

MINUTES
NVTC COMMISSION MEETING – JULY 2, 2020
Via Electronic Participation
Public Streaming via YouTube

The meeting of the Northern Virginia Transportation Commission was called to order by Chair Cristol at 7:00 P.M.

Members Present via Electronic Participation

Canek Aguirre
Walter Alcorn
John J. Bell
Elizabeth Bennett-Parker
Katie Cristol
Matt de Ferranti
Adam Ebbin
Eileen Filler-Corn
John Foust
Libby Garvey
Paul Krizek
Matt Letourneau
Jeff McKay
David Meyer
Jennifer Mitchell (Alternate, Commonwealth of Virginia)
Dalia Palchik
David Reid
Paul Smedberg
David Snyder
Richard Sullivan
Michael Turner
James Walkinshaw

Staff Present via Electronic Participation

Kate Mattice, Executive Director
Andrew D’huyvetter
Allan Fye
Rhonda Gilchrest
Scott Kalkwarf
Zachary Smith
Brittany Sumpter
Melissa Walker
Steve Maclsaac
Rich Dalton (VRE)
Greg Potts (WMATA)

Opening Remarks

Chair Cristol welcomed everyone to the July 2 NVTC meeting. She explained that given the ongoing COVID-19 public health emergency, this meeting is being conducted electronically. This is possible because the governor signed into law on April 22, 2020 a legislative amendment to the budget bill to allow public bodies to meet electronically without a physical quorum present to discuss or transact the business statutorily required or necessary to continue operations of that public body. NVTC staff followed the procedures and guidelines in the legislation to give notice to the Commission, staff and the public.

Chair Cristol reviewed the procedures and instructions for the electronic meeting. All votes will be conducted by the commission secretary using a roll call vote. The only visual component of the meeting is the presentation slides which are being shown on Webex for Commissioners and on YouTube livestream for the public.

Commission Secretary Rhonda Gilchrest then called the roll and confirmed a quorum was present.

Oath of Office for a New Commissioner

Chair Cristol announced that on June 22 NVTC was notified that Senator John J. Bell was appointed to NVTC to fill the vacancy left when Senator Black departed NVTC in December 2019. Senator Bell was officially sworn in as a Commissioner earlier in the week, but as is NVTC's custom, Chair Cristol administered a ceremonial oath of office to welcome Senator Bell to NVTC. Commissioners welcomed him to NVTC.

Electronic Meeting

Ms. Mattice reviewed Resolution #2416 "Finding Need to Conduct the July 2, 2020 Meeting Electronically" and noted that it is the same resolution passed last month except the date of the meeting has been changed. She explained that this resolution confirms that the declared emergency makes it both impracticable and unsafe for NVTC to assemble in a single location on July 2, 2020, to discuss and transact the business of the Commission. Furthermore, the resolution states that the items on the July 2 Agenda are statutorily required or necessary to continue operations of the Commission and the discharge of the Commission's lawful purposes, duties, and responsibilities.

Ms. Mattice also explained that according to the legislation signed by Governor Northam in response to the COVID-19 public health emergency, a public body convening a meeting during the declared emergency shall provide the public an opportunity to comment. Therefore, in advance of the July 2 meeting, NVTC solicited written comments through its social media and press releases. Comments received by 3:00 p.m. on July 2 were provided to Commissioners ahead of the meeting. NVTC received no comments.

Mr. McKay moved, with a second by Mr. Reid, to approve Resolution #2416 (copy attached). The vote was conducted by a roll call vote and the motion passed. The vote in favor was cast by Commissioners Aguirre, Alcorn, Bell, Bennett-Parker, Cristol, de Ferranti, Ebbin, Filler-Corn, Foust, Garvey, Krizek, Letourneau, McKay, Meyer, Mitchell, Palchik, Reid, Snyder, Sullivan, Turner and Walkinshaw. (Ms. Mitchell voted as Mr. Smedberg's alternate, since he did not participate in the vote.)

Minutes of the June 4, 2020 NVTC Commission Meeting

Ms. Filler-Corn moved, with a second by Mr. McKay, to approve the minutes of the June 4, 2020 meeting. The vote was conducted by a roll call vote and the motion passed. The vote in favor was cast by Commissioners Aguirre, Alcorn, Bennett-Parker, Cristol, de Ferranti, Ebbin, Filler-Corn, Foust, Garvey, Krizek, Letourneau, McKay, Meyer, Palchik, Reid, Smedberg, Snyder, Sullivan, Turner and Walkinshaw. Mr. Bell abstained.

Consent Agenda

Chair Cristol stated that there are six items on the Consent Agenda:

- A. Appoint Speaker Eileen Filler-Corn to the NVTC Executive Committee
- B. Authorize the Executive Director to Submit the Proposed NVTC Disadvantaged Business Enterprise (DBE) Goal-Setting Methodology for FFY 2021-2023 to the Federal Transit Administration
- C. Approve the Award of the Commuter Choice Marketing Website Services Contract
- D. Authorize the Executive Director to Sign the DRPT Master Agreement
- E. Authorize the Executive Director to Execute a Contract for Government Relations
- F. Authorize the Executive Director to Send a Letter to WMATA Requesting Data on Uses of Dedicated Capital Funding

Chair Cristol noted Consent Agenda #3A will appoint Speaker Eileen Filler-Corn as the General Assembly representative to the NVTC Executive Committee, replacing Senator Ebbin who will remain the non-voting General Assembly member on the NVTC Legislative and Policy Committee. Per NVTC's By-Laws, NVTC only makes formal appointments of members of the General Assembly to the Executive Committee and the Legislative and Policy Committee. However, the other new Commissioners appointed from the House of Delegates have expressed interest in supporting other NVTC committees (Delegate Krizek/NVTC Legislative and Policy Committee, Delegate Reid/NVTC Program Advisory Committee; and Delegate Sullivan/NVTC WMATA Committee). NVTC welcomes their active participation in the committees and staff will include them on committee invitations and materials. And, as a reminder, NVTC committee meeting are open to all Commissioners and the public.

Mr. Bell moved, with a second by Mr. McKay, to approve the Consent Agenda. The vote was conducted by a roll call vote and the motion passed. The vote in favor was cast by Commissioners

Aguirre, Alcorn, Bell, Bennett-Parker, Cristol, de Ferranti, Ebbin, Filler-Corn, Foust, Garvey, Krizek, Letourneau, McKay, Meyer, Palchik, Reid, Smedberg, Snyder, Sullivan, Turner and Walkinshaw.
Washington Metropolitan Area Transit Authority

Chair Cristol asked WMATA Board members Smedberg and Letourneau to give the WMATA COVID-19 Report and the Virginia WMATA Board Member Report, which will be followed by the other WMATA reports.

COVID-19 Update and Report from Virginia WMATA Board Members. Mr. Smedberg stated that in late May the WMATA Board approved an amendment to the FY 2021 operating budget. This amended budget utilizes all of the remaining CARES Act money available to WMATA to cover operating costs associated with COVID-19, offsets revenues losses, and provides one-time subsidy credits to funding jurisdictions who are also seeing declining revenues. The WMATA Board also deferred for six months all fare and services changes that were approved as part of the FY 2021 budget. The Board may revisit, further defer or revise these changes depending on conditions in the future.

Mr. Smedberg stated that in May WMATA implemented the stabilization phase of its three-phased recovery plan. The stabilization phase is the first phase of the recovery plan and provides enough Metrorail and Metrobus service to accommodate a limited amount of non-essential work travel. WMATA also recently made adjustments to address crowding. On June 29, WMATA reopened 15 Metrorail stations that were closed due to the COVID-19 public health emergency and added buses to the system's busiest bus lines to provide more capacity and frequent service. Mr. Smedberg noted that WMATA continues to discourage the use of the system except for essential travel and requires the use of face coverings or masks.

Mr. Smedberg stated that the WMATA Board authorized the negotiation of the FY 2021 Passenger Rail Investment and Improvement Act (PRIIA) funding agreement between the Department of Rail and Public Transportation (DRPT) and WMATA. The federal funding that WMATA receives annually under PRIIA requires a 50% local match that is allocated equally among the WMATA Compact Jurisdictions (District of Columbia, the State of Maryland, and the Commonwealth of Virginia). The FY 2021 PRIIA agreement will extend the current agreement for an additional year with Virginia and continue to provide \$50 million in PRIIA matching funds already included in the FY 2021 capital budget.

Mr. Smedberg reported that last month the WMATA Board approved the slate of officers for FY 2021, which includes himself continuing as chair, Stephanie Gidigbi of D.C. continuing as first vice chair and Michael Goldman of Maryland continuing as second vice chair. Mr. Letourneau and Chair Cristol acknowledged Mr. Smedberg's outstanding leadership as WMATA Board chair over the last year.

Mr. Letourneau reported that the WMATA Board approved a charter to create a Metro Transit Police Department (MTPD) Investigations Review Panel. This independent seven-member panel will make recommendations to the MTPD Chief of Police and the WMATA Board of Directors to improve police training, community engagement and MTPD policies. The recommendations will be based on the panel's review of the integrity of MTPD's investigations, the thoroughness and

fairness of its processes, and the adequacy of training consistent with best practices in law enforcement. From a Compact standpoint, there are limits to what WMATA can do but the Board thinks this is a good step to provide an additional level of review.

Mr. Letourneau also noted that the Finance and Capital Committee received an update on the platform improvement project. The project is progressing well and the work at Vienna, Dunn-Loring, West Falls Church, and East Falls Church Metrorail stations is on track to be completed by Labor Day weekend. Due to COVID-19, WMATA combined this summer's platform improvement project with work on the automatic train control tie-in at Wiehle-Reston East Station, which closed the Silver Line. Last month, WMATA announced the project is ahead of schedule and they will reopen six Metrorail stations and restore Silver Line service on August 16.

Mr. Letourneau reported that the Metrorail Safety Commission (MSC) has released its annual report on the safety of the Metrorail system. The WMATA Board also expects to hear next week from WMATA staff regarding an MSC report on the derailment at Farragut West.

Mr. Letourneau gave an update on the Northern Virginia Transportation Authority (NVTA) funding issue for traction power upgrades on the Orange Line. NVTA has discussed de-obligating \$22 million in upgrades due to concerns from NVTA staff. Mr. Letourneau expressed his concern that this funding has already been obligated and work on one of the projects had already been completed and one is underway. He participated in a call with NVTA, Fairfax County Chairman McKay, Loudoun County Chair Randall, and WMATA General Manager Wiedefeld, which was a productive discussion. WMATA is providing more details about the project to NVTA and he is hopeful that this issue can be resolved. He stated that this should be a concern for all the jurisdictions because if NVTA does not fund the \$22 million, WMATA would have to send a bill to the WMATA jurisdictions.

Mr. Smedberg acknowledged all the hard work that has gone into trying to resolve this NVTA issue. He stated that the WMATA General Manager appreciated the opportunity to be part of the discussion. Mr. McKay also offered his thanks, since it is a complicated issue. He stated that it is important to recognize that agencies, such as WMATA, VRE, VDOT, local governments, etc. are each set up differently, so these variables need to be considered. In response to a question from Ms. Garvey, Chair Cristol encouraged Ms. Garvey to connect directly with NVTA staff for more information.

Mr. Letourneau also announced that the WMATA Board voted to refund portions of the expenditures related to the Cinder Bed strike last year, which will translate into about \$1.5 million being refunded back to the jurisdictions. In this instance, WMATA was not incurring operational costs during the strike.

The Commission then had a lengthy discussion on ways to educate the public on WMATA's response to cleaning and safety regarding COVID-19. Several Commissioners observed that they can help disseminate the information in their communications to their constituents. Ms. Mattice stated that NVTC will also be doing another marketing effort and is working closely with all the local transit providers, as well as WMATA on the message and timing. Mr. Turner observed that

the data seems to indicate that the message should be a three-part message: Wash, Mask, Distance.

Mr. Reid asked about the timeframe for the Silver Line to open in Loudoun County. Mr. Letourneau stated that the Metropolitan Washington Airports Authority expects to complete construction by the end of the year, which will then allow WMATA to conduct testing during spring/summer 2021. There are still outstanding issues that need to be worked through, including the concrete panels which are currently being inspected. Mr. Smedberg stated that there are also software issues. These issues need to be resolved to WMATA's satisfaction before taking control of operations.

Mr. Snyder suggested WMATA provide messaging to the commercial real estate industry and the business sector in general, as well as education for current customers within the stations. He asked what the financial implications are to the jurisdictions regarding the pandemic. Mr. Letourneau stated that WMATA is receiving \$860 million in CARES Act funding and WMATA staff believe that this amount will be sufficient to cover revenue losses, so there are no plans to ask for jurisdictional increases for the foreseeable future. WMATA is already communicating with the business community. Mr. Smedberg stated that WMATA is in contact with many of these types of organizations and gathering data to best plan for when riders should be encouraged to come back to Metro.

In response to a question from Ms. Palchik, Mr. Smedberg gave an update on face masks. WMATA does have a stockpile of face masks and will provide them to the public upon request. So far, most people have been compliant with the face mask requirement.

NVTC 3% Cap Working Group. Chair Cristol reported that last week the 3% Cap Working Group met for the first time to discuss Virginia's 3% cap on the annual growth of WMATA's operating subsidies. Prior to the meeting, working group members met with NVTC staff to offer their perspectives on the 3% cap and its exclusions. The meeting provided an opportunity for the working group to react to a summary of those discussions and begin refining their assessment of the cap's effectiveness. The working group discussed a set of guiding principles to evaluate possible recommendations on the cap to the General Assembly and potential modifications or alternatives to the current cap. The working group is still in the early stages of developing its findings on the cap and will meet again at the end of July and in September to draft a report to the House Appropriations Committee and Senate Finance and Appropriations Committee chairs before the November 10 due date. Chair Cristol noted that the NVTC WMATA Committee will receive an update on the 3% Cap Working Group and provide feedback at their July 16 meeting.

Ms. Mattice stated that the one-on-one briefings with the working group members have provided a frank and open discussion of the 3% cap. Next week she will be meeting with staff from WMATA, the District Department of Transportation, and the Maryland Department of Transportation on this topic. While they are not formal members of this working group, they will each provide important insights. She acknowledged the hard work of staff, especially Zach Smith.

Mr. Mattice stated that staff are continuing to work with the working group through the summer, touching base with the WMATA Committee at its meeting on July 16. In response to a question

from Mr. Turner, Ms. Mattice explained that staff plan to bring a recommendation to the Commission at its October meeting for discussion, followed by action on the recommendations and report to the General Assembly at the November meeting.

Report from the Chair of the NVTC WMATA Committee. NVTC WMATA Committee Chairman Aguirre reported that the next WMATA Committee meeting is scheduled for July 16. In addition to an update on the 3% Cap Working Group, the committee will discuss the 2020 update to the Annual Report on the Performance and Condition of WMATA.

Commuter Choice Program

Ms. Mattice reminded Commissioners that at the May meeting the Commission authorized staff to notify the Commonwealth Transportation Board (CTB) of changes to the timeframe for selection of projects under the Commuter Choice on the I-66 Corridor Round Four (FY 2021-2022) program. The delay was needed because the COVID-19 public health emergency made it difficult to predict the amount of revenue that will be available for the Round Four program. Specifically, toll revenues from the I-66 Inside the Beltway facility decreased significantly beginning in mid-March and regional peak-period commute travel is just beginning to resume as stay-at-home orders are eased. The Commission also supported staff's recommendation to suspend the Commuter Choice (I-66) Round Four public comment period and reopen it in late summer to coincide with the development and selection of a Round Four Program of Projects.

Ms. Mattice reported that NVTC received a total of 14 applications for eligible projects for the Commuter Choice (I-66) Round Four program, requesting approximately \$33.7 million for the two-year program. Prior to the COVID-19 public health emergency, NVTC anticipated a total of \$25 million in toll revenues would be available to fund this two-year program.

Ms. Mattice stated that staff are working with both DRPT and VDOT to identify a projected toll revenue amount the I-66 inside the Beltway corridor for FY 2021 and FY 2022. Currently, staff anticipate the NVTC Program Advisory Committee will recommend a Commuter Choice (I-66) Round Four Program of Projects to the Commission for approval in the fall. The approval process will be coordinated with the required CTB briefings and approval. This timeline will be subject to change based on the availability of financial projections from NVTC's Commonwealth partners and relevant executive orders related to the ongoing public health emergency.

Ms. Mattice stated that staff recommend that the public comment period be re-opened from September 1 to September 21, during which a virtual town hall will be held to directly solicit public comments. Additional outreach will take place via NVTC's website and social media channels and staff will provide a dedicated phone line to receive verbal comments.

Mr. Letourneau stated that Loudoun County submitted two applications for bus projects, which currently have service terminating at Reston-Wiehle, but the county intends to change its service plan once the Silver Line opens. He asked if this is permissible to shift the destination after the application has been submitted. Ms. Mattice stated that the most important consideration is the performance metrics that are used for evaluating projects and that there cannot be a reduction

in what was anticipated for ridership. NVTC staff can discuss this issue with Loudoun County staff. Mr. Letourneau and Mr. Turner both agreed that the hope is that the change will result in even better performance.

Virginia Railway Express

Chair Cristol stated that there are no VRE action items this month. She asked Mr. Dalton to give his VRE CEO Report.

Mr. Dalton reported that VRE continues to operate at reduced service levels since Northern Virginia entered into Phase 1 of recovery on May 29, 2020. VRE has seen daily ridership slowly increasing from 600 daily trips at the beginning of the month of June to approximately 1,000 daily trips by the end of the month. VRE will continue to add train cars to respond to capacity increases. On-time performance for the month of June was 93%. He reviewed the measures VRE is taking to address the COVID-19 public health emergency. He also noted that VRE continues to require masks and will provide them if a passenger does not have one. In response to a question from Ms. Palchik, Mr. Dalton stated that there haven't been any serious altercations regarding the face mask requirement, but he expects this may change as ridership increases. Mr. Dalton thanked Delegate Reid for taking time to participate in a VRE orientation tour. Delegate Reid thanked VRE staff and stated it was very educational and provided a first-hand experience in seeing VRE apply best practices to responding to COVID-19.

Chair Cristol stated that she serves as chair of the VRE CEO Search Committee and is happy to announce that the committee has concluded its work and plans to make a recommendation to the VRE Operations Board at its July 17 meeting, which in turn will be brought before both Commissions at their September 3 meetings.

DRPT Report

Chair Cristol stated that Commissioners were provided with two blue-sheeted certification letters, which are letters WMATA sent to the Commonwealth Transportation Board (CTB) documenting: 1) compliance with requirements associated with the WMATA Capital Fund and 2) certification that no alternate directors violated the WMATA's bylaws regarding alternate participation. These letters were provided as information only.

In regard to the certification letters, DRPT Director Mitchell stated that DRPT plans to make a recommendation to the Commonwealth Transportation Board regarding any withholding of WMATA funds at the September CTB meeting, which action in October.

DRPT Director Mitchell stated that DRPT issued four grant agreements for transit mitigation related to the WMATA platform improvement project, including a \$477,000 grant to Arlington County for curb and traffic management at the Ballston Metro Station; a \$90,000 grant to the City of Fairfax for shuttle service to the VRE Burke Centre Station; a \$560,000 grant to Fairfax County for supplemental Fairfax Connector service and commuter assistance programs; and a

\$70,000 grant to PRTC for OmniRide supplemental service. DRPT is also working with NVTC on a \$296,000 grant for a post platform improvement project marketing program. Grants total about \$1.5 million in DRPT funds.

DRPT Director Mitchell stated that July 1, 2020 marked the beginning of the new transportation funding scenarios under the Omnibus Bill. The Virginia Passenger Rail Authority is now a legal entity, although it will take about 6-12 months to get the Authority fully operational. DRPT will meanwhile continue to execute those responsibilities during that time.

DRPT Director Mitchell thanked Mr. Dalton and his staff for working closely with DRPT on the Virginia Rail Initiative, which has changed the scope of several VRE projects. This will free up some NVTA funds.

Executive Director Report

Ms. Mattice encouraged Commissioners to read her Executive Director Newsletter. She reported that the FY 2021 federal appropriations for WMATA dedicated funding appears to be moving through Congress. The funding bill is working through the House right now with action expected prior to the House August Recess. The Senate schedule is a little less unknown, but the prospects of including this funding in the final package is promising.

On another legislative issue, Ms. Mattice stated that there was action this week by the House on a major infrastructure authorization bill, HR 2 – the Moving Forward Act – which was passed by the full House of Representatives. The Act would provide more than \$100 billion for public transit and \$300 billion for road and bridge investments for FY2020-2025; triple Amtrak funding to \$29 billion also authorizing the Park Service to give federal land on either side of the Long Bridge for construction of an additional bridge; and invest \$1.4 billion in Alternative Vehicle charging infrastructure. In addition to providing a five-year authorization of federal transit, highway, rail and road safety programs, it also includes a 10-year reauthorization of dedicated funding for WMATA, starting at \$150 million for FY 2021 and increasing up to \$200 million by 2030. The bill, which started as the INVEST Act when in the Transportation and Infrastructure Committee, was amended to also include:

- infrastructure investments for schools and childcare facilities,
- financing support for state and local government investment tools such as Build America Bonds, expanding New Markets Tax Credits, and other tax credit programs,
- affordable housing infrastructure and rehabilitation tax credits,
- investments in broadband internet infrastructure,
- shoring up drinking water state revolving fund and wastewater infrastructure,
- investments in energy infrastructure focus on clean energy,
- funding for upgrades to hospitals,
- modernizing the postal service, and
- investments in cleanup of coal mines and orphaned oil and gas well, as well as clean energy projects on public lands.

Ms. Mattice stated that action in the Senate before the end of this Congress is unclear, but the actions taken by the House on both the broad reauthorization as well as specific language on WMATA dedicated funding is promising.

Ms. Mattice proudly announced that the Virginia Transit Association (VTA) has named the NoVaRides marketing campaign as winner of the Outstanding Public Transportation Marketing-Regional Award. Last year, NVTC partnered with VRE, DASH, OmniRide and Fairfax Connector for the first-ever regional transit marketing campaign in Northern Virginia. The campaign, known as NoVaRides, launched following the summer-long shutdown of six Metrorail stations and encouraged commuters to ride public transportation. NoVaRides was heard on radio, and seen in movie theaters, online and in social media. A new dedicated website with a trip-planning tool and links to all regional transit systems supported the ads. The campaign's advertisements directed people to "find their best route" at novarides.org. The award is scheduled to be formally handed out at a VTA luncheon this fall. She recognized the hard work of NVTC staff who worked on this campaign -- Matt Friedman, Jae Watkins and Melissa Walker -- as well as the team of jurisdictional staff.

Ms. Mattice also recognized NVTC's Grants Manager and DBE Officer Brittany Sumpter on her hard work on the NVTC Disadvantaged Business Enterprise Goal-Setting Methodology, which the Commission took action on earlier in the meeting as part of the Consent Agenda. As a direct recipient of Federal Transit Administration funding, NVTC is committed to ensuring that its sub-recipients continue to level the playing field by providing small businesses owned and controlled by socially and economically disadvantaged individuals a fair opportunity to compete for their federally funded-transportation contracts. Ms. Sumpter partnered with the City of Alexandria, to host their first ever "Virtual DBE Public Consultation" event. The virtual event solicited feedback and criticism of Alexandria's FY 2021-2023 Proposed DBE Goal Methodology from representatives of minority, women's, and community organizations in the area, which is required by FTA. The input received from this consultation was taken into consideration and used to support Alexandria's DBE Goal.

Ms. Mattice reminded Commissioners that the Financial Report was provided, which includes revenue trends for the regional gas tax collection. The regional gas tax supports a portion of the dedicated capital funding for WMATA, the C-ROC funding for VRE, and helps localities with their WMATA payments. The May 2020 Financial Report begins to show the impact of the reduction in fuel consumption due to the COVID-19 public health emergency. Mr. Kalkwarf will provide a full report on the revenue impacts at the September meeting. Over the course of the summer, staff will be actively engaging with NVTC jurisdictions and the Commonwealth to understand trends in transit ridership, recognizing that many systems are starting to add more service and run more buses to maximize the safety of customer as they resume their need to travel. Staff will also work closely with DRPT, VDOT and the Department of Motor Vehicles to analyze the actual revenue receipts so that the revenue outlook for both regular transit services as well as the Commuter Choice program can be presented in September.

Ms. Mattice stated that NVTC staff continue to work 100% remotely and plan on doing that through the summer, reassessing the safety and health of returning to the office prior to September. NVTC will also continue to hold meetings remotely during the declared state of

emergency. She announced that there is no August meeting, but staff anticipate a busy fall with actions on Commuter Choice, WMATA reports to the General Assembly, NVTC's 2021 Legislative and Policy Agenda, among other actions. The next Commission meeting is scheduled for September 3 at 7:00 pm.

Adjournment

Without objection, Chair Cristol adjourned the meeting at 8:39 P.M.

Approved this 3rd day of September 2020.

Katie Cristol
Chair

Jeffrey C. McKay
Secretary-Treasurer



RESOLUTION #2416

SUBJECT: Finding Need to Conduct the July 2, 2020 Meeting Electronically

WHEREAS: On March 12, 2020, the Governor of Virginia declared a state of emergency in Virginia in response to the spread of novel coronavirus, or COVID-19, a communicable disease of public health threat as so declared by the State Health Commissioner on February 7, 2020 (“COVID-19”);

WHEREAS: In subsequent Executive Orders, particularly Executive Order Nos. 53 and 55, as amended, the Governor of Virginia, among other measures designed to ensure safe physical distancing between individuals, prohibited public and private in person gatherings of 10 or more individuals and ordered all individuals in Virginia to remain at their place of residence, with limited exceptions, to mitigate the impacts of COVID-19 and prevent its spread;

WHEREAS: The Northern Virginia Transportation Commission finds that it has a responsibility to demonstrate to the public, through the Commission’s conduct, the importance of maintaining proper physical distance from others and to avoid gathering in public where the risks of infection are highest, and to take measures that promote physical distancing in order to protect the public health and mitigate the impacts and spread of COVID-19, including, among others, conducting meetings electronically whenever possible;

WHEREAS: On April 22, 2020, the Virginia General Assembly adopted, and the Governor signed, budget bill amendments to HB 29 that expressly authorize “any public body, including any state, local, [or] regional body” to “meet by electronic means without a quorum of the public body . . . physically assembled at one location when the Governor has declared a state of emergency . . ., provided that (i) the nature of the declared emergency makes it impracticable or unsafe for the public body . . . to assemble in a single location; (ii) the purpose of the meeting is to discuss or transact the business statutorily required or necessary to continue operations of the public body . . . and the discharge of its lawful purposes, duties, and responsibilities” among other provisions; and

WHEREAS: Several member jurisdictions of the Northern Virginia Transportation Commission have adopted continuity of government ordinances pursuant to Va. Code Ann. § 15.2-1413 which ordinances, among other provisions, authorize regional bodies of which the locality is a member may meet electronically to transact business essential to the continuity of government.

NOW, THEREFORE, BE IT RESOLVED that the Northern Virginia Transportation Commission hereby finds that meeting by electronic means is authorized because the nature of the declared emergency makes it both impracticable and unsafe for the Commission to assemble in a single location on July 2, 2020, to discuss and transact the business of the Commission listed on the July 2, 2020 Commission Meeting Agenda.

NOW, THEREFORE, BE IT FURTHER RESOLVED that NVTC that hereby finds that meeting by electronic means is authorized because the items on the July 2, 2020 Commission Meeting Agenda are statutorily required or necessary to continue operations of the Commission and the discharge of the Commission's lawful purposes, duties, and responsibilities.

NOW, THEREFORE, BE IT FURTHER RESOLVED that NVTC hereby finds that the items on the July 2, 2020 Commission Meeting Agenda are encompassed within the continuity of operations ordinances adopted by several member localities of the Northern Virginia Transportation Commission as essential to the continued operation of the government during the disaster posed by the public health emergency resulting from COVID-19.

Approved this 2nd day of July 2020.



Jeffrey C. McKay
Secretary-Treasurer



Katie Cristol
Chair