



**Northern Virginia Transportation Authority**  
*The Authority for Transportation in Northern Virginia*

**GOVERNANCE AND PERSONNEL COMMITTEE**

**Thursday, January 13, 2022**

**5:30 PM**

**NVTA Offices**

**Meeting to be conducted in person and live streamed via YouTube**

**AGENDA**

- 1. Call to Order** Chair Randall
- 2. Approval of the December 9, 2021 Meeting Summary**  
*Recommended Action: Approval of Meeting Summary, (with abstentions from those who were not present).*

**Discussion/Information**

- 3. 2022 General Assembly Session Update** Ms. Backmon, CEO  
Ms. Baynard, McGuire Woods Consulting, LLC

**Closed Session**

- 4. Adjournment**

**Next Meeting: February 10, 2022, at 5:30 PM**  
**NVTA Offices**



**Northern Virginia Transportation Authority**  
*The Authority for Transportation in Northern Virginia*

**GOVERNANCE AND PERSONNEL COMMITTEE**

**Thursday, December 9, 2021**

**5:00 PM**

**NVTA Offices**

**Meeting conducted in person and Live Streamed via YouTube**

**SUMMARY MINUTES**

1. **Call to Order** Chair Randall
  - ✓ Chair Randall called the meeting to order at 5:12pm.
  - ✓ Attendees:
    - Members: Chair Randall; Chair Wheeler; Chairman McKay (joined 5:20pm); Mayor Davis-Younger.
    - Other Authority Members: Mayor Rishell; Councilmember Snyder (joined 5:25pm).
    - Staff: Monica Backmon (CEO); Michael Longhi (CFO); Keith Jasper (Principal, Transportation Planning and Programming); Erica Hawksworth (Communications and Public Affairs Manager); Margaret Duker (Executive Asst/Clerk).
    - Other Attendees: Rob Dickerson (Prince William County); MinChau Corr (Arlington County); Tracy Baynard (McGuire Woods Consulting LLC.).
  - ✓ Jurisdictional and agency staff as well as the public were able to view the meeting via the Authority's YouTube channel.
  
2. **Approval of the November 18, 2021 Meeting Summary**

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

  - ✓ Chair Randall moved approval of the November 18, 2021, GPC meeting minutes, seconded by Chair Wheeler. Motion passed unanimously.

**Discussion/Information**

3. **Draft 2022 Legislative Program, Report and Discussion** Ms. Backmon, CEO  
Ms. Baynard, McGuire Woods Consulting, LLC
  - ✓ Ms. Baynard informed the Governance and Personnel Committee Members that the number one priority in the legislative program is protecting the Authority's dedicated revenues.
  - ✓ She informed Committee members that a member of the Virginia Senate is looking for a dedicated revenue source for bicycle/pedestrian trail projects and considering a Bill to set aside some of the Authority's revenues for that purpose.
  - ✓ Chair Randall noted that it would be helpful to meet with this Senator to educate him on what NVTA does with its regional revenue, funding multimodal projects with the 70%

revenues, as well as 30% funds which localities are able to use towards various transportation projects. She added that she believes educating him might really help in making him aware that NVTA has already been funding pedestrian and bicycle projects in the region.

- ✓ Chair Randall pointed that she's forceful on this issue because she had been sounding the bell on this for a couple of years and then it did happen in 2018.
- ✓ She noted that she does not want NVTA's legislation to be brought up in this issue. Rather, she would prefer a meeting where the Senator, and essentially new members of the General Assembly, are educated on what NVTA does with its revenues and those meetings should include longer serving GA (General Assembly) Members who may also need to be informed/reminded.
- ✓ Ms. Baynard noted that she will coordinate the scheduling of these meetings with the General Assembly Members.
- ✓ Chair Randall inquired whether a Bill has been pre-filed yet.
- ✓ Ms. Baynard responded that it is not known whether the Senator is going to proceed with this Bill as nothing has been pre-filed yet.
- ✓ Ms. Backmon mentioned that she spoke with this Senator and informed him about some of the projects that the Authority has funded, like the W&OD Trail in Arlington and Falls Church and the Route 9 Traffic Calming Projects.
- ✓ She noted that she explained to him that earmarking NVTA's revenues will complicate things for the Authority due to long term benefit. She added that it would be complicated if funding is set aside, and certain parts of the region can access it whilst others cannot.
- ✓ Ms. Baynard noted that Governor Northam has announced funding for outdoor recreation in his proposed budget. She added that that funding may be available for local governments to apply for pedestrian and bicycle trails.
- ✓ Chair Randall asked for more details regarding how the Governor's budget work.
- ✓ Ms. Baynard responded that the Governor's proposed budget becomes the base budget for the incoming Governor who may add his amendments to it and send it to the General Assembly. She confirmed that items in the proposed budget may not remain following amendments by the incoming Governor.
- ✓ Additionally, Ms. Baynard noted that there are other options like the Infrastructure Bill which has funding which local governments can apply for towards pedestrian and bicycle trail projects.
- ✓ She added that the incoming Governor is proposing a temporary suspension of the State gas tax for 12 months. However, this would have to go before the General Assembly before passing into law.
- ✓ Ms. Baynard went on to note that the Transportation Technology Strategic Plan (TTSP) has also been incorporated into the discussion with the Electronic Vehicle (EV) program, but she is not sure how the incoming administration feels about these plans.
- ✓ Ms. Baynard continued to add that there will likely be a re-forecasting of the transportation revenues as part of the December revenue review and so far, since things have been looking up, the CTB plans to re-dedicate \$258.6 million to re-schedule the revenue sharing program. This means that projects which were pushed out to FY2025 and 2026, will be brought back on schedule and programmed in FY2024.

- ✓ To do this however, the CTB will have to waive the Revenue-Sharing Program spending cap of \$100 million.
- ✓ Ms. Backmon added that there are NVTA funded projects which localities match with revenue-sharing funds and when these were pushed back, NVTA had discussions with the various localities about project schedules. However, with the CTB's initiative to get revenue-sharing projects back on schedule, NVTA-funded projects will also be able to go back to their initial schedules.
- ✓ Chair Randall further asked what NVTA plans to do if the incoming Secretary of Transportation is not familiar with the work of NVTA.
- ✓ Ms. Baynard responded that there are plans to meet with these incoming officials and educate them about the work of the NVTA, adding that Ms. Backmon has met with some and will continue to hold one-on-one meetings with them to educate them about why it is essential to safeguard the Authority's funding.
- ✓ Ms. Backmon noted that she has provided information to the transition team regarding the work of the NVTA, TransAction, Six Year Programs and more and explained why it is important to protect and restore the Authority's funding.
- ✓ Ms. Baynard noted that there are plans to also sit down with the Secretary of Transportation once announced.
- ✓ Chair Randall also asked when new General Assembly members will be appointed to the Authority.
- ✓ Ms. Baynard responded that the Speaker of the House will likely make the appointment following the General Assembly Session.
- ✓ Chairman McKay inquired whether there would be any changes to the language in the legislative packet.
- ✓ He added that he is not comfortable with the move by the Senator to set aside the Authority's funding as this could decrease the already reduced funding available for the regional body to fund projects. He noted that there needs to be language which specifically opposes any efforts to set aside earmarks from the Authority's funding for any purpose.
- ✓ Ms. Baynard responded that she will work on adding language which clearly states that the Authority opposes any action to set aside dedicated revenue.
- ✓ Chair Randall agreed, noting that these amendments will have to go before the Authority.
- ✓ Councilmember Snyder proposed that the language changes be voted on separately as an amendment by the Authority.
- ✓ Ms. Backmon noted due to long term benefits, the Authority always ensures projects are multimodal when funding them without setting aside earmarks.
- ✓ Chair Randall thanked everyone for attending the meeting and their valuable input.

**4. Adjournment:** The meeting adjourned at 5:47pm.

**Next Meeting: January 13, 2022, at 5:30 PM**  
**NVTA Offices**

# NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

# 3.

## MEMORANDUM

**TO:** Chair Phyllis J. Randall and Members  
Governance and Personnel Committee

**FROM:** Monica Backmon, Chief Executive Officer  
Tracy Baynard, McGuire Woods Consulting, LLC

**DATE:** January 6, 2022

**SUBJECT:** 2022 General Assembly Session Update

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**Purpose:** To update the Northern Virginia Transportation Authority (NVTa) Governance and Personnel Committee of Proposed Budget and Legislative Activity from the 2022 General Assembly Session.

**Discussion:** As of the time of writing this memo, we have reviewed Governor Northam's proposed budget for FY2022, FY 2023 and FY 2024. We have fewer than usual introduced bills due to a ransomware attack and are waiting for Governor-elect Youngkin's inauguration before seeing his budget and policy initiatives. Below is an overview of proposals released so far.

### **Transportation Funding General**

The December revenue reforecast shows increases in transportation revenue sources across the board. If these projections are realized, it means the Authority will benefit from an increase in funding from the Interstate Operations and Enhancement Program (IOEP). The Authority gets 8.4% of IOEP funding each year.

### **FY 2022 Initiatives in HB 29/SB29**

As noted in December, the Northam administration is using the increased transportation revenues to replenish revenue sharing funding to make up money for FY 23 and FY 24. [Item 447 A-4](#) provides an additional \$40.480 million in FY 2022 for the Revenue Sharing Program. The FY 23-24 biennium budget also proposes increased funding for the Revenue Sharing Program to return funding once again to the previous schedule. Once again, the General Assembly is asked to allocate funding over the statutory \$100 million cap -- \$197.288 million for FY 23 and \$208.066 million in FY 24.

Governor Northam agrees that some of the FY21 general fund surplus should be allocated to the Commonwealth Transportation Fund - \$115.8 million for six new initiatives in [Item 447.10 B 8-13](#), ranging from multi-use trails, the regional Spaceport, the I-64 "gap" and an interchange project near the Norfolk Naval Base. This funding is allocated in FY 22. There is an additional \$207.204 million in general fund revenue allocated for multi-use trails in FY 2023 in HB30/SB30.

The Northam administration followed through on a recommendation of the Joint Legislative Audit and Review Commission related to whether localities responsible for maintaining pavements and bridges are receiving sufficient state funding. [Item 451 H](#) study language includes an assessment of current conditions of city streets. This evaluation will include a review of the current formula used for distributing city street payments and an assessment of possible partnerships with VDOT to provide services. Recommendations are due by December 1, 2023. You'll note at the top of the item a projected increased FY 2022 transfer of revenue to NVTA of \$58.492 million. This represents the revenue update.

### **Implementation of New Revenue from the Federal Infrastructure Investment and Jobs Act (IIJA)**

The Northam administration's proposed budgets include numerous specific initiatives to implement some portion of the Federal IIJA. Specific timing of spending the money is dependent on when the federal funds are received and having federal guidance in hand.

- Allocates \$43.47 million in FY 2022, \$44.33 million in FY 2023 and \$45.22 million for FY 2024 from the new resiliency PROTECT Program
- Allocates \$34.08 million in FY 2022, \$34.768 million in FY 2023 and \$35.464 million in FY 2024 from the new Carbon Reduction Program
- FY 2023-2024 biennium budget includes language directing the Commonwealth Transportation Board to develop a strategy for using funding from two new programs:
  - Bridge replacement, rehabilitation or construction including both state and local maintained bridges. This work will build upon already completed work by VDOT to review recommendations related to bridge asset management. Virginia is projected to receive \$107 million a year for 5 years from this program.
  - National Electric Vehicle Formula Program. The plan shall consider national designated electric charging corridors, opportunities to partner with the private sector and to be in compliance with future federal guidance. Virginia is projected to receive \$21.3 million a year for 5 years for this program.

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

FROM: Monica Backmon, Chief Executive Officer  
Tracy Baynard, McGuireWoods Consulting LLC

DATE: January 12, 2022

RE: Update on the 2022 Virginia General Assembly Session

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An update with additional information since the distribution of the January Authority meeting packet.

Attached is a presentation summarizing the transportation initiatives Governor Northam has included in his proposed budgets. This is another summary of the information we provided earlier.

- For cities and towns note Slide 6 which provides additional details on the City Streets Maintenance Payments Study

### **HB142-Amending Policy of the Transit Ridership Incentive Program**

Delegate McQuinn (D-Richmond) has introduced [House Bill 142](#) which is meant to provide the Commonwealth Transportation Board (CTB) with more flexibility to award funding from the Transit Ridership Incentive Program (TRIP). Section E of the bill would set minimums for funding for two programs – Free or low-income fares and regional transit service.

#### **Current Policy**

Free/Low-Income capped at 25%  
75% available for regional transit service

#### **Proposed New Policy**

At least 25% for free/low-income  
At least 25% for regional service  
50% can be used for either option

Members of the Authority have shown interest in both programs but at this time most applications have been related to free/low-income fare pilots due to the pandemic's impact on ridership and desire to expand access to transit service. If approved, this change in policy would give CTB greater flexibility to fund current fund requests but may reduce the preference for large transit systems such as we have in Northern Virginia for the regional transit service initiatives. Staff is seeking locality reaction to the proposed changes.

### **HB297-Temporary Suspension of Regional Fuels Tax**

Delegate McNamara (R-Roanoke) has introduced [House Bill 297](#) which would suspend all regional fuels taxes from July 1, 2022 to June 30, 2023. Staffs of several organizations are reviewing the bill to confirm its impact. If the bill is as broad as it seems it would suspend regional gas tax revenue for PRTC, NVTC, the VRE CROC Fund and the Metro Capital Fund.

### **HB261-Locality Authority to Lower Speed Limits**

Delegate Wyatt (R-New Kent) has introduced [House Bill 261](#). Section A4 permits local government to lower speed limits by up to 10 mph on any road in your boundaries based on a

traffic engineering study and analysis. Current law limits speed reduction to 25 mph. Local staff have been alerted about the bill and we await their review.

districts shall not, however, affect the authority of a locality to establish tax districts pursuant to other provisions of law;

(4) The total revenues generated from the additional real property taxes imposed in accordance with subsection C and this subsection shall not be less than 85% of the revenues estimated to be generated when imposing the additional real property taxes in accordance with subsections A and B at the rate of \$0.125 per \$100 of assessed value in any locality embraced by the Northern Virginia Transportation Authority and at the rate of \$0.10 per \$100 of assessed value in any locality wholly embraced by the Hampton Roads metropolitan planning area as of January 1, 2008, pursuant to § 134 of Title 23 of the United States Code; and

(5) The additional real property taxes imposed pursuant to subsection C and this subsection shall be levied, administered, enforced, and collected, in the same manner as set forth in Subtitle III of Title 58.1 for the levy, administration, enforcement, and collection of all local taxes. In addition, the local assessor shall separately assess and set forth upon the locality's land book the fair market value of that portion of property that is defined as separate class of real property for local taxation in accordance with the provisions of this section.

**2. That § 3 of the second enactment of Chapter 896 of the Acts of Assembly of 2007, as amended by Chapter 830 of the Acts of Assembly of 2011, is amended and reenacted as follows:**

§ 3. The net proceeds of the Bonds *authorized* by § 2 shall be used exclusively for the purpose of providing funds for paying the costs incurred or to be incurred for construction or funding of transportation projects pursuant to § ~~33.1-23.4-01~~ 33.2-365 of the Code of Virginia, including but not limited to environmental and engineering studies, rights-of-way acquisition, improvements to all modes of transportation, acquisition, construction and related improvements, and any financing costs and other financing expenses. Such costs may include the payment of interest on the Bonds for a period during construction and not exceeding one year after completion of construction of the projects.

**3. That the second enactment of Chapter 896 of the Acts of Assembly of 2007, as amended by Chapter 830 of the Acts of Assembly of 2011, is amended by adding sections numbered 3.1 and 3.2 as follows:**

§ 3.1. *The Commonwealth Transportation Board is hereby further authorized, by and with the consent of the Governor, to issue, pursuant to the provisions of the Transportation Development and Revenue Bond Act (§ 33.2-1700 et seq. of the Code of Virginia), as amended from time to time, revenue obligations of the Commonwealth to be designated "Commonwealth of Virginia Transportation Capital Projects Revenue Bonds, Series .." at one time in an aggregate principal amount not to exceed an additional \$50 million for a total authorization of \$3.05 billion, plus costs. The issuance of any bonds under this act is subject to the provisions of subsection C of § 33.2-1527 of the Code of Virginia.*

§ 3.2. *The net proceeds of the additional bonds authorized in § 3.1 of this enactment shall be used exclusively for the Commonwealth of Virginia to match federal funds provided for capital projects by the Washington Metropolitan Area Transit Authority.*

**4. That § 58.1-802.2 and Article 10 (§ 58.1-1742) of Chapter 17 of Title 58.1 of the Code of Virginia are repealed.**

**5. That each county or city that is a member of the Potomac Rappahannock Transportation Commission, but not a member of the Northern Virginia Transportation Authority, as of January 1, 2018, shall expend or disburse for the support of public transportation an amount that is at least equal to the average annual amount expended or disbursed for such purposes by the county or city, excluding bond proceeds or debt service payments and federal or state grants, between July 1, 2015, and June 30, 2018.**

**6. That the provisions of this act, except for §§ 33.2-214.3, 33.2-286, and 33.2-1526.1 of the Code of Virginia, as created by this act, and § 58.1-638 of the Code of Virginia, as amended by this act, shall not become effective until 30 days after the District of Columbia and the State of Maryland each enact legislation or take actions to provide dedicated funding for the Washington Metropolitan Area Transit Authority (WMATA). The percentage of funding provided by the Commonwealth for its share of WMATA funding pursuant to this act beginning with the fiscal year that this act becomes effective, and each fiscal year thereafter, shall be proportional to the amount of funding provided by the District of Columbia and Maryland relative to their respective share of WMATA funding in that fiscal year.**

**7. That the Commonwealth Transportation Board shall withhold 20 percent of the funds available pursuant to subdivision C 3 of § 33.2-1526.1 of the Code of Virginia, as created by this act, if (i) any alternate directors participate or take action at an official Washington Metropolitan Area Transit Authority (WMATA) Board meeting or committee meeting as Board directors for a WMATA compact member when both directors appointed by that same WMATA compact member are present at the WMATA Board meeting or committee meeting or (ii) the WMATA Board of Directors has not adopted bylaws that would prohibit such participation by alternate directors.**

**8. That, beginning July 1, 2019, the Commonwealth Transportation Board (the Board) shall withhold 20 percent of the funds available pursuant to subdivision C 3 of § 33.2-1526.1 of the**

Code of Virginia, as created by this act, each year unless (i) the Washington Metropolitan Area Transit Authority (WMATA) has adopted a detailed capital improvement program covering the current fiscal year and, at a minimum, the next five fiscal years, and at least one public hearing on such capital improvement program has been held in a locality embraced by the Northern Virginia Transportation Commission, and (ii) WMATA has adopted or updated a strategic plan within the preceding 36 months, and at least one public hearing on such plan or updated plan has been held in a locality embraced by the Northern Virginia Transportation Commission. In order to satisfy the requirements of clause (ii) of this enactment, the first strategic plan adopted to comply with such requirements shall include a plan to align services with demand and to satisfy the other recommendations included in the report submitted pursuant to Item 436 R of Chapter 836 of the Acts of Assembly of 2017.

9. That the Department of Rail and Public Transportation shall develop a prioritization process as required by § 33.2-214.3 of the Code of Virginia, as created by this act, for the Commonwealth Transportation Board's consideration. The Board shall implement the prioritization process required by § 33.2-214.3 of the Code of Virginia, as created by this act, no later than July 1, 2019, and use such process for the development of the Six-Year Improvement Program for fiscal years 2020 through 2025.

10. That the Commonwealth Transportation Board shall (i) adopt the guidelines required by § 33.2-286 of the Code of Virginia, as created by this act, by December 1, 2018, and (ii) develop and adopt a plan for phased implementation of the requirements for submissions of the strategic plans required to be developed over a period of five years. No agency subject to § 33.2-286 of the Code of Virginia, as created by this act, shall be penalized for not submitting a strategic plan pursuant to such section, provided that the agency is in compliance with the phased implementation schedule adopted by the Commonwealth Transportation Board.

11. That notwithstanding the provisions of subdivision C 1 of § 33.2-1526.1 of the Code of Virginia, as created by this act, for fiscal year 2019 the funds allocated to support the operating costs of transit shall be distributed as follows: (i) the first \$54 million of such funds shall be distributed to each transit property in the same proportion as its operating expenses bear to the total statewide operating expenses and shall be spent for purposes deemed to be eligible by the Board and (ii) the remaining amount of such funds shall be allocated to support operating costs of transit providers and shall be distributed by the Board on the basis of service delivery factors, based on effectiveness and efficiency, as established by the Board.

12. That (i) the Washington Metropolitan Area Transit Authority (WMATA) was established pursuant to an interstate compact between Virginia, Maryland, and the District of Columbia to operate a regional mass transit system in the Washington, D.C., metropolitan area; (ii) WMATA is currently the second largest rapid heavy rail mass transportation system and the sixth largest bus mass transportation system in the United States; (iii) Section 16 of the WMATA compact embodies the funding principle that "the payment of the costs shall be borne by the persons using or benefiting from the Authority's facilities and services and any remaining costs shall be equitably shared among the federal, District of Columbia and participating local governments"; (iv) the operation of the rapid heavy rail mass transportation system and the bus mass transportation system by WMATA provides particular and substantial benefit to the persons living, traveling, commuting, and working in those localities embraced by the Northern Virginia Transportation Commission; (v) the benefits to such persons include not only access to the rapid heavy rail mass transportation system and the bus mass transportation system operated by WMATA but also the lessened congestion on roadways and highways as a result of such operations; and (vi) on a typical weekday more than 340,000 trips are taken on WMATA in Virginia. On the basis of these facts, the General Assembly finds that dedicated funding is appropriate and necessary to support the capital needs of WMATA's rapid heavy rail mass transportation system.

13. That Virginia shall seek to appoint members to the Washington Metropolitan Area Transit Authority (WMATA) Board of Directors (i) with experience in transit, transportation, or land use planning; transit, transportation, or other public-sector management; engineering; finance; public safety; homeland security; human resources; or the law and (ii) who are familiar with the WMATA system.

14. That, for projects initiated by the Washington Metropolitan Area Transit Authority on and after July 1, 2018, and located solely within the Commonwealth, bidders, offers, contractors, or subcontractors (i) shall not, as a condition of the contract, be required to enter into or adhere to or prohibited from entering into or adhering to agreements with one or more labor organizations and (ii) shall not otherwise be discriminated against for becoming or refusing to become or remain signatories or otherwise adhere to agreements with one or more labor organizations.

15. That should any portion of this act be held unconstitutional by a court of competent jurisdiction, the remaining portions shall remain in effect.

16. That should any provision of this act changing the allocation of existing revenues in the Code of Virginia be declared invalid by a court of competent jurisdiction, the amendments to the

relevant section of the Code of Virginia made by this act shall expire, and such section shall revert to the language in the Code of Virginia in effect on January 1, 2018.

17. That nothing in this act shall be construed to appropriate or transfer any transportation revenues for nontransportation purposes pursuant to the twenty-second enactment of Chapter 896 of the Acts of Assembly of 2007 or the fourteenth enactment of Chapter 766 of the Acts of Assembly of 2013.

18. That the twelfth enactment of Chapter 684 of the Acts of Assembly of 2015 is amended and reenacted as follows:

12. That the provisions of this act amending §§ 33.2-1530, 58.1-815.4, ~~58.1-1741~~, and 58.1-2289 of the Code of Virginia shall expire if the Commonwealth collects sales and use tax from remote sellers on sales made into the Commonwealth pursuant to legislation enacted by the federal government that grants states that meet minimum simplification requirements specified in such legislation the authority to compel remote retailers to collect sales and use tax on sales made into the respective state.