



# Northern Virginia Transportation Authority

The Authority for Transportation in Northern Virginia

## GOVERNANCE AND PERSONNEL COMMITTEE

Thursday, November 10, 2022, 5:30 PM EST

3040 Williams Drive, Suite 200

Fairfax, VA 22031

*This meeting will be conducted in person and live streamed via [YouTube](#)<sup>1</sup>*

### AGENDA

1. Call to Order Chair Randall, Chair

2. Approval of October 13, 2022, Meeting Summary Minutes Chair Randall, Chair

*Recommended Action: Approval of October 13, 2022, Meeting Summary Minutes  
[with abstentions from those who were not present]*

### Discussion/Information Items

3. Update on Draft 2023 Virginia General Assembly Focus/Legislative Priorities  
Ms. Backmon, Chief Executive Officer  
Ms. Baynard, Senior Vice President, McGuireWoods Consulting, LLC.

### Closed Session

4. Adjournment Chair Randall, Chair

### Correspondence

**Next Meeting: December 8, 2022, at 5:30pm**

NVTA Offices

---

<sup>1</sup> If technical difficulties arise, the meeting may be audio or video recorded. Any recordings will be made available on the [GPC's meeting webpage](#).



## GOVERNANCE AND PERSONNEL COMMITTEE

Thursday, October 13th, 2022

5:30 PM

NVTA Offices

Meeting conducted in-person and live-streamed via YouTube

### SUMMARY MINUTES

#### 1. Call to Order

Chair Randall, Chair

- ✓ Chair Randall called the GPC meeting to order at 5:41 PM.
- ✓ Attendees:
  - Members: Chair Randall, Chair Wheeler, Board Chair Cristol, Mayor Davis-Younger (virtual).
  - Staff: Monica Backmon (CEO), Michael Longhi (CFO), Jonathan Davis (Authority Secretary), Amanda Sink (Executive Assistant)
  - Other Attendees: Tracy Baynard (McGuireWoods LLC), Daniel Robinson (Fairfax County)

### Action Items

#### 2. Approval of September 8, 2022, Meeting Summary Minutes

Chair Randall, Chair

*Recommended Action: Approval of September 8, 2022, Meeting Summary Minutes  
[with abstentions from those who were not present]*

- ✓ Chair Randall noted two clarifications to the meeting summary minutes by reading aloud the changes. Chair Randall moved approval the September 8, 2022, GPC Meeting Summary Minutes with verbal changes seconded by Board Chair Cristol. Motion passed unanimously.

### Discussion/Information

#### 3. Initial Recommendations for Draft 2023 Legislative Program

Ms. Backmon, CEO

Ms. Baynard, McGuire Woods Consulting, LLC

- ✓ Ms. Backmon noted the listed legislative priorities in the meeting packet are primarily the same as the adopted 2022 Legislative priorities except for the removal of the verbiage regarding committees' ability to meet virtually.
- ✓ Chair Randall asked if this draft legislation was listed in order of priority as is done with county legislative programs and Ms. Baynard stated that is correct.
- ✓ Ms. Baynard noted that the wording of the program remains similar to last year's. Drawing attention to the restoration of funds priority, she noted that the restoration should not come from additional taxes levied on Northern Virginia and went on to read the change of language that states the Authority favors statewide funding or a larger state role in providing funding

to the Metro capital fund. She noted that as listed in the packet, about two thirds of Virginia's funding for Metro's capital fund comes from Northern Virginia. Ms. Baynard suggested that if the state could supply more of the funding, then perhaps the taxes going towards Metro can come to the NVTA.

- ✓ Chair Randall asked if that suggestion is realistic, and Ms. Baynard responded that it is one argument to make as the discussion continues regarding the state taking on a bigger share of Metro funding. Chair Cristol stated that it is a big lift to ask for state funding towards Northern Virginia transit and Chair Randall echoed that it would be more succinct to ask for the diverted revenues back. Ms. Baynard noted that to restore the diverted revenues while keeping Virginia's share of \$154 million annually for Metro, a rebalancing of funding is needed to prevent the creation of additional taxes on the region.
- ✓ Chair Cristol asked if there was a way to phrase the position that is broad enough to endorse arrangements that support Northern Virginia revenue sources remaining as dedicated to the improvement of regional transportation, and support efforts to rebalance and/or reallocate the funding that was diverted in ways that the reflect the state's responsibilities to Metro. Ms. Baynard stated that could be done.
- ✓ Chair Randall asked how much education has been given to the new members of the General Assembly of what occurred in 2018 with the diversion of revenues. Ms. Baynard stated that Northern Virginia's delegation is very well versed in the occurrences of 2018 from presentations NVTA has given and from the 2020 Omnibus bill.
- ✓ Chair Randall agreed that the language for the restoration of funding should be reworded as suggested by Chair Cristol. Chair Cristol followed up by stating that she believes the best way forward is to let the members of the General Assembly know that NVTA is short \$38.5 million and there are projects in some of their districts that cannot be funded because of the shortfall. Chair Cristol continued stating that NVTA is open to how the General Assembly can restore the funds as long as there are no additional taxes.
- ✓ A brief discussion followed on the history of the increase of Transit Occupancy Tax and Grantors Tax, and comments on the stability of Sales Tax.
- ✓ Ms. Baynard concluded with mention of the General Assembly schedule as listed in the meeting packet and stated that very few bills have been pre-filled. Chair Randall then clarified, and Ms. Baynard confirmed, that the limit for bills is 26 for the Senate and no limit has been set for the House.
- ✓ Chair Wheeler asked about the timeline of reviewing the draft language for the legislation program and Ms. Baynard stated the committee will review the draft legislative program again in November before it is reviewed by the Authority.
- ✓ Chair Randall went on to mention the importance of transportation technology and questioned the need to reorder the priorities to reflect that heightened importance. However, she decided that the priority order as is will suffice as all priorities the NVTA lists are important.

#### **4. Adjournment**

Chair Randall, Chair

- ✓ Chair Randall concluded the meeting at 6:00 PM.

**NORTHERN VIRGINIA TRANSPORTATION AUTHORITY**

**MEMORANDUM**

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

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

**DATE:** November 3, 2022

**SUBJECT:** Update on Draft 2023 Virginia General Assembly Focus/Legislative Priorities

---

1. **Purpose.** To update the Northern Virginia Transportation Authority (NVTA) Governance and Personnel Committee on the revisions to the draft 2023 Legislative Priorities.
2. **Discussion.** For review is a draft one-pager of the four recommended (ongoing) priorities for 2023 (Attachment A). The priorities provide a framework for the Authority to review and comment on any legislation or budget action that impact the Authority's ability to advance regionally significant, congestion reducing, multimodal transportation projects in Northern Virginia. Included in the priorities is a continued focus on protecting and restoring regional funding and the effective use of technology in transportation solutions.

The draft one-pager was amended to address concerns about the wording of the *Restore Annual Long-Term Funding to the Authority to Pre-2018 Levels*, item. Per comments at the October 13, 2022, meeting of the Governance and Personnel Committee, the language now emphasizes that statewide revenue should be the first source of funding to replace diverted regional revenues sources and these revenues should remain for the use of the region, as intended by the passage of HB 2313(2013) (see highlighted language). Further, language was also added to note that additional state funding for the Metro Capital Fund is an option towards the complete restoration of the HB 2313 revenue sources back to the Authority and the region. Lastly, language was added to restore the loss of transportation funding resulting from the elimination of the state sales and use tax on groceries.

The deadline to submit pre-filed bills and other General Assembly dates are presented in Attachment B. As of the date of this memorandum, there have been no pre-filed transportation related bills.

**1. Next steps.**

- a. **December 8, 2022:** Anticipated Authority adoption of the 2023 Legislative Program

**Attachments:**

- A. Draft NVTVA 2023 Virginia General Assembly Focus One-Pager
- B. 2023 General Assembly Calendar and Special Dates



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

**Northern Virginia Transportation Authority**

**2023 Legislative Priorities**

**DRAFT 11-3-22**

The Northern Virginia Transportation Authority has several goals for the 2023 Virginia General Assembly session:

**1. PROTECT DEDICATED REVENUE SOURCES AND POWERS OF THE NORTHERN VIRGINIA TRANSPORTATION AUTHORITY**

The Northern Virginia region has significant transportation needs which required dedicated funding for congestion-reducing, multi-modal transportation solutions. The Authority and its member localities use these dedicated revenues to fill funding needs the Commonwealth is unable to meet which also keeps the economy thriving and helps improve the quality of life. The Authority and member localities need stable and predictable revenue sources and powers to make decisions that reduce traffic congestion for residents and businesses of the region.

The Authority will work with the General Assembly and the Administration to find an effective means of ensuring that the region is not deprived of critically needed dedicated revenues used to advance regionally significant, multimodal transportation projects that reduce congestion using a prioritization process as required by law. We oppose any action that bypass this process by mandating the spending of dedicated regional revenues outside of the prioritization process; or dedicated locally controlled revenues by requiring set asides or any other action.

Any action to divert or remove dedicated revenue sources that generate revenue through state taxes or fees deposited into the Northern Virginia Transportation Authority Fund, shall contain a method to restore or replace revenue sources to provide for similar revenue collections as of fiscal year ending June 30, 2018.

**2. RESTORE ANNUAL LONG-TERM FUNDING TO THE AUTHORITY TO PRE-2018 LEVELS**

An additional \$38.5 million in annual revenues is still needed to restore dedicated regional revenues to pre-2018 levels. The passage of HB2313 was clear in that the dedicated regional revenues be used for regionally significant, multimodal transportation projects that reduce congestion. As such, the Authority and the region strongly supports statewide revenue as the first source of funding to replace diverted regional revenues. Previously diverted dedicated regional revenue sources could be returned to the Authority and its member localities, if the Commonwealth were to take on a larger role in providing funding to the Metro Capital Fund.

With the 2018 action to create dedicated revenue for the Metro Capital Fund, the Northern Virginia region has absorbed an increase of twenty cents per \$100 in the Grantor's Tax and a three percent increase in the Transient Occupancy Tax to produce revenue to complete critical multimodal transportation infrastructure. With the addition of local funds, Northern Virginia provides 2/3 of the dedicated revenues to the Metro Capital Fund which supports State of Good Repair projects of the Washington Metropolitan Area Transit Authority (WMATA) to improve safety and reliability. Efforts to

restore previously diverted regional revenue sources should not come from additional taxes imposed on Northern Virginia. **Additionally, the loss of transportation funding resulting from the elimination of the state sales and use tax on groceries must also be restored.**

### **3. PROTECT VIRGINIA'S DEDICATED TRANSPORTATION FUNDING**

The Commonwealth of Virginia has primary responsibility for the region's multimodal transportation system. An efficient transportation infrastructure is critical to Virginia's ability to attract and retain jobs. Resources that keep transportation projects moving forward need to continue and grow to ensure the Commonwealth can support the infrastructure that moves the goods and people that support the region's businesses, residents, and visitors.

### **4. SUPPORT USE OF EFFECTIVE TRANSPORTATION TECHNOLOGY**

The Northern Virginia Transportation Authority Transportation Technology Strategic Plan (TTSP) was developed as a tool for establishing a proactive approach to innovation, which keeps congestion reduction top of mind. It is comprised of an Action Plan and nine strategies that address **congestion reduction, accessibility, cybersecurity/privacy, autonomous vehicles (especially zero-occupancy passenger vehicles), pricing mechanisms, communications infrastructure, regional interoperability, and electric vehicle infrastructure**. TTSP activity will be grounded in the Authority's vision and core values including equity, sustainability, and safety. The Authority's TTSP provides a foundation for the organization and its members to participate in implementing the Commonwealth's National Electric Vehicle Infrastructure (NEVI) Plan to advance use of low or zero emission vehicles in Virginia.

#### **Background**

The Northern Virginia Transportation Authority (Authority) is a regional body focused on delivering real transportation solutions and value for Northern Virginia's transportation dollars by bringing regional jurisdictions and agencies together to plan and program regional multimodal transportation projects focused on relieving congestion.

The landmark HB 2313 (2013) statewide transportation funding legislation also provided new, sustained regional funding for the Authority and its member jurisdictions.

In 2018, deliberations on how the Commonwealth of Virginia should provide \$154 million annually to address long neglected capital maintenance at the Washington Metropolitan Area Transit Authority (WMATA) resulted in the diversion of two of the Authority's three revenue sources. The two percent Transient Occupancy Tax and the fifteen cents per \$100 Grantor's Tax are now assigned to the WMATA Capital Fund.

The annual Impact was a loss of \$102 million in Authority revenues for regional and local use. The adopted FY 2018-2023 Six Year Program was reduced by \$275 million from initial projections, resulting in partial funding for multiple projects with high scores of reducing congestion.

In 2019 and 2020, actions were taken to increase taxes in Northern Virginia and dedicate state transportation funding to partially restore funding diverted from the Authority and local governments.

To date, the Authority is advancing a total of **122 regional multimodal transportation projects, totaling \$3.1 billion**, for congestion reduction throughout the region. The Authority has distributed an additional \$868 million to member localities for transportation needs within their jurisdictions.

Updated 10-19-2022

**2023 General Assembly Calendar and Special Dates**

July 18, 2022	Prefiling began
November 21, 2022	Last day for committees to take action on carryover bills
December 1, 2022	Deadline to submit drafts for pre-filed bills
December 15, 2022	Governor Youngkin presents proposed FY23-24 budget
January 6, 2023 By 5:00 pm	Deadline to submit further redraft requests for pre-filed bills
January 10, 2023 By 12:00 pm	Staff will have all drafts for prefile bills ready for review
January 11, 2023 10:00 am	Deadline to prefile legislation
January 11, 2023 12:00 pm	Virginia General Assembly convenes
TBD	Budget Amendments from House and Senate Members Due
TBD	Deadline to file a bill
TBD	Last Day for House and Senate to Finish Their Bills (Crossover)
February 25, 2023	Virginia General Assembly Sine Die
TBD	Governor's Amendments Due by Midnight
TBD	Reconvened (Veto) Day – April