

**NORTHERN VIRGINIA TRANSPORTATION AUTHORITY**  
**MEMORANDUM**

**FOR:** Chair Phyllis J. Randall and Members  
Northern Virginia Transportation Authority

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

**DATE:** April 6, 2023

**SUBJECT:** 2023 General Assembly Session – Governor’s Action on Bills

1. **Purpose:** To inform the Northern Virginia Transportation Authority (NVTA) on the 2023 General Assembly Session.
2. **Discussion:** Governor Youngkin submitted amendments to seventy-eight bills and vetoed three bills. The Virginia General Assembly will reconvene on April 12, 2023, at noon to take up these amendments. Governor amendments must be approved by both the House of Delegates and the State Senate by a simple majority; an amendment is considered “dead” if either chamber chooses to reject it. A two-thirds vote of the House and the Senate is required to override a Governor’s Veto.  
If the General Assembly does not approve the Governor’s proposed amendments, he has three action options: (1) sign the bill, (2) veto the bill or (3) allow the bill to become effective without his signature.

**A. Governor’s amendments to bills of interest to the Authority:**

- The governor has approved [SB 1079](#) and [HB 1496](#) and the changes are effective July 1, 2023. The new transparency and accountability requirements for Virginia Railway Express (VRE) and Washington Metropolitan Area Transit Authority (WMATA) that must be met to continue receiving state support funds is effective July 1, 2023, with VRE accountability awaiting Commonwealth Transportation Board (TPB) adoption of performance metrics.  
VRE will be allocated 3.5 percent of funding from the Commonwealth Mass Transit Fund. The CTB must adopt service delivery factors related to efficiency and effectiveness. The Commonwealth is limiting state support to Metro to no more than 50 percent of the local subsidy to WMATA; this 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.
- The Governor submitted amendments to [SB 1326](#) and [HB 2338](#) which, as passed, allow up to 30% of Transit Ridership Incentive Program (TRIP) funds to be used for transit facilities that support riders such as bus shelters, ADA compliance projects, etc. and for zero or low emission vehicle transition activities. These two categories are part of recommendations from the Transit Modernization and Equity Study.

Governor Youngkin proposes two amendments: (1) remove all mention of transitioning to zero-emission vehicles and infrastructure. These activities would no longer be eligible for TRIP funds and (2) add crime prevention and safety of employees, passengers and operators as an eligible use. Loss of zero-emission vehicles and infrastructure eligibility is not ideal, and there seems to be no opposition to adding eligibility for safety initiatives. However, there is concern that the proposed amendments are not able to be separated to allow the legislature to vote to oppose removal of electrification actions and support the addition of safety measures. It may be more important to accept the amendments and pass a bill that still expands the pool of initiatives eligible for TRIP funding.

**B. Governor Youngkin approved legislation of interest to the Authority:**

- Transportation Partnership Opportunity Fund (TPOF) bills [SB 1106](#) and [HB 2302](#) were approved as passed by the General Assembly. The budget agreement will determine whether the fund is recapitalized at \$200 million or \$300 million.
  - 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.
  - The CTB is required to develop and adopt new guidelines for TPOF to reflect these policy changes.
- School zones and passing stopped school buses bills were approved by the governor.
  - [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 the time to issue a summons for an alleged violation of passing a stopped school bus.