



Northern Virginia Transportation Authority
The Authority for Transportation in Northern Virginia

GOVERNANCE AND PERSONNEL COMMITTEE

Thursday, March 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 21-03 Finding the Need to Conduct the March 11, 2021 Governance and Personnel Committee Meeting Electronically** Chair Randall
Recommended Action: Adoption of Resolution
3. **Approval of the February 11, 2021 Meeting Summary**
Recommended Action: Approval of Meeting Summary, (with abstentions from those who were not present).

Discussion/Information

4. **2021 General Assembly Update**
Ms. Backmon, Executive Director
Ms. Baynard, MWC, LLC

Closed Session
(If required.)

5. **Adjournment**

Next Meeting: April 8, 2021 at 5:30 PM
NVTA Offices

NORTHERN VIRGINIA TRANSPORTATION AUTHORITY
GOVERNANCE AND PERSONNEL COMMITTEE
RESOLUTION 21-03 FINDING NEED TO CONDUCT
MARCH 11, 2021 MEETING ELECTRONICALLY

March 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 March 11, 2021, to discuss and transact the business of the Committee listed on the March 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 March 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 March 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 March, 2021.



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 conducted on WebEx and Live Streamed via YouTube

SUMMARY MINUTES

1. Call to Order

Chair Randall

- ✓ Chair Randall called the meeting to order at 5:32pm.
- ✓ Attendees:
 - Members: Chair Randall; Chairman McKay; Chair Wheeler, Board Member Cristol; Mayor Davis-Younger.
 - 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); Joana Anderson (Council of Counsels).
 - Other Attendees: Jurisdictional and agency staff attended the meeting via the Authority's YouTube channel.

2. Resolution Finding the Need to Conduct the February 11, 2021 Governance and Personnel Committee Meeting Electronically

Chair Randall

Recommended Action: Adoption of Resolution

- ✓ Chair Wheeler 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 Board Member Cristol. Motion passed unanimously.

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.

- ✓ Board Member Cristol moved approval of the January 14, 2021 Meeting Minutes; seconded by Chair Wheeler. Motion passed unanimously.

Discussion/Information

4. 2021 General Assembly Update (Verbal Report)

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

- ✓ Ms. Baynard updated the Committee regarding the ongoing General Assembly Session.
- ✓ She noted that the House Appropriations Committees have presented their amendments to the budget introduced by the Governor.
- ✓ She added that some items which would be of interest to the Committee from a Transportation perspective are as follows:
 - Following the adoption of the clean energy policy (Environmental Justice Act) last year, the next step in that direction is the adoption of Transportation infrastructure which is needed to enable Virginia meet its net zero emissions goal in 2045. As such, there were discussions on how to expand uses and access to vehicles powered by battery to boost personal uses. They also addressed vehicle miles travelled, green buses and weight limits of heavy vehicles illegally allowed on roads.
 - Also, the Bill to create an electric rebate program passed the House and is now at the Senate.
 - Delegate Keam's Bill which was aimed at funding schools to assist in buying electric buses, ended up as a fund holding spot with no additional money created at this time.
 - Further, a number of Bills advocating for the development of policies for statewide vehicle emissions standards also passed the House.
 - Another worth noting is the House Joint Resolution HB542 (The Transit, Equity and Modernization Study) by the Chair of the House Transportation Committee, Delegate McQuinn. The House has dedicated \$500,000 to fund the two-year Study and an interim report is due at the end of 2021.
 - With regards to Budget amendments, Ms. Baynard noted that the House retained \$5 million in general fund money for the Transit Ridership Incentive fund created last year. She explained that the transit incentive fund was mainly created:
 - To eliminate fares for low-income riders
 - To encourage more use of transit in urbanized areas like Northern Virginia, Central Virginia, especially the Richmond area and Hampton Roads
 - The House also retained the Governor's \$50 million to advance Intercity Passenger Rail service up to Washington D.C and also funded the Transit Equity Modernization Study.
 - The House and Senate dedicated money to the Transit Incentive Fund. This is to be used for reducing fares for low-income riders and secondly to boost transit in urbanized areas.
 - The Senate has a more extensive set of initiatives by using Virginia's share of the federal Coronavirus relief dedicated to state Highway Infrastructure Programs. Virginia estimates it will receive \$252 million – with \$37 million to be programmed by Metropolitan Planning Organizations (MPOs).
 - The Senate recommends allocating the remaining \$215 million in the following manner:

- \$22.4 million for FY 21 to fill funding gap in Virginia's share for Metro Capital Fund dedicated to SGR projects
- \$5 million 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. This replaces Governor's proposal to use \$50 million in general funds
- \$40M for FY 21 for a Statewide Multi-Use Trail Initiative which replaces the Governor's proposal to use \$5 million in general funds
- 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 the Office of Intermodal Planning and Investment to convene a work group to recommend a prioritization process, identification of new opportunities and 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 City of Falls Church and Virginia Tech
- Ms. Baynard noted that unfortunately, neither the House nor Senate were able to make appropriations to support Northern Virginia's share of the WMATA Capital Fund, mainly due to certain limitations regarding what the funding could be used for.
- Chair Randall further asked why the General Assembly went into Sine Die and are still working on old Bills.
- Ms. Baynard responded that a procedural resolution was negotiated by the House and Senate early on in January. This enabled them to have an agreement in place regarding how they were going to go about the Special Session. That is by vote, a Committee or body were allowed to 'carry over' Bills from the Regular Session into the Special Session.
- Ms. Backmon inquired whether the Metro funding being proposed is for FY2021 or FY2022 as the thought was that the Commonwealth was going to use some unobligated bonds to cover the deficit for FY22.
- Ms. Baynard responded that it is noted in the budget for FY2021 but depending on how things go, it might be tweaked for FY2022.
- Chairman McKay brought to Board Member Cristol's attention that Senator Saslaw has a proposed budget amendment that would withhold Metro's operating money from the Northern Virginia Transportation Commission (NVTC), which is the avenue through which NVTC localities are able to pay their Metro

operating subsidy). He noted that this budget amendment requires WMATA to rename the McLean Metro Station, something which WMATA has objected to doing. As such the budget amendment by Senator Saslaw seeks to enforce this name change before making the money available to NVTC.

- Chairman McKay noted that his County Board of Supervisors voted in support of the McLean Metro Station renaming and are also trying to work out a compromise to the situation. Nonetheless, he added that this amendment impacts every jurisdiction that is part of NVTC. If Metro does not receive this funding, they will seek the funding from the localities.
- Chair Randall asked what issue was at stake with the station name.
- Chairman McKay explained that Capital One built a large performing arts center as part of that station and wanted that noted in the station name. He added that his County Board are working on a generic compromise which would reflect the fact that there is a performing arts center within the station with directions to go with it, as that would be helpful in solving the issue.
- Board Member Cristol expressed her appreciation for what Chairman McKay and his Board are doing to help resolve the issue.
- Chairman McKay noted that they are doing their best to reach a compromise between Metro and Senator Saslaw in order to prevent a potential regional issue from getting worse.
- On a different note, Board Member Cristol expressed her interest regarding the multi-purpose trails initiative and asked Ms. Baynard to keep the Committee updated on how that pans out.
- Ms. Baynard responded that she is hoping some form of funding will be set up every year from this initiative, probably by the next administration to enable jurisdictions apply to for trail developments in their areas going forward.
- In response to this, Board Member Cristol commented that she hopes Members of the Authority would be in agreement with her regarding not seeing the Authority as the only source of funding for jurisdictions when it comes to constructing trails.

5. Adjournment: The meeting adjourned at 5:54pm.

Next Meeting: March 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: Tracy Baynard, McGuireWoods Consulting LLC.

DATE: March 5, 2021

SUBJECT: 2021 Virginia General Assembly Update

Purpose: To provide the Governance and Personnel Committee with an update of the 2021 General Assembly Session transportation matters.

- A number of bills introduced during the 2021 General Assembly session highlight the transportation sector's role in emissions reduction and resiliency. Other proposed legislation would have required a new environmental justice outreach process as part of certain permit requests. Legislators placed an emphasis on electric vehicles and the development of charging infrastructure throughout the Commonwealth, positioning the state for the increasing electrification of the automotive industry, including analysis of how greater electrification impacts energy access and generation. Meanwhile, greenhouse gas emissions were heavily considered, resulting in legislation that will require an evaluation of motor vehicle emissions and the implementation of a low-emissions vehicle standards program starting with the 2025 model year.
- Two bills, [HB 1979](#) and [HB 2118](#), created new programs supporting the use of electric vehicles, but no funds were allocated in the conference budget report. HB 1979 creates a rebate program for the purchase of new and used electric vehicles beginning in 2022 if funds are made available. The program expires January 2027. HB 2118 establishes a grant program to assist school divisions in replacing diesel school buses with electric school buses. If no funds are dedicated via Governor budget amendments, the hope is that funding will be provided for the FY 22-24 biennium.
- Rising sea levels and increased flooding continue to impact policy development, resulting in a number of legislative items aimed at increasing resiliency in the Commonwealth's transportation infrastructure. The Department of Transportation will be involved in developing strategies to mitigate risks to infrastructure and will be required to consider resiliency as a factor when developing its SYIP. The Department of Conservation and Recreation will also be involved in evaluating solutions to mitigate flooding.

The environmental justice bills introduced in 2021 sought to standardize consideration of environmental justice issues within the executive branch, utilizing public outreach and an interagency working group. While this proposed legislation did not survive, the inclusion of these bills in this year's General Assembly session affirms the importance placed on the matter last year with the passage of the 2020 Environmental Justice Act. The Act established § 2.2-235 of the state code, which defines environmental justice as the fair treatment and meaningful involvement of every person, regardless of race, color, national origin, income, faith, or disability, regarding the development, implementation, or enforcement of any environmental law, regulation, or policy. Proposed legislation centering on environmental justice should be expected in future General Assembly sessions.

Transportation Policy and Studies

- [HJ 542](#): Requests the Department of Rail and Public Transportation to conduct a two-year study of transit equity and modernization in the Commonwealth, with emphasis on transit services and engagement opportunities for underserved and underrepresented communities.

Electric Vehicles/EV Charging Infrastructure/Transportation Electrification

- [HB 1850](#): Authorizes EVs powered primarily by electric battery to exceed relevant weight limits by 2,000 pounds as long as the additional weight is due to the power unit. Similar vehicles may also travel on interstates but the total gross weight cannot exceed 82,000 pounds.
- [HB 2282](#): The SCC shall submit a report to the General Assembly, no later than May 1, 2022, recommending policy proposals that would govern public electric utility programs to accelerate widespread transportation electrification in the Commonwealth. The DEQ, DMME, and VDOT will participate. The report will detail public and private investment opportunities in EV charging infrastructure, as well as increased access to electric transportation, improved air quality, and energy storage targets. Beginning July 1, 2021, any approved costs of any investor-owned electric utility associated with investment in transportation electrification may only be recovered through the utility's rates for generation and distribution. These costs may not be recovered through a rate adjustment clause and will not be eligible for a customer credit reinvestment offset.
- [SB 1223](#): Amends the Virginia Energy Plan to include an analysis of EV charging infrastructure and other infrastructure needed to support the 2045 net-zero carbon target in the transportation sector. This will also include: 1) data on the number and type of electric and hybrid electric vehicles currently registered in the Commonwealth; 2) projections of future electric vehicle sales across all vehicle classes, and; 3) an analysis of the impact electrified transit growth on the Commonwealth's electric system.

Emissions

- [HB 1965](#): 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 regulations shall allow any motor vehicle manufacturer to establish a Virginia zero-emission vehicle credit account to be used to offset any inability to meet LEV vehicle delivery to Virginia auto dealers.

- [SB 1282](#): Directs the Department of Environmental Quality to conduct a comprehensive statewide baseline and projection inventory of all greenhouse gas (GHG) emissions and shall update such inventory every four years starting with the October 2022 report.
- [SB 1284](#): Establishes the Commonwealth Clean Energy Policy, which recognizes that addressing climate change requires reducing greenhouse gas emissions in the transportation and infrastructure sectors. The policy supports net-zero emission targets by promoting zero-emission vehicles and infrastructure, decreasing the carbon intensity of the transportation sector, encouraging alternative transportation options, and increasing the efficiency of motor vehicles operating on Virginia's roads.

Resiliency

- [HB 2071](#) / [SB 1350](#): When determining which projects to include in its SYIP, the CTB must consider whether the project has been designed to be resilient. Additionally, the Commissioner of Highways is required to ensure that resiliency is incorporated into the design standards for new construction projects.
- [HB 2187](#): The Commonwealth Center for Recurrent Flooding Resiliency (the Center) shall evaluate the development of a Flood Resiliency Clearinghouse Program for coordinating flood mitigation solutions. The Center will work with the DCR to evaluate solutions that (i) manage both water quality and flooding, and (ii) emphasize nature-based solutions, including stormwater best management practices. The Center will submit a report with results of its findings to the GA by November 1, 2021.
- [Budget Item 446 #2c](#): The Department of Transportation, with the assistance of the Virginia Institute for Marine Science, must complete an annual update on the status of the Coastal Virginia Transportation Infrastructure Inundation Study. The update is due no later than December 1 of each year to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees, Chairs of the House and Senate Transportation Committees, Chair of the Joint Subcommittee on Coastal Flooding and Adaptation, and the Secretaries of Transportation and Natural Resources. At minimum, the report must include: 1) an up-to-date identification of at-risk rural, suburban and urban infrastructure; 2) planning and options to mitigate or eliminate the identified risks; 3) a report on what work remains to be completed, and; 4) an estimated time frame for the completion of its work.

Project Funding and Budget

- [Budget Item 430 #1c](#): The Department of Rail and Public Transportation shall use \$3,600,000 in FY 2022 from the Transit Ridership Incentive Program for regional connectivity programs focused on congestion reduction and mitigation through provision of long-distance commuter routes for urban and rural communities.

2021 Transportation Funding Initiative

- In [Item 447.10#1c](#), the General Assembly combined General Fund money listed in the Governor's introduced budget along with federal COVID relief funding and other unallocated transportation funds to create a one-time multimodal transportation initiative. The project specifics:

Funding sources

- \$233.4 million in COVID federal relief funds
 - \$20 million in uncommitted TPOF money
 - \$15 million uncommitted FY 21 special project funds
 - \$55 million in FY 22 General Funds – as proposed by Governor
-
- **Expand Passenger Rail** \$83.5 million to expand passenger rail service from Roanoke to Blacksburg/Christiansburg and increase service frequency along I-81/Rt. 29 Corridor to Washington. DRPT is required to report back to the General Assembly by November 2021. Results from cost estimates of improvements are needed to extend service to Bristol and must model improvements and costs to extend service to Bedford.
 - **Expand Commuter Rail Service** \$83.5 million to improve VRE service on the Manassas Line pending final negotiations with Norfolk Southern.
 - **I-64 Corridor Improvements** \$93.1 million for use along the I-64 Corridor for two priority projects. The first call on funds is to fill any gap for the HRELN only after the updated traffic and revenue report is completed and HR TAC has certified what is needed. If money remains, it will be dedicated to the I-64 expansion missing link from New Kent to Richmond. This measure requires working with CVTA to see if they will be a partner to finance the project.
 - **Metro Related Needs** \$32.4 million to fill the FY 22 gap in Virginia's share of SGR funding via the Metro Capital Fund – estimated to be \$22.4 million. Whatever funds are left can be used to help NO VA localities pay their FY 22 Metro subsidy.
 - **Multimodal Trails Strategy** \$10 million for new regional multimodal trails. Directs OIPI to lead a workgroup to develop a process to identify and prioritize the development of new trails.
 - **Transit Access** \$10 million dedicated to establish a fare-free pilot for urban and rural transit systems. \$900,000 for the transit modernization and equity study called for in HJ 542.
 - **Fund Connected Transportation Pilot** \$10 million for the VT/Falls Church connected demonstration project. Requires an agreement with VDOT for information sharing and knowledge exchange.
 - **Further Directions to CTB** The General Assembly requires two reports on use of the funds. One is due November 2021 and the other is due June 30, 2022. Any funds not

allocated by June 1, 2021 can be used for road and bridge maintenance. The CTB has flexibility to use existing state revenues if the federal government does not allow use of federal funds for any project listed.

Other Transportation Matters

- [HB 1893](#) / [SB 1212](#): Authorizes the creation of the New River Valley Passenger Rail Station Authority to serve expected new service. The Authority includes all of Planning District 4 and allows revenue sharing agreements and the ability to sell bonds. Comments noted the station would be in Radford. Localities are not required to join.
- [HB 1813](#): Increases the value of highway maintenance and construction projects that can be performed by state or local employees to \$700,000.