



GOVERNANCE AND PERSONNEL COMMITTEE

Thursday, January 12, 2023

6:00 p.m.

NVTA Offices

Meeting conducted in-person and live-streamed via YouTube

SUMMARY MINUTES

1. Call to Order

Chair Randall, Chair

- ✓ Chair Randall called the Governance and Personnel Committee (GPC) meeting to order at 6:04 p.m.
- ✓ Attendees:
 - Members: Chair Randall, Chair Wheeler, Board Member Cristol (6:10 p.m.), Mayor Davis-Younger
 - Staff: Monica Backmon (CEO), Michael Longhi (CFO), Jonathan Davis (Board Secretary), Amanda Sink (Executive Assistant), Keith Jasper (Principal, Transportation Planning and Programming), Mackenzie Love (Transportation Planner)
 - Other Attendees: Council Member Snyder, Ms. Hynes (6:22 p.m.), Tracy Baynard (McGuireWoods LLC) (Virtual), Daniel Robinson (Council of Counsel), Robert Dickerson (Council of Counsel), MinhChau Corr (Council of Counsel), Christina Brown (Council of Counsel) (Virtual)

Action Items

2. Approval of December 8, 2022, Meeting Summary Minutes

Chair Randall, Chair

Recommended Action: Approval of December 8, 2022, Meeting Summary Minutes

- ✓ Chair Wheeler moved approval the December 8, 2022, GPC Meeting Summary Minutes seconded by Mayor Davis-Younger. Motion passed unanimously.

Discussion Items

3. Update on 2023 General Assembly Session

Ms. Backmon, CEO

Ms. Baynard, McGuire Woods Consulting, LLC

- ✓ Ms. Baynard opened by stating that bills are still being filed by the General Assembly with an additional 25 bills being listed in the packet that was distributed this afternoon.
- ✓ Ms. Baynard began with SB1079 stating that the formula the state uses to distribute money to transit systems does not work well for rail systems such as the Virginia Railway Express (VRE). The current funding formula is designed more for bus systems. This bill would allocate 3.5 percent of the Commonwealth Mass Transit Fund to VRE, and the Commonwealth Transportation Board (CTB) would eventually create and adopt performance measures specific to VRE. This money

would support capital and operating funds for VRE. The second part of SB1079 clarifies existing practices for Washington Metropolitan Area Transit Authority (WMATA) funding. The Bill states that at no point is the Commonwealth's assistance to WMATA to be more than 50% of the what the local capital and operating subsidies would be from all the localities combined. Current analysis shows that historically, the assistance has never been more than 50%, so the intention is not to provide less funds to WMATA than what is currently being allocated. The Bill also establishes reporting requirements for the Northern Virginia Transportation Commission (NVTC) on WMATA operations, and for the Virginia representative on the WMATA Board, along with the General Manager, to report to the CTB WMATA's budget, system performance, and how the Commonwealth's investment in WMATA is being utilized. Ms. Baynard advised to support the concept and follow the lead of VRE, NVTC, and WMATA on technical amendments.

- ✓ Chair Wheeler, while noting she is not part of the WMATA Compact, stated that her understanding was to get WMATA more dedicated funding, and this bill doesn't seem to accomplish that. Ms. Baynard said that it is meant to codify the current practice noting she has not seen a specific initiative come forward to garner more funding for WMATA. She stated that Secretary Miller spoke to the Senate Transportation Committee that afternoon about WMATA's impact on the region while acknowledging that ridership has not come back as quick as other Virginia transit systems. He also spoke about the need for D.C., Maryland, Virginia, and specifically the Federal Government, to come together to address the WMATA "fiscal cliff".
- ✓ Chair Randall clarified that this bill is assuming that nothing is changing with how the CTB is conducted, and Ms. Baynard echoed the sentiment.
- ✓ Board Member Cristol asked what problem is the WMATA's portion of this bill trying to solve. Ms. Baynard answered that it clarifies enactment clauses from 2018 and marks Virginia's request for more transparency from WMATA. Board Member Cristol mentioned her hesitancy on formalizing funding as it currently stands, stating that this bill solidifies that localities must always pay at least 50%, if not more, of Virginia's share of the WMATA needs. She stated that this hits local budgets more than the state and mentioned her disappointment that the state is not looking for an opportunity to preserve its ability to consider being a better partnering in funding for WMATA.
- ✓ Council Member Snyder asked what impact this has when WMATA begins addresses the "fiscal cliff" and if this means the localities are now locked into carrying 50% of that load. Ms. Baynard said Secretary Miller has specified the stakeholders that must address the "fiscal cliff" are the member localities who are a part of the Compact, the Commonwealth of Virginia, Maryland, D.C., and the Federal government.
- ✓ Chair Randall questioned that being this bill is an administration bill, does Ms. Baynard believe this bill will pass into legislation. Ms. Baynard answered that she does.
- ✓ Ms. Baynard went on to discuss that there are many bills currently being filled regarding safety. She first noted speed limit bills, such as HB1939 and HB1785, and stated that these bills have yet to be discussed and she wants to talk to the patrons further. She highlighted bills that would require vehicles to stop if there is a pedestrian where the current law states vehicles must yield, and noted bills that relate to bikes, e-bikes, mopeds, and motorized skateboards or scooters to follow the pedestrian walk signals. Ms. Baynard inquired the GPC's opinion on the later.
- ✓ There was a discussion regarding the classification of mobility devices and the speed in which they operate as well as questioning the technical operations of a pedestrian walk signal versus a traffic light. Board Member Cristol stated that she would share with her technical team to get more

insight. Council Member Snyder also suggested that we reach out to safety specialists such as the National Safety Council and the National Transportation Safety Board, to seek their input.

- ✓ Ms. Baynard went on to discuss SB1106. She first noted the Governor's and Secretary Miller's discussions on the need for all agencies to work in a more coordinated way on economic development. She went on to state that the Governor specifically called out transportation noting that many times transportation is the last thing that is incorporated in an economic development package. She continued that the Governor would like dedicated funding to be available, in consultation with the Secretary of Commerce and Trade and the Secretary of Transportation, that could be directed to fund transportation improvements related to economic development. Ms. Baynard noted that for our region, a recent example is Amazon HQ2. She continued that the bill requires the Governor to include in the Budget Bill an appropriation of up to \$200 million, limited to \$100 million each year, from the Commonwealth Transportation Fund to maintain a minimum balance of \$300 million in the Transportation Partnership Opportunity Fund (TPOF) to be available for economic development. Ms. Baynard stated that Secretary Miller spoke to this bill at the Senate Transportation Committee and noted that the current SMART SCALE funding is not flexible nor available in a short period of time, and that economic development opportunities requires Virginia to make commitments quickly.
- ✓ Ms. Hynes noted that in her experience, anytime you reduce the size of the Commonwealth Transportation Fund, it impacts the dollars available for SMART SCALE funding. She questioned how many times Northern Virginia has utilized TPOF. Ms. Baynard stated that it has not been used often, but this is a new way to think about economic development and the associated transportation needs. Ms. Hynes stated her concern about TPOF potentially reducing the funds available for SMART SCALE and questioned CTB's oversight of it. Ms. Baynard stated that she will inquire about CTB's role and the potential to take the monies from the year-end balance instead of off the top of the Commonwealth Transportation Fund.
- ✓ Ms. Baynard then highlighted HB2050 regarding the Virginia Freedom of Information Act (FOIA) to allow local and regional public bodies to convene as many all-virtual meetings as they deem acceptable. She noted the Bill states that the public body would need to set a policy on remote meeting participation. Chair Randall clarified that the bill is not setting limits on remote meetings but allowing the public bodies to make that determination, and Ms. Baynard confirmed. Ms. Backmon noted that this bill would be helpful for NVTA's advisory committees.
- ✓ Ms. Baynard noted bills regarding FOIA fees and HB1487 requiring localities to provide a live video feed and an archived recording of public meeting of local governing bodies. Discussion ensued about the reliance on technology for live streaming purposes and the limitations that would put on hosting public meetings.
- ✓ Ms. Baynard ended with reminding the GPC that proposed budget amendments are due tomorrow (January 13th) and should be publicly available by Tuesday (January 17th).

4. Adjournment

Chair Randall, Chair

- ✓ Chair Randall concluded the meeting at 6:55 p.m.