



REPORT OF THE NORTHERN VIRGINIA AGENCY EFFICIENCY AND CONSOLIDATION TASK FORCE

November 9, 2012



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EXECUTIVE SUMMARY

Background

Northern Virginia is served by several agencies with distinct missions responsible for regional planning; transportation policy and planning; transit operations; and transit funding. These agencies are:

- Northern Virginia Regional Commission (NVRC)
- Northern Virginia Transportation Authority (NVTA)
- Northern Virginia Transportation Commission (NVTC)
- Potomac and Rappahannock Transportation Commission (PRTC)
- National Capital Region Transportation Planning Board (TPB) (which serves Northern Virginia as well as suburban Maryland and the District of Columbia)

Each agency has different responsibilities and cooperates effectively with the many federal, state and local entities with interests in those subjects. Nonetheless, through the years there have been several studies and legislative efforts related to combining or abolishing one or more of the four Northern Virginia agencies. At the end of the 2012 session, members of the Northern Virginia General Assembly delegation signed a letter to the Northern Virginia four agency (NVRC, NVTA, NVTC and PRTC) chairs asking whether consolidation and/or improved coordination would enhance regional planning, including transportation planning and services. According to the letter, the delegation's goal was to learn how to accomplish the agency missions in a more efficient and effective manner. The delegation also asked for consideration of the role of TPB, the regional Metropolitan Planning Organization (MPO), and for consideration of potential impacts on the Virginia Railway Express (VRE) which is a joint commuter rail service of NVTC and PRTC, if a consolidation were to occur.

Approach

In response to the delegation's request, the leadership of the four organizations formed the Northern Virginia Efficiency and Consolidation Task Force (the Task Force) consisting of their chairs and vice-chairs together with other key local elected officials including the Virginia vice-chair of TPB and chairs of VRE and the Washington Metropolitan Area Transit Authority (WMATA) and others. This Task Force is intended to be temporary with its sole purpose being to address the delegation's request.

The Task Force expressed appreciation for the delegation's outreach to the agencies (and their local government members), since sudden legislative changes to complex regional institutions can have serious unintended consequences. The Task Force valued the opportunity to gather, analyze and reflect on the facts over a period of several months, prior to the busy General Assembly session.

The Task Force established a staff committee including NVTA's Jurisdiction and Agency Coordinating Committee (JACC), as well as financial and legislative staffs of the local governments and agencies. The JACC consists of key transportation staff from local, regional and state agencies and jurisdictions. The Task Force and the JACC invested substantial time and effort into preparing this report. At the Task Force's direction, the JACC team has:

- Reviewed past studies and legislative proposals;
- Gathered governance and operating information about how each agency functions;
- Identified unique and overlapping functions of the agencies;
- Considered the benefits and costs of various combinations of agencies; and
- Identified ways to improve coordination and efficiency.

The delegation requested a completed product before the start of the 2013 General Assembly session. As a result, the Task Force focused on the potential costs and service benefits of combining agency functions and identified fatal flaws (difficult legal or financial hurdles) that would cause the costs of a particular combination of agencies to clearly outweigh the benefits. Consideration was given to all the possible ways in which the four agencies can be combined. While a number of combinations were eliminated early on due to clear and serious flaws, the Task Force identified a sufficient number of combinations that were carefully considered to arrive at informed recommendations.

Recommendations

1. Do Not Legally Consolidate Agencies

The Task Force recommends that none of the consolidation alternatives be pursued at this time. The Task Force found no cost savings nor service delivery improvement that warrant the disruption and cost of a legal consolidation between or among these agencies.

2. Co-Locate NVTA with NVRC

The Task Force recommends that the NVTA immediately co-locate with NVRC and align meeting dates. Better coordination of their activities should result in greater efficiencies in the governance, management and operations of both agencies.

The Task Force does not recommend consolidating these agencies at this time. Should conditions change that would cause reconsideration of a consolidation (such as NVTA being funded as originally intended), further work by the agencies, would be needed to determine whether a legal consolidation adds value and is worth the effort and cost. The potential for a future consolidation exists as both entities share an identical geographic region as well as several common board members. NVRC has an office and staff while NVTA does not, thus avoiding disruptive effects on current employees or costly lease negotiations. Most Virginia planning district commissions undertake some transportation planning activities. New

legislation would be required to formally merge the two agencies, and the survivor organization would need to have the combined statutory powers that the two individual entities now possess.

The Task Force recommends that the results of co-locating NVTA with NVRC be monitored to assess the impact on the delivery of transportation and planning services in Northern Virginia, and what, if any, additional action might warrant consideration in the future.

3. Implement Other Administrative Efficiencies

The Task Force recommends that several other measures be considered that alone or in combination could result in more streamlined operations and improved coordination among the agencies. While many of these suggestions have already been implemented to a limited extent and could be expanded for greater benefit, other suggestions are untried but worthy of consideration. Several of the suggestions below do not require General Assembly action and are being pursued by some or all of the agencies:

- **Consider additional opportunities for policy makers to participate in meetings electronically**, as NVTC's and PRTC's General Assembly members are permitted to do during the session;
- **Joint procurement of services**, as VRE and PRTC now do for financial and fuel consultants;
- **Consolidated purchasing of employee benefits**, as NVRC has decided to do by becoming part of Fairfax County's health plans;
- **Pursuing projects jointly**, as with the new Vanpool Incentive Program;
- **Sharing staff**, as NVTA's current use of jurisdictional and agency resources and VRE's use of NVTC and PRTC staff for state and federal grant management;
- **Reducing the number of board meetings**;
- **Enhancing the orientation process for board members**;
- **Combining legislative agendas**;
- **Broadening transportation staff working groups** to include staff from outlying jurisdictions;
- **Holding at least annual meetings of the leadership of each of the agencies** to examine the agencies' work programs for possible gaps, conflicts, or efficiencies;
- **Develop a consolidated meeting calendar** for all of the transportation and planning agencies.

A more complete list of ideas for improving efficiency and transparency is included in Section D of the report.

4. Do Not Consolidate NVTC into Another Agency

There have been several recent legislative initiatives to abolish NVTC or combine it with other agencies. Given the legislative interest, the Task Force focused carefully on NVTC's role.

Ultimately, the Task Force did not recommend any change in NVTC's status for several reasons:

- Even if NVTC were abolished, its work program, which focuses on obtaining funding for WMATA, VRE and local bus services, and proving a forum for coordination among these agencies, would need to continue.
- Of even greater significance, some of NVTC's responsibilities are defined in WMATA's Interstate Compact. Moving NVTC's Compact responsibilities to another body would require a change to the Compact. Any changes in the Compact require identical action by the Virginia, Maryland and District of Columbia legislative bodies in addition to the U.S. Congress. This process requires extensive cooperation and coordination among these four entities and the process takes several years.
- NVTC receives and allocates the 2.1 percent motor fuels tax with uses and recipients restricted in several sections of the Code of Virginia. This motor fuels tax generates about \$48 million per year. NVTC's responsibilities related to administration of the tax would need to continue, even if NVTC is eliminated.
- NVTC is a designated recipient of federal transit funding and has negotiated complex non-transferable agreements with labor unions that are required to allow such funds to flow to the region. If NVTC ceased to exist, the new entity would need to negotiate the agreements all over again.
- NVTC co-owns VRE, which has assets of \$377 million. In establishing VRE, NVTC and its partner PRTC completed delicate negotiations with many local jurisdictions, federal and state agencies, Amtrak, and multiple freight railroads, using unique statutory authority to indemnify those railroads. NVTC also issued bonds for VRE which remain outstanding. Legal counsel involved in the study effort cautioned that there is a constitutional issue of whether the General Assembly has the power to void such contractual agreements among NVTC and PRTC members. The VRE is founded upon a Master Agreement to which NVTC is a party along with PRTC and nine counties and cities from the commissions. In this document each local government agreed to pay a share of VRE's annual costs, subject to annual appropriation of funds. Changing NVTC's legal status might abrogate the existing Master Agreement and imperil part of the payback of VRE's outstanding bonds issued by NVTC. This could be a violation of the Virginia Constitution which prohibits impairing obligations of contracts.
- Cost savings would be minimal from eliminating NVTC, particularly because its functions would need to be addressed in other ways. NVTC's administrative budget is \$1.2 million annually. Among other things, this budget funds a staff of six full-time and two part-time employees.

Based on the above considerations, the Task Force concluded that the costs of unwinding these complex agreements and debt issues would outweigh any financial benefit of abolishing NVTC or combining it with one or more other entities. As a result, the Task Force does not recommend pursuing combinations that include NVTC.

5. Do Not Pursue a Northern Virginia MPO

A budget amendment was introduced during the 2012 General Assembly session that would have directed the Secretary of Transportation to study the establishment of a Northern Virginia MPO. MPOs are federally designated for the purpose of receiving federal funds for transportation, producing transportation plans and establishing transportation funding priorities. Fulfillment of these planning and programming requirements is a prerequisite for the region's continued receipt of federal transportation funds. The federal "model" for MPOs is that the MPO encompass the whole metropolitan region, as the Washington D.C. area MPO – the National Capital Region Transportation Planning Board (TPB) – does.

As a result of this investigation, the Task Force determined that federal law makes it virtually impossible to establish such an MPO, because TPB already serves in that capacity. In particular, withdrawing from an existing MPO requires approval from the other members (in this case the District of Columbia, the State of Maryland and its suburban Washington jurisdictions), meaning that this is not an action that Virginia can take unilaterally.

In addition, the NVTA has been functioning as a Virginia caucus of the TPB, and has been undertaking subregional planning activities. Accordingly, the Task Force does not recommend pursuing establishment of a Northern Virginia MPO.

For Further Information

The Task Force has produced a detailed report containing its data, analyses and recommendations. The history, purpose, duties, powers, employees, budgets, financial obligations, outstanding grants, real estate interests, quorum, voting requirements and geographic districts, among other characteristics, are discussed. The legal considerations associated with any consolidation are included. The rationales for the recommended consolidation and efficiency actions are also described.

Copies of this Executive Summary and the full Task Force report are available online at:

www.thenovaauthority.org

Websites of each agency also contain detailed information:

- NVRC <http://www.novaregion.org>
- NVTA <http://www.thenovaauthority.org>
- NVTC <http://www.thinkoutsidethecar.org>

- PRTC <http://www.prtctransit.org>
- VRE <http://www.vre.org>
- TPB <http://www.mwcog.org/transportation/tpb>

Introduction and Background

Over the past 65 years, a number of regional transportation and planning agencies have been created by the General Assembly and are currently operating in Northern Virginia. The region's transportation agencies (the Northern Virginia Transportation Authority [NVTA], the Northern Virginia Transportation Commission [NVTC] and the Potomac and Rappahannock Transportation Commission [PRTC]) are responsible for planning, operating and supporting transit service, developing long-range transportation plans, managing and allocating transportation revenues and advocating for additional transportation funding. The Northern Virginia Regional Commission (NVRC) is responsible for planning and coordinating various aspects of local government programs and services, including public safety, human services, environmental and energy, among others. A summary of the history of these agencies is included as Attachment A.

Due to the number of regional transportation and planning agencies in Northern Virginia, the concept of consolidating these agencies has surfaced several times during the last two decades. Questions of redundancy and comparisons with other regions have led to inquiries aimed at improving the efficiency and effectiveness of regional transportation and planning agencies in Northern Virginia. There have been several studies that considered whether some of these agencies should be combined. These efforts are summarized in Section B of this report.

During the 2011 Session of the Virginia General Assembly, Delegate David B. Albo introduced HB 2016 which would have consolidated NVTA, NVTC and PRTC. A copy of HB 2016 is included as Attachment B. The House Transportation Committee did not approve HB 2016, but requested that the Joint Commission on Transportation Accountability (JCTA) study the proposal. JCTA has not acted on this referral to date.

During the 2012 Session of the Virginia General Assembly, there were several attempts to reorganize Northern Virginia transportation planning and operations. At the request of the Governor, Delegate C. Todd Gilbert and Senator Ryan McDougle introduced bills (HB 1291 and SB 678, respectively) implementing recommendations derived from Governor Robert F. McDonnell's Government Reform and Restructuring Commission. Included in these bills was the proposed consolidation of NVTA and NVTC. The relevant sections of HB 1291 are included as Attachment C. When HB 1291 passed the House of Delegates, the NVTA/NVTC consolidation language was included. However, the Senate did not agree to this consolidation and the conference committee report also did not retain the consolidation language. This resulted in no further legislative action on this proposal.

Also during the 2012 Session, a budget amendment was introduced that would have directed the Secretary of Transportation to conduct a study to examine the feasibility of creating a Northern Virginia Metropolitan Planning Organization (MPO). This proposed budget language is included as Attachment D. Ultimately, this language was not included in the budget adopted by the General Assembly and signed by the Governor (HB 1301).

On March 10, 2012, the members of the Northern Virginia Delegation of the Virginia General Assembly wrote to the chairmen of NVTA, NVTC, PRTC and NVRC and requested that the chairs engage their organizations in an effort to determine whether consolidation and/or improved coordination would facilitate efficiency and/or enhance regional planning, including transportation planning and services. According to the letter, the delegation's goal was to accomplish the stated missions of these organizations in a more efficient and effective manner. The delegation suggested that the chairmen consider issues related to governance, membership, voting procedures, geographical representation, legal obstacles, and funding matters. In addition, the delegation indicated that the role of the Transportation Planning Board (TPB) in Northern Virginia regional planning processes should be considered and any potential impacts on the Virginia Railway Express should be addressed. The delegation requested the chairs' recommendations by October 1, 2012. The delegation's letter is included at Attachment E.

In response to the delegation's letter, the chairs established a Northern Virginia Efficiency and Consolidation Task Force (the Task Force). The Task Force consists of:

- The chairs and vice chairs of the four organizations
- The chair and vice chair of the Virginia Railway Express
- The chair of the Washington Metropolitan Area Transit Authority
- The Virginia Vice Chair of the Transportation Planning Board
- The chairman of the Fairfax County Board of Supervisors and a member of the City Councils of Falls Church, Fairfax and Manassas

Each of the nine cities and counties in Planning District 8 are represented either by one of the chairs and vice chairs or as specifically noted.

On May 16, 2012, the chairs wrote to the delegation and summarized their approach to the delegation's request, and also noted that the study and recommendations would be completed by November 16, 2012 (Attachment F). The Task Force met between May 2 and October 25, 2012. The discussions that occurred at these meetings are the basis for this report. Materials reviewed during these meetings are referenced throughout the report.

The Task Force determined that research undertaken for this study would be conducted by staff from the local jurisdictions (transportation, legal and legislative), regional transportation agencies and the Northern Virginia Regional Commission, and led by the Northern Virginia Transportation Authority's existing Jurisdiction and Agency Coordinating Committee (JACC). The staff team was divided into three work groups to review various aspects of the efficiency and consolidation effort. These working groups were:

- a. Organizational
- b. Legal/Financial
- c. Short Term Approaches and Other Efficiencies

These three working groups met throughout the summer to gather and prepare various materials for the Task Force. The membership of each of these working groups is listed in Attachment G.

The Task Force developed the conclusions and recommendations included in this report, not the working groups. These conclusions and recommendations were subsequently considered by NVRC, NVTA, NVTC and PRTC.

As part of this effort, the Task Force reviewed how transportation and planning activities and transit operations are addressed in the Hampton Roads area, since Hampton Roads has been suggested as a model for Northern Virginia. A summary of the Task Force's findings and a map of the Hampton Roads transportation and planning agency boundaries are included in Attachment H.

The Task Force also reviewed federal procedures for establishing sub-regional MPOs and determined that there would be significant hurdles to doing so in Northern Virginia. This is primarily due to the requirement for other members of the existing MPO and the federal government to approve the establishment of the sub-regional MPO. The requirements for establishing a sub-regional MPO are outlined in Section E of this report.

Other materials reviewed by the Task Force that are not specifically referenced elsewhere in this report are included as Attachment R.

Section A: Existing Conditions. The Missions and Functions of Each Agency

At its meeting on May 24, 2012, the Task Force reviewed the history, missions and functions of Northern Virginia transportation and planning agencies. Each agency's mission and function are summarized below. Additional information is included as Attachment I.

NVTA

The Northern Virginia Transportation Authority (NVTA) was created by the Virginia General Assembly in 2002. It consists of the nine cities and counties comprising Planning District 8 (Arlington, Fairfax, Loudoun and Prince William counties and the cities of Alexandria, Fairfax, Falls Church, Manassas and Manassas Park). Its 17 person Board includes one elected official from each of those jurisdictions, two members of the House of Delegates and one state senator, two citizen members appointed by the Governor including one member of the Commonwealth Transportation Board, one non-voting member rotated among several towns in Planning District 8, and ex-officio members including the Commonwealth Transportation Commissioner's designee and the Director of the Department of Rail and Public Transportation (DRPT).

The Authority is tasked with preparing a regional transportation plan for Planning District 8, including transportation improvements of regional significance. Once the plan is adopted, the Authority has significant implementation powers. It may construct or otherwise implement the transportation facilities in the plan. The Authority may acquire land for the purposes of providing transportation facilities or services. The land may be for the Authority's use in providing transportation facilities or services, or it may be transferred to another agency for use by that agency in connection with an adopted transportation plan. The Authority may prepare a plan for mass transportation services and may contract with others to provide the necessary facilities, equipment, operations, etc., needed to implement the plan.

NVTA's current activities include completing an unconstrained long range transportation plan (the most recent is the 2030 TransAction Plan. The 2040 update is underway and expected to be completed in Fall 2012) and setting priorities for regional, multimodal transportation spending; allocating federal formula transportation funds and preparing unified Virginia positions on issues to be acted on at the National Capital Transportation Planning Board (TPB). TPB is the regional Metropolitan Planning Organization, and including suburban Maryland and D.C. TPB provides a financially constrained transportation plan for the entire Metropolitan area in order to meet federal requirements. NVTA also advocates state legislation and formulates consensus policies on regional transportation.

Although NVTA's current activities are somewhat limited, it has the authority to become a much more significant transportation agency based on the powers granted by the General Assembly when NVTA was established. These powers include the ability to impose tolls, and have its bonds validated by Virginia's courts. NVTA is also important, because of its expressed

statutory linkage to Northern Virginia’s commercial and industrial real estate tax for transportation.

In 2007, the General Assembly authorized NVTA to enact multiple sources of funding explicitly for transportation investments in Northern Virginia, including taxes. However, the Virginia Supreme Court subsequently found the method of enacting the taxes to be unconstitutional. The General Assembly has not acted to replace this funding package. As a result, NVTA has no dedicated source of revenue at this time; however, it continues to engage in planning and coordination activities that prepare the region for increased transportation funding.

NVTA has no staff and only a “virtual” office (a phone answering service, use of a conference room and a website) supported by a small VDOT allocation. Staff support is donated by its member jurisdictions and other regional and state agencies. For example, NVTC currently provides accounting, audit management, public outreach and web management services at no cost to NVTA. Legal services are provided by local government attorneys from several member jurisdictions. Prince William County transportation staff currently chairs the staff-level Jurisdiction and Agency Coordinating Committee (JACC) that meets monthly to coordinate regional policy and plans. The value of this donated staff time is approximately \$52,000 per year. In addition to the JACC, NVTA maintains a Technical Advisory Committee and a Planning Coordination Advisory Committee. The Technical Advisory Committee includes citizen members and provides a means to tap professional expertise from the private sector and secure citizen input on various aspects of NVTA’s mission. The Planning Coordination Advisory Committee consists of local elected officials who are not members of the NVTA Board. The Planning Coordination Advisory Committee is charged with advising the NVTA on broad policy issues related to the periodic update of the NVTA’s Long Range Transportation Plan (e.g., TransAction 2040) and the development of the NVTA’s Six Year Program with special consideration to regional transportation, land use and growth.

NVTC

The Northern Virginia Transportation Commission (NVTC) was created in 1964 through an act of the General Assembly to provide a forum for elected officials to achieve an effective regional transportation network. Focusing primarily on transit, NVTC’s mission is to develop strategies, identify funding sources, advocate for additional funding, prioritize allocations, oversee transit systems such as the Virginia Railway Express (VRE) and Washington Metropolitan Area Transit Authority (WMATA), measure and report transit performance and pursue new transit programs. NVTC works to improve mobility, reduce traffic congestion, protect the environment and stimulate the regional economy by increasing transit and ridesharing use.

NVTC, acting jointly with PRTC, created the VRE commuter rail service in 1989 through execution of a Master Agreement among NVTC, PRTC, and nine counties and cities that were members of the commissions. VRE initiated commuter rail service in 1992. NVTC’s current service area includes three cities (Alexandria, Fairfax and Falls Church) and three counties

(Arlington, Fairfax and Loudoun). It is governed by a 20 person board of local and state elected officials and the Virginia Secretary of Transportation or his/her designee.

NVTC's primary functions include appointing Virginia's membership to the WMATA Board, managing Northern Virginia gas tax revenues and state and federal grants, and coordinating transit services. NVTC focuses on transit planning and operating initiatives with its members' bus, rail, and ridematching services, as well as transportation studies, capital project management, policy analysis, and regional coordination for transit service. It also owns and operates the VRE commuter rail service with PRTC, and has issued and refinanced bonds for VRE. NVTC also has eminent domain power and indemnification authority, and may enter into federally mandated labor protection agreements, a necessary requirement to be a federal grant recipient.

PRTC

The Potomac and Rappahannock Transportation Commission (PRTC) was established under the Transportation District Act in 1986 for the purpose of partnering with NVTC to create the VRE commuter rail service. The members of PRTC are the counties of Prince William, Stafford, and Spotsylvania, and the cities of Manassas, Manassas Park, and Fredericksburg. PRTC's mission is to provide safe, reliable, and affordable transportation services that the community views as an important asset and source of pride. Virginia law authorizes the creation of transportation districts to facilitate regional transportation solutions to problems that transcend individual localities' borders. With that aim, PRTC was also established to help create and oversee the VRE commuter rail service together with NVTC, and also to assume responsibility for bus service implementation. Like NVTC, PRTC has the power of eminent domain and indemnification authority, and can enter into federally mandated labor protection agreements, a necessary requirement to be a federal grant recipient.

PRTC's 17 member governing board now oversees PRTC's 140 bus fleet providing both commuter and local bus services, complemented by a variety of transportation demand management (TDM) programs, including rideshare-matching, a region-wide vanpool program, and a planned user-side subsidy program to lessen the cost of taxicab transportation for area residents with mobility challenges. The Commission includes 16 local government appointees and a DRPT representative.

As noted above, PRTC is the co-owner and operator of the VRE with NVTC. Subsequent to establishment of the VRE, PRTC assumed responsibility for Prince William County's commuter bus service operating primarily in Prince William County, and later initiated local bus service in Prince William County, and the Cities of Manassas and Manassas Park. PRTC's bus services do not overlap with services provided by WMATA or NVTC member jurisdictions.

VRE

The VRE is the commuter rail service owned and jointly operated by NVTC and PRTC that provides service into D.C. from points of origin as far south as Spotsylvania County and as far west as Prince William County. The service is organized under a Master Agreement, first executed in 1989. The current parties to the Master Agreement are the two Commissions, the counties of Arlington, Fairfax, Prince William, Spotsylvania, and Stafford, and the cities of Alexandria, Fredericksburg, Manassas, and Manassas Park. The Master Agreement establishes how VRE will be funded. It includes a formula by which costs exceeding fare revenue and annual federal and state grants are divided between VRE's member local governments. The Master Agreement also establishes an operations board, which is a subcommittee of the two Commissions, and provides oversight of the VRE's operations and policy guidance on matters expressly delegated to it by the two commissions. The VRE Operations Board is comprised of 13 representatives of its member local jurisdiction and one representative of DRPT.

Specifically, VRE's mission is to provide safe, cost effective, accessible, reliable, convenient, and comfortable commuter-oriented rail passenger service. In addition, VRE is intended to contribute to the economic development of its member jurisdictions as an integral part of a balanced, intermodal regional transportation system.

NVRC

The Northern Virginia Regional Commission (NVRC) is a regional council of 14 member cities, counties and towns in Northern Virginia, also known as Planning District 8. Its members include the counties of Arlington, Fairfax, Loudoun and Prince William, the cities of Alexandria, Fairfax, Falls Church, Manassas and Manassas Park, and the towns of Dumfries, Herndon, Leesburg, Purcellville and Vienna. NVRC has 25 commissioners appointed by its member local governments. NVRC was established in 1947 by charter agreement of its member jurisdictions, and then reconstituted under the Virginia's Area Development Act (now the Regional Cooperation Act) in 1969. NVRC's chief roles and functions have focused on providing information, performing professional and technical services for its members, and serving as a mechanism for regional coordination. Current programs and projects address a wide array of local government interests.

The Regional Cooperation Act gives NVRC (and other planning district commissions across the state) broad authority to regionally address issues including economic and infrastructure development; solid waste, water supply and other environmental management; transportation; criminal justice; emergency management; human services; and recreation. NVRC has the authority to acquire property and issue bonds payable from revenues or receipts. NVRC also supports several specific transportation-related activities associated with the region's efforts to address the Base Realignment and Closure (BRAC) Commission recommendations, ridersharing, and studying new modes of commuter transportation.

Section B: Summary of Past Consolidation Study Efforts and Recommendations

There have been multiple efforts to review possible combinations of Northern Virginia transportation agencies over the past two decades. These efforts were initiated by past governors and the Transportation Coordinating Council (TCC) of Northern Virginia (NVTAs predecessor). The Task Force reviewed past studies that considered consolidation of the Northern Virginia transportation agencies. A summary of these efforts is described in this section.

Governor's Blue Ribbon Strike Force

In 1994, the Governor's (George Allen) Blue Ribbon Strike Force, in response to the Governor's Commission on Government Reform, recommended a host of reforms as part of the Commission's efforts. Two of the consolidation-related recommendations were:

- The Virginia transportation agencies should withdraw from the Transportation Planning Board of the Washington Council of Governments
- Abolish the NVTC

The background behind the latter recommendation was stated in the Blue Ribbon Strike Force, October 6, 1994, draft report:

“Since the passing of ISTEA (Intermodal Surface Transportation Efficiency Act), MPO's have been given enhanced authority over the spending resources, the spending of which has been previously decided at the State level. The NVTC was created solely to funnel State resources to the Washington Metrorail System. The Commonwealth provides a significant amount of resources to this Commission, and the Commission appears to be constantly looking for a mission or a purpose.”

As an implementation strategy, the report suggested that the agencies under the jurisdiction of the Virginia Secretary of Transportation should withdraw from the TPB. A Northern Virginia Transportation Planning Board should be created to include the Virginia jurisdictions currently in the TPB, with the same weighting that exists under the current system. The Commonwealth would still participate in the TPB, but only in a coordinating and advisory role.

In January 1995, following the release of the report, Governor George Allen wrote to two Northern Virginia delegates stating “I recognize that this is a controversial issue that will require a great deal of analysis. I concur with your concern about the impact of implementing the recommendation of the regional transportation planning in Northern Virginia and on the Virginia Railway Express, and would like to assure you that no action will be taken until a thorough analysis has been completed and the results and impacts are considered.” A copy of the Governor's letter is included as Attachment J.

Transportation Coordinating Council Studies

Also in 1995, a Study of Transportation Planning and Funding in Northern Virginia was prepared for the TCC. The TCC's mission was similar to NVTA's current mission, but it did not have statutory authority. In December of that same year, the TCC approved the study and the four recommended actions from that study. One of the actions was "a regional exploration of the potential costs and benefits of consolidating various regional transportation planning and funding organizations in northern Virginia." The TCC Executive Committee directed the preparation of a white paper that described a single transportation organization combining transportation planning and funding responsibilities that were performed by PRTC, NVTC, TCC and the VRE.

The white paper was published that year and identified the following as part of a consolidation effort:

- Goals of a Combined Transportation Organization
- Membership, Structure, and Obligations of a Combined Transportation Organization
- Functions of a Combined Organization
- Implementation Steps for a Combined Organization

In 1996, the TCC Executive Committee met to further narrow the alternatives under consideration as part of Phase II of the Planning Study. Listed below are the alternatives retained by the committee (as they relate to consolidation), along with some brief explanations or comments.

Goal #1-Simplify Planning Process:

1. Leave as-is "no build"
2. Combine NVTC/PRTC with a multi-modal focus: the new organization would take over the functions of the TCC, which would be abolished
3. Create a Northern-Virginia sub-MPO: This would be a Northern Virginia body to represent Northern Virginia as a unit at the TPB. It would also fulfill the roles of the TCC which would be abolished
4. Abolish TCC (no other changes)

In 1997, the TCC hired KPMG Peat Marwick LLP, to conduct a study to examine the potential for improving institutional and organizational effectiveness by assessing the existing arrangement (referred to as the Baseline) for transportation planning and decision-making in Northern Virginia. The study reviewed how NVTC, PRTC, and the TCC carried out these functions. Consideration was given to an alternative institutional arrangement that involves the consolidation of many of the responsibilities and authorities of NVTC, PRTC and the TCC.

The study looked at the pros and the cons of consolidation. It also outlined a “scenario” or a “what needs to occur” in considering a consolidated commission. However, the study did not make any final recommendations. In addition to addressing the pros and cons of any consolidation efforts, the study outlined possible improvements to the baseline, or existing functions of each agency. The study’s Executive Summary is included as Attachment K.

Below are the Pros and Cons highlighted in the study:

PROS

- Potential New Funding Generating Capability
- Baseline Improvements
- Coalesced Advocacy
- Sub-Regional Project Planning and Implementation
- Public Participation
- Efficiency (Assessment of Administrative Costs)

CONS

- Dilution of Representation in Commission Composition
- Dilution of Funding Commitment to Transit
- Loss of Transit Forum
- Transit-Related Costs and Issues
- Institutional Issues

Finally, the KPMG report states that the following should be considered under a Consolidated Commission Scenario:

- Roles
- Boundaries
- Composition
- Organization
- Relationship to Existing Institutions
- Public Involvement Process
- Responsibilities

After considering the pros and cons of consolidation, the TCC approved a resolution that would keep the structure of the studied agencies, but create greater efficiencies among the bodies. The resolution is included as Attachment L. Some of these efficiencies, such as joint meetings of NVTC and PRTC were implemented; however, no consolidated efforts were pursued. The

annual joint NVTC/PRTC meetings were abandoned after several years, because the two commissions concluded that joint meetings should be held when subject matter warranted them. Since then joint meetings have been held occasionally as needed.

In 1999-2000, State Senator Warren Barry chaired a commission of local and state legislators, business leaders and citizens to study the creation of a new Northern Virginia transportation body. This effort took a year longer than expected, but ultimately resulted in the General Assembly's creation of NVTA in 2001. NVTA was created in anticipation of significant new Northern Virginia transportation revenue; however, a regional sales tax referendum in 2002 failed and the regional revenue portion of HB 3202 (2007) was ruled unconstitutional by the Virginia Supreme Court. As indicated earlier, NVTA assumed planning activities previously undertaken by the TCC, but was also given significant funding, implementation and operating authority. When NVTA was officially formed, the TCC was eliminated.

Section C: Scenarios for Consolidation and/or Improved Coordination among Agencies

The Task Force investigated five consolidation scenarios. The specific scenarios are discussed in Section D. For each of these scenarios, the Task Force reviewed eight different characteristics. Six of these characteristics (Governance; Membership; Staff; Voting Procedures; Geographic Representation; Legal Obstacles; and Funding) were specifically identified in the March 10, 2012, letter from the Northern Virginia delegation to the General Assembly. The Task Force added “Service Delivery/Performance” and “Cost Effectiveness” to the list provided by the delegation. The Task Force thought that ensuring the continuation of existing functions should be part of the analysis. In addition, the Task Force also thought that an assessment of consolidation possibilities required consideration of the cost of sustained delivery of services. Each of these is discussed in more detail in this section. Additional information is provided in the Consolidation Matrix, which is included as Attachment M.

Governance (or Governing Bodies)

Three of the four agencies are governed by boards or commissions that are made up primarily of local and state elected officials. NVRC does not include state elected officials. The number of local elected officials varies among the agencies. For example, towns with populations over 3,500 may be voting members of NVRC, while these same towns share a non-voting seat on NVTA.

In addition, NVTA, NVTC and PRTC each have membership from both houses of the General Assembly, although the number of General Assembly members varies among the three agencies. The Secretary of Transportation or his/her designee is represented on NVTC and PRTC as a voting member. Typically, the designee has been a DRPT staff member, although recently the Secretary’s representative on NVTC has been a DRPT contract employee. NVTA includes non-voting representatives of VDOT and DRPT, as well as two appointees of the Governor. One of these gubernatorial appointees is required to be a member of the Commonwealth Transportation Board.

Many questions would need to be answered in any of the consolidation scenarios, such as:

- Which jurisdictions will be represented?
- How will towns be represented?
- Will General Assembly members be included on the governing body? If so, how many and in what ratio between the House and Senate? Are there any prerequisites that should be attached (i.e. representing jurisdictions that are members of the agencies and/or requirements for membership on specific committees)? If so, which ones.
- Should state transportation agencies and/or the Secretary of Transportation be represented? If so, should these representatives be voting or non-voting and who would appoint them.
- What should the number of members be and should votes be weighted in some way?

Membership

Currently, jurisdictional membership varies on each of the agency governing bodies. At NVTA, each of the nine local governments has one member who is the mayor or chairman or his/her designee. NVTA's and NVTC's membership is specifically outlined in the Code of Virginia. Membership on NVRC, NVTC and PRTC is somewhat proportional to population, although not strictly so. Each uses a different methodology to determine the number of member appointees. For example, NVTC's membership is set by the General Assembly and has been amended several times since 1964. Towns with populations over 3,500 may be voting members of NVRC. The towns share one non-voting seat on NVTA which rotates among the towns annually according to the NVTA's by-laws. Membership on NVRC and PRTC was determined when each of these agencies was established. NVRC's member jurisdictions are established by charter agreement, and the membership of towns has changed from time to time. Local appointees of NVRC, NVTC and PRTC are determined by the governing bodies of the member jurisdictions. NVTA has 17 appointees. NVTC has 19 appointees. PRTC has 18 appointees. NVRC has 25 appointees.

If any of the consolidation scenarios are to occur, several decisions would need to be made, such as:

- How many members should each jurisdiction appoint?
- Who will appoint the jurisdictional representatives (Chair/Mayor or governing body)?
- If there is to be town membership, would the position(s) be voting or non-voting?

Staff

NVRC, NVTC and PRTC each have paid staff members that work on transportation-related issues, projects, services and studies. Most of NVRC's current work is on a large variety of non-transportation issues, projects, and studies, including regional work groups, and environmental, public safety, human services and energy projects. PRTC has staff specifically assigned to operating its OmniRide and OmniLink bus services. All VRE staff are PRTC employees for personnel administrative purposes; however, VRE operations staff are located in Alexandria, separate from PRTC headquarters in Woodbridge. NVTA is staffed by its Jurisdictional and Agency Coordinating Committee (JACC). The JACC members are staff from member local jurisdictions, as well as regional and state transportation agencies. As was mentioned previously, the value of the staff time donated to NVTA is approximately \$52,000 per year. However, if NVTA ultimately receives a source of funds for Northern Virginia transportation projects and services, its administrative costs would be significantly greater. The three agencies with paid staff have significantly different benefit packages (retirement, health insurance, etc.).

If any of the consolidation scenarios are to occur, several decisions would need to be made, such as:

- What staff positions would be necessary for the new agency?
- Do staff members of existing agencies have priority in selection for positions created at a new agency? Do they have to compete among each other for positions in the new agency?
- If there are fewer positions in the combined agency than in the component agencies, how will reductions in force be handled?
- Would staffing levels need to change if NVTA or a successor agency were the beneficiary of new transportation revenues?

Voting Procedures

Each of the four agencies has established different voting procedures. NVTA requires three criteria to be met (2/3rds population, 2/3rds membership (jurisdiction), 2/3rds of members present). General Assembly members and Governor's appointees vote. The DRPT and VDOT representatives do not. The state statutes establishing NVTC and PRTC require a majority of the members present and a majority of the jurisdictions for affirmative votes.

Typically, a majority vote by NVRC appointees present is required, provided a quorum is present, which is one-third of all appointees and that represent at least one-third of member jurisdictions. However, any member with voting rights may call for a weighted vote on any matter. In that case, the second to the motion must come from a member representing a different jurisdiction. When weighted voting is used, each jurisdiction has one vote for each 25,000 population or fraction thereof. This number is calculated each July 1 and matches the population figures used to calculate NVRC member dues. A jurisdiction may divide its votes among its representatives who are present and voting. A plurality of weighted votes decides the matter.

If any of the consolidation scenarios are to occur, several decisions would need to be made. These include:

- How many votes will each jurisdiction have?
- Will voting be weighted by population or any other factor(s)?
- Assuming that state representatives (General Assembly members, Governor's appointees, VDOT, DRPT) are included on the governing body of the new agency in some form, will they be voting or non-voting? Would state representatives count towards a quorum?
- Should members be allowed to discuss or vote on items for which they have no financial responsibility (e.g., Prince William County voting on WMATA-related issues or Fairfax County voting on PRTC bus-related issues)?

Geographic Representation

The geography for NVRC and NVTA is the same (Planning District 8). However, NVTC's and PRTC's geographies are significantly different. PRTC includes three jurisdictional members that are not members of Planning District 8 (Fredericksburg, Spotsylvania and Stafford). While all NVTC members are in Planning District 8, not all members of Planning District 8 are members of NVTC (Prince William, Manassas and Manassas Park are not) or PRTC (Alexandria, Arlington, Fairfax City, Fairfax County, Falls Church and Loudoun are not). A map showing the geography of each agency is included as Attachment N.

If any of the consolidation scenarios are to occur, several decisions would need to be made. These include:

- What will the geographic boundaries of any consolidated agency be?
- How are non-Planning District 8 jurisdictions handled?
- How are matters that do not affect all of the jurisdictions in a consolidated agency handled (i.e. Metro, PRTC bus, and VRE decisions and financial responsibilities)?

Legal Obstacles

NVTA was specifically established by legislation passed by the General Assembly. NVRC was established by local charter agreement pursuant to the Virginia Area Development Act of 1968 which was recodified as the Regional Cooperation Act within the Code of Virginia in 1995. NVTC was originally established by an uncodified Act of Assembly and then was later codified in the Transportation District Act of 1964. PRTC was established by local agreement under the Transportation District Act in the Code of Virginia. Since there are local agreements that cover the formation of NVRC, NVTC and PRTC, it is not clear whether the General Assembly can lawfully void or nullify these local agreements (i.e. planning district commission charters) without eliminating the underlying statutory authority to enter into them.

If two or more agencies are combined, the surviving agency must have all the same legal authority as the agencies that were folded into it to be capable of continuing to perform the necessary functions in order to maintain the responsibilities to the region's citizens and commuters.

If any of the consolidation scenarios are to occur, several decisions would need to be made. These include:

- What changes to the Code of Virginia are necessary to create a new agency and still maintain the legal authority the component agencies had?
- How much of the organizational details of a new agency should be codified or be left to the members to establish through by-laws or other agreement?

- How will any existing local or regional agreements be addressed, particularly the WMATA Compact and the VRE Master Agreement?
- Are there new local agreements that need to be established, e.g. for funding administrative and project-related costs?

Funding

Both NVTC and PRTC receive and manage a regional 2.1 percent gas tax for their members, but there are different restrictions on the allocation and use of these funds. By statute, five of NVTC's member jurisdictions must use their gas tax specifically for WMATA purposes. One NVTC member (Loudoun County) and all PRTC member jurisdictions must use the gas tax revenue for transportation purposes. NVTC and PRTC's VRE operations are funded with fare revenue and annual local appropriations that the nine VRE jurisdictions have "morally" obligated themselves to make under the VRE Master Agreement. NVTC has issued and refinanced bonds based on this authority. NVTA and NVRC have no dedicated transportation funding.

Each of the four agencies has unique methods to fund administrative, projects and service costs. The agencies do not define and budget administrative and operating costs in the same way. NVTA's allocation of expenses is determined by the Code of Virginia. The method for NVTC's local governments to share in NVTC's administrative budget is specified in the Code of Virginia. Also, NVTC is required by the Code of Virginia to use a Subsidy Allocation Model (SAM) for distributing state aid and gas tax revenues related to WMATA. NVRC's funding is derived from a small state allocation, member local government dues, and grants, contracts, fees and donations specific to program activities.

If any of the consolidation scenarios are to occur, several decisions would need to be made. These include:

- How will the administrative and operating costs of a new consolidated agency be funded?
- How will specific budgets for projects and services be funded?
- How will gas tax revenues be distributed and toward what purposes?

Service Delivery/Performance

PRTC provides commuter and local bus service to Prince William County and the cities of Manassas and Manassas Park. NVTC and PRTC collectively own and operate the VRE commuter rail services. Without funding, NVTA is not currently providing direct services; however, authority is provided for NVTA to be a regional transportation delivery agency. NVRC, on the other hand, provides a number of non-transportation services for its members related to a wide array of disciplines. Any consolidation effort should not complicate or degrade existing service delivery and the performance of these activities.

If any of the consolidation scenarios are to occur, several decisions would need to be made. These include:

- How will existing transportation services, such as PRTC's commuter and local bus service and the VRE, and non-transportation services be addressed?
- How will the new agency ensure that service delivery/performance does not decline as a result of the consolidation or mitigate the impact of any service declines?
- How will current local funding arrangements continue?
- How would NVRC's other functional responsibilities and activities be affected by a consolidation with transportation agencies?

Cost Effectiveness

Any consolidation should be reviewed on the basis of achieving greater cost effectiveness. It is possible that some consolidations could reduce expenses, conceivably including personnel costs, office equipment costs, computer hardware and software costs, and office leases.

However, the Task Force thinks that potential savings are limited, because:

- Operational personnel required for bus and rail services provided by PRTC and VRE are necessary regardless of the institutional setting for these services. Institutional changes of any sort would not lessen the need for such personnel. Though similar roles, drivers and mechanics for buses and trains have different skills that do not necessarily translate across these operations.
- NVRC staff work on activities primarily unrelated to transportation (such as environmental protection, human services, and public safety concerns). These staff positions likely would not be consolidated into other organizations whose missions are related solely to transportation activities.
- There are other functions (e.g., executive director, financial and administrative staffs, etc.) performed in three of the organizations that, if combined, may result in savings. The Task Force determined that any savings would likely be modest and would not result in significant funding that could be applied to transportation projects and services. While it may seem that similarly titled positions could be combined, an analysis would need to determine the specific functions that each similarly titled position is performing to allow of decision about combining positions to be made.
- NVTA has no paid staff of its own. Its activities are carried out by staff from the member localities and other agencies; therefore, no staff savings would result if NVTA is consolidated with another agency.
- PRTC owns its facility. NVTC and PRTC jointly own the VRE headquarters. NVRC and NVTC have long-term office leases. NVTA maintains a virtual office that provides an address and access to meeting rooms, etc., for a nominal monthly fee.

If any of the consolidation scenarios are to occur, several decisions would need to be made. These include:

- Following a detailed analysis of all positions within each of the agencies proposed for consolidation, what opportunities are there to reduce overlapping personnel functions?
- Would a consolidated agency result in a reduced need for leased space, office equipment, computer hardware and software?
- What steps would need to be taken to unwind office and equipment leases? What would the cost be and how would it be funded?

Section D: Review of Scenarios

There are number of agency combinations that could have been studied by the Task Force. After receiving background information of the functions for each of the agencies and previous studies, the Task Force identified five different scenarios for consolidating various agencies or to make them more efficient. These scenarios were:

- I. Consolidation of all four agencies
- II. Consolidation of the NVTA into the NVRC
- III. Consolidation of the NVTA into the NVTC
- IV. Consolidation of the NVTC into the NVTA
- V. Baseline/Current Structure with Efficiencies

The letter from the General Assembly's Northern Virginia delegation included NVTA, NVTC, PRTC and NVRC, specifically. In addition, representatives of the administration indicated that they believed consolidation of all of the agencies could be desirable. As a result, the Task Force thought that a scenario combining all the agencies should be studied. It was also pointed out that NVTA and NVRC have the same geography and in Hampton Roads, where the MPO and the Planning District Commission (which are somewhat similar agencies to Northern Virginia's) have achieved some efficiencies. Based on these factors, the Task Force included this scenario in its analysis. Alternatively, the Task Force discussed combining NVTA with another transportation agency. The Task Force thought that consolidating NVTA into NVTC made more sense than combining NVTA with PRTC. There was also the thought that this consolidation would be less disruptive to WMATA and VRE, since NVTC is mentioned in the WMATA Compact and the VRE Master Agreement, respectively. Since past studies considered eliminating NVTC, and mindful of the fact that there has been recent interest by members of the General Assembly and the administration in considering the elimination of NVTC, the Task Force concluded that this alternative should be examined as well. Additionally, the Task Force included a baseline option with efficiencies as a benchmark to measure other options. While other consolidation options could have been studied, the Task Force thinks that these five options are the most feasible and are comprehensive enough to facilitate the development of recommendations for the delegation.

The Task Force asked staff to review each of the scenarios using a number of criteria. These were:

- Membership/Geography
- Voting
- Meeting Location
- Dedicated Funding Sources
- Core Power/Responsibilities
- Powers Unique to Agency

- Real Estate Interests
- Personal Property/Equipment Interests
- Debt/Financial Obligations
- Outstanding Grants
- Existing Contract Obligations
- Employees
- Retirement Plans
- Health Insurance and Other Benefits

Each of these criteria is reviewed in the matrix that is included in Attachment L. Although the Task Force identified five scenarios, two of the scenarios are very similar. The Baseline Scenario was not included in the matrix, because it does not result in any consolidations. Scenario C involves consolidating NVTA into NVTC, and Scenario D involves consolidating NVTC into NVTA. The Legal/Financial Work Group determined that the implications of either scenario are very similar. Although these scenarios are listed separately below, they are discussed together on the matrix.

Each of these proposed consolidations will be discussed in more detail below.

I. Consolidation of all agencies

This scenario is the most complex by virtue of its breadth, because it considers consolidating NVRC, NVTA, NVTC and PRTC into one agency, and because it also affects VRE, which is jointly owned and operated by NVTC and PRTC. This scenario was included in the analysis to ensure that the most comprehensive consolidation approach was studied, because the delegation’s letter specifically mentioned these agencies (NVRC, NVTA, NVTC and PRTC) and because members of the McDonnell administration explicitly suggested this scenario. Geographically, this scenario would create a very large agency whose territory would include 12 jurisdictions from Spotsylvania County to Arlington County to Loudoun County.

A review of the matrix demonstrates the complexity of this scenario and the wide range of issues that would require consideration to make the consolidation successful.

Consolidating NVRC, NVTA, NVTC and PRTC would achieve a consolidated Northern Virginia transportation and planning agency. However, it is the most complicated of the five scenarios. Implementing a single, consolidated agency would require that numerous issues be resolved, including its large geographic area, the diverse interests among member jurisdictions, governing arrangements for transit systems that do not serve all the member jurisdictions, voting responsibilities, core responsibilities, transfer of real estate and equipment interests, termination and/or assignment of contract obligations, termination and/or assignment of grant obligations, and debt and financial

obligations. Practical issues, such as determining meeting locations that are convenient to the membership, would also need to be addressed. The Task Force determined that finding a meeting location is an issue, because consolidating the four agencies could mean that most policymakers would need to travel even further to meetings. This issue is described in more detail in Attachment N. Employee policies and benefits would also need to be addressed. Since the statutes establishing NVRC, NVTA and NVTC/PRTC are significantly different, it would take considerable effort and time to develop a consolidation proposal and the legislation necessary to accomplish it. There are also significant legal considerations.

Conclusion

The Task Force eliminated this option for further consideration, because there are too many significant issues to address. While these issues might be able to be resolved, the Task Force did not find significant incentives (financial, programmatic, or otherwise) to do so. The Task Force determined that even with an extensive effort to resolve the myriad of issues, there were too many potential unintended consequences and too few benefits to make this a viable option.

II. Consolidation of the NVTA into the NVRC

This scenario involves consolidating NVTA into NVRC. Since NVTA and NVRC have the same geography, this scenario has some appeal. There are few overlapping functions between the two agencies and in some parts of the Commonwealth, the Planning District Commission (PDC) and the Metropolitan Planning Organization (MPO) are co-located and share certain staff. Recognizing that neither NVRC nor NVTA is the MPO, NVTA has served as a subregional MPO for purposes of Virginia preparing for MPO meetings. It was suggested that Hampton Roads is an example of coordination and consolidation of the PDC and the MPO. Staff discussed the Hampton Roads arrangement where the two similar agencies are located in the same building. It appears that in Hampton Roads, the PDC (a local/state creation) and the MPO (a federal creation) were closely linked, but the Federal Highway Administration and Federal Transit Administration were concerned about the PDC's role in directing MPO activities. As a result of specific direction from the federal agencies, the Hampton Roads PDC and MPO now have distinctly separate boards and separate staffs, although they share an office building and an executive director. They coordinate meeting dates and times. More information on the Hampton Roads scenario is provided in Attachments H.

In this scenario, legislation would be needed to give NVRC the unique powers and authority that have been granted to NVTA. For example, NVTA has broad authority for funding, tolling, and implementing transportation projects and service that are not specifically granted in the NVRC's general authority as a planning district commission.

The Task Force found that retaining NVTA's Jurisdiction and Agency Coordinating Committee to continue to handle the technical transportation functions of NVTA would be beneficial, if this scenario is adopted.

NVRC's transportation experience typically has focused on the integration of transportation-related issues with land use, housing, special populations, workforce, bicycle and pedestrian safety, service to federal Department of Defense facilities, and other similar concerns. In an early agreement between the Northern Virginia Planning District Commission (now NVRC) and the Metropolitan Washington Council of Governments (MWCOG), both organizations recognized that each have appropriate interests in planning for transportation, but not as the region's MPO. The agreement recognizes and accepts the role of the TPB and NVTC, and commits NVRC and MWCOG to perform their respective transportation-related functions in a supportive, non-duplicative manner.

However, a legal analysis of this option revealed significant issues. NVRC is a regional council of 14 member cities, counties and towns in Northern Virginia, but its status may not be broad enough to allow it to assume all of the functions currently required should NVTA be merged into NVRC. For example, NVRC likely has some immunity when performing governmental functions, but the parameters of this immunity have not been tested in litigation. NVRC does not have expressed authority to pursue bond validation proceedings in court. There may be other powers as well that NVRC does not have by virtue of its status under current state law. NVRC is established under the Regional Cooperation Act which also established PDCs throughout Virginia. Addressing the legal shortcomings would require amendments to the Regional Cooperation Act. Some changes would have potential unintended statewide consequences that have not been extensively explored. There was also concern the some of NVTA's current authority as an operating agency could be lost.

Due to NVTA's expressed statutory linkage to the Commercial and Industrial Property Tax for Transportation which was approved by the General Assembly in 2007, and has been implemented by three Northern Virginia jurisdictions, eliminating NVTA would have an impact on the ability of these local governments to collect this tax.

Since NVTA only has a virtual office and a website, the physical colocation of the two agencies would not be difficult to achieve, although the savings from doing so would be minimal.

Conclusion

Combining NVTA into NVRC would potentially reduce or limit the authority that the General Assembly granted NVTA. While NVRC has some immunity, the extent of its immunity has not been tested in court. Also NVRC lacks the ability to conduct bond validations. Also, NVTA's linkages to the Commercial and Industrial Property Tax for Transportation would need to be addressed to ensure the current local transportation

revenues are not disrupted. These challenges would be significantly greater than any savings that would be achieved. As a result, the Task Force does not recommend this consolidation.

The Task Force further recommends that should conditions change that would cause reconsideration of a consolidation (such as NVTA being funded as originally intended), further work by the agencies would be needed to determine whether a legal consolidation adds values and is worth the effort and cost. The potential for a future consolidation exists as both entities share an identical geographic region as well as several common board members. NVRC has an office and staff while NVTA does not, thus avoiding disruptive effects on current employees or costly lease negotiations. Most Virginia planning district commissions undertake some transportation planning activities. New legislation would need to have the combined statutory powers that the two individual agencies now possess.

III. Consolidation of the NVTA into the NVTC

This scenario involves consolidating NVTA into NVTC. This scenario involves combining an organization with a larger geography and broader mission (NVTA) into an agency with a more focused mission and smaller geography (NVTC). While NVTC staff has been providing financial and public outreach support to NVTA for some time, this combination would require numerous changes to governance structures, including voting rules and membership. NVTC's mission would need to be expanded significantly. Legislation would be needed to give NVTC the unique powers and authority that have been granted to NVTA. For example, NVTA has broad authority for funding, tolling, and implementing transportation projects and service that are not specifically granted to NVTC. NVTC has generally concentrated on transit and alternatives to the single occupant vehicle, while NVTA has a more multi-modal focus.

Due to NVTA's expressed statutory linkage to the Commercial and Industrial Property Tax for Transportation which was approved by the General Assembly in 2007, and has been implemented by three Northern Virginia jurisdictions, eliminating NVTA would have an impact on the ability of these local governments to collect this tax.

Since NVTA only has a virtual office and a website, the physical colocation of the two agencies would not be difficult to achieve. However, the savings from doing so would be minimal, because NVTA does not have paid staff or lease facilities.

The Task Force found that retaining NVTA's Jurisdiction and Agency Coordinating Committee to continue to handle the technical transportation functions of NVTA would be beneficial, if this scenario is adopted.

Conclusion

Combining NVTA into NVTC would present significant challenges due to the larger geography and broader mission of NVTA, particularly in the areas of statutory authority and NVTA's linkages to the Commercial and Industrial Property Tax for Transportation. These challenges would be significantly greater than any savings that would be achieved. As a result, the Task Force does not recommend this consolidation.

IV. Consolidation of the NVTC into the NVTA

This scenario is similar to Scenario III (above), but involves consolidating NVTC into NVTA. In this case, the agency with a more focused mission and smaller geography would be combined into an agency with a broader mission and larger geography. NVTC is identified in the Washington Metropolitan Area Transit Authority Compact as the appointing authority for WMATA board members. With this in mind, the surviving agency in this scenario would probably need to be called NVTC to avoid the time consuming process of amending the WMATA Compact. (Legislative bodies in Virginia, Maryland, the District of Columbia and the Federal government must all approve compact changes). If this scenario is pursued, voting on WMATA matters and responsibility for WMATA funding would need to be addressed, because several jurisdictions have concerns about taking on WMATA responsibilities. This consolidation also has implications for VRE debt issued by NVTC, VRE contracts and the Master Agreement, railroad leases and equipment ownership. While NVTC staff has been providing financial and public outreach support to NVTA for some time, this combination would require changes to numerous voting and membership provisions. In addition, there would be little cost savings, because NVTA does not have paid staff or lease facilities.

Conclusion

Combining NVTC into NVTA would result in significant difficulties related to the WMATA Compact, the VRE Master Agreement, VRE railroad agreements and insurance requirements. The Task Force determined that the effort needed to address all of these difficulties would greatly exceed any savings or efficiencies that could be achieved by this consolidation. As a result, the Task Force does not recommend this consolidation.

Additional Consolidation Comments and Analysis

The Task Force considered the savings that might be achieved by consolidating two or more of the transportation and planning agencies, and found that there are a number of functions unique to each of the agencies. As a result, there are unlikely to be significant financial savings from any consolidation. For instance, operational personnel required for the PRTC and VRE bus and rail services are necessary regardless of the organization to which they belong. Institutional changes of any sort would not lessen the need for such personnel.

Additionally there are other staffing issues that would need to be addressed. NVRC staff undertake work that is almost exclusively unrelated to transportation. Consideration of where these program activities and related staff would be housed is necessary. There are other organizational functions (e.g., executive director, receptionist, etc.) performed in three of the organizations (NVTA has no staff) that, if existing agencies were combined, may result in savings; a more detailed analysis (beyond the scope of this study) would need to be done to determine the amount of savings that would actually occur. While it may seem that three receptionist positions could be combined into one, an analysis would need to determine the exact functions are being performed by each of the receptionists. Finally, NVTA has no paid staff of its own—it uses staff from its member localities and agencies who donate time for its operations; any consolidation would have to address this policy to determine how the current NVTA activities would be carried out.

In addition, there would be costs associated with consolidation. A detailed analysis would also need to determine what non-personnel administrative costs (leased space, combined phone/information technology systems, etc.) could be saved through consolidation. One-time costs (e.g., costs incurred for termination of leases, moving, relocating phones/computers, transitioning to a common information technology, financial and accounting systems, and computer software, etc.) would also have to be factored into such an analysis.

The total estimated administrative costs as defined by these organizations follow. Each agency uses its own accounting conventions, so “administrative costs” are defined differently for each agency:

- NVTA: Less than \$1,000 per year in actual expenses; however, NVTA benefits from approximately \$52,000 in donated staff time from its member local jurisdictions and other Northern Virginia transportation agencies
- NVTC: Approximately, \$1.19 million per year
- NVRC: Approximately, \$0.90 million per year
- PRTC: Approximately, \$1.75 million per year
- VRE: Approximately, \$2.60 million per year

NVRC’s administrative cost estimate is calculated differently than the three transportation agencies, due to the other functions NVRC undertakes. Information prepared by the Organizational Working Group is included as Attachment P.

V. Current Structure with Efficiencies

This scenario analyzes the current structure and proposes certain efficiencies to better streamline current operations. An objective of the Task Force’s review is the desire to operate transportation agencies more efficiently and reduce the requirements of

elected officials to travel to multiple transportation meetings every month, often at the end of the evening peak travel period. The Short Term Approaches and Other Efficiencies Working Group investigated ways to improve efficiencies within the existing structure of the four independent agencies, and identified a number of suggestions that could reduce the amount of time spent traveling to and from meetings. Additional suggestions would increase transparency. The suggestions include scheduling meetings of multiple agencies and at the same day of the month, at the same location back-to-back, expanding statutory authority to hold electronic board meetings or permit members to attend electronically, and ensuring that policy makers on each of the bodies receive detailed orientations when they become members. These orientations would include information about the other regional transportation and planning organizations.

Some suggestions raised during the Task Force effort are listed below. Several of these are being pursued.

- Pursue more joint projects when aims go beyond individual agency boundaries, such as the existing VRE and the new Vanpool Incentive Program;
- Share staff similar to NVTA's current use of jurisdictional and agency resources and VRE's current use of NVTC and PRTC staff for state and federal grant management;
- Co-locate offices, either immediately in the case of NVTA, and/or potentially as other agencies' existing leases expire;
- Reduce the number of board meetings and give each of the agencies greater discretion to cancel meetings when prospective agendas don't warrant a meeting;
- Schedule board/commission meetings following one another at the same location to reduce travel time and limit the number of days board members/commissioners are spending on transportation and regional planning meetings;
- Study televising meetings to encourage more public understanding and transparency and determine the costs and benefits of doing so;
- Enhance the orientation practices for new members to ensure materials include information on all the regional transportation and planning agencies and how they relate to each other; consider holding these orientations jointly
- Pursue joint procurements (i.e., VRE, NVTC and PRTC currently work together to purchase goods and services they commonly need, such as auditors, fuel, risk management and financial advice);
- Explore combined purchases of insurance and other employee benefits either with each other or model after NVRC which participates in Fairfax County's health plans;
- Combine legislative agendas by adopting one uniform agenda for all agencies rather than the current practice of adopting coordinated but separate agendas;

- Establish a regular meeting of the chairs or other appointed representatives of each of the agencies at least annually to review and address any gaps and conflicts that exist in agency work programs;
- Create a joint public advisory committee to receive citizen input on the respective work programs to facilitate coordination and improved public participation;
- Broaden transportation staff working groups to include representatives of outlying Virginia jurisdictions (such as Clarke, Culpepper, Fauquier, Rappahannock, and Warren Counties) to improve coordination beyond Northern Virginia;

Legislation would be required for the following suggestions; however, further review would be needed to develop specific proposals:

- Allow electronic participation by board members in meetings as now permitted for General Assembly members during the session;
- In the case of NVTA and NVTC, reduce the number of board members without eliminating any jurisdictions by using weighted voting, as currently used at VRE and TPB, to reduce travel and save per diem costs.

More detail on the Working Group's analysis is included as Attachment O.

Section E: Establishment of a Northern Virginia Metropolitan Planning Organization (MPO)

As part of this study, the Task Force reviewed federal regulations related to MPOs to determine whether the establishment of a Northern Virginia MPO would be feasible.

Northern Virginia is part of the National Capital Transportation Planning Board (TPB) which is the Metropolitan Planning Organization for the Metropolitan Washington Area Region. The TPB was designated as the MPO for the region in 1965. According to federal law, an MPO must be designated in every urbanized area with a population over 50,000. The TPB is designated as this region's MPO by the governors of Virginia and Maryland and the mayor of Washington based upon an agreement among the local governments.

To create a Northern Virginia MPO, the current MPO would need to be redesignated. Title 23, United States Code, Highways (23 U.S.C.) and Title 49, United States Code, Transportation (49 U.S.C.) and 23 U.S.C. and Title 23 of the Code of Federal Regulations (CFR) detail designation and redesignation procedures related to MPOs. The metropolitan planning section of 23 CFR was last revised prior to the Transportation Equity Act for the 21st Century (TEA-21); consequently, in reconciling inconsistencies between the statute and the regulation, the language in 23 U.S.C. is controlling. The specific code language is:

23 CFR 450.306 Metropolitan planning organization: Designations and redesignation.

- An MPO may be designated either (1) by agreement between the Governor and local governments representing at least 75 percent of the affected population, or (2) in accordance with procedures established by State or local laws.
- Once designated, an MPO can be redesignated only by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the affected population, including the central city or cities. (With the 2000 Census, the term "central city" should be replaced by the term "principal city" to be consistent with Census Bureau terminology.)

The idea behind these more restrictive criteria for redesignation is that state authorities should not be allowed to unilaterally abolish and redesignate an MPO without the willing agreement of the local governments for whom the MPO was originally designated.

- 23 U.S.C. 134 (b)(4) stipulates that a designated MPO shall be recognized as the official policy body for transportation planning decisions in an urbanized area until it is redesignated in accordance with statutory procedures.

Language allowing for the "revocation" of an MPO was explicitly removed from 23 U.S.C. by TEA-21 reauthorization language. Consequently, FHWA and FTA have interpreted the more restrictive provisions in 23 U.S.C. as controlling since it was enacted more recently than the statutory language in 49 U.S.C. 5303 and after 23 CFR Part 450 was issued.

While neither the relevant statutory nor regulatory provisions contain language as to what specific changes in an MPO policy board would trigger a redesignation, the FHWA and FTA have interpreted that redesignation is needed whenever:

1. There is a substantial change in the balance of power on the MPO policy board between the representatives of the central (now principal) city or cities, other local governments, and the State; or
2. There is a substantial change in the decision-making authority and responsibility of the MPO board, or in decision-making procedures established under the MPO by-laws.

In general, the following changes to an MPO policy board are allowed under 23 CFR 450.306(i)-(k), without requiring a redesignation:

- Adding members to the policy board to represent new areas included in an expanded MPO boundary;
- Adding members to satisfy the specific membership requirements for an MPO serving a transportation management area;
- Periodic rotation of members representing local jurisdictions, as established under MPO by-laws.

Conclusion

Following the review of the federal regulations related to MPOs, the Task Force determined that the requirements for redesignation of an MPO in the Washington metropolitan area would be difficult, if not impossible, to achieve, because it would require approval by the District of Columbia, Maryland jurisdictions and the Federal Government. In addition, the benefits of creating a Northern Virginia MPO were unclear given the complex nature of the Washington metropolitan area. The possibility of establishing such a subregional MPO also seemed to be secondary to transportation agency consolidation and efficiency in the delegation's letter. As a result, the Task Force did not continue reviewing this possibility.

Copies of the Federal Register provisions related to establishing sub-regional MPOs are included as Attachment Q.

Section F: Conclusions

Following the review of materials comparing the various consolidation alternatives, the Task Force reached the following conclusions:

- The responsibilities and authorities of the agencies are sufficiently different, and there is important coordination underway already.
- Cost savings of a consolidation would be predominately administrative and would be nominal at best. These savings would likely be offset by the significant startup costs associated with consolidating agencies.
- Current organizations are tailored to responsibilities. In many of the alternatives, consolidation would spread responsibilities to jurisdictions that have no real interest.
- Any consolidation should be evaluated specifically on cost, performance, schedule and legal hurdles. None of the proposed consolidations provides a significant advantage above the baseline with efficiencies in these areas.

As a result, the Task Force concluded that it is more productive to focus on administrative efficiencies (such as meetings and locations) within the current agency structure, rather than formal consolidations.

Section G: Recommendations

Do Not Legally Consolidate Agencies

The Task Force recommends that none of the consolidation alternatives be pursued at this time. The Task Force has no cost savings or service delivery improvement that would warrant the disruption and cost of a legal consolidation between or among any of these agencies.

Co-Locate NVTA with NVRC

The Task Force recommends that the NVTA immediately co-locate with NVRC with common meeting dates. Better coordination of their activities should result in greater efficiencies in the governance, management and operations of both agencies.

The Task Force does not recommend consolidating these agencies at this time. Should conditions change that would cause reconsideration of a consolidation (such as NVTA being funded as originally intended), further work by the agencies, would be needed to determine whether a legal consolidation adds value and is worth the effort and cost. The potential for a future consolidation exists as both entities share an identical geographic region as well as several common board members. NVRC has an office and staff while NVTA does not, thus avoiding disruptive effects on current employees or costly lease negotiations. Most Virginia planning district commissions undertake some transportation planning activities. New legislation would be required to legally merge the two agencies, and the survivor organization would need to have the combined statutory powers that the two individual entities now possess.

The Task Force recommends that the results of co-locating NVTA with NVRC be monitored to assess the impact on the delivery of transportation and planning services in Northern Virginia, and what, if any, additional action might warrant consideration in the future.

Implement Other Administrative Efficiencies

The Task Force recommends that several other measures be considered that alone or in combination could result in more streamlined operations and improved coordination among the agencies. While many of these suggestions have already been implemented to a limited extent and could be expanded for greater benefit, other suggestions are untried but worthy of consideration. Several of these suggestions do not require General Assembly action and are being pursued by some or all of the agencies.

- **Consider additional opportunities for policy makers to participate in meetings electronically**, as NVTC's and PRTC's General Assembly members are permitted to do during the session;
- **Joint procurement of services**, as VRE and PRTC now do for financial and fuel consultants;

- **Consolidated purchasing of employee benefits**, as NVRC now is included in Fairfax County's health plans;
- **Pursuing projects jointly**, as with the new Vanpool Incentive Program;
- **Sharing staff**, as NVTA's current use of jurisdictional and agency resources and VRE's use of NVTC and PRTC staff for state and federal grant management;
- **Reducing the number of board meetings**;
- **Enhancing the orientation process for board members**;
- **Combining legislative agendas**;
- **Broadening transportation staff working groups** to include staff from outlying jurisdictions;
- **Holding at least annual meetings of the leadership of each of the agencies** to examine the agencies' work programs for possible gaps, conflicts, or efficiencies; and
- **Develop a consolidated meeting calendar** for all of the transportation and planning agencies.

A more complete list of ideas for improving efficiency and transparency is included in Section D of the report.

Do Not Consolidate NVTC into Another Agency

There have been several recent legislative initiatives to abolish NVTC or combine it with other agencies. Given the legislative interest, the Task Force focused carefully on NVTC's role. Ultimately, the Task Force did not propose any change in NVTC's status for several reasons:

- Even if NVTC were abolished, its work program, which focuses on obtaining funding for WMATA, VRE and local bus services, and providing a forum for coordination among these agencies, would need to continue.
- Of even greater significance, some of NVTC's responsibilities are defined in WMATA's Interstate Compact. Moving NVTC's Compact responsibilities to another body would require a change to the Compact. Any changes in the Compact require identical action by the Virginia, Maryland and District of Columbia legislative bodies in addition to the U.S. Congress. This process requires extensive cooperation and coordination among these four entities and the process takes several years.
- NVTC receives and allocates the 2.1 percent motor fuels tax with uses and recipients restricted in several sections of the Code of Virginia. This motor fuels tax generates about \$48 million per year. NVTC's responsibilities related to administration of the tax would need to continue, even if NVTC is eliminated.
- NVTC is a designated recipient of federal transit funding and has negotiated complex non-transferable agreements with labor unions that are required to allow such funds to flow to the region. If NVTC ceased to exist, the new entity would need to negotiate the agreements all over again.

- NVTC co-owns VRE, which has assets of \$377 million. The VRE is founded upon a Master Agreement to which NVTC is a party along with PRTC and nine counties and cities from the commissions. In this document each local government agreed to pay a share of VRE's annual costs, subject to annual appropriation of funds. Changing NVTC's legal status might abrogate the existing Master Agreement and imperil part of the payback of VRE's outstanding bonds. This could be a violation of the Virginia constitution which prohibits impairing obligations of contracts. In establishing VRE, NVTC and its partner PRTC completed delicate negotiations with many local jurisdictions, federal and state agencies, Amtrak and multiple freight railroads, using unique statutory authority to indemnify those railroads. NVTC also issued bonds for VRE which remain outstanding. Legal counsel involved in the study effort cautioned that there is a constitutional issue of whether the General Assembly has the power to void such contractual agreements among NVTC and PRTC members.
- Cost savings would be minimal from eliminating NVTC, particularly because its functions would need to be addressed in other ways. NVTC's administrative budget is \$1.2 million annually. Among other things, this budget funds a staff of six full-time and two part-time employees.

Based on the above considerations, the Task Force concluded that the costs of unwinding these complex agreements and debt issues would outweigh any financial benefit of abolishing NVTC or combining it with one or more other entities. As a result, the Task Force does not recommend pursuing combinations that include NVTC.

Do Not Pursue a Northern Virginia MPO

A budget amendment introduced during the 2012 General Assembly session that would have directed the Secretary of Transportation to study the establishment of a Northern Virginia MPO. MPOs are federally designated for the purpose of receiving federal funds for transportation, producing transportation plans and establishing transportation funding priorities. Fulfillment of these planning and programming requirements is a prerequisite for the region's continued receipt of federal transportation funds. The federal "model" for MPOs is that the MPO encompass the whole metropolitan region, as the Washington D.C. area MPO – the Transportation Planning Board (TPB) – does.

As a result of this investigation, the Task Force determined that federal law makes it virtually impossible to establish such an MPO, because TPB already serves in that capacity. In particular, withdrawing from an existing MPO requires approval from the other members (in this case the District of Columbia, the State of Maryland and its suburban Washington jurisdictions), meaning that this is not an action that Virginia can take unilaterally.

The NVTA has been functioning as a Virginia caucus of the TPB, and has been undertaking subregional planning activities. Accordingly, the Task Force does not recommend pursuing establishment of a Northern Virginia MPO.

Attachments

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Northern Virginia Transportation and Planning Agency History

May 24, 2012

- In 1947, Northern Virginia recognized the need for regional collaboration, and formed the Northern Virginia Regional Planning and Economic Development Commission (NVRP&EDC).
- NVTC formed by the General Assembly in 1964 to oversee the development of the Washington Metropolitan Area Transit Authority (WMATA). The original members were: Alexandria, Arlington, Fairfax City, Fairfax County and Falls Church.
- In 1965, the TPB was created by the region's local and state governments to respond to federal highway legislation in 1962 that required the establishment of a "continuing, comprehensive and coordinated" transportation planning process in every urbanized area in the United States. Federal Highway and transit legislation required the establishment of planning bodies, which later became known as Metropolitan Planning Organizations (MPOs), when it became clear that the construction of major transportation projects through and around urban areas needed to be coordinated with local and state jurisdictions.
- The TPB became associated with the Metropolitan Washington Council of Governments (COG) in 1966. COG was established in 1957 by local cities and counties to deal with regional concerns including growth, housing, environment, public health and safety - as well as transportation. Although the TPB is an independent body, its staff is provided by COG's Department of Transportation Planning. The TPB is comprised of the following member jurisdictions: District of Columbia, Maryland, Virginia, Alexandria, Arlington, Fairfax City, Fairfax County, Loudoun, Manassas, Manassas Park, Prince William, Frederick County, Montgomery County, Prince George's County, Charles County, Bowie, College Park, Greenbelt, and Rockville. The northern portion of Stafford had been included in the TPB, but the County requested that it be removed and it was.
- The interstate compact creating WMATA was implemented in 1967.
- In 1969, the state adopted the Virginia Area Development Act and 21 new Planning Districts were set up by the State Office of Planning. NVRP&EDC was renamed to be the Northern Virginia Planning District Commission (NVPDC or PDC #8). Its member jurisdictions are: Alexandria, Arlington, Fairfax City, Fairfax County, Falls Church, Loudoun, Manassas, Manassas Park and Prince William, and the towns of Herndon, Vienna, Leesburg, Purcellville and Dumfries. It is responsible for coordinating a variety of regional issues. However, since TPB was previously established NVPDC's role in transportation is limited by formal agreement in the late 1960s.
- WMATA began operating Metrobus service in 1973. Metrorail opened in 1976.
- In 1980, NVTC began collecting and distributing the two percent Northern Virginia gas tax which, by statute, can only be used to support WMATA.
- During the 1980s, NVTC formulated a plan for the development of a Northern Virginia commuter rail system (Virginia Railway Express). The plan was prepared in cooperation with Prince William County initially and later other jurisdictions.

- Since VRE was envisioned as a system that would serve a number of jurisdictions beyond the boundaries of NVTC, and there was no agreement on additional jurisdictions joining NVTC, PRTC was formed in 1986 to fulfill that purpose and to operate Prince William County's commuter buses. PRTC's original members were Manassas, Manassas Park, Prince William and Stafford. Fredericksburg joined a few years later. The formation of PRTC and an accompanying amendment to the Code of Virginia allowed PRTC to collect the two percent gas tax and use the funding for mass transportation purposes only, including the significant expansion of bus service that occurred. The legislation was later amended to permit use of the funds for transportation purposes generally. By agreement among the PRTC jurisdictions, the revenue earned in a PRTC jurisdiction is used for purposes approved by that jurisdiction.
- NVTC and PRTC jointly formed VRE. The first VRE Master Agreement was signed in 1989. The original parties were Alexandria, Arlington, Fairfax County, Manassas, Prince William and Stafford. Fredericksburg and Manassas Park joined in 1990. VRE began operating in 1992. Spotsylvania joined in 2010.
- In 1989, Loudoun County established its own transportation commission which allowed it to collect the two percent gas tax for transportation purposes.
- After discussions with both NVTC and PRTC, the Loudoun County Transportation Commission was merged into NVTC in 1990.
- In 1986, NVTC Chairman John Milliken proposed a new organization to set Northern Virginia transportation priorities with NVTC and PRTC as its nucleus. In 1991, Secretary of Transportation John Milliken established the Transportation Coordinating Committee (TCC) of Northern Virginia to prepare the first Northern Virginia Transportation Plan. The TCC was also charged with preparing recommendations to the Commonwealth Transportation Board regarding the allocation of federal funds available to Northern Virginia. Since TCC was established administratively, it had no formal legal status. The members of TCC were: Alexandria, Arlington, Fairfax City, Fairfax County, Falls Church, Loudoun, Manassas, Manassas Park and Prince William, and the towns within the counties.
- In the early 1990s, KMPG/Peat Marwick conducted a consolidation study. The report included several recommendations. These recommendations were reviewed by the TCC, and some of the recommendations were accepted. However, the consolidation recommendations were not.
- In 1995, the Commonwealth created the Regional Cooperation Act modifying the mission of the 21 PDCs to provide a forum for state and local government to address issues of a regional nature, and to encourage and facilitate local government cooperation in addressing, on a regional level, problems of greater than local significance.

- Beginning in 2000, Senator Warren Barry chaired a commission to study the creation of a Northern Virginia transportation authority. After two years of regional negotiations and consensus building, the General Assembly established the Northern Virginia Transportation Authority in 2002, anticipating the passage of a regional sales tax referendum. Upon the creation of NVTA, TCC stopped meeting. The original member jurisdictions were Alexandria, Arlington, Fairfax City, Fairfax County, Falls Church, Loudoun, Manassas, Manassas Park and Prince William. A non-voting town representative was added in 2008.
- In November 2002, the region held a sales tax referendum in the NVTA jurisdictions which was intended to provide NVTA funding for transportation improvements. The referendum failed. NVTA continued to conduct planning, allocation and advocacy activities. NVTA has also served as a subregional forum for the Virginia TPB members to discussion pending actions before TPB meetings, a function previously performed by TCC.
- In 2005, the Northern Virginia Planning District Commission became the Northern Virginia Regional Commission responding to various amendments to the state law. NVRC amended its charter and by-laws and reduced its membership from 47 to 25, creating a body of local elected officials only, eliminating citizen membership.
- In 2007, the General Assembly passed HB 3202 which identified seven taxes and fees that NVTA could implement in Northern Virginia to fund transportation projects and service. NVTA voted to implement the taxes and fees in July 2007. They were implemented in January 2008. In February 2008, the Virginia Supreme Court ruled that the implementation of the taxes and fees was unconstitutional and the money collected with refunded.
- In 2010, Spotsylvania County joined PRTC and VRE.

2011 SESSION

INTRODUCED

INTRODUCED

HB2016

11101175D

HOUSE BILL NO. 2016

Offered January 12, 2011

Prefiled January 11, 2011

A BILL to amend and reenact §§ 15.2-4503.1, 15.2-4507, 15.2-4515, 15.2-4832, 15.2-4839, 15.2-4840, 33.1-221.1:3, 46.2-753, 58.1-3, 58.1-638, and 58.1-815.1 of the Code of Virginia, relating to the consolidation of the Northern Virginia Transportation Authority, the Northern Virginia Transportation Commission, and the Potomac and Rappahannock Transportation Commission.

Patron—Albo

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-4503.1, 15.2-4507, 15.2-4515, 15.2-4832, 15.2-4839, 15.2-4840, 33.1-221.1:3, 46.2-753, 58.1-3, 58.1-638, and 58.1-815.1 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-4503.1. Northern Virginia Transportation District.

A. There is hereby created the Northern Virginia Transportation District comprised of the Counties of Arlington, Fairfax, Loudoun, and the Cities of Alexandria, Falls Church, and Fairfax and such other county or city contiguous to the District that agrees to join the District.

There is hereby established the Northern Virginia Transportation Commission (the Commission) as a transportation commission pursuant to this chapter. The Commission shall consist of five nonlegislative citizen members from Fairfax County, three nonlegislative citizen members from Arlington County, one nonlegislative citizen member from the County of Loudoun, two nonlegislative citizen members from the City of Alexandria, one nonlegislative member from the City of Falls Church, one nonlegislative citizen member from the City of Fairfax, and the Chairman of the Commonwealth Transportation Board or his designee to serve ex officio with voting privileges. If a county or city contiguous to the District agrees to join the District, such jurisdiction shall appoint one nonlegislative citizen member to the Commission. Members from the respective counties and cities shall be appointed from their governing bodies. The Commission shall also include four members of the House of Delegates appointed by the Speaker of the House of Delegates for terms coincident with their terms of office and two members of the Senate appointed by the Senate Committee on Rules for terms coincident with their terms of office. Members may be reappointed for successive terms. All members shall be citizens of the Commonwealth. Except for the Chairman of the Commonwealth Transportation Board or his designee, all members of the Commission shall be residents of the localities comprising the Transportation District. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term. Vacancies shall be filled in the same manner as the original appointments.

B. All powers and duties of the Northern Virginia Transportation Commission as of June 30, 2012, as well as all administrative positions held by the Commission, are hereby transferred to the Northern Virginia Transportation Authority.

§ 15.2-4507. Members of transportation district commissions.

A. Any transportation district commission created shall consist of the number of members the component governments shall from time to time agree upon, or as may otherwise be provided by law. The governing body of each participating county and city shall appoint from among its members the number of commissioners to which the county or city is entitled; however, for those commissions with powers as set forth in subsection A of § 15.2-4515, the governing body of each participating county or city is not limited to appointing commissioners from among its members. In addition, the governing body may appoint from its number or otherwise, designated alternate members for those appointed to the commission who shall be able to exercise all of the powers and duties of a commission member when the regular member is absent from commission meetings. Each such appointee shall serve at the pleasure of the appointing body; however, no appointee to a commission with powers as set forth in subsection B of § 15.2-4515 may continue to serve when he is no longer a member of the appointing body. Each governing body shall inform the commission of its appointments to and removals from the commission by delivering to the commission a certified copy of the resolution making the appointment or causing the removal.

In the case of a transportation district, commonly known as the Potomac and Rappahannock Transportation Commission, which was established on or after July 1, 1986, and which includes more than one jurisdiction located within the Washington, D.C., metropolitan area, such commission shall also include two members of the House of Delegates and one member of the Senate from legislative districts located wholly or in part within the boundaries of the transportation district. The members of the House

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59 of Delegates shall be appointed by the Speaker of the House for terms coincident with their terms of
60 office, and the member of the Senate shall be appointed by the Senate Committee on Rules for a term
61 coincident with his term of office. The members of the General Assembly shall be eligible for
62 reappointment for successive terms. Vacancies occurring other than by expiration of a term shall be
63 filled for the unexpired term. Vacancies shall be filled in the same manner as the original appointments.

64 In the case of the Transportation District Commission of Hampton Roads, such commission shall also
65 include one member of the House of Delegates and one member of the Senate, one of whom shall be a
66 resident of the City of Hampton or the City of Newport News and one of whom shall be a resident of
67 the City of Chesapeake, the City of Norfolk, the City of Portsmouth, the City of Suffolk, or the City of
68 Virginia Beach. The member of the House of Delegates shall be appointed by the Speaker of the House
69 for a term coincident with his term of office and the member of the Senate shall be appointed by the
70 Senate Committee on Rules for a term coincident with his term of office. The members of the General
71 Assembly shall be eligible for reappointment for successive terms. Vacancies occurring other than by
72 expiration of a term shall be filled for the unexpired term. Vacancies shall be filled in the same manner
73 as the original appointments.

74 The Chairman of the Commonwealth Transportation Board, or his designee, shall be a member of
75 each commission, ex officio with voting privileges. The chairman of the Commonwealth Transportation
76 Board may appoint an alternate member who may exercise all the powers and duties of the chairman of
77 the Commonwealth Transportation Board when neither the chairman of the Commonwealth
78 Transportation Board nor his designee is present at a commission meeting.

79 B. Any appointed member of a commission of a transportation district, ~~commonly known as the~~
80 ~~Northern Virginia Transportation Commission~~, which was established prior to July 1, 1986, and which
81 includes jurisdictions located within the Washington, D.C., metropolitan statistical area, is authorized to
82 serve as a member of the board of directors of the Washington Metropolitan Area Transit Authority
83 (Chapter 627 of the Acts of Assembly of 1958 as amended) and while so serving the provisions of
84 § 2.2-2800 shall not apply to such member.

85 C. *All powers and duties of the Potomac and Rappahannock Transportation Commission as of June*
86 *30, 2012, as well as all administrative positions held by the Commission, are hereby transferred to the*
87 *Northern Virginia Transportation Authority.*

88 § 15.2-4515. Powers and functions generally.

89 A. Any other provision of law to the contrary notwithstanding, a commission shall, except as
90 provided in subsection B herein, have the following powers and functions:

91 1. The commission shall prepare the transportation plan for the transportation district and shall from
92 time to time revise and amend the plan in accordance with the planning process and procedures
93 specified in Article 7 (§§ 15.2-4527 and 15.2-4528) of this chapter.

94 2. The commission may, when a transportation plan is adopted according to Article 7, construct or
95 acquire, by purchase or lease, the transportation facilities specified in such transportation plan.

96 3. The commission may enter into agreements or leases with private companies for the operation of
97 its facilities, or may operate such facilities itself.

98 4. The commission may enter into contracts or agreements with the counties and cities within the
99 transportation district, or with counties and cities which adjoin the transportation district and are within
100 the same planning district, or with other commissions of adjoining transportation districts, to provide, or
101 cause to be provided, transit facilities and service to such counties and cities, or to provide transit
102 facilities and other modes of transportation between adjoining transportation districts. Such contracts or
103 agreements, together with any agreements or leases for the operation of such facilities, may be utilized
104 by the transportation district to finance the construction and operation of transportation facilities and
105 such contracts, agreements or leases shall inure to the benefit of any creditor of the transportation
106 district.

107 Notwithstanding the above, however, except in any transportation district containing any or all of the
108 Counties of Hanover, Henrico, and Chesterfield or the City of Richmond, being so delegated by the
109 respective local governments, the commission shall not have the power to regulate services provided by
110 taxicabs, either within municipalities or across municipal boundaries, which regulation is expressly
111 reserved to the municipalities within which taxicabs operate. In any transportation district containing any
112 or all of the Counties of Hanover, Henrico, and Chesterfield or the City of Richmond, the commission
113 may upon proper authority granted by the respective component governments, regulate services provided
114 by taxicabs, either within localities or across county or city boundaries.

115 B. When the transportation district is located within a metropolitan area which includes all or a
116 portion of a state or states contiguous to Virginia, the commission:

117 1. Shall not prepare a transportation plan nor construct or operate transit facilities, but shall
118 collaborate and cooperate in the manner specified in Article 7 (§§ 15.2-4527 and 15.2-4528) with an
119 agency in preparing, revising, and amending a transportation plan for such metropolitan area.

120 2. Shall, according to Article 7 and in cooperation with the governing bodies of the component

121 governments embraced within the transportation district, formulate the tentative policy and decisions of
122 the transportation district with respect to the planning, design, location, construction, operation and
123 financing of transportation facilities.

124 3. May, when a transportation plan applicable to such a transportation district is adopted, enter into
125 contracts or agreements with an agency to contribute to the capital required for the construction and/or
126 acquisition of transportation facilities and for meeting expenses and obligations in the operations of such
127 facilities.

128 4. May, when a transportation plan applicable to such transportation district is adopted, enter into
129 contracts or agreements with the counties and cities within the transportation district to provide or cause
130 to be provided transportation facilities and service to such counties and cities.

131 5. Notwithstanding any other provision herein to the contrary:

132 a. May acquire land or any interest therein by purchase, lease, gift, condemnation or otherwise and
133 provide transportation facilities thereon for use in connection with any transportation service;

134 b. May acquire land or any interest therein by purchase, lease, gift, condemnation or otherwise in
135 advance of need for sale or contribution to an agency, for use by that agency in connection with an
136 adopted mass transit plan;

137 c. May, in accordance with the terms of any grant from or loan by the United States of America or
138 the Commonwealth, or any agency or instrumentality thereof, or when necessary to preserve essential
139 transportation service, acquire transit facilities or any carrier, which is subject to the jurisdiction of the
140 Washington Metropolitan Area Transit Commission, by acquisition of the capital stock or transit
141 facilities and other assets of any such carrier and shall provide for the performance of transportation by
142 any such carrier or with such transit facilities by contract or lease. However, the contract or lease shall
143 be for a term of no more than one year, renewable for additional terms of similar duration, and, in order
144 to assure acceptable fare levels, may provide for financial assistance by purchase of service, operating
145 subsidies or otherwise. No such service will be rendered which will adversely affect transit service
146 rendered by the transit facilities owned or controlled by the agency or any existing private transit or
147 transportation company. When notified by the agency that it is authorized to perform or cause to be
148 performed transportation services with motor vehicle facilities, the commission, upon request by the
149 agency, shall transfer such capital stock or transit facilities to the agency at a price to be agreed upon;
150 and

151 d. May prepare a plan for mass transportation services with cities, counties, agencies, authorities, or
152 commissions and may further contract with transportation companies, cities, counties, commissions,
153 authorities, agencies, and departments of the Commonwealth and appropriate agencies of the federal
154 government and/or governments contiguous to Virginia to provide necessary facilities, equipment,
155 operations and maintenance, access, and insurance pursuant to such plan.

156 C. The provisions of subdivisions 1 through 4 and provisions b and c of subdivision 5 of subsection
157 B shall not apply (i) to any transportation district which may be established on or after July 1, 1986,
158 and which includes any one or more jurisdictions which are located within a metropolitan area, but
159 which were not, on January 1, 1986, members of any other transportation district or (ii) to any
160 jurisdiction which, after July 1, 1989, joins a transportation district which was established on or before
161 January 1, 1986. The provisions of this subsection shall only apply to any transportation district or
162 jurisdiction which is contiguous to the Northern Virginia Transportation District. Any such district or
163 jurisdiction shall be subject to the provisions of subsection A hereof, and further may exercise the
164 powers granted by subdivision B 5 a to acquire land or any interest therein by purchase, lease, gift,
165 condemnation or otherwise and provide transportation facilities thereon for use in connection with any
166 transportation service.

167 D. Until such time as a commission enters into contracts or agreements with its component
168 governments under the provisions of subdivisions A 4 and B 4 and is receiving revenues thereunder,
169 adequate to meet the administrative expenses of the commission after paying or providing for the
170 payment of the obligations arising under said subdivisions, the administrative expenses of the
171 commission shall be borne by the component governments in the manner herein set forth. The
172 commission annually shall submit to the governing bodies of the component counties and cities a budget
173 of its administrative requirements for the next year. ~~Except for the Northern Virginia Transportation~~
174 ~~Commission, the~~ The administrative expenses of the commission, to the extent funds for such expenses
175 are not provided from other sources, shall be allocated among the component governments on the basis
176 of population as reflected by the latest population statistics of the ~~Bureau of the Census~~ *United States*
177 *Census Bureau*; however, upon the request of any component government, the commission shall make
178 the allocation upon estimates of population prepared in a manner approved by the commission and by
179 the governing body of the component government making such request. ~~For the Northern Virginia~~
180 ~~Transportation Commission, the~~ administrative expenses of the ~~Commission, to the extent funds for such~~
181 expenses are not provided from other sources, shall be allocated among the component governments on

182 the basis of the relative shares of state and federal transit aids allocated by the Commission among its
 183 component governments. Such budget shall be limited solely to the administrative expenses of the
 184 Commission and shall not include any funds for construction or acquisition of transportation facilities
 185 and/or the performing of transportation service. In addition, the Commission annually shall submit to the
 186 governing bodies of the component counties and cities a budget of its other expenses and obligations for
 187 the ensuing year. Such expenses and obligations shall be borne by the component counties and cities in
 188 accordance with prior arrangements made therefor.

189 E. When a transportation plan has been adopted under § 15.2-4528 A 4, the commission shall
 190 determine the equitable allocation among the component governments of the costs incurred by the
 191 district in providing the transportation facilities proposed in the transportation plan and any expenses and
 192 obligations from the operation thereof to be borne by each county and city. In making such
 193 determinations, the commission shall consider the cost of the facilities located within each county and
 194 city, the population of each county and city, the benefits to be derived by each county and city from the
 195 proposed transportation service and all other factors which the commission determines to be relevant.
 196 Such determination, however, shall not create a commitment by the counties and cities and such
 197 commitments shall be created only under the contracts or agreements specified in subdivisions A 4 and
 198 B 4.

199 § 15.2-4832. Composition of Authority; membership; terms.

200 The Authority shall consist of 17 members as follows *the following members*:

201 The chief elected officer of the governing body of each county and city embraced by the Authority
 202 or, in the discretion of the chief elected officer, his designee, who shall be a current elected officer of
 203 such governing body;

204 Two members of the House of Delegates who reside in different counties or cities embraced by the
 205 Authority, appointed by the Speaker of the House, to the extent practicable, from the membership of the
 206 House Committee on Appropriations, the House Committee on Finance, or the House Committee on
 207 Transportation;

208 One member of the Senate who resides in a county or city embraced by the Authority, appointed by
 209 the Senate Committee on Rules, to the extent practicable, from the membership of the Senate Committee
 210 on Finance and the Senate Committee on Transportation; ~~and~~

211 *The Director of the Virginia Department of Rail and Public Transportation, or his designee;*

212 *The Secretary of the Virginia Department of Transportation, or his designee;*

213 Two citizens who reside in counties and cities embraced by the Authority, appointed by the
 214 Governor. One gubernatorial appointment shall include a member of the Commonwealth Transportation
 215 Board who resides in a county or city embraced by the Authority. The remaining gubernatorial
 216 appointment shall be a person who has significant experience in transportation planning, finance,
 217 engineering, construction, or management and shall be a resident of a county or city embraced by the
 218 Authority, but shall not be a resident of the same county or city as the other gubernatorial appointee to
 219 the Authority; *and*

220 *All members of the Potomac and Rappahannock Transportation Commission as it existed on June 30,*
 221 *2012, and all members of the Northern Virginia Transportation Commission as it existed on June 30,*
 222 *2012.*

223 Legislative members shall serve terms coincident with their terms of office. The gubernatorial
 224 appointee who is not a member of the Commonwealth Transportation Board shall serve for a term of
 225 four years. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term.
 226 Vacancies shall be filled in the same manner as the original appointments.

227 In addition, the following persons shall serve as nonvoting members of the Authority: ~~the Director of~~
 228 ~~the Virginia Department of Rail and Public Transportation, or his designee;~~ the Commonwealth
 229 Transportation Commissioner, or his designee; and the chief elected officer of one town in a county
 230 which the Authority embraces to be chosen by the Authority.

231 The Authority shall appoint the chairman and vice-chairman.

232 § 15.2-4839. Authority to issue bonds.

233 The Authority may issue bonds and other evidences of debt as may be authorized by this section or
 234 other law. The provisions of Article 5 (§ 15.2-4519 et seq.) of Chapter 45 of this title shall apply,
 235 mutatis mutandis, to the issuance of such bonds or other debt. The Authority may issue bonds or other
 236 debt in such amounts as it deems appropriate. The bonds may be supported by any funds available
 237 except that funds from tolls collected pursuant to subdivision 7 of § 15.2-4840 shall be used only as
 238 provided in that subdivision.

239 *The Authority shall assume and update all bonds, debts, and agreements of the commissions*
 240 *previously known as the Northern Virginia Transportation Commission and the Potomac and*
 241 *Rappahannock Transportation Commission.*

242 § 15.2-4840. Other duties and responsibilities of Authority.

243 In addition to other powers herein granted, the Authority shall have the following duties and

244 responsibilities:

245 1. General oversight of regional programs involving mass transit or congestion mitigation, including,
246 but not necessarily limited to, carpooling, vanpooling, and ridesharing;

247 2. Long-range regional planning, both financially constrained and unconstrained;

248 3. Recommending to state, regional, and federal agencies regional transportation priorities, including
249 public-private transportation projects, and funding allocations;

250 4. Developing, in coordination with affected counties and cities, regional priorities and policies to
251 improve air quality;

252 5. Allocating to priority regional transportation projects any funds made available to the Authority
253 and, at the discretion of the Authority, directly overseeing such projects;

254 6. Recommending to the Commonwealth Transportation Board priority regional transportation
255 projects for receipt of federal and state funds;

256 7. Imposing, collecting, and setting the amount of tolls for use of facilities in the area embraced by
257 the Authority, when the facility is either newly constructed or reconstructed solely with revenues of the
258 Authority or solely with revenues under the control of the Authority in such a way as to increase the
259 facility's traffic capacity, with the amount of any tolls variable by time of day, day of the week, vehicle
260 size or type, number of axles, or other factors as the Authority may deem proper, and with all such tolls
261 to be used for programs and projects that are reasonably related to or benefit the users of the applicable
262 facility, including, but not limited to, for the debt service and other costs of bonds whose proceeds are
263 used for such construction or reconstruction;

264 8. General oversight of regional transportation issues of a multijurisdictional nature, including but not
265 limited to intelligent transportation systems, signalization, and preparation for and response to
266 emergencies;

267 9. Serving as an advocate for the transportation needs of Northern Virginia before the state and
268 federal governments;

269 10. Applying to and negotiating with the government of the United States, the Commonwealth of
270 Virginia, or any agency, instrumentality, or political subdivision thereof, for grants and any other funds
271 available to carry out the purposes of this chapter and receiving, holding, accepting, and administering
272 from any source gifts, bequests, grants, aid, or contributions of money, property, labor, or other things
273 of value to be held, used and applied to carry out the purposes of this chapter subject, however, to any
274 conditions upon which gifts, bequests, grants, aid, or contributions are made. Unless otherwise restricted
275 by the terms of the gift, bequest, or grant, the Authority may sell, exchange, or otherwise dispose of
276 such money, securities, or other property given or bequeathed to it in furtherance of its purposes;

277 11. Acting as a "responsible public entity" for the purpose of the acquisition, construction,
278 improvement, maintenance and/or operation of a "qualifying transportation facility" under the
279 Public-Private Transportation Act of 1995 (§ 56-556 et seq.); and

280 12. To decide and vote to impose certain fees and taxes authorized under law for imposition or
281 assessment by the Authority, provided that any such fee or tax assessed or imposed is assessed or
282 imposed in all counties and cities embraced by the Authority. The revenues from such certain fees and
283 taxes shall be kept in a separate account and shall be used only for the purposes provided in this
284 chapter;

285 13. *To oversee the bus and commuter rail transit planning, programming, funding, and operational*
286 *activities, occurring in whole or in part in the areas specified in § 15.2-4831 of the Code of Virginia;*
287 *and*

288 14. *To retain and manage separate transit-related accounts according to their transportation district*
289 *sources and services, and assume full fiscal responsibility over them.*

290 § 33.1-221.1.3. Northern Virginia Transportation District Program.

291 A. The General Assembly declares it to be in the public interest that the economic development
292 needs and economic growth potential of Northern Virginia be addressed by a special transportation
293 program to provide for the costs of providing an adequate, modern, safe and efficient transportation
294 network in Northern Virginia which shall be known as the Northern Virginia Transportation District
295 Program (the Program), including, without limitation, environmental and engineering studies,
296 rights-of-way acquisition, construction, improvements to all modes of transportation, and financing costs.
297 The Program consists of the following projects: the Fairfax County Parkway, Route 234 Bypass,
298 Metrorail Capital Improvements attributable to Fairfax County including Metro parking expansions,
299 Metro Capital Improvements, including the Franconia-Springfield Metrorail Station and new rail car
300 purchases, Route 7 improvements in Loudoun County and Fairfax County, the Route 50/Courthouse
301 Road interchange improvements in Arlington County, the Route 28/Route 625 interchange improvements
302 in Loudoun County, Metrorail capital improvements attributable to the City of Alexandria including the
303 King Street Metrorail Station access, Metrorail capital improvements attributable to Arlington County,
304 including Ballston Station improvements, Route 15 safety improvements in Loudoun County, Route 28

305 parallel roads in Loudoun County, the Route 28/Sterling Boulevard interchange in Loudoun County,
 306 Route 1/Route 123 interchange improvements in Prince William County, Lee Highway improvements in
 307 the City of Fairfax, Route 123 improvements in Fairfax County, Telegraph Road improvements in
 308 Fairfax County, Route 123 Occoquan River Bridge, Gallows Road in Fairfax County, Route 1/Route 234
 309 interchange improvements in Prince William County, *the bus replacement program formerly under the*
 310 *auspices of the Potomac- and Rappahannock Transportation Commission bus replacement program*, and
 311 Dulles Corridor Enhanced Transit program.

312 B. Allocations to this Program from the Northern Virginia Transportation District Fund established
 313 by § 58.1-815.1 shall be made annually by the Commonwealth Transportation Board for the creation and
 314 enhancement of a safe, efficient transportation system connecting the communities, businesses, places of
 315 employment, and residences of the Commonwealth, thereby enhancing the economic development
 316 potential, employment opportunities, mobility and quality of life in Virginia.

317 C. Except in the event that the Northern Virginia Transportation District Fund is insufficient to pay
 318 for the costs of the Program, allocations to the Program shall not diminish or replace allocations made
 319 from other sources or diminish allocations to which any district, system, or locality would be entitled
 320 under other provisions of this title, but shall be supplemental to other allocations to the end that
 321 transportation improvements in the Northern Virginia Transportation District may be accelerated and
 322 augmented. Allocations under this subsection shall be limited to projects specified in subdivision (2) (s)
 323 of § 33.1-268.

324 D. The Commonwealth Transportation Board may expend such funds from all sources as may be
 325 lawfully available to initiate the Program and to support bonds and other obligations referenced in
 326 subsection E.

327 E. The Commonwealth Transportation Board is authorized to receive, dedicate or use first from (i)
 328 revenues received from the Northern Virginia Transportation District Fund; (ii) to the extent required,
 329 funds appropriated and allocated, pursuant to the highway allocation formula as provided by law, to the
 330 highway construction district in which the project or projects to be financed are located or to the city or
 331 county in which the project or projects to be financed are located; (iii) to the extent required, legally
 332 available revenues of the Transportation Trust Fund; and (iv) such other funds which may be
 333 appropriated by the General Assembly for the payment of bonds or other obligations, including interest
 334 thereon, issued in furtherance of the Program. No such bond or other obligations shall pledge the full
 335 faith and credit of the Commonwealth.

336 § 46.2-753. Additional license fees in certain localities.

337 Notwithstanding any other provision of law, the governing bodies of Alexandria, Arlington, Fairfax
 338 County, Fairfax City, and Falls Church are authorized to charge annual license fees, in addition to those
 339 specified in § 46.2-752, on passenger cars not used for the transportation of passengers for
 340 compensation. The additional fee shall be no more than five dollars. The total local license fee shall be
 341 no more than twenty-five dollars on any vehicle and this license fee shall not be imposed on any motor
 342 vehicle exempted under § 46.2-739.

343 The governing bodies are also authorized to charge additional annual license fees on the motor
 344 vehicles, trailers, and semitrailers as specified in § 46.2-697 in an amount of no more than five dollars
 345 for each such vehicle. This authorization shall not increase the maximum chargeable by more than five
 346 dollars or affect any existing exemption.

347 Any funds acquired in excess of those allowed by § 46.2-752, shall be allocated to the Northern
 348 Virginia Transportation Commission *account of the Northern Virginia Transportation Authority* to be a
 349 credit to that jurisdiction making the payment for its share of any operating deficit assigned to it by the
 350 Washington Metropolitan Area Transit Authority.

351 § 58.1-3. Secrecy of information; penalties.

352 A. Except in accordance with a proper judicial order or as otherwise provided by law, the Tax
 353 Commissioner or agent, clerk, commissioner of the revenue, treasurer, or any other state or local tax or
 354 revenue officer or employee, or any person to whom tax information is divulged pursuant to § 58.1-512
 355 or 58.1-2712.2, or any former officer or employee of any of the aforementioned offices shall not divulge
 356 any information acquired by him in the performance of his duties with respect to the transactions,
 357 property, including personal property, income or business of any person, firm or corporation. Such
 358 prohibition specifically includes any copy of a federal return or federal return information required by
 359 Virginia law to be attached to or included in the Virginia return. This prohibition shall apply to any
 360 reports, returns, financial documents or other information filed with the Attorney General pursuant to the
 361 provisions of Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2. Any person violating the
 362 provisions of this section shall be guilty of a Class 2 misdemeanor. The provisions of this subsection
 363 shall not be applicable, however, to:

- 364 1. Matters required by law to be entered on any public assessment roll or book;
- 365 2. Acts performed or words spoken or published in the line of duty under the law;
- 366 3. Inquiries and investigations to obtain information as to the process of real estate assessments by a

367 duly constituted committee of the General Assembly, or when such inquiry or investigation is relevant to
 368 its study, provided that any such information obtained shall be privileged;

369 4. The sales price, date of construction, physical dimensions or characteristics of real property, or any
 370 information required for building permits;

371 5. Copies of or information contained in an estate's probate tax return, filed with the clerk of court
 372 pursuant to § 58.1-1714, when requested by a beneficiary of the estate or an heir at law of the decedent;

373 6. Information regarding nonprofit entities exempt from sales and use tax under § 58.1-609.11, when
 374 requested by the General Assembly or any duly constituted committee of the General Assembly.

375 B. Nothing contained in this section shall be construed to prohibit the publication of statistics so
 376 classified as to prevent the identification of particular reports or returns and the items thereof or the
 377 publication of delinquent lists showing the names of taxpayers who are currently delinquent, together
 378 with any relevant information which in the opinion of the Department may assist in the collection of
 379 such delinquent taxes. This section shall not be construed to prohibit a local tax official from disclosing
 380 whether a person, firm or corporation is licensed to do business in that locality and divulging, upon
 381 written request, the name and address of any person, firm or corporation transacting business under a
 382 fictitious name. Additionally, notwithstanding any other provision of law, the commissioner of revenue
 383 is authorized to provide, upon written request stating the reason for such request, the Tax Commissioner
 384 with information obtained from local tax returns and other information pertaining to the income, sales
 385 and property of any person, firm or corporation licensed to do business in that locality.

386 C. Notwithstanding the provisions of subsection A or B or any other provision of this title, the Tax
 387 Commissioner is authorized to: (i) divulge tax information to any commissioner of the revenue, director
 388 of finance or other similar collector of county, city or town taxes who, for the performance of his
 389 official duties, requests the same in writing setting forth the reasons for such request; (ii) provide to the
 390 Commissioner of the Department of Social Services, upon written request, information on the amount of
 391 income, filing status, number and type of dependents, and whether a federal earned income tax credit
 392 has been claimed as reported by persons on their state income tax returns who have applied for public
 393 assistance or social services benefits as defined in § 63.2-100; (iii) provide to the chief executive officer
 394 of the designated student loan guarantor for the Commonwealth of Virginia, upon written request, the
 395 names and home addresses of those persons identified by the designated guarantor as having delinquent
 396 loans guaranteed by the designated guarantor; (iv) provide current address information upon request to
 397 state agencies and institutions for their confidential use in facilitating the collection of accounts
 398 receivable, and to the clerk of a circuit or district court for their confidential use in facilitating the
 399 collection of fines, penalties and costs imposed in a proceeding in that court; (v) provide to the
 400 Commissioner of the Virginia Employment Commission, after entering into a written agreement, such
 401 tax information as may be necessary to facilitate the collection of unemployment taxes and overpaid
 402 benefits; (vi) provide to the Alcoholic Beverage Control Board, upon entering into a written agreement,
 403 such tax information as may be necessary to facilitate the collection of state and local taxes and the
 404 administration of the alcoholic beverage control laws; (vii) provide to the Director of the State Lottery
 405 Department such tax information as may be necessary to identify those lottery ticket retailers who owe
 406 delinquent taxes; (viii) provide to the Department of the Treasury for its confidential use such tax
 407 information as may be necessary to facilitate the location of owners and holders of unclaimed property,
 408 as defined in § 55-210.2; (ix) provide to the State Corporation Commission, upon entering into a written
 409 agreement, such tax information as may be necessary to facilitate the collection of taxes and fees
 410 administered by the Commission; (x) provide to the Executive Director of the ~~Potomac and~~
 411 ~~Rappahannock Transportation Commission Northern Virginia Transportation Authority~~ for his
 412 confidential use such tax information as may be necessary to facilitate the collection of the motor
 413 vehicle fuel sales tax; (xi) provide to the Commissioner of the Department of Agriculture and Consumer
 414 Services such tax information as may be necessary to identify those applicants for registration as a
 415 supplier of charitable gaming supplies who have not filed required returns or who owe delinquent taxes;
 416 (xii) provide to the Department of Housing and Community Development for its confidential use such
 417 tax information as may be necessary to facilitate the administration of the remaining effective provisions
 418 of the Enterprise Zone Act (§ 59.1-270 et seq.), and the Enterprise Zone Grant Program (§ 59.1-538 et
 419 seq.); (xiii) provide current name and address information to private collectors entering into a written
 420 agreement with the Tax Commissioner, for their confidential use when acting on behalf of the
 421 Commonwealth or any of its political subdivisions; however, the Tax Commissioner is not authorized to
 422 provide such information to a private collector who has used or disseminated in an unauthorized or
 423 prohibited manner any such information previously provided to such collector; (xiv) provide current
 424 name and address information as to the identity of the wholesale or retail dealer that affixed a tax stamp
 425 to a package of cigarettes to any person who manufactures or sells at retail or wholesale cigarettes and
 426 who may bring an action for injunction or other equitable relief for violation of Chapter 10.1,
 427 Enforcement of Illegal Sale or Distribution of Cigarettes Act; (xv) provide to the Commissioner of

428 Labor and Industry, upon entering into a written agreement, such tax information as may be necessary to
 429 facilitate the collection of unpaid wages under § 40.1-29; (xvi) provide to the Director of the Department
 430 of Human Resource Management, upon entering into a written agreement, such tax information as may
 431 be necessary to identify persons receiving workers' compensation indemnity benefits who have failed to
 432 report earnings as required by § 65.2-712; and (xvii) provide to any commissioner of the revenue,
 433 director of finance, or any other officer of any county, city, or town performing any or all of the duties
 434 of a commissioner of the revenue and to any dealer registered for the collection of the Communications
 435 Sales and Use Tax, a list of the names, business addresses, and dates of registration of all dealers
 436 registered for such tax; and (xviii) provide to the Executive Director of the Northern Virginia
 437 Transportation Commission for his confidential use such tax information as may be necessary to
 438 facilitate the collection of the motor vehicle fuel sales tax. The Tax Commissioner is further authorized
 439 to enter into written agreements with duly constituted tax officials of other states and of the United
 440 States for the inspection of tax returns, the making of audits, and the exchange of information relating to
 441 any tax administered by the Department of Taxation. Any person to whom tax information is divulged
 442 pursuant to this section shall be subject to the prohibitions and penalties prescribed herein as though he
 443 were a tax official.

444 D. Notwithstanding the provisions of subsection A or B or any other provision of this title, the
 445 commissioner of revenue or other assessing official is authorized to (i) provide, upon written request
 446 stating the reason for such request, the chief executive officer of any county or city with information
 447 furnished to the commissioner of revenue by the Tax Commissioner relating to the name and address of
 448 any dealer located within the county or city who paid sales and use tax, for the purpose of verifying the
 449 local sales and use tax revenues payable to the county or city; (ii) provide to the Department of
 450 Professional and Occupational Regulation for its confidential use the name, address, and amount of gross
 451 receipts of any person, firm or entity subject to a criminal investigation of an unlawful practice of a
 452 profession or occupation administered by the Department of Professional and Occupational Regulation,
 453 only after the Department of Professional and Occupational Regulation exhausts all other means of
 454 obtaining such information; and (iii) provide to any representative of a condominium unit owners'
 455 association, property owners' association or real estate cooperative association, or to the owner of
 456 property governed by any such association, the names and addresses of parties having a security interest
 457 in real property governed by any such association; however, such information shall be released only
 458 upon written request stating the reason for such request, which reason shall be limited to proposing or
 459 opposing changes to the governing documents of the association, and any information received by any
 460 person under this subsection shall be used only for the reason stated in the written request. The treasurer
 461 or other local assessing official may require any person requesting information pursuant to clause (iii) of
 462 this subsection to pay the reasonable cost of providing such information. Any person to whom tax
 463 information is divulged pursuant to this subsection shall be subject to the prohibitions and penalties
 464 prescribed herein as though he were a tax official.

465 Notwithstanding the provisions of subsection A or B or any other provisions of this title, the
 466 treasurer or other collector of taxes for a county, city or town is authorized to provide information
 467 relating to any motor vehicle, trailer or semitrailer obtained by such treasurer or collector in the course
 468 of performing his duties to the commissioner of the revenue or other assessing official for such
 469 jurisdiction for use by such commissioner or other official in performing assessments.

470 This section shall not be construed to prohibit a local tax official from imprinting or displaying on a
 471 motor vehicle local license decal the year, make, and model and any other legal identification
 472 information about the particular motor vehicle for which that local license decal is assigned.

473 E. Notwithstanding any other provisions of law, state agencies and any other administrative or
 474 regulatory unit of state government shall divulge to the Tax Commissioner or his authorized agent, upon
 475 written request, the name, address, and social security number of a taxpayer, necessary for the
 476 performance of the Commissioner's official duties regarding the administration and enforcement of laws
 477 within the jurisdiction of the Department of Taxation. The receipt of information by the Tax
 478 Commissioner or his agent which may be deemed taxpayer information shall not relieve the
 479 Commissioner of the obligations under this section.

480 F. Additionally, it shall be unlawful for any person to disseminate, publish, or cause to be published
 481 any confidential tax document which he knows or has reason to know is a confidential tax document. A
 482 confidential tax document is any correspondence, document, or tax return that is prohibited from being
 483 divulged by subsection A, B, C, or D of this section and includes any document containing information
 484 on the transactions, property, income, or business of any person, firm, or corporation that is required to
 485 be filed with any state official by § 58.1-512. This prohibition shall not apply if such confidential tax
 486 document has been divulged or disseminated pursuant to a provision of law authorizing disclosure. Any
 487 person violating the provisions of this subsection shall be guilty of a Class 2 misdemeanor.

488 § 58.1-638. Disposition of state sales and use tax revenue; localities' share; Game Protection Fund.

489 A. The Comptroller shall designate a specific revenue code number for all the state sales and use tax

490 revenue collected under the preceding sections of this chapter.

491 1. The sales and use tax revenue generated by the one-half percent sales and use tax increase enacted
 492 by the 1986 Special Session of the General Assembly shall be paid, in the manner hereinafter provided
 493 in this section, to the Transportation Trust Fund as defined in § 33.1-23.03:1. Of the funds paid to the
 494 Transportation Trust Fund, an aggregate of 4.2 percent shall be set aside as the Commonwealth Port
 495 Fund as provided in this section; an aggregate of 2.4 percent shall be set aside as the Commonwealth
 496 Airport Fund as provided in this section; and an aggregate of 14.5 percent in fiscal year 1998-1999 and
 497 14.7 percent in fiscal year 1999-2000 and thereafter shall be set aside as the Commonwealth Mass
 498 Transit Fund as provided in this section. The Fund's share of such net revenue shall be computed as an
 499 estimate of the net revenue to be received into the state treasury each month, and such estimated
 500 payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall
 501 be made to the Fund on the last day of each month.

502 2. There is hereby created in the Department of the Treasury a special nonreverting fund which shall
 503 be a part of the Transportation Trust Fund and which shall be known as the Commonwealth Port Fund.

504 a. The Commonwealth Port Fund shall be established on the books of the Comptroller and the funds
 505 remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in
 506 the Fund. Interest earned on such funds shall remain in the Fund and be credited to it. Funds may be
 507 paid to any authority, locality or commission for the purposes hereinafter specified.

508 b. The amounts allocated pursuant to this section shall be allocated by the Commonwealth
 509 Transportation Board to the Board of Commissioners of the Virginia Port Authority to be used to
 510 support port capital needs and the preservation of existing capital needs of all ocean, river, or tributary
 511 ports within the Commonwealth.

512 c. Commonwealth Port Fund revenue shall be allocated by the Board of Commissioners to the
 513 Virginia Port Authority in order to foster and stimulate the flow of maritime commerce through the
 514 ports of Virginia, including but not limited to the ports of Richmond, Hopewell and Alexandria.

515 3. There is hereby created in the Department of the Treasury a special nonreverting fund which shall
 516 be part of the Transportation Trust Fund and which shall be known as the Commonwealth Airport Fund.
 517 The Commonwealth Airport Fund shall be established on the books of the Comptroller and any funds
 518 remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in
 519 the Fund. Interest earned on the funds shall be credited to the Fund. The funds so allocated shall be
 520 allocated by the Commonwealth Transportation Board to the Virginia Aviation Board. The funds shall
 521 be allocated by the Virginia Aviation Board to any Virginia airport which is owned by the
 522 Commonwealth, a governmental subdivision thereof, or a private entity to which the public has access
 523 for the purposes enumerated in § 5.1-2.16, or is owned or leased by the Metropolitan Washington
 524 Airports Authority (MWAA), as follows:

525 Any new funds in excess of \$12.1 million which are available for allocation by the Virginia Aviation
 526 Board from the Commonwealth Transportation Fund, shall be allocated as follows: 60 percent to
 527 MWAA, up to a maximum annual amount of \$2 million, and 40 percent to air carrier airports as
 528 provided in subdivision A 3 a. Except for adjustments due to changes in enplaned passengers, no air
 529 carrier airport sponsor, excluding MWAA, shall receive less funds identified under subdivision A 3 a
 530 than it received in fiscal year 1994-1995.

531 Of the remaining amount:

532 a. Forty percent of the funds shall be allocated to air carrier airports, except airports owned or leased
 533 by MWAA, based upon the percentage of enplanements for each airport to total enplanements at all air
 534 carrier airports, except airports owned or leased by MWAA. No air carrier airport sponsor, however,
 535 shall receive less than \$50,000 ~~nor~~ more than \$2 million per year from this provision.

536 b. Forty percent of the funds shall be allocated by the Aviation Board for air carrier and reliever
 537 airports on a discretionary basis, except airports owned or leased by MWAA.

538 c. Twenty percent of the funds shall be allocated by the Aviation Board for general aviation airports
 539 on a discretionary basis.

540 4. There is hereby created in the Department of the Treasury a special nonreverting fund which shall
 541 be a part of the Transportation Trust Fund and which shall be known as the Commonwealth Mass
 542 Transit Fund.

543 a. The Commonwealth Mass Transit Fund shall be established on the books of the Comptroller and
 544 any funds remaining in such Fund at the end of the biennium shall not revert to the general fund but
 545 shall remain in the Fund. Interest earned on such funds shall be credited to the Fund. Funds may be
 546 paid to any local governing body, transportation district commission, or public service corporation for
 547 the purposes hereinafter specified.

548 b. The amounts allocated pursuant to this section shall be used to support the public transportation
 549 administrative costs and the costs borne by the locality for the purchase of fuels, lubricants, tires and
 550 maintenance parts and supplies for public transportation at a state share of 80 percent in 2002 and 95

551 percent in 2003 and succeeding years. These amounts may be used to support up to 95 percent of the
552 local or nonfederal share of capital project costs for public transportation and ridesharing equipment,
553 facilities, and associated costs. Capital costs may include debt service payments on local or agency
554 transit bonds. The term "borne by the locality" means the local share eligible for state assistance
555 consisting of costs in excess of the sum of fares and other operating revenues plus federal assistance
556 received by the locality.

557 c. Commonwealth Mass Transit Fund revenue shall be allocated by the Commonwealth
558 Transportation Board as follows:

559 (1) Funds for special programs, which shall include ridesharing, experimental transit, and technical
560 assistance, shall not exceed 1.5 percent of the Fund.

561 (2) The Board may allocate these funds to any locality or planning district commission to finance up
562 to 80 percent of the local share of all costs associated with the development, implementation, and
563 continuation of ridesharing programs.

564 (3) Funds allocated for experimental transit projects may be paid to any local governing body,
565 transportation district commission, or public corporation or may be used directly by the Department of
566 Rail and Public Transportation for the following purposes:

567 (a) To finance up to 95 percent of the capital costs related to the development, implementation and
568 promotion of experimental public transportation and ridesharing projects approved by the Board.

569 (b) To finance up to 95 percent of the operating costs of experimental mass transportation and
570 ridesharing projects approved by the Board for a period of time not to exceed 12 months.

571 (c) To finance up to 95 percent of the cost of the development and implementation of any other
572 project designated by the Board where the purpose of such project is to enhance the provision and use
573 of public transportation services.

574 d. Funds allocated for public transportation promotion and operation studies may be paid to any local
575 governing body, planning district commission, transportation district commission, or public transit
576 corporation, or may be used directly by the Department of Rail and Public Transportation for the
577 following purposes and aid of public transportation services:

578 (1) At the approval of the Board to finance a program administered by the Department of Rail and
579 Public Transportation designed to promote the use of public transportation and ridesharing throughout
580 Virginia.

581 (2) To finance up to 50 percent of the local share of public transportation operations planning and
582 technical study projects approved by the Board.

583 e. At least 73.5 percent of the Fund shall be distributed to each transit property in the same
584 proportion as its operating expenses bear to the total statewide operating expenses and shall be spent for
585 the purposes specified in subdivision 4 b.

586 f. The remaining 25 percent shall be distributed for capital purposes on the basis of 95 percent of the
587 nonfederal share for federal projects and 95 percent of the total costs for nonfederal projects. In the
588 event that total capital funds available under this subdivision are insufficient to fund the complete list of
589 eligible projects, the funds shall be distributed to each transit property in the same proportion that such
590 capital expenditure bears to the statewide total of capital projects. Prior to the annual adoption of the
591 Six-Year Improvement Program, the Commonwealth Transportation Board may allocate up to 20 percent
592 of the funds in the Commonwealth Mass Transit Fund designated for capital purposes to transit
593 operating assistance if operating funds for the next fiscal year are estimated to be less than the current
594 fiscal year's allocation, to attempt to maintain transit operations at approximately the same level as the
595 previous fiscal year.

596 g. There is hereby created in the Department of the Treasury a special nonreverting fund known as
597 the Commonwealth Transit Capital Fund. The Commonwealth Transit Capital Fund shall be part of the
598 Commonwealth Mass Transit Fund. The Commonwealth Transit Capital Fund subaccount shall be
599 established on the books of the Comptroller and consist of such moneys as are appropriated to it by the
600 General Assembly and of all donations, gifts, bequests, grants, endowments, and other moneys given,
601 bequeathed, granted, or otherwise made available to the Commonwealth Transit Capital Fund. Any funds
602 remaining in the Commonwealth Transit Capital Fund at the end of the biennium shall not revert to the
603 general fund, but shall remain in the Commonwealth Transit Capital Fund. Interest earned on funds
604 within the Commonwealth Transit Capital Fund shall remain in and be credited to the Commonwealth
605 Transit Capital Fund. Proceeds of the Commonwealth Transit Capital Fund may be paid to any political
606 subdivision, another public entity created by an act of the General Assembly, or a private entity as
607 defined in § 56-557 and for purposes as enumerated in subdivision 4c of § 33.1-269 or expended by the
608 Department of Rail and Public Transportation for the purposes specified in this subdivision. Revenues of
609 the Commonwealth Transit Capital Fund shall be used to support capital expenditures involving the
610 establishment, improvement, or expansion of public transportation services through specific projects
611 approved by the Commonwealth Transportation Board. Projects financed by the Commonwealth Transit
612 Capital Fund shall receive local, regional or private funding for at least 20 percent of the nonfederal

613 share of the total project cost.

614 5. Funds for Metro shall be paid by the Northern Virginia Transportation Commission (NVTC)
615 Authority (NVTA), from the Northern Virginia Transportation Commission account to the Washington
616 Metropolitan Area Transit Authority (WMATA) and be a credit to the Counties of Arlington and Fairfax
617 and the Cities of Alexandria, Falls Church and Fairfax in the following manner:

618 a. Local obligations for debt service for WMATA rail transit bonds apportioned to each locality
619 using WMATA's capital formula shall be paid first by NVTC NVTA. NVTC NVTA shall use 95 percent
620 state aid for these payments.

621 b. The remaining funds shall be apportioned to reflect WMATA's allocation formulas by using the
622 related WMATA-allocated subsidies and relative shares of local transit subsidies. Capital costs shall
623 include 20 percent of annual local bus capital expenses. Hold harmless protections and obligations for
624 NVTC's NVTA's jurisdictions agreed to by the former Northern Virginia Transportation Commission
625 NVTC on November 5, 1998, shall remain in effect.

626 Appropriations from the Commonwealth Mass Transit Fund are intended to provide a stable and
627 reliable source of revenue as defined by Public Law 96-184.

628 B. The sales and use tax revenue generated by a one percent sales and use tax shall be distributed
629 among the counties and cities of this Commonwealth in the manner provided in subsections C and D.

630 C. The localities' share of the net revenue distributable under this section among the counties and
631 cities shall be apportioned by the Comptroller and distributed among them by warrants of the
632 Comptroller drawn on the Treasurer of Virginia as soon as practicable after the close of each month
633 during which the net revenue was received into the state treasury. The distribution of the localities' share
634 of such net revenue shall be computed with respect to the net revenue received into the state treasury
635 during each month, and such distribution shall be made as soon as practicable after the close of each
636 such month.

637 D. The net revenue so distributable among the counties and cities shall be apportioned and
638 distributed upon the basis of the latest yearly estimate of the population of cities and counties ages five
639 to 19, provided by the Weldon Cooper Center for Public Service of the University of Virginia. Such
640 population estimate produced by the Weldon Cooper Center for Public Service of the University of
641 Virginia shall account for persons who are domiciled in orphanages or charitable institutions or who are
642 dependents living on any federal military or naval reservation or other federal property within the school
643 division in which the institutions or federal military or naval reservation or other federal property is
644 located. Such population estimate produced by the Weldon Cooper Center for Public Service of the
645 University of Virginia shall account for members of the military services who are under 20 years of age
646 within the school division in which the parents or guardians of such persons legally reside. Such
647 population estimate produced by the Weldon Cooper Center for Public Service of the University of
648 Virginia shall account for persons who are confined in state hospitals, state training schools or state
649 training centers for the mentally retarded, mental institutions, or state or federal correctional institutions
650 or who attend the Virginia School for the Deaf and the Blind within the school division in which the
651 parents or guardians of such persons legally reside. Such population estimate produced by the Weldon
652 Cooper Center for Public Service of the University of Virginia shall account for persons who attend
653 institutions of higher education within the school division in which the student's parents or guardians
654 legally reside. To such estimate, the Department of Education shall add the population of students with
655 disabilities, ages two through four and 20 through 21, as provided to the Department of Education by
656 school divisions. The revenue so apportionable and distributable is hereby appropriated to the several
657 counties and cities for maintenance, operation, capital outlays, debt and interest payments, or other
658 expenses incurred in the operation of the public schools, which shall be considered as funds raised from
659 local resources. In any county, however, wherein is situated any incorporated town constituting a school
660 division, the county treasurer shall pay into the town treasury for maintenance, operation, capital outlays,
661 debt and interest payments, or other expenses incurred in the operation of the public schools, the proper
662 proportionate amount received by him in the ratio that the school population of such town bears to the
663 school population of the entire county. If the school population of any city or of any town constituting a
664 school division is increased by the annexation of territory since the last estimate of school population
665 provided by the Weldon Cooper Center for Public Service, such increase shall, for the purposes of this
666 section, be added to the school population of such city or town as shown by the last such estimate and a
667 proper reduction made in the school population of the county or counties from which the annexed
668 territory was acquired.

669 E. Beginning July 1, 2000, of the remaining sales and use tax revenue, the revenue generated by a
670 two percent sales and use tax, up to an annual amount of \$13 million, collected from the sales of
671 hunting equipment, auxiliary hunting equipment, fishing equipment, auxiliary fishing equipment,
672 wildlife-watching equipment, and auxiliary wildlife-watching equipment in Virginia, as estimated by the
673 most recent U.S. Department of the Interior, Fish and Wildlife Service and U.S. Department of

674 Commerce, Bureau of the Census National Survey of Fishing, Hunting, and Wildlife-Associated
 675 Recreation, shall be paid into the Game Protection Fund established under § 29.1-101 and shall be used,
 676 in part, to defray the cost of law enforcement. Not later than 30 days after the close of each quarter, the
 677 Comptroller shall transfer to the Game Protection Fund the appropriate amount of collections to be
 678 dedicated to such Fund. At any time that the balance in the Capital Improvement Fund, established
 679 under § 29.1-101.1, is equal to or in excess of \$35 million, any portion of sales and use tax revenues
 680 that would have been transferred to the Game Protection Fund, established under § 29.1-101, in excess
 681 of the net operating expenses of the Board, after deduction of other amounts which accrue to the Board
 682 and are set aside for the Game Protection Fund, shall remain in the general fund until such time as the
 683 balance in the Capital Improvement Fund is less than \$35 million.

684 F. 1. Of the net revenue generated from the one-half percent increase in the rate of the state sales
 685 and use tax effective August 1, 2004, pursuant to enactments of the 2004 Special Session I of the
 686 General Assembly, the Comptroller shall transfer from the general fund of the state treasury to the
 687 Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund established under
 688 § 58.1-638.1 an amount equivalent to one-half of the net revenue generated from such one-half percent
 689 increase as provided in this subdivision. The transfers to the Public Education Standards of
 690 Quality/Local Real Estate Property Tax Relief Fund under this subdivision shall be for one-half of the
 691 net revenue generated (and collected in the succeeding month) from such one-half percent increase for
 692 the month of August 2004 and for each month thereafter.

693 2. For the purposes of the Comptroller making the required transfers under subdivision 1, the Tax
 694 Commissioner shall make a written certification to the Comptroller no later than the twenty-fifth of each
 695 month certifying the sales and use tax revenues generated in the preceding month. Within three calendar
 696 days of receiving such certification, the Comptroller shall make the required transfers to the Public
 697 Education Standards of Quality/Local Real Estate Property Tax Relief Fund.

698 G. If errors are made in any distribution, or adjustments are otherwise necessary, the errors shall be
 699 corrected and adjustments made in the distribution for the next quarter or for subsequent quarters.

700 H. The term "net revenue," as used in this section, means the gross revenue received into the general
 701 fund or the Transportation Trust Fund of the state treasury under the preceding sections of this chapter,
 702 less refunds to taxpayers.

703 § 58.1-815.1. Northern Virginia Transportation District Fund.

704 A. There is hereby created in the Department of the Treasury a special nonreverting fund which shall
 705 be a part of the Transportation Trust Fund and which shall be known as the Northern Virginia
 706 Transportation District Fund, consisting of transfers pursuant to § 58.1-816 of annual collections of the
 707 state recordation taxes attributable to the Cities of Alexandria, Fairfax, Falls Church, Manassas, and
 708 Manassas Park and the Counties of Arlington, Fairfax, Loudoun, and Prince William; however, this
 709 dedication shall not affect the local recordation taxes under §§ 58.1-802 B and 58.1-814. The Fund shall
 710 also include any public rights-of-way use fees appropriated by the General Assembly; any state or local
 711 revenues, including but not limited to, any funds distributed pursuant to § 33.1-23.3, 33.1-23.4 or
 712 33.1-23.5:1, which may be deposited into the Fund pursuant to a contract between a jurisdiction
 713 participating in the Northern Virginia Transportation District Program and the Commonwealth
 714 Transportation Board; and any other funds as may be appropriated by the General Assembly from time
 715 to time and designated for this Fund and all interest, dividends and appreciation which may accrue
 716 thereto. Any moneys remaining in the Fund at the end of a biennium shall not revert to the general
 717 fund, but shall remain in the Fund, subject to the determination by the Commonwealth Transportation
 718 Board that a Category 2, 3 or 4 project or projects may be funded.

719 B. Allocations from this Fund may be paid (i) to any authority, locality or commission for the
 720 purposes of paying the costs of the Northern Virginia Transportation District Program which consists of
 721 the following: the Fairfax County Parkway, Route 234 Bypass, Metrorail Capital Improvements
 722 attributable to Fairfax County including Metro parking expansions, Metro Capital Improvements,
 723 including the Franconia-Springfield Metrorail Station and new rail car purchases, Route 7 improvements
 724 in Loudoun County and Fairfax County, the Route 50/Courthouse Road interchange improvements in
 725 Arlington County, the Route 28/Route 625 interchange improvements in Loudoun County, Metrorail
 726 capital improvements attributable to the City of Alexandria including the King Street Metrorail Station
 727 access, Metrorail capital improvements attributable to Arlington County, including Ballston Station
 728 improvements, Route 15 safety improvements in Loudoun County, Route 28 parallel roads in Loudoun
 729 County, the Route 28/Sterling Boulevard interchange in Loudoun County, Route 1/Route 123
 730 interchange improvements in Prince William County, Lee Highway improvements in the City of Fairfax,
 731 Route 123 improvements in Fairfax County, Telegraph Road improvements in Fairfax County, Route
 732 123 Occoquan River Bridge, Gallows Road in Fairfax County, Route 1/Route 234 interchange
 733 improvements in Prince William County, *the bus replacement program formerly under the auspices of*
 734 *the Potomac- and Rappahannock Transportation Commission bus replacement program*, and Dulles
 735 Corridor Enhanced Transit program and (ii) for Category 4 projects as provided in § 2 of the act or acts

736 authorizing the issuance of Bonds for the Northern Virginia Transportation District Program.
737 C. On or before July 15, 1994, \$19 million shall be transferred to the Fund. Such transfer shall be
738 made by the issuance of a treasury loan at no interest in the amount of \$19 million in the event such an
739 amount is not included for the Fund in the general appropriation act enacted by the 1994 Session of the
740 General Assembly. Such treasury loan shall be repaid from the Commonwealth's portion of the state
741 recordation tax imposed by Chapter 8 (§ 58.1-800 et seq.) of Title 58.1 designated for the Fund by this
742 section and § 58.1-816.
743 2. That effective July 1, 2012, all duties, responsibilities, and powers of the Northern Virginia
744 Transportation Commission, as set forth in § 15.2-4503.1 of the Code of Virginia, and the Potomac
745 and Rappahannock Transportation Commission, as set forth in § 15.2-4507 of the Code of
746 Virginia, shall be transferred to the Northern Virginia Transportation Authority.
747

12104534

2012 SESSION

INTRODUCED

HOUSE BILL NO. 1291

Offered January 24, 2012

1
 2
 3 A BILL to amend and reenact §§ 2.2-203, 2.2-203.2:1, 2.2-212, 2.2-214, 2.2-215, 2.2-221, 2.2-230, 2.2-435.8,
 4 2.2-517, 2.2-712, 2.2-1111, 2.2-1122, 2.2-1137, 2.2-1201, 2.2-1204, 2.2-1507, 2.2-2001, 2.2-2001.1, 2.2-
 5 2004, 2.2-2006, 2.2-2012, 2.2-2101, as it is currently effective and as it shall become effective, 2.2-2411, 2.2-
 6 2528, 2.2-2626, 2.2-2627, 2.2-2664, 2.2-2666.3, 2.2-2674.01, 2.2-2676, 2.2-2677, 2.2-2696, 2.2-3000, 2.2-
 7 3003 through 2.2-3005.1, 2.2-3401, 2.2-3402, 2.2-3501, 2.2-3705.2, 2.2-3705.3, 2.2-3705.5, 2.2-3711, 2.2-
 8 3902, 2.2-4002, 2.2-4006, 2.2-4024, 2.2-4117, 2.2-4118, 2.2-4343, 2.2-4345, 2.2-5300, 2.2-5510, 3.2-102,
 9 3.2-109, 3.2-111, 3.2-114, 3.2-1100, 3.2-1102, 3.2-1800, 3.2-1802 through 3.2-1808, 3.2-1810, 3.2-1812, 3.2-
 10 1813, 3.2-1815, 3.2-2400 through 3.2-2410, 3.2-3900, 3.2-6588, 4.1-207.1, 4.1-223, 8.01-44.3, 8.01-66.9,
 11 8.01-384.1, 8.01-418.2, 8.01-581.23, 9.1-108, 10.1-104, 10.1-107, 10.1-400, 10.1-560, 10.1-603.2, 10.1-
 12 603.2:1, 10.1-603.2:2, 10.1-603.4, 10.1-603.8:1, 10.1-603.12, 10.1-603.12:1, 10.1-603.14, 10.1-1102, 10.1-
 13 1103, 10.1-1183, 10.1-1186, 10.1-1422.01, 13.1-543, 13.1-544, 13.1-549, 13.1-553, 13.1-1102, 13.1-1103,
 14 13.1-1111, 15.2-738, 15.2-1507, 15.2-1535, 15.2-1604, 15.2-2159, 15.2-2232, 15.2-4503.1, 15.2-4515, 15.2-
 15 4830, 16.1-287, 16.1-293, 19.2-164.1, 19.2-389, 22.1-17.1, 22.1-19, 22.1-140, 22.1-209.1:2, 22.1-214, 22.1-
 16 217.01, 22.1-289, 22.1-346.2, 23-9.9:01, 23-50.16:24, 30-34.2:1, 30-182, 30-193, 30-198, 30-326, 32.1-23.1,
 17 32.1-45.1, 32.1-64.1, 32.1-89, 32.1-102.1, 32.1-116.1, 32.1-127.1:04, 32.1-163, 32.1-163.3, 32.1-164.1, 32.1-
 18 164.1:01, 32.1-164.1:2, 32.1-165, 32.1-283.5, 32.1-330.3, 37.2-304, 37.2-312.1, 37.2-504, 37.2-505, 37.2-
 19 605, 37.2-802, 37.2-1000, 37.2-1010, 37.2-1015, 40.1-51.4:4, 44-123.3, 45.1-161.292:2, 45.1-161.292:11,
 20 45.1-161.292:19 through 45.1-161.292:22, 45.1-161.292:24 through 45.1-161.292:29, 45.1-161.292:71,
 21 45.1-186.1, 45.1-194, 46.2-221, 46.2-411, 46.2-649.1, 46.2-753, 46.2-1217, 51.1-124.22, 51.1-124.27, 51.1-
 22 1101, 51.5-1, 51.5-31, 51.5-33, 51.5-39.2, 51.5-39.7, 51.5-39.10, 51.5-41, 51.5-44, 53.1-5, 53.1-10, 53.1-32,
 23 53.1-32.1, 53.1-41, 53.1-63.1, 54.1-300, 54.1-400, 54.1-402.2, 54.1-403, 54.1-407, 54.1-411, 54.1-500, 54.1-
 24 500.1, 54.1-501, 54.1-516, 54.1-700, 54.1-701, 54.1-703, 54.1-704.1, 54.1-704.2, 54.1-705, 54.1-706, 54.1-
 25 1500, 54.1-2200, as it is currently effective and as it shall become effective, 54.1-3005, 54.1-3408, 57-60,
 26 58.1-3, 58.1-344.3, 58.1-439.11, 58.1-638, 58.1-662, 58.1-2259, 59.1-203, 59.1-207.3, 59.1-207.34, 59.1-
 27 207.39, 59.1-207.44, 59.1-429, 59.1-432, 59.1-433, 59.1-473, 62.1-44.5, 62.1-229.4, 63.2-100, 63.2-215,
 28 63.2-313, 63.2-315, 63.2-401, 63.2-405, 63.2-1600, 63.2-1601, 63.2-1602, 63.2-1605, 63.2-1606, 63.2-1700,
 29 63.2-1706, 63.2-1734, 63.2-1810, 63.2-2100, 63.2-2102, 66-3, 66-10, 66-13, 66-25.1, as it is currently
 30 effective and as it shall become effective, 66-25.1:2, and 66-25.4 of the Code of Virginia; to amend the Code
 31 of Virginia by adding in Article 2 of Chapter 2 of Title 2.2 a section numbered 2.2-203.2:2, by adding in
 32 Chapter 5 of Title 2.2 an article numbered 4, consisting of sections numbered 2.2-520 through 2.2-524, by
 33 adding sections numbered 2.2-1202.1 and 2.2-1501.1, by adding in Chapter 24 of Title 2.2 an article
 34 numbered 23, consisting of sections numbered 2.2-2465 through 2.2-2469, by adding in Article 9 of Chapter
 35 26 of Title 2.2 sections numbered 2.2-2627.1 and 2.2-2627.2, by adding in Chapter 39 of Title 2.2 a section
 36 numbered 2.2-3903, by adding in Chapter 18 of Title 3.2 an article numbered 3, consisting of sections
 37 numbered 3.2-1816 through 3.2-1822, by adding sections numbered 3.2-2407.1 and 4.1-103.02, by adding in
 38 Chapter 2 of Title 22.1 a section numbered 22.1-20.1, by adding in Chapter 9 of Title 51.5 a section
 39 numbered 51.5-39.13, by adding in Title 51.5 a chapter numbered 14, containing articles numbered 1 through
 40 13, consisting of sections numbered 51.5-116 through 51.5-191, by adding in Title 52 a chapter numbered 12,
 41 consisting of sections numbered 52-50 through 52-75, by adding sections numbered 54.1-1500.1 and 54.1-
 42 1500.2, by adding in Chapter 15 of Title 54.1 an article numbered 3, consisting of sections numbered 54.1-
 43 1506 through 54.1-1509, by adding sections numbered 54.1-2200.1 and 54.1-2200.2, by adding in Chapter 22
 44 of Title 54.1 an article numbered 3, consisting of sections numbered 54.1-2208.1 through 54.1-2208.4, and by
 45 adding a section numbered 66-13.1; and to repeal § 2.2-118, Chapter 7 (§§ 2.2-700 through 2.2-720),
 46 Chapter 10 (§§ 2.2-1000 and 2.2-1001), Article 9 (§§ 2.2-2328 through 2.2-2335) of Chapter 22, Articles 6
 47 (§§ 2.2-2411 and 2.2-2412), 7 (§§ 2.2-2413 and 2.2-2414), 12 (§§ 2.2-2426 through 2.2-2433), and 13 (§ 2.2-
 48 2434) of Chapter 24, Articles 8 (§§ 2.2-2620 through 2.2-2625), 9 (§§ 2.2-2626 and 2.2-2627), 10 (§§ 2.2-
 49 2628 through 2.2-2629.2), 12 (§§ 2.2-2632 through 2.2-2639), and 26 (§§ 2.2-2675 through 2.2-2678) of
 50 Chapter 26, Articles 2 (§§ 2.2-2705 through 2.2-2708.1) and 4 (§ 2.2-2711) of Chapter 27, and § 2.2-4118 of
 51 Title 2.2, Chapter 25 (§§ 3.2-2500 through 3.2-2510), §§ 3.2-3901, 3.2-3902, 3.2-3903, and 3.2-3905, and

52 Chapter 41 (§§ 3.2-4100 through 3.2-4111) of Title 3.2, Article 4 (§§ 10.1-217.1 through 10.1-217.6) of
53 Chapter 2, §§ 10.1-406, 10.1-603.14:1, 10.1-1172, 10.1-1422.02, and 10.1-1422.03 and Chapter 21.2 (§§
54 10.1-2135 through 10.1-2140) of Title 10.1, Chapter 18 (§§ 22.1-339 through 22.1-345.1) of Title 22.1,
55 Article 1.1 (§§ 32.1-166.1 through 32.1-166.10) of Chapter 6 of Title 32.1, §§ 45.1-161.292:15, 45.1-
56 161.292:16, 45.1-161.292:18, 45.1-161.292:23, 45.1-195, and 45.1-196, § 46.2-224 and Chapter 28 (§§ 46.2-
57 2800 through 46.2-2828) of Title 46.2, § 51.5-2 and Chapters 2 (§§ 51.5-3 through 51.5-5.01), 3 (§§ 51.5-8
58 through 51.5-10.1), 3.1 (§§ 51.5-12.1 through 51.5-12.4), 4 (§§ 51.5-13 through 51.5-14.1), 5 (§§ 51.5-15
59 through 51.5-22), 6 (§§ 51.5-23 through 51.5-30), and 13 (§§ 51.5-106 through 51.5-115) of Title 51.5,
60 Article 2 (§§ 54.1-412, 54.1-413, and 54.1-414) of Chapter 4, Article 3 (§§ 54.1-517.3, 54.1-517.4, and 54.1-
61 517.5) of Chapter 5, § 54.1-703.2, Chapter 14 (§§ 54.1-1400 through 54.1-1405), §§ 54.1-1502 and 54.1-
62 1503, Chapter 17 (§§ 54.1-1700 through 54.1-1706), and § 54.1-2202, as it is currently effective and as it
63 shall become effective, of Title 54.1, §§ 63.2-800, 63.2-1528, 63.2-1602.1, 63.2-1604, and 63.2-1735 of the
64 Code of Virginia and the second enactment of Chapter 551 of the Acts of Assembly of 2011, relating to the
65 Governor's reorganization of the executive branch of state government; elimination of the Commonwealth
66 Competition Council, the Interagency Dispute Resolution Council, the Virginia Public Buildings Board, the
67 Virginia Council on Human Resources, the Small Business Advisory Board, the Board of Surface Mining
68 Review, the Board of Mineral Mining Examiners, the Virginia National Defense Industrial Authority, the
69 Virginia Public Broadcasting Board, the Hemophilia Advisory Board, the Sewage Handling and Disposal
70 Appeal Review Board, the Boating Advisory Committee, the Council on Indians, the Litter Control and
71 Recycling Fund Advisory Board, the Foundation for Virginia's Natural Resources, the Board of Correctional
72 Education, the Virginia Juvenile Enterprise Committee, the Board of Transportation Safety, and the Board of
73 Towing and Recovery Operators; consolidation of the Department of Employment Dispute Resolution into the
74 Department of Human Resource Management, the Human Rights Council and the Office of Consumer Affairs
75 of the Department of Agriculture and Consumer Services into the Office of the Attorney General, the
76 Reforestation of Timberlands Board into the Board of Forestry, the Seed Potato Board and the Potato Board,
77 the Bright Flue-Cured Tobacco Board and the Dark-Fired Tobacco Board, the Pesticide Control Board into
78 the Board of Agriculture and Consumer Services, the Board for Opticians and the Board for Hearing Aid
79 Specialists, the Board for Geology and the Board for Professional Soil Scientists and Wetland Professionals,
80 the Virginia Department for the Deaf and Hard-of-Hearing, the Department for Aging, the Department of
81 Rehabilitative Services, and adult services and adult protective services of the Department of Social Services
82 into the Department for the Aging, the Deaf and Hard of Hearing, and Rehabilitative Services, the Public
83 Guardian and Conservator Advisory Board and the Alzheimer's Disease and Related Disorders Commission
84 into the Commonwealth Council on Aging, the Advisory Board on Child Abuse and Neglect into the Family
85 and Children's Trust Fund, the Child Day-Care Council into the Board of Social Services, the Chippokes
86 Plantation Farm Foundation and Board of Trustees and the Scenic River Board into the Board of
87 Conservation and Recreation, the Department of Correctional Education into the Departments of Corrections
88 and Juvenile Justice, the Northern Virginia Transportation Commission and the Northern Virginia
89 Transportation Authority, and the Virginia War Memorial Foundation becomes the Virginia War Memorial
90 Board under the Department of Veterans Services; deregulation of the professions of hair braiding, mold
91 inspectors and mold remediators, and interior design; transfer of certain powers and duties from the
92 Department of Environmental Quality to the Department of Conservation and Recreation concerning
93 environmental education, from the Virginia Soil and Water Conservation Board to the State Water Control
94 Board concerning municipal separate storm sewer system (MS4) permitting, and from the Governor's Office
95 of Substance Abuse Prevention to the Department of Alcoholic Beverage Control concerning substance abuse
96 prevention.

97 Patron—Gilbert

98 Introduced at the request of the Governor

99 Referred to Committee on General Laws

104 **Be it enacted by the General Assembly of Virginia:**

105 **1. That §§ 2.2-203.2:1, 2.2-1111, 2.2-2012, 2.2-2101, as it is currently effective and as it shall become**
106 **effective, and 23-9.9:01 of the Code of Virginia are amended and reenacted and that the Code of Virginia is**
107 **amended by adding a section number 2.2-1501.1 as follows:**

108 § 2.2-203.2:1. Secretary to report state job elimination due to privatization.

109 On or before November 30 of each year, the Secretary shall report to the Governor and the General Assembly
110 on the number of state jobs eliminated in the immediately preceding fiscal year due to the privatization of
111 commercial activities to a commercial source. As used in this section, "~~commercial activities~~" and "~~commercial~~
112 ~~source~~" shall mean the same as those terms are defined in § 2.2-2620 unless the context requires a different
113 meaning:

114 "*Commercial activities*" means performing services or providing goods that can normally be obtained from
115 private enterprise.

116 "*Commercial source*" means any business or other concern that is eligible for a contract award in
117 accordance with the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

118 § 2.2-1111. Purchases to be made in accordance with the Virginia Public Procurement Act (§ 2.2-4300 et
119 seq.) and regulations of Division; exempt purchases.

120 A. All purchases made by any department, division, officer or agency of the Commonwealth shall be made in
121 accordance with the Virginia Public Procurement Act (§ 2.2-4300 et seq.) and such regulations as the Division
122 may prescribe.

123 B. The regulations adopted by the Division shall:

124 1. Include a purchasing plan that shall be on file at the Division and shall be available to the public upon
125 request;

126 2. Require that before any public body procures any computer system, equipment or software, it shall
127 consider whether the proposed system, equipment or software is capable of producing products that facilitate the
128 rights of the public to access official records under the Freedom of Information Act (§ 2.2-3700 et seq.) or other
129 applicable law;

130 3. Require state public bodies to procure only shielded outdoor light fixtures and provide for waivers of this
131 requirement when the Division determines that a bona fide operational, temporary, safety or specific aesthetic
132 need is indicated or that such fixtures are not cost effective over the life cycle of the fixtures. For the purposes of
133 this subdivision, "shielded outdoor light fixture" means an outdoor light fixture that is (i) fully shielded so that no
134 light rays are emitted by the installed fixture above the horizontal plane or (ii) constructed so that no more than
135 two percent of the total luminaire lumens in the zone of 90 to 180 degrees vertical angle is permitted, if the related
136 output of the luminaire is greater than 3200 lumens. In adopting regulations under this subdivision, the Division
137 shall consider national standards for outdoor lighting as adopted by the Illuminating Engineering Society of North
138 America (IESNA).

139 For any project initiated on or after July 1, 2003, the Virginia Department of Transportation shall design all
140 lighting systems in accordance with current IESNA standards and recommended practices. The lighting system
141 shall utilize fixtures that minimize glare, light trespass, and skyglow, all as defined by the IESNA, while still
142 providing a comfortable, visually effective, safe, and secure outdoor environment in a cost-effective manner over
143 the life cycle of the lighting system;

144 4. Establish the conditions under which a public body may use, as a basis for the procurement of goods and
145 nonprofessional services, a particular vendor's contract-pricing that has been negotiated and accepted by the U.S.
146 General Services Administration;

147 5. Establish procurement preferences for products containing recycled oil (including reprocessed and
148 rerefined oil products) and recycled antifreeze no later than December 31, 2002;

149 6. Establish conditions under which a public body shall demonstrate a good faith effort to ensure that state
150 contracts or subcontracts for goods or services that involve the manual packaging of bulk supplies or the manual
151 assemblage of goods where individual items weigh less than 50 pounds be offered to nonprofit sheltered
152 workshops or other nonprofit organizations that offer transitional or supported employment services serving the
153 handicapped; and

154 7. ~~Require that on or before October 1, 2009, and every two years thereafter, the Director of the Department~~
155 ~~of General Services shall solicit from each state agency and public institution of higher education a list of~~

11525 2825. Funding for the cost of expenses shall be provided by the Department of Behavioral Health and
 11526 Developmental Services.

11527 F. The duties of the Council shall be:

11528 1. To recommend policies and goals to the Governor, the General Assembly, and the State Board of
 11529 Behavioral Health and Developmental Services;

11530 2. To coordinate agency programs and activities, to prevent duplication of functions, and to combine all
 11531 agency plans into a comprehensive interagency state plan for substance abuse services;

11532 3. To review and comment on annual state agency budget requests regarding substance abuse and on all
 11533 applications for state or federal funds or services to be used in substance abuse programs;

11534 4. To define responsibilities among state agencies for various programs for persons with substance abuse and
 11535 to encourage cooperation among agencies; and

11536 5. To make investigations, issue annual reports to the Governor and the General Assembly, and make
 11537 recommendations relevant to substance abuse upon the request of the Governor.

11538 G. Staff assistance shall be provided to the Council by the Office of Substance Abuse Services of the
 11539 Department of Behavioral Health and Developmental Services.

11540 *§ 4.1-103.02. Additional powers; substance abuse prevention.*

11541 *It shall be the responsibility of the Board to administer a substance abuse prevention program within the*
 11542 *Commonwealth and to (i) coordinate substance abuse prevention activities of agencies of the Commonwealth in*
 11543 *such program, (ii) review substance abuse prevention program expenditures by agencies of the Commonwealth,*
 11544 *and (iii) determine the direction and appropriateness of such expenditures. The Board shall cooperate with*
 11545 *federal, state, and local agencies, private and public agencies, interested organizations, and individuals in order*
 11546 *to prevent substance abuse within the Commonwealth. The Board shall report annually by December 1 of each*
 11547 *year to the Governor and the General Assembly on the substance abuse prevention activities of the*
 11548 *Commonwealth.*

11549 **113. That § 2.2-118 of the Code of Virginia is repealed.***

11550 **114. That § 46.2-224 of the Code of Virginia is repealed.***

11551 **115. That §§ 15.2-4503.1, 15.2-4515, 15.2-4830, 46.2-753, 58.1-3 and 58.1-638 of the Code of Virginia are**
 11552 **amended and reenacted as follows:**

11553 *§ 15.2-4503.1. Northern Virginia Transportation District and Commission.*

11554 *A. There is hereby created the Northern Virginia Transportation District comprised of the Counties of*
 11555 *Arlington, Fairfax, Loudoun, and the Cities of Alexandria, Falls Church, and Fairfax and such other county or city*
 11556 *contiguous to the District that agrees to join the District.*

11557 *B. There is hereby established the Northern Virginia Transportation Commission (the Commission) as a*
 11558 *transportation commission pursuant to this chapter. The Commission shall consist of five nonlegislative citizen*
 11559 *members from Fairfax County, three nonlegislative citizen members from Arlington County, one nonlegislative*
 11560 *citizen member from the County of Loudoun, two nonlegislative citizen members from the City of Alexandria,*
 11561 *one nonlegislative member from the City of Falls Church, one nonlegislative citizen member from the City of*
 11562 *Fairfax, and the Chairman of the Commonwealth Transportation Board or his designee to serve ex officio with*
 11563 *voting privileges. If a county or city contiguous to the District agrees to join the District, such jurisdiction shall*
 11564 *appoint one nonlegislative citizen member to the Commission. Members from the respective counties and cities*
 11565 *shall be appointed from their governing bodies. The Commission shall also include four members of the House of*
 11566 *Delegates appointed by the Speaker of the House of Delegates for terms coincident with their terms of office and*
 11567 *two members of the Senate appointed by the Senate Committee on Rules for terms coincident with their terms of*
 11568 *office. Members may be reappointed for successive terms. All members shall be citizens of the Commonwealth.*
 11569 *Except for the Chairman of the Commonwealth Transportation Board or his designee, all members of the*
 11570 *Commission shall be residents of the localities comprising the Transportation District. Vacancies occurring other*
 11571 *than by expiration of a term shall be filled for the unexpired term. Vacancies shall be filled in the same manner as*
 11572 *the original appointments.*

11573 *The Commission shall consist of 17 members, who are also members of the Northern Virginia Transportation*
 11574 *Authority, as follows: the chief elected officer of the governing body of each county and city embraced by the*
 11575 *Authority or, in the discretion of the chief elected officer, his designee, who shall be a current elected officer of*
 11576 *such governing body; two members of the House of Delegates who reside in different counties or cities embraced*
 11577 *by the Authority, appointed by the Speaker of the House, to the extent practicable, from the membership of the*

11578 *House Committee on Appropriations, the House Committee on Finance, or the House Committee on*
 11579 *Transportation; one member of the Senate who resides in a county or city embraced by the Authority, appointed*
 11580 *by the Senate Committee on Rules, to the extent practicable, from the membership of the Senate Committee on*
 11581 *Finance and the Senate Committee on Transportation; and two citizens who reside in counties and cities*
 11582 *embraced by the Authority, appointed by the Governor, provided that (i) one gubernatorial appointment includes*
 11583 *a member of the Commonwealth Transportation Board who resides in a county or city embraced by the Authority,*
 11584 *(ii) the remaining gubernatorial appointment shall be a person who has significant experience in transportation*
 11585 *planning, finance, engineering, construction, or management and shall be a resident of a county or city embraced*
 11586 *by the Authority, and (iii) the citizen members shall not be a resident of the same county or city.*

11587 *Legislative members shall serve terms coincident with their terms of office. The gubernatorial appointee who*
 11588 *is not a member of the Commonwealth Transportation Board shall serve for a term of four years. Vacancies*
 11589 *occurring other than by expiration of a term shall be filled for the unexpired term. Vacancies shall be filled in the*
 11590 *same manner as the original appointments.*

11591 *C. Beginning July 1, 2013, the powers of the Commission shall be limited to the making of appointments to*
 11592 *the Washington Metropolitan Area Transit Authority. All assets and liabilities of the Commission shall be*
 11593 *subsumed by the Northern Virginia Transportation Authority.*

11594 *D. Beginning July 1, 2013, in the Northern Virginia Transportation District, comprised of the Counties of*
 11595 *Arlington, Fairfax, and Loudoun and the Cities of Alexandria, Falls Church, and Fairfax, and such other counties*
 11596 *or cities contiguous to the District that agrees to join the District, all powers, duties, and responsibilities granted*
 11597 *under the Transportation District Act of 1964 shall be assumed by the Northern Virginia Transportation*
 11598 *Authority.*

11599 § 15.2-4515. Powers and functions generally.

11600 A. Any other provision of law to the contrary notwithstanding, a commission shall, except as provided in
 11601 subsection B herein, have the following powers and functions:

11602 1. The commission shall prepare the transportation plan for the transportation district and shall from time to
 11603 time revise and amend the plan in accordance with the planning process and procedures specified in Article 7 (§§
 11604 15.2-4527 and 15.2-4528) of this chapter.

11605 2. The commission may, when a transportation plan is adopted according to Article 7, construct or acquire, by
 11606 purchase or lease, the transportation facilities specified in such transportation plan.

11607 3. The commission may enter into agreements or leases with private companies for the operation of its
 11608 facilities, or may operate such facilities itself.

11609 4. The commission may enter into contracts or agreements with the counties and cities within the
 11610 transportation district, or with counties and cities which adjoin the transportation district and are within the same
 11611 planning district, or with other commissions of adjoining transportation districts, to provide, or cause to be
 11612 provided, transit facilities and service to such counties and cities, or to provide transit facilities and other modes
 11613 of transportation between adjoining transportation districts. Such contracts or agreements, together with any
 11614 agreements or leases for the operation of such facilities, may be utilized by the transportation district to finance
 11615 the construction and operation of transportation facilities and such contracts, agreements or leases shall inure to
 11616 the benefit of any creditor of the transportation district.

11617 Notwithstanding the above, however, except in any transportation district containing any or all of the
 11618 Counties of Hanover, Henrico, and Chesterfield or the City of Richmond, being so delegated by the respective
 11619 local governments, the commission shall not have the power to regulate services provided by taxicabs, either
 11620 within municipalities or across municipal boundaries, which regulation is expressly reserved to the municipalities
 11621 within which taxicabs operate. In any transportation district containing any or all of the Counties of Hanover,
 11622 Henrico, and Chesterfield or the City of Richmond, the commission may upon proper authority granted by the
 11623 respective component governments, regulate services provided by taxicabs, either within localities or across
 11624 county or city boundaries.

11625 B. When the transportation district is located within a metropolitan area which includes all or a portion of a
 11626 state or states contiguous to Virginia, the commission:

11627 1. Shall not prepare a transportation plan nor construct or operate transit facilities, but shall collaborate and
 11628 cooperate in the manner specified in Article 7 (§§ 15.2-4527 and 15.2-4528) with an agency in preparing,
 11629 revising, and amending a transportation plan for such metropolitan area.

11630 2. Shall, according to Article 7 and in cooperation with the governing bodies of the component governments
11631 embraced within the transportation district, formulate the tentative policy and decisions of the transportation
11632 district with respect to the planning, design, location, construction, operation and financing of transportation
11633 facilities.

11634 3. May, when a transportation plan applicable to such a transportation district is adopted, enter into contracts
11635 or agreements with an agency to contribute to the capital required for the construction and/or acquisition of
11636 transportation facilities and for meeting expenses and obligations in the operations of such facilities.

11637 4. May, when a transportation plan applicable to such transportation district is adopted, enter into contracts or
11638 agreements with the counties and cities within the transportation district to provide or cause to be provided
11639 transportation facilities and service to such counties and cities.

11640 5. Notwithstanding any other provision herein to the contrary:

11641 a. May acquire land or any interest therein by purchase, lease, gift, condemnation or otherwise and provide
11642 transportation facilities thereon for use in connection with any transportation service;

11643 b. May acquire land or any interest therein by purchase, lease, gift, condemnation or otherwise in advance of
11644 need for sale or contribution to an agency, for use by that agency in connection with an adopted mass transit plan;

11645 c. May, in accordance with the terms of any grant from or loan by the United States of America or the
11646 Commonwealth, or any agency or instrumentality thereof, or when necessary to preserve essential transportation
11647 service, acquire transit facilities or any carrier, which is subject to the jurisdiction of the Washington Metropolitan
11648 Area Transit Commission, by acquisition of the capital stock or transit facilities and other assets of any such
11649 carrier and shall provide for the performance of transportation by any such carrier or with such transit facilities by
11650 contract or lease. However, the contract or lease shall be for a term of no more than one year, renewable for
11651 additional terms of similar duration, and, in order to assure acceptable fare levels, may provide for financial
11652 assistance by purchase of service, operating subsidies or otherwise. No such service will be rendered which will
11653 adversely affect transit service rendered by the transit facilities owned or controlled by the agency or any existing
11654 private transit or transportation company. When notified by the agency that it is authorized to perform or cause to
11655 be performed transportation services with motor vehicle facilities, the commission, upon request by the agency,
11656 shall transfer such capital stock or transit facilities to the agency at a price to be agreed upon; and

11657 d. May prepare a plan for mass transportation services with cities, counties, agencies, authorities, or
11658 commissions and may further contract with transportation companies, cities, counties, commissions, authorities,
11659 agencies, and departments of the Commonwealth and appropriate agencies of the federal government and/or
11660 governments contiguous to Virginia to provide necessary facilities, equipment, operations and maintenance,
11661 access, and insurance pursuant to such plan.

11662 C. The provisions of subdivisions 1 through 4 and provisions b and c of subdivision 5 of subsection B shall
11663 not apply (i) to any transportation district which may be established on or after July 1, 1986, and which includes
11664 any one or more jurisdictions which are located within a metropolitan area, but which were not, on January 1,
11665 1986, members of any other transportation district or (ii) to any jurisdiction which, after July 1, 1989, joins a
11666 transportation district which was established on or before January 1, 1986. The provisions of this subsection shall
11667 only apply to any transportation district or jurisdiction which is contiguous to the Northern Virginia
11668 Transportation District. Any such district or jurisdiction shall be subject to the provisions of subsection A hereof,
11669 and further may exercise the powers granted by subdivision B 5 a to acquire land or any interest therein by
11670 purchase, lease, gift, condemnation or otherwise and provide transportation facilities thereon for use in connection
11671 with any transportation service.

11672 D. Until such time as a commission enters into contracts or agreements with its component governments
11673 under the provisions of subdivisions A 4 and B 4 and is receiving revenues thereunder, adequate to meet the
11674 administrative expenses of the commission after paying or providing for the payment of the obligations arising
11675 under said subdivisions, the administrative expenses of the commission shall be borne by the component
11676 governments in the manner herein set forth. The commission annually shall submit to the governing bodies of the
11677 component counties and cities a budget of its administrative requirements for the next year. Except for the
11678 Northern Virginia Transportation Commission, the administrative expenses of the commission, to the extent funds
11679 for such expenses are not provided from other sources, shall be allocated among the component governments on
11680 the basis of population as reflected by the latest population statistics of the Bureau of the Census; however, upon
11681 the request of any component government, the commission shall make the allocation upon estimates of population
11682 prepared in a manner approved by the commission and by the governing body of the component government

11683 making such request. For the Northern Virginia Transportation Commission, the administrative expenses of the
 11684 Commission, to the extent funds for such expenses are not provided from other sources, shall be allocated among
 11685 the component governments on the basis of the relative shares of state and federal transit aids allocated by the
 11686 Commission among its component governments. Such budget shall be limited solely to the administrative
 11687 expenses of the Commission and shall not include any funds for construction or acquisition of transportation
 11688 facilities and/or the performing of transportation service. In addition, the Commission annually shall submit to the
 11689 governing bodies of the component counties and cities a budget of its other expenses and obligations for the
 11690 ensuing year. Such expenses and obligations shall be borne by the component counties and cities in accordance
 11691 with prior arrangements made therefor.

11692 E. When a transportation plan has been adopted under § 15.2-4528 A 4, the commission shall determine the
 11693 equitable allocation among the component governments of the costs incurred by the district in providing the
 11694 transportation facilities proposed in the transportation plan and any expenses and obligations from the operation
 11695 thereof to be borne by each county and city. In making such determinations, the commission shall consider the
 11696 cost of the facilities located within each county and city, the population of each county and city, the benefits to be
 11697 derived by each county and city from the proposed transportation service and all other factors which the
 11698 commission determines to be relevant. Such determination, however, shall not create a commitment by the
 11699 counties and cities and such commitments shall be created only under the contracts or agreements specified in
 11700 subdivisions A 4 and B 4.

11701 § 15.2-4830. Authority created.

11702 There is hereby created a political subdivision of the Commonwealth known as the Northern Virginia
 11703 Transportation Authority, hereinafter known as "the Authority."

11704 In addition to such other powers vested in the Authority by this chapter, the Authority shall have the
 11705 following powers and functions:

11706 1. The Authority shall prepare a regional transportation plan for Planning District Eight, to include, but not
 11707 necessarily be limited to, transportation improvements of regional significance, and those improvements
 11708 necessary or incidental thereto, and shall from time to time revise and amend the plan. The provisions of Article 7
 11709 (§ 15.2-4527 et seq.) of Chapter 45 of this title shall apply, mutatis mutandis, to preparation of such transportation
 11710 plan.

11711 2. The Authority may, when a transportation plan is adopted according to subdivision 1, construct or acquire,
 11712 by purchase, lease, contract, or otherwise, the transportation facilities specified in such transportation plan.

11713 3. The Authority may enter into agreements or leases with public or private entities for the operation of its
 11714 facilities, or may operate such facilities itself.

11715 4. The Authority may enter into contracts or agreements with the counties and cities embraced by the
 11716 Authority, with other transportation commissions of transportation districts adjoining any county or city embraced
 11717 by the Authority, with any transportation authority, or with any state, local, private or federal entity to provide, or
 11718 cause to be provided, transportation facilities and services to the area embraced by the Authority. Such contracts
 11719 or agreements, together with any agreements or leases for the operation of such facilities, may be used by the
 11720 Authority to finance the construction and operation of transportation facilities and such contracts, agreements or
 11721 leases shall inure to the benefit of any creditor of the Authority.

11722 Notwithstanding the above, however, the Authority shall not have the power to regulate services provided by
 11723 taxicabs, either within municipalities or across municipal boundaries, which regulation is expressly reserved to
 11724 the municipalities within which taxicabs operate.

11725 5. Notwithstanding any other provision of law to the contrary the Authority may:

11726 a. Acquire land or any interest therein by purchase, lease, or gift and provide transportation facilities thereon
 11727 for use in connection with any transportation service;

11728 b. Acquire land or any interest therein by purchase, lease, or gift in advance of the need for sale or
 11729 contribution to an agency, for use by that agency in connection with an adopted transportation plan;

11730 c. Prepare a plan for mass transportation services with persons, cities, counties, agencies, authorities, or
 11731 transportation commissions and may further contract with any such person or other entity to provide necessary
 11732 facilities, equipment, operations and maintenance, access, and insurance pursuant to such plan.

11733 6. *The Authority may exercise all powers previously exercised by the Northern Virginia Transportation*
 11734 *Commission under Chapter 45 (§ 15.2-4500 et seq.) of Title 15.2 prior to July 1, 2013, except for the making of*
 11735 *appointments to the Washington Metropolitan Area Transit Authority which appointments shall continue to be*

11736 *made by the Commission. However, the exercise of any powers by the Authority related to the Washington*
 11737 *Metropolitan Area Transit Authority, other than appointments to the Washington Metropolitan Area Transit*
 11738 *Authority, shall be made by a five member subcommittee of the Northern Virginia Transportation Authority. The*
 11739 *subcommittee shall be appointed by the Authority from its membership and shall consist of one member from each*
 11740 *of the following localities: the City of Alexandria, Arlington County, the City of Fairfax, Fairfax County, and the*
 11741 *City of Falls Church.*

11742 § 46.2-753. Additional license fees in certain localities.

11743 Notwithstanding any other provision of law, the governing bodies of Alexandria, Arlington, Fairfax County,
 11744 Fairfax City, and Falls Church are authorized to charge annual license fees, in addition to those specified in §
 11745 46.2-752, on passenger cars not used for the transportation of passengers for compensation. The additional fee
 11746 shall be no more than five dollars. The total local license fee shall be no more than twenty-five dollars on any
 11747 vehicle and this license fee shall not be imposed on any motor vehicle exempted under § 46.2-739.

11748 The governing bodies are also authorized to charge additional annual license fees on the motor vehicles,
 11749 trailers, and semitrailers as specified in § 46.2-697 in an amount of no more than five dollars for each such
 11750 vehicle. This authorization shall not increase the maximum chargeable by more than five dollars or affect any
 11751 existing exemption.

11752 Any funds acquired in excess of those allowed by § 46.2-752, shall be allocated to the Northern Virginia
 11753 Transportation Commission to be a credit to that jurisdiction making the payment for its share of any operating
 11754 deficit assigned to it by the Washington Metropolitan Area Transit Authority. *However, once functional control*
 11755 *over the Washington Metropolitan Area Transit Authority is transferred to the Northern Virginia Transportation*
 11756 *Authority, such funds shall be allocated to the Northern Virginia Transportation Authority.*

11757 § 58.1-3. Secrecy of information; penalties.

11758 A. Except in accordance with a proper judicial order or as otherwise provided by law, the Tax Commissioner
 11759 or agent, clerk, commissioner of the revenue, treasurer, or any other state or local tax or revenue officer or
 11760 employee, or any person to whom tax information is divulged pursuant to § 58.1-512 or 58.1-2712.2, or any
 11761 former officer or employee of any of the aforementioned offices shall not divulge any information acquired by
 11762 him in the performance of his duties with respect to the transactions, property, including personal property,
 11763 income or business of any person, firm or corporation. Such prohibition specifically includes any copy of a
 11764 federal return or federal return information required by Virginia law to be attached to or included in the Virginia
 11765 return. This prohibition shall apply to any reports, returns, financial documents or other information filed with the
 11766 Attorney General pursuant to the provisions of Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2. Any
 11767 person violating the provisions of this section shall be guilty of a Class 2 misdemeanor. The provisions of this
 11768 subsection shall not be applicable, however, to:

- 11769 1. Matters required by law to be entered on any public assessment roll or book;
- 11770 2. Acts performed or words spoken or published in the line of duty under the law;
- 11771 3. Inquiries and investigations to obtain information as to the process of real estate assessments by a duly
 11772 constituted committee of the General Assembly, or when such inquiry or investigation is relevant to its study,
 11773 provided that any such information obtained shall be privileged;
- 11774 4. The sales price, date of construction, physical dimensions or characteristics of real property, or any
 11775 information required for building permits;
- 11776 5. Copies of or information contained in an estate's probate tax return, filed with the clerk of court pursuant to
 11777 § 58.1-1714, when requested by a beneficiary of the estate or an heir at law of the decedent;
- 11778 6. Information regarding nonprofit entities exempt from sales and use tax under § 58.1-609.11, when
 11779 requested by the General Assembly or any duly constituted committee of the General Assembly.

11780 B. Nothing contained in this section shall be construed to prohibit the publication of statistics so classified as
 11781 to prevent the identification of particular reports or returns and the items thereof or the publication of delinquent
 11782 lists showing the names of taxpayers who are currently delinquent, together with any relevant information which
 11783 in the opinion of the Department may assist in the collection of such delinquent taxes. This section shall not be
 11784 construed to prohibit a local tax official from disclosing whether a person, firm or corporation is licensed to do
 11785 business in that locality and divulging, upon written request, the name and address of any person, firm or
 11786 corporation transacting business under a fictitious name. Additionally, notwithstanding any other provision of
 11787 law, the commissioner of revenue is authorized to provide, upon written request stating the reason for such

11788 request, the Tax Commissioner with information obtained from local tax returns and other information pertaining
11789 to the income, sales and property of any person, firm or corporation licensed to do business in that locality.

11790 C. Notwithstanding the provisions of subsection A or B or any other provision of this title, the Tax
11791 Commissioner is authorized to: (i) divulge tax information to any commissioner of the revenue, director of
11792 finance or other similar collector of county, city or town taxes who, for the performance of his official duties,
11793 requests the same in writing setting forth the reasons for such request; (ii) provide to the Commissioner of the
11794 Department of Social Services, upon written request, information on the amount of income, filing status, number
11795 and type of dependents, and whether a federal earned income tax credit has been claimed as reported by persons
11796 on their state income tax returns who have applied for public assistance or social services benefits as defined in §
11797 63.2-100; (iii) provide to the chief executive officer of the designated student loan guarantor for the
11798 Commonwealth of Virginia, upon written request, the names and home addresses of those persons identified by
11799 the designated guarantor as having delinquent loans guaranteed by the designated guarantor; (iv) provide current
11800 address information upon request to state agencies and institutions for their confidential use in facilitating the
11801 collection of accounts receivable, and to the clerk of a circuit or district court for their confidential use in
11802 facilitating the collection of fines, penalties and costs imposed in a proceeding in that court; (v) provide to the
11803 Commissioner of the Virginia Employment Commission, after entering into a written agreement, such tax
11804 information as may be necessary to facilitate the collection of unemployment taxes and overpaid benefits; (vi)
11805 provide to the Alcoholic Beverage Control Board, upon entering into a written agreement, such tax information as
11806 may be necessary to facilitate the collection of state and local taxes and the administration of the alcoholic
11807 beverage control laws; (vii) provide to the Director of the State Lottery Department such tax information as may
11808 be necessary to identify those lottery ticket retailers who owe delinquent taxes; (viii) provide to the Department of
11809 the Treasury for its confidential use such tax information as may be necessary to facilitate the location of owners
11810 and holders of unclaimed property, as defined in § 55-210.2; (ix) provide to the State Corporation Commission,
11811 upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of
11812 taxes and fees administered by the Commission; (x) provide to the Executive Director of the Potomac and
11813 Rappahannock Transportation Commission for his confidential use such tax information as may be necessary to
11814 facilitate the collection of the motor vehicle fuel sales tax; (xi) provide to the Commissioner of the Department of
11815 Agriculture and Consumer Services such tax information as may be necessary to identify those applicants for
11816 registration as a supplier of charitable gaming supplies who have not filed required returns or who owe delinquent
11817 taxes; (xii) provide to the Department of Housing and Community Development for its confidential use such tax
11818 information as may be necessary to facilitate the administration of the remaining effective provisions of the
11819 Enterprise Zone Act (§ 59.1-270 et seq.), and the Enterprise Zone Grant Program (§ 59.1-538 et seq.); (xiii)
11820 provide current name and address information to private collectors entering into a written agreement with the Tax
11821 Commissioner, for their confidential use when acting on behalf of the Commonwealth or any of its political
11822 subdivisions; however, the Tax Commissioner is not authorized to provide such information to a private collector
11823 who has used or disseminated in an unauthorized or prohibited manner any such information previously provided
11824 to such collector; (xiv) provide current name and address information as to the identity of the wholesale or retail
11825 dealer that affixed a tax stamp to a package of cigarettes to any person who manufactures or sells at retail or
11826 wholesale cigarettes and who may bring an action for injunction or other equitable relief for violation of Chapter
11827 10.1, Enforcement of Illegal Sale or Distribution of Cigarettes Act; (xv) provide to the Commissioner of Labor
11828 and Industry, upon entering into a written agreement, such tax information as may be necessary to facilitate the
11829 collection of unpaid wages under § 40.1-29; (xvi) provide to the Director of the Department of Human Resource
11830 Management, upon entering into a written agreement, such tax information as may be necessary to identify
11831 persons receiving workers' compensation indemnity benefits who have failed to report earnings as required by §
11832 65.2-712; (xvii) provide to any commissioner of the revenue, director of finance, or any other officer of any
11833 county, city, or town performing any or all of the duties of a commissioner of the revenue and to any dealer
11834 registered for the collection of the Communications Sales and Use Tax, a list of the names, business addresses,
11835 and dates of registration of all dealers registered for such tax; and (xviii) provide to the Executive Director of the
11836 Northern Virginia Transportation Commission, *or to the chief executive officer of the Northern Virginia*
11837 *Transportation Authority, as appropriate*, for his confidential use such tax information as may be necessary to
11838 facilitate the collection of the motor vehicle fuel sales tax. The Tax Commissioner is further authorized to enter
11839 into written agreements with duly constituted tax officials of other states and of the United States for the
11840 inspection of tax returns, the making of audits, and the exchange of information relating to any tax administered

11841 by the Department of Taxation. Any person to whom tax information is divulged pursuant to this section shall be
11842 subject to the prohibitions and penalties prescribed herein as though he were a tax official.

11843 D. Notwithstanding the provisions of subsection A or B or any other provision of this title, the commissioner
11844 of revenue or other assessing official is authorized to (i) provide, upon written request stating the reason for such
11845 request, the chief executive officer of any county or city with information furnished to the commissioner of
11846 revenue by the Tax Commissioner relating to the name and address of any dealer located within the county or city
11847 who paid sales and use tax, for the purpose of verifying the local sales and use tax revenues payable to the county
11848 or city; (ii) provide to the Department of Professional and Occupational Regulation for its confidential use the
11849 name, address, and amount of gross receipts of any person, firm or entity subject to a criminal investigation of an
11850 unlawful practice of a profession or occupation administered by the Department of Professional and Occupational
11851 Regulation, only after the Department of Professional and Occupational Regulation exhausts all other means of
11852 obtaining such information; and (iii) provide to any representative of a condominium unit owners' association,
11853 property owners' association or real estate cooperative association, or to the owner of property governed by any
11854 such association, the names and addresses of parties having a security interest in real property governed by any
11855 such association; however, such information shall be released only upon written request stating the reason for
11856 such request, which reason shall be limited to proposing or opposing changes to the governing documents of the
11857 association, and any information received by any person under this subsection shall be used only for the reason
11858 stated in the written request. The treasurer or other local assessing official may require any person requesting
11859 information pursuant to clause (iii) of this subsection to pay the reasonable cost of providing such information.
11860 Any person to whom tax information is divulged pursuant to this subsection shall be subject to the prohibitions
11861 and penalties prescribed herein as though he were a tax official.

11862 Notwithstanding the provisions of subsection A or B or any other provisions of this title, the treasurer or other
11863 collector of taxes for a county, city or town is authorized to provide information relating to any motor vehicle,
11864 trailer or semitrailer obtained by such treasurer or collector in the course of performing his duties to the
11865 commissioner of the revenue or other assessing official for such jurisdiction for use by such commissioner or
11866 other official in performing assessments.

11867 This section shall not be construed to prohibit a local tax official from imprinting or displaying on a motor
11868 vehicle local license decal the year, make, and model and any other legal identification information about the
11869 particular motor vehicle for which that local license decal is assigned.

11870 E. Notwithstanding any other provisions of law, state agencies and any other administrative or regulatory unit
11871 of state government shall divulge to the Tax Commissioner or his authorized agent, upon written request, the
11872 name, address, and social security number of a taxpayer, necessary for the performance of the Commissioner's
11873 official duties regarding the administration and enforcement of laws within the jurisdiction of the Department of
11874 Taxation. The receipt of information by the Tax Commissioner or his agent which may be deemed taxpayer
11875 information shall not relieve the Commissioner of the obligations under this section.

11876 F. Additionally, it shall be unlawful for any person to disseminate, publish, or cause to be published any
11877 confidential tax document which he knows or has reason to know is a confidential tax document. A confidential
11878 tax document is any correspondence, document, or tax return that is prohibited from being divulged by subsection
11879 A, B, C, or D of this section and includes any document containing information on the transactions, property,
11880 income, or business of any person, firm, or corporation that is required to be filed with any state official by §
11881 58.1-512. This prohibition shall not apply if such confidential tax document has been divulged or disseminated
11882 pursuant to a provision of law authorizing disclosure. Any person violating the provisions of this subsection shall
11883 be guilty of a Class 2 misdemeanor.

11884 § 58.1-638. Disposition of state sales and use tax revenue; localities' share; Game Protection Fund.

11885 A. The Comptroller shall designate a specific revenue code number for all the state sales and use tax revenue
11886 collected under the preceding sections of this chapter.

11887 1. The sales and use tax revenue generated by the one-half percent sales and use tax increase enacted by the
11888 1986 Special Session of the General Assembly shall be paid, in the manner hereinafter provided in this section, to
11889 the Transportation Trust Fund as defined in § 33.1-23.03:1. Of the funds paid to the Transportation Trust Fund, an
11890 aggregate of 4.2 percent shall be set aside as the Commonwealth Port Fund as provided in this section; an
11891 aggregate of 2.4 percent shall be set aside as the Commonwealth Airport Fund as provided in this section; and an
11892 aggregate of 14.5 percent in fiscal year 1998-1999 and 14.7 percent in fiscal year 1999-2000 and thereafter shall
11893 be set aside as the Commonwealth Mass Transit Fund as provided in this section. The Fund's share of such net

11894 revenue shall be computed as an estimate of the net revenue to be received into the state treasury each month, and
11895 such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All
11896 payments shall be made to the Fund on the last day of each month.

11897 2. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be a part
11898 of the Transportation Trust Fund and which shall be known as the Commonwealth Port Fund.

11899 a. The Commonwealth Port Fund shall be established on the books of the Comptroller and the funds
11900 remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund.
11901 Interest earned on such funds shall remain in the Fund and be credited to it. Funds may be paid to any authority,
11902 locality or commission for the purposes hereinafter specified.

11903 b. The amounts allocated pursuant to this section shall be allocated by the Commonwealth Transportation
11904 Board to the Board of Commissioners of the Virginia Port Authority to be used to support port capital needs and
11905 the preservation of existing capital needs of all ocean, river, or tributary ports within the Commonwealth.

11906 c. Commonwealth Port Fund revenue shall be allocated by the Board of Commissioners to the Virginia Port
11907 Authority in order to foster and stimulate the flow of maritime commerce through the ports of Virginia, including
11908 but not limited to the ports of Richmond, Hopewell and Alexandria.

11909 3. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be part
11910 of the Transportation Trust Fund and which shall be known as the Commonwealth Airport Fund. The
11911 Commonwealth Airport Fund shall be established on the books of the Comptroller and any funds remaining in
11912 such Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest
11913 earned on the funds shall be credited to the Fund. The funds so allocated shall be allocated by the Commonwealth
11914 Transportation Board to the Virginia Aviation Board. The funds shall be allocated by the Virginia Aviation Board
11915 to any Virginia airport which is owned by the Commonwealth, a governmental subdivision thereof, or a private
11916 entity to which the public has access for the purposes enumerated in § 5.1-2.16, or is owned or leased by the
11917 Metropolitan Washington Airports Authority (MWAA), as follows:

11918 Any new funds in excess of \$12.1 million which are available for allocation by the Virginia Aviation Board
11919 from the Commonwealth Transportation Fund, shall be allocated as follows: 60 percent to MWAA, up to a
11920 maximum annual amount of \$2 million, and 40 percent to air carrier airports as provided in subdivision A 3 a.
11921 Except for adjustments due to changes in enplaned passengers, no air carrier airport sponsor, excluding MWAA,
11922 shall receive less funds identified under subdivision A 3 a than it received in fiscal year 1994-1995.

11923 Of the remaining amount:

11924 a. Forty percent of the funds shall be allocated to air carrier airports, except airports owned or leased by
11925 MWAA, based upon the percentage of enplanements for each airport to total enplanements at all air carrier
11926 airports, except airports owned or leased by MWAA. No air carrier airport sponsor, however, shall receive less
11927 than \$50,000 nor more than \$2 million per year from this provision.

11928 b. Forty percent of the funds shall be allocated by the Aviation Board for air carrier and reliever airports on a
11929 discretionary basis, except airports owned or leased by MWAA.

11930 c. Twenty percent of the funds shall be allocated by the Aviation Board for general aviation airports on a
11931 discretionary basis.

11932 4. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be a part
11933 of the Transportation Trust Fund and which shall be known as the Commonwealth Mass Transit Fund.

11934 a. The Commonwealth Mass Transit Fund shall be established on the books of the Comptroller and any funds
11935 remaining in such Fund at the end of the biennium shall not revert to the general fund but shall remain in the
11936 Fund. Interest earned on such funds shall be credited to the Fund. Funds may be paid to any local governing body,
11937 transportation district commission, or public service corporation for the purposes hereinafter specified.

11938 b. The amounts allocated pursuant to this section shall be used to support the public transportation
11939 administrative costs and the costs borne by the locality for the purchase of fuels, lubricants, tires and maintenance
11940 parts and supplies for public transportation at a state share of 80 percent in 2002 and 95 percent in 2003 and
11941 succeeding years. These amounts may be used to support up to 95 percent of the local or nonfederal share of
11942 capital project costs for public transportation and ridesharing equipment, facilities, and associated costs. Capital
11943 costs may include debt service payments on local or agency transit bonds. The term "borne by the locality" means
11944 the local share eligible for state assistance consisting of costs in excess of the sum of fares and other operating
11945 revenues plus federal assistance received by the locality.

11946 c. Commonwealth Mass Transit Fund revenue shall be allocated by the Commonwealth Transportation Board
11947 as follows:

11948 (1) Funds for special programs, which shall include ridesharing, experimental transit, and technical assistance,
11949 shall not exceed 1.5 percent of the Fund.

11950 (2) The Board may allocate these funds to any locality or planning district commission to finance up to 80
11951 percent of the local share of all costs associated with the development, implementation, and continuation of
11952 ridesharing programs.

11953 (3) Funds allocated for experimental transit projects may be paid to any local governing body, transportation
11954 district commission, or public corporation or may be used directly by the Department of Rail and Public
11955 Transportation for the following purposes:

11956 (a) To finance up to 95 percent of the capital costs related to the development, implementation and promotion
11957 of experimental public transportation and ridesharing projects approved by the Board.

11958 (b) To finance up to 95 percent of the operating costs of experimental mass transportation and ridesharing
11959 projects approved by the Board for a period of time not to exceed 12 months.

11960 (c) To finance up to 95 percent of the cost of the development and implementation of any other project
11961 designated by the Board where the purpose of such project is to enhance the provision and use of public
11962 transportation services.

11963 d. Funds allocated for public transportation promotion and operation studies may be paid to any local
11964 governing body, planning district commission, transportation district commission, or public transit corporation, or
11965 may be used directly by the Department of Rail and Public Transportation for the following purposes and aid of
11966 public transportation services:

11967 (1) At the approval of the Board to finance a program administered by the Department of Rail and Public
11968 Transportation designed to promote the use of public transportation and ridesharing throughout Virginia.

11969 (2) To finance up to 50 percent of the local share of public transportation operations planning and technical
11970 study projects approved by the Board.

11971 e. At least 73.5 percent of the Fund shall be distributed to each transit property in the same proportion as its
11972 operating expenses bear to the total statewide operating expenses and shall be spent for the purposes specified in
11973 subdivision 4 b.

11974 f. The remaining 25 percent shall be distributed for capital purposes on the basis of 95 percent of the
11975 nonfederal share for federal projects and 95 percent of the total costs for nonfederal projects. In the event that total
11976 capital funds available under this subdivision are insufficient to fund the complete list of eligible projects, the
11977 funds shall be distributed to each transit property in the same proportion that such capital expenditure bears to the
11978 statewide total of capital projects. Prior to the annual adoption of the Six-Year Improvement Program, the
11979 Commonwealth Transportation Board may allocate up to 20 percent of the funds in the Commonwealth Mass
11980 Transit Fund designated for capital purposes to transit operating assistance if operating funds for the next fiscal
11981 year are estimated to be less than the current fiscal year's allocation, to attempt to maintain transit operations at
11982 approximately the same level as the previous fiscal year.

11983 g. There is hereby created in the Department of the Treasury a special nonreverting fund known as the
11984 Commonwealth Transit Capital Fund. The Commonwealth Transit Capital Fund shall be part of the
11985 Commonwealth Mass Transit Fund. The Commonwealth Transit Capital Fund subaccount shall be established on
11986 the books of the Comptroller and consist of such moneys as are appropriated to it by the General Assembly and of
11987 all donations, gifts, bequests, grants, endowments, and other moneys given, bequeathed, granted, or otherwise
11988 made available to the Commonwealth Transit Capital Fund. Any funds remaining in the Commonwealth Transit
11989 Capital Fund at the end of the biennium shall not revert to the general fund, but shall remain in the
11990 Commonwealth Transit Capital Fund. Interest earned on funds within the Commonwealth Transit Capital Fund
11991 shall remain in and be credited to the Commonwealth Transit Capital Fund. Proceeds of the Commonwealth
11992 Transit Capital Fund may be paid to any political subdivision, another public entity created by an act of the
11993 General Assembly, or a private entity as defined in § 56-557 and for purposes as enumerated in subdivision 4c of
11994 § 33.1-269 or expended by the Department of Rail and Public Transportation for the purposes specified in this
11995 subdivision. Revenues of the Commonwealth Transit Capital Fund shall be used to support capital expenditures
11996 involving the establishment, improvement, or expansion of public transportation services through specific projects
11997 approved by the Commonwealth Transportation Board. Projects financed by the Commonwealth Transit Capital

11998 Fund shall receive local, regional or private funding for at least 20 percent of the nonfederal share of the total
11999 project cost.

12000 5. Funds for Metro shall be paid by the Northern Virginia Transportation Commission (NVTC), *or by the*
12001 *Northern Virginia Transportation Authority (NVTA) once such function is transferred to the NVTA*, to the
12002 Washington Metropolitan Area Transit Authority (WMATA) and be a credit to the Counties of Arlington and
12003 Fairfax and the Cities of Alexandria, Falls Church and Fairfax in the following manner:

12004 a. Local obligations for debt service for WMATA rail transit bonds apportioned to each locality using
12005 WMATA's capital formula shall be paid first by NVTC. NVTC shall use 95 percent state aid for these payments.

12006 b. The remaining funds shall be apportioned to reflect WMATA's allocation formulas by using the related
12007 WMATA-allocated subsidies and relative shares of local transit subsidies. Capital costs shall include 20 percent
12008 of annual local bus capital expenses. Hold harmless protections and obligations for NVTC's jurisdictions agreed
12009 to by NVTC on November 5, 1998, shall remain in effect.

12010 Appropriations from the Commonwealth Mass Transit Fund are intended to provide a stable and reliable
12011 source of revenue as defined by Public Law 96-184.

12012 B. The sales and use tax revenue generated by a one percent sales and use tax shall be distributed among the
12013 counties and cities of this Commonwealth in the manner provided in subsections C and D.

12014 C. The localities' share of the net revenue distributable under this section among the counties and cities shall
12015 be apportioned by the Comptroller and distributed among them by warrants of the Comptroller drawn on the
12016 Treasurer of Virginia as soon as practicable after the close of each month during which the net revenue was
12017 received into the state treasury. The distribution of the localities' share of such net revenue shall be computed with
12018 respect to the net revenue received into the state treasury during each month, and such distribution shall be made
12019 as soon as practicable after the close of each such month.

12020 D. The net revenue so distributable among the counties and cities shall be apportioned and distributed upon
12021 the basis of the latest yearly estimate of the population of cities and counties ages five to 19, provided by the
12022 Weldon Cooper Center for Public Service of the University of Virginia. Such population estimate produced by the
12023 Weldon Cooper Center for Public Service of the University of Virginia shall account for persons who are
12024 domiciled in orphanages or charitable institutions or who are dependents living on any federal military or naval
12025 reservation or other federal property within the school division in which the institutions or federal military or
12026 naval reservation or other federal property is located. Such population estimate produced by the Weldon Cooper
12027 Center for Public Service of the University of Virginia shall account for members of the military services who are
12028 under 20 years of age within the school division in which the parents or guardians of such persons legally reside.
12029 Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia
12030 shall account for persons who are confined in state hospitals, state training schools or state training centers for the
12031 mentally retarded, mental institutions, or state or federal correctional institutions or who attend the Virginia
12032 School for the Deaf and the Blind within the school division in which the parents or guardians of such persons
12033 legally reside. Such population estimate produced by the Weldon Cooper Center for Public Service of the
12034 University of Virginia shall account for persons who attend institutions of higher education within the school
12035 division in which the student's parents or guardians legally reside. To such estimate, the Department of Education
12036 shall add the population of students with disabilities, ages two through four and 20 through 21, as provided to the
12037 Department of Education by school divisions. The revenue so apportionable and distributable is hereby
12038 appropriated to the several counties and cities for maintenance, operation, capital outlays, debt and interest
12039 payments, or other expenses incurred in the operation of the public schools, which shall be considered as funds
12040 raised from local resources. In any county, however, wherein is situated any incorporated town constituting a
12041 school division, the county treasurer shall pay into the town treasury for maintenance, operation, capital outlays,
12042 debt and interest payments, or other expenses incurred in the operation of the public schools, the proper
12043 proportionate amount received by him in the ratio that the school population of such town bears to the school
12044 population of the entire county. If the school population of any city or of any town constituting a school division
12045 is increased by the annexation of territory since the last estimate of school population provided by the Weldon
12046 Cooper Center for Public Service, such increase shall, for the purposes of this section, be added to the school
12047 population of such city or town as shown by the last such estimate and a proper reduction made in the school
12048 population of the county or counties from which the annexed territory was acquired.

12049 E. Beginning July 1, 2000, of the remaining sales and use tax revenue, the revenue generated by a two percent
12050 sales and use tax, up to an annual amount of \$13 million, collected from the sales of hunting equipment, auxiliary

12051 hunting equipment, fishing equipment, auxiliary fishing equipment, wildlife-watching equipment, and auxiliary
 12052 wildlife-watching equipment in Virginia, as estimated by the most recent U.S. Department of the Interior, Fish
 12053 and Wildlife Service and U.S. Department of Commerce, Bureau of the Census National Survey of Fishing,
 12054 Hunting, and Wildlife-Associated Recreation, shall be paid into the Game Protection Fund established under §
 12055 29.1-101 and shall be used, in part, to defray the cost of law enforcement. Not later than 30 days after the close of
 12056 each quarter, the Comptroller shall transfer to the Game Protection Fund the appropriate amount of collections to
 12057 be dedicated to such Fund. At any time that the balance in the Capital Improvement Fund, established under §
 12058 29.1-101.01, is equal to or in excess of \$35 million, any portion of sales and use tax revenues that would have
 12059 been transferred to the Game Protection Fund, established under § 29.1-101, in excess of the net operating
 12060 expenses of the Board, after deduction of other amounts which accrue to the Board and are set aside for the Game
 12061 Protection Fund, shall remain in the general fund until such time as the balance in the Capital Improvement Fund
 12062 is less than \$35 million.

12063 F. 1. Of the net revenue generated from the one-half percent increase in the rate of the state sales and use tax
 12064 effective August 1, 2004, pursuant to enactments of the 2004 Special Session I of the General Assembly, the
 12065 Comptroller shall transfer from the general fund of the state treasury to the Public Education Standards of
 12066 Quality/Local Real Estate Property Tax Relief Fund established under § 58.1-638.1 an amount equivalent to one-
 12067 half of the net revenue generated from such one-half percent increase as provided in this subdivision. The
 12068 transfers to the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund under this
 12069 subdivision shall be for one-half of the net revenue generated (and collected in the succeeding month) from such
 12070 one-half percent increase for the month of August 2004 and for each month thereafter.

12071 2. For the purposes of the Comptroller making the required transfers under subdivision 1, the Tax
 12072 Commissioner shall make a written certification to the Comptroller no later than the twenty-fifth of each month
 12073 certifying the sales and use tax revenues generated in the preceding month. Within three calendar days of
 12074 receiving such certification, the Comptroller shall make the required transfers to the Public Education Standards
 12075 of Quality/Local Real Estate Property Tax Relief Fund.

12076 G. If errors are made in any distribution, or adjustments are otherwise necessary, the errors shall be corrected
 12077 and adjustments made in the distribution for the next quarter or for subsequent quarters.

12078 H. The term "net revenue," as used in this section, means the gross revenue received into the general fund or
 12079 the Transportation Trust Fund of the state treasury under the preceding sections of this chapter, less refunds to
 12080 taxpayers.

12081 **116. That during the transition period prior to July 1, 2013, rules, issues and goals are to be discussed and**
 12082 **identified by the membership of the Northern Virginia Transportation Commission and the Northern**
 12083 **Virginia Transportation Authority in consultation with any and all interested stakeholders including the**
 12084 **local governments encompassed by the entities, the Department of Transportation, and the Department of**
 12085 **Rail and Public Transportation.**

12086 **117. That the provisions of the 115th and 116th enactments of this act shall become effective on July 1,**
 12087 **2013.***

12088 **118. That §§ 2.2-4024, 46.2-649.1, and 46.2-1217 of the Code of Virginia are amended and reenacted and**
 12089 **that the Code of Virginia is amended by adding in Title 52 a chapter numbered 12, consisting of sections**
 12090 **numbered 52-50 through 52-75 as follows:**

12091 § 2.2-4024. Hearing officers.

12092 A. In all formal hearings conducted in accordance with § 2.2-4020, the hearing shall be presided over by a
 12093 hearing officer selected from a list prepared by the Executive Secretary of the Supreme Court and maintained in
 12094 the Office of the Executive Secretary of the Supreme Court. Parties to informal fact-finding proceedings
 12095 conducted pursuant to § 2.2-4019 may agree at the outset of the proceeding to have a hearing officer preside at the
 12096 proceeding, such agreement to be revoked only by mutual consent. The Executive Secretary may promulgate rules
 12097 necessary for the administration of the hearing officer system and shall have the authority to establish the number
 12098 of hearing officers necessary to preside over administrative hearings in the Commonwealth.

12099 Prior to being included on the list, all hearing officers shall meet the following minimum standards:

- 12100 1. Active membership in good standing in the Virginia State Bar;
- 12101 2. Active practice of law for at least five years; and

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Item 430 #2h

Transportation

Secretary Of Transportation

Language

Language:

Page 331, after line 23, insert:

"L. The Secretary of Transportation, in consultation the Virginia Department of Transportation, the Department of Rail and Public Transportation, representatives from the Federal Highway Administration, representatives of local governments comprising the proposed metropolitan planning organization, and any and all other stakeholders deemed necessary and appropriate by the Secretary, shall establish a workgroup to examine the desirability and feasibility of establishing a Northern Virginia metropolitan planning organization. The findings of such workgroup shall be presented to the House Appropriations and Senate Finance Committees at their regularly scheduled meetings in October 2012."

Explanation:

(This amendment directs the Secretary of Transportation to convene a workgroup prior to the 2013 Session to examine the feasibility of creating a separate Northern Virginia MPO. The Secretary would present the findings of the workgroup to the House Appropriations and Senate Finance Committees at their respective October 2012 meetings.)

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Commonwealth of Virginia

GENERAL ASSEMBLY
RICHMOND

March 10, 2012

Hon. Jay Fiset, Chairman
Northern Virginia Transportation Commission
2300 Wilson Boulevard
Arlington, Virginia 22201

Hon. Martin Nohe, Chairman
Northern Virginia Transportation Authority
4031 University Drive, Suite 200
Fairfax, Virginia 22030

Hon. Martin Nohe, Chairman
Northern Virginia Regional Commission
3060 Williams Dr # 510
Fairfax, VA 22031

Hon. Michael C. May, Chairman
Potomac and Rappahannock Transportation Commission
14700 Potomac Mills Road
Woodbridge, VA 22192

Dear Chairmen Fiset, Nohe, and May:

As you are aware, the General Assembly has spent much time discussing issues related to regional planning including the coordination and duplication of transportation planning and services in Northern Virginia. Various legislative proposals have called for a merger of "planning" functions in several Northern Virginia agencies including the Northern Virginia Transportation Authority (NVTA), Northern Virginia Transportation Commission (NVTC), Northern Virginia Regional Commission (NVRC), certain functions located in the Metropolitan Washington Council of Governments Transportation Planning Board (TPB) and the Potomac Rappahannock Transportation Commission (PRTC).


We ask you, as chairs of NVTA, NVRC, NVTC and PRTC, to engage your organizations in an effort to determine whether consolidation and/or improved coordination would enhance regional planning, including transportation planning and services. The goal of this effort should be to accomplish the stated missions of these organizations in a more efficient and effective manner. It would be wise to consider issues related to governance, membership, voting procedures, geographical representation, legal obstacles and funding matters in your study. The study should also consider the role of the TPB in Northern

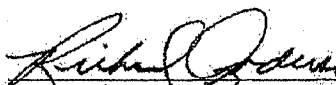
Virginia regional planning processes and also address any potential impacts on the Virginia Railway Express (VRE). We ask that your recommendations be presented to us by October 1, 2012.


Like you, we believe that regional planning is worth getting right. Thank you in advance for your efforts.

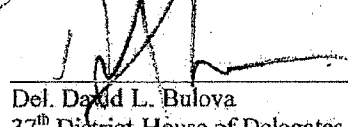
Sincerely,

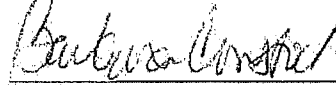
Members of the Northern Virginia Delegation



Del. David B. Albo
42nd District House of Delegates



Del. Richard L. Anderson
51st District House of Delegates

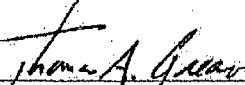

Del. Robert H. Brink
48th District House of Delegates

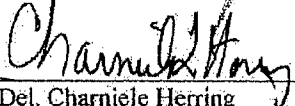

Del. David L. Bulova
37th District House of Delegates

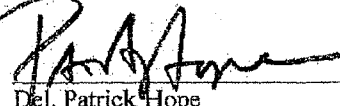

Del. Barbara J. Comstock
34th District House of Delegates



Del. David L. Englin
45th District House of Delegates

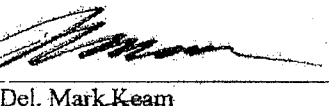

Del. Eileen Filler-Corn
41st District House of Delegates

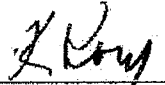

Del. Thomas A. Geason
32nd District House of Delegates



Del. Charniele Herring
46th District House of Delegates

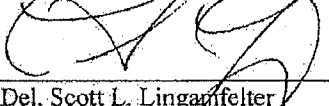

Del. Patrick Hope
47th District House of Delegates

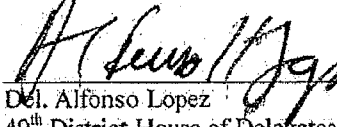

Del. Timothy D. Hugo
40th District House of Delegates

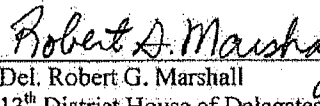

Del. Mark Keam
35th District House of Delegates

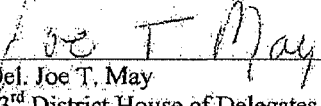

Del. Kaye Kory
38th District House of Delegates

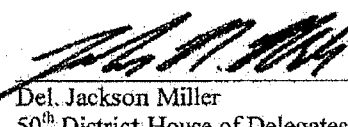

Del. James M. LeMunyon
67th District House of Delegates

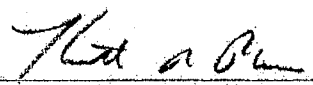

Del. Scott L. Lingardfelter
31st District House of Delegates

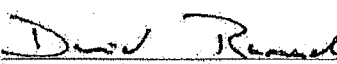

Del. Alfonso Lopez
49th District House of Delegates

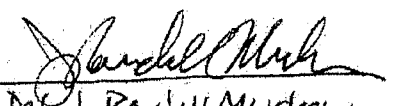

Del. Robert G. Marshall
13th District House of Delegates



Del. Joe T. May
33rd District House of Delegates

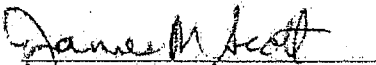

Del. Jackson Miller
50th District House of Delegates



Del. Kenneth R. Plum
36th District House of Delegates

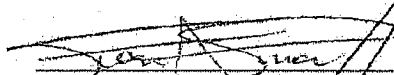

Del. David I. Ramadan
87th District House of Delegates


Del. J. Randall Minchew
10th District House of Delegates



Del. Thomas Davis Rust
86th District House of Delegates



Del. James M. Scott
53rd District House of Delegates

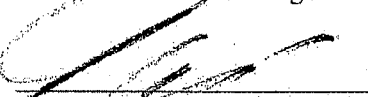

Del. Mark D. Sickles
43rd District House of Delegates

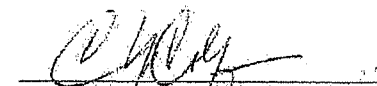

Del. Scott A. Surovell
44th District House of Delegates

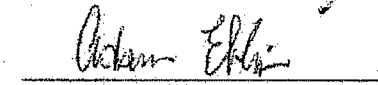

Del. Luke Torian
52nd District House of Delegates

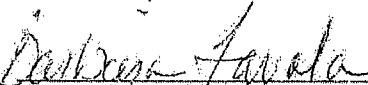

Del. Vivian E. Watts
39th District House of Delegates

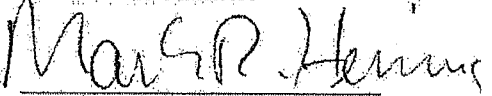

Sen. George L. Barker
39th Senatorial District



Sen. Richard H. Black
13th Senatorial District

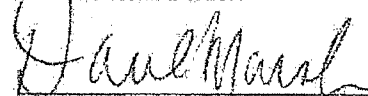

Sen. Charles J. Colgan, Sr.
29th Senatorial District



Sen. Adam P. Ebbin
30th Senatorial District



Sen. Barbara A. Favola
31st Senatorial District

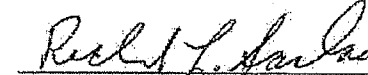

Sen. Mark Herring
33rd Senatorial District



Sen. Janet D. Howell
32nd Senatorial District


Sen. Dave W. Marsden
37th Senatorial District


Sen. J.C. "Chap" Petersen
34th Senatorial District


Sen. Linda T. "Toddy" Puller
36th Senatorial District


Sen. Richard L. Saslaw
35th Senatorial District


Sen. Richard H. Stuart
28th Senatorial District

cc: Sean Connanughton
Thelma Drake



May 16, 2012

The Honorable Charles J. Colgan, Co-Chairman
Northern Virginia Delegation
Virginia General Assembly
10660 Aviation Lane
Manassas, Virginia 20110-2701

The Honorable Thomas Davis Rust, Co-Chairman
Northern Virginia Delegation
Virginia General Assembly
730 Elden Street
Herndon, Virginia 20170

Subject: Follow Up Response to Letter Regarding Consolidation and/or Improved Coordination
of Northern Virginia Transportation and Planning Organizations

Dear Chairmen Colgan and Rust:

Thank you for your letter requesting that we engage our organizations in an effort to determine whether consolidation and/or improved coordination would enhance regional planning, including transportation planning and services. In response to your letter, we have established a Northern Virginia Efficiency and Consolidation Task Force. The Task Force is made up of:

- The Chairs and Vice Chairs of our organizations
- The Chairs of the Virginia Railway Express and the Washington Metropolitan Area Transit Authority
- The Virginia Vice Chair of the Transportation Planning Board
- The Chairman of Fairfax County
- Representatives from the City Councils of Falls Church, Fairfax and Manassas

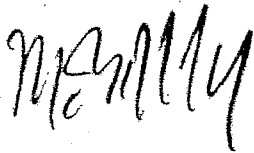
The Task Force held its first meeting on May 2. At the meeting, we discussed the scope of the effort, data that we believe will be necessary for our discussions, and a schedule for future meetings. We also determined who would provide staff support for this effort and gave direction to staff regarding research and data collection in preparation for our next meeting on May 24.

In reviewing what needs to be accomplished to respond to your request in a thoughtful and reasonably thorough way, we believe that the effort will take a little longer than you envisioned. As a result, we believe we can complete our work and have recommendations ready for your consideration by November 16, 2012. We will, however, provide you an update on our progress by October 1, 2012, the date included in your letter.

The Honorable Charles J. Colgan
The Honorable Thomas Davis Rust
Page Two
May 16, 2012

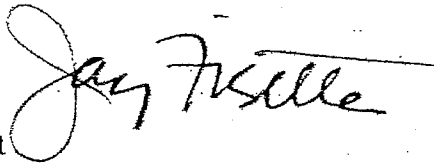
If you have any questions or need additional information, please contact any one of us.

Sincerely,

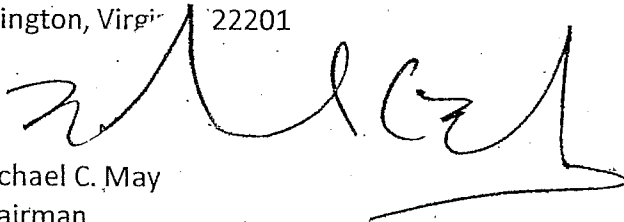


Martin E. Nohe
Chairman
Northern Virginia Transportation Authority
4031 University Drive, Suite 200
Fairfax, Virginia 22030

Chairman
Northern Virginia Regional Commission
3060 Williams Drive, Suite 510
Fairfax, Virginia 22031



Jay Fisett
Chairman
Northern Virginia Transportation Commission
2300 Wilson Boulevard, Suite 620
Arlington, Virginia 22201



Michael C. May
Chairman
Potomac and Rappahannock Transportation Commission
14700 Potomac Mills Road
Woodbridge, Virginia 22192

Cc: Members, Northern Virginia Delegation, Virginia General Assembly
Members, Northern Virginia Regional Commission
Members, Northern Virginia Transportation Authority
Members, Northern Virginia Transportation Commission
Members, Potomac and Rappahannock Transportation Commission

Task Force –Jurisdiction and Agency Coordinating Committee Working Group Membership

ORGANIZATIONAL—this working group would consider the administrative aspects of how to run the 4 organizations more efficiently/effectively.

- Tom Biesiadny (Fairfax County)
- Rick Canizales (Prince William County)
- Bernie Caton (City of Alexandria)*
- Cynthia Porter-Johnson (PRTC)
- Kala Quintana (NVTC)
- Sue Rowland (NVRC)

LEGAL/FINANCIAL-this working group would assess the legal and financial ramifications of consolidating any of the organizations. An example of this would be who would assume the debt capacity of VRE if there is to be a consolidation of sorts

- James Banks (City of Alexandria)
- Tom Biesiadny (Fairfax County)
- Kevin Black (Prince William County)
- John Foster (City of Falls Church)
- Christine Hoeffner (VRE)
- Scott Kalkwarf (NVTC)
- Michael Long (Fairfax County)
- Steve Maclsaac (Arlington County)*
- Sue Mittereder (Fairfax County)
- Jack Roberts (Loudoun County)
- Sue Rowland (NVRC)
- Erin Ward (Fairfax County)

SHORT TERM APPROACHES TO ADDRESS CONCERNS—this working group will look at the short term strategies that the ECTF can consider as they develop recommendations for the final report

- Bob Brown (Loudoun County)
- Pat Carroll (Arlington County)
- Noelle Dominguez (Fairfax County)*
- Tracy Gordon (Prince William County)
- Jim Maslanka (City of Alexandria)
- Cynthia Porter-Johnson (PRTC)

In addition, the following staff participated in the preparation of Task Force and report materials:

- Monica Bachmon (Prince William County)
- Jennifer Fioretti (Arlington County)
- Mark Gibb (NVRC)
- Alfred Harf (PRTC)
- Pam Martin (Fairfax County)
- Ellen Posner (Fairfax County)
- Rick Taube (NVTC)
- Linda Tenney (NVRC)
- Alex Verzosa (City of Fairfax)

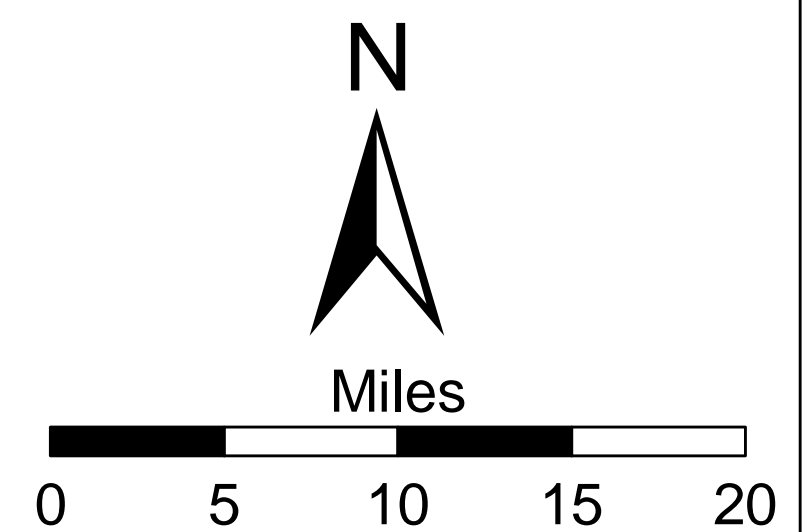
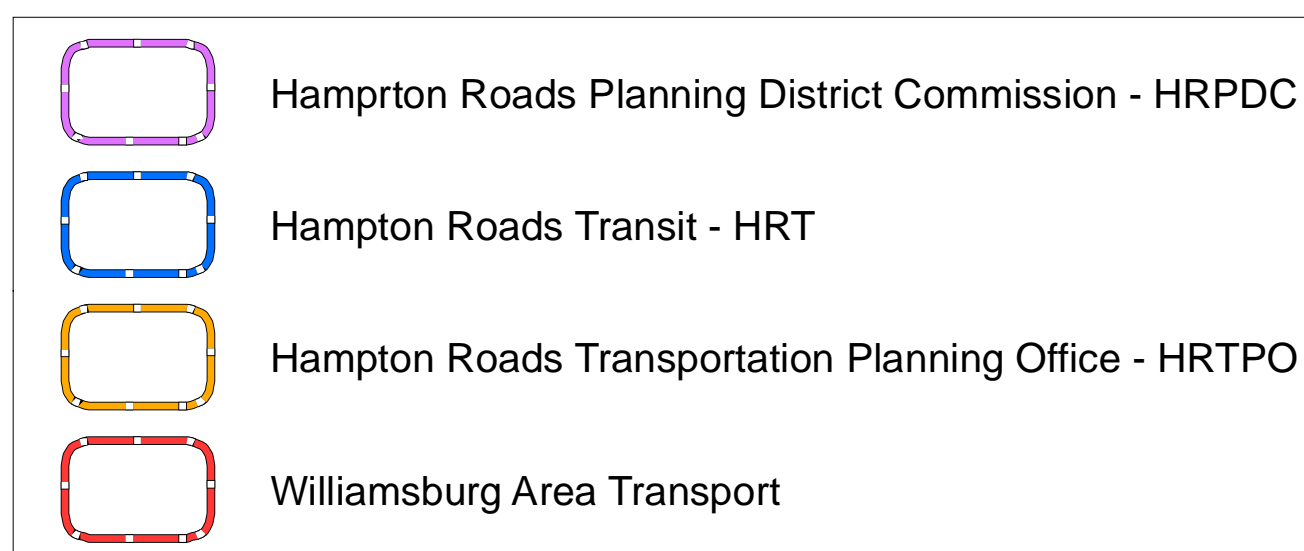
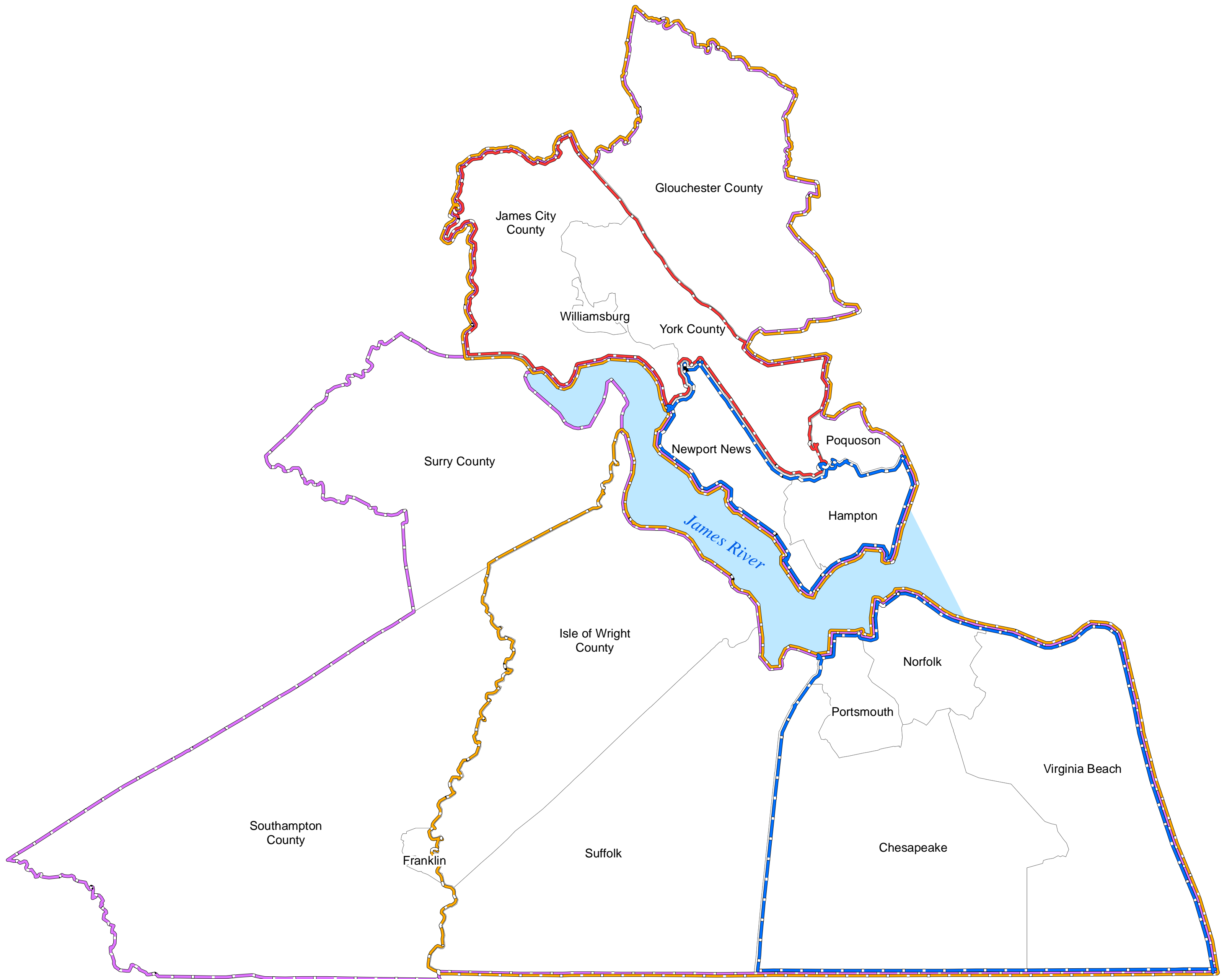
* - Indicates Staff Member Leading the Work Group

Hampton Roads Transportation and Planning Agencies

May 24, 2012

- Prior to 2008, the Hampton Roads Metropolitan Planning Organization (HRMPO) was staffed and operated by the Hampton Road Planning District Commission (HRPDC). The HRMPO Board was composed on the HRPDC Executive Committee.
- HRPDC recessed its meeting, met as the HRMPO, and then returned to the PDC meeting to ratify the actions of the MPO.
- In their triennial review of the MPO, the Federal Highway Administration and the Federal Transit Administration objected to this practice and others.
- As a result, the MPO was reconstituted as the Hampton Roads Transportation Planning Organization (HRTPO). In addition, the HRTPO and HRPDC boards were separated completely (by-laws, committees, membership and meeting, etc). One significant change was that General Assembly members were added to the HRTPO Board. The seats for the chief administrative officers were eliminated, and the HRTPO is now made up of only elected officials.
- HRTPO moved its monthly meeting to a different day of the month, although shortly afterwards, HRPDC moved its monthly meeting as well.
- HRPDC now meets for one hour before HRTPO.
- The staff of the two organizations has largely been separated. They work in different wings of the same building.
- The two agencies are led by the same executive director; however, each has its own "department" head who oversees its operation.

Hampton Roads Transportation and Planning Agencies



Northern Virginia Transportation and Planning Agencies

Roles and Functions

The **Northern Virginia Regional Commission's** (NVRC) is a regional council of 14 member local governments in Northern Virginia established by Virginia's Regional Cooperation Act, and as such, is a political subdivision. The roles and responsibilities that PDC's may carry-out are defined broadly by Code and may "encourage and facilitate local government cooperation and state-local cooperation in addressing on a regional basis problems of greater than local significance." The roles and functions of each PDC is generally set by its membership. NVRC focuses on providing information, performing professional and technical services for its members, and serving as a mechanism for regional coordination. Key current program and project areas include:

- BRAC (Real-Time Ridesharing pilot, transportation demand management studies)
- Energy (regional energy strategies, District Energy Systems planning)
- Environment (Regional water supply, solid waste / recycling management, Coastal & Chesapeake Bay protection planning)
- Health and Human Services (Health, Aging, HIV/AIDS, the helping resources *Quick Guide*)
- Housing and Homelessness (regional planning and helping resources)
- Land Use and Planning (commuter ferry planning; charettes to foster community discussions)
- International Partnerships (facilitated the Virginia – Germany Cooperative Agreement)
- Potomac Heritage National Scenic Trails (planning with local land managers and National Park Service agreement)

The **Northern Virginia Transportation Authority** (NVTA) is a regional body created by Senate Bill 576 which was approved by the General Assembly on April 17, 2002. The Northern Virginia Transportation Authority has sixteen members as follows: the mayors or chairs, or their designees, of the nine cities and counties that are members of the Authority; two members of the House of Delegates appointed by the Speaker of the House; one member of the Senate appointed by the Senate Committee on Privileges and Elections; and two citizens who reside in counties and cities embraced by the Authority, appointed by the Governor. In addition, the Director of the Virginia Department of Rail and Public Transportation, or his designee, and the Commonwealth Transportation Commissioner, or his designee, will serve as non-voting members of the Authority. The NVTA has the following powers and functions:

- The Authority shall be responsible for long-range transportation planning for regional transportation projects in Northern Virginia. In carrying out this responsibility, the Authority shall, on the basis of a regional consensus, whenever possible, set regional transportation policies and priorities for regional transportation projects. The policies and priorities shall be guided by performance-based criteria such as the ability to improve travel times, reduce

Northern Virginia Transportation and Planning Agencies

Roles and Functions

delays, connect regional activity centers, improve safety, improve air quality, and move the most people in the most cost-effective manner.

- The Authority prepares a regional transportation plan for Planning District Eight, to include, but not necessarily be limited to, transportation improvements of regional significance, and shall from time to time revise and amend the plan.
- Once the plan is adopted, the Authority may construct or otherwise implement the transportation facilities in the plan.
- The Authority may contract with others to provide transportation facilities or to operate its facilities, or it may provide and/or operate such facilities itself.
- The Authority does not have the power to regulate services provided by taxicabs
- The Authority may acquire land for the purposes of providing transportation facilities or services. The land can be for the Authority's use in providing transportation facilities or services, or it can be transferred to another agency for use by that agency in connection with an adopted transportation plan.
- The Authority may prepare a plan for mass transportation services and may contract with others to provide the necessary facilities, equipment, operations, etc., needed to implement the plan.
- General oversight of regional programs involving mass transit or congestion mitigation, including, but not necessarily limited to, carpooling, vanpooling, and ridesharing. Long-range regional planning, both financially constrained and unconstrained.
- Recommending to state, regional, and federal agencies regional transportation priorities, including public-private transportation projects, and funding allocations.
- Developing, in coordination with affected counties and cities, regional priorities and policies to improve air quality.
- Allocating to priority regional transportation projects any funds made available to the Authority and, at the discretion of the Authority, directly overseeing such projects.
- Recommending to the Commonwealth Transportation Board priority regional transportation projects for receipt of federal and state funds.
- Recommending to the Commonwealth Transportation Board use and/or changes in use of tolls for facilities in the area embraced by the Authority.
- General oversight of regional transportation issues of a multi-jurisdictional nature, including but not limited to intelligent transportation systems, signalization, and preparation for and response to emergencies.
- Serving as an advocate for the transportation needs of Northern Virginia before the state and federal governments.
- Applying to federal, state, and other public and private agencies for grants or other contributions toward the Authority's mission of improving transportation facilities and services in Northern Virginia.

Northern Virginia Transportation and Planning Agencies

Roles and Functions

- Acting as a "responsible public entity" for the purpose of the acquisition, construction, improvement, maintenance and/or operation of a "qualifying transportation facility" under the Public-Private Transportation Act of 1995.

The **Northern Virginia Transportation Commission (NVTC)** was established by the Virginia General Assembly in 1964. It comprises a district of over a thousand square miles and serves a population of 1.6 million in the counties of Arlington, Fairfax and Loudoun and the cities of Alexandria, Fairfax and Falls Church. Its powers and responsibilities are described in the Transportation District Act (15.2-4500 et seq.), the WMATA Compact and VRE's Master Agreement.

- Provides a forum for state and local elected officials to achieve an effective regional transit network.
- Develops coordination strategies; obtains transit funding, shares that funding using a carefully negotiated formula now embedded in the Virginia Code and advocates for additional revenues; oversees WMATA through board appointments; co-owns VRE; measures and reports on transit performance; and conducts demonstrations of new technologies.
- Serves as trustee for its jurisdictions' transit funding accounts, issues and refinances bonds for transit investments.
- Initiates new regional services such as vanpool incentives and SmarTrip fareboxes
- Directs multi-modal corridor studies
- Coordinates regional transit performance data collection
- Manages state and federal transit capital grants for its jurisdictions, assists its jurisdictions in negotiating agreements with other agencies (such as the Department of Defense for access to the Pentagon Transit Center and the WMATA Board for terms of service for Loudoun County)
- Educates the public and elected officials through an informative web site and transit/economic development focused tours
- Receives a 2.1% regional motor fuels tax dedicated to WMATA.

The **Potomac and Rappahannock Transportation Commission (PRTC)** is a regional transportation district comprised of six jurisdictions: Prince William, Stafford and Spotsylvania Counties, and the Cities of Manassas, Manassas Park, and Fredericksburg. Virginia law authorizes the creation of transportation districts to facilitate regional transportation solutions to problems that transcend individual localities' borders. With that aim, PRTC was established in 1986 to help create and oversee the Virginia Railway Express (VRE) commuter rail service and also to assume responsibility for the delivery of transportation services as its member governments see fit.

Northern Virginia Transportation and Planning Agencies

Roles and Functions

- Prepares bus service plans for member governments wanting to sponsor such service as a PRTC-operated venture.
- Operates a network of bus services, which at the present time consists of a 140 bus fleet providing local (demand responsive) service in Prince William County and the Cities of Manassas and Manassas Park, and commuter service linking those locales and the core portions of the DC area.
- Assists residents of its member jurisdictions wanting to rideshare by providing ride-matching assistance and financial support to start up / sustain vans.
- Receives a 2.1% motor fuels tax on behalf of its member governments, and oversees the administration / deployment of the tax for qualifying purposes (e.g., bus and VRE service local subsidy and other transportation investments as directed by its member governments).
- Supports area human services organizations in addressing mobility challenges confronting their clients (e.g., travel training, a prospective transportation voucher program, and information dissemination about available transportation providers / services).
- Manages state and federal transit capital grants for its member jurisdictions.



COMMONWEALTH of VIRGINIA

Office of the (

January 17,

George Allen
Governor

The Honorable Joseph V. Gartlan, Jr.
The Honorable Vincent F. Callahan, Jr.
Co-Chairmen
Northern Virginia Delegation
General Assembly Building
Richmond, Virginia 23219

Dear Joe and Vince:

Thank you for your letter regarding the Strike Force's recommendation to withdraw from the Transportation Planning Board (TPB) and abolish the Northern Virginia Transportation Commission (NVTC).

I recognize that this is a controversial issue which will require a great deal of analysis. I concur with your concern about the impact of implementing the recommendation on regional transportation planning in Northern Virginia and on the Virginia Railway Express, and would like to assure you that no action will be taken until a thorough analysis has been completed and the results and impacts are considered.

Again, I would like to thank you for your interest in and comments about the recommendation and to reassure you that I will not support this recommendation, nor will it be included in my legislative package for the 1995 General Assembly.

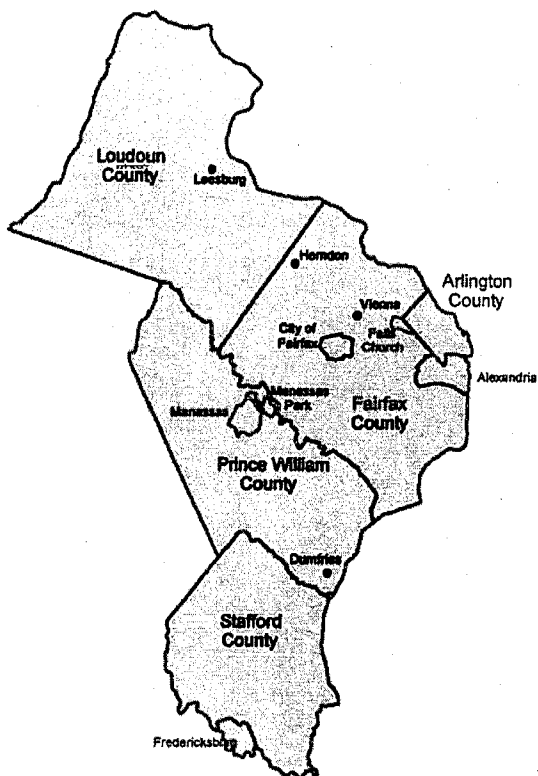
With kind personal regards, I remain,

Sincerely,

George Allen

GA:owm

c: The Honorable Robert E. Martinez
Secretary of Transportation



POTENTIAL COSTS & BENEFITS OF CONSOLIDATING TRANSPORTATION PLANNING & FUNDING ORGANIZATIONS

Draft Report

Presented by:

KPMG Peat Marwick LLP

Prepared for:

**Transportation Coordinating Council, Northern
Virginia
Virginia Department of Transportation**

November 20, 1997

1. Executive Summary

1.1. The Challenge

Today, Northern Virginia finds itself competing for transportation funding. According to the 1997 draft study prepared by the Advisory Committee on Transportation Needs to the Commission on the Future of Transportation in Virginia, state and federal funding forecasts do not support the planned highway and transit needs identified for Northern Virginia, nor do they support the remainder of statewide transportation needs. Competition for limited transportation funding is, and will continue to remain, keen, statewide and nationally.

Much of the vitality and continued quality of Northern Virginia's economy and lifestyle relates to transportation. This subregion of the state must evaluate and select those projects that support regional air quality goals, effectively manage congestion, and strategically support planned growth. Short- and long-term effectiveness in identifying, advocating, and implementing transportation needs to serve Northern Virginia rests with its institutional entities. Their effectiveness within the institutional and political structure of the state and federal governments, to select, advocate, and garner project support and funding is paramount to contributing to Northern Virginia's continued vitality.

1.2. Study Scope and Objectives

This study is part of the Phase II Work Program defined and adopted by the Transportation Coordinating Council (TCC) of Northern Virginia. The Phase II Work Program focuses on means and actions to strengthen the subregional planning effort within Northern Virginia.

This study examines institutional and organizational effectiveness improvements by assessing the existing institution arrangement

(referred to as the *Baseline*) for transportation planning and decision making within Northern Virginia. This assessment addresses the issues of project identification, public involvement, programming, and funding. It focuses upon the context of the current institutional structure's potential to serve as an effective force for advancing Northern Virginia's priority regional transportation projects and efficiently coordinating improvements to the Northern Virginia transportation network.

Key to this study is the review of the Northern Virginia Transportation Commission (NVTC), Potomac-Rappahanock Transportation Commission (PRTC), and Transportation Coordinating Council (TCC) in carrying out these functions. Consideration is then given to an alternative institutional arrangement that involves the consolidation of many of the responsibilities and authorities of NVTC, PRTC, and TCC. This new Consolidated Commission's purpose would be to focus on transportation projects of subregional significance. This *consolidated* scenario is then compared to the *baseline* situation, comprised of the TCC and its 1996 adopted enhancements, and the responsibilities and authorities of NVTC and PRTC. The benefits and opportunities associated with the baseline situation and the Consolidated Commission scenario are then identified and discussed.

These study objectives are achieved by:

- Defining the existing institutional structure and decision-making processes
- Defining the Consolidated Commission scenario
- Assessing the baseline relative to the Consolidated Commission scenario
- Identifying the benefits, opportunities, including costs, associated with the baseline and the Consolidated Commission scenario.

Virginia Department of Transportation's (VDOT) Northern Virginia District Office, under the auspices of the TCC, has facilitated the execution of this study. A Study Advisory

Group (SAG), comprised of senior-level agency and jurisdictional staff members, has provided guidance on the content of the alternative definition and analysis of the institutional alternatives.

1.3. Northern Virginia Transportation Planning and Decision-Making Entities

There is no single entity to focus solely on Northern Virginia regional and jurisdictional transportation planning, programming, funding, and advocacy. The existing institutional structure for transportation planning and decision-making has occurred through an evolutionary process. It results from the introduction and expansion of specific transportation services and facilities (e.g., WMATA Metrorail) within portions of the subregion, and the need to manage the allocation and use of the Northern Virginia gasoline tax.

In the 1960's, concurrent with the construction of the Metro, the Virginia General Assembly created the Northern Virginia Transportation Commission (NVTC). NVTC predominantly focuses upon transit and other demand management programs serving the northern portion of Northern Virginia. In the mid-1980's, the General Assembly created the Potomac-Rappahannock Transportation Commission. PRTC focuses on transit-related project advocacy and transit service delivery within the southern portion of Northern Virginia.

In 1991, responding to a need to coalesce the region in the development of a subregional transportation plan, former Governor Douglas Wilder, through administrative action, established the Transportation Coordinating Council (TCC). The TCC established the foundation for continued coordination and consensus building efforts in Northern Virginia.

Today, the entities principally responsible for the planning, programming, and securing of funding for regional transportation projects include:

- Local units of general purpose government
- Northern Virginia Transportation Commission (NVTC)
- Potomac-Rappahannock Transportation Commission (PRTC)
- Virginia Railway Express (VRE)
- Transportation Coordinating Council (TCC)
- Transportation Planning Board (TPB)
- Commonwealth Transportation Board (CTB)
- Virginia Department of Transportation (VDOT)
- Virginia Department of Rail and Public Transportation (VDRPT)
- Washington Metropolitan Area Transit Authority (WMATA)

1.4. Transportation Coordinating Council (TCC)

Initially, the TCC provided policy guidance for the implementation of the subregional transportation plan, specifically to:

- Review, annually, the separate transportation plans for the individual jurisdictions and agencies for consistency with the Subregional Plan
- Coordinate, on an on-going basis, the various studies of particular corridors and sections that will lead to revision and updating of the Subregional Plan
- Identify projects that are of key regional significance, establish their priority, and pursue funding for these projects through the allocation process for federal and state resources.

The TCC adopted several enhancements to its process in December 1996. These adopted enhancements were designed to expand the role of the TCC, particularly in the areas of project review, project priority setting, and project and funding advocacy. The table that follows this Executive Summary provides the defining characteristics of the Transportation Coordinating Council including, its adopted enhancements (*Baseline*).

1.5. Consolidated Commission Scenario

The Consolidated Commission scenario establishes a single entity for focusing on subregional transportation planning, programming, and public involvement within Northern Virginia. This Commission would consolidate many of the responsibilities now performed separately by the TCC, NVTC, and PRTC. The new commission would predominantly focus its activities and associated financial and staffing resources on areas of highway, transit, and multimodal subregional transportation planning, funding, and implementing projects. As the role of the Consolidated Commission becomes more defined, and as the organization begins to reorganize and reallocate staff, it is at this time that a decision regarding the institutional arrangements of the transit operations would conceivably take place.

The Commission’s district would include the cities of Alexandria, Fairfax, and Falls Church, and the counties of Arlington, Fairfax, and Loudoun, as well as the county of Prince

William and the cities of Manassas, and Manassas Park. Stafford County and Fredericksburg would be invited to join the Commission.

The commission would act through an Executive Director who would either employ staff, recommend contractors or recommend intergovernmental agreements for carrying out commission responsibilities. Staffing might initially consist of former NVTC and PRTC employees, and VRE and PRTC-bus operations staff.

The defining characteristics of the Consolidated Commission are detailed in the table following this Executive Summary.

1.6. Evaluation Assessment

The evaluation assessment considers the role of NVTC, PRTC, TCC, and the role of a new Consolidated Commission in addressing Northern Virginia transportation needs.

The assessment lists *pros* and *cons* associated with a Consolidated Commission. The table displayed below provides the categories for this assessment.

Perceived Pros and Cons of a Consolidated Commission

PROS	CONS
1. Potential new funding generating capability	1. Dilution of representation in commission composition
2. Coalesced advocacy	2. Dilution of funding commitment to transit
3. Sub-regional project planning & implementation	3. Loss of a transit forum
4. Focused public participation	4. Transition costs and issues
5. Efficiency	

1.7. Pros

Each summary of the *Pros* is followed by statements relating to possible *improvements of the baseline* that, if implemented, conceivably would move baseline

authorities and/or practices closer to those envisioned by a Consolidated Commission.

1.7.1. Potential New Funding Generating Capacity

A Consolidated Commission could possess the enhanced potential to secure authority for new dedicated local funding sources.

The statutory authority to attain new dedicated local funding would be generated by the Commission's unified and broader advocacy. Boundary issues, with regard to tax impacts, could likewise be reduced. The Commission could also assure that 100 percent of additional funds collected would be expended locally.

1.7.2. Possible Baseline Improvements

New dedicated sources of funding could be implemented for NVTC and PRTC or possibly for localities. Likewise, a coordinated strategy could minimize legislative risks and boundary tax impacts.

1.7.3. Coalesced Advocacy

The commission could provide a unified multimodal advocacy on state and federal funding and other transportation-related issues of subregional significance. It also could prioritize multimodal subregional TIP and CLRP projects, as well as, pool its resources to achieve more clout for advocacy efforts.

1.7.4. Possible Baseline Improvements

The existing commissions and jurisdictions could unify their state and federal advocacy efforts and achieve a positive net result.

1.7.5. Subregional Project Planning & Implementation

By its subregional nature, a Consolidated Commission would have the enhanced capacity for planning, coordinating and funding of multi-jurisdictional projects. These could include:

- Highways of subregional significance; e.g., freeways, toll roads, parkways
- Transportation systems management; e.g., Intelligent Transportation Systems
- Public transportation; e.g., transit and inter-jurisdictional multimodal and intermodal projects

1.7.6. Possible Baseline Improvements

NVTC and PRTC could further enhance their cooperation through several means that will promote regional cooperation without the state serving as an intermediary, including:

- Regular joint meetings of the two commissions
- Establishment of a Coordinating Executive Council with a composition similar to that of the current TCC Executive Committee
- Full-time professional staff seconded from the NVTC and PRTC staffs
- Technical Committees as per current TCC
- Inter-commission agreements

1.7.7. Public Participation

A Consolidated Commission could conduct an ongoing public involvement program with broader scope appropriate to citizen interests. It could act as a single entity that would establish public recognition as responsible for subregional transportation. This could yield a governmental decision-

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making structure that enhances public confidence. Other agencies might also find this beneficial. It would enable agencies to “partner” with one entity rather than perhaps three -- e.g., one of the existing commissions, MWCOG, VDOT

1.7.8. Possible Baseline Improvements

The TCC, NVTC, and PRTC could implement an enhanced public participation program that could channel public involvement and solicit ongoing public input.

1.7.9. Efficiency (Assessment of Administrative Costs)

The cost assessment entails a comparison between the administrative costs of NVTC, PRTC with the anticipated administrative costs associated with the Consolidated Commission scenario. Costs are estimated as a point-in-time when the transition would be completed. These costs include increases for new activities that are imminent and central to the concept of the Consolidated Commission, such as an expanded active public participation program. Using the methodology (detailed in the body of the report), an estimated reduction of \$400,000 per annum in services resulting from consolidation might result. This is estimated to be offset by increased program expenditures such as public involvement programs and the maintenance of a subregional plan.

1.7.10. Possible Baseline Improvements

While the new program expenditures are discretionary and may be greater or less, KPMG does not believe these cost figures represent a major evaluation consideration in

comparison to the funding capacity, advocacy issues, and subregional transportation project issues.

1.8. Cons (Disadvantages of Consolidation)

Each *Con* discussion is followed by a discussion of the possible improvements in the Consolidated Commission that could be made to offset the disadvantage.

1.8.1. Dilution of Representation in Commission Composition

The Consolidated Commission scope would be substantially larger than NVTC or PRTC from geographical and modal perspectives. Each government’s proportion of the commission would be similar to representation on the TCC Executive Committee and full TCC, rather than the generally larger proportion each jurisdiction has in NVTC or PRTC.

There might be a loss of cohesiveness because of diverse geographically and modal-based interests. Because there may be more disparate interests represented in the Consolidated Commission, it may be more difficult to reach consensus.

1.8.2. Possible Improvements of Consolidated Commission Scenario

A two-tiered governance structure would permit the participation of a greater number of individuals, and would offset the reduction of any entity’s proportionate influence.

Several institutional arrangements/actions could be taken to address representation. Consideration could be given to establishing:

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- A Consolidated Commission Board constituted in a manner similar to the current full TCC, and
- A commission constituted in a manner comparable to current representation on the TCC Executive Committee

Another improvement could include a weighted voting procedure similar to the one used by the Transportation Planning Board.

The Transportation District Act currently provides a double majority requirement, so that actions must be approved not only by a majority of those present and voting, but also by at least one commissioner from a majority of the jurisdictions constituting the commission.

1.8.3. Dilution of Funding Commitment to Transit

A consolidation could affect funding patterns.

The modal expansion to encompass highway and multimodal considerations raises the possibility that the WMATA dedication or the pattern of PRTC expenditures could be changed by diverting some of the funds to highway purposes.

1.8.4. Possible Improvements of Consolidated Commission Scenario

Establishing a Consolidated Commission could be conditioned on current statutory dedication of existing motor fuels tax (e.g., to WMATA). The jurisdictions could condition creation of a Consolidated Commission on continuation of control over the application of the existing motor fuel tax generated within their jurisdictions.

Also, all revenues and expenditures could be programmed for one of three funds:

- *Existing Transit*: for operation maintenance and replacement of transit facilities and services of regional significance
- *New Projects*: Capital costs and new expanded subregional highway and transit projects
- *Return-to-Source*: a fixed portion of a revenue stream would be restricted to eligible transportation purposes selected and controlled by the local jurisdictions

1.8.5. Loss of a Transit Forum

A Consolidated Commission would be encumbered with discussions of highway, transit, and multimodal topics. The great volume of highway project activity and the large portion of the public directly affected by highway projects would inevitably divert some of the commission's time and energy away from transit causes.

1.8.6. Possible Improvements of Consolidated Commission Scenario

Some exclusive focus on transit could be preserved by creating one or more forums within the Consolidated Commission to discuss transit issues. A transit operating board could be established that advised the Commission on VRE, OmniLink, OmniRide, and ridesharing operations, as well as on WMATA issues. Alternatively, there could be separate transit boards for WMATA issues or for the respective transit operations.

1.8.7. Transition-Related Costs & Issues

Five principal options for implementing a Consolidated Commission are identified in Section 1.10 below. The transition - related costs and issues associated with a Consolidated Commission are dependent on which implementation option is selected.

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These transition related costs and issues relate primarily to the following:

- WMATA Compact
- VRE Agreement
- Existing Debt (Bonds)
- Ownership/Operation of OmniRide and OmniLink services

1.8.8. Possible Improvements of Consolidated Commission Scenario

Additional technical and legal assessments would clarify, resolve, or identify actions necessary to thoroughly address these issues.

1.9. Institutional Issues

The Transportation District Act of 1964 (Va. Code Ann. 15.1 - 1342 through 15.1 - 1705, see Appendix) provides a comprehensive and flexible basis for organizing a Consolidated Commission. Consequently, the formulation of responsibilities and authority for the Consolidated Commission is in the context of, and with reference to, the provision of the Transportation District Act. Legal counsel should advise the respective entities regarding the effect of these provisions upon a Consolidated Commission and the steps necessary to effect desired change.

1.10. Principal Options for Implementing A Consolidated Commission

Five options were identified relative to implementing a Consolidated Commission. These include:

- Prince William, Manassas, and Manassas Park withdraw from PRTC and join NVTC
- Establish new commission under the Transportation District Act
- New statutory entity

- Joint powers agreement of PRTC and NVTC delegating authority to a consolidated entity
- Individual jurisdictions maintaining a membership in both NVTC and PRTC

1.10. The Path Forward (Next Steps)

The current study has accomplished the study objectives; it has clarified the definition of a Consolidated Commission and assessed its pros and cons relative to the *Baseline*. The current study has not provided a definitive resolution for all of the issues and concerns which have been raised with regard to the Consolidated Commission option. In this context, the immediate decision for the TCC is to resolve whether to further consider the Consolidated Commission option at an additional level of detail. In particular, a logical next step is to assess the legal, institutional, and financial issues (including the transition costs and issues associated with utilizing each of the five migration paths identified in Section 1.10) to transition to a Consolidated Commission (with the objective of identifying the more promising migration path[s]); to further clarify the proposed governance structure for the Consolidated Commission; and to consider options with regard to the governance of Virginia Railway Express (VRE). Concurrently, the TCC may wish to continue implementing the adopted enhancements currently under consideration by VDOT (see the Appendix to this report). It may also wish to consider certain other interim measures - particularly periodic concurrent meetings of the NVTC and PRTC Boards.

At the conclusion of this next step, the TCC and the affected local jurisdictions and agencies will have sufficient information to

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arrive at an informed decision with regard to a Consolidated Commission. Were the decision at that time to proceed with implementation of a Consolidated Commission, the subsequent step would be to develop a Transition Plan (which would include a recommended course of action with regard to legislative and statutory matters, debt management matters, disposition of physical assets, an initial organization plan, and a staff transition plan). This would be followed by the implementation of the Transition Plan.

Adopted Resolution Regarding The Consolidation Study

Transportation Coordinating Council

December 11, 1997

WHEREAS the planning, funding, and implementation of Northern Virginia transportation projects is dispersed among multiple entities with differing roles and responsibilities; and,

WHEREAS the Transportation Coordinating Council (TCC) of Northern Virginia has completed a Phase I study of transportation planning and funding in Northern Virginia in 1995, and investigated recommendation #1 for future TCC actions (Regional Exploration of the Potential Costs and Benefits of Consolidating Various Regional Transportation Planning and Funding Organizations in Northern Virginia) by completing a white paper in September 1996 and a consultant study in 1997; and,

WHEREAS a Study Advisory Group of the Technical Committee to the Transportation Coordinating Council (TCC) of Northern Virginia has worked with a consultant in 1997 to evaluate the perceived pros and cons of a consolidated commission formed from the TCC, Northern Virginia Transportation Commission (NVTC) and the Potomac and Rappahannock Transportation Commission (PRTC) in Northern Virginia and the report has been submitted; and,

WHEREAS the members of the TCC have reviewed the study and discussed its findings; and

WHEREAS the TCC recognizes the potential numerous legal complexities associated with a consolidated commission such as the Washington Metropolitan Transit Authority (WMATA) Compact and the Virginia Railway Express (VRE) Master Agreement.

NOW, THEREFORE, BE IT RESOLVED that the TCC agrees the consolidated commission scenario described in the 1997 consultant study identifies potential benefits such as advocacy for additional funding, regional planning, and operational efficiency which should continue to be pursued.

BE IT FURTHER RESOLVED that the TCC should continue to implement the baseline condition with the adopted 1996 enhancements to the TCC while the region's jurisdictions consider options which potentially expand present membership on existing transportation entities and joint transportation planning mechanisms.

Consolidate All Agencies
October 17, 2012

	Membership/ Geography	Voting	Meeting Location	Dedicated Funding Source	Core Powers/ Responsibilities	Powers Unique to Agency	Real Estate Interests	Personal Property, Equipment Interests	Debt/Financial Obligations	Outstanding Grants State Federal	Existing Contract Obligations	Employees	Retirement Plan	Health Insurance & Other Benefits	
NVTA	<p>Counties: Chair /designee of Arlington, Fairfax Loudoun, Prince William</p> <p>Cities: Chair or designee of Alexandria, Fairfax, Falls Church, Manassas, Manassas Park</p> <p>General Assembly: 2 Delegates, 1 Senator,</p> <p>Gov. Appointee: 1 citizen; 1 CTB member</p> <p>Non-voting Members: DRPT Dir., VDOT Dir., 1 Town</p> <p>17 Total</p>	<p>Quorum: majority of the Authority, including at least a majority of the representatives of the counties and cities</p> <p>Action: affirmative vote of two-thirds of the members present and voting, and two-thirds of the representatives of the counties and cities present and voting and whose counties and cities include at least two-thirds of the population</p>	Fairfax City by practice	None dedicated; Jurisdictional appropriations; Jurisdictions & agencies provide in kind services	<p>1. Prepare a regional trans. Planning Dist. Eight;</p> <p>2. Construct or acquire, by purchase, lease, contract, or otherwise, the trans. facilities specified in such trans. plans; 3. Enter into agreements or leases with public or private entities for the operation of its facilities, or may operate such facilities itself; 4. Long-range trans. planning for regional trans. projects in No. VA; 5. Oversight of regional programs involving mass transit or congestion mitigation; 6. Recommend to state, regional & federal agencies regional trans. priorities, including public-private trans. projects & funding allocations; 7. Recommend to the CTB priority regional trans. projects for federal and state funds; 8. Impose tolls for use of facilities in the area embraced by the Authority; 9. Advocate for trans. needs of No. VA before state & federal gov'ts; 10. Apply to USA, the Commonwealth, or any agency, instrumentality, or political subdivision thereof, for grants and any other funds; 11. Act as "responsible public entity" under PPTA.</p>	<p>1. Oversight of regional transit programs;</p> <p>2. Recommending regional transportation priorities</p> <p>3. Allocates funding;</p> <p>4. Recommend projects to CTB;</p> <p>5. Advocate transp needs to state/feds</p>	Virtual Office Lease	Misc. Office Equipment	None	\$50,000 annual VDOT Grant	None	None	None	None	None
NVRC	<p>Counties: Arlington, Fairfax, Loudoun, Prince William</p> <p>Cities: Alexandria, Fairfax, Falls Church, Manassas, Manassas Park</p> <p>Towns: Dumfries, Herndon, Leesburg, Purcellville, Vienna</p> <p>25 Total</p>	<p>Quorum: one third of members provided one third of jurisdictions present</p> <p>Action: simple majority; optional weighted voting st by bylaws</p>	Fairfax County by agreement	None dedicated; Jurisdictional and state appropriations	<p>1. Encourage & facilitate local gov't cooperation & state-local cooperation in addressing problems on a regional basis including; but shall not be limited to: (i) economic & physical infrastructure development; (ii) solid waste, water supply and other environmental management; (iii) trans.; (iv) criminal justice; (v) emergency management; (vi) human services; (vii) recreation. 2. Prepare a regional strategic plan for the guidance of the district including subjects necessary to promote development of the physical, social & economic elements of the district such as trans., housing, economic development and environmental management; 3. Apply for loans and grants from any source or the USA or Commonwealth, or any agency of instrumentality of it; 4. Exercise any power usually possessed by private corps.; 5. Perform acts necessary, convenient or desirable for its purposes</p>	Facilitate local and local/state cooperation to improve services and increase cost effectiveness in such cases as (i) economical infrastructure development;(ii)solid waste, water supply; environ. mgmt. (iii)transportation; (iv)criminal justice;(v)emergency management;(vi)human services;(vii)recreation	Office Lease	Misc. Office Equipment	None	Yes	\$930,000 BRAC; Rideshare; Commuter Ferry	Yes	18 full time; 7 part time	NVRC Employees Retirement Plan (Separate Defined contribution plan)	Health insurance; Long term disability plus accidental death & dismemberment Workers Comp Unemployment Insurance
NVTC	<p>Counties: Arlington, Fairfax, Loudoun</p> <p>Cities: Alexandria, Fairfax, Falls Church</p> <p>General Assembly: 4 Delegates, 2 Senators</p> <p>Secretary of Transportation or designee, ex officio</p> <p>20 Total</p>	<p>Quorum: majority of the commission, including at least one commissioner from a majority of the component government</p> <p>Action: presence of a quorum and a vote of the majority of the members necessary to constitute a quorum, including an affirmative vote from a majority of the jurisdictions represented</p>	Arlington County (by custom - office near Metrorail station)	Gas tax for Metro except Loudoun; jurisdictional subsidy	<p>1. Coordinates local and regional transit services; owns VRE*; 2. Appoints members to the WMATA board as required by the WMATA Compact; distributes 2.1% regional gas tax; 3. Issues bonds and manages state/fed grants for transit funds for members and PRTC (for VRE); 4. Demonstrates new transit technology; 5. Manages projects for its member jurisdictions; 6. Manages State and Federal grants</p>	<p>1. Appoint VA WMATA Members</p> <p>2. Pay VA share of WMATA Costs</p> <p>3. Indemnify third parties for VRE operations</p> <p>4. 13c authority/ labor protection</p> <p>5. Eminent domain</p> <p>6. Authorized to apply for/accept grants on member's behalf</p>	Office Lease; Part owner of VRE facilities* and intellectual property	Misc. Office Equipment; Part owner of VRE Equipment	VRE* debt	multiple - \$49.1 million	multiple - \$1 million	Admin: 2-\$26,000 Programmatic: 3-\$222,000 VRE* contracts	6 full time; 2 part time; NVTC ED is contract employee of NVTC; VRE CEO is contract employee of NVTC and PRTC	Separate Target Plan	Health Life Insurance
PRTC	<p>Counties: Prince William, Spotsylvania, Stafford</p> <p>Cities: Fredericksburg, Manassas, Manassas Park</p> <p>General Assembly: 2 Delegates, 1 Senator,</p> <p>Secretary of Transportation or designee, ex officio</p> <p>Jurisdictional alternates permitted</p> <p>17 Total</p>	<p>Quorum: majority of the commission, including at least one commissioner from a majority of the component government</p> <p>Action: presence of a quorum and a vote of the majority of the members necessary to constitute a quorum including an affirmative vote from a majority of the jurisdictions represented</p>	Woodbridge, Prince Wm. Co. (at transit center)	Gas tax for transportation purposes; Jurisdictional subsidy	<p>1. Owns and operates commuter and local bus services; owns VRE*; 2. Distributes 2.1% regional gas tax; 3. Issues bonds and manages state/fed grants for transit funds for members; 4. Undertakes transit and TDM marketing; 5. Manages State and Federal grants</p>	<p>1. Indemnify third parties for VRE operations</p> <p>2. 13c authority/ labor protection</p> <p>3. Eminent domain</p> <p>4. Authorized to apply for/accept grants on members behalf</p>	Operations & maintenance facility; buses and park-and-ride lots; Part owner of VRE facilities* and intellectual property	Buses and related equipment; Misc. Office Equipment; Part owner of VRE equipment	\$27M VRE* debt also	56-\$25M	22-\$171M	Admin: 49-\$1.2M Programmatic: 18-\$35M VRE contracts	48 full time (all VRE employees are PRTC employees); 2 part time; VRE CEO is contract employee of NVTC and PRTC	VRS	Health Life Insurance

**Consolidate All Agencies
October 17, 2012**

<p align="center">Issues</p>	<p>1. Constitutional issue - can GA void contractual agreement among NVTC and PRTC members? 2. Should composition of each agency be retained for voting purposes? 3. Must amend Trans. District Act.</p>	<p>1. Must reconcile different quorum and voting requirements 2. Must structure quorum and voting to preserve juris. votes on Metro, VRE, PRTC bus related issues, and the like</p>	<p>Agreed location will need to be found</p>	<p>1. Preserve Metro gas tax vote and PRTC members' vote on gas tax use 2. Must amend local commercial/ industrial property tax for NVTA juris.</p>	<p>1. Legislation needed to create new agency with desired powers 2. Must amend existing statutes to eliminate conflicts 3. Amend WMATA Compact to replace NVTC 4. Recreate VRE Master Agreement and related debt instruments and all contracts</p>	<p>1. Legislation needed to create new agency with desired powers required to carry out all agency functions 2. Must amend existing statutes to eliminate conflicts</p>	<p>Convey to new agency; jurisdictional equitable interests must be addressed</p>		<p>Non-VRE jurisdictions taking on VRE debt</p>	<p>Must transfer grants</p>	<p>Must transfer grants</p>	<p>1. WMATA Compact must be amended. 2. Can contracts be assigned or terminated and at what cost? 3. VRE Master Agreement must be re-structured.</p>	<p>Rehire preference? Unemployment compensation cost.</p>		
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Consolidate NVTA into NVRC
October 17, 2012

	Membership/ Geography	Voting	Meeting Location	Dedicated Funding Source	Core Powers/ Responsibilities	Powers Unique to Agency	Real Estate Interests	Personal Property. Equipment Interests	Debt/ Financial Obligations	Outstanding Grants State	Outstanding Grants Federal	Existing Contract Obligations	Employees	Retirement Plan	Health Insurance & other Benefits
NVTA	<p>Counties: Chair or designee of Arlington, Fairfax, Loudoun, Prince William</p> <p>Cities: Chair or designee of Alexandria, Fairfax, Falls Church, Manassas, Manassas Park</p> <p>General Assembly: 2 Delegates, 1 Senator</p> <p>Secretary of Transportation or designee, ex offico</p> <p>Gov. Appointees: 1 citizen; 1CTB member.</p> <p>Non-voting members: DRPT Dir.; VDOT Dir., 1 Town</p> <p>17 Total</p>	<p>Quorum: majority of the Authority, including at least a majority of the representatives of the counties and cities</p> <p>Action: affirmative vote of two-thirds of the members present and voting, and two-thirds of the representatives of the counties and cities present and voting and whose counties and cities include at least two-thirds of the population</p>	Fairfax City by practice	None dedicated. Jurisdictional appropriations and agencies provide in-kind services	<p>1. Prepare a regional trans. Planning Dist. Eight; 2. Construct or acquire, by purchase, lease, contract, or otherwise, the trans. facilities specified in such trans. plans; 3. Enter into agreements or leases with public or private entities for the operation of its facilities, or may operate such facilities itself; 4. Long-range trans. planning for regional trans. projects in No. VA; 5. Oversight of regional programs involving mass transit or congestion mitigation; 6. Recommend to state, regional & federal agencies regional trans. priorities, including public-private trans. projects & funding allocations; 7. Recommend to the CTB priority regional trans. projects for federal and state funds; 8. Impose tolls for use of facilities in the area embraced by the Authority; 9. Advocate for trans. needs of No. VA before state & federal gov'ts; 10. Apply to USA, the Commonwealth, or any agency, instrumentality, or political subdivision thereof, for grants and any other funds; 11. Act as "responsible public entity" under PPTA.</p>	<p>1. Oversight of regional transit programs;</p> <p>2.Recommending regional transportation priorities</p> <p>3. Allocates funding;</p> <p>4. Recommend projects to CTB;</p> <p>5. advocate transp needs to state/feds</p>	Virtual Office Lease	Misc. Office Equipment	None	\$50,000 annual VDOT Grant	None	None	Jurisdiction staff provide transportation/ legal/financial support on interim basis in anticipation of dedicated funding	N/A	N/A
NVRC	<p>Counties: Arlington, Fairfax, Loudoun, Prince William</p> <p>Cities: Alexandria, Fairfax, Falls Church, Manassas, Manassas Park</p> <p>Towns: Dumfries, Herndon, Leesburg, Purcellville, Vienna</p> <p>25 Total</p>	<p>Quorum: one third of members provided one third of jurisdictions present</p> <p>Action: simple majority; optional weighted voting set by bylaws</p>	Fairfax County by agreement	None dedicated. Jurisdictional and state appropriations	<p>1. Encourage & facilitate local gov't cooperation & state-local cooperation in addressing problems on a regional basis including; but shall nto be llimited to: (i) economic & physical infrastructure development; (ii) solid waste, water supply and other environmental management; (iii) trans.; (iv) criminal justice; (v) emergency management; (vi) human services; (vii) recreation. 2. Prepare a regional strategic plan for the guidance of the district including subjects neccessary to promote development of the phsyical, social & economic elements of the district such as trans., housing, economic development and environmental management; 3. Apply for loans and grants from any source or the USA or Commonwealth, or any agency of instrumentality of it; 4. Exercise any power usually possessed by private corps.; 5. Perform acts necessary, convenient or desirable for its purposes.</p>	Facilitate local and local/state cooperation to improve services and increase cost effectiveness in such cases as (i) economical infrastructure development;(ii)solid waste, water supply; environ. mgmt. (iii)transportation; (iv)criminal justice;(v)emergency management;(vi)human services;(vii)recreation	Office Lease	Misc. Office Equipment	None	Yes	\$930,000 BRAC; Ride-share; Commut-er Ferry	Yes	18 full time; 7 part time	NVRC Employees Retirement Plan (Separate Defined contribution plan)	Health Insurance; Long term disability plus accidental death & dis-memberment Workers Comp Unemploy- ment Insurance

Consolidate NVTA into NVRC
October 17, 2012

<p align="center">Issues</p>	<p>1.Reg. Coop Act <i>permits</i> but does not require GA and other members 2. Role of towns 3. Loss of NVTA's exclusively transportation forum 4. Changes regional agreement re: NVRC's non-transportation scope 5.NVTA juris rep is required by <i>statute</i> to be chair/designee-NVRC members decided by <i>charter</i> agreement 6. Constitutional Issue-can GA void charter agreement among NVRC members?</p>	<p>Must reconcile different quorum/voting requirements</p>	<p>Agreed location needed</p>	<p>Must amend local commercial/ industrial property tax for NNTA jurisdiction</p>	<p>NVRC cannot operate programs/services within juris. without consent; ascertain whether NVRC can operate outside its territory; must amend Reg. Coop. Act to include NVTA powers and repeal NVTA. Question whether sovereign immunity applies. No eminent domain authority. No 13c/labor protection authority</p>	<p>1. significantly broadens NVRC's transpo. scope to potential detriment of other interests; 2. Imposes obligations on jurisdictions by statute rather than by agreement under Reg. Coop Act; 3. must amend Reg. Coop Act to include NVTA powers and repeal NVTA</p>			<p>Credit worthiness of NVRC bonds. Requires clarification regarding authority to validate bonds.</p>	<p>Must transfer NVTA grant</p>		<p>Can contracts be assigned or terminated and at what cost?</p>	<p>NVRC may need to hire employees with transportation expertise at juris. expense primarily</p>		
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Consolidate NVTA into NVTC/or NVTC into NVTA
October 17, 2012

	Membership/ Geography	Voting	Meeting Location	Dedicated Funding Source	Core Powers/ Responsibilities	Powers Unique to Agency	Real Estate Interests	Personal Property, Equipment Interests	Debt/ Financial Obligations	Outstanding Grants State	Outstanding Grants Federal	Existing Contract Obligations	Employees	Retirement Plan	Health Insurance & Other Benefits
NVTA	<p>Counties: Chair/designee of Arlington, Fairfax, Loudoun, Prince William Cities: Alexandria, Fairfax, Falls Church, Manassas, Manassas Park General Assembly: 2 Delegates, 1 Senator, Gov Appointees: 1 citizen; 1 CTB member Non-voting members: DRPT Dir., VDOT Dir., 1 Town 17 Total</p>	<p>Quorum: majority of the Authority, including at least a majority of the representatives of the counties and cities Action: affirmative vote of two-thirds of the members present and voting, and two-thirds of the representatives of the counties and cities present and voting and whose counties and cities include at least two-thirds of the population</p>	Fairfax City by practice	None dedicated	<p>1. Prepare a regional trans. Planning Dist. Eight; 2. Construct or acquire, by purchase, lease, contract, or otherwise, the trans. facilities specified in such trans. plans; 3. Enter into agreements or leases with public or private entities for the operation of its facilities, or may operate such facilities itself; 4. Long-range trans. planning for regional trans. projects in No. VA; 5. Oversight of regional programs involving mass transit or congestion mitigation; 6. Recommend to state, regional & federal agencies regional trans. priorities, including public-private trans. projects & funding allocations; 7. Recommend to the CTB priority regional trans. projects for federal and state funds; 8. Impose tolls for use of facilities in the area embraced by the Authority; 9. Advocate for trans. needs of No. VA before state & federal gov'ts; 10. Apply to USA, the Commonwealth, or any agency, instrumentality, or political subdivision thereof, for grants and any other funds; 11. Act as "responsible public entity" under PPTA.</p>	<p>1. Oversight of regional transit programs; 2. Recommending regional transportation priorities 3. Allocates funding; 4. Recommend projects to CTB; 5. Advocate transp needs to state/feds</p>	Virtual Office Lease	Misc. Office Equipment	None	\$50,000 annual VDOT Grant	None	None	Juris staff provide transportation/ legal/financial support on interim basis in anticipation of dedicated funding	None	None
NVTC	<p>Counties: Arlington, Fairfax, Loudoun Cities: Alexandria, Fairfax, Falls Church General Assembly: 4 Delegates, 2 Senators Secretary of Transportation or designee, ex officio 20 Total</p>	<p>Quorum: majority of the commission, including at least one commissioner from a majority of the component governments Action: presence of a quorum and a vote of the majority of the members necessary to constitute a quorum including an affirmative vote from a majority of the jurisdictions represented</p>	Arlington County (by custom - office near Metrorail station)	Gas tax for Metro (Except Loudon Co.); jurisdictional subsidy	<p>1. Coordinates local and regional transit services; 2. owns VRE*; 3. appoints members to the WMATA board as required by the WMATA Compact; 4. distributes 2.1% regional gas tax; 5. issues bonds and manages state/federal grants for transit funds for members and PRTC (for VRE); 6. demonstrates new transit technology; 7. manages projects for its member jurisdictions</p>	<p>1. appoint VA Metro Bd members; 2. Pay VA share of Metro costs; 3. Indemnify third parties for VRE operations; 4. 13c authority/labor protection; 5. eminent domain; 6. Authorized to apply for/accept grants on member's behalf</p>	Office Lease; Part owner of VRE facilities*; part owner of VRE equipment and intellectual property	Misc. Office Equipment: copier lease ; phone/data contract	VRE* debt	multiple - \$49.1 million VRE*	multiple - \$ 1 million VRE*	<p>Admin: 2-\$26,000 Programmatic: 3-\$222,000 VRE* contracts</p>	6 full time; 2 part time	Separate Target Plan	Health Life Insurance

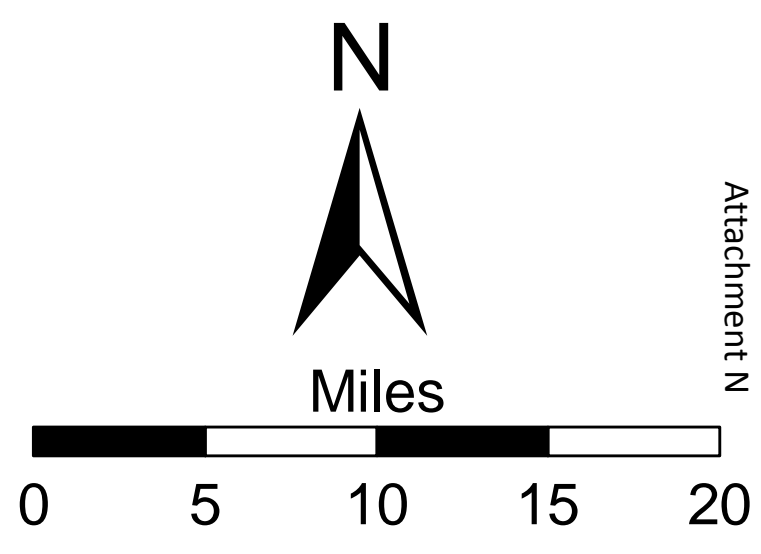
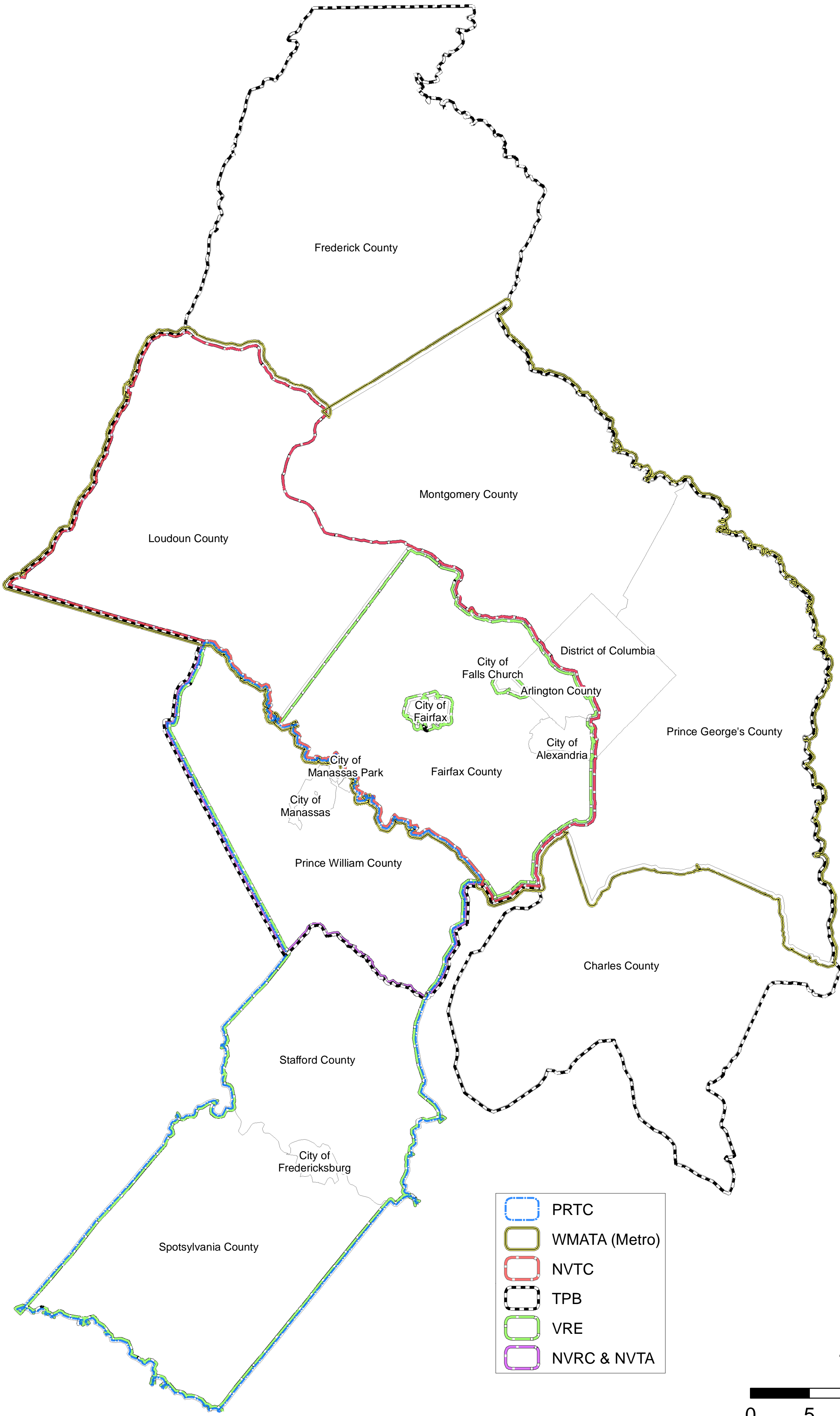
Consolidate NVTA into NVTC/or NVTC into NVTA
October 17, 2012

<p align="center">Issues NVTC into NVTA</p>	<p>1. NVTC must be preserved for WMATA Compact; e.g., Va payments and Metro Bd appointments; 2. <i>NVTC must be present for VRE Master Agreement and VRE related debt/contracts</i>; 3. Multiple juris. appointees for each body; 4. NVTA juris rep is chair/designee; 5. Pr Wm, Manassas, and Manassas Park would be members of consolidated agency and of PRTC which gives them each a vote on both VRE parent agencies; 6. Loss of proportionate juris. Representation; 7. Constitutional issue - can GA void contractual agreement among NVTC members</p>	<p>1. Must reconcile different quorum/voting requirements 2. Must structure quorum and voting to preserve juris. votes on Metro, VRE, PRTC bus related issues, and the like</p>	<p>Agreed location will need to be found</p>	<p>1. Must amend Gas Tax legislation to ensure revenue goes to Metro for WMATA juris, and to PRTC for PRTC member juris, and prevent double earning of gas tax by juris 2. Must amend local commercial/ industrial property tax for NVTA jurisdictions.</p>		<p>NVTA cannot operate VRE because NVTA cannot be FTA grantee because <i>no labor protection</i> (13c) authority; and because cannot indemnify railroads; NVTA lacks eminent domain power</p>	<p>1. NVTC must convey interests to NVTA; 2. Jurisdictional <i>financial</i> interests must be <i>reimbursed</i></p>	<p>1. NVTC must convey interests to NVTA; 2. Jurisdictional financial interests must be reimbursed</p>	<p>Must assign debt, refinance it in name of new entity, or keep NVTC until debt retired</p>	<p>Must transfer grants</p>	<p>Must transfer grants</p>	<p>Agreement must be restructured. Can VRE contracts be assigned or terminated and at what cost? VRE Master</p>	<p>How to treat NVTC employees & their benefits? May need additional NVTC staff to do NVTA work at local juris expense primarily</p>		
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* NVTC and PRTC co-own the Virginia Railway Express. Neither column includes VRE information, but it is as follows:

- Annual Budget for Direct Transit Operations - \$73 million
- Annual Budget for Direct Transit Capital - \$14.7 million
- Amount of Outstanding Bonds/Debt - \$108 million
- 35 full time PRTC employees, 115 contracted staff
- 14 Operations Board Members (advisory subcommittee of NVTC/PRTC); weighted voting by ridership
- Member Jurisdictions: Fredericksburg, Manassas, Manassas Park, Prince William, Spotsylvania, Stafford, Alexandria, Arlington and Fairfax County
- Secretary of Transportation, as designee, also member
- Facilities and Equipment: NVTC and PRTC jointly own 16 VRE station platforms (located within railroad ROW by lease agreement), 22 locomotives and 91 passenger coaches, equipment storage and maintenance yard facilities (2), headquarters office, facility maintenance and fare collection building. Station parking facility ownership varies by station; includes PRTC, VDOT, VRE member jurisdictions and lease agreements.
- Cost Allocation: Operating costs not met by fare revenue, state and federal sources of funds are allocated to member jurisdictions based upon riders' jurisdiction of residence; station-specific (e.g., parking, new stations) capital costs are the responsibility of member jurisdictions.

Northern Virginia Transportation and Planning Agencies



Baseline with Enhanced Efficiencies

The Task Force and Working Groups examined efficiencies that could be considered to be implemented whether or not a consolidation of recommended. Among those items examined were: the use of electronic participation, orientation processes for new agency members, meeting schedules and locations, and meeting quorum requirements.

Electronic Participation

Current Status

The Code of Virginia generally prohibits local governing bodies such as NVRC, NVTA, NVTC and PRTC from discussing or transacting public business electronically except for very limited emergency situations. In addition, Section 2.2-3708.1 provides a limited exception for individual members of these bodies to participate by electronic means under the following circumstances:

- A. If a member identifies a specific emergency on the day of the meeting, the public body may vote to approve that the member participate electronically. (The public body's minutes must state the specific nature of the emergency.) Each member is limited to participating electronically 2 times a year or 25 percent of the meetings, whichever is fewer.
- B. If a member cannot attend a meeting due to a temporary or permanent disability or other medical condition that prevents attending in person.
- C. If the member's principal residence is more than 60 miles from the meeting location, the public body may vote to approve that member's participating electronically.

In any of these cases a quorum must be present and the public body must make arrangements for the voice of the remote participant to be heard by all persons at the meeting location.

Additionally, the Code of Virginia §15.2-4512 currently allows members of the General Assembly to participate in NVTC meetings using electronic communicates while the General Assembly. While not regularly used, this provision has proved valuable by ensuring that specific members of the Commission can participate while also participating in the legislative session.

Potential Legislation

Recently the Virginia General Assembly has considered several pieces of legislation to permit public bodies to meet electronically. None have been approved. This year, the Virginia Freedom of Information Advisory Council has been considering changes to the electronic meetings statute. The Electronic Meetings Subcommittee met in September 2012 to consider a bill to broaden significantly the circumstances under which a public body could meet electronically. The bill did not appear to have the support of the subcommittee. While the subcommittee plans to meet at least twice before the 2013 General Assembly session, there are no indications that the FOIA Advisory Council will propose any significant changes to the electronic meeting statute.

If any changes to the electronic meetings statute are proposed, incremental alterations may be more feasible, such as providing an exception based on amount of travel time to the meeting location, in addition to the current 60-mile provision or requiring any electronic meeting discussion be done via a webcast and at a public location.

Orientation Materials

It is important that new Board Members of the agencies understand the agency, its duties, and how it relates to the other transportation agencies with Northern Virginia. The Task Force surveyed each agency and found that the four agencies do have an orientation process for board members.

NVRC provides a packet of information for new board members. These include a copy of the Virginia Regional Cooperation Act, a copy of the most recent budget, a NVRC staff organization chart, a Commissioner Roster, and a description of each of NVRC's committees. They are provided with information regarding finding NVRC's bylaws and charter on the web site. The Executive Director also answers any further questions by telephone or e-mail.

NVTA does not provide a formal handbook to new board members. However, the NVTA Chairman and the JACC Chairman meet with each new board member to orient them to NVTA's roles and functions.

NVTC provides a large handbook to new board members, which includes such information as the organization and funding of the Commission, major activities of the Commission (including VRE Service), allocating financial assistance, sources and uses of transit funds in northern Virginia, and a history of NVTC. The Table of Contents from the most recent iteration, which provides a detailed description of materials included, is below. In addition to distributing the handbook, the NVTC Executive Director has a dialogue with the new board member and provides further information, to ensure that the new Board member is comfortable with his/her role on the Commission.

NVTC 2012 Handbook-Table of Contents

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PRTC distributes a handbook to new Board members. This handbook covers such issues as an overview of the organization and its challenges, significant issues related to PRTC, VRE service, and public transportation-related statutes. The complete Table of Contents for the PRTC handbook is included below. Additionally, the Executive Director of PRTC discusses the information in the handbook with the new board member after their appointment has been finalized.

PRTC New Board Members Orientation Handbook

TABLE OF CONTENTS	
I.	AN OVERVIEW OF THE ORGANIZATION AND ITS CHALLENGES
A.	Presentation – An Overview of the Organization and its Challenges for Newly Appointed Members (Latest update produced in April 2012)
II.	POTOMAC AND RAPPAHANNOCK TRANSPORTATION COMMISSION
A.	Commissioners
B.	PRTC Management & Staff
C.	Staff Biographies
D.	Bylaws
E.	Founding Ordinance
F.	Contract between PRTC and First Transit, Inc.
G.	Motor Vehicle Fuel Sales Tax
H.	Transportation District Act of 1964
III.	VIRGINIA RAILWAY EXPRESS
A.	VRE Operations Board, Management, and Staff
B.	Bylaws
C.	Master Agreement
IV.	PUBLIC TRANSPORTATION-RELATED STATUTES
A.	MAP-21
B.	Americans with Disabilities Act
C.	Clean Air Act of 1990

During the survey of orientation materials, the Task Force discovered that while each board member received an extensive amount of background information about their own agencies, more information could be provided on how each regional agency related to the other transportation agencies within Northern Virginia. It may be beneficial for the handbooks and orientation materials include a description of the other transportation-related agencies within the region and how they interact with each other.

Meeting Schedules and Locations

In review of meeting schedules and locations, a survey of current meeting schedules was done. The survey found that NVRC, NVTC, and PRTC meet monthly. NVTA meets three or four times a year. NVRC meets in Fairfax, VA (by agreement), NVTA meets in Fairfax City, VA (by practice), NVTC meets in Arlington, VA (by practice and due to its location near Metrorail Station), and PRTC meets Woodbridge, VA (owns facility). The meeting schedules for the four agencies are located at the end of this section, along with the schedules of their respective staff/jurisdictional groups and other transportation-related agencies within the National Capital Region.

An examination of meeting location and the general area that a board member represents found that approximately Board members spent approximately 1,200 hours combined traveling to and from NVRC, NVTA, NVTC, and PRTC meetings – 400 hours for approximately 400 hours each for NVRC, NVTC, and PRTC and 100 hours for NVTA. This does not include the annual meetings that several hold in Richmond during the legislative session.

It may be beneficial to consider whether some meetings can be held on the same evening at the same location. When evaluating, these options it is important to consider the following issues:

- NVTC & PRTC Meetings are already held on the same evenings.
- Board members would save time by traveling to meetings less frequently.
- A centralized location may be either a shorter or longer distance for each board member and for members of the public who attend. This is based on the chosen location and the board members' or meeting attendees' residences or office locations.
- NVRC, NVTC, and PRTC have space for their individual meetings. However, they may not have space to hold numerous agency meetings at that same time. Therefore, if any of these locations were considered as a centralized location, meetings would have to be held consecutively, rather than concurrently.
- Consecutive meetings could lead to an increase in the length of time board members must schedule for meetings held, but could make available other periods of time.
- If several meetings are held consecutively, the first meeting would be time-limited, to ensure that the next meeting begins on time. In this instance, the first meeting's agenda could be truncated, or the Board may be unable to finish discussing or acting on all agenda items.

Currently, NVRC, NVTC, and PRCT meet monthly, excluding the month of August, while NVTA meets quarterly. Changing the intervals between meetings may be beneficial to some agencies and it may be possible for some organizations to meet less frequently or to cancel meetings that lack critical items. Less frequent agency meetings could increase the time available for board members. However, less frequent meetings could require a lengthened agenda and longer meetings. It is also important to address the effect on the timing of important action items, such as procurement and legal issues. If this action is taken, it may be necessary to grant staff more authority and flexibility to address issues as they arise. For example, NVTA has provided the JACC with the limited authority, with conditions, to approve CMAQ and RSTP funding transfers if they pertain to projects already approved by NVTA.

Joint meetings may also be possible on occasion, especially when the agencies are receiving the same presentations or the same issues are being discussed by those agencies. In some instances, it may be possible to begin a meeting jointly and then split into their respective board meetings. In fact, NVTC and PRTC have participated in joint meetings in the past, the most recent being in June 2010, when they

met for an hour to discuss VRE business, then, after a break, returned to separate rooms for their respective business meetings.

Issues to consider when proposing joint meetings are the logistics involved in gathering two distinct agencies from different localities. The timing of these meetings is important, to ensure that there are sufficient items of value for both organizations on the agenda. Further, a central location with sufficient space must be found for these meetings. In many instances, these locations must be rented, which can cost several thousand dollars for the event. Additionally, a joint meeting can result in a less orderly process, due to the large number of board members present or the necessity to meet in one space as a joint group that must be quickly rearranged for separate meetings, or vice versa.

Meeting Schedules

Northern Virginia Regional Commission (NVRC)

- Monthly Meetings (4th Thursday of every month @ 7:30 p.m.)
- February Meeting in Richmond, VA
- No meetings in August; November and December meetings are combined
- Meeting Location – NVRC - 3060 Williams Drive, Fairfax, VA (by agreement)

Northern Virginia Transportation Authority (NVTA)

- Meetings (2nd Thursday of the month @ 7:30 p.m. – meets about four (4) times a year)
- Joint Meeting with NVTC in February in Richmond, VA
- Meeting Location – Fairfax City Hall, 10455 Armstrong Street, Fairfax, VA (by practice)
 - ❖ Jurisdiction Agency Coordination Committee (JACC)
 - Monthly meetings (Last Thursday of every month @ 9:30 a.m.)

Northern Virginia Transportation Commission (NVTC)

- Monthly Meetings (1st Thursday of every month @ 8:00 p.m.)
- Joint Meeting with NVTA in February in Richmond, VA
- No meeting in August
- Meeting Location – NVTC 2300 Wilson Boulevard, Arlington, VA (by practice, location is near a Metrorail Station)
 - ❖ Management Advisory Committee (MAC)
 - Monthly meetings (3rd Tuesday of every month @ 1:30 p.m.)
 - ❖ Legislative Committee Meetings
 - Meets every November

Potomac and Rappahannock Transportation Commission (PRTC)

- Monthly Meetings (1st Thursday of every month @ 7:00 p.m.)
- No meeting in August
- Meeting Location – PRTC - 14700 Potomac Mills Road, Woodbridge, VA (PRTC owns facility)
 - ❖ PRTC Operations Committee
 - Meets on an “as needed” basis (1st Thursday of every month @ 6:00 p.m.)

OTHER REGIONAL TRANSPORTATION-RELATED AGENCIES

VRE Operations Board

- Monthly Meetings (3rd Friday each month @ 9:30 a.m.)
- No meetings in July
- Meeting Location - PRTC - 14700 Potomac Mills Road, Woodbridge, VA

Washington Metropolitan Area Transit Authority (WMATA)

- Generally Meets two Thursdays a month at 9:00 a.m. – First Session of the Month is scheduled for Committees and the Second Session for the Board meeting.
- No meetings in August
- Meeting Location – WMATA – 600 5th Street, NW, Washington, DC

Transportation Planning Board (TPB)

- Monthly Meetings (3rd Wednesday each month @ 12:00 p.m.)
- Meeting Location – Metropolitan Washington Council of Governments (COG) - 777 North Capitol Street, N.E., Suite 300, Washington, D.C. 20002
 - ❖ TPB Technical Committee (Jurisdictional Staff) Meeting
 - Monthly Meetings (1st Friday of every month @ 9:00 a.m.)
 - ❖ TPB Steering Committee
 - Monthly Meetings (1st Friday of every month immediately following Technical Committee)

Quorum Requirements

The working group examined quorum requirements as part of this effort. However, the working group found that quorum requirements are based on numerous reasons, including the population of each jurisdiction and the amount of support provided by each a respective agency and its functions. Any change to quorum requirements would have much broader implications than merely efficiency. Therefore, the Task Force proposed no changes to quorum requirements. However, for informational purposes, a summary of a summary of quorum requirements for each entity is noted below:

Northern Virginia Regional Commission

Membership: Arlington County (2 members)
Fairfax County (7 members)
Loudoun County (2 members)
Prince William County (3 members)
City of Alexandria (2 members)
City of Fairfax (1 member)
City of Falls Church (1 member)
City of Manassas (1 member)
City of Manassas Park (1 member)
Town of Dumfries (1 member)
Town of Herndon (1 member)
Town of Leesburg (1 member)
Town of Purcellville (1 member)
Town of Vienna (1 member)
Total: 26 members

Voting: In practice, a simple majority is required for approval of any item. Any member may make a motion to require weighted voting based on population, which must be seconded by a member representing another jurisdiction.

Minimum Members Present for a Quorum: 8

Notes: Each member jurisdiction has one member, plus one additional representative for each 150,000 population, or fraction thereof, if in excess of 100,000 population (town population excluded from county population)

Source: Charter Agreement of Northern Virginia Regional Commission

Northern Virginia Transportation Authority

Membership: Arlington County (1 member)
Fairfax County (1 member)
Loudoun County (1 member)
Prince William County (1 member)
City of Alexandria (1 member)
City of Fairfax (1 member)
City of Falls Church (1 member)
City of Manassas (1 member)
City of Manassas Park (1 member)
House of Delegates (2 members)
Senate of Virginia (1 member)
Commonwealth Transportation Board, Governor's appointment (1 member)
Citizen, Governor's appointment (1 member)

Director of the Department of Rail and Public Transit (nonvoting)
Commonwealth Transportation Commissioner (nonvoting)

Total: 16 members

Voting: At least a majority of representatives of the counties and cities constitutes a quorum. Decisions require the affirmative vote of two-thirds of the members of the Authority present and voting and two-thirds of the representatives of the counties and cities who are present and voting and include at least two-thirds of the population embraced by the Authority.

Minimum Members Present for a Quorum: 5

Source: Code of Virginia § 15.2-4829-4840

Northern Virginia Transportation Commission

Membership: Fairfax County (5 members)
Arlington County (3 members)
City of Alexandria (2 members)
City of Fairfax (1 member)
City of Falls Church (1 member)
Loudoun County (1 member)
Commonwealth Transportation Board (1 ex officio member)
Senate of Virginia (2 members)
House of Delegates (4 members)
Total: 20 members

Voting: A quorum requires 11 members including individuals representing 4 jurisdictions. Presence of a quorum and a majority vote, including an affirmative vote from at least one commissioner from a majority of the jurisdictions represented at the meeting is necessary for any action.

Minimum Members Present for a Quorum: 11

Notes: While the General Assembly is in session, General Assembly members shall not be counted in determining a quorum.

Source: Northern Virginia Transportation Commission By-Laws

Potomac and Rappahannock Transportation Commission

Membership: Prince William County (6 members)
Stafford County (2 members)
Spotsylvania County (2 members)
City of Manassas (1 member)
City of Manassas Park (1 member)
City of Fredericksburg (1 member)
Chairman of the Commonwealth Transportation Board (1 ex officio member)
House of Delegates (2 members)
Senate of Virginia (1 member)
Total: 17 members

Voting: A majority of the Commission includes at least one Commissioner from a majority of the member jurisdictions.

Minimum Members Present for a Quorum: 4

Notes: The Chairman of the Commonwealth Transportation Board may be included for purposes of a quorum. Members of the General Assembly shall not be counted for determining a quorum when the General Assembly is in session.

Source: Bylaws of Potomac and Rappahannock Transportation Commission

Other Proposed Efficiencies

Other proposals were suggested to improve efficiency. They include joint procurement of services, consolidated purchasing of employee benefits, and continuing the current efforts of the ECTF by the group meeting annually to examine the agencies' work programs for possible gaps, conflicts, or efficiencies. However, further evaluation would need to be completed before any recommendations based on these suggestions were offered.

Draft Deliverables of the Staff Working Group on Organizational Issues
for the Efficiency and Coordination Task Force Study

August 23, 2012

The Organizational Working Group offers these additional observations with respect to the issues it has considered. The Working Group has not attempted to resolve the specific issues outlining below. Doing so will require participation by professionals with great skills in human resource issues (e.g., the ability to develop and/or combine detailed position descriptions, etc.). In addition, the Legal/Financial Work Group will supply information related to some of these issues.

1. There are a number of functions unique to each of the organizations being considered for consolidation that are unlikely to result in savings as a result of the consolidation. For instance, PRTC employees include OmniRide operational personnel and VRE employees include VRE operation staff. Any consolidation would not result in the need for fewer personnel for these functions. Likewise, NVRC staff members work on activities unrelated to transportation almost exclusively (such as environmental protection and public safety). These staff members likely would not be consolidated with those of other organizations. There are other functions (e.g., executive director, financial and administrative staffs, etc.) performed in three of the organizations that, if combined, may result in savings; a more detailed analysis would have to be done to determine the amount of savings that would actually occur. While it may seem that three receptionist positions could be combined into one, an analysis would need to determine what additional functions other than answering the phone and greeting visitors are performed by each of the receptionists. NVRTA has no paid staff of its own. It uses borrowed staff from the localities. Any consolidation would have to review this policy.
2. A detailed analysis would also need to determine what non-personnel administrative costs (leased space, combined phone/information technology systems, etc.) could be saved through consolidation. One-time costs (e.g., costs incurred for termination of leases, moving, relocating phones/ computers, transitioning to a common information technology, financial and accounting systems, and computer software, etc.) would also

have to be factored into such an analysis. The total administrative costs for these organizations are:

- NVTA: Less than \$1,000 per year.
 - NVTC: Approximately, \$1.195 million per year
 - NVRC: Approximately, \$900,000 per year;
 - PRTC: Approximately, \$1.75 million per year
3. One of the most critical factors that must be considered in any consolidation decision is the location for offices and meeting space. Currently NVTC is located in Arlington near a Metrorail station and with easy access to I-95 and I-66. NVRC is located in Fairfax, with easy access to U.S. Route 50 and I-495. PRTC is located in Woodbridge, with easy access to I-95. However, it is hard to reach from the north for early evening meetings, because of rush hour traffic. NVTA currently meets in the City of Fairfax, and VRE meets at the PRTC offices in Woodbridge. Any consideration of consolidation must look at time and distance requirements for members to reach the location of evening meetings.
4. For some organizations, charters and by-laws would have to be amended. NVRC's Charter, for instance, specifies that the location of its offices must be in Fairfax County.

National Capital Region Transportation Planning Board

The National Capital Region Transportation Planning Board (TPB) is the federally designated Metropolitan Planning Organization (MPO) for the region, and plays an important role as the regional forum for transportation planning. Members of the TPB include representatives of local governments; state transportation agencies; the Maryland and Virginia General Assemblies; the Washington Metropolitan Area Transit Authority; and non-voting members from the Metropolitan Washington Airports Authority and federal agencies.

The TPB was created in 1965 by the region's local and state governments to respond to federal highway legislation in 1962 that required the establishment of a "continuing, comprehensive and coordinated" transportation planning process in every urbanized area in the United States.

This legislation required the establishment of Metropolitan Planning Organizations (MPOs) when it became clear that the construction of major transportation projects through and around urban areas needed to be coordinated with local and state jurisdictions.

The TPB became associated with the Metropolitan Washington Council of Governments (COG) in 1966, and serves as COG's transportation policy committee.

MPO Designation and Redesignation (§ 450.310 Federal Register February 14, 2007)

An MPO must be designated in every urbanized area with a population over 50,000. The TPB has been designated as this region's MPO by the governors of Virginia and Maryland and the mayor of the District of Columbia based upon an agreement among the local governments.

An existing MPO may be redesignated only by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the existing metropolitan planning area population (including the largest incorporated city, based on population, as named by the Bureau of the Census).

Redesignation of an MPO serving a **multistate metropolitan planning area** requires agreement between the Governors of each State served by the existing MPO and units of general purpose local government that together represent at least 75 percent of the existing metropolitan planning area population (including the largest incorporated city, based on population, as named by the Bureau of the Census).

The boundaries of a metropolitan planning area (MPA) shall be determined by agreement between the MPO and the Governor. At a minimum, the MPA boundaries shall encompass the entire existing urbanized area (as defined by the Bureau of the Census) plus the contiguous area expected to become urbanized within a 20-year forecast period for the metropolitan transportation plan. The MPA boundaries may be further expanded to encompass the entire metropolitan statistical area or combined statistical area, as defined by the Office of Management and Budget.



Federal Register

Wednesday,
February 14, 2007

Part III

Department of Transportation

Federal Highway Administration
23 CFR Parts 450 and 500

Federal Transit Administration
49 CFR Part 613

Statewide Transportation Planning;
Metropolitan Transportation Planning;
Final Rule

(b) For STIPs that are developed under TEA-21 requirements prior to July 1, 2007, the FHWA/FTA action (i.e., STIP approval) must be completed no later than June 30, 2007. For long-range statewide transportation plans that are completed under TEA-21 requirements prior to July 1, 2007, the State adoption action must be completed no later than June 30, 2007. If these actions are completed on or after July 1, 2007, the provisions and requirements of this part shall take effect, regardless of when the long-range statewide transportation plan or the STIP were developed.

(c) The applicable action (see paragraph (b) of this section) on any amendments or updates to STIPs or long-range statewide transportation plans on or after July 1, 2007, shall be based on the provisions and requirements of this part. However, administrative modifications may be made to the STIP on or after July 1, 2007 in the absence of meeting the provisions and requirements of this part.

Subpart C—Metropolitan Transportation Planning and Programming

§ 450.300 Purpose.

The purposes of this subpart are to implement the provisions of 23 U.S.C. 134 and 49 U.S.C. 5303, as amended, which:

(a) Sets forth the national policy that the MPO designated for each urbanized area is to carry out a continuing, cooperative, and comprehensive multimodal transportation planning process, including the development of a metropolitan transportation plan and a transportation improvement program (TIP), that encourages and promotes the safe and efficient development, management, and operation of surface transportation systems to serve the mobility needs of people and freight (including accessible pedestrian walkways and bicycle transportation facilities) and foster economic growth and development, while minimizing transportation-related fuel consumption and air pollution; and

(b) Encourages continued development and improvement of metropolitan transportation planning processes guided by the planning factors set forth in 23 U.S.C. 134(h) and 49 U.S.C. 5303(h).

§ 450.302 Applicability.

The provisions of this subpart are applicable to organizations and entities responsible for the transportation planning and programming processes in metropolitan planning areas.

§ 450.304 Definitions.

Except as otherwise provided in subpart A of this part, terms defined in 23 U.S.C. 101(a) and 49 U.S.C. 5302 are used in this subpart as so defined.

§ 450.306 Scope of the metropolitan transportation planning process.

(a) The metropolitan transportation planning process shall be continuous, cooperative, and comprehensive, and provide for consideration and implementation of projects, strategies, and services that will address the following factors:

- (1) Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;
- (2) Increase the safety of the transportation system for motorized and non-motorized users;
- (3) Increase the security of the transportation system for motorized and non-motorized users;
- (4) Increase accessibility and mobility of people and freight;
- (5) Protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns;
- (6) Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;
- (7) Promote efficient system management and operation; and
- (8) Emphasize the preservation of the existing transportation system.

(b) Consideration of the planning factors in paragraph (a) of this section shall be reflected, as appropriate, in the metropolitan transportation planning process. The degree of consideration and analysis of the factors should be based on the scale and complexity of many issues, including transportation system development, land use, employment, economic development, human and natural environment, and housing and community development.

(c) The failure to consider any factor specified in paragraph (a) of this section shall not be reviewable by any court under title 23 U.S.C., 49 U.S.C. Chapter 53, subchapter II of title 5, U.S.C. Chapter 5, or title 5 U.S.C. Chapter 7 in any matter affecting a metropolitan transportation plan, TIP, a project or strategy, or the certification of a metropolitan transportation planning process.

(d) The metropolitan transportation planning process shall be carried out in coordination with the statewide transportation planning process

required by 23 U.S.C. 135 and 49 U.S.C. 5304.

(e) In carrying out the metropolitan transportation planning process, MPOs, States, and public transportation operators may apply asset management principles and techniques in establishing planning goals, defining TIP priorities, and assessing transportation investment decisions, including transportation system safety, operations, preservation, and maintenance, as well as strategies and policies to support homeland security and to safeguard the personal security of all motorized and non-motorized users.

(f) The metropolitan transportation planning process shall (to the maximum extent practicable) be consistent with the development of applicable regional intelligent transportation systems (ITS) architectures, as defined in 23 CFR part 940.

(g) Preparation of the coordinated public transit-human services transportation plan, as required by 49 U.S.C. 5310, 5316, and 5317, should be coordinated and consistent with the metropolitan transportation planning process.

(h) The metropolitan transportation planning process should be consistent with the Strategic Highway Safety Plan, as specified in 23 U.S.C. 148, and other transit safety and security planning and review processes, plans, and programs, as appropriate.

(i) The FHWA and the FTA shall designate as a transportation management area (TMA) each urbanized area with a population of over 200,000 individuals, as defined by the Bureau of the Census. The FHWA and the FTA shall also designate any additional urbanized area as a TMA on the request of the Governor and the MPO designated for that area.

(j) In an urbanized area not designated as a TMA that is an air quality attainment area, the MPO(s) may propose and submit to the FHWA and the FTA for approval a procedure for developing an abbreviated metropolitan transportation plan and TIP. In developing proposed simplified planning procedures, consideration shall be given to whether the abbreviated metropolitan transportation plan and TIP will achieve the purposes of 23 U.S.C. 134, 49 U.S.C. 5303, and these regulations, taking into account the complexity of the transportation problems in the area. The simplified procedures shall be developed by the MPO in cooperation with the State(s) and public transportation operator(s).

§ 450.308 Funding for transportation planning and unified planning work programs.

(a) Funds provided under 23 U.S.C. 104(f), 49 U.S.C. 5305(d), 49 U.S.C. 5307, and 49 U.S.C. 5339 are available to MPOs to accomplish activities in this subpart. At the State's option, funds provided under 23 U.S.C. 104(b)(1) and (b)(3) and 23 U.S.C. 105 may also be provided to MPOs for metropolitan transportation planning. In addition, an MPO serving an urbanized area with a population over 200,000, as designated by the Bureau of the Census, may at its discretion use funds sub-allocated under 23 U.S.C. 133(d)(3)(E) for metropolitan transportation planning activities.

(b) Metropolitan transportation planning activities performed with funds provided under title 23 U.S.C. and title 49 U.S.C. Chapter 53 shall be documented in a unified planning work program (UPWP) or simplified statement of work in accordance with the provisions of this section and 23 CFR part 420.

(c) Except as provided in paragraph (d) of this section, each MPO, in cooperation with the State(s) and public transportation operator(s), shall develop a UPWP that includes a discussion of the planning priorities facing the MPA. The UPWP shall identify work proposed for the next one- or two-year period by major activity and task (including activities that address the planning factors in § 450.306(a)), in sufficient detail to indicate who (e.g., MPO, State, public transportation operator, local government, or consultant) will perform the work, the schedule for completing the work, the resulting products, the proposed funding by activity/task, and a summary of the total amounts and sources of Federal and matching funds.

(d) With the prior approval of the State and the FHWA and the FTA, an MPO in an area not designated as a TMA may prepare a simplified statement of work, in cooperation with the State(s) and the public transportation operator(s), in lieu of a UPWP. A simplified statement of work would include a description of the major activities to be performed during the next one- or two-year period, who (e.g., State, MPO, public transportation operator, local government, or consultant) will perform the work, the resulting products, and a summary of the total amounts and sources of Federal and matching funds. If a simplified statement of work is used, it may be submitted as part of the State's planning work program, in accordance with 23 CFR part 420.

(e) Arrangements may be made with the FHWA and the FTA to combine the UPWP or simplified statement of work with the work program(s) for other Federal planning funds.

(f) Administrative requirements for UPWPs and simplified statements of work are contained in 23 CFR part 420 and FTA Circular C8100.1B (Program Guidance and Application Instructions for Metropolitan Planning Grants).

§ 450.310 Metropolitan planning organization designation and redesignation.

(a) To carry out the metropolitan transportation planning process under this subpart, a metropolitan planning organization (MPO) shall be designated for each urbanized area with a population of more than 50,000 individuals (as determined by the Bureau of the Census).

(b) MPO designation shall be made by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the affected population (including the largest incorporated city, based on population, as named by the Bureau of the Census) or in accordance with procedures established by applicable State or local law.

(c) Each Governor with responsibility for a portion of a multistate metropolitan area and the appropriate MPOs shall, to the extent practicable, provide coordinated transportation planning for the entire MPA. The consent of Congress is granted to any two or more States to:

(1) Enter into agreements or compacts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of activities authorized under 23 U.S.C. 134 and 49 U.S.C. 5303 as the activities pertain to interstate areas and localities within the States; and

(2) Establish such agencies, joint or otherwise, as the States may determine desirable for making the agreements and compacts effective.

(d) Each MPO that serves a TMA, when designated or redesignated under this section, shall consist of local elected officials, officials of public agencies that administer or operate major modes of transportation in the metropolitan planning area, and appropriate State transportation officials. Where appropriate, MPOs may increase the representation of local elected officials, public transportation agencies, or appropriate State officials on their policy boards and other committees as a means for encouraging greater involvement in the metropolitan transportation planning process, subject

to the requirements of paragraph (k) of this section.

(e) To the extent possible, only one MPO shall be designated for each urbanized area or group of contiguous urbanized areas. More than one MPO may be designated to serve an urbanized area only if the Governor(s) and the existing MPO, if applicable, determine that the size and complexity of the urbanized area make designation of more than one MPO appropriate. In those cases where two or more MPOs serve the same urbanized area, the MPOs shall establish official, written agreements that clearly identify areas of coordination and the division of transportation planning responsibilities among the MPOs.

(f) Nothing in this subpart shall be deemed to prohibit an MPO from using the staff resources of other agencies, non-profit organizations, or contractors to carry out selected elements of the metropolitan transportation planning process.

(g) An MPO designation shall remain in effect until an official redesignation has been made in accordance with this section.

(h) An existing MPO may be redesignated only by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the existing metropolitan planning area population (including the largest incorporated city, based on population, as named by the Bureau of the Census).

(i) Redesignation of an MPO serving a multistate metropolitan planning area requires agreement between the Governors of each State served by the existing MPO and units of general purpose local government that together represent at least 75 percent of the existing metropolitan planning area population (including the largest incorporated city, based on population, as named by the Bureau of the Census).

(j) For the purposes of redesignation, units of general purpose local government may be defined as elected officials from each unit of general purpose local government located within the metropolitan planning area served by the existing MPO.

(k) Redesignation of an MPO (in accordance with the provisions of this section) is required whenever the existing MPO proposes to make:

(1) A substantial change in the proportion of voting members on the existing MPO representing the largest incorporated city, other units of general purpose local government served by the MPO, and the State(s); or

(2) A substantial change in the decisionmaking authority or

responsibility of the MPO, or in decisionmaking procedures established under MPO by-laws.

(l) The following changes to an MPO do not require a redesignation (as long as they do not trigger a substantial change as described in paragraph (k) of the section):

(1) The identification of a new urbanized area (as determined by the Bureau of the Census) within an existing metropolitan planning area;

(2) Adding members to the MPO that represent new units of general purpose local government resulting from expansion of the metropolitan planning area;

(3) Adding members to satisfy the specific membership requirements for an MPO that serves a TMA; or

(4) Periodic rotation of members representing units of general-purpose local government, as established under MPO by-laws.

§ 450.312 Metropolitan planning area boundaries.

(a) The boundaries of a metropolitan planning area (MPA) shall be determined by agreement between the MPO and the Governor. At a minimum, the MPA boundaries shall encompass the entire existing urbanized area (as defined by the Bureau of the Census) plus the contiguous area expected to become urbanized within a 20-year forecast period for the metropolitan transportation plan. The MPA boundaries may be further expanded to encompass the entire metropolitan statistical area or combined statistical area, as defined by the Office of Management and Budget.

(b) An MPO that serves an urbanized area designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 *et seq.*) as of August 10, 2005, shall retain the MPA boundary that existed on August 10, 2005. The MPA boundaries for such MPOs may only be adjusted by agreement of the Governor and the affected MPO in accordance with the redesignation procedures described in § 450.310(h). The MPA boundary for an MPO that serves an urbanized area designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 *et seq.*) after August 10, 2005 may be established to coincide with the designated boundaries of the ozone and/or carbon monoxide nonattainment area, in accordance with the requirements in § 450.310(b).

(c) An MPA boundary may encompass more than one urbanized area.

(d) MPA boundaries may be established to coincide with the

geography of regional economic development and growth forecasting areas.

(e) Identification of new urbanized areas within an existing metropolitan planning area by the Bureau of the Census shall not require redesignation of the existing MPO.

(f) Where the boundaries of the urbanized area or MPA extend across two or more States, the Governors with responsibility for a portion of the multistate area, MPO(s), and the public transportation operator(s) are strongly encouraged to coordinate transportation planning for the entire multistate area.

(g) The MPA boundaries shall not overlap with each other.

(h) Where part of an urbanized area served by one MPO extends into an adjacent MPA, the MPOs shall, at a minimum, establish written agreements that clearly identify areas of coordination and the division of transportation planning responsibilities among and between the MPOs. Alternatively, the MPOs may adjust their existing boundaries so that the entire urbanized area lies within only one MPA. Boundary adjustments that change the composition of the MPO may require redesignation of one or more such MPOs.

(i) The MPA boundaries shall be reviewed after each Census by the MPO (in cooperation with the State and public transportation operator(s)) to determine if existing MPA boundaries meet the minimum statutory requirements for new and updated urbanized area(s), and shall be adjusted as necessary. As appropriate, additional adjustments should be made to reflect the most comprehensive boundary to foster an effective planning process that ensures connectivity between modes, reduces access disadvantages experienced by modal systems, and promotes efficient overall transportation investment strategies.

(j) Following MPA boundary approval by the MPO and the Governor, the MPA boundary descriptions shall be provided for informational purposes to the FHWA and the FTA. The MPA boundary descriptions shall be submitted either as a geo-spatial database or described in sufficient detail to enable the boundaries to be accurately delineated on a map.

§ 450.314 Metropolitan planning agreements.

(a) The MPO, the State(s), and the public transportation operator(s) shall cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process. These responsibilities shall be

clearly identified in written agreements among the MPO, the State(s), and the public transportation operator(s) serving the MPA. To the extent possible, a single agreement between all responsible parties should be developed. The written agreement(s) shall include specific provisions for cooperatively developing and sharing information related to the development of financial plans that support the metropolitan transportation plan (see § 450.322) and the metropolitan TIP (see § 450.324) and development of the annual listing of obligated projects (see § 450.332).

(b) If the MPA does not include the entire nonattainment or maintenance area, there shall be a written agreement among the State department of transportation, State air quality agency, affected local agencies, and the MPO describing the process for cooperative planning and analysis of all projects outside the MPA within the nonattainment or maintenance area. The agreement must also indicate how the total transportation-related emissions for the nonattainment or maintenance area, including areas outside the MPA, will be treated for the purposes of determining conformity in accordance with the EPA's transportation conformity rule (40 CFR part 93). The agreement shall address policy mechanisms for resolving conflicts concerning transportation-related emissions that may arise between the MPA and the portion of the nonattainment or maintenance area outside the MPA.

(c) In nonattainment or maintenance areas, if the MPO is not the designated agency for air quality planning under section 174 of the Clean Air Act (42 U.S.C. 7504), there shall be a written agreement between the MPO and the designated air quality planning agency describing their respective roles and responsibilities for air quality related transportation planning.

(d) If more than one MPO has been designated to serve an urbanized area, there shall be a written agreement among the MPOs, the State(s), and the public transportation operator(s) describing how the metropolitan transportation planning processes will be coordinated to assure the development of consistent metropolitan transportation plans and TIPs across the MPA boundaries, particularly in cases in which a proposed transportation investment extends across the boundaries of more than one MPA. If any part of the urbanized area is a nonattainment or maintenance area, the agreement also shall include State and local air quality agencies. The

metropolitan transportation planning processes for affected MPOs should, to the maximum extent possible, reflect coordinated data collection, analysis, and planning assumptions across the MPAs. Alternatively, a single metropolitan transportation plan and/or TIP for the entire urbanized area may be developed jointly by the MPOs in cooperation with their respective planning partners. Coordination efforts and outcomes shall be documented in subsequent transmittals of the UPWP and other planning products, including the metropolitan transportation plan and TIP, to the State(s), the FHWA, and the FTA.

(e) Where the boundaries of the urbanized area or MPA extend across two or more States, the Governors with responsibility for a portion of the multistate area, the appropriate MPO(s), and the public transportation operator(s) shall coordinate transportation planning for the entire multistate area. States involved in such multistate transportation planning may:

(1) Enter into agreements or compacts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of activities authorized under this section as the activities pertain to interstate areas and localities within the States; and

(2) Establish such agencies, joint or otherwise, as the States may determine desirable for making the agreements and compacts effective.

(f) If part of an urbanized area that has been designated as a TMA overlaps into an adjacent MPA serving an urbanized area that is not designated as a TMA, the adjacent urbanized area shall not be treated as a TMA. However, a written agreement shall be established between the MPOs with MPA boundaries including a portion of the TMA, which clearly identifies the roles and responsibilities of each MPO in meeting specific TMA requirements (e.g., congestion management process, Surface Transportation Program funds suballocated to the urbanized area over 200,000 population, and project selection).

§ 450.316 Interested parties, participation, and consultation.

(a) The MPO shall develop and use a documented participation plan that defines a process for providing citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users

of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process.

(1) The participation plan shall be developed by the MPO in consultation with all interested parties and shall, at a minimum, describe explicit procedures, strategies, and desired outcomes for:

(i) Providing adequate public notice of public participation activities and time for public review and comment at key decision points, including but not limited to a reasonable opportunity to comment on the proposed metropolitan transportation plan and the TIP;

(ii) Providing timely notice and reasonable access to information about transportation issues and processes;

(iii) Employing visualization techniques to describe metropolitan transportation plans and TIPs;

(iv) Making public information (technical information and meeting notices) available in electronically accessible formats and means, such as the World Wide Web;

(v) Holding any public meetings at convenient and accessible locations and times;

(vi) Demonstrating explicit consideration and response to public input received during the development of the metropolitan transportation plan and the TIP;

(vii) Seeking out and considering the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services;

(viii) Providing an additional opportunity for public comment, if the final metropolitan transportation plan or TIP differs significantly from the version that was made available for public comment by the MPO and raises new material issues which interested parties could not reasonably have foreseen from the public involvement efforts;

(ix) Coordinating with the statewide transportation planning public involvement and consultation processes under subpart B of this part; and

(x) Periodically reviewing the effectiveness of the procedures and strategies contained in the participation plan to ensure a full and open participation process.

(2) When significant written and oral comments are received on the draft metropolitan transportation plan and TIP (including the financial plans) as a result of the participation process in this section or the interagency consultation

process required under the EPA transportation conformity regulations (40 CFR part 93), a summary, analysis, and report on the disposition of comments shall be made as part of the final metropolitan transportation plan and TIP.

(3) A minimum public comment period of 45 calendar days shall be provided before the initial or revised participation plan is adopted by the MPO. Copies of the approved participation plan shall be provided to the FHWA and the FTA for informational purposes and shall be posted on the World Wide Web, to the maximum extent practicable.

(b) In developing metropolitan transportation plans and TIPs, the MPO should consult with agencies and officials responsible for other planning activities within the MPA that are affected by transportation (including State and local planned growth, economic development, environmental protection, airport operations, or freight movements) or coordinate its planning process (to the maximum extent practicable) with such planning activities. In addition, metropolitan transportation plans and TIPs shall be developed with due consideration of other related planning activities within the metropolitan area, and the process shall provide for the design and delivery of transportation services within the area that are provided by:

(1) Recipients of assistance under title 49 U.S.C. Chapter 53;

(2) Governmental agencies and non-profit organizations (including representatives of the agencies and organizations) that receive Federal assistance from a source other than the U.S. Department of Transportation to provide non-emergency transportation services; and

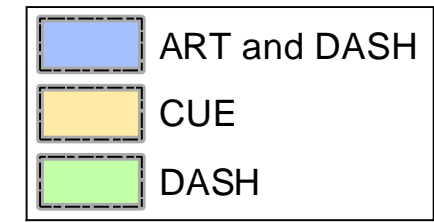
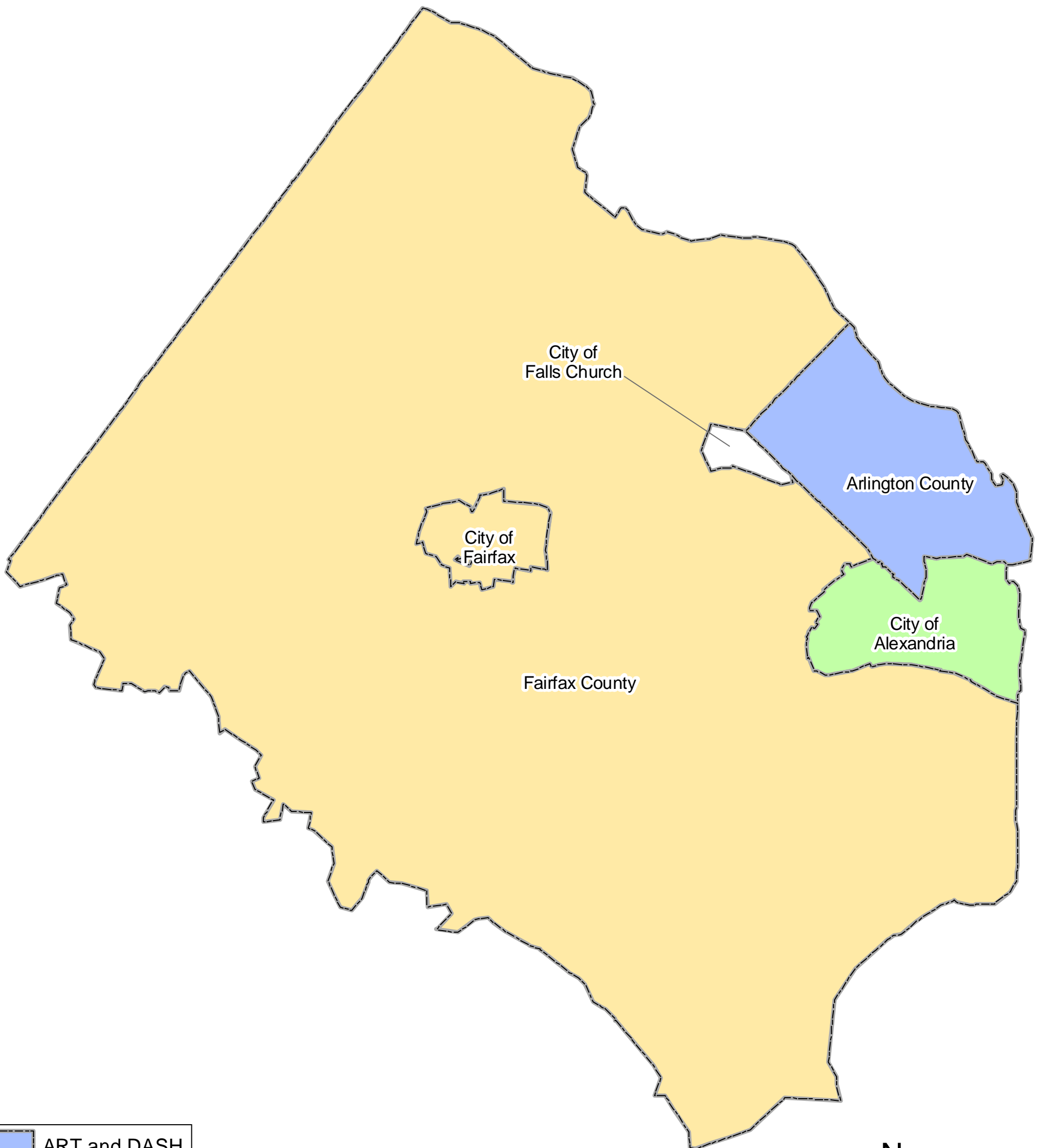
(3) Recipients of assistance under 23 U.S.C. 204.

(c) When the MPA includes Indian, Tribal lands, the MPO shall appropriately involve the Indian Tribal government(s) in the development of the metropolitan transportation plan and the TIP.

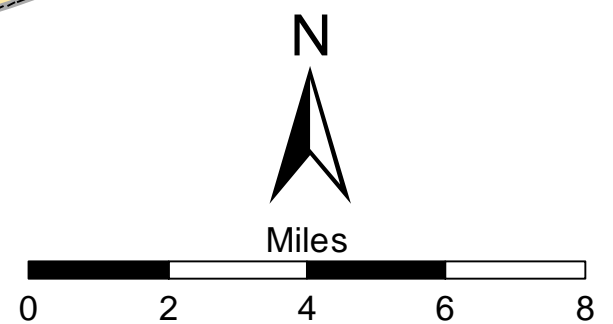
(d) When the MPA includes Federal public lands, the MPO shall appropriately involve the Federal land management agencies in the development of the metropolitan transportation plan and the TIP.

(e) MPOs shall, to the extent practicable, develop a documented process(es) that outlines roles, responsibilities, and key decision points for consulting with other governments and agencies, as defined in paragraphs (b), (c), and (d) of this section, which

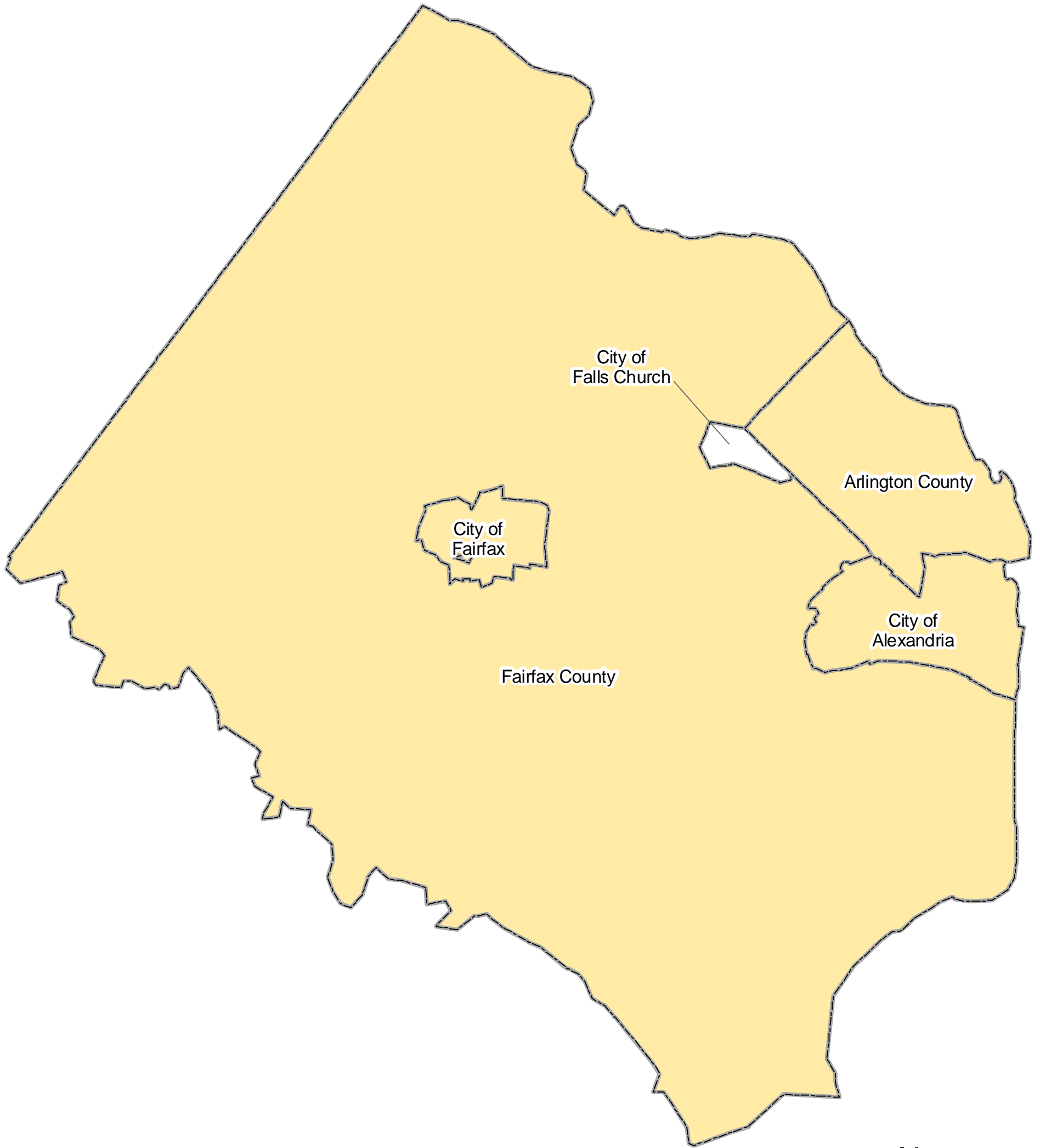
Arlington Transit (ART), Fairfax City-University-Energysaver (CUE), and Alexandria Transit Company (DASH) Service Areas



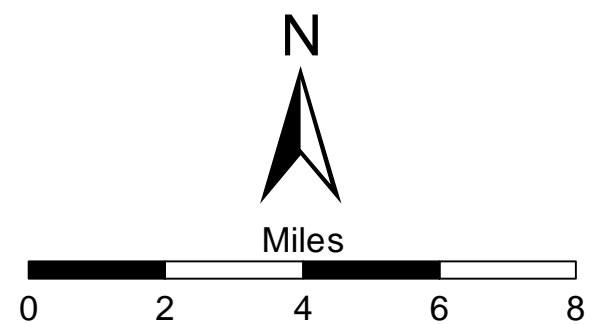
NOTE: Shaded areas note that a service provider has at least one stop in that jurisdiction.



Fairfax Connector Service Area



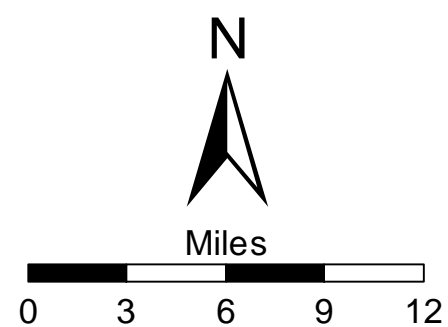
NOTE: Shaded areas note that a service provider has at least one stop in that jurisdiction.



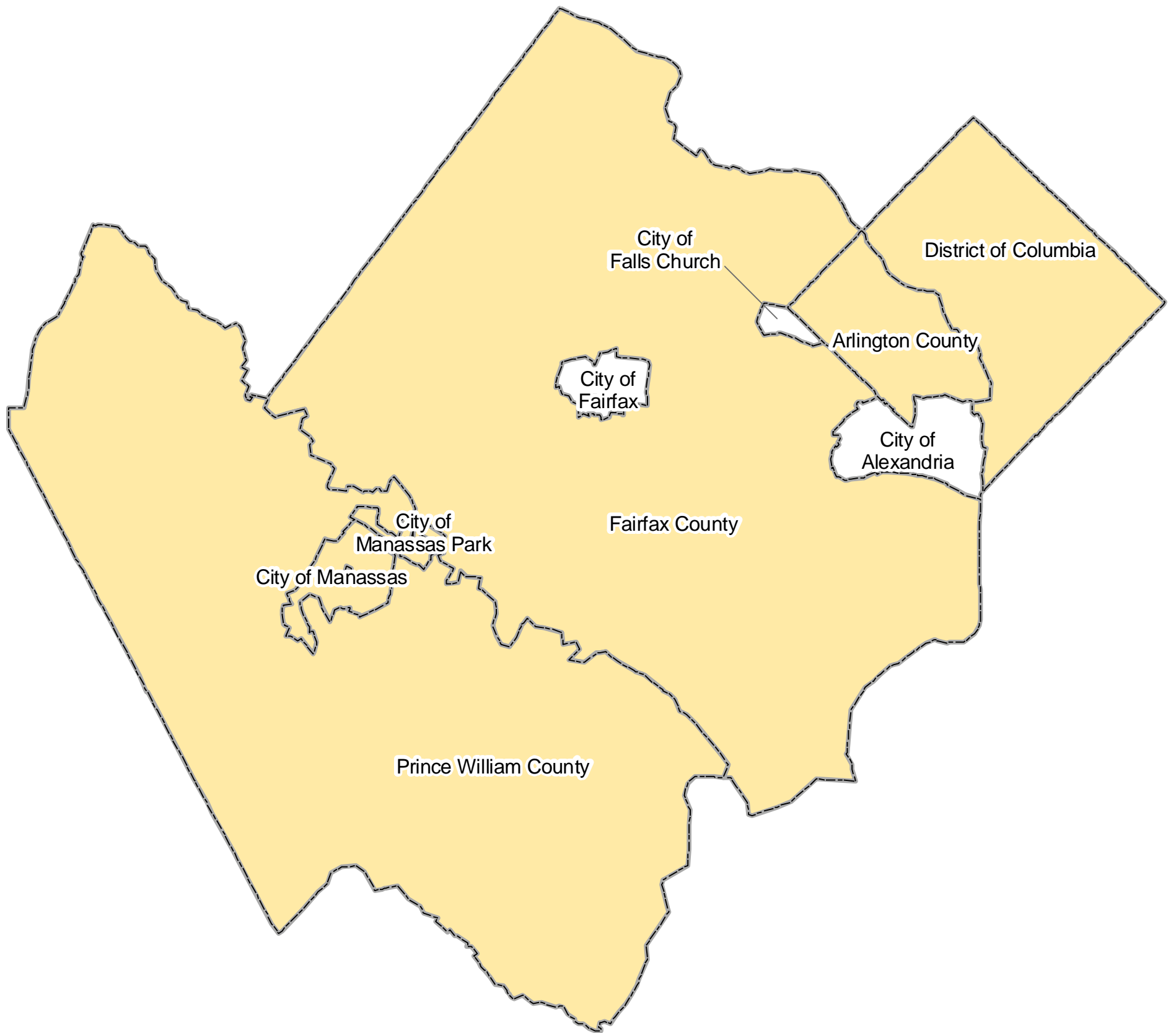
Loudoun County Transit Service Area



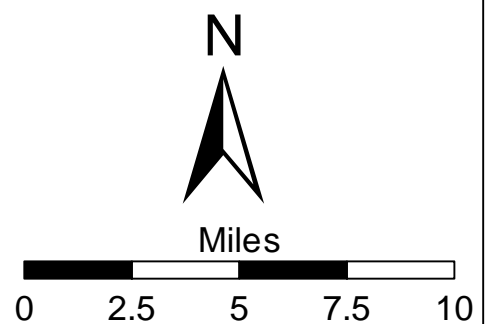
NOTE: Shaded areas note that a service provider has at least one stop in that jurisdiction.



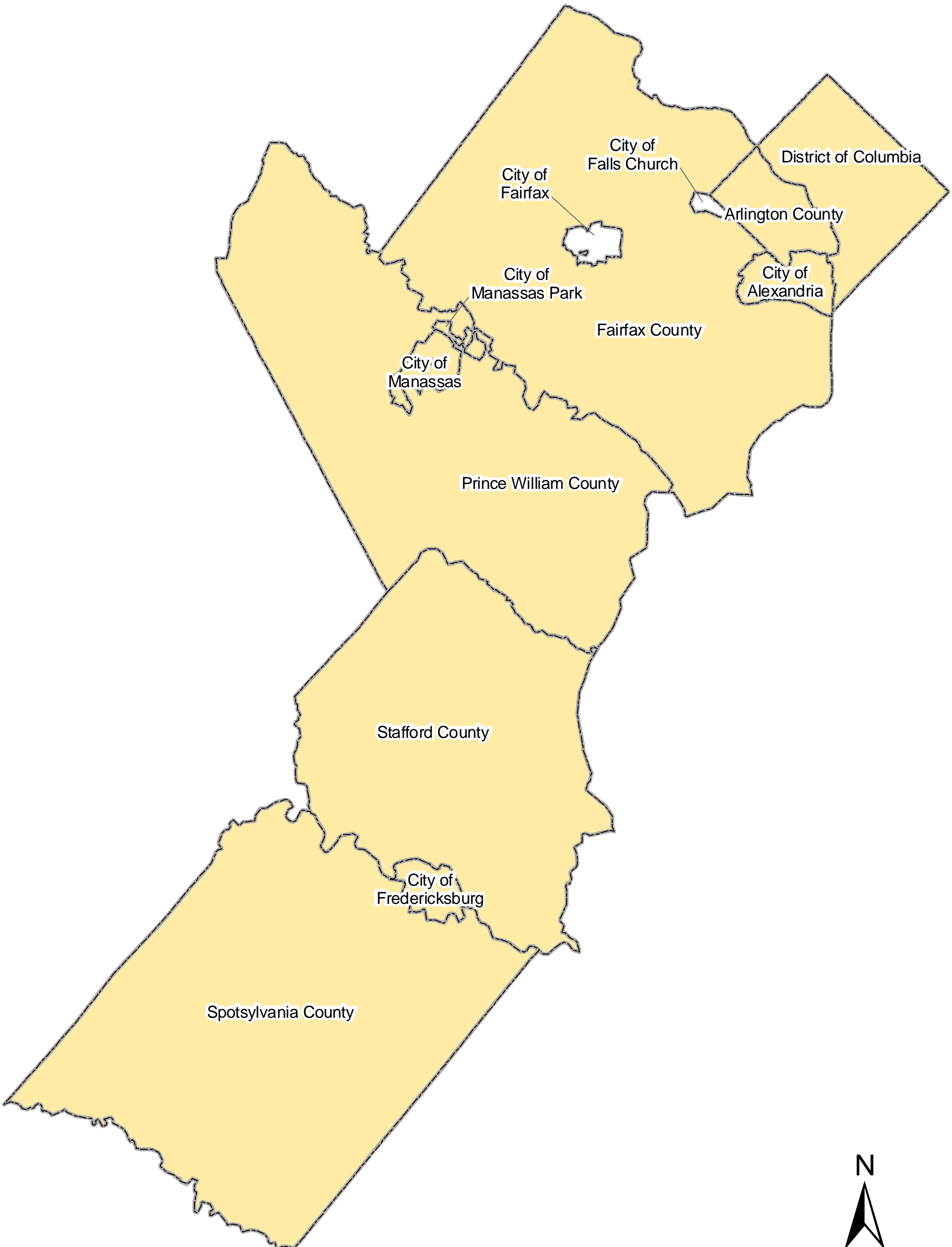
Potomac and Rappahannock Transportation Commission (PRTC) Service Area



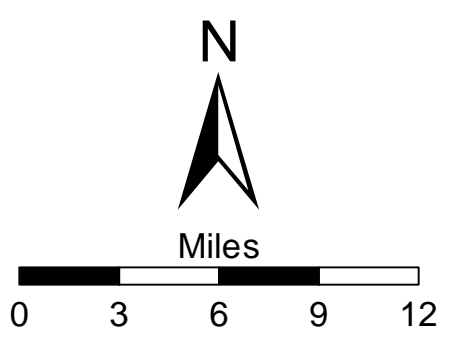
NOTE: Shaded areas note that a service provider has at least one stop in that jurisdiction.



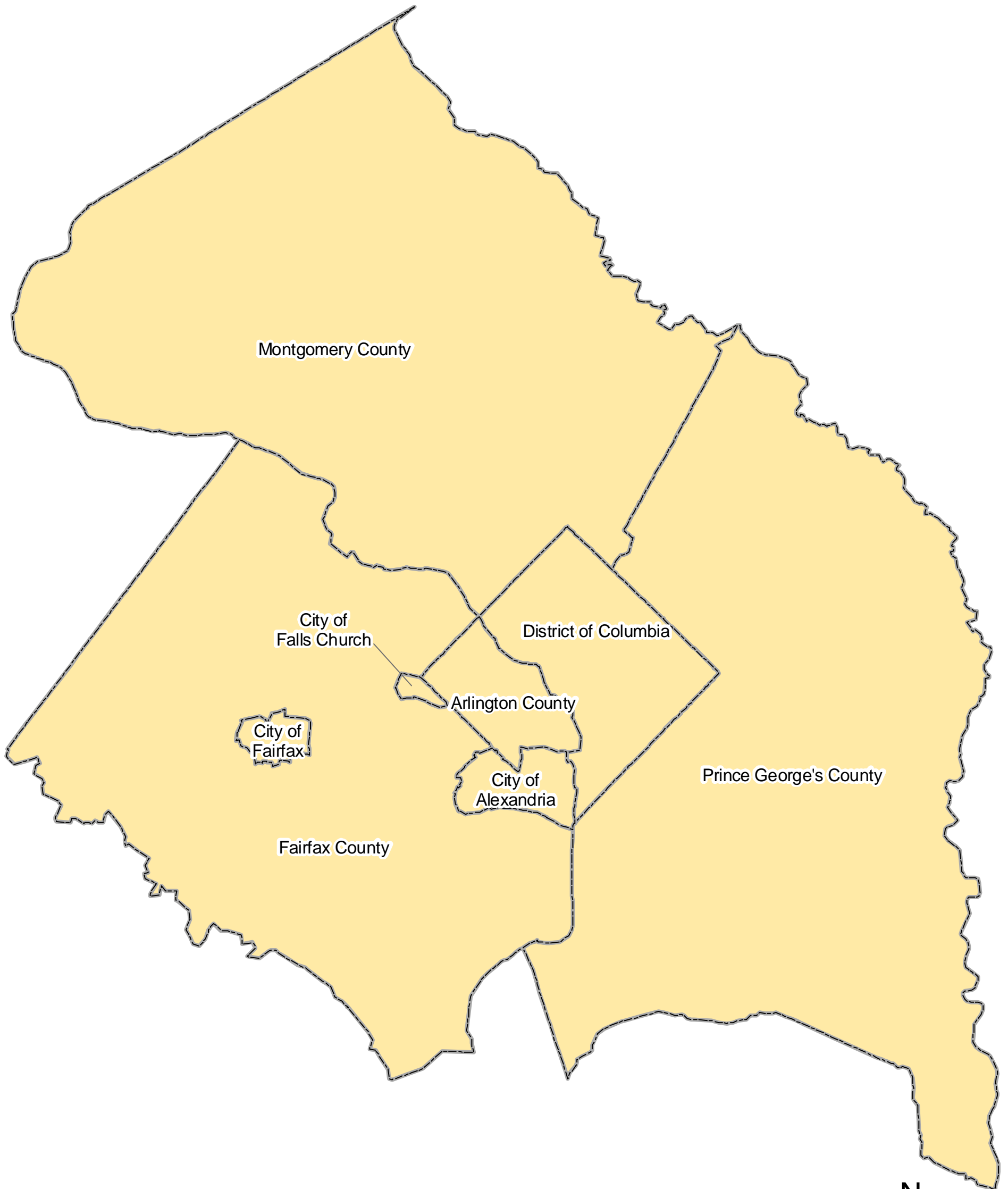
Virginia Railway Express (VRE) Service Area



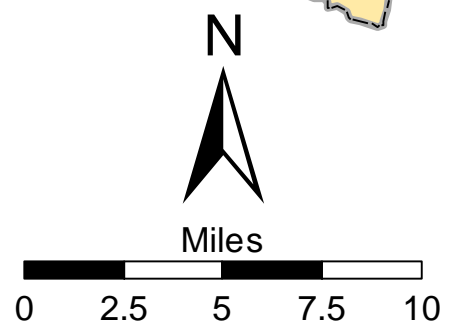
NOTE: Shaded areas note that a service provider has at least one stop in that jurisdiction.



Washington Metropolitan Area Transit Authority (WMATA) Service Area



NOTE: Shaded areas note that a service provider has at least one stop in that jurisdiction.



NORTHERN VIRGINIA REGIONAL COMMISSION (NVRC), NORTHERN VIRGINIA TRANSPORTATION AUTHORITY (NVTA), NORTHERN VIRGINIA TRANSPORTATION COMMISSION (NVTC), AND POTOMAC AND RAPPAHANNOCK TRANSPORTATION COMMISSION (PRTC)
CURRENT TRANSPORTATION PLANNING RESPONSIBILITIES

	NVRC	NVTA	NVTC	PRTC
Advocates for Transportation Funding	X	X	X	X
Allocates CMAQ/RSTP Federal Funds and Other Funds Made Available By the General Assembly or Federal Government		X		
Appoints Virginia's Members of the WMATA Board			X	
Coordinates Local and Regional Transit Services			X	X
Demonstrates New Transit Technology			X	
Issues Bonds and Manages Trust Funds For Member Jurisdictions			X	X
Owens and Operates Commuter Bus and Local Bus Service				X
Owens VRE (Commuter Rail)			X	X
Performs Public Education/Outreach on Region's Transit Investments			X	
Prepares Unconstrained Long-Range Surface Transportation Planning		X		
Prepares Unified Virginia Positions On Issues Acted On By the Regional Metropolitan Planning Organization (MPO)		X		
Prioritizes Highway and Transit Project Funding		X		
Provides a Forum for Addressing Linkages Among Land Use and Multiple Modes of Transportation (e.g. BRAC coordination and transportation issues)	X		X	
Provides a Forum for Addressing Regional Transit Funding and Planning Issues Within Certain Jurisdictions			X	X
Receives 2.1% Motor Vehicle Tax Which Fund Member Jurisdiction's WMATA Expenses			X	
Receives 2.1% Motor Vehicle Tax Which Fund Member Jurisdiction's Transportation Purposes			X	X
Secures Funding, Issues Bonds, and Manages Trust Funds For Member Jurisdictions			X	X

* Chart only indicates transportation-related planning and operating responsibilities.

Northern Virginia Transportation and Planning Agencies
Board Composition

Northern Virginia Regional Commission – Currently 25 Members

- All members of, and appointed by, local governing bodies of 14 member counties, cities and towns, including:
 - Chief elected officers (mayors/chairs) or their designees
 - One additional representative from each governing body for each 150,000 population, or fraction thereof, in excess of 100,000
- Current roster includes:
 - Arlington County (2)
 - Fairfax County (7)
 - Loudoun County (2)
 - Prince William County (3)
 - City of Alexandria (2)
 - City of Fairfax (1)
 - City of Falls Church (1)
 - City of Manassas (1)
 - City of Manassas Park(1)
 - Town of Dumfries (1)
 - Town of Herndon (1)
 - Town of Leesburg (1)
 - Town of Purcellville (1)
 - Town of Vienna (1)

Northern Virginia Transportation Authority – 17 Members

- Mayors and Chairs, or their designees, of the nine member jurisdictions:
 - Arlington County
 - Fairfax County
 - Loudoun County
 - Prince William County
 - City of Alexandria
 - City of Fairfax
 - City of Falls Church
 - City of Manassas
 - City of Manassas Park
- Three from the General Assembly
 - 2 Members of the House of Delegates
 - 1 Member of the Senate
- Two citizens who reside in counties and cities embraced by the Authority, appointed by the Governor. One must be a member of the Commonwealth Transportation Board.
- Director of the Virginia Department of Rail and Public Transportation, or his designee (non-voting)
- Commonwealth Transportation Commissioner, or his designee, (non-voting)
- Town Representative (rotates annually among towns located within NVRTA's geographic boundaries) – currently the Town of Purcellville.

Northern Virginia Transportation and Planning Agencies
Board Composition

Northern Virginia Transportation Commission – 20 Commissioners

- Thirteen are locally elected officials from its six member jurisdictions:
 - Arlington County (3)
 - Fairfax County (5)
 - Loudoun County (1)
 - City of Alexandria (2)
 - City of Fairfax (1)
 - City of Falls Church (1)
- Six from the General Assembly
 - 4 Members of the House of Delegates
 - 2 Members of the Senate
- Secretary of Transportation or his designee

Potomac and Rappahannock Transportation Commission – 17 Commissioners

- Thirteen are locally elected officials from its five member jurisdictions:
 - City of Fredericksburg (1)
 - City of Manassas (1)
 - City of Manassas Park (1)
 - Prince William County (6)
 - Stafford County (2)
 - Spotsylvania County (2)
- Three from the General Assembly
 - 2 Members of the House of Delegates
 - 1 Member of the Senate
- Secretary of Transportation or his designee

Commuter Travel Patterns in Northern Virginia

Presentation by

Robert E. Griffiths

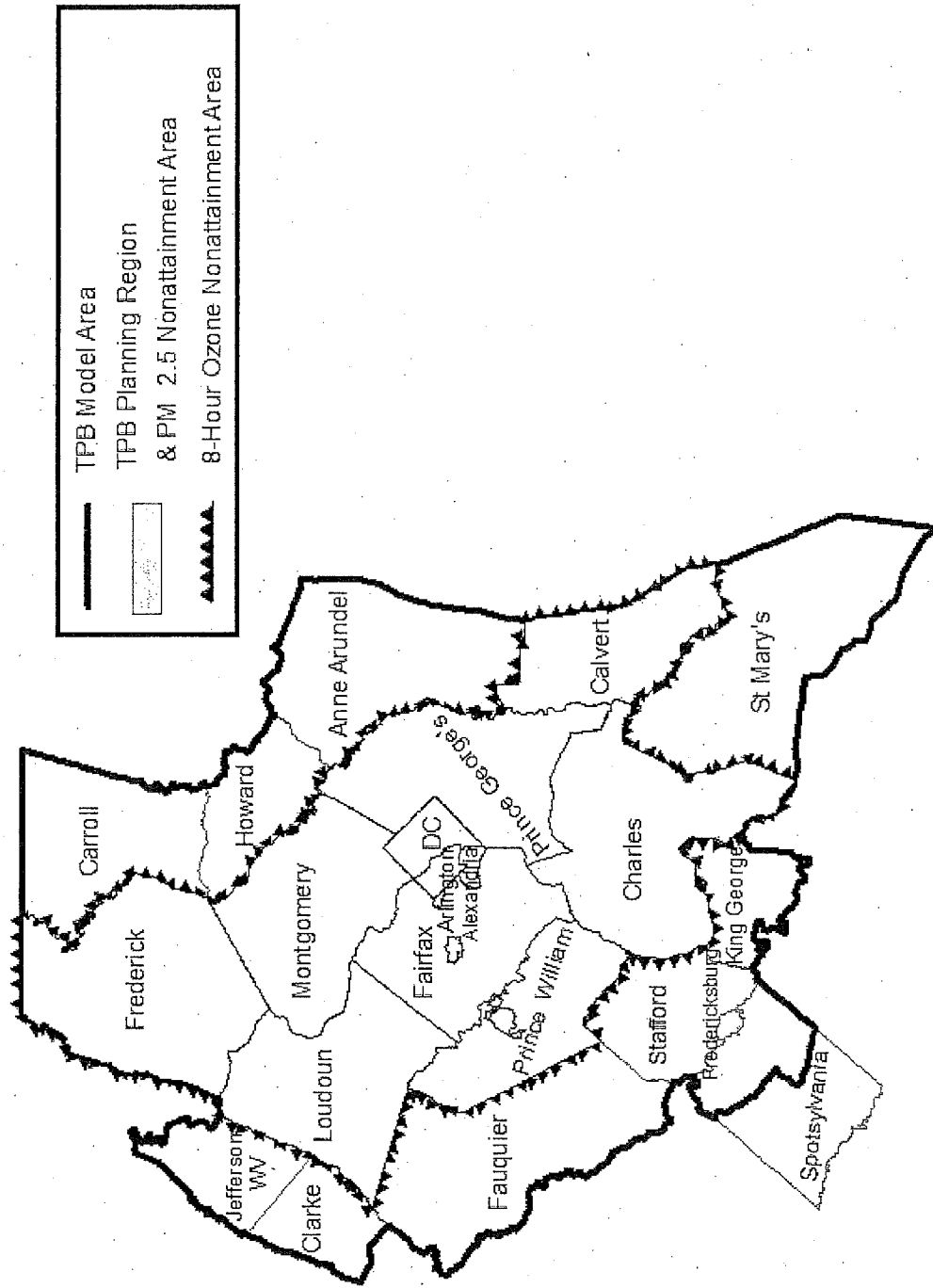
Technical Services Director

National Capital Region Transportation Planning Board

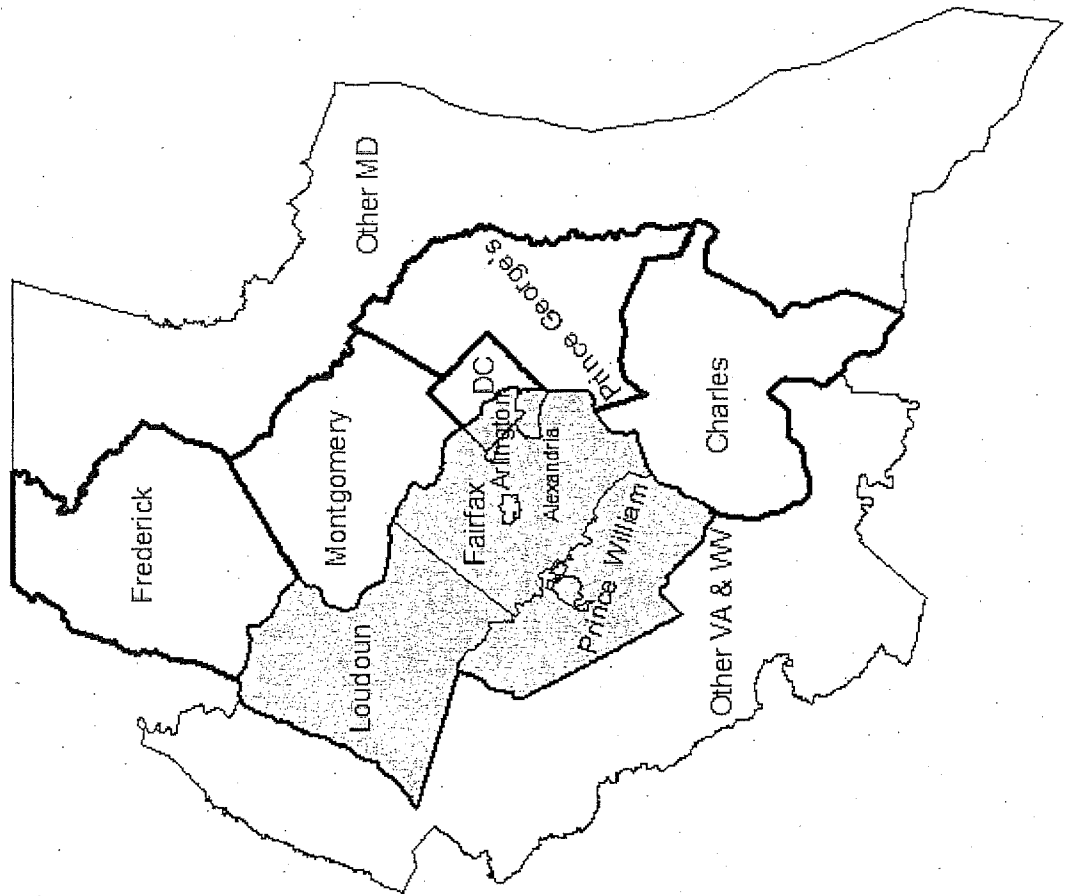
Metropolitan Washington Council of Governments

Northern Virginia Efficiency / Coordination Task Force Meeting
May 24, 2012

TPB Modeled Area, Planning Region and Air Quality Non-Attainment Areas



Northern Virginia Jurisdictions in TPB Modeled Area



Arlington County

Weekday Home-to-Work Commuting Trips

Jurisdiction	From ARL/TCG	To ARL/TCG	To ARL/TCG %	Total	Total %
Arlington	20,200	27.9%	20,200	17.6%	
Alexandria	3,000	4.1%	7,700	6.7%	
Fairfax/Cities	12,300	17.0%	39,400	34.2%	
Loudoun	1,000	1.4%	2,100	1.8%	
Prince William/Cities	500	0.6%	8,100	7.1%	
District of Columbia	30,200	41.7%	8,300	7.2%	
Montgomery County	3,400	4.7%	10,400	9.1%	
Prince George's County	1,000	1.4%	8,000	7.0%	
Charles County	----	----	1,900	1.6%	
Frederick County	----	----	400	0.3%	
Other Maryland	300	0.4	4,800	4.2%	
Other Virginia & WV	200	0.3	3,700	3.2%	
Elsewhere	300	0.3	----	----	
Total	72,400	100.0%	115,100	100.0%	

Source: 2007/2008 TPB Household Travel Survey

City of Alexandria

Weekday Home-to-Work Commuting Trips

Jurisdiction	From ALX/To	%	To ALX/From	%
Arlington	7,700	16.3%	3,000	6.8%
Alexandria	9,400	19.7%	9,400	21.4%
Fairfax/Cities	7,400	15.7%	15,900	36.5%
Loudoun	100	0.3%	800	1.8%
Prince William/Cities	700	1.4%	4,300	9.9%
District of Columbia	19,600	41.4%	2,300	5.2%
Montgomery County	1,200	2.6%	1,900	4.4%
Prince George's County	900	2.0%	2,300	5.2%
Charles County	----	----	900	2.0%
Frederick County	200	0.4%	100	0.3%
Other Maryland	100	0.3%	1,600	3.6%
Other Virginia & WV	----	----	1,400	3.1%
Elsewhere	100	0.3%	----	----
Total	47,400	100.0%	43,600	100.0%

Source: 2007/2008 TPB Household Travel Survey

Fairfax County/City of Fairfax City/City of Falls Church Weekday Home-to-Work Commuting Trips

Origin	From FFX/FC	To FFX/FC	To FFX/FC %	To FFX/FC	To FFX/FC %
Arlington	39,400	12,300	12.0%	12,300	4.0%
Alexandria	15,900	7,400	4.9%	7,400	2.4%
Fairfax/Cities	162,900	162,900	49.7%	162,900	52.6%
Loudoun	11,000	31,800	3.4%	31,800	10.3%
Prince William/Cities	9,800	41,200	3.0%	41,200	13.3%
District of Columbia	71,200	7,500	21.7%	7,500	2.4%
Montgomery County	9,600	13,700	2.9%	13,700	4.4%
Prince George's County	3,500	11,300	1.1%	11,300	3.7%
Charles County	200	3,000	0.1%	3,000	1.0%
Frederick County	----	1,000	----	1,000	0.3%
Other Maryland	1,800	5,800	0.6%	5,800	1.9%
Other Virginia & WV	1,200	11,600	0.4%	11,600	3.8%
Elsewhere	1,400	----	0.4%	----	----
Total	327,800	309,600	100.0%	309,600	100.0%

Source: 2007/2008 TPB Household Travel Survey

Loudoun County

Weekday Home-to-Work Commuting Trips

Origin	To Loudoun/From Loudoun	To Loudoun/From Loudoun	To Loudoun/From Loudoun	To Loudoun/From Loudoun
Arlington	2,100	2.8%	1,000	1.9%
Alexandria	800	1.0%	100	0.2%
Fairfax/Cities	31,800	41.9%	11,000	20.5%
Loudoun	29,900	39.4%	29,900	55.7%
Prince William/Cities	1,200	1.6%	3,100	5.8%
District of Columbia	6,200	8.1%	900	1.7%
Montgomery County	2,500	3.3%	1,000	2.0%
Prince George's County	----	----	800	1.5%
Charles County	----	----	----	----
Frederick County	----	----	1,300	2.4%
Other Maryland	200	0.2%	100	0.2%
Other Virginia & WV	600	0.7%	4,300	8.0%
Elsewhere	700	1.0%	----	----
Total	75,900	100.0%	53,700	100.0%

Source: 2007/2008 TPB Household Travel Survey

Prince William County/City of Manassas/City of Manassas Park Weekday Home-to-Work Commuting Trips

	From PW/To	%	To PW/From	%
Arlington	8,100	6.7%	500	0.7%
Alexandria	4,300	3.5%	700	1.0%
Fairfax/Cities	41,200	33.9%	9,800	14.8%
Loudoun	3,100	2.6%	1,200	1.8%
Prince William/Cities	41,800	34.4%	41,800	63.3%
District of Columbia	14,800	12.2%	300	0.4%
Montgomery County	1,800	1.5%	400	0.5%
Prince George's County	1,700	1.4%	200	0.3%
Charles County	100	0.1%	----	----
Frederick County	----	----	100	0.2%
Other Maryland	200	0.2%	300	0.4%
Other Virginia & WV	3,100	2.6%	10,900	16.5%
Elsewhere	1,200	1.0%	----	----
Total	121,600	100.0%	66,100	100.0%

Source: 2007/2008 TPB Household Travel Survey

Weekday Commuting Trip Modal Shares

By Jurisdiction of Residence

Jurisdiction of Residence	Drive Alone (SOV)	Carpool (HOV2+)	Transit	Walk	Bike	Other
Arlington	56%	5%	31%	6%	1.5%	1%
Alexandria	56%	8%	28%	5%	2.6%	1%
Fairfax/Cities	76%	7%	14%	1%	0.5%	1%
Loudoun	85%	8%	4%	1%	0.4%	1%
Prince William/Cities	79%	11%	9%	---	---	---
NOVA Average	74%	8%	15%	2%	0.7%	1%
Regional Average	70%	8%	18%	3%	1.1%	1%

Source: 2007/2008 TPB Household Travel Survey

Weekday Commuting Trip Modal Shares By Jurisdiction of Work

Jurisdiction of Work	Drive Alone (SOV)	Carpool (HOV2+)	Transit	Walk	Bike	Other
Arlington	58%	8%	30%	3%	0.9%	1%
Alexandria	70%	8%	15%	5%	0.7%	1%
Fairfax/Cities	89%	7%	2%	1%	0.4%	1%
Loudoun	86%	11%	1%	2%	0.4%	1%
Prince William/Cities	90%	9%	1%	1%	----	1%
NOVA Average	81%	8%	8%	2%	0.5%	1%
Regional Average	69%	8%	18%	3%	1.0%	1%

Source: 2007/2008 TPB Household Travel Survey