



Northern Virginia Transportation Authority

The Authority for Transportation in Northern Virginia

GOVERNANCE AND PERSONNEL COMMITTEE

Thursday, April 13, 2023, **6:30 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 March 9, 2023, Meeting Summary Minutes Chair Randall, Chair

*Recommended Action: Approval of March 9, 2023, Meeting Summary Minutes
[with abstentions from those who were not present]*

Discussion Items

3. 2023 General Assembly Session – Governor’s Action on Bills
Ms. Backmon, Chief Executive Officer
Ms. Baynard, Senior Vice President, McGuireWoods Consulting, LLC

Closed Session

(If needed)

4. Adjournment Chair Randall, Chair

Next Meeting: May 11, 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, March 9, 2023

5:30 p.m.

NVTA Offices

Meeting conducted in-person and live-streamed via YouTube

SUMMARY MINUTES

1. Call to Order

Chair Randall

- ✓ Chair Randall called the Governance and Personnel Committee (GPC) meeting to order at 5:36 p.m.
- ✓ Attendees:
 - Members: Chair Randall, Chair Wheeler, Mayor Davis-Younger
 - Staff: Monica Backmon (CEO), Amanda Sink (Executive Assistant)
 - Other Attendees: Tracy Baynard (McGuireWoods LLC), Daniel Robinson (Council of Counsel), Robert Dickerson (Council of Counsel), Christina Brown (Council of Counsel), MinhChau Corr (Council of Counsel)

Action Items

2. Approval of January 12, 2023, Meeting Summary Minutes

Chair Randall, Chair

- ✓ Chair Wheeler moved approval the January 12, 2023, GPC Meeting Summary Minutes seconded by Mayor Davis-Younger. Motion passed unanimously.

3. Approval of February 9, 2023, Meeting Summary Minutes

Chair Randall, Chair

- ✓ Chair Wheeler moved approval the February 9, 2023, GPC Meeting Summary Minutes seconded by Mayor Davis-Younger. Motion passed unanimously.

4. Calendar Year 2023 Governance and Personnel Committee Meeting Schedule

Ms. Backmon, Chief Executive Officer

- ✓ Chair Randall discussed with the Committee the need for a June GPC meeting, and it was determined that the June GPC meeting could be removed from the schedule. She also noted to add "if necessary" to the scheduled October 12, 2023, GPC meeting date. Chair Wheeler moved approval of the Calendar Year 2023 Governance and Personnel Committee Meeting Schedule with amendments as discussed, seconded by Chair Randall. Motion passed unanimously.

Discussion Items

4. Update on 2023 General Assembly Session

Ms. Backmon, CEO

Ms. Baynard, McGuire Woods Consulting, LLC

- ✓ Ms. Baynard stated that the General Assembly Session was quiet in terms of transportation legislation. One policy change to discuss is the Transit Ridership Incentive Program (TRIP), which she believes will provide some opportunities for funding. TRIP has been expanded to fund transit facility projects that support riders, and activities that help transition to zero or low emission vehicles. Chair Randall asked if the funds can be used to fund operations of zero or low emission vehicles and Ms. Baynard stated it's for capital. Ms. Baynard noted the next steps are for the Department of Rail and Public Transportation (DRPT) staff to draft guidelines and performance measures, to be adopted by the Commonwealth Transportation Board (CTB), that will set up parameters for the competitive grant process.
- ✓ Ms. Baynard also noted the legislation passed that will allow Virginia Railway Express (VRE) to receive 3.5% of the Commonwealth Mass Transit Fund and require the Washington Metropolitan Area Transit Authority's (WMATA) General Manager and the two Virginia WMATA Board members to report annually to the CTB on how funding is being utilized in Virginia.
- ✓ Lastly, Ms. Baynard provided information on the governor's recapitalization of the Transportation Partnership Opportunity Fund (TPOF) to expand funding to prepare sites for economic development specifically noting that the General Assembly added numerous reporting requirements on the use of TPOF. She also stated that localities can apply for the funding directly.

5. Adjournment

Chair Randall

- ✓ Chair Randall concluded the meeting at 5:54 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: April 6, 2023

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

1. **Purpose:** To inform the Northern Virginia Transportation Authority (NVTA) Governance and Personnel Committee 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.