



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

**GOVERNANCE AND PERSONNEL COMMITTEE**

**Thursday, April 21, 2022**

**6:00 PM**

**NVTA Offices**

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

**AGENDA**

1. **Call to Order** Chair Randall, Chair
2. **Approval of January 13, 2022, Meeting Summary Minutes** Chair Randall, Chair  
*Recommended action: Approval of January 13, 2022, Meeting Summary Minutes  
[with abstentions from those who were not present].*
3. **Approval of March 10, 2022, Meeting Summary Minutes** Chair Randall, Chair  
*Recommended action: Approval of March 10, 2022, Meeting Summary Minutes  
[with abstentions from those who were not present].*

**Discussion/Information Items**

4. **2022 General Assembly Special Session Update**  
Ms. Backmon, Chief Executive Officer  
Ms. Baynard, McGuire Woods Consulting, LLC  
Ms. Rockwell, McGuire Woods Consulting, LLC

**Closed Session**

5. **Adjournment** Chair Randall, Chair

**Next Meeting: May 12, 2022, at 5:30 PM**

**NVTA Offices**



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

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

## **GOVERNANCE AND PERSONNEL COMMITTEE**

**Thursday, March 10, 2022**

**5:30 PM**

**NVTA Offices**

*An in-person meeting and live streamed via YouTube*

### **SUMMARY MINUTES**

#### **1. Call to Order**

Chair Wheeler, Chair

- ✓ Chair Wheeler called the Governance and Personnel Committee (GPC) meeting to order at 5:35 PM.
- ✓ Attendees:
  - Members: Chair Wheeler, Mayor Davis-Younger, Supervisor Alcorn for Chairman McKay, Board Member Karantonis for Board Chair Cristol. Not Attending: Chair Randall.
  - Staff: Monica Backmon (CEO), Michael Longhi (CFO), Jonathan Davis (Authority Secretary), and Margaret Ducker (Executive Assistant/Clerk to Board)
  - Other Attendees: Tracy Baynard (McGuireWoods LLC) attended remotely; Rob Dickerson (Prince William County); Joanna Anderson (City of Alexandria); Danielle Robinson (Fairfax County).
- ✓ Jurisdictional and agency staff as well as the public were able to view the meeting via the Authority's [YouTube Channel](#).
- ✓ Chair Wheeler sought to identify whether a quorum was present. Mr. Longhi advised that a quorum was not present. Due to this fact, approval of the January 13, 2022, Summary Minutes action item was tabled for the next meeting.

### **Discussion/Information Items**

#### **2. Annual Performance Review for Chief Executive Officer**

Mr. Longhi, CFO

- ✓ Chair Wheeler, consulting with Committee Members, used Chair's prerogative to move agenda item 4. Annual Performance Review of Chief Executive Officer as the next order of business.

- ✓ Mr. Longhi provided information regarding the previous process of the CEO's annual review and noted direction is needed from the GPC regarding the process for FY2022. Mr. Longhi noted that Authority Members would be asked to provide comments and requested that the GPC allow for this process to be on schedule by soliciting Authority Member comments in April.
- ✓ Chair Wheeler acknowledged the request and opened the floor for comments and questions from the Committee. The Committee provided direction to Mr. Longhi to proceed with the process using the same outline as last year after confirming the approach with Chair Randall.

### 3. 2022 General Assembly Session Update

Ms. Backmon, CEO

Ms. Baynard, McGuire Woods Consulting, LLC

- ✓ Ms. Baynard began the discussion on the 2022 General Assembly by identifying sine die as scheduled for Saturday; and further noted the likelihood that the Governor will call to reconvene the General Assembly to address differences in proposed legislation and finalize the State Budget.
- ✓ Ms. Baynard noted that one of the top issues needing to be resolved is the General Assembly identifying how much revenue will be available and what factors contribute to its ability to reconcile the allocation of funds. She further noted actions necessary before the final adjournment of the 2022 General Assembly and the Governor's budget approval.
- ✓ Ms. Baynard moved the discussion forward by identifying what bills have a direct impact on the Authority and transportation funding:
  - Senate Bill 251, introduced by Senator Surovell, is an attempt to find dedicated funding for bike pedestrian facilities or traffic calming initiatives not connected to a road widening. As introduced, this Bill would have diverted regional revenue directly from the Authority.
- ✓ Ms. Baynard added that after much conversation with stakeholders including Senator Surovell, SB 251 was amended as a study for VDOT to identify (1) Specific 20-year bike pedestrian traffic calming needs in planning district 8, and (2) What revenue sources are available to fund those initiatives. While SB 251 successfully moved through the Senate; Ms. Baynard pointed out that House leadership re-referred SB 251 to the Senate Transportation Committee. Due to deadline particulars SB 251 has essentially failed for 2022.
- ✓ Ms. Baynard noted that out of the bills introduced through the one-year delayed enactment of the repeal on grocery tax, only one has survived in both the House and Senate (HB 90 and SB 451):
  - Both bills reflect a retraction of 0.5% on the sales and use tax for groceries that provides revenue for the Commonwealth Transportation Fund. This results in a projected \$188.1 million (SB 251) and \$253.2 million (HB 90) loss in revenue for the biennium and approximately \$138 million annually thereafter.
- ✓ Ms. Baynard added that stakeholders are concerned about the loss of ongoing revenue for transportation because of many concerns including but not limited to: (a) How the revenue



supports operating and capital funding for transit, and (b) How it supports planning and capitol funds for roads and transit. Efforts are underway to encourage the General Assembly to identify a new ongoing dedicated revenue source by providing an assessment of long-term transportation funding within a certain timeline (shorter than 10 years).

- ✓ Supervisor Alcorn inquired on what would result from the General Assembly's Joint Conference Committee Report, whether the projected loss of revenue is expected to be between \$188.1 million and \$253.2 million.
- ✓ Ms. Baynard responded by noting that the projected loss in revenue in the biennium would likely be either of the two figures considering there is a different timeline. The House bill has the repeal going into effect on July 01, 2022, while the Senate bill has the repeal going into effect on January 01, 2023.
- ✓ Supervisor Alcorn noted that it is unfortunate not having a dedicated backstop on the projected loss in transportation revenue and added that Fairfax County is unhappy about it.
- ✓ Ms. Baynard echoed Supervisor Alcorn's sentiments and added that these specific concerns were expressed during the General Assembly with the chief issue being the long-term effects from the loss of transportation revenue.
- ✓ Ms. Baynard continued the 2022 General Assembly discussion by identifying proposed changes to the Transit Ridership Incentive Program (TRIP) which is designed to: (1) Provide state funds for local transit systems pilots for zero or low fare and, (2) Support long distance commuter transit initiatives in large metropolitan areas like Northern Virginia. Ms. Baynard made note of two bills that amend the TRIP by:
  - Guaranteeing at least 25% of funds are available for zero or low fare initiatives.
  - Ensuring that at least 25% of funds are utilized for regional transit long distance commuter transit initiatives and the remaining 50% of the funds being distributed at the discretion of the Commonwealth Transportation Board.
- ✓ Ms. Baynard finalized her 2022 General Assembly update by noting the Transportation Alternatives Program (TAP), its proposed program funding changes and where the Senate bill currently stands in the legislative process.

#### **4. Adjournment**

Chair Wheeler, Chair

- ✓ Chair Wheeler opened the floor for discussion and questions. Seeing none, Chair Wheeler concluded the meeting's information and discussion at 5:51 PM.

**MEMORANDUM**

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

**FROM:** Monica Backmon, Chief Executive Officer  
Tracy M. Baynard, McGuireWoods Consulting LLC  
Margaret Rockwell, McGuireWoods Consulting LLC

**DATE:** April 15, 2022

**SUBJECT:** Update on the 2022 Virginia General Assembly Session

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As of writing this memo the Virginia General Assembly is still in special session and there is no indication on when they will return to vote on the budget (HB 29/HB 30) and the forty-five non-budget bills that were carried over into the special session.

**2022 Regular General Assembly Session**

Governor Youngkin completed his review of legislation adopted during the Regular Session and sent down his proposed amendments and vetoes. Action on key bills of interest to the Authority:

- **Transit Ridership Incentive Program Legislation - [HB 142 \(McQuinn\)](#)/[SB 342 \(Barker\)](#):**
  - Allocates at least 25% of funds for free or low fare initiatives
  - Allocates at least 25% of funds for regional transit initiatives
  - Protects funding to promote improved transit in urbanized areas with populations over 100,000
  - Governor Youngkin's proposed amendment would let the 25% floor for free and low fare initiatives to expire July 1, 2024, returning to the current 25% maximum that can be used for these projects.
  
- **Authority for local park authorities to operate electric vehicle charging infrastructure - [HB 443 \(Bulova\)](#):**
  - Governor Youngkin signed HB 443 bill which allows local park authorities to locate, operate, and regulate the use of, and install signage relating to electric vehicle (EV) charging stations on their property.
  - The Bill is effective July 1, 2022.

- **Permit some public bodies to conduct all-virtual meetings outside of a declared state of emergency – [HB 444](#) (Bennett-Parker):**
  - The Bill exempts local governing bodies, local school boards, planning commissions, architectural review boards, zoning appeals boards, and any board with the authority to deny, revoke, or suspend a professional or occupational license from the provisions
  - Requires the FOIA Council to convene stakeholders to develop best practices for holding all-virtual meetings
  - Legislative becomes effective September 1, 2022

The General Assembly reconvenes on April 27, 2022, to take action on Governor Youngkin’s proposed amendments and vetoes.

### **Overview of 2022 Special Session I**

The General Assembly moved the two budget bills and forty-five other bills to the special session which convened April 4, 2022. In addition to the budget bills which contain various transportation issues of interest mentioned in earlier memos, the General Assembly is considering three initiatives that will reduce available transportation funding:

- [HB 90](#) (McNamara)/ [SB 451](#) (Boysko) will either partially or fully eliminate the grocery tax. While the current House and Senate proposals differ in amount eliminated or when it starts, they both eliminate the 0.5% that provides dedicated funding for transportation without backfilling.
  - Both budget bills also contain this language.
- New bills [HB 6001](#)(Durant)/ [SB 6001](#) would (1) temporarily suspend the state gas tax for three months, (2) gradually return the tax over two months and (3) cap the annual indexing at 2%. Current law permits an annual indexing at the rate of CPI-U.
  - The House Finance Committee will take up HB 6001 on April 19, 2022
  - The Senate Finance and Appropriations Committee is scheduled to meet April 26, 2022
- Embedded in the House version of HB 30 is language that would [roll back five cents of the state gas tax for FY 23](#).

The Authority has shared its opposition to any action that destabilizes and reduces dedicated state revenues for transportation. Any action that reduces available funding for the Interstate Operations and Enhancement Program (IOEP) reduces funding the Authority gets from this program. IOEP state funding was secured in 2020 to help partially replace regional funding diverted for Metro maintenance needs.