



NVTC LEGISLATIVE AND POLICY COMMITTEE MEETING
THURSDAY, FEBRUARY 17, 2022
NVTC Conference Room, Suite #230
2300 Wilson Blvd., Arlington, VA 22201
Public Streaming Via YouTube
5:00 p.m.

AGENDA

NVTC will continue with its current safety protocols until further notice. We ask that all attendees wear a face mask that must cover both the nose and mouth. Commissioners are asked to wear a mask when not speaking or actively eating.

NVTC encourages non-participating staff and the public to continue to watch the meeting via [Youtube](#).

1. Meeting Summary of the November 12, 2021 Legislative and Policy Committee Meeting
2. General Assembly Update/Legislative Status Following Cross Over – NVTC Legislative Liaison Aimee Perron Seibert
3. Federal Update

Members:

David Meyer, Chair
Canek Aguirre
Adam Ebbin
Libby Garvey
Matt Letourneau
Dave Snyder
James Walkinshaw

MEETING SUMMARY
NVTC LEGISLATIVE AND POLICY COMMITTEE
NVTC Suite #230 Conference Room
2300 Wilson Blvd., Arlington, Virginia
Public Streaming via YouTube
November 12, 2021

NVTC Legislative and Policy Committee Members Present:

David Meyer, Chair
Canek Aguirre
Adam Ebbin
Libby Garvey
David Snyder

NVTC Legislative and Policy Committee Members Absent:

Matt Letourneau
James Walkinshaw

NVTC Staff and Others Present:

Kate Mattice, Executive Director
Tenley O'Hara
Aimee Perron Seibert (via electronic participation)
Alex Thorup (via electronic participation)
Bennett Resnick

Legislative and Policy Committee Chairman David Meyer called the meeting to order at 8:35 a.m. He stated that COVID-19 safety protocols are being followed due to the surge in the Delta variant and this meeting is being livestreamed on YouTube for the public and staff.

Chairman Meyer asked for any changes to the October 7, 2021 Legislative and Policy Committee Meeting Summary. Committee members accepted the summary of the October 7, 2021 meeting with no changes.

General Assembly Update

NVTC's Legislative Liaison Aimee Perron Seibert stated that the statewide elections earlier in the month shifted power to the Republicans with the election of Governor-Elect Glen Youngkin, Lt. Governor-Elect Winsome Sears and Attorney General -Elect Jason Miyares. They will be sworn in on January 15, 2022. As of now, the House of Delegates shifted power to 52 Republican members and 48 Democratic members, but two slots could go to recount. There are 17 new Delegates.

Mr. Thorup provided an overview of the governor-elect's transition team and the transition process. He does not anticipate any announcements about cabinet selections until after Thanksgiving or even later. Ms. Perron Siebert stated that current Secretary of Finance Aubrey Layne, who was Secretary of Transportation during the McAuliffe administration, is a transition advisor to Governor-Elect Youngkin. Since transportation issues were not a big part of Youngkin's campaign platform, it is hoped that there will not be significant legislative changes introduced regarding transportation. She expects to see something on repealing the gas tax, so they will be monitoring that. She observed that since Governor-Elect Youngkin lives in Northern Virginia, he understands transportation and congestion issues in the region. She did state that it will be important to educate the governor and his team of NVTC's great work as well as the good things that are happening in Northern Virginia regarding transit issues. She noted that two Joint Legislative Audit and Review Commission (JLARC) studies were recently released which provide good reports on funding and other transportation issues. These will be good resources to provide to the transition team and new Delegates. Ms. Mattice agreed that there is a good story to tell on the Commonwealth's performance-based allocation of transit funding. Committee members further discussed the transition process and legislative issues in general.

Mr. Snyder asked if the gas tax gets repealed, what will be the impact to NVTC revenues and what would not get funded as a result. Ms. Mattice explained that the gas tax Governor-Elect Youngkin campaigned about is related to the Commonwealth Transportation Fund and not related to the gas tax revenues NVTC jurisdictions receive for WMATA payments, VRE and WMATA dedicated funding. She stated that staff can gather information about what the impact would be to the Commonwealth Transportation Fund.

Mr. Meyer asked about the Long Bridge project and any potential legislative changes. Ms. Perron Siebert stated that she does not anticipate any changes. She cannot imagine that the new administration would want to stop this project, which will be so transformative for Virginia, as well as the entire east coast. The Long Bridge project is well underway and has momentum.

Federal Update

VRE's Federal Legislative Liaison Bennett Resnick gave a federal update, including provisions of the Infrastructure Bill. The current continuing resolution for government funding will expire on December 3, 2021 and another continuing resolution is likely, which will result in Virginia not seeing the increases to the Highway Trust Fund that are provisions of the Infrastructure Bill. Mr. Resnick stated that the Build Back Better Act is still working its way through the legislative process.

Ms. Mattice stated that staff is still unpacking the provisions of the Infrastructure Bill and the impact on funding for WMATA and VRE as well as possible discretionary funds for the localities. NVTC wants to be able to position itself to help the jurisdictions if they wish to apply for federal discretionary funds. She reminded the committee that there are strings attached to federal funds, so jurisdictions will need to decide if they want to apply for funding.

NVTC's Draft Legislative and Policy Agenda

The committee discussed the framework and legislative topics covered in the Legislative Agenda. Ms. Perron Siebert stated that the Department of Rail and Public Transportation (DRPT) approached NVTC regarding a conflict in Virginia law with federal law that is currently preventing localities to take advantage of the state's transit bus procurement. DRPT is seeking legislative changes to resolve this issue. Ms. Mattice noted that it might make sense for the Virginia Transit Association (VTA) to lead the charge on this issue, as it represents all the transit systems in Virginia. She stated that the issue is already captured in NVTC's Legislative and Policy Agenda under "leveraging state and federal funds." Senator Ebbin stated that he is willing to work with staff and Ms. Perron Siebert to find a legislative solution.

Ms. Mattice stated that the Legislative Agenda is generally broad to be able respond to what is happening in Richmond. Ms. Perron Siebert stated that part of NVTC's strategy is to educate new members and the new administration. Ms. Mattice noted that NVTC has a new communications staff member, Monique Blyther, to help tell some of the region's success stories.

Ms. Garvey stated that the committee in the past has discussed a Northern Virginia transit tour for key legislators, so with the new members and administration, it would be a good idea to revisit a potential tour. Senator Ebbin suggested hosting a tour next summer.

Mr. Snyder stated that it will be important for NVTC and the localities to be ready to explain transit ridership numbers and why they haven't rebounded as highway numbers have. He suggested that the focus be on the successes of bringing riders back.

Ms. Mattice also reviewed the legislative initiatives NVTC supports included in the federal section of the Legislative and Policy Agenda. She stated that staff will monitor the impending fiscal cliff of the Highway Trust Fund. There is time, as it will be five years until the legislation needs to be reauthorized, but it will be important to begin thinking about this issue now and not wait.

Ms. Mattice stated that the 2022 Legislative and Policy Agenda will be presented to the Commission for action at the December 2 meeting. She also reminded committee members about the annual Joint NVTC PRTC Legislative Event on December 6, 2021 at the Embassy Suites in Springfield. She provided an overview of the agenda and speakers.

Chairman Meyer adjourned the meeting at 9:35 a.m.

Information as of February 9, 2022

The information below is a list of bills and budget amendments NVTC is prioritizing, in addition to others NVTC is monitoring within these topics.

Senate:

SB 541 Rate of tax on gasoline and diesel fuel. *Chief Patron: Senator Mark J. Peake (R) - Senate District 22*

Lowers the rate of tax on gasoline and diesel fuel on July 1, 2022, from 26.2 cents per gallon to 21.2 cents per gallon on gasoline and from 27 cents per gallon to 20.2 cents per gallon on diesel fuel, the rates that were in effect before July 1, 2021. The bill provides that the rate of tax on gasoline and diesel fuel will return to 26.2 and 27 cents per gallon, respectively, on July 1, 2023, and will be indexed based on the change in the United States Average Consumer Price Index; thereafter, the rate will be indexed annually. 01/12/22 Senate: Referred to Committee on Finance and Appropriations

SB 251 Northern Virginia Transportation Authority; funds for pedestrian and bicyclist projects. *Chief Patron: Senator Scott A. Surovell (D) - Senate District 36*

Original bill requires the Northern Virginia Transportation Authority (NVTA) to dedicate certain funds to projects that improve pedestrian or bicyclist safety or infrastructure. However, [bill was amended with a substitute](#) that states, "The Department of Transportation (the Department) shall convene a work group that includes the Director of Transportation or his representative from each locality in Planning District 8; the Executive Director of the Northern Virginia Transportation Commission or his representative; the Chief Executive Officer of the Northern Virginia Transportation Authority or his representative; the Executive Director of the Potomac and Rappahannock Transportation Commission or his representative; representatives of the bicycle, pedestrian, and disability communities; representatives of lower-income and no-car households; and other private sector stakeholders deemed necessary. The work group shall assess and separately identify the projected pedestrian, bicycling, and traffic calming infrastructure needs relative to the planning process in each locality[.]" 01/31/22 Senate: Rereferred to Finance and Appropriations

SB 281 Transit buses; exempts a manufacturer, etc., engaged in distribution from certain requirements. *Chief Patron: Senator Adam P. Ebbin (D) - Senate District 30*

Exempts a manufacturer, factory branch, distributor, distributor branch, or factory or distributor representative engaged in the manufacture or distribution of transit buses from the requirements of obtaining a license from the Department of Motor Vehicles to engage in business. The bill also exempts transit buses from dealer's license plate and temporary license plate requirements. 02/02/22 Senate: Read third time and passed Senate (40-Y 0-N)

SB 342 Transit Ridership Incentive Program. *Chief Patron: Senator George L. Barker (D) - Senate District 39*

Transit Ridership Incentive Program. Directs the Commonwealth Transportation Board to use at least 25% of the funds available for the Transit Ridership Incentive Program for grants to fund reduced-fare or zero-

fare transit projects. Under current law, the amount that may be used for such programs is capped at 25%. The bill provides that funds awarded for reduced-fare or zero-fare transit projects shall not be included in the requirement that funds be awarded in accordance with a statewide equitable ratio. *01/27/22 Senate: Read third time and passed Senate (40-Y 0-N)*

SB 488 Transit Transition Fund and Program; established. *Chief Patron: Senator Jennifer L. McClellan (D) - Senate District 9*

Establishes the Transit Transition Fund and Program, administered by the Department of Rail and Public Transportation, to provide grants to state, regional and local public entities to support the transition of public transit fleets to zero-emission and low-emission fleets. The Director of the Department is directed by the bill to report annually to the Governor and the chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations by November 1 of each year. The bill also directs 7.5% of the revenues collected from the tax on sports betting permittees to the Fund, reducing the share of the tax revenue allocated to the general fund. *02/04/22 Senate: Read third time and passed Senate (39-Y 0-N)*

SB 339 Washington Metropolitan Area Transit Authority; alternate directors. *Chief Patron: Senator George L. Barker (D) - Senate District 39*

Repeals a provision of the 2018 mass transit funding legislation that requires the Commonwealth Transportation Board to withhold certain funding from the Washington Metropolitan Area Transit Authority if alternate directors of the Authority participate in or take action at a meeting at which the primary directors are present. *02/03/22 Senate: Failed to report (defeated) in Transportation (1-Y 12-N 2-A) (Bill is now dead)*

SB 214 Virginia Freedom of Information Act; meetings conducted through electronic meetings. *Chief Patron: Senator Jeremy S. McPike (D) - Senate District 29*

Amends existing provisions concerning electronic meetings by keeping the provisions for electronic meetings held in response to declared states of emergency, repealing the provisions that are specific to regional and state public bodies, and allowing public bodies to conduct all-virtual public meetings where all of the members who participate do so remotely and that the public may access through electronic communications means. Definitions, procedural requirements and limitations for all-virtual public meetings are set forth in the bill, along with technical amendments. *02/07/22 Senate: Read third time and defeated by Senate (19-Y 21-N) (Bill is dead)*

House of Delegates:

HB 90 Sales tax; exemption for food purchased for human consumption and essential personal hygiene products. *Chief Patron: Delegate Joseph P. McNamara (R) - House District 8*

Exempts food purchased for human consumption and essential personal hygiene products (the grocery tax) from all state, regional, and local sales taxes. The bill dedicates state sales tax revenue to provide a supplemental school payment to counties and cities. For fiscal year 2023, the payment is the county or city's fiscal year 2022 distribution of revenue from the grocery tax. For fiscal year 2024 and after, the payment is the previous year's payment multiplied by the county or city's local sales tax index, defined in the bill as the ratio by which sales tax revenues in a county or city for the current year exceed the previous year's revenues. *02/02/22 House: Referred to Committee on Appropriations*

**The removal of this tax would result in \$15M annual loss to transit in Virginia.*

[HB 142](#) Transit Ridership Incentive Program; amount of funds to be used to establish programs. Chief Patron: Delegate Delores L. McQuinn (D) - House District 70

Changes from a maximum of 25% to a minimum of 25% the amount of Transit Ridership Incentive Program (TRIP) funds to be used to support the establishment of programs to reduce the impact of fares on low-income individuals. The bill requires at least 25% of TRIP funds to be used to support regional transit initiatives and provides that the Commonwealth Transportation Board has the discretion to allocate the remaining funds available as authorized by law and based on the programs and initiatives submitted during the application process. 02/04/22 Senate: Referred to Committee on Transportation

[HB 297](#): Regional fuels tax; suspends the imposition of any tax. Chief Patron: Delegate Joseph P. McNamara (R) - House District 8

Suspends the imposition of any regional fuels tax in the Commonwealth on and after July 1, 2022, but before July 1, 2023. 01/11/22 House: Referred to Committee on Finance

[HB 444](#) Virginia Freedom of Information Act; meetings conducted through electronic meetings. Patron: Delegate Elizabeth B. Bennett-Parker (D) - House District 45

Amends existing provisions concerning electronic meetings by keeping the provisions for electronic meetings held in response to declared states of emergency, repealing the provisions that are specific to regional and state public bodies, and allowing public bodies to conduct all-virtual public meetings where all of the members who participate do so remotely and that the public may access through electronic communications means. Definitions, procedural requirements, and limitations for all-virtual public meetings are set forth in the bill, along with technical amendments. 02/03/22 Senate: Referred to Committee on General Laws and Technology

Budget:

[SB29 Item 4-14.00 #1g](#) Suspension of Gas Tax Increase (language only) Chief Patron: Governor Youngkin

This amendment delays a planned increase in gasoline taxes from July 1, 2022 until July 1, 2023. [HB29 Item 4-14.00 #1g](#) is the House Budget Bill equivalent.

[SB30 Item 447 #1s](#) Zero Emission Transit Transition Fund Chief Patron: McClellan

This amendment establishes funding for the Transit Transition Fund established pursuant to SB 488 of the 2022 General Assembly that would dedicate 7.5% of annual sports betting revenues to a Transit Transition Program to support the acquisition of zero-emission transit buses. Funding for the program will reduce general funds available for appropriation by an estimated \$900,000 in each year based on the official forecast for sports wagering revenues.

[HB29 Item 479.20 #1h](#) Provide Hazard Pay Bonus to Public Transit Chief Patron: Krizek

This amendment provides \$20.0 million in federal ARPA funds to provide bonuses to public transit workers similar to those that have been provided to health care workers and public safety personnel during the pandemic.

[HB30 Item 434 #1h](#) HB 436 - Joint Public Meeting with National Capital Region Transportation Planning Board *Chief Patron: Sewell*

This amendment provides the Office of the Secretary of Transportation \$50,000 from the general fund each year pursuant to the passage of House Bill 436 which requires the Commonwealth Transportation Board to invite the National Capital Region Transportation Planning Board to participate in and present information at the joint transportation meeting held annually concerning projects in the Northern Virginia Area. The funding included in the amendment is a placeholder until a detailed estimate of the impact of House Bill 436 is completed.

[HB30 Item 447 #1h](#) HJ 76 - Study Northern Virginia Transit and Develop a Regional Transit Plan *Chief Patron: Torian*

This amendment provides \$2.25 million from the general fund in fiscal year 2023 pursuant to the passage of House Joint Resolution 76 of the 2022 General Assembly Session which requires the Department of Rail and Public Transportation to study Northern Virginia regional transit and develop a regional transit plan that includes an extension of Washington Metropolitan Area Transit Authority service to Prince William County. The Department would be required to report its findings and recommendations to the Governor and General Assembly by November 1, 2022.