



Northern Virginia Transportation Authority
The Authority for Transportation in Northern Virginia

GOVERNANCE AND PERSONNEL COMMITTEE

Thursday, March 10, 2022

5:30 PM

NVTA Offices

Meeting to be conducted in person and live streamed via YouTube

AGENDA

- 1. Call to Order/Welcome** Chair Randall
- 2. Summary Minutes of the January 13, 2022 Meeting**
Recommended action: Approval of Meeting Summary, (with abstentions from those who were not present).

Discussion/Information Items

- 3. 2022 General Assembly Session Update** Ms. Backmon, CEO
Ms. Baynard, McGuire Woods Consulting, LLC
- 4. Annual Performance Review for Chief Executive Officer** Mr. Longhi, CFO

Closed Session

- 5. Adjournment** Chair Randall

Next Meeting: April 14, 2022, at 5:30 PM
NVTA Offices



Northern Virginia Transportation Authority
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GOVERNANCE AND PERSONNEL COMMITTEE

Thursday, January 13, 2022

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 5:38pm.
- ✓ Attendees:
 - Members: Chair Randall; Chair Wheeler; Board Chair Cristol; Mayor Davis-Younger.
 - Other Authority Members: Councilmember Snyder; Ms. Hynes.
 - Staff: Monica Backmon (CEO); Michael Longhi (CFO); Keith Jasper (Principal, Transportation Planning and Programming); Mackenzie Love (Regional Transportation Planner); Margaret Duker (Executive Asst/Clerk- Participated Remotely).
 - Other Attendees: Rob Dickerson (Prince William County); MinhChau Corr (Arlington County); Joanna Anderson (City of Alexandria); Daniel Robinson (Fairfax County); Tracy Baynard (McGuire Woods Consulting LLC. - Participated Remotely).
- ✓ 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 December 9, 2021 Meeting Summary

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

- ✓ Mayor Davis-Younger moved approval of the December 9, 2021, GPC meeting minutes, seconded by Chair Wheeler. Motion passed unanimously.

Discussion/Information

3. 2022 General Assembly Session Update

Ms. Backmon, CEO

Ms. Baynard, McGuire Woods Consulting, LLC

- ✓ Ms. Backmon reminded Members that she sent out a number of updates regarding Bills that the Authority has been monitoring, adding that Ms. Baynard would expand on them in her update.
- ✓ Ms. Baynard proceeded to highlight items of interest at the ongoing 2022 General Assembly Session (GA), noting that after the completion of day two of the GA Session, 1,248 House Bills and Resolutions and 646 Senate Bills and Resolutions have been posted.

- ✓ She noted that since the Legislative Information System (LIS) is still recovering from the recent ransomware attack, Bills are gradually coming in but at a slower pace than previous years.
- ✓ Out of all the bills filed to date, Ms. Baynard noted that there are two that directly impact the Authority.
- ✓ She proceeded to inform Members of the GPC that Delegate Keam submitted a bill on behalf of the Town of Vienna, seeking to use NVTA 70% revenues for sidewalks and circular intersections.
- ✓ Ms. Baynard stated that she had an opportunity to discuss the Bill with Delegate Keam to explain why the Authority opposes this bill. She noted that projects of this nature are currently eligible and being approved for funding by the Authority and provided the Delegate information on the levels of funding.
- ✓ She will continue to have discussions with Delegate Keam to inform him of how the Town of Vienna can identify and access different sources of funding programs for the projects he is advocating for.
- ✓ Ms. Backmon remarked that she does not recall the Town of Vienna applying for NVTA funding for the purpose of constructing sidewalks or trails.
- ✓ Ms. Hynes noted that it appears the Town uses CMAQ (Congestion Mitigation and Air Quality) and RSTP (Regional Surface Transportation Program) funding as well as TAP (Transportation Alternatives Program) funding for their project needs.
- ✓ Chair Randall recommended speaking with Chairman McKay to find out if he knows why this request keeps being presented.
- ✓ Ms. Backmon noted that the Town uses their 30% funding for sidewalks.
- ✓ Councilmember Snyder pointed out that the NVTA legislation does not preclude sidewalks so that should not discourage localities from applying for funding for such projects.
- ✓ Ms. Backmon responded that NVTA rather encourages localities to apply for such funding because the Authority funds various modes.
- ✓ Ms. Baynard continued to note that she requested Senator Surovell walk her through the purpose of SB251 which would earmark some of NVTA's revenues for non-roadway bike/ped, sidewalks and trails, to which she said the Senator explained that if dedicated funding were set-aside, it would encourage localities to pursue more pedestrian/bicycle and trail projects.
- ✓ She noted that Senate Surovell's Bill would prioritize new sidewalks when selecting projects for funding.
- ✓ Ms. Baynard pointed that SB251 seeks to create dedicated funding for bicycle/pedestrian/trail projects in three ways:
 - Set aside 10% of 30% funding revenue before it is distributed to localities.
 - Set aside 10% of 70% revenue before applying the rest to projects and funding is to be allocated by the Authority. (The above combined amounts is effectively 10% of the Authority's annual revenue.)
 - Set aside 30% of the State allocation of the Transportation Alternatives Program (TAP) funding, directing the NVTA to put in a pool for non-roadway projects which the localities can apply for.
- ✓ Ms. Baynard noted that SB251's enactment clause states that no additional TAP funds can be used in Northern Virginia.

- ✓ Ms. Hynes noted that the TAP funds would amount to about \$44 million which is quite a huge sum of money. She pointed that currently, all nine jurisdictions receive \$2 million as the base amount.
- ✓ Chair Wheeler asked how much does the 10% set aside amount to.
- ✓ Mr. Longhi responded that this amounts to about \$35 million.
- ✓ Ms. Hynes noted that she has allocated a lot of TAP funding towards several Bicycle/Pedestrian projects in the Town of Herndon, trails in the Town of Hillsboro, a lot of sidewalks in Town of Occoquan and even streetlights in Town of Purcellville, all using TAP funds since these are often areas which need it most.
- ✓ Chair Randall commented that most of the time when legislators propose such bills, it may be at their localities request.
- ✓ Ms. Hynes noted that there is a big push for trail construction. She noted about three on the current Governor's priority list. Additionally, some localities are successful in their lobbying efforts for pedestrian/bicycle project funding.
- ✓ Board Chair Cristol asked Ms. Baynard what the prospects are for this Bill.
- ✓ Ms. Baynard responded that the Northern Virginia delegation would look to the Authority for its position on this as well as other allies. So, the Authority would have explained why this would not work, given all the reasons discussed.
- ✓ Ms. Hynes noted that she has a listing of all funded TAP projects and she'd be happy to supply a copy of it if needed.
- ✓ Ms. Baynard responded that such a list would definitely be helpful in supporting informed opposition to this Bill.
- ✓ Ms. Backmon noted that the Authority can and does fund trails, bicycle/pedestrian sidewalk projects but her concern, in addition to the TAP reference in the proposed legislation is the issue of long term benefits and the [potential imbalance in long term benefits that the proposed bill could create.
- ✓ Board Chair Cristol noted that Arlington County uses their 30% funds for a lot of sidewalk/trail projects. She pointed that it will be useful to add some specific details to the Authority's opposition noting that the 70% funding is equally available to localities to apply for, citing examples and note that the issue is that some of the localities are just not applying for the 70% funding for their trails/bike/pedestrian sidewalk projects, because they have other sources and priorities.
- ✓ Ms. Backmon noted that the law provides a level of flexibility regarding the use of the 30% and these projects generally fair well when submitted and evaluated by the Authority.
- ✓ Board Chair Cristol asked Ms. Baynard whether it would be appropriate to ask for a study regarding this Bill since most trail advocates like to see that there is dedicated funding for such projects.
- ✓ Ms. Baynard responded that there was actually a study last year regarding the issue of multi-use trails in the Commonwealth by the Office of Inter-modal Planning (OIPI), which is part of the CTB, to look into the use of trails and to set up a prioritization process for its funding. As such, Ms. Baynard noted that it is likely that the CTB will come out with some strategies for funding trails based on existing funding programs as well as potential new revenue sources.

- ✓ Ms. Hynes agreed, noting it will be dependent on whether the new Governor is interested in advancing these strategies, adding that the CTB's recommendation was to allocate \$20 million towards grant programs for planning, construction, and maintenance of trails.
- ✓ Ms. Baynard recapped to Board Chair Cristol that based on that Study, there is something in the pipeline, but will have to wait and see what the new Governor and his administration decide on.
- ✓ Ms. Hynes pointed out to all that the study, however, did not include trail maintenance.
- ✓ Ms. Baynard also noted that Chair Wheeler had inquired about a Study which was House Joint Resolution 76. She added that this was a Study Resolution which the Department of Rail and Public Transportation (DRPT) completed on the Springfield – Quantico Enhanced Public Transportation Study.
- ✓ The Study looked at the Fairfax and Prince William Counties corridor, reviewed existing transit like OmniRide and other modes to determine the feasibility of adding/expanding any of the modal capacities along the corridor.
- ✓ She noted that the Joint Legislation on Transit Study requires DRPT to develop a transit plan on expanding transit to include the expansion of Metro Rail to Prince William County.
- ✓ The study resolution also identifies all the stakeholders who should be part of it, namely all localities in Planning District 8, the Authority, NVTC, PRTC, WMATA and few others.
- ✓ She added that a report on this Study is due to the General Assembly during their 2023 regular session.
- ✓ Chair Randall asked whether DRPT has issued a response to this resolution.
- ✓ Ms. Baynard responded that not at the moment.
- ✓ Chair Randall asked Ms. Baynard whether there will be a benefit to educating the new Transportation Secretary about the Authority.
- ✓ Ms. Baynard responded that yes, it will certainly be a good thing to do that when he is settled in his new role.
- ✓ Chair Randall noted that she would prefer the Authority to do that soon as possible, as opposed to others educating the Secretary about the Authority.
- ✓ Ms. Baynard inquired whether any of the Members had any thoughts regarding the Joint Legislation on Transit Regional Plan, a study proposed by Delegate Torian.
- ✓ Chair Wheeler noted that this particular study seems rather broad and will require other regional partners to get on board. Rather, she would like to know from the Delegate what his end goal for this proposed study is, so as to have a fair idea of what it would entail.
- ✓ Board Chair Cristol mentioned that WMATA has a long range plan underway about rail line extensions some years down the line.
- ✓ She noted that it will be beneficial to have a briefing about the existing corridor capacity studies first.
- ✓ Ms. Backmon commented that since the Authority is also updating TransAction, Staff is reviewing different comprehensive plans in order to ensure that the long-range plan is holistic.
- ✓ Ms. Hynes informed GPC members that the new Secretary of Transportation-Elect, Shep Miller, is a successful businessman who was instrumental in the establishment of the Hampton Roads Transportation Commission (HRTAC), therefore someone well versed in the issues of transportation.

- ✓ She noted that she has had the pleasure of working with Secretary-Elect Miller as a CTB Member.
 - ✓ Ms. Baynard also provided an update regarding current membership on the House and Senate Committees to the Committee.
 - ✓ With regards to funding, Ms. Baynard informed the Committee that three Bills have been filed which temporarily suspend the fuel tax.
 - ✓ She noted that during Governor Youngkin's campaign, he planned to roll back the \$0.10 cents increase in the state gas tax for one year. However, none of these new Bills does that.
 - ✓ She noted there are two other Bills which temporarily suspend the regional fuel tax for one year and impacts PRTC, NVTC, VRE to name a few.
 - ✓ Ms. Baynard explained that if the Governor suspends the \$0.10 increase on fuel tax, that will amount to about \$400 million and implies less money for the transportation sector for a year.
 - ✓ Ms. Hynes agreed that that estimate is about right, adding that this could create a gap in Smart Scale money but there may be some flexibility with federal money.
 - ✓ Additionally, she noted that the new Governor may decide to plug any holes created by the suspension with a one-time fund allocation.
 - ✓ Chair Randall asked how long the suspension in the fuels tax would last.
 - ✓ Ms. Baynard noted that this is being planned for a twelve-to-fifteen-month period.
 - ✓ She continued to note that other initiatives announced by the new administration include addressing the 30% leakage (passenger loss) in aviation networks in Northern Virginia, a look at transit and adjustments post COVID, plus have office re-opening amongst other issues.
 - ✓ She noted that the new administration also embraced the Rails Initiatives started by Governor Northam's administration.
 - ✓ Additionally, Ms. Baynard noted that Governor Youngkin has identified a Chief Transformation Officer who will be responsible for leading innovation within the Department of Motor Vehicles (DMV).
4. **Adjournment:** The meeting adjourned at 6:45pm.

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

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

Updated 3/2/2022

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

Updated 3/2/2022

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

Updated 3/2/2022

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

Updated 3/2/2022

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

Updated 3/2/2022

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

Updated 3/2/2022

SB 541	"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; thereafter, the rate will be indexed annually.	Mark Peake	Senate: Passed by indefinitely in Finance and Appropriations (12-Y 4-N)	Feb 10, 2022	Failed	Oppose
SB 451	"Retail Sales and Use tax; exemption for essential personal hygiene products."	Transportation Funding	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.	Jennifer Boysko	House: VOTE: Passage #2 (98-Y 1-N)	Feb 28, 2022	Passed House	Monitor

NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

MEMORANDUM

TO: Chair Randall and Members of the NVTA Governance and Personnel Committee

FROM: Michael Longhi, CFO

DATE: March 3, 2022

SUBJECT: Annual Chief Executive Officer Performance Evaluation Process

1. **Background:** The Northern Virginia Transportation Authority (NVTA) Governance and Personnel Committee (GPC) prepares the annual Chief Executive Officer (CEO) performance evaluation for consideration and approval by the Authority.
2. **Discussion:** The GPC initiates the activities related to the annual performance review of NVTA's CEO.
 - a. An evaluation process outline, based on prior practice, is provided as Attachment A, for consideration by the GPC.
 - b. As provided in the process outline, the CEO's 2021 goals are provided in Attachment B.
 - c. In 2020, the GPC moved the CEO's review date to realign it with her hiring date, moving the end of the review period to May 2022.
 - d. The 2021 review was delayed to provide time for a consultant study of the CEO position description and salary survey.
3. **Next Steps:**
 - a. GPC Chair Randall advises Authority Members, at the March meeting, of the start of the annual CEO performance evaluation process.
 - b. With this announcement, Chair Randall advises Authority Members that their comments on the CEO's performance during 2021 are requested by the end of March.
 - c. The evaluation process as presented in Attachment A will continue to be executed toward a May 2022 completion target with adjustments determined by the Committee.

Attachments:

- A. Executive Director Annual Performance Assessment Procedure Outline
- B. Executive Director Goals for 2020

Chief Executive Officer Annual Performance Assessment Procedure Outline

Action steps and timing will be determined by the Governance and Personnel Committee to suit particular circumstances of each review cycle.

The following steps are targeted to prepare the annual performance review, compensation updates and upcoming period performance goals for Authority review and consideration at their regularly scheduled meeting.

The underlined items below indicate where the GPC Chair, in consultation with the Committee will provide direction.

Evaluation Kick Off

- Chair of the GPC may establish a subcommittee and/or GPC lead for the purpose of leading the Chief Executive Officer (CEO) annual performance review.
- Chair of the GPC will designate an NVTA staff member (GPC Lead) to carry out the instructions of the Committee/Subcommittee. Previously, the GPC Lead has been the Chief Financial Officer (CFO).
- The prior year CEO performance goals will be distributed to the Committee, and at the direction of the Committee to all Authority Members.

Evaluation Process

- A salary survey was conducted in 2021 and can serve to guide the 2021 review.
- The current 2021 performance goals will be distributed to all Authority Members with any comments from the Chair of GPC.
- Authority Member comments on the CEO performance will be requested by March 25th.
- The GPC will direct where comments should be submitted for recordation and consolidation. (Chair, Subcommittee or GPC Lead)
- Prior to the next regular meeting of the GPC, if possible, the person directed by the Chair to consolidate comments will submit a recap of the performance comments received from Authority Members as well as copies of the actual comments.
- The GPC may decide to refer all material to the Authority for consideration in closed session or may meet to review and discuss the material in a Committee closed session.
- As part of the recommendation the GPC may consider relevant CEO employment agreement terms such as:
 - Extension of the agreement term (currently is under automatic renewal).
 - Compensation
 - Changes to the CEO Position Description

- Benefits – other than the standard benefit package offered to all full time permanent NVTA staff members.
- Automobile Allowance
- Leave Carry Forward Terms

Chief Executive Officer's Goals for 2021

(Note: The CEO's next review is due in May of 2022. Therefore, a number of these goals are anticipated to be in process.)

- **Adoption of FY2022-2027 Six Year Program Update**
- **Conduct Long Term Benefit Assessment—**
 - Present findings
 - Address any deficiencies as part of the SYP update
- **Financial Management and Stability**
 - Produce clean/unmodified audits
 - Safely maximize Investment Portfolio returns to eliminate or reduce operations impact on member jurisdictions and the Regional Revenue Fund
 - Continue to safeguard the Authority's highest possible bond rating of AA+.
 - Propose responsible revenue projections, PayGo levels, project appropriation schedules and budgets for Authority consideration.
- **TransAction Update—**continue with task associated with the update to the region's long range transportation plan
 - Adopt Goals, Objectives and Performance Measures
 - Adopt Weighting for Performance Measures
 - Validate new model
 - Develop policy guidelines for Innovative and Disruptive Technologies to incorporate into the TransAction update.
- **Transportation Technologies Strategic Plan**
 - Begin Implementation of NVTA Roles
 - Work with the Transportation Technologies Committee to implement non NVTA Roles
- **Five Year Strategic Plan Update/Refresh**
- **Regional Multi-Modal Mobility Program-**
 - Work with Commonwealth on deliverables
 - Develop Data-Exchange Platform
 - Develop AI-Based Decision Support System
 - Develop Commuter Parking Information System
 - Develop Dynamic Incentivization
 - Develop app for the program

- **Promote and Represent NVTAs profile by:**
 - Representing the Authority at regional and national transportation conferences
 - Coordinating with the NoVA business community to better understand how the NoVA transportation system affects regional prosperity and identify how different types of multimodal regional transportation projects support economic growth and raise quality of life for Northern Virginians

- **Participating in regional initiatives/studies:**
 - Work with the Transportation Planning Board (TPB) on the development of the new transportation model for VA, MD and DC, and examine potential utilization with the TransAction update
 - Engage and coordinate with the VTrans 2045 Update
 - Engage and coordinate with the TPB on the update of Visualize 2045
 - Participate and coordinate on executive committees for large NVTA funded projects such as:
 - Route 28
 - Richmond Highway BRT

- **Build capacity for in-house multimodal regional transportation modelling, aligning with TPB data and the TransAction Update.**

- **PIO Stakeholder Group - Utilize group to advance NVTA brand and initiatives through the collaborative work on groundbreakings and ribbon cuttings.**
 - Continue to use regional PIO group as a resource in advancing the Authority's planning and programming activities