justice coordinator to represent the secretariat as a member of the Working Group. The bill provides that the Working Group shall expire on July 1, 2031."	A substitute removed the section of the bill which defined state agency responsibilities. This removed the fiscal impact for this biennium. The legislation now focuses on creating and maintaining the Working Group.	Ghazala Hashmi	Senate: Constitutional reading dispensed (37-Y 0-N)	Feb 3, 2021	On Senate Floor
SB 1350	Transportation & Climate	"Transportation funding; statewide prioritization process, resiliency."	"Transportation funding; statewide prioritization process; resiliency. Adds resiliency, defined in the bill, to the list of factors to be considered during the statewide transportation funding prioritization process commonly known as SMART SCALE. The bill also requires that the factors of congestion mitigation, economic development, accessibility, safety, resiliency, and environmental quality be considered relative to the anticipated life-cycle cost of the project or strategy under consideration."	A substitute does not actually fully incorporate resiliency into SMART SCALE, but provides other factors to ensure that state projects take resiliency into account. The legislation requires resiliency be listed among other things when preparing and presenting a six-year plan. It also requires the state to consider resiliency when developing its statewide transportation plan, which it does every four year. It also directs the Commissioner of Highways to ensure resiliency is incorporated into design standards for new construction projects.	Lynwood Lewis	Senate: Constitutional reading dispensed (37-Y 0-N)	Feb 3, 2021	On Senate Floor
SB 1364	Transportation & Climate	"Commonwealth Transit Ridership Fund; created."	"Commonwealth Transit Ridership Fund; creation. Creates the Commonwealth Transit Ridership Fund as a component of the Transportation Trust Fund to pay for free and reduced public transit fares throughout the Commonwealth. Any revenues generated by the retail sale of marijuana and marijuana products is deposited into the Fund. The bill does not become effective unless the retail sale of marijuana and marijuana products is legalized."	None	John Cosgrove	Senate: Stricken at request of Patron in Transportation (14-Y 0-N)	Jan 21, 2021	Stricken by Patron

***2021 General Assembly Session
Update for NVTA Governance and
Personnel Committee***

February 11, 2021



Presented by:
Tracy Baynard
McGuireWoods Consulting, LLC



Schedule Highlights for the 2021 General Assembly Session



- **Regular Session Sine Die**
- **Special Session I Started February 10, 2021**
 - All legislation approved in the House or Senate by February 5th was carried over to the Special Session
 - Expected to end by February 27, 2021



2021 Focus Areas for the Authority As Approved December 2020



- Protect Authority's revenue and ability to meet its mission
- Support efforts to provide permanent flexibility to hold virtual business meetings in time of health and safety concerns
 - **SB 1271 (McPike) Codifies temporary flexibility**
- Support quick and equitable distribution of any federal relief funds for transportation to transit operators



Transportation and Climate Change

- The General Assembly is considering a number of bills that examine the role the transportation sector has in carbon emissions, climate change or Virginia's ability to meet its greenhouse gas (GHG) emission goals. The bills seek to
 - Advance electrification of the transportation system infrastructure
 - Affirm that transportation is the largest producer of GHG and 50% of carbon emissions in Virginia
 - Affirm the burden of emission pollutions is mostly borne by low income communities and communities of color
 - Affirm carbon and GHG emissions as a health crisis
 - Advocate for reductions in vehicle miles travelled and less auto-centric transportation solutions
 - Expand access to and use of electric powered vehicles



Key Transportation and Climate Change Bills

- [House Bill 1850](#) (Reid) Increase allowed weight limits for electric battery powered vehicles; **Passed House**
- [House Bill 1979](#) (Reid) Creates and Electric Vehicle Rebate Program; **Passed House**
- [House Bill 2118](#) (Kearney) Creates a grant program fund for electric school bus purchase; no funding identified; **Passed House**
- [Senate Bill 1223](#) (Boysko) Adds transportation system electrification and electric vehicle charging infrastructure initiatives for analysis to the Virginia Energy Plan including role they play in Virginia achieving the 2045 net-zero carbon emission goal; **Passed Senate**
- [House Bill 1965](#) (Bagby) Directs the State Air Pollution Control Board to set low and zero emission state vehicle standards starting 2025 model year; **Passed House**
- [SB 1284](#) (Favola) Amends the Commonwealth Clean Energy Policy. Sets out specific tasks reducing GHG in order to reach net zero-emissions by 2045 for all sectors including transportation **Passed Senate**
- Add resiliency considerations for Virginia's long range transportation plan and design of transportation projects
 - [HB 2071](#) (Convers-Fowler) **Passed House** /[SB 1350](#) (Lewis) **Passed Senate**
- Equity and environmental justice awareness
 - [HB 2074](#) (Simonds) /[SB 1318](#) (Hashmi) Creates an executive branch inter-secretariat work group on environmental justice with first year focus on air quality monitoring practices and requires analysis for any expenditure over \$1million
- [HJR 542](#) (McQuinn) Study transit equity and modernization; waiting resolution of \$500,000 General Fund request – **passed House and funded in the House budget**



Budget Matters

- House Appropriations Committee and Senate Finance and Appropriations Committee reported the following amendments
- House Amendments
 - Permits Commonwealth Transportation Board to use more money from the Transit Ridership Incentive Fund to provide free or low priced transit fares during the pandemic to encourage more use especially in urbanized areas
 - Provides \$500,000 in GF money in FY 22 to implement the transit equity and modernization study called for in HB 542
- Senate Amendments
 - Program funding from the federal COVID-19 transportation relief funds provided to state Highway Infrastructure Programs
 - \$22.47M for FY 21 to fill funding gap in Virginia's share for Metro Capital Fund
 - \$5M for FY 21 to the Transit Ridership Incentive Program; \$2.5M from this amount to reduce or eliminate fares and \$2.5M to support regional programs focused on congestion reduction along long-distance commuter routes
 - \$137.6M for FY 21 for Statewide Intercity Passenger Rail to extend service along the I-81/Rt.29 Corridor to Washington, D.C. Secretary is required to provide an assessment of total infrastructure costs to extend service to Bedford
 - \$50M for FY 21 for Statewide Multi-Use Trail Initiative
 - CTB to program money for planning, development and construction of multi-use trails
 - \$17.5M for Eastern Shore-Bay Coast Railway Rails to Trails
 - \$17.5M for safety enhancements to W & OD Trail at Wiehle Avenue and improving intermodal connectivity of Cross Country Trail at Difficult Run
 - \$2.5M for Fall Line Trail
 - \$2.5M for Ivy Creek Trail and completion of the Tobacco Heritage Trail
 - Requires OIPI to convene a work group to recommend a prioritization process, identification, funding needs assessment of new multi-use trails opportunities – report due October 15, 2021
 - \$10M for FY 21 for the Transportation Partnership Opportunity Fund to support the smart infrastructure test bed partnership pilot between Falls Church and Virginia Tech