



Northern Virginia Transportation Authority
The Authority for Transportation in Northern Virginia

GOVERNANCE AND PERSONNEL COMMITTEE

Thursday, March 9, 2023, 5:30 p.m. EST
3040 Williams Drive, Suite 200
Fairfax, VA 22031

This meeting will be conducted in person and live streamed via [YouTube](#)¹

AGENDA

1. **Call to Order** Chair Randall, Chair

2. **Approval of January 12, 2023, Meeting Summary Minutes** Chair Randall, Chair
*Recommended Action: Approval of January 12, 2023, Meeting Summary Minutes
[with abstentions from those who were not present]*

3. **Approval of February 9, 2023, Meeting Summary Minutes** Chair Randall, Chair
*Recommended Action: Approval of February 9, 2023, Meeting Summary Minutes
[with abstentions from those who were not present]*

Action Items

4. **Calendar Year 2023 Governance and Personnel Committee Meeting Schedule**
Ms. Backmon, Chief Executive Officer

Discussion Items

5. **Update on 2023 General Assembly Session**
Ms. Backmon, Chief Executive Officer
Ms. Baynard, Senior Vice President, McGuireWoods Consulting, LLC

Closed Session

(If needed)

6. **Adjournment** Chair Randall, Chair

Next Meeting: April 13, 2023, at 5:30 p.m.

NVTA Offices

¹ *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, 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.



GOVERNANCE AND PERSONNEL COMMITTEE

Thursday, February 9, 2023

5:30 p.m.

NVTA Offices

Meeting conducted in-person and live-streamed via YouTube

SUMMARY MINUTES

1. Call to Order

Chair Wheeler

- ✓ Chair Wheeler called the Governance and Personnel Committee (GPC) meeting to order at 5:35 p.m.
- ✓ Attendees:
 - Members: Chair Wheeler, Mayor Davis-Younger
 - Staff: Monica Backmon (CEO), Michael Longhi (CFO), Jonathan Davis (Board Secretary), Amanda Sink (Executive Assistant),
 - Other Attendees: Ms. Hynes, Tracy Baynard (McGuireWoods LLC) (Virtual), Daniel Robinson (Council of Counsel), Robert Dickerson (Council of Counsel), Christina Brown (Council of Counsel)

Action Items

Due to quorum requirements not being met, action items were not discussed.

Discussion Items

4. Update on 2023 General Assembly Session

Ms. Backmon, CEO

Ms. Baynard, McGuire Woods Consulting, LLC

- ✓ Ms. Baynard opened by highlighting what was adopted by the House Appropriations Committee and the Senate Finance and Appropriations Committee. First, language was added to a budget amendment in the House that named NVTA as a part of a study regarding the extension of Van Buren Road in Prince William County. Ms. Baynard noted that NVTA currently has \$8 million invested in the Van Buren Road Extension Project for preliminary design and engineering. Chair Wheeler asked to clarify that no money was being allocated towards this study in the budget and Ms. Baynard affirmed that it is a language amendment directing an activity to be performed.
- ✓ Ms. Baynard went on to discuss projects that, for the second year in a row, the General Assembly, with the support of the administration, is dedicating large amounts of unobligated end-of-year general fund money towards. These projects include the I-81 Corridor and building a new inland port in the Mount Rogers Planning District.
- ✓ Ms. Baynard noted the House and Senate bills regarding expansion of the Transit Ridership Incentive Program (TRIP) funds. The bills allocate no more than 30% of TRIP funds can be used towards initiatives such as transit facilities that support riders like bus shelters and benches, the

Americans with Disabilities Act of 1990 (ADA) compliance projects, and zero or low emission vehicle transition activities.

- ✓ Ms. Baynard then discussed the changes the General Assembly has made to the bills regarding the use of Transportation Partnership Opportunity Fund (TPOF). Most of the changes added requirements of reporting and oversight of the use of funds.
- ✓ Ms. Baynard reported that the Senate budget includes language for the Commonwealth Transportation Board (CTB) to report annually, starting in November 2023, the sustainability of both short-term and long-term transportation funding after the loss of the half of percent of the grocery sales and use tax.
- ✓ Ms. Hynes inquired about the role of the CTB's oversight in the use of the TPOF and Ms. Baynard responded that the CTB will develop guidelines for the change in policy.
- ✓ Lastly Ms. Baynard noted that Sine Die is schedule for February 25th.

5. Adjournment

Chair Wheeler

- ✓ Chair Wheeler concluded the meeting at 5:59 p.m.

DRAFT

NORTHERN VIRGINIA TRANSPORTATION AUTHORITY**MEMORANDUM**

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

FROM: Monica Backmon, Chief Executive Officer

DATE: March 2, 2023

SUBJECT: Adoption of Calendar Year 2023 Governance and Personnel Committee Meeting Schedule

1. **Purpose:** To seek Governance and Personnel Committee (GPC) adoption of the proposed calendar year 2023 GPC Meeting Schedule.
2. **Suggested motion:** *I move the GPC adopt the proposed calendar year 2023 meeting schedule as presented below.*
3. **Background:** The GPC expressed an interest in meeting on the same evening as the Authority. The schedule below has the meeting time of 5:30 p.m. on the second Thursday of the month at the NVTa offices (unless otherwise noted) to match the Authority meeting schedule and allow time for NVTa's Finance Committee to meet at 6 p.m. the same night. GPC meetings without Action Items or time sensitive Discussion Items are typically cancelled.
4. Meeting Schedule for Calendar Year 2023:
 - April 13, 2023 at 5:30 p.m.
 - May 11, 2023 at 5:30 p.m.
 - June 8, 2023 at 5:30 p.m. – location TBD – *If necessary*
 - July 13, 2023 at 5:30 p.m. – *If necessary*
 - August - No meeting
 - September 14, 2023 at 5:30 p.m. – *If necessary*
 - October 12, 2023 at 5:30 p.m.
 - November 9, 2023 at 5:30 p.m.
 - December 14, 2023 at 4:30 p.m. (Early Authority Meeting)
 - January 11, 2024 at 5:30 p.m.

NORTHERN VIRGINIA TRANSPORTATION AUTHORITY
MEMORANDUM

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

FROM: Monica Backmon, Chief Executive Officer
Tracy Baynard, Sr. Vice President, McGuire Woods Consulting, LLC

DATE: March 2, 2023

SUBJECT: Update on 2023 General Assembly Session

1. **Purpose:** To inform the Northern Virginia Transportation Authority (NVTVA) on the 2023 General Assembly Session.
2. **Discussion:**
 - a. General Assembly broke new ground before it adjourned Sine Die on February 25th when it unanimously approved the “skinny budget” instead of a fully amended spending plan for FY 2023-2024. The approved amendments address four key areas:
 - i. A required deposit into the Rainy Day Fund due to better than projected FY 2022 revenue collections
 - ii. Payment into the Virginia Retirement System to further reduce unfunded liabilities and protect retirees
 - iii. Fix a \$201 million accounting error in the introduced budget and ensure local K-12 school divisions are funded at promised levels
 - iv. Provide \$100 million in FY 2023 to complete existing capital projects whose costs have increased due to inflation and supply chain delays

Budget Conferees continue to work and the entire General Assembly will return in a special session to adopt a revised budget. The key block to consensus relates to what level, if any, tax relief will be provided. Because the underlying budget is in place until amended, Virginia technically has a spending plan in place. However, Governor Youngkin has limited ability to change funding priorities. Furthermore, without action by the General Assembly, the governor and the General Assembly will be unable to implement several bipartisan priorities discussed this year including salary increases for state employees and teachers, greater funding of new mental health and substance abuse services, economic development site preparation, initiatives to reverse pandemic-related learning loss in K-12 school systems, and a few transportation related decisions.

b. Transportation Policy Decisions Adopted

- i. **Transit** received a lot of attention this session with bills adopted related to the Virginia Railway Express (VRE), Washington Metropolitan Area Transit Authority (WMATA) and the Transit Ridership Incentive Program (TRIP).

Administration bills [SB 1079](#) and [HB 1496](#) passed both bodies unanimously and implement new transparency and accountability requirements for VRE and WMATA that must be met to continue receiving state support funds.

VRE will be allocated 3.5 percent of funding from the Commonwealth Mass Transit Fund. The Commonwealth Transportation Board (CTB) must adopt service delivery factors related to efficiency and effectiveness. This creates a unique commuter rail class of metrics instead of measuring VRE performance against local bus service. VRE must submit detailed operating and capital budgets to CTB annually by February 1. The Commonwealth is limiting state support to WMATA to no more than 50 percent of the Commonwealth Mass Transit Fund. The local subsidy to WMATA is well within the current 46.5% historic level of state funding. Additional reporting requirements are required including annually presenting its operating and capital budgets to CTB.

[SB 1326](#) and [HB 2338](#) allow up to 30% of TRIP funds to be used for transit facilities that support riders such as bus shelters, ADA compliance projects, and for zero or low emission vehicle transition activities. These two categories are part of recommendations from the Transit Modernization and Equity Study.

- ii. **Economic development and transportation** initiatives required lots of negotiation between the administration and the legislature. Governor Youngkin's interest in tools to expand the quality of Virginia's business ready sites took a transportation focus this year with his initiatives to revive the Transportation Partnership Opportunity Fund (TPOF). Administration bills [SB 1106](#) and [HB 2302](#) started out specifying up to \$200 million from the Commonwealth Transportation Fund (CTF), greater authority for the Governor to use funds for transportation projects related to economic development, and less involvement of the Commonwealth Transportation Board (CTB). While Members of the General Assembly generally support the idea of and need for flexible transportation funding that can be used to improve potential business sites and support imminent economic opportunities, they had concerns about the source and amount of funds and legislative and CTB oversight. The bills as passed by the General Assembly have significant changes from the introduced version:

1. No longer mandate funding for TPOF,
2. The governor may direct use of funds to the CTB when recommended by the Secretary of Transportation and Secretary of Commerce and Trade,
3. New reporting and approval mechanisms for proposed spends of greater than \$5 million or greater than \$35 million involving the chairs of the "money committees" and the Major Economic Investment Commission respectively. This includes reporting specific metrics such as number of jobs created/retained, rate of return and company investment in the Commonwealth.

Additionally, there is a slight amendment to the SMART SCALE program that clarifies that CTB must ensure no project is implemented *exclusively* for economic development versus current language of *primarily* for economic development.

The CTB is required to develop guidelines for TPOF and will have to adopt new guidelines to reflect these policy changes. The level of initial capitalization of TPOF will not be known until the budget is resolved. The House approved the \$200 million allotment from the CTF and the \$100 million transfer from the Virginia Transportation Infrastructure Bank (VTIB) as proposed in the introduced budget. The Senate approved a one-time transfer of \$100 million from CTF and transfer of \$100 million from VTIB.

- iii. **School Zones and Passing Stopped School Buses** policy changes were the only safety initiatives approved by the General Assembly this year. [HB 1723](#) clarifies that a stopped bus with a warning device is prima facie evidence that passengers are boarding or leaving the vehicle. [HB 2104](#) allows a school crossing sign to be placed as much as 750 feet from the school. The current limit is 600 feet. [HB 1995](#) and [SB 868](#) extend to 30 business days from the time to issue a summons for an alleged violation of passing a stopped school bus.
- iv. **Budget** deliberations will determine if the General Assembly will once again designate general fund dollars to specific transportation initiatives. Among projects under discussion is funding for I-81 improvements and a new inland port in the Mount Rogers District. This is on top of a total \$470 million in general funds allocated to the I-64 Gap project in Hampton Roads in FY 2022.