

NORTHERN VIRGINIA TRANSPORTATION AUTHORITY**MEMORANDUM**

TO: Chair Phyllis J. Randall and Members
Northern Virginia Transportation Authority

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

DATE: March 3, 2022

SUBJECT: Update on the 2022 Virginia General Assembly Session

The Virginia General Assembly is nine days from sine die. The 2022 Session has been the quietest in some time for matters that directly impact the Authority. There are two recent activities we want to share.

Please provide special thanks to Minority Chair Eileen Filler-Corn and Delegate Suhas Subramanyam who surprised us by using the House floor discussion on HB 30, the FY23-24 biennium budget, to remind their fellow delegates that the Authority and Northern Virginia still require full restoration of dedicated regional transportation funding. Delegate Subramanyam pointed out with proposed amendment [Item 452 #1h](#) that full restoration of Authority funding to pre-2019 levels is a priority of our region. The proposed amendment would have allocated \$40 million from the VDOT construction funds over the biennium for the Authority and failed to pass.

Senator Scott Surovell's SB 251 continues to move through the legislative process and was reported out of Counties, Cities and Towns Subcommittee #1. As adopted by the Senate, the bill charges the Virginia Department of Transportation (VDOT) to convene a work group of stakeholders (including the Authority) to outline twenty-year pedestrian-bike and traffic calming initiatives and funding needs for Planning District 8. The projects must be independent of road widenings. VDOT requested that the report date be extended one year to September 1, 2023. Senator Surovell and members of the subcommittee agreed. The amended bill is likely to come before the full Counties, Cities and Towns Committee Friday, March 4.

The House and Senate have adopted their budgets including making some changes to transportation funding and initiatives. The Senate budget has a few items of interest to Authority localities:

- Adds up to \$30 million in FY 22 General Funds for one-time payments to cities and towns for maintenance.
- Adds up to \$5 million in both FY 22 and FY 23 in General Funds to the Transit Ridership Incentive Program (TRIP) for regional connectivity programs focused on congestion reduction and mitigation through the provision of long-distance commuter routes.
- Adds \$50 million in General Funds over FY 22 and FY 23 to establish a State Trails Office and provide funding for multiuse trails based on recommendations from the 2022 Virginia Multiuse

Trails Initiative Report. In addition, \$40 million from the federal Transportation Alternatives Program (TAP) is earmarked for regional multiuse trails for FY 23 and FY 24.

- Staff is gathering information on what impact this earmark has on TAP's ability to fund the Safe Routes to Schools Program and other uses of interest to our localities especially any impact on the population-based allocations from the program.
- We are also reviewing federal guidelines defining eligible projects for TAP funds versus the definition of multiuse trails from the 2022 report.
- The language covering this initiative is located here in [Senate Bill 29](#) #10 and [Senate Bill 30](#) Items I(1) and I(2).

Both budgets include a loss of transportation revenue because of tax relief efforts adopted by both bodies. Most of the General Assembly believes that transportation funding will not suffer for FY 23 and FY 24 due to increased dedicated state and federal transportation revenues. In the remaining days, the House and Senate will have to resolve their differences in the following legislation that reduces transportation funding:

- HB 90 repeals the 2.5% tax on grocery and essential personal projects including the .5% sales and use tax for transportation. The fiscal impact statement shows a \$253.2 million reduction in state dedicated transportation revenue over the biennium and then an average of \$138.23 million each year through FY 2028. The bill is effective July 1, 2022.
- SB 451 repeals 1.5% of the tax on grocery and essential personal projects including the .5% sale and use tax for transportation. Because of a delayed enactment date of January 1, 2023, the fiscal impact statement shows a \$188.1 million reduction in state-dedicated transportation revenue over the biennium and an average \$138.23 million each year through FY 2028.
- The Senate has defeated both versions of the bills that would suspend the 5 cents gas tax increase for one year. The House budget contains language that would suspend the tax increase. This will be resolved during budget negotiations.

There is still a lot of concern about the permanent impact on dedicated transportation revenue beyond FY 26, and transportation advocates continue work to find some idea that will be accepted by the Administration and General Assembly leadership.

Updated 3/2/2022

Bill #	Title	Label	Description	Primary Sponsors	Last Action	Last Action Date	Status	Position
HB 150	"Virginia Freedom of Information Act; local public bodies to post meeting minutes on its website."	FOIA	Requires, with certain exceptions outlined in the bill, any local public body subject to the provisions of the Freedom of Information Act to post meeting minutes on its official public government website, if any, within seven working days of final approval of the minutes. The bill provides that if a local public body does not own or maintain an official public government website, it shall make copies of all meeting minutes available no later than seven working days after the conclusion of a meeting at a prominent public location in which meeting notices are regularly posted, at the office of the clerk of the public body, or, in the case of a public body that has no clerk, at the office of the chief administrator.	Marie March	Senate: Passed Senate (40-Y 0-N)	Feb 28, 2022	Passed Senate	Monitor
HB 154	"Virginia Freedom of Information Act; public records database."	FOIA	Requires the establishment of a publicly available, centralized database for all public records. All public bodies will be required to transfer any public records in its possession to the database. The bill directs VITA, in consultation with the FOIA Council, to (i) convene a workgroup consisting of representatives from state and local public bodies in every region of the Commonwealth to conduct research, evaluate data, and determine a plan for implementation of the database and (ii) report its recommendations to the Governor and the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology on or before December 1, 2022. The	Marie March	House: Stricken from docket by General Laws (22-Y 0-N)	Jan 25, 2022	Failed	Monitor
HB 307	"Virginia Freedom of Information Act; estimated charges for records."	FOIA	Provides that a public body subject to the Virginia Freedom of Information Act shall make all reasonable efforts to supply records requested by a citizen at the lowest possible cost. The bill also requires a public body, prior to conducting a search for records, to notify the requester in writing of the public body's right to make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for requested records and inquire of the requester whether he would like to request a cost estimate in advance of the supplying of the requested records.	Nick Freitas	Senate: Passed Senate with amendment (40-Y 0-N)	Feb 28, 2022	Passed Senate	Monitor

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HB 444	"Virginia Freedom of Information Act; meetings conducted through electronic meetings."	FOIA	Amends existing provisions concerning electronic meetings by keeping the provisions for electronic meetings held in response to declared states of emergency, repealing the provisions that are specific to regional and state public bodies, and allowing public bodies to conduct all-virtual public meetings where all of the members who participate do so remotely and that the public may access through electronic communications means. Definitions, procedural requirements, and limitations for all-virtual public meetings are set forth in the bill, along with technical amendments.	Elizabeth Bennett-Parker	Senate: Referred to Committee on General Laws and Technology	Feb 03, 2022	Passed House	Monitor
HB 599	"Virginia Freedom of Information Act; charges for production of public records."	FOIA	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 record 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 record 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 allows a public body to petition the appropriate court for relief from the \$33 per hour fee cap upon showing by a preponderance of the evidence that there is no qualified individual capable of fulfilling the request for \$33 per hour or less.	Danica Roem	House: Left in General Laws	Feb 15, 2022	Failed	Monitor
HB 687	"Virginia Freedom of Information Act; definitions; meeting."	FOIA	Changes the definition of "meeting" for purposes of the Virginia Freedom of Information Act to mean an assemblage of at least a quorum of the members of a public body. Under current law, a meeting is defined as an assemblage of as many as three members or a quorum, if less than three members, of a public body.	Kaye Kory	House: Stricken from docket by General Laws (22-Y 0-N)	Jan 27, 2022	Failed	Monitor
HB 722	"Virginia Freedom of Information Act; meetings held through electronic communication means."	FOIA	Allows a local public body that serves in an advisory capacity to gather through electronic communication means without a quorum of the public body physically assembled at one primary or central meeting location if certain conditions, outlined in the bill, are met.	Wendy Gooditis	House: Left in General Laws	Feb 15, 2022	Failed	Monitor

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SB 152	"FOIA and FOIA Advisory Council; definition of official public government website."	FOIA	Defines "official public government website" as it applies to the Virginia Freedom of Information Act and the Virginia Freedom of Information Advisory Council as any Internet site controlled by a public body and used, among any other purposes, to post required notices and other content pursuant to the Virginia Freedom of Information Act on behalf of the public body. This bill is a recommendation of the Virginia Freedom of Information Advisory Council.	Mamie Locke	House: Subcommittee recommends reporting (8-Y 0-N)	Mar 01, 2022	Passed House	Support
HB 1113	"Transportation funding; statewide prioritization process."	General Transportation	Requires the Commonwealth Transportation Board, when administering SMART SCALE, to ensure that projects are evaluated for district grant program funds and high-priority funds separately, and that the projects selected in one program do not impact the other program. The bill requires the Board to weight congestion mitigation at at least 55 percent in the Northern Virginia and Hampton Roads highway construction districts. The bill requires that projects eligible for district grant program funds receive a district-specific score and an overall score.	Dave LaRock	House: Stricken from docket by Transportation (22-Y 0-N)	Feb 01, 2022	Failed	Monitor
HB 436	"National Capital Region Transportation Planning Board; joint transportation meeting."	General Transportation	Directs the Commonwealth Transportation Board to invite the National Capital Region Transportation Planning Board to participate in and present information at the joint transportation meeting held annually concerning projects in Planning District 8.	Briana Sewell	House: Left in Transportation	Feb 15, 2022	Failed	Monitor
HB 546	"Transportation safety funding; surplus in proposed budget to include."	General Transportation	Provides that for any year in which there is a surplus, the Governor shall include in his proposed budget an appropriation of 10 percent of such surplus for the Transportation Safety Fund, created by the bill, for the purpose of funding projects that would improve transportation safety, implement safe system approach designs, improve high accident risk areas, and create safer options for pedestrians and bicyclists. The bill directs the Secretary of Transportation to establish a process for soliciting, reviewing, and selecting project submissions by local governing bodies.	Danica Roem	House: Left in Transportation	Feb 15, 2022	Failed	Monitor

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HB 707	"Transportation funding; statewide prioritization process; resiliency."	General Transportation	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.	Mark Keam	House: Left in Transportation	Feb 15, 2022	Failed	Monitor
HB 704	"Northern Virginia Transportation Authority; new sidewalks and circular intersections."	NVTA Impact	Prioritizes projects for new sidewalks and circular intersections when selecting projects to be funded with Northern Virginia Transportation Authority funds.	Mark Keam	House: Stricken from docket by Transportation (22-Y 0-N)	Feb 01, 2022	Failed	Oppose - Delegate Keam withdrew his bill
SB 251	"Northern Virginia Transportation Authority; funds for pedestrian and bicyclist projects."	NVTA Impact	Directs the Department of Transportation to convene a work group to assess and identify projected pedestrian, bicycling, and traffic infrastructure needs and associated budgeting and funding needs. The bill provides that the work group shall submit a report of the gathered information no later than October 1, 2022.	Scott Surovell	CC & T sub: Subcommittee #1 recommends reporting with amendments (6-Y 3-N)	Feb 25, 2022	Passed Senate	Patron has removed any impact on NVTA;
HB 261	"Speed limits; local authority."	Safety	Authorizes localities to reduce the speed limit by up to 10 miles per hour on any highway within its boundaries if indicated by lawfully placed signs and based on a traffic engineering study and analysis. Current law authorizes localities to reduce the speed limit to less than 25 miles per hour, but not less than 15 miles per hour, on highways within its boundaries that are located in a business district or residence district and maintained by the locality.	Scott Wyatt	House: Left in Transportation	Feb 15, 2022	Failed	Monitor
HB 633	"Reduction of speed limits; local authority."	Safety	Expands the current authority of any locality to reduce the speed limit to less than 25 miles per hour, but not less than 15 miles per hour, on highways within its boundaries that are located in a business district or residence district, provided that such reduced speed limit is indicated by lawfully placed signs, to include highways within the state highway system.	Betsy Carr	House: Left in Transportation	Feb 15, 2022	Failed	Monitor
HJ 100	"Resolution; Vision Zero."	Safety	Recognizing the need to commit to Vision Zero by advancing policies that will end roadway fatalities by 2050 and cut them in half by 2030.	Kaye Kory	House: Left in Transportation	Feb 15, 2022	Failed	Monitor

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HB 90	"Sales tax; exemption for food purchased for human consumption & essential personal hygiene products."	Tax Exemption	Exempts food purchased for human consumption and essential personal hygiene products (the grocery tax) from all state, regional, and local sales taxes. The bill dedicates an amount equal to a 0.182 percent sales and use tax to cities and counties as a supplemental school payment. Such payment shall, from July 1, 2022 until July 1, 2024, be distributed based on each city and county's estimated average share of monthly distributions attributable to the tax on such food and hygiene products between February 2020 and December 2021. Beginning July 1, 2024, such payment shall be based upon each city and county's pro rate share of total local sales and use taxes.	Joe McNamara	Senate: Reported from Finance and Appropriations with substitute (14-Y 1-N)	Mar 01, 2022	Passed House	Monitor
HB 142	"Transit Ridership Incentive Program; amount of funds to be used to establish programs."	Transit	Changes from a maximum of 25 percent to a minimum of 25 percent the percentage of Transit Ridership Incentive Program (TRIP) funds required to be used to support the establishment of programs to reduce the impact of fares on low-income individuals. The bill requires at least 25 percent of TRIP funds to be used to support regional transit initiatives and provides that the Commonwealth Transportation Board has the discretion to allocate the remaining funds available as authorized by law and based on the programs and initiatives submitted during the application process.	Delores McQuinn	Senate: Signed by President	Feb 25, 2022	Passed Senate	Monitor
HJ 112	"Study; Department of Transportation; transit equity and engagement opportunities for people."	Transit	Requests the Department of Transportation to study transit equity and modernization in the Commonwealth, with an emphasis on transit services and engagement opportunities for people with disabilities.	Candi Mundon King	House: Left in Rules	Feb 15, 2022	Failed	Monitor
HJ 76	"Study; Northern Virginia regional transit plan; report."	Transit	Requests the Department of Rail and Public Transportation to study Northern Virginia regional transit and develop a regional transit plan that includes an extension of Washington Metropolitan Area Transit Authority service to Prince William County and report its findings and recommendations to the Governor and General Assembly by November 1, 2022.	Luke Torian	House: Left in Rules	Feb 15, 2022	Failed	Monitor

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SB 342	"Transit Ridership Incentive Program."	Transit	Directs the Commonwealth Transportation Board to use at least 25 percent of the funds available for the Transit Ridership Incentive Program for grants to fund reduced-fare or zero-fare transit projects. Under current law, the amount that may be used for such programs is capped at 25 percent. The bill provides that funds awarded for reduced-fare or zero-fare transit projects shall not be included in the requirement that funds be awarded in accordance with a statewide equitable ratio.	George Barker	House: On third reading, but passed by for the day	Mar 01, 2022	Passed Senate	Monitor
SB 488	"Transit Transition Fund and Program; established."	Transit	Establishes the Transit Transition Fund and Program, administered by the Department of Rail and Public Transportation, to provide grants to state, regional, and local public entities to support the transition of public transit fleets to zero-emission fleets. The Director of the Department is directed by the bill to report annually to the Governor and the chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations by November 1 of each year.	Jenn McClellan	House: Assigned Transportation sub: Subcommittee #1 Department of Motor Vehicles	Feb 22, 2022	Passed Senate	Monitor
HB 1059	"Suspension of the imposition of taxes on gasoline and diesel fuels; emergency."	Transportation Funding	Suspends the imposition and collection of the state and regional taxes on gasoline and diesel fuel until July 1, 2023. The bill contains an emergency clause.	AC Cordoza	House: Tabled in Finance (20-Y 0-N)	Feb 02, 2022	Failed	Oppose
HB 1144	"Gasoline and diesel fuel; lowers the rate of tax on July 1, 2022."	Transportation Funding	Lowers the rate of tax on gasoline and diesel fuel on July 1, 2022, from 26.2 cents per gallon to 21.2 cents per gallon on gasoline and from 27 cents per gallon to 20.2 cents per gallon on diesel fuel, the rates that were in effect before July 1, 2021. The bill provides that the rate of tax on gasoline and diesel fuel will return to 26.2 and 27 cents per gallon, respectively, on July 1, 2023, and will be indexed based on the change in the United States Average Consumer Price Index for both 2021 and 2022; thereafter, the rate will be indexed annually.	Mike Webert	Senate: Passed by indefinitely in Finance and Appropriations (12-Y 4-N)	Mar 01, 2022	Failed	Oppose
HB 297	"Regional fuels tax; suspends the imposition of any tax."	Transportation Funding	Suspends the imposition of any regional fuels tax in the Commonwealth on and after July 1, 2022, but before July 1, 2023.	Joseph McNamara	House: Left in Finance	Feb 15, 2022	Failed	Oppose

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<p>SB 541</p>	<p>"Gasoline and diesel fuel; lowers the rate of tax on July 1, 2022."</p>	<p>Transportation Funding</p>	<p>Lowers the rate of tax on gasoline and diesel fuel on July 1, 2022, from 26.2 cents per gallon to 21.2 cents per gallon on gasoline and from 27 cents per gallon to 20.2 cents per gallon on diesel fuel, the rates that were in effect before July 1, 2021. The bill provides that the rate of tax on gasoline and diesel fuel will return to 26.2 and 27 cents per gallon, respectively, on July 1, 2023, and will be indexed based on the change in the United States Average Consumer Price Index; thereafter, the rate will be indexed annually.</p>	<p>Mark Peake</p>	<p>Senate: Passed by indefinitely in Finance and Appropriations (12-Y 4-N)</p>	<p>Feb 10, 2022</p>	<p>Failed</p>	<p>Oppose</p>
<p>SB 451</p>	<p>"Retail Sales and Use tax; exemption for essential personal hygiene products."</p>	<p>Transportation Funding</p>	<p>Provides a state sales and use tax exemption for food purchased for human consumption and essential personal hygiene products. The bill would also provide, beginning February 1, 2023, an allocation of state revenues to fund the distribution to localities for educational funding that would have been distributed to them absent the exemption created by the bill. Under current law, such products are taxed at a reduced state sales and use tax rate of 1.5 percent and the standard local rate of one percent. The bill has a delayed effective date of January 1, 2023.</p>	<p>Jennifer Boysko</p>	<p>House: VOTE: Passage #2 (98-Y 1-N)</p>	<p>Feb 28, 2022</p>	<p>Passed House</p>	<p>Monitor</p>