



Northern Virginia Transportation Authority
The Authority for Transportation in Northern Virginia

GOVERNANCE AND PERSONNEL COMMITTEE

Thursday, October 10, 2019

5:30 PM

3040 Williams Drive, Suite 200

Fairfax, VA 22031

AGENDA

I. Call to Order Chair Randall

II. Approval of the Meeting Summary of the January 10, 2019 Meeting
(Recommended Action: Approval of Meeting Summary, with abstentions those who were not present.)

Action Items

III. Governance and Personnel Meeting Schedule Ms. Sen, Financial Analyst
(Recommended Action: Adoption of a 2019/20 Meeting Schedule)

Discussion/Information

IV. Preparation for the 2020 General Assembly Session
Ms. Backmon, Executive Director
Ms. Baynard, MWC, LLC

V. Preparation of Executive Director 2019 Performance Evaluation
Chair Randall

Closed Session

(If required.)

VI. Adjournment

Next Meeting: November 14, 2019 5:30 PM
NVTA Offices



Northern Virginia Transportation Authority

The Authority for Transportation in Northern Virginia

GOVERNANCE AND PERSONNEL COMMITTEE

Thursday, January 10, 2019

5:30PM

3040 Williams Drive, Suite 200

Fairfax, VA 22031

MEETING SUMMARY

I. Call to Order

Chair Randall

- Chair Randall called the meeting to order at 5:44PM.
- Attendees:
 - ✓ Members: Chair Randall; Board Member Cristol; Mr. Minchew; Councilmember Snyder (Arrived 6:20PM).
 - ✓ Authority Members: Chairman Nohe; Mary Hynes.
 - ✓ Staff: Monica Backmon (Executive Director); Michael Longhi (CFO); Richard Stavros (Investment & Debt Manager); Peggy Teal (Assistant Finance Officer).
 - ✓ Other Attendees: Tracy Baynard (McGuireWoods Consulting LLC); Bob Brown (Loudoun County); Dan Goldfarb (Northern Virginia Transportation Commission); Paolo Belita (Prince William County); Rich Roisman (Arlington County); Ellen Posner (Council of Counsels – Fairfax County Department of Transportation); Rob Dickerson (Council of Counsels – Prince William County); Steve MacIsaac (Council of Counsels-Arlington County); Jason Stanford (Northern Virginia Transportation Alliance).

II. Approval of Meeting Summary

- Motion to approve the minutes of the December 13, 2018 meeting of the GPC was made by Mr. Minchew, seconded by Chair Randall. Board Member Cristol abstained, Motion passed.

Action Item

III. General Assembly Session Update (Verbal Report)

Ms. Backmon, Executive Director
Ms. Baynard, Legislative Liaison

- Ms. Baynard gave a verbal General Assembly session update, noting:
 - ✓ Deadline for submitting bills was Friday, January 6.
 - ✓ The Wayfair decision was handed down, Virginia can now legally require the collection and remitting of remote sales tax. Ms. Baynard mentioned there are currently seven bills that support this change. She assured the Committee the General Assembly will pass legislation to make it happen.
 - ✓ Board Member Cristol confirmed the bills, referenced by Ms. Baynard, are to enact that a discussion needs to be had about allocation. Ms. Baynard responded; the remote sales tax has not changed how the sales tax money is allocated.
 - ✓ Ms. Baynard added, all the bills have a minimum threshold for a remote seller by which collection would have to begin.
 - ✓ When HB2313 was adopted, there was a trigger related to the Fair Market Act. There is some concern about getting rid of the language. Senator Peterson has introduced a bill that would modify some of the language.
 - ✓ Ms. Baynard noted there are a number of requests to study Route 28 and I-95 being directed to Virginia Department of Transportation (VDOT).
 - ✓ Delegate Watts has put in bill HB2090, which is implementing what Governor Northam proposed for funding for Metro and restoring funding to the Authority. Delegate Watts is using a five-cent increase in the Grantor's Tax and one percent increase in Transient Occupancy Tax. Ms. Baynard added Mr. Longhi is completing an analysis.
 - ✓ Ms. Baynard explained there was joint meeting of House and Senate Transportation Committees to obtain updates.
 - Secretary Valentine was questioned about the 2018 legislation and how it's impacting Northern Virginia. She responded it is something she plans to address in 2020.
 - Board Member Cristol wanted to confirm if Delegate Watts was going to introduce the bill but the Governor won't be backing it.
 - Ms. Baynard responded she doesn't believe that will be happening.
 - Chair Randall questioned why Delegate Watts is introducing a bill she knows will go flat. Ms. Baynard responded, the next update point will connect why Delegate Watts would introduce this bill.
 - Ms. Baynard described the broad consensus that I-81 is important and needs dedicated funding to move improvements forward. She discussed broad consensus about the projects and how they've been prioritized, with less consensus on how to pay for it. Secretary Valentine admitted that legislation is still being drafted amidst ongoing discussions.
 - The trucking industry is opposed to tolling. Ms. Baynard added, within the corridor there continues to be some back and forth on how to fund projects. Outside the I-81 Corridor there are concerns being expressed about whether there is enough time to figure out how to address the dedicated funding question.

- There are members of the I-81 Corridor that think the Authority is asking for too much and the scope should be smaller.
- Ms. Baynard is encouraged that there is a conversation about dedicated funding for I-81. However, she noted that consideration may not have been given regarding questions of equity and how to do regional funding. Ms. Baynard mentioned she is receiving questions about equity in regional funding.
- Ms. Baynard referenced a bill introduced by Senator Edwards that raises the state gas tax to five percent statewide except removing \$300 million off the top.
- Both Richmond and Fredericksburg regions are now considering if they want to come forth to be included. Ms. Baynard added it was still too soon in the process to make a determination.
- Ms. Hynes added, based on feedback, there is a strong consensus that sales tax should not be involved. She noted it was less concern about gas tax. Ms. Hynes mentioned everyone knows the gas tax has a diminishing return.
- Chair Randall reminded Ms. Baynard to tie the discussion back to Delegate Watts bill (HB2090) mentioned earlier.
- Ms. Baynard responded, Delegate Watts wanted to have a vehicle available for use if an opportunity became available.
- Chair Randall recapped it's a vehicle in case it's needed. Ms. Baynard confirmed.
- Board Member Cristol questioned the nexus potentially seen in addition to possible new sales tax funding with I-81, and would this create a regional authority.
- Ms. Baynard responded that Secretary Valentine didn't speak to the issue. She added that organization was not included in the study. Ms. Hynes stated, there was discussion about what is required. Ms. Baynard added, Secretary Valentine announced to the committees there will be an advisory board.
 - State-run toll facility.
 - The Commonwealth Transportation Board (CTB) will make decisions on the projects.
 - The advisory board would provide feedback, and comments.
 - Secretary Valentine likened it to the current state of Northern Virginia Transportation Commission (NVTC) playing an advisory role in revenues from I-66.
- ✓ Ms. Baynard noted her update included highlights, adding there will be a formal chart once the bills start to come in.
- ✓ Chair Randall asked if Delegate Watts was trying to get a companion bill in the Senate. Ms. Baynard responded, she didn't know, she hasn't had that conversation with Delegate Watts. Ms. Baynard added, she would contact Delegate Watts tomorrow.
- ✓ Mr. Minchew wanted to confirm if the version of Senator Black's Bill (SB1468) is the Bill the Authority supports. Ms. Baynard responded it

needs line amendment modifications. Ms. Baynard added there is an interesting ‘quirk’ in the code, the phrase ‘Northern Virginia Transportation District’ was put in the language in 2012, and is the incorrect reference. She mentioned she will talk to the attorneys about the line amendment.

- ✓ Ms. Baynard announced proposed budget amendments have to be submitted tomorrow by 3PM.
 - Chair Randall asked did Delegate LaRock file a bill on the Greenway. Ms. Baynard responded, not yet but it’s still very early.
- ✓ Ms. Backmon referred to letter from the Council of Governments and Senator Barker, included in meeting packet. She added Councilmember Snyder wanted to speak in support of this initiative, noting it’s late for the Legislative Program however the Authority can still support the initiative.
 - Chair Randall mentioned her familiarity with the initiative adding, the VDOT vehicle have sirens and lights to get to the scene. VDOT was supposed to put the bill in, but missed their deadline. Delegate LaRock and Senate Boysko to file the bill for us to get action on it. Delegate LaRock and Senator Boysko agreed. Chair Randall added, the bill has not caused much of a reaction and may not be picked up until 2020. The Loudoun County Board is supportive and pushing it.
 - Ms. Hynes asked if anyone has spoken with Secretary Valentine about the initiative. Chair Randall responded that she has not.
 - Ms. Hynes added, if someone could communicate the importance of this initiative to Secretary Valentine, she could possibly be in favor and support of the bill. Chair Randall agreed and responded that she would give Secretary Valentine a call.
 - Ms. Baynard mentioned there are elements of the existing policy that allows the Authority to support the initiative through regional cooperation, safety and management. It’s just a matter of when the bills will be introduced, then the Authority can add their support.

IV. Discussion of Executive Director 2018 Performance Evaluation

Chair Randall

Chair Randall presented a draft copy of a letter for the Committee’s review and discussion.

V. Adjournment: 6:29PM

Next Meeting: February 14, 2019 at 6:30PM



NORTHERN VIRGINIA TRANSPORTATION AUTHORITY
MEMORANDUM

TO: Chair Randall and Members of the NVTA Governance and Personnel Committee

FROM: Dev Priya Sen, Financial Analyst

DATE: October 3, 2019

SUBJECT: Governance and Personnel Committee Meeting Schedule for the next 12 months

1. **Purpose.** Determine a Northern Virginia Transportation Authority (NVTA) Governance and Personnel Committee (GPC) meeting schedule for the next 12 months.
2. **Suggested motion.** *I move the Governance and Personnel Committee adopt the proposed meeting schedule with any amendments from the October 10, 2019 meeting.*
3. **Background.**
 - a. The GPC typically meets 1.5 hours prior to the monthly Authority meeting (5:30PM).
 - b. Previously, additional meetings have been called, as required, to discuss General Assembly matters.
 - c. Meetings without Action Items, or time sensitive Discussion Items are typically cancelled.
4. **Meeting Options.** The following table provides the dates for consideration by the Committee.

Month	Thursday	Time	Notes
November	Nov. 14, 2019	5:30 PM	GA Pre-Filing Bills
December	Dec. 12, 2019	5:30 PM	
January	Jan. 9, 2020	5:30 PM	GA Convenes
February	Feb. 13, 2020	5:30 PM	
March	Mar. 12, 2020	5:30 PM	Sine Die
April	Apr. 9, 2020	5:30 PM	Reconvened Session
May	May 14, 2020	5:30 PM	If needed
June	Jun. 11, 2020	5:30 PM	If needed
July	Jul. 9, 2020	5:30 PM	If needed
August	Aug. 13, 2020	5:30 PM	If needed
September	Sep. 10, 2020	5:30 PM	If needed
October	Oct. 8, 2020	5:30 PM	If needed

NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

MEMORANDUM

TO: Chair Randall and Members, NVTA Governance and Personnel Committee

FROM: Monica Backmon, Executive Director
Tracy Baynard, Legislative Liaison - McGuireWoods Consulting, LLC.

DATE: October 3, 2019

SUBJECT: Preparation for the 2020 General Assembly Session

1. **Purpose:** To present for discussion and receive guidance from the Northern Virginia Transportation Authority (NVTA) Governance and Personnel Committee, the preliminary draft 2020 General Assembly Legislative Program.
2. **Background:**
 - a. **Recap of the 2019 General Assembly Session:**
 - i. Through the efforts of Senator Black, the Authority secured greater flexibility in funds that can be used to pay for the Authority's operating and administrative costs.
 - ii. The Authority secured full autonomy over the HB 599 evaluation process.
 - iii. As desired by the Authority, the General Assembly and Governor implemented the Wayfair decision without diverting new revenue from imposing the sales and use tax on online retail activity. When implemented the Commonwealth estimates the Authority will receive about \$9 million per year in new revenue.
 - iv. The General Assembly and administration decided to dedicate funding from the new interstate fund initiative as part of the process to secure funding for I-81 improvements (SB1716).
 - v. When the new SB1716 fee and tax increases are fully implemented in FY2022, the Commonwealth estimates the Authority will receive just under \$20 million per year in related revenue.
 - vi. The SB1716 revenues cannot be used to support the issuance of debt. These revenues will be split 30/70%, with member jurisdictions.
 - vii. NVTA staff are working on independent estimates of the impact on Sales Tax and SB1716 revenue for the Six Year Program FY2024/25 Update.
 - b. **Current preparations for the 2020 General Assembly Session:**
 - i. A preliminary draft 2020 Legislative Program reflecting initial thoughts on amendments is included as Attachment 1.
 1. The document reflects action taken in the 2019 General Assembly session.

2. In the comments, staff has indicated items that need additional review or for which we are waiting decisions by other organizations.
- ii. A copy of Virginia Code §46.2-924 on requirements for drivers to stop for pedestrians is included as Attachment 2. The Committee can review the Code Section to determine if any amendments the Pedestrian and Transit Safety item on Page 5 of the Draft Program are necessary.
- iii. Key dates for the 2020 General Assembly session are included in Attachment

c. Early outlook for the 2020 General Assembly Session:

- i. The November elections will mean new members in the General Assembly and could also mean a new majority in the House and Senate with new committee memberships.
- ii. Governor Northam will release his two-year budget in December 2019.
- iii. There are several studies with recommendations due prior to the start of session:
 1. I-95 Corridor Improvements Study.
 2. Recommendations for fixing/replacing special structures – tunnels and bridges across Virginia. The recommendations are likely to include changes in maintenance performance criteria for Virginia’s interstates, primary and secondary roads.
 3. Recommendations on the sustainability of gas tax revenues to support Virginia’s transportation programs.

Attachments:

1. NVTAs 2020 State and Federal Legislative Program
2. Virginia Code - Drivers to Stop for Pedestrians
3. 2020 General Assembly Calendar (Preliminary)



Northern Virginia Transportation Authority
The Authority for Transportation in Northern Virginia

NVTA 2020 State and Federal Legislative Program

(Adopted: XX)

PREAMBLE:

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 Northern Virginia jurisdictions and agencies together to prioritize projects and implement solutions. In 2002, the Authority was created by an act of the Virginia General Assembly to develop and update a regional transportation plan of prioritized multimodal transportation projects to address the mobility needs of Planning District 8. As directed via HB 599 (2012) and HB 1470 (2015), the Authority uses performance criteria to analyze project benefits relative to costs with the goal of reducing congestion and improving emergency evacuation.

The landmark HB 2313 (2013) statewide transportation funding legislation also provided new, sustained regional funding for the Authority and its member jurisdictions. Revenues from a two percent Transient Occupancy Tax, (TOT) a fifteen cents per \$100 Grantor's Tax and \$.07 Sales and Use Tax, were divided with thirty percent flowing to the individual jurisdiction members for use on transportation improvements and the Authority retaining seventy percent to add new capacity to multimodal facilities across the region.

During the 2018 General Assembly Session, HB1539/SB 856(2018) resulted in the diversion of two of the Authority's three revenue sources. The Transit Occupancy Tax and the 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 2019 General Assembly Session brought a small recovery of the \$102 million per year revenue diversion through SB1716/ HB2718 (2019). The Commonwealth estimates that when fully implemented in FY 2022, SB1716/HB2718 will raise just under \$20 million per year for the Authority and its member jurisdictions.

2020 GENERAL ASSEMBLY SESSION LEGISLATIVE PRIORITIES:

I. RESTORE LONG TERM FUNDING TO THE AUTHORITY (Revised Position)

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 Transit Occupancy Tax and the 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 recognition of the pressing transportation needs in Northern Virginia, during the 2019 General Assembly Session the Governor and the General Assembly used the new interstate funding initiative to partially replace funds diverted from the region. The Commonwealth estimates that when fully implemented in FY 2022 the new interstate funding tools will raise just under \$20 million per year for the Authority and its member jurisdictions.

The Authority seeks an additional \$82 million in annual revenue that will restore the region to pre-2018 levels of funding. The Authority favors considering substantial use of statewide funding sources that would limit additional burdens on Northern Virginia taxpayers already paying for extensive multi-modal transportation projects in the region.

II. AMEND THE VIRGINIA INVESTMENT IN PUBLIC FUNDS ACT TO INCLUDE FITCH RATINGS (New policy)

Current Virginia Code limits which rating agencies public entities can consult for rating of any investment purchases. Today companies seek ratings from two of three of the following organizations – Standard & Poor’s, Moody’s Investor Service and Fitch Ratings. Virginia Code currently only recognizes Standard & Poor’s and Moody’s Investor Service. The Authority supports efforts to add Fitch’s Ratings as an acceptable rating agency for investment of public funds.

A. STATE LEGISLATIVE PROGRAM

I. STATE FUNDING

Allocation of Statewide Revenues: It is important that Northern Virginia continues to receive its fair share of statewide revenues, as required in HB 2313. This is especially important as various formulas and processes for transportation funding are being created and/or modified.

- a) **State of Good Repair:** **The Authority recommends an increase in the percentage of State of Good Repair revenues that come to Northern Virginia.**
 - i. The Authority requests that the Commonwealth also consider the condition of our region’s secondary and urban roads when allocating the State of Good Repair and Highway Maintenance and Operations Funds (HMOF). Northern Virginia is only expected to receive 6.39 percent in FY2019, of State of Good Repair funds this year as 87 percent of roads in Northern Virginia are in Fair or Better Condition. However, according to VDOT’s Dashboard, our secondary pavement conditions are the worst in the Commonwealth, with only 41 percent of these roads in Fair or Better Condition. This percentage is far less than the Commonwealth’s average of 60 percent and far from the Commonwealth’s 65 percent target. This is an on-going concern of the Authority as millions of people drive on our roads every day and these deteriorated pavements will only get worse until something is done to address them.

- b) **Revenue Sharing:** **The Authority recommends that funding of the Revenue Sharing Program not be decreased below \$100 million.**
 - i. The Revenue Sharing Program, which significantly leverages state

transportation funds by encouraging local governments to spend their own money on transportation projects, is important to the Authority and the region.

- ii. This program has been a success in Northern Virginia, where our localities regularly apply for and rely on these funds to advance critical transportation projects. Given the transportation needs of the region while acknowledging that Smart Scale is extremely oversubscribed, projects funded through the Revenue Sharing Program are not only important to the localities that seek Revenue Sharing funds, but are important to the region as well.

- c) **Transit Capital Funding:** The Authority supports efforts to fully address the pending state funding reduction with statewide resources to ensure that all the Commonwealth's transit systems continue to receive appropriate state resources to provide critical transit services. Accessible and affordable transit services are an integral component to resolving Northern Virginia's traffic congestion challenges.
- d) **Technology Innovation Funding:** The Authority supports additional state resources and initiatives that realize the full potential of technology to maximize the efficiency of the Commonwealth's transportation infrastructure. Technology innovation has the potential to create new and more effective transportation services for citizens and businesses. The Authority looks forward to partnering with the Commonwealth to advance strategic uses of technology and innovation in our member jurisdictions.
- e) **Smart Scale:** (Place marker for October 10th discussion.)

II. **WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA)**

WMATA bus and rail services continue to support job and population growth in the Commonwealth of Virginia and Northern Virginia. The Authority, in addition to WMATA's Virginia jurisdictional partners, are on track to enhance the system through significant investments, e.g. Silver Line completion, new Potomac Yard Metro station and numerous park and ride garages along I-66. WMATA, its funding partners, stakeholders and users are at a critical crossroads as we collectively try to determine the future of this important transportation infrastructure and also protect the cumulative billions of dollars already invested by local, state and federal government, by this Authority and by the private sector.

Metrorail in particular is a significant driver of the Commonwealth's and Northern Virginia's economy. The transit system station locations are the focus of some \$25 billion in residential and commercial development and economic activity around rail facilities generates \$600 million a year in state tax revenues.

- a) **State of Good Repair:** The Authority supports legislation and funding necessary to sustain investments in transit and keep transit systems in a state of good repair, including maintaining dedicated funding for Metro.
 - i. The Authority opposes any legislation that would shift the Commonwealth's responsibility for transit funding to localities or regions.

- b) **Safety: The Authority supports adequate funding for and oversight of WMATA as it enhances the safety and security of the system and its riders.** The Commonwealth is a valuable partner in ensuring that WMATA continues to move ahead with important safety and infrastructure capital improvements in its system, and must work with the Federal Government to ensure that it, too, provides sufficient resources.

- c) **Sustainable Governance, Operating and Funding Reforms: The Authority supports appropriate changes in governance structures and policies, operational practices, and funding sources as identified in legislation adopted by the General Assembly in 2018, to address WMATA’s current and long-term challenges.**
 - i. Extending the \$300 million annually provided by the federal government, the Commonwealth, Maryland, and the District of Columbia, as provided in Passenger Rail Investment and Improvement Act of 2008 (PRIIA) beyond 2019 is critical. This funding addresses urgent capital needs and is especially important as WMATA works with the federal government and its state and local jurisdictions to improve safety and state of good repair issues throughout its system.
 - ii. WMATA Board governance reforms should recognize that those jurisdictions that fund Metro have a role in decision-making.
 - iii. Capital and operating funding agreements among all Metro stakeholders is essential to ensuring sustainable funding for maintenance and enhancements.

- d) **Maximize Metrorail’s Existing Infrastructure: The Authority supports continued local, regional, state and federal investment in Metro that helps accommodate additional passenger growth in Northern Virginia, which is important for the entire Commonwealth and serves federal facilities in the National Capital Region.**
 - i. While focusing on safety and state of good repair, the region must also work to address WMATA capacity needs that serve Northern Virginia residents and businesses and federal facilities. The region is projected to continue to grow over the coming decades, placing more pressure on a Metro system that is already nearing capacity.
 - ii. Improvements to the system’s core capacity are needed to attract and accommodate additional riders. Capital and operating resources and efficiencies are critical to ensuring that these needs are addressed. (Reaffirms Previous Position)

III. VIRGINIA RAILWAY EXPRESS (VRE)

The Authority supports efforts to identify funding for operating and capital costs to sustain current service, as well as funding to address natural demand growth in the region.

- a) VRE currently provides approximately 20,000 rides a day. Most of those utilizing the system are transit choice riders who would otherwise be driving on Northern Virginia’s already congested roadways. VRE provides the equivalent of an additional lane on the I- 95/I-395 and I-66 Corridors of Statewide Significance during peak periods, with less pollution, energy consumption and accident cost from highway operation.

- b) VRE's 2040 System Plan identified capital and operating requirements needed for the system; and the associated Financial Plan found a clear need for increased funding even without any expansion of service. While some elements of the 2040 Plan have been funded through Smart Scale and the DC to RVA projects; without **state** and **federal** investment in building an additional crossing at Long Bridge, VRE will not be able to meet future demands for increased service.
- c) The creation of the Commuter Rail Operating and Capital (CROC) fund and annual \$15 million allocation of regional gas tax revenue by the 2018 General Assembly was a clear acknowledgement of the critical role VRE plays in the regional transportation system.

IV. PEDESTRIAN AND TRANSIT SAFETY

The Authority supports revisions to Virginia's existing pedestrian legislation to clarify the responsibilities of drivers and pedestrians in order to reduce the number of pedestrian injuries and fatalities that occur each year. In particular, support legislation that would require motorists to stop for pedestrians in crosswalks at un-signalized intersections on roads where the speed is 35 mph or less and at un-signalized crosswalks in front of schools.

Strong safety records depend on strong safety practices and training and **the Authority supports training programs for transit systems, pedestrians and bicyclists.** (*Revises and reaffirms previous position*)

V. LAND USE PLANNING

The Authority supports land use and zoning as fundamental local responsibilities and objects to certain land use provisions included in state law that could override the work done by our local governments and our residents, property owners, and the local business communities on land use and transportation plans.

Land use provisions included in legislation during the 2012 Session provide that VDOT and the Commonwealth Transportation Board (CTB) can decide whether local transportation plans are consistent with the Commonwealth's current priorities. If they decide this is not the case, they are able to withhold funding for transportation projects in counties. While the Authority is appreciative of efforts to better coordinate local and state transportation planning, it is also concerned that these provisions essentially transfer the responsibility for land use planning from local governments to the Commonwealth. (*Reaffirms previous position*)

VI. KIND AND CASH PROFFERS:

The Authority supports the ability of its member jurisdictions to collect both in-kind and cash proffers that assist with providing necessary transportation facilities and infrastructure to serve new development and help address transportation congestion and accessibility. Proffers have been a critical element in leveraging local, regional, state, and federal funds, which come together to fully fund necessary transportation projects in our region. Member jurisdictions and their landowner partners should have sufficient flexibility to explore all options to provide critical transportation facilities. (*Reaffirms previous position*)

VII. SECONDARY ROAD DEVOLUTION/LOCAL MAINTENANCE PROGRAMS

The Authority opposes the transfer of secondary road construction and maintenance responsibilities to counties, especially if these efforts are not accompanied with

corresponding revenue enhancements. While there may be insufficient resources to adequately meet the maintenance and improvement needs of secondary roads within the Commonwealth, the solution to this problem is not to simply transfer these responsibilities to local government that have neither the resources nor the expertise to fulfill them.

The Authority opposes any legislative or regulatory moratorium on the transfer of newly constructed secondary roads to VDOT for the purposes of ongoing maintenance.

The Authority opposes changes to maintenance allocation formulas detrimental to localities maintaining their own roads. Changing current formulas or requiring additional counties to maintain their roads could lead to a reduction in Urban Construction and Maintenance Funds, placing a huge extra burden on these localities. (Reaffirms previous position)

VIII. MAXIMIZING USE OF FACILITIES AND OPERATIONS

A vital component of our transportation network is transportation demand management, such as high occupancy vehicle use, teleworking, safe pedestrian and bicyclist movement; and user-friendly access to transit. The Authority supports these efforts to help mitigate roadway congestion and provide benefits to employers and employees. (Reaffirms Previous Position)

B. FEDERAL LEGISLATIVE PROGRAM

I. SURFACE TRANSPORTATION PROGRAM REAUTHORIZATION:

The level of Federal investment in the nation's transportation infrastructure, including both maintenance of the existing system and expansion, must increase significantly

USDOT must coordinate with regional agencies, including the Northern Virginia Transportation Authority and the Transportation Planning Board, and local governments as it works to rules to establish performance measures and standards for numerous programs;

The Congestion Mitigation and Air Quality Improvement Program (CMAQ) and Regional Surface Transportation Program (RSTP) are essential to the region. These two programs are presently overextended and additional funding for both is crucial to address needs throughout the Country.

To recognize the uniqueness of metropolitan areas, greater decision-making authority for determining how transportation funding is spent should be given to local governments and regional agencies, such as the Northern Virginia Transportation Authority; and

Safety and security must continue to be an important focus of transportation projects.

(Reaffirms previous position)

II. WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) FUNDING:

a) **Reauthorizing the Passenger Rail Investment and Improvement Act of 2008 (PRIIA) Funding and Safety:** The Authority supports WMATA's efforts to enhance the safety and security of the system and its riders, through adequate funding and oversight.

- i. The federal government is a valuable partner in ensuring that WMATA continues to move ahead with important safety and infrastructure capital improvements in its system. The Authority calls for the federal government to provide at least \$200 million annually to address urgent capital needs of the region's critical transit backbone.
- ii. The Authority calls on the Commonwealth, Maryland and the District of Columbia to continue matching PRIIA funds up to a total of \$150 million as proposed in legislation before the U.S. Congress.
- iii. This authorization, which must continue to be accompanied by annual appropriations, is especially important as WMATA works with the federal government and its state and local jurisdictions to improve safety and state of good repair issues throughout its system. (Revises Previous Position)

b) **Maximize Metrorail's Existing Infrastructure:** The Authority supports continued local, regional, state and federal investment in Metro that helps accommodate additional passenger growth in Northern Virginia, which is important for the entire Commonwealth and serves federal facilities in the National Capital Region.

- i. While focusing on safety and state of good repair, the region must also work to address WMATA capacity needs that serve Northern Virginia residents and businesses and federal facilities. The region is projected to continue to

grow over the coming decades, placing more pressure on a Metro system that is already nearing capacity.

- ii. Improvements to the system's core capacity are needed to attract and accommodate additional riders. Capital and operating resources and efficiencies are critical to ensuring that these needs are addressed. (Reaffirms Previous Position)

III. VIRGINIA RAILWAY EXPRESS (VRE):

The Authority supports efforts to identify funding for operating and capital costs to sustain current service, as well as funding to address natural demand growth in the region.

- a) VRE currently provides approximately 20,000 rides a day. Most of those utilizing the system are transit choice riders who would otherwise be driving on Northern Virginia's already congested roadways. VRE provides the equivalent of an additional lane on the I-95/I-395 and I-66 Corridors of Statewide Significance during peak periods with less pollution, energy consumption and accident cost from highway operation.
- b) VRE's 2040 System Plan identified capital and operating requirements needed for the system; and the associated Financial Plan found a clear need for increased funding even without any expansion of service. While some elements of the 2040 Plan have been funded through Smart Scale and the DC to RVA projects; without **state** and **federal** investment in building an additional crossing at Long Bridge, VRE will not be able to meet future demands for increased service.

IV. FEDERAL GOVERNMENT RELOCATION AND CONSOLIDATION:

The Authority supports greater coordination and sufficient funding to address the planning and transportation issues associated with any future Base Realignment and Closure Commission recommendations or other federal Government Relocations and Consolidations. (Reaffirms previous position)

V. FUNDING FOR TRANSPORTATION EMERGENCY PREPAREDNESS:

The Authority calls upon Congress to provide increased emergency preparedness and security funding to local and regional transportation agencies in the metropolitan Washington area. (Reaffirms previous position)

VI. FUNDING FOR THE METROPOLITAN AREA TRANSPORTATION OPERATIONS COORDINATION (MATOC) PROGRAM:

The Authority calls upon Congress to provide increased funding to transportation agencies in the metropolitan Washington area to continue funding for MATOC's operations. The MATOC program is a coordinated partnership between transportation agencies in D.C., Maryland, and Virginia that aims to improve safety and mobility in the region through information sharing, planning, and coordination. (Reaffirms previous position)

VII. FLIGHT OPERATIONS AT REAGAN WASHINGTON NATIONAL AIRPORT:

The Authority supports, along with other localities and regional bodies, efforts to maintain the slot rule (limiting the takeoffs and landing) and the perimeter rule at Reagan Washington National Airport. Increasing the number of slots and changing the perimeter rules would have substantial negative impacts on congestion, efficiency, service and the surrounding community. The region has encouraged air expansion at Dulles International Airport and

Northern Virginia continues to significantly invest in transportation projects, such as the Metrorail Silver Line extension, that will provide greater accessibility to Dulles International Airport. *(Reaffirms previous position)*

DRAFT

Attachment 2

Code of Virginia
Title 46.2. Motor Vehicles
Chapter 8. Regulation of Traffic

§ 46.2-924. Drivers to stop for pedestrians; installation of certain signs; penalty

A. The driver of any vehicle on a highway shall yield the right-of-way to any pedestrian crossing such highway:

1. At any clearly marked crosswalk, whether at mid-block or at the end of any block;
2. At any regular pedestrian crossing included in the prolongation of the lateral boundary lines of the adjacent sidewalk at the end of a block;
3. At any intersection when the driver is approaching on a highway or street where the legal maximum speed does not exceed 35 miles per hour.

B. Notwithstanding the provisions of subsection A, at intersections or crosswalks where the movement of traffic is being regulated by law-enforcement officers or traffic control devices, the driver shall yield according to the direction of the law-enforcement officer or device.

No pedestrian shall enter or cross an intersection in disregard of approaching traffic.

The drivers of vehicles entering, crossing, or turning at intersections shall change their course, slow down, or stop if necessary to permit pedestrians to cross such intersections safely and expeditiously.

Pedestrians crossing highways at intersections shall at all times have the right-of-way over vehicles making turns into the highways being crossed by the pedestrians.

C. The governing body of Arlington County, Fairfax County, Loudoun County and any town therein, the City of Alexandria, the City of Fairfax, the City of Falls Church, and the Town of Ashland may by ordinance provide for the installation and maintenance of highway signs at marked crosswalks specifically requiring operators of motor vehicles, at the locations where such signs are installed, to yield the right-of-way to pedestrians crossing or attempting to cross the highway. Any operator of a motor vehicle who fails at such locations to yield the right-of-way to pedestrians as required by such signs shall be guilty of a traffic infraction punishable by a fine of no less than \$100 or more than \$500. The Department of Transportation shall develop criteria for the design, location, and installation of such signs. The provisions of this section shall not apply to any limited access highway.

D. Where a shared-use path crosses a highway at a clearly marked crosswalk and there are no traffic control signals at such crossing, the local governing body may by ordinance require pedestrians, cyclists, and any other users of such shared-used path to come to a complete stop prior to entering such crosswalk. Such local ordinance may provide for a fine not to exceed \$100 for violations. Any locality adopting such an ordinance shall install and maintain stop signs, consistent with standards adopted by the Commonwealth Transportation Board and to the extent necessary in coordination with the Department of Transportation. At such crosswalks, no user of such shared-use path shall enter the crosswalk in disregard of approaching traffic.

E. A locality adopting an ordinance under subsection D shall coordinate the enforcement and

placement of any stop signs affecting a shared-use path owned and operated by a park authority formed under Chapter 57 (§ 15.2-5700 et seq.) of Title 15.2 with such authority.

Code 1950, §§ 46-243, 46-244; 1958, c. 541, § 46.1-231; 1962, c. 471; 1968, c. 165; 1972, c. 576; 1976, c. 322; 1989, c. 727; 2000, c. 323; 2002, c. 327; 2004, c. 658; 2007, c. 813; 2012, c. 339; 2013, cc. 507, 585, 646, 681; 2019, c. 103.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

Attachment 3

2020 Virginia General Assembly Session Key Dates*

November 18, 2019	Members May Start Pre-Filing Bills
December 5, 2019 5:00 pm	Deadline to Submit Drafting Request for Pre-file Bills
January 3, 2020 5:00 pm	Deadline to Request Redraft or Correction on Pre-file Bills
January 3, 2020 5:00 pm	Deadline to Request Draft, Redraft or Correction on Study Bills or Resolutions
January 8, 2020 10:00 am	Deadline to Pre-file a Bill
January 8, 2020 12:00 pm	General Assembly Convenes
January 10, 2020*	Last Day to Submit Budget Amendments
January 17, 2020*	Last Day to Submit a Bill w/o Unanimous Consent
March 7, 2020	Sine Die
April 16, 2020*	Reconvened Session

*As of 9-10-19 (Estimated Dates Pending General Assembly Action)

NORTHERN VIRGINIA TRANSPORTATION AUTHORITY
MEMORANDUM

TO: Chair Randall and Members of the NVTA Governance and Personnel Committee

FROM: Michael Longhi, Chief Financial Officer

DATE: October 3, 2019

SUBJECT: Preparation for the Executive Director's Annual Performance Review

- 1. Purpose.** For the Northern Virginia Transportation Authority (NVTA) Governance and Personnel Committee (GPC) to prepare for the Executive Director's annual performance review.
- 2. Background.**
 - a. The GPC is responsible for presenting the annual performance review of the Executive Director to the Authority for final action.
 - b. The GPC has generally followed the procedure outline presented in Attachment 1.
 - c. In keeping with the Attachment 1 outline, the Executive Director's 2019 goals are presented in Attachment 2.
- 3. Next Steps.** Following the procedure outline, the GPC Chair may:
 - a. Establish a subcommittee and/or GPC Lead for the purpose of leading the Executive Director's annual performance review.
 - b. Designate an NVTA staff member to execute the instructions of the Committee. The default designation is the NVTA CFO, who has performed this role in the past.
 - c. Notify Authority Members of the start of the 2019 Executive Director Review, with a distribution of the 2019 performance goals.
 - d. Request Authority Members submit comments for the annual review directly to the GPC Chair/GPC Lead by November 1, 2019.

Attachments:

1. Executive Director Annual Performance Assessment Procedure Outline
2. Executive Director 2019 Performance Goals

Attachment 1

NVTA Executive Director Annual Performance Assessment Procedure Outline

Action steps and timing will be modified by the Governance and Personnel Committee to suit particular circumstances of each review cycle.

The following steps are targeted to prepare the annual performance review, compensation and contract updates for Authority review and consideration at their regularly scheduled meeting just prior to the performance review anniversary date. This Authority meeting is referred to as the target date. *(JANUARY)*

90 Days Prior to the Target Date (OCTOBER)

- Chair of the Governance and Personnel Committee (GPC) may establish a subcommittee and/or GPC lead for the purpose of leading the Executive Director's (ED) annual performance review.
- Chair of the GPC will designate an NVTA staff member to carry out the instructions of the Committee. Unless otherwise specified, the staff member will be the Chief Financial Officer (CFO).
- The prior year ED performance goals will be distributed to the Committee.

60 Days Prior to the Target Date (NOVEMBER)

- A salary survey will be conducted by the CFO, similar to prior year surveys and as revised by the Committee.
- The current ED performance goals will be distributed to all Authority Members with any GPC comments.
- Authority Member comments on the ED performance will be requested within 30 days. Comments should be submitted directly to the GPC lead.

45 Days Prior to the Target Date (MID-NOVEMBER)

- Prior to the next regular meeting of the GPC, if possible, the GPC lead will submit a recap of the performance comments received from Authority Members as well as copies of the actual comments. Included in this distribution will be the results of the most recent salary survey.

30 Days Prior to the Target Date (DECEMBER)

- The GPC will meet to review and discuss the material distributed previously in closed session. The purpose of the meeting will be to formulate a GPC performance assessment and recommendation to the Authority Members.
- As part of the recommendation the GPC will consider relevant ED contract terms such as:
 - Extension of the contract term.
 - Compensation
 - Changes to the Executive Director Position Description
 - Benefits – other than the standard benefit package offered to all full time permanent NVTA staff members.

- Automobile Allowance
- Leave Earnings Rate
- Leave Carry Forward Terms



Attachment 2

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

Executive Director 2019 Performance Goals

1. Develop opportunities to present NVTA's long range transportation planning work at venues such as the American Society of Civil Engineers (ASCE) International Conference on Transportation & Development in 2019. The presentation prospective title and content will be; *Big Data and Project Prioritization: Using Trip Origins to Assess the Benefits of Congestion Reduction Investments.*
2. In coordination with NOVA's business community, increase awareness of how the regional multimodal transportation network affects regional prosperity. This effort will focus on identifying how different types of multimodal regional transportation projects funded by the Authority support economic growth and raise quality of life for Northern Virginians. Outreach will build upon the 2018 economic assessment of NVTA funded projects prepared by Chmura Economics.
3. Meet with the leadership of the Greater Washington Partnership regarding the Capital Blueprint Plan and the parallel with TransAction to discuss how NOVA/NVTA, can work in tandem through demonstrating the Authority's planning leadership which exemplify many of the initiatives and action strategies already in use by the Authority.
4. Ribbon Cuttings and Groundbreakings showing the progress of NVTA funded projects.
5. Conduct Long Term Benefit (LTB) assessment consistent with the principles approved by the Authority in December 2014. Use the LTB results to inform the update of the SY2018-2023 Six Year Plan (SYP).
6. Conduct Quarterly Meetings with Jurisdictions and Agencies regarding status of NVTA funded projects in order to keep the Authority current and informed.
7. Implement Project Monitoring and Managements System, Phase 1 – Project Application Automation as part of the first Biannual Update to the SYP.

8. Establish the capacity for in-house regional multimodal modeling capabilities for use in HB 599 ratings, TransAction Update and Long Term Benefits analysis.
9. Advocate for non-NVTA project funding for the region through state and federal funding programs.
10. Host 4th Annual Intelligent Transportation System Roundtable.
11. Initiate the first biannual update to the FY2018-2023 SYP through the issuance of the Call for Regional Transportation Projects for FY2024-2025.
12. Conduct a Listening Session as the preliminary steps for the TransAction Update, expected release of a request for proposal (RFP) in FY2020.