NVTC 101
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Statutory Requirements

NVTC was established to manage and control the functions, affairs, and property of the Northern Virginia Transportation District by the 1964 Acts of Assembly of the Commonwealth of Virginia, Chapter 630, and the Transportation District Act. The purpose of the Act is to facilitate “planning and developing a transportation system for Northern Virginia and for the safety, comfort and convenience of its citizens and for the economical utilization of public funds.” The duties and powers of the commission are set in Sections 33.2-1900 through 33.2-1934 of the Virginia Code.

NVTC administers the regional motor vehicle fuels tax, Section 58.1-2295, which provides dedicated capital and operating funds for WMATA.

Commission Membership

WMATA Funding & Oversight

NVTC enjoys a special relationship with the Washington Metropolitan Area Transit Authority (WMATA), as it is charged with the funding and stewardship of Metro. NVTC serves as Virginia’s voice on the WMATA Board of Directors through its appointments to the panel, which determines agency policy and provides oversight for funding, operations, and transit facility expansion.

Virginia’s 2018 transit omnibus legislation expands NVTC’s role and relationship with WMATA by adding new responsibilities. Oversight responsibilities require that NVTC certify receipt of certain documents and reports from WMATA. Reporting responsibilities require that NVTC provide an annual report to the Governor and General Assembly on the performance and condition of WMATA. The bill also directs NVTC to share strategies that WMATA can use to reduce costs and make its operations more efficient.
Programs and Initiatives

FINANCIAL MANAGEMENT
NVTC manages about $250 million annually in state transit assistance for WMATA, VRE and five bus systems. In addition, NVTC administers the regional motor vehicles fuel tax, totaling $35.6 million in fiscal year 2018, to support WMATA operating and capital needs. NVTC awards around $10 million each year to multimodal projects through its Commuter Choice program. NVTC also manages and conducts compliance reviews of federal transit grant funds on behalf of several Northern Virginia jurisdictions.

COMMUTER CHOICE
To move more people more efficiently and reliably through both the I-66 (inside the Beltway) and I-395/I-95 corridors, NVTC funds various transit and roadway enhancement projects. The Commuter Choice program supports projects that move more people, increase opportunities to connect from one mode of travel to another, improve transit service, reduce roadway congestion, and increase travel options. Tolls provide the revenue necessary to fund new projects well into the future. These projects are specifically designed to benefit toll payers.

FINANCIAL & POLICY ANALYSIS
Sustained federal, state and local funding is essential for high-quality, high-capacity transit to flourish in Northern Virginia. To ensure such funding, NVTC performs financial analyses of transit projects, documents transportation funding needs, and works with the commonwealth to develop new funding sources. NVTC also analyzes policy options and serves on the state’s Transit Service Delivery Advisory Committee (TSDAC).

ENVISION ROUTE 7 BRT
NVTC manages Envision Route 7, an initiative to deploy financially sustainable new transit along Route 7 between Alexandria and Tysons. NVTC has recommended bus rapid transit (BRT), which is expected to attract 9,500 new daily transit riders to Route 7. BRT is proposed to run 11 miles between the Spring Hill Metrorail station and the Mark Center, with a connection to the East Falls Church Metrorail station. NVTC is engaged in a conceptual engineering study as the next step toward providing faster and more reliable service.

RESEARCH & DATA ANALYSIS
NVTC performs cutting-edge research and data analysis to inform policy and budgetary decisions and transit service planning. Many of its reports, such as the economic value of rail transit to Virginia, are widely cited. NVTC’s adaptation of a transit planning tool, known as TBEST, allows staff to estimate transit demand for its member jurisdictions and bus systems.

REGIONAL BUS AGENDA
To ensure access to safe, efficient, quality bus service throughout Northern Virginia, NVTC identifies opportunities for enhanced or new service that often transcend jurisdictional boundaries in order to connect communities. Using GIS, NVTC develops tools to help localities plan, create and implement innovative regional bus investment strategies.

FARE COLLECTION TECHNOLOGY
NVTC works with local transit agencies and regional partners to maintain an operational, cost-effective, regional fare-collection system that meets current and future needs. NVTC is coordinating regional upgrades to extend the useful life of the existing fare collection program (SmarTrip®) and analyzing future regional fare collection needs and options.

REGIONAL TRANSIT RESPONSE COORDINATION
NVTC serves as a convening body for regional transit responses to Metrorail station closures and other service disruptions. During SafeTrack, NVTC facilitated the movement of people from Metrorail to alternatives, such as bus and VRE, during track closures. It currently is coordinating Northern Virginia’s response to the planned closure of six Metrorail stations south of National Airport in summer 2019 for platform repairs. NVTC also supports periodic updates to station-specific plans to ensure the safe evacuation of Virginia’s 25 Metrorail stations in an emergency.
Collaborating at the Local, Regional & State Levels to Make Transit Better

I-66 Commuter Choice
Six-Year Improvement Program

Co-owners of Virginia Railway Express
I-395/I-95 Multimodal Program
Hosts of Annual Joint Legislative Briefing

Director Represents Commonwealth on NVTC
Transit Service Delivery Advisory Committee
I-395/I-95 Multimodal Program
State Funds Flow through DRPT to NVTC

TransAction

Financially Constrained Long-Range Transportation Plan
NVTC Serves on TBP’s Technical Committee

Potomac and Rappahannock Transportation Commission

National Capital Region Transportation Planning Board

I-395/I-95 Multimodal Program

NVTC

Virginia Department of Rail and Public Transportation

§ 33.2-1900. Declaration of policy.
The development of transportation systems, composed of transit facilities, public highways, and other modes of transport, is necessary for the orderly growth and development of the urban areas of the Commonwealth; for the safety, comfort, and convenience of its citizens; and for the economical utilization of public funds. The provision of the necessary facilities and services cannot be achieved by the unilateral action of the counties and cities, and the attainment thereof requires planning and action on a regional basis, conducted cooperatively and on a continuing basis, between representatives of the affected political subdivisions and the Commonwealth Transportation Board. In those urban areas of the Commonwealth that together form a single metropolitan area, solutions must be jointly sought with the affected political subdivisions and highway departments. Such joint action should be conducted in a manner that preserves, to the extent the necessity for joint action permits, local autonomy over patterns of growth and development of each participating political subdivision or locality. The requisite joint action may best be achieved through the device of a transportation district, having the powers, functions, and duties set forth in this chapter. In the provision of improved or expanded transit facilities, it is the policy of the Commonwealth to make use of private enterprise to the extent reasonably practicable.


§ 33.2-1901. Definitions.
As used in this chapter, unless the context requires a different meaning:

"Agency" or "such agency" means an agency authorized by, or arising from action of, the General Assembly to plan for or provide transportation facilities and service for a metropolitan area located wholly or in part in the Commonwealth.

"Commission" or "district commission" means the governing body of a district.

"Component governments" means the counties and cities composing a transportation district and the various departments, bureaus, and divisions of such counties and cities.

"District" means a transportation district authorized to be created by this chapter.

"Governing bodies" means the boards of supervisors of counties and councils of cities composing a transportation district.

"Metropolitan area" means a metropolitan statistical area as defined by the U.S. Census Bureau and the Office of Management and Budget or any contiguous counties or cities within the Commonwealth that together constitute an urban area.

"Person" means an individual, partnership, association, or corporation or any governmental agency or authority.

"State," when applied to a part of the United States, includes any of the 50 states and the District of Columbia.
"Transportation facilities," "transit facilities," or "facilities" means all those matters and things utilized in rendering transportation service by means of rail, bus, water, or air and any other mode of travel, including tracks, rights-of-way, bridges, tunnels, subways, and rolling stock for rail, motor vehicle, marine, and air transportation; stations, terminals, and ports; areas for parking; buildings; structures; and all equipment, fixtures, and business activities reasonably required for the performance of transportation service, but does not include any such facilities owned by any person, company, association, or corporation the major part of whose transportation service extends beyond a transportation district created in this chapter.


§ 33.2-1902. Authorization to issue summons.
Conductors of railroad trains, motormen, and station and depot agents of any transportation district created pursuant to this chapter shall have the power to issue a summons for any violation of § 18.2-160.1 with respect to any train operated by or under contract with such transportation district.


Article 2. Creation of Districts.
§ 33.2-1903. Procedure for creation of districts.
A. Any two or more counties or cities may, in conformance with the procedure set forth in this section, or as otherwise may be provided by law, constitute a transportation district and shall have and exercise the powers set forth in this section and such additional powers as may be granted by the General Assembly. A transportation district may be created by ordinance adopted by the governing body of each participating county and city, which ordinances shall (i) set forth the name of the proposed transportation district, which shall include the words "transit district" or "transportation district," (ii) fix the boundaries thereof, (iii) name the counties and cities that are in whole or in part to be embraced therein, and (iv) contain a finding that the orderly growth and development of the county or city and the comfort, convenience, and safety of its citizens require an improved transportation system, composed of transit facilities, public highways, and other modes of transport, and that joint action through a transportation district by the counties and cities that are to compose the proposed transportation district will facilitate the planning and development of the needed transportation system. Such ordinances shall be filed with the Secretary of the Commonwealth and, upon certification by that officer to the Tax Commissioner and the governing body of each of the participating counties and cities that the ordinances required by this chapter have been filed and, upon the basis of the facts set forth therein, satisfy such requirements, the territory defined in such ordinances, upon the entry of such certification in the minutes of the proceedings of the governing body of each of the counties and cities, shall be and constitute a transportation district for all of the purposes of this chapter, known and designated by the name stated in the ordinances.

B. Notwithstanding the provisions of subsection A, any county or city may, subject to the applicable provisions of this chapter, constitute itself a transportation district in the event that no governing body of any contiguous county or city wishes to combine for such purpose, provided that the governing body of such single locality transportation district shall comply with the provisions of subsection A by adopting an ordinance that (i) sets forth the name of the proposed transportation district, which shall include the words "transit district" or
“transportation district”; (ii) fixes, in such county or city, the boundaries thereof; (iii) names the county or city that is in whole or in part to be embraced therein; and (iv) contains a finding that the orderly growth and development of the county or city and the comfort, convenience, and safety of its citizens require an improved transportation district, composed of transit facilities, public highways, and other modes of transport, and that joint action with contiguous counties and cities has not been agreed to at this time, but that the formation of a transportation district will facilitate the planning and development of the needed transportation system, and shall file such ordinance in the manner and mode required by subsection A. At such time as the governing body of any contiguous county or city desires to combine with the original locality for the formation of an enlarged transportation district, it shall enter into an agreement with the commission of the original transportation district on such terms and conditions, consistent with the provisions of this chapter, as may be agreed upon by such commission and such additional county or city, and in conformance with the following procedures. The governing body of the county or city having jurisdiction over the territory to be added to the original transportation district shall adopt an ordinance specifying the area to be enlarged, containing the finding specified in clause (iv) of subsection A, and a statement that a contract or agreement between the county or city and the commission specifying the terms and conditions of admittance to the transportation district has been executed. The ordinance, to which shall be attached a certified copy of such contract, shall be filed with the Secretary of the Commonwealth and, upon certification by that officer to the Tax Commissioner, the commission, and the governing body of each of the component counties and cities that the ordinance required by this section has been filed, and that the terms thereof conform to the requirements of this section, such additional county, or part thereof, or city, upon the entry of such certification in the minutes of the proceedings of the governing body of such county or city, shall become a component government of the transportation district and the county, or portion thereof specified, or city shall be embraced by the transportation district.


§ 33.2-1904. Northern Virginia Transportation District and Commission.

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

B. 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, two nonlegislative citizen members from Loudoun County, 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 locality shall appoint one nonlegislative citizen member to the Commission. Members from the counties and cities shall be appointed from their respective governing bodies. The Commission shall also include four members appointed by the Speaker of the House of Delegates who may be members of the House of Delegates and two members of the Senate appointed by the Senate Committee on Rules. All legislative members shall serve 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 composing the 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.

2004, c. 1000, § 15.1-4503.1; 2014, c. 805;2016, cc. 117, 374.

Article 3. Incorporation of District; Creation, Organization, Etc., of Commission.
§ 33.2-1905. District a body corporate.
Each transportation district created pursuant to this chapter, or pursuant to an act of the General Assembly, is hereby created as a body corporate and politic under the name of, and to be known by, the name of the district with the word “commission” appended.


§ 33.2-1906. Creation of commission to control corporation.
In and for each transportation district a commission is hereby created to manage and control the functions, affairs, and property of the corporation and to exercise all of the rights, powers, and authority and perform all of the duties conferred or imposed upon the corporation.


§ 33.2-1907. Members of transportation commissions.
A. Any transportation district commission created pursuant to this chapter shall consist of the number of members the component governments shall 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 § 33.2-1915, 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 § 33.2-1915 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.

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

The Potomac and Rappahannock Transportation Commission shall also include two members who reside within the boundaries of the transportation district appointed by the Speaker of the House who may be members of the House of Delegates and one member of the Senate appointed...
by the Senate Committee on Rules. Each legislative member shall be from a legislative district located wholly or in part within the boundaries of the transportation district and shall serve a term coincident with his term of office. The members of the General Assembly shall be eligible for reappointment for successive terms. 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.

The Transportation District Commission of Hampton Roads shall consist of one nonlegislative citizen member appointed by the Governor from each county and city embraced by the transportation district. However, for the gubernatorial appointments that will become effective July 1, 2016, three of the appointments shall be for initial terms of two years and three appointments shall be for terms of four years. Thereafter, all gubernatorial appointments shall be for terms of four years so as to stagger the terms of the gubernatorial appointees. The governing body of each such county or city may appoint either a member of its governing body or its county or city manager to serve as an ex officio member with voting privileges. Every such ex officio member shall be allowed to attend all meetings of the commission that other members may be required to attend. Vacancies shall be filled in the same manner as the original appointments.

B. The Secretary or his designee and any appointed member of the Northern Virginia Transportation Commission are authorized to serve as members of the board of directors of the Washington Metropolitan Area Transit Authority (§ 33.2-3100 et seq.) and while so serving the provisions of § 2.2-2800 shall not apply to such member. In appointing Virginia members of the board of directors of the Washington Metropolitan Area Transit Authority (WMATA), the Northern Virginia Transportation Commission shall include the Secretary or his designee as a principal member on the board of directors of WMATA. Any designee serving as the principal member must reside in a locality served by WMATA.

In selecting from its membership those members to serve on the board of directors of WMATA, the Northern Virginia Transportation Commission shall comply with the following requirements:

1. A board member shall not have been an employee of WMATA within one year of appointment to serve on the board of directors.

2. A board member shall have (i) experience in at least one of the fields of transit planning, transportation planning, or land use planning; transit or transportation management or other public sector management; engineering; finance; public safety; homeland security; human resources; or the law or (ii) knowledge of the region’s transportation issues derived from working on regional transportation issue resolution.

3. A board member shall be a regular patron of the services provided by WMATA.

4. Board members shall serve a term of four years with a maximum of two consecutive terms. A board member’s term or terms must coincide with his term on the body that appointed him to the Northern Virginia Transportation Commission. Any vacancy created if a board member cannot fulfill his term because his term on the appointing body has ended shall be filled for the unexpired term in the same manner as the member being replaced was appointed within 60 days of the vacancy. The initial appointments to a four-year term will be as follows: the Secretary, or his designee, for a term of four years; the second principal member for a term of three years; one alternate for a term of two years; and the remaining alternate for a term of one year. Thereafter, board members shall be appointed for terms of four years. Service on the WMATA board of
directors prior to July 1, 2012, shall not be considered in determining length of service. Any person appointed to an initial one-year or two-year term, or appointed to an unexpired term in which two years or less is remaining, shall be eligible to serve two consecutive four-year terms after serving the initial or unexpired term.

5. Members may be removed from the board of directors of WMATA if they attend fewer than three-fourths of the meetings in a calendar year; if they are conflicted due to employment at WMATA; or if they are found to be in violation of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.). If a board member is removed during a term, the vacancy shall be filled pursuant to the provisions of subdivision 4.

6. Each member of the Northern Virginia Transportation Commission appointed to the board of directors of WMATA shall file semiannual reports with the Secretary’s office beginning July 1, 2012. The reports shall include (i) the dates of attendance at WMATA board meetings, (ii) any reasons for not attending a specific meeting, and (iii) dates and attendance at other WMATA-related public events.

7. Each nonelected member of the Northern Virginia Transportation Commission appointed to the board of directors of WMATA shall be eligible to receive reasonable and necessary expenses and compensation pursuant to §§ 2.2-2813 and 2.2-2825 from the Northern Virginia Transportation Commission for attending meetings and for the performance of his official duties as a board member on that day.

Any entity that provides compensation to a WMATA board member for his service on the WMATA board shall be required to submit on July 1 of each year to the Secretary the amount of that compensation. Such letter will remain on file with the Secretary’s office and be available for public review.

C. When the Northern Virginia Transportation Commission and the Potomac and Rappahannock Transportation Commission enter into an agreement to operate a commuter railway, the agreement governing the creation of the railway shall provide that the Chairman of the Commonwealth Transportation Board or his designee shall have one vote on the oversight board for the railway. For each year in which the state contribution to the railway is greater than or equal to the highest contribution from an individual locality, the total annual subsidy as provided by the member localities used to determine vote weights shall be recalculated to include the Commonwealth contributing an amount equal to the highest contributing locality. The vote weights shall be recalculated to provide the Chairman of the Commonwealth Transportation Board or his designee the same weight as the highest contributing locality. The revised vote weights shall be used in determining the passage of motions before the oversight board.


§ 33.2-1908. Officers of commission.
Within 30 days after the appointment of the original commission members, the commission shall meet on the call of any member and shall elect one of its members as chairman and another as vice-chairman, each to serve for a term of one year or until his successor is elected and qualified. The commission shall employ a secretary and treasurer, who may or may not be a member of the commission, and, if not a commission member, fix his compensation and duties. All officers shall
be eligible for reelection. Each commission member, before entering on the performance of his public duties, shall take and subscribe the oath or affirmation specified in Article II, Section 7 of the Constitution of Virginia. Such oath may be administered by any person authorized to administer oaths under § 49-4.


§ 33.2-1909. Bonds of members.
Each commission member shall, before entering upon the discharge of his duties under this chapter, give bond payable to the Commonwealth in a form approved by the Attorney General, in such penalty as fixed by the Governor, with some surety or guaranty company authorized to do business in the Commonwealth and approved by the Governor, as security, conditioned upon the faithful discharge of his duties. The premium of such bonds shall be paid by the commission and the bonds shall be filed with and preserved by the Department of the Treasury’s Division of Risk Management.


§ 33.2-1910. Compensation and expenses of members.
The commission members shall receive no salary but shall be entitled to reimbursement of all reasonable and necessary expenses and compensation allowed members of the Commonwealth Transportation Board for the performance of their official duties as provided in §§ 2.2-2813 and 2.2-2825.


§ 33.2-1911. Meetings of commission.
Regular meetings of the commission shall be held at least once every month at such time and place as the commission shall prescribe. Special meetings of the commission shall be held upon mailed notice, or actual notice otherwise given, to each commission member upon call of the chairman or any two commission members, at such time and in such place within the district as such notice may specify, or at such other time and place with or without notice as all commission members may expressly approve. All regular and special meetings of the commission shall be open to the public, but the public shall not be entitled to any notice other than provided in this section. Unless a meeting is called for the purpose of a public hearing, members of the public shall have no right to be heard or otherwise participate in the proceedings of the meeting, except to the extent the chairman may in specific instances grant. All commission records shall be public records.


§ 33.2-1912. Quorum and action by commission.
A majority of the commission, which majority shall include at least one commissioner from a majority of the component governments, shall constitute a quorum. Members of the commission who are members of the General Assembly shall not be counted in determining a quorum while the General Assembly is in session. The Chairman of the Commonwealth Transportation Board or his designee shall be included for the purposes of constituting a quorum. The presence of a quorum and a vote of the majority of the members necessary to constitute a quorum of all the members appointed to the commission, including an affirmative vote from a majority of the
members, shall be necessary to take any action. The Chairman of the Commonwealth Transportation Board or his designee shall have voting rights equal to appointees of component governments on all matters brought before the commission. Notwithstanding the provisions of § 2.2-3708.2, members of the General Assembly may participate in the meetings of the commission through electronic communication means while the General Assembly is in session.


§ 33.2-1913. Funds of commission.
A. All moneys of a commission, whether derived from any contract of the commission or from any other source, shall be collected, received, held, secured, and disbursed in accordance with any relevant contract of the commission. This section shall apply to such moneys only if and to the extent they are consistent with such commission contracts.

B. Such moneys shall not be required to be paid into the state treasury or into the treasury or to any officer of any county or city.

C. All such moneys shall be deposited by the commission in a separate bank account, appropriately designated, in banks or trust companies designated by the commission.


§ 33.2-1914. Accounts and records.
Every commission shall keep and preserve complete and accurate accounts and records of all moneys received and disbursed; business and operations; and all property and funds it owns, manages, or controls. Each commission shall prepare and transmit to the Governor and to the governing body of each county and city within the district, annually and at such other times as the Governor requires, complete and accurate reports of the state and content of such accounts and records, together with other relevant information as the Governor may require.


§ 33.2-1915. Powers and functions generally.
A. Notwithstanding any other contrary provision of law, a commission shall, except as provided in subsection B, have the following powers and functions:

1. The commission shall prepare the transportation plan for the transportation district and shall revise and amend the plan in accordance with the planning process and procedures specified in Article 7 (§ 33.2-1928 et seq.).

2. The commission may, when a transportation plan is adopted according to Article 7 (§ 33.2-1928 et seq.), construct or acquire, by purchase or lease, the transportation facilities specified in such transportation plan.

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

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

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

B. The Northern Virginia Transportation Commission:

1. Shall not prepare a transportation plan or construct or operate transit facilities, but shall collaborate and cooperate in the manner specified in Article 7 (§ 33.2-1928 et seq.) with an agency in preparing, revising, and amending a transportation plan for such metropolitan area.

2. Shall, according to Article 7 (§ 33.2-1928 et seq.) and in cooperation with the governing bodies of the component governments embraced by the transportation district, formulate the tentative policy and decisions of the transportation district with respect to the planning, design, location, construction, operation, and financing of transportation facilities.

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

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

5. Notwithstanding any other provision in this section to the contrary:

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

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

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

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

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

D. Until such time as a commission enters into contracts or agreements with its component governments under the provisions of subdivisions A 4 and B 4 and is receiving revenues thereunder adequate to meet the administrative expenses of the commission after paying or providing for the payment of the obligations arising under said subdivisions, the administrative expenses of the commission shall be borne by the component governments in the manner set forth in this section. The commission annually shall submit to the governing bodies of the component counties and cities a budget of its administrative requirements for the next year.

E. The administrative expenses of the Northern Virginia Transportation Commission, to the extent funds for such expenses are not provided from other sources, shall be allocated among the component governments on the basis of population as reflected by the latest population statistics of the U.S. Census Bureau; however, upon the request of any component government, the commission shall make the allocation upon estimates of population prepared in a manner approved by the commission and by the governing body of the component government making such request. The administrative expenses of the Northern Virginia Transportation Commission, to the extent funds for such expenses are not provided from other sources, shall be allocated among the component governments on the basis of the relative shares of state and federal transit aids allocated by the Commission among its component governments. Such budget shall be limited solely to the administrative expenses of the Commission and shall not include any funds for construction or acquisition of transportation facilities or the performing of transportation
service. In addition, the Northern Virginia Transportation Commission annually shall submit to the governing bodies of the component counties and cities a budget of its other expenses and obligations for the ensuing year. Such expenses and obligations shall be borne by the component counties and cities in accordance with prior arrangements made therefor.

F. When a transportation plan has been adopted under subdivision 4 of § 33.2-1929, the commission shall determine the equitable allocation among the component governments of the costs incurred by the district in providing the transportation facilities proposed in the transportation plan and any expenses and obligations from the operation thereof to be borne by each county and city. In making such determinations, the commission shall consider the cost of the facilities located within each county and city, the population of each county and city, the benefits to be derived by each county and city from the proposed transportation service, and all other factors that the commission determines to be relevant. Such determination, however, shall not create a commitment by the counties and cities, and such commitments shall be created only under the contracts or agreements specified in subdivisions A 4 and B 4.

§ 33.2-1916. Commission control of transportation district.
The commission may exercise exclusive control, notwithstanding any provision of law to the contrary, of matters of regulation of fares, schedules, franchising agreements, and routing of transit facilities within the boundaries of its transportation district; however, the provisions of § 5.1-7 shall be applicable to airport commissions.

§ 33.2-1917. Protection of employees of public transportation systems.
In any county or city, the commission referred to in § 33.2-1915, in addition to other prohibitions, shall not operate any such transit facility, or otherwise provide or cause to be provided any transportation services, unless fair and equitable arrangements have been made for the protection of employees of existing public transportation systems in the transportation district or in the metropolitan area in which the transportation district is located. Such protections shall include (i) assurances of employment to employees of such transportation systems to the fullest extent possible consistent with sound management, and priority of employment or, if terminated or laid off, reemployment; (ii) preservation of rights, privileges, and benefits, including continuation of pension rights and benefits, under existing collective bargaining agreements or otherwise; (iii) continuation of collective bargaining rights; (iv) protection of individual employees against a worsening of their positions with respect to their employment, to the extent provided by 49 U.S.C. § 5333 (b), also known as § 13(c) of the Federal Transit Act; and (v) paid training and retraining programs. Such protections shall be specified by the commission in any contract or lease for the acquisition or operation of any such transit facilities or services. The employees of any transit facility operated by the commission shall have the right, in the case of any labor dispute relating to the terms and conditions of their employment for the purpose of resolving such dispute, to submit the dispute to final and binding arbitration by an impartial umpire or board of arbitration acceptable to the parties.

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§ 33.2-1918. Background checks of applicants and employees.
A. Any commission created pursuant to this chapter may require any individual who is offered a position of employment with the commission, or with any contractor of the commission when such individual is to be assigned to directly provide transit services to the public under a contract with the commission, to submit to fingerprinting and to provide personal descriptive information to be forwarded along with the individual’s fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such individual. The commission shall bear all costs of obtaining criminal history record information regarding such individual, including expenses incurred by the State Police in connection with such fingerprinting or criminal records check. The commission may require such individual or contractor to reimburse the commission for the cost of the fingerprinting or a criminal records check or both.

B. The Central Criminal Records Exchange, upon receipt of an individual’s record or notification that no record exists, shall make a report to the commission’s chief administrative officer, who must belong to a governmental entity. The information shall not be disseminated except as provided for in this section.

2010, cc. 189, 563, § 15.1-4517.1; 2014, c. 805.

§ 33.2-1919. Additional powers.
Without limiting or restricting the general powers created by this chapter, the commission may:

1. Adopt and have a common seal and alter the seal at pleasure;

2. Sue and be sued;

3. Make regulations for the conduct of its business;

4. Make and enter into all contracts or agreements, as the commission may determine, that are necessary or incidental to the performance of its duties and to the execution of the powers granted under this chapter;

5. Apply for and accept loans and grants of money or materials or property at any time from the United States of America or the Commonwealth or any agency or instrumentality thereof, for itself or as an agent on behalf of the component governments or any one or more of them, and in connection therewith purchase or lease as lessor or lessee any transit facilities required under the terms of any such grant made to enable the commission to exercise its powers under subdivision B 5 of § 33.2-1915;

6. In the name of the commission, and on its behalf, acquire, hold, and dispose of its contract or other revenues;

7. Exercise any power usually possessed by private corporations, including the right to expend, solely from funds provided under this chapter, such funds as may be considered by the commission to be advisable or necessary in the performance of its duties and functions;

8. Employ engineers, attorneys, other professional experts and consultants, and general and clerical employees deemed necessary and prescribe their powers and duties and fix their compensation;

9. Do anything authorized by this chapter under, through, or by its own officers, agents, and
employees, or by contracts with any persons;

10. Execute instruments and do anything necessary, convenient, or desirable for the purposes of the commission or to carry out the powers expressly given in this chapter;

11. Institute and prosecute any eminent domain proceedings to acquire any property authorized to be acquired under this title in accordance with the provisions of Chapter 2 (§ 25.1-200 et seq.) of Title 25.1 and subject to the approval of the State Corporation Commission pursuant to § 25.1-102;

12. Invest in if required as a condition to obtaining insurance, participate in, or purchase insurance provided by foreign insurance companies that insure railroad operations, provided this power is available only to those commissions that provide rail services;

13. Notwithstanding the provisions of § 8.01-195.3, contract to indemnify, and to obtain liability insurance to cover such indemnity, any person who is liable, or who may be subjected to liability, regardless of the character of the liability, as a result of the exercise by a commission of any of the powers conferred by this chapter. No obligation of a commission to indemnify any such person shall exceed the combined maximum limits of all liability policies, as defined in subsection C of § 33.2-1927, maintained by the commission; and

14. Notwithstanding any other contrary provision of law, regulate traffic signals and other traffic control devices within the district, through the use of computers and other electronic communication and control devices, so as to effect the orderly flow of traffic and to improve transportation services within the district; however, an agreement concerning the operation of traffic control devices acceptable to all parties shall be entered into between the commission and the Department and all the counties and cities within the transportation district prior to the commencement of such regulation.


Article 5. Financing.

§ 33.2-1920. Authority to issue bonds and other obligations.
A. 1. A transportation district may issue bonds or other interest-bearing obligations, as provided in this chapter, for any of its purposes and pay the principal and interest thereon from any of its funds, including any moneys paid to or otherwise received by the district pursuant to any law enacted or any contract or agreement or any grant, loan, or contribution authorized by this chapter. For the purposes of this chapter, bonds include bonds, notes, and other interest-bearing obligations, including notes issued in anticipation of the sale and issuance of bonds.

2. Neither the members of a transportation district nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof. The bonds and other obligations of a district (and such bonds and obligations shall so state on their face) shall not be a debt of the Commonwealth or any political subdivision thereof, and only the district shall be liable thereon. The bonds shall not constitute an indebtedness within the meaning of any debt limitation or restriction except as provided under this section.

B. 1. Bonds of a transportation district shall be authorized by resolution, may be issued in one or more series, shall be dated, shall mature at such times not exceeding 40 years from their dates,
shall bear interest at rates determined by the commission, and may be made redeemable before maturity, at the option of the commission at such price or prices and under such terms as the commission fixes prior to issuing the bonds. The commission shall determine the form of the bonds, including any interest coupons to be attached and the manner of execution of the bonds, and shall fix the denominations of the bonds and the places of payment of principal and interest, which may be at any bank or trust company within or outside the Commonwealth. If any officer whose signature or facsimile signature appears on any bonds or coupons ceases to be such officer before delivery of such bond, such signature or facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. Notwithstanding any other provisions of this article or any recitals in any bonds issued under the provisions of this article, all such bonds shall be negotiable instruments under the laws of the Commonwealth. The bonds may be issued in coupon or registered form or both, as the commission may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. The transportation district may sell such bonds in such manner, either at public or private sale, and for such price as it may determine to be for the best interests of the district. A transportation district is authorized to enter into indentures or agreements with respect to all such matters, and such indentures or agreements may contain such other provisions as the commission may deem reasonable and proper for the security of the bondholders. The resolution may provide that the bonds shall be payable from and secured by all or any part of the revenues, moneys, or funds of the district as specified therein. Such pledge shall be valid and binding from the time the pledge is made, and such revenues, moneys, and funds so pledged and thereafter received by the district shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act. The lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the district, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust indenture by which a pledge is created need be filed or recorded except in the records of the district. All expenses incurred in carrying out the provisions of such indentures or agreements may be treated as a purpose of the transportation district. A transportation district may issue refunding bonds for the purpose of redeeming or retiring any bonds before or at maturity, including the payment of any premium, accrued interest, and costs or expenses thereof.

2. Prior to the preparation of definitive bonds a transportation district may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds have been executed and are available for delivery. A transportation district may also provide for the replacement of any bonds that have been mutilated, destroyed, or lost.

3. Bonds may be issued pursuant to this article without obtaining the consent of any commission, board, bureau, or agency of the Commonwealth or of any governmental subdivision, and without any referendum, other proceedings, or the happening of other conditions except for those proceedings or conditions that are specifically required by this article.

C. Any holder of bonds, notes, certificates, or other evidence of borrowing issued under this article or of any of the coupons appertaining thereto, and the trustee under any trust indenture or agreement, except to the extent of the rights given in this article may be restricted by such trust indenture or agreement, may, either at law or in equity, by suit, action, injunction, mandamus, or other proceedings, protect and enforce any and all rights under the laws of the
Commonwealth or granted by this article or under such trust indenture or agreement or the resolution authorizing the issuance of such bonds, notes, or certificates, and may enforce and compel the performance of all duties required by this article or by such trust indenture or agreement or resolution to be performed by the transportation district or by any officer or agent thereof.

D. The exercise of the powers granted by this article shall be in all respects for the benefit of the inhabitants of the Commonwealth, for the promotion of their safety, health, welfare, convenience, and prosperity, and any facility or service that a transportation district is authorized to provide will constitute the performance of an essential governmental function. The bonds of a district are declared to be issued for an essential public and governmental purpose and their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free and exempt from taxation by the Commonwealth and by any governmental subdivision thereof.

E. Bonds issued by a transportation district under this article are securities in which all public officers and public bodies of the Commonwealth and its governmental subdivisions and all insurance companies, trust companies, banks, banking associations, investment companies, executors, administrators, trustees, and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are securities that may properly and legally be deposited with and received by any state or local officer or any agency or governmental subdivision of the Commonwealth for any purpose for which the deposit of bonds or obligations is now or may hereafter be authorized by law.


§ 33.2-1921. Judicial determination of validity of bonds.
The provisions of Article 6 (§ 15.2-2650 et seq.) of Chapter 26 of Title 15.2 apply to all suits, actions, and proceedings of whatever nature involving the validity of bonds issued by a transportation district under the provisions of this article.


Article 6. Powers and Duties of Localities; Liability of Commonwealth and Localities.

§ 33.2-1922. Contracts and payment thereof.
A. Any county or city embraced by a transportation district is authorized to enter into contracts or agreements with the commission for such transportation district, or with an agency, pursuant to which such transportation district, subject to the limitations contained in this section, or such agency undertakes to provide the transportation facilities specified in a duly adopted transportation plan or to render transportation service. Any obligations arising from such contracts are deemed to be for a public purpose and may be paid for, in the discretion of each county or city, in whole or in part, by appropriations from general revenues or from the proceeds of a bond issue or issues; however, any such contract must specify the annual maximum obligation of any county or city for payments to meet the expenses and obligations of the transportation district or such agency or provide a formula to determine the payment of any such county or city for such expenses and obligations. Each county or city desiring to contract with a transportation district or an agency is authorized to do so, provided it complies with the appropriate provisions of law, and thereafter is authorized to do everything necessary or proper
to carry out and perform every such contract and to provide for the payment or discharge of any obligation thereunder by the same means and in the same manner as any other of its obligations.

B. Except as otherwise provided by law:

1. No bonded debt shall be contracted by any county to finance the payment of any obligations arising from its contracts hereunder unless the voters of such county shall approve by a majority vote of the voters voting in an election the contracting of any such debt, the borrowing of money, and issuance of bonds. Such debt shall be contracted and bonds issued and such election shall be held in the manner provided in and subject to the provisions of the Public Finance Act (§ 15.2-2600 et seq.) relating to counties; and

2. The contracting of debt, borrowing of money, and issuance of bonds by any city to finance the payment of any obligations arising from its contracts hereunder shall be effected in the manner provided in and subject to the provisions of the Public Finance Act (§ 15.2-2600 et seq.) relating to cities.


§ 33.2-1923. Venue.
Every such contract shall be enforceable by the transportation district with which the contract is made, as provided under the laws of the Commonwealth, and, if any such contract is entered into with an agency or is relied upon in a contract between a commission and any such agency, the agency also shall have the right to enforce the contract. The venue for actions on any contract between a transportation district and a component government shall be as specified in subdivision 10 of § 8.01-261. Venue in all other matters arising hereunder shall be as provided by law.


§ 33.2-1924. Acquisition of median strips for transit facilities in interstate highways.
When the district commission, the Commonwealth Transportation Board, and the governing bodies of the component governments determine that the time schedule for construction of any interstate highway, as defined in § 33.2-100, within the district makes it necessary to acquire median strips for transit facilities in such highway prior to the adoption of a transportation plan, each county and city within the district is authorized to pay to the Commonwealth Transportation Board such sums as may be agreed upon among the district commission and such counties and cities to provide the Commonwealth Transportation Board with the necessary matching funds to acquire the median strips. Any such acquisition shall be made by and in the name of the Commonwealth Transportation Board.


§ 33.2-1925. Appropriations.
The governing bodies of counties and cities participating in a transportation district are authorized to appropriate funds for the administrative and other expenses and obligations (i) of the commission of the transportation district, as provided in subsection D of § 33.2-1915, (ii) of an agency, and (iii) for such other purposes as may be specified in a law creating a transportation district.

§ 33.2-1926. Powers granted are in addition to all other powers.
The powers conferred by this chapter on counties and cities are in addition and supplemental to
the powers conferred by any other law, and may be exercised by resolution or ordinance of the
governing bodies thereof, as required by law, without regard to the terms, conditions,
requirements, restrictions, or other provisions contained in any other law, general or special, or
in any charter.


§ 33.2-1927. Liabilities of Commonwealth, counties, and cities.
A. Except for claims cognizable under the Virginia Tort Claims Act, Article 18.1 (§ 8.01-195.1 et
seq.) of Chapter 3 of Title 8.01, no pecuniary liability of any kind shall be imposed on the
Commonwealth or upon any county or city constituting any part of any transportation district
because of any act, agreement, contract, tort, malfeasance, misfeasance, or nonfeasance by or on
the part of the commission of such transportation district, or any commission member, or its
agents, servants, and employees, except as otherwise provided in this chapter with reference to
contracts and agreements between the commission or interstate agency and any county or city.

B. Except for claims cognizable under the Virginia Tort Claims Act, Article 18.1 (§ 8.01-195.1 et
seq.) of Chapter 3 of Title 8.01, the obligations and any indebtedness of a commission shall not
be in any way a debt or liability of the Commonwealth, or of any county or city in whole or in part
embraced by the transportation district, and shall not create or constitute any indebtedness,
liability, or obligation of the Commonwealth or of any such county or city, legal, moral, or
otherwise, and nothing in this chapter contained shall be construed to authorize a commission or
district to incur any indebtedness on behalf of or in any way to obligate the Commonwealth or
any county or city in whole or in part embraced by the transportation district; however, any
contracts or agreements between the commission and any county or city provided for in
subdivisions A 4 and B 4 of § 33.2-1915 shall inure to the benefit of any creditor of the
transportation district or, when applicable, to an agency as therein provided.

C. For purposes of this section, "liability policy," as it is used in the Virginia Tort Claims Act,
specifically includes any program of self-insurance maintained by a district and administered by
the Department of the Treasury's Division of Risk Management.


§ 33.2-1928. Planning process.
A. In performing the duties imposed under subsections A and B of § 33.2-1915, the commission
shall cooperate with the governing bodies of the counties and cities embraced by the
transportation district and agencies thereof, with the Commonwealth Transportation Board, and
with an agency of which members of the district commission are also members, to the end that
the plans, decisions, and policies for transportation shall be consistent with and shall foster the
development and implementation of the general plans and policies of the counties and cities for
their orderly growth and development.

B. Each commission member shall serve as the liaison between the commission and the body by
which he was appointed, and those commission members who are also members of an agency
shall provide liaison between the district commission and such agency, to the end that the
district commission, its component governments, the Commonwealth Transportation Board, and any such agency shall be continuously, comprehensively, and mutually advised of plans, policies, and actions requiring consideration in the planning for transportation and in the development of planned transportation facilities.

C. To assure that planning, policy, and decision-making are consistent with the development plans for the orderly growth of the counties and cities and coordinated with the plans and programs of the Commonwealth Transportation Board and are based on comprehensive data with respect to current and prospective local conditions, including land use, economic and population factors, the objectives for future urban development, and future travel demands generated by such considerations, the commission may:

1. Create, subject to their appointment, technical committees from the personnel of the agencies of the counties and cities and from the Commonwealth Transportation Board concerned with planning, collection, and analysis of data relevant to decision-making in the transportation planning process. Appointments to such technical committees, however, are to be made by the governing bodies of the counties and cities and by the Commonwealth Transportation Board; or

2. If the transportation district is located within an area that has an organized planning process created in conformance with the provisions of 23 U.S.C. § 134, utilize the technical committees created for such planning process.

D. The commission, on behalf of the counties and cities within the transportation district, but only upon their direction, is authorized to enter into the written agreements specified in 23 U.S.C. § 134 to assure conformance with the requirements of that law for continuous, comprehensive transportation planning.


§ 33.2-1929. Procedures.
To ensure that the planning process specified in § 33.2-1928 is effectively and efficiently utilized, the commission shall conform to the following procedures and may prescribe such additional procedures as it deems advisable:

1. Commission meetings shall be held at least monthly and more often in the discretion of the commission, as the proper performance of its duties requires.

2. At such meetings the commission shall receive and consider reports from:
   a. Its members who are also members of an agency, as to the status and progress of the work of such agency, and if the commission deems that such reports are of concern to them, shall fully inform its component governments, committees, and the Commonwealth Transportation Board with respect thereto, as a means of developing the informed views requisite for sound policy-making; and
   b. Its members, technical and other committees, members of the governing bodies of the component governments, and consultants, presenting and analyzing studies and data on matters affecting the making of policies and decisions on a transportation plan and the implementation thereof.

3. The objective of the procedures specified in this section is to develop agreement, based on the best available information, among the district commission, the governing bodies of the
component governments, the Commonwealth Transportation Board, and an interstate agency with respect to the various factors that affect the making of policies and decisions relating to a transportation plan and the implementation thereof. If any material disagreements occur in the planning process with respect to objectives and goals, the evaluation of basic data, or the selection of criteria and standards to be applied in the planning process, the commission shall exert its best efforts to bring about agreement and understanding on such matters. The commission may hold hearings in an effort to resolve any such basic controversies.

4. Before a transportation plan is adopted, altered, revised, or amended by the commission or by an agency on which it is represented, the commission shall transmit such proposed plan, alteration, revision, or amendment to the governing bodies of the component governments, to the Commonwealth Transportation Board, and to its technical committees and shall release to the public information with respect thereto. A copy of the proposed transportation plan, amendment, or revision shall be kept at the commission office and shall be available for public inspection. Upon 30 days’ notice, published once a week for two successive weeks in one or more newspapers of general circulation within the transportation district, a public hearing shall be held on the proposed plan, alteration, revision, or amendment. The 30 days’ notice period shall begin to run on the first day the notice appears in any such newspaper. The commission shall consider the evidence submitted and statements and comments made at such hearings and, if objections in writing to the whole or any part of the plan are made by the governing body of any component government, or by the Commonwealth Transportation Board, or if the commission considers any written objection made by any other person, group, or organization to be sufficiently significant, the commission shall reconsider the plan, alteration, revision, or amendment. If, upon reconsideration, the commission agrees with the objection, then the commission shall make appropriate changes to the proposed plan, alteration, revision, or amendment and may adopt them without further hearing. If, upon reconsideration, the commission disagrees with the objection, the commission may adopt the plan, alteration, revision, or amendment. No facilities shall be located in and no service rendered, however, within any county or city that does not execute an appropriate agreement with the commission or with an interstate agency as provided in § 33.2-1922; but in such case, the commission shall determine whether the absence of such an agreement so materially and adversely affects the feasibility of the transportation plan as to require its modification or abandonment.


Article 8. Enlargement of Transportation Districts.

§ 33.2-1930. Procedure for enlargement.
A transportation district may be enlarged to include any additional county or part thereof, or city or part thereof, contiguous thereto, upon such terms and conditions, consistent with the provisions of this chapter, as may be agreed upon by the commission and such additional county or city and in conformance with the following procedures. The governing body of the county or city shall adopt an ordinance specifying the area to be enlarged, containing the finding specified in § 33.2-1903 and a statement that a contract or agreement between the county or city and the commission specifying the terms and conditions of admittance to the transportation district has been executed. The ordinance, to which shall be attached a certified copy of the contract, shall be filed with the Secretary of the Commonwealth. Upon certification by the Secretary of the Commonwealth to the Tax Commissioner, the commissioner, and the governing bodies of each of the component counties and cities that the ordinance required by this section has been filed and
that its terms conform to the requirements of this section, the additional county or part thereof, or city or part thereof, upon the entry of such certification in the minutes of the proceedings of the governing body of such county or city, shall become a component government of the transportation district and part of the transportation district.


Article 9. Withdrawal from Transportation District.

§ 33.2-1931. Resolution or ordinance.
A county or city may withdraw from the transportation district by resolution or ordinance, as may be appropriate, adopted by a majority vote of its governing body. The withdrawal of any county or city shall not be effective until the resolution or ordinance of withdrawal is filed with the transportation district commission and with the Secretary of the Commonwealth.


§ 33.2-1932. Financial obligations.
The withdrawal from the transportation district of any county or city shall not relieve the county or city from any obligation or commitment made or incurred while a district member.


Article 10. Exemption from Taxation; Tort Liability.

§ 33.2-1933. Public purpose; exemption from taxation.
It is hereby found, determined, and declared that the creation of any transportation district pursuant to this chapter and the carrying out of the corporate purposes of any such transportation district is in all respects for the benefit of the people of the Commonwealth and is a public purpose and that the transportation district and the commission will be performing an essential governmental function in the exercise of the powers conferred by this chapter. Accordingly, the transportation district shall not be required to pay taxes or assessments upon any of the property acquired by it or under its jurisdiction, control, possession, or supervision or upon its activities in the operation and maintenance of any transportation facilities or upon any revenues therefrom, and the property and the income derived therefrom shall be exempt from all state, municipal, and local taxation. This exemption shall include all motor vehicle license fees, motor vehicle sales and use taxes, retail sales and use taxes, and motor fuel taxes. The governing body of any political subdivision within a transportation district may refund in whole or in part any payments for taxes or license fees or abate in whole or in part any assessments for taxes or license fees on any property exempt from taxation or license fees under this section that were assessed and levied prior to the acquisition of any transportation facilities by a transportation district.


§ 33.2-1934. Liability for torts.
Every district shall be liable for its torts and those of its officers, employees, and agents committed in the conduct of any proprietary function but shall not be liable for any torts occurring in the performance of a governmental function. However, this section shall not apply to a transportation district subject to the provisions of the Virginia Tort Claims Act (§ 8.01-195.1
Article 11. Construction of Chapter.

§ 33.2-1935. Liberal construction.
This chapter, being necessary for the welfare of the Commonwealth and its inhabitants, shall be liberally construed to effect the purposes thereof.


§ 33.2-1936. (For contingent effective date, see Acts 2018, cc. 854 and 856) Transportation districts with unique needs.
The General Assembly finds that transportation districts that (i) have a population of 1.7 million or more, as shown by the most recent United States Census, (ii) have not less than 1.5 million motor vehicles registered therein, and (iii) have a total transit ridership of not less than 75 million riders per year across all transit systems within the transportation district and in which a rapid heavy rail commuter mass transportation system operating on an exclusive right-of-way and a bus commuter mass transportation system are owned, operated, or controlled by an agency or commission as defined in § 33.2-1901 have unique transportation needs.

2018, cc. 854, 856.
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<td>WMATA Annual Report on WMATA Performance and Condition</td>
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<td>General Assembly NOVA Transit Tour</td>
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<td>Report on use of WMATA Capital Funds</td>
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<td>I-66 Corridor Transit Performance</td>
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**Notes:**

(1) These funds are administered directly to WMATA from DPRT; it is anticipated that NVTC will continue to support the analysis of the use of these funds as a component of Virginia WMATA funding.

(2) As required by HB1539/SB856, DPRT funding will be allocated under a new prioritization approach for applications received Dec 1, 2018.

(3) Advanced work includes legal agreements on the administration of funds and establishment of the project criteria.

(4) Pending outcome of NVTC Regional Fare Collection discussions.

(5) Pending completion of upgraded conference facilities, expected December 2018.

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**Retreat focus area**
# 2019 NVTC Officers and Commissioners

**Matt Letourneau, Chair**  
**Katie Cristol, Vice-Chair**  
**Sharon Bulova, Secretary-Treasurer**

### Arlington County
- Katie Cristol  
- Christian Dorsey  
- Libby Garvey

### Fairfax County
- Sharon Bulova  
- John Cook  
- John Foust  
- Catherine Hudgins  
- Jeff McKay

### Loudoun County
- Matt Letourneau  
- Ron Meyer

### General Assembly
- Senate  
  - Senator Adam Ebbin (vacant)  
- House of Delegates  
  - Delegate David LaRock  
  - James M. LeMunyon  
  - M. David Skiles  
  - Raul “Danny” Vargas

### City of Alexandria
- Canek Aguirre  
- Elizabeth B. Bennett-Parker  
- Mohamed “Mo” Seifeldein, alternate

### City of Falls Church
- David Snyder  
- Phil Duncan, alternate

### City of Fairfax
- David Meyer  
- Jon Stehle, alternate

### Commonwealth of Virginia
- Paul Smedberg  
- Jennifer Mitchell (DRPT), alternate
NVTC Commission Structure

**Executive Committee**
- Officers
- Immediate Past Chair
- Committee Chairs
- Senior GA Member
- Approves budget and work plan
- Deliberates on broad Commission issues
- Oversight of personnel matters, including ED annual review
- Serves as nominating and audit committees

**WMATA Committee**
- Member from each jurisdiction + GA rep
- Governor’s appointment
- Formalized in bylaws
- Duties include review of WMATA budget and work plan, policy issues affecting Commission
- Meets monthly; aligned to WMATA decision points

**Legislative and Policy Committee**
- Member from each jurisdiction + GA rep
- Formalized in bylaws
- Approves annual Legislative and Policy agenda
- Reports to Commission on legislative activities
- Meets monthly from October – March; other times as necessary

**Program Advisory Committee**
- Member from each jurisdiction + GA Rep
- Formalized in bylaws
- Provides oversight and guidance on NVTC program areas, including
  - Commuter Choice (66 + 395)
  - Route 7
  - Regional Bus
  - Fare Collection
  - Emergency Preparedness
- Meets as necessary prior to key Commission decisions
2019 NVTC COMMITTEE AND BOARD APPOINTMENTS

### NVTC EXECUTIVE COMMITTEE
- Chair, Matt Letourneau
- Vice-Chair, Katie Cristol
- Secretary-Treasurer, Sharon Bulova
- WMATA Committee Chair, Catherine Hudgins
- Legislative & Policy Committee Chair, David Meyer
- Program Advisory Committee Chair, David Snyder
- General Assembly Member, Sen. Adam Ebbin

**Non-Voting Members:**
- WMATA Principal Member, Paul Smedberg (Commonwealth Appointee)
- WMATA Principal Member, Christian Dorsey (NVTC Appointee)

### NVTC WMATA COMMITTEE
- Chair, WMATA Alternate Member, Catherine Hudgins
- WMATA Principal Member, Christian Dorsey
- WMATA Principal Member, Paul Smedberg
- WMATA Alternate Member, Matt Letourneau

**Commission Members:**
- drawn from member jurisdictions in a representative manner
  - City of Falls Church, David Snyder
  - City of Fairfax, David Meyer
  - City of Alexandria, Canek Aguirre

### NVTC LEGISLATIVE AND POLICY COMMITTEE
- Chair, David Meyer

**Commission Members:**
- drawn from member jurisdictions in a representative manner
  - City of Alexandria, Canek Aguirre
  - Arlington County, Libby Garvey
  - City of Falls Church, David Snyder
  - Fairfax County, Jeff McKay
  - Loudoun County, Matt Letourneau

**Non-Voting Member:**
- General Assembly Member, Sen. Adam Ebbin

### NVTC PROGRAM ADVISORY COMMITTEE
- Chair, David Snyder

**Commission Members:**
- drawn from member jurisdictions in a representative manner
  - City of Alexandria, Elizabeth Bennett-Parker
  - Arlington County, Libby Garvey
  - City of Fairfax, David Meyer
  - Fairfax County, John Foust
  - Loudoun County, Ron Meyer

### NVTC’S WMATA BOARD OF DIRECTORS

<table>
<thead>
<tr>
<th>Principals</th>
<th>Alternates</th>
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<tbody>
<tr>
<td>Paul Smedberg (Commonwealth Appointee)</td>
<td>Catherine Hudgins Term expires 01-09-2020</td>
</tr>
<tr>
<td>Christian Dorsey (NVTC Appointee)</td>
<td>Matt Letourneau Term expires 01-03-2023</td>
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### NVTC’S VIRGINIA RAILWAY EXPRESS OPERATIONS BOARD *

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<tr>
<th>Principals</th>
<th>Alternates</th>
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<tr>
<td>Fairfax County: Sharon Bulova John Cook</td>
<td>Fairfax County: Jeff McKay</td>
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<tr>
<td>City of Alexandria: Elizabeth Bennett-Parker</td>
<td>City of Alexandria: Canek Aguirre</td>
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<tr>
<td>Arlington County: Katie Cristol</td>
<td>Arlington County: Libby Garvey</td>
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### NVTC’S VIRGINIA TRANSIT ASSOCIATION BOARD OF DIRECTORS

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<th>Principals</th>
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<tr>
<td>David Snyder</td>
<td>Katie Cristol</td>
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<tr>
<td>Kate Mattice</td>
<td>vacant</td>
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Per Diem

Commissioners are compensated for attendance at NVTC, WMATA and VRE meetings and for representing NVTC at functions and events. While the amount of compensation and the procedures followed to ensure payment differ for General Assembly members and local elected officials, both groups of Commissioners are limited to a single payment on any one day, regardless of the number of NVTC-related meetings or events attended.

**General Assembly Members**

The per diem rate is $200. Members are not compensated for NVTC meetings when the General Assembly is in Session, generally January, February and March. Members receive payment through the Commonwealth’s payroll system. NVTC provides the names of those members attending NVTC meetings or representing NVTC at meetings or events to the Senate, using a specified transmittal form, and to the House, on NVTC letterhead. Members also may be reimbursed for mileage associated with their attendance or representation.

**Local Elected Officials**

The per diem rate is $50. NVTC documents attendance at its meetings and events and receives documentation of meeting attendance from WMATA and VRE. NVTC issues checks to Commissioners on a monthly basis. Commissioners representing NVTC at any other meeting or event must notify Colethia Quarles (colethia@nvtdc.org / 571/483-3221), NVTC’s assistant financial officer. Local elected officials are not reimbursed for mileage.

Bonding

The Virginia Code (VA Code 33.2-1909) and NVTC’s bylaws (Section 8.A.1-2) stipulate that Commissioners must be bonded. NVTC secures a public official bond – $5,000 for each Commissioner and $25,000 for the Secretary-Treasurer – for the faithful performance of duties. Bond premiums are paid by the Commission and filed with and preserved by the Department of the Treasury's Division of Risk Management.
NVTC 2019 MEETING SCHEDULE
--Approved December 6, 2018—
REVISED 01-10-19

NVTC Commission meetings start at 7:00 P.M. in the First Floor Main Conference Room of the Navy League Building, 2300 Wilson Blvd, Arlington, Virginia, unless otherwise noted. Executive Committee meets at 6:15 P.M. in the First Floor Small Conference Room.

January 3, 2019 – Temporary meeting location during Navy League construction.
2311 Wilson Blvd., Second Floor Conference Room (across the street from the Navy League Building). Committee meetings at NVTC #620.

February 7, 2019 – Meeting in Richmond CANCELED
Program Advisory Committee (6:00 PM) and Legislative and Policy Committee (7:30 PM) will meet at NVTC Office Suite #620.

March 7, 2019

April 4, 2019

May 2, 2019

June 6, 2019

July 11, 2019

August 2019 – No Commission Meeting

September 5, 2019

October 3, 2019

November 7, 2019 – date subject to change - Commissioners: please also hold Nov. 14th

December 5, 2019

Other NVTC Meetings:

May/June – Joint NVTC/VRE/CTB Public Meeting - date/location TBD

December 9, 2019 – Joint NVTC-PRTC Legislative Briefing
Embassy Suites by Hilton, 8100 Loisdale Road, Springfield
NVTC STAFF

Katherine A. Mattice
Executive Director

Allan Fye, Director of Programs and Policy
Scott Kalkwarf, Director of Finance and Administration

Matt Cheng, Program Analyst
Andrew D’Huyvetter, Transit Projects and Policy Manager
Karen Finucan Clarkson, Communications and Outreach Manager
Rhonda Gilchrest, Meetings and Events Manager/Commission Secretary
Dan Goldfarb, Transit Planning and Programs Manager
Patricia Happ, Transit Program Manager
Colethia Quarles, Assistant Financial Officer
Melissa Walker, Technology and Information Resource Coordinator
Jae Watkins, Marketing and Outreach Manager

For questions related to Commissioner’s per diem: Colethia Quarles (571) 483-3221
For questions related to Commission meetings: Rhonda Gilchrest (571) 483-3226
Management Advisory Committee (MAC)

NVTC formed a Management Advisory Committee (MAC) in the early 1970's consisting of transportation staff and financial officials of its member jurisdictions. This group meets monthly on the third Tuesday at 1:30 pm at NVTC, chaired by NVTC’s Executive Director, to discuss regional transit issues, consider technical questions pertaining to NVTC’s administration of transit aid funds, advise NVTC staff on jurisdictional positions and policies, review items for future NVTC Commission meetings and serve as a liaison between NVTC staff and Commissioners representing the jurisdictions. Members of the MAC group recommend to the policymakers of their jurisdictions how WMATA's financial affairs should be conducted, and they also oversee transit planning and operations performed independently by the jurisdictions.

**City of Alexandria**
Hillary Orr
Chris Ziemann

**Arlington County**
Lynn Rivers
Jason Friess
Rich Roisman
Tim Roseboom

**City of Fairfax**
Wendy Block Sanford
Chloe Ritter

**Fairfax County**
Malcolm Watson
Todd Wigglesworth
Noelle Dominguez

**City of Falls Church**
Jeffrey Sikes
Cindy Mester
Paul Stoddard

**Loudoun County**
Sharon Affinito
Scott Gross
Penny Newquist
Kathleen Leidich
Bob Brown

Many additional staff attend MAC meetings as needed, depending on the agenda:

NVTC – Kate Mattice • Scott Kalkwarf • Allan Fye • Dan Goldfarb • Melissa Walker • Patricia Happ • Karen Finucan Clarkson • Andrew D'huyvetter • Matt Cheng • Colethia Quarles • Jae Watkins • Rhonda Gilchrist • Aimee Perron Seibert

VRE – Joe Swartz • Christine Hoeffner • Sonali Soneji

PRTC – Bob Schneider • Betsy Massie

WMATA – Greg Potts • Shiva Pant • Jim Hamre • Andre Stafford

DRPT – Todd Horsley • Ciara Williams • Clinton Edwards • Xavier Harmony

VDOT – Fatemah Allahdoust • Heidi Mitter

NVTA – Monica Backmon • Sree Nampoothiri • Keith Jasper

MWCOG – Arianna Koudouna
BUILDING MOMENTUM

“NVTC played a key role in securing dedicated funds for Metro and Virginia Railway Express.”

“It’s a new day for NVTC.”

“There’s real energy within NVTC right now.”

“Partnerships have been critical to NVTC’s success.”

“We need to build on it and figure out how to sustain it.”
OVERVIEW

To borrow from one of our Commissioners, “It’s a new day for NVTC.” Those words, spoken during a June strategic retreat, resonated with the Commission and staff alike. “There’s real energy within NVTC right now,” said another Commissioner. “We need to build on it and figure out how to sustain it.” From administering I-66 Commuter Choice and planning for a future transit program on I-95/I-395 to new responsibilities pertaining to Metro funding and governance, NVTC’s role in the region has expanded almost exponentially this past year. Through both words and actions, NVTC advanced the cause of safe, reliable and adequately funded public transportation at the local, state and regional levels throughout 2018.

Partnerships have been critical to NVTC’s success. In concert with our local jurisdictions, the business community and nonprofit groups, NVTC played a key role in securing dedicated funds for Metro and Virginia Railway Express. Collaboration with the Commonwealth and OmniRide/PRTC led to yet another successful legislative and policy briefing and also paved the way for expansion of our Commuter Choice program to the I-95/I-395 corridor.

NVTC research and programs continued to add value throughout the region. Our fare collection strategic plan provided a path to the development of a regionally integrated system that can meet evolving customer expectations. A report on transit performance showed the vital role transit plays in moving more people more effectively through the I-66 corridor. Our jurisdictions benefitted from a new modelling tool that allowed NVTC to integrate socioeconomic, land use, and transit network data to estimate demand at bus stops.

To meet the demands of these new and expanded programs and responsibilities, NVTC added six staff positions, a 50 percent increase. These new staff members joined a seasoned team with an exemplary record. New office space, under construction at year’s end, will accommodate our larger staff and provide room for future growth.

These are exciting times at NVTC. As the momentum continues to build, we will harness its energy in ways that will ensure that Northern Virginia’s businesses and residents are served by a high-capacity, high-quality network of transit systems that allows our region to thrive.

Paul C. Smedberg
Chairman

Katherine A. Mattice
Executive Director
NVTC fiscal year 2018 financial and compliance reports yet again received clean audit opinions. The opinions covered the financial position and change in financial position of NVTC’s activities, internal control over financial reporting, and compliance with laws, contracts, regulations, grant agreements and other matters. NVTC’s financial structure included a general fund, two special revenue funds - one for transit activities and another for I-66 toll revenue - and an enterprise fund for NVTC’s share of ownership in Virginia Railway Express.

$174.8MIL SPECIAL REVENUE
During fiscal 2018, the transit special revenue fund allocated $174.8 million in state and regional assistance to member jurisdictions.

$5.9MIL I-66 TOLL REVENUE
The special revenue fund for toll revenue received $5.9 million for the seven months of tolling in fiscal 2018 and disbursed $3.3 million for regional projects.

$222.6MIL ENTERPRISE FUND
NVTC maintained an enterprise fund, recognizing NVTC’s share of ownership of VRE, which equaled $222.6 million as of June 30, 2018.

$218.4MIL DISPERSED FOR WMATA

$27.6MIL DISPERSED FOR LOCAL SYSTEM NEEDS
State assistance for WMATA, through NVTC, came to $141.1 million.

State assistance, for which NVTC applied on behalf of its member jurisdictions’ transit systems, came to $35.5 million.

Revenues from the 2.1% regional gas tax, which NVTC received and disbursed to WMATA for operating and capital requirements, equaled $35.6 million.

Department of Rail and Public Transportation transit assistance to VRE, for which NVTC served as grantee, totaled $30.2 million.

Federal grants on behalf of two NVTC jurisdictions totaled $20 million, of which $492,000 was received in fiscal 2018. NVTC served as grantee for the awards and ensured its jurisdictions’ compliance with Federal Transit Administration requirements.
While NVTC has long been charged with the funding and stewardship of WMATA, its responsibilities increased in 2018 due to passage of the omnibus transit bill (HB1539/SB856). NVTC responded to the new requirements through changes to its governance structure, approach to appointing members of the WMATA Board of Directors, and staffing levels.

Establishment of an Interim WMATA Committee

Recognizing the need to respond to the new legislative requirements, NVTC quickly created and staffed an interim committee to serve as a forum for discussion of key issues pertaining to WMATA. At its initial meeting in August, committee members rolled up their sleeves, tackling topics such as the content for NVTC’s mandated report on the performance and condition of WMATA and the Commonwealth Transportation Board’s proposed policy and guidelines for implementing WMATA governance and funding reforms. The committee’s discussions
informed NVTC’s principal WMATA board members of areas of jurisdictional concern and provided them with guidance on the transit agency’s budget, policies, and other issues where it was important for the region to speak with one voice.

First Annual Report to the Governor and General Assembly on WMATA

In November the Commission submitted its first legislatively mandated annual “Report on the Performance and Condition of the Washington Metropolitan Area Transit Authority” to the Governor and General Assembly. The report, which presented data vital to understanding how Metrorail and Metrobus were performing, will serve as a baseline for future years. Strategies to reduce the growth in WMATA’s costs and to improve the efficiency of its operations were included in the report. NVTC developed the strategies in coordination with its local jurisdictions, which are responsible for funding WMATA.

Oversight & Accountability

NVTC provided support to the Virginia Department of Rail and Public Transportation as it worked to develop a policy and guidelines that would allow the Commonwealth Transportation Board to withhold some or all of the Commonwealth’s funding should WMATA not adhere to various requirements of the law. The transit bill called for WMATA to hold the annual growth in Virginia’s operating subsidies to no more than 3 percent, adopt a strategic plan, and limit the role of alternate members of the WMATA Board of Directors. In September, the Commission approved a resolution endorsing the proposed policy and guidelines.

The transit bill also directed the Commission to obtain information from WMATA regarding its budget, independent and single audits, and National Transit Database profile. NVTC will certify receipt of these key documents at the end of the fiscal year in June 2019.
Policy Focus

Fiscal Year 2019 Budget

In written comments sent in January, NVTC endorsed the proposed WMATA budget’s focus on ridership recovery, capital investments and management improvements, noting that its emphasis on safety and reliability would build on recent successes and restore public confidence in the system. The Commission cautioned that the trajectory of increases in jurisdictional operating subsidies exceeded what Northern Virginia municipalities were able to pay.

Strategies to Reduce Growth in Operating Costs and Improve Efficiency

In its report to the Governor and General Assembly, NVTC recommended 22 short- and long-term strategies that WMATA can use to build on efforts underway that would reduce costs and make its operations more efficient. The strategies are designed to rebuild rail and bus ridership, enhance the efficiency of Metrobus and Metrorail, control costs for labor and contracted services, optimize revenue collection, increase non-fare revenues, and improve workforce and contractor productivity.

Parking Policy Changes

In response to WMATA’s proposed changes to parking fees and hours, the Commission in September directed the chairman to submit comments indicating areas of support and concern. NVTC expressed support for additional weekday hours of revenue collection, charging for parking on weekends during special events, and reducing weekday parking fees at stations with low ridership and parking utilization. Concerns centered around the negative impact weekend parking fees might have on rail ridership.
As a co-owner of the Commonwealth’s only commuter rail system, NVTC provides governance and oversight of the Virginia Railway Express directly and through its appointments to VRE’s Operations Board.

Lorton Station Platform Extension

VRE celebrated the completion of a 250-foot extension of its Lorton Station platform on March 8. NVTC Executive Director Kate Mattice was among those cutting the ribbon. Lorton is the first of several planned platform extensions at VRE stations, which are needed to accommodate eight-car trains. Funding for the project came from the federal and state governments, Northern Virginia Transportation Authority and Fairfax County.

Annual Master Agreement Survey

NVTC staff joined their colleagues from OmniRide/PRTC and VRE to administer the railroad’s Master Agreement Survey on October 3. NVTC uses residency data from the annual survey to help VRE determine subsidies from Arlington, Fairfax, Prince William, Stafford and Spotsylvania counties and the cities of Alexandria, Fredericksburg, Manassas, and Manassas Park. The survey is conducted on both the Fredericksburg and Manassas lines. Staff from the three organizations served as onboard survey collectors on 14 morning inbound VRE and four Amtrak trains.

Commuter Rail Operating & Capital (C-ROC) Fund

The General Assembly’s 2018 creation of the C-ROC fund will provide VRE with $15 million annually in dedicated funding, which NVTC will administer. To ensure VRE’s accountability in the use of these funds, an administrative agreement was adopted by both NVTC and OmniRide/PRTC, the railway’s co-owners, that will guide the implementation and reporting of these funds.
OPERATIONS & COMMISSION SUPPORT

Strategic Retreat

Given the new legislative mandates that emerged from the 2018 General Assembly session, the Commission held a strategic retreat in June to explore its new responsibilities. The energy in the room was palpable as Commissioners delved into questions of governance, staffing and budget. A set of principles adopted at the meeting served to guide later decisions pertaining to committee structure, staff support, and the selection among jurisdictions of NVTC’s principal appointee to the WMATA Board of Directors.

Recognizing the need for Northern Virginia to speak with a unified voice given the reduced role of alternate directors, Commissioners agreed to establish an Interim WMATA Committee to support and enhance the effectiveness of the principal director. As the retreat drew to a close, Commissioners named Christian Dorsey, a member of the Arlington County Board, as Northern Virginia’s principal WMATA director. They also voiced appreciation of the service rendered by Catherine Hudgins, a Fairfax County supervisor, during her tenure as NVTC’s principal WMATA director.

Bylaws & Policy Updates

To implement the principles adopted at its strategic retreat, the Commission amended its bylaws and adopted a policy pertaining to the appointment of NVTC’s principal director to the WMATA board in October. The new policy provides NVTC with strong representation on the WMATA board based on principles of jurisdictional rotation that consider timing for opportunities to serve in WMATA leadership roles, while acknowledging the need for flexibility. Among other things, the bylaws changes established standing committees for WMATA, Legislative and Policy, and Program Advisory and the membership, charge and structure for each. The new committee structure takes effect in January 2019.

Staff Support

Recognizing that NVTC staff were stretched thin given the growth in the organization’s programs and its additional responsibilities, the Commission added six new positions in 2018. The new employees support NVTC’s I-66 Commuter Choice program, marketing and outreach, data and program analysis, and grants and compliance. Restoration of the director of programs and policy position will help take NVTC’s programs to the next level. To accommodate new and future staff, the Commission secured larger office space, which was at year’s end being renovated for occupancy in 2019.
I-66 Commuter Choice

Program Expansion

A third call for projects under the I-66 Commuter Choice program was issued in November, following Commission approval. The application deadline was set for mid-January 2019. The regional priorities for this next group of projects include moving more people, maximizing both cost effectiveness and transit operating funding, reducing the use of single-occupant vehicles, and improving connections within the transportation network – all of which benefit the toll payers on I-66 inside the Beltway. Fall stakeholder meetings were designed to get jurisdictions and transit agencies thinking holistically about how their projects fit within the region.

Revised Prioritization Process and Evaluation Criteria

To improve the project selection process, NVTC staff conducted a five-month review of the criteria used to evaluate and prioritize applications. In November the Commission endorsed a process that captures both the technical evaluation and the prioritization in a single quantitative project score, reflecting local and regionwide impact. Projects submitted under the third call will be the first to be evaluated under this new process.

Additional Projects Funded

Fifteen projects were approved for a total of $12 million in funding. The Commission endorsed the projects in May and the Commonwealth Transportation Board voted in June to include the projects in its Six-Year Improvement Program for fiscal year 2019. Among the projects are those that will improve emergency response to keep traffic moving in the I-66 corridor and get more people from their homes to transit by improving access to stations and park-and-ride lots. By year’s end, one of the projects, Loudoun County Transit’s new bus service between Purcellville and the Wiehle-Reston East Metrorail station, had been implemented.

Annual Report

NVTC submitted its second annual report to the Secretary of Transportation in October. The report details the first round of projects – a total of 10 receiving $9.8 million – and lists the 15 most recently funded. Photos include then Governor Terry McAuliffe at the September 2017 program launch cutting a ribbon as he is flanked by buses, bike share, and a transit information screen.
Regional Fare Collection Program

*Strategic Plan*

Recognizing that the current fare collection system is nearly obsolete and transit systems need to replace or upgrade collection system, NVTC developed a strategic plan that establishes the need for improvements and identifies next steps. The Northern Virginia Regional Fare Collection Strategic Plan, approved by the Commission in June, was crafted with input from local transit systems.

As the strategic plan makes clear, there was broad agreement on the need for an upgraded and enhanced, D.C.-region fare collection system that can coexist with and be complemented by local solutions to meet each transit system’s needs. The plan guided NVTC’s implementation of a coordinated local platform for mobile ticketing, engagement with WMATA on SmartBenefits® and SmarTrip® enhancements, and development of a long-term fare collection solution.

*Mobile Ticketing Industry Day*

To help Northern Virginia’s seven transit agencies better understand current market trends and identify potential features and solutions for a regional fare collection mobile app, NVTC hosted a Mobile Ticketing Industry Day in December. Vendors shared their solutions and capabilities, as well as the benefits and challenges inherent in developing a regional, mobile-based fare collection product.

*Farebox Upgrades*

NVTC continued to work with WMATA and local bus systems on a stop-gap measure to update current fare collection methods, which entails replacing and upgrading fare collection equipment and software on buses. Despite schedule delays, as WMATA and its contractor worked to resolve software issues prior to testing, NVTC ensured that Fairfax Connector and Loudoun County Transit were ready to test the new hardware and software when available. NVTC was working with WMATA and the transit systems to make certain that current fareboxes can be maintained through 2019 until the upgrade is ready for full-scale deployment.
I-95/I-395 Annual Transit Payment Program

NVTC, OmniRide/PRTC and the Commonwealth signed a Memorandum of Agreement (MOA) that will provide a minimum of $15 million annually to fund transit and related improvements in the I-95/I-395 corridor as early as 2019. A second MOA, previewed by the two transportation commissions in December, will guide NVTC’s administration of the Annual Transit Payment Program, which will be marketed under the Commuter Choice brand.

Envision Route 7

Phase III, a conceptual engineering study of Envision Route 7, ramped up this fall. The study will help refine the project cost and identify potential areas of concern for a proposed bus rapid transit (BRT) system along Route 7 between Tysons and Alexandria.

It will identify rights-of-way that may be needed for the BRT route and guide jurisdictions’ planning efforts. Data collection and compilation as well as mapping got underway.

NVTC awarded the contract for the study to Kittelson and Associates, with AECOM and Gorove/Slade as subcontractors. The study will continue through 2019.
NVTC’s Transit Planning Tool

As part of its Regional Bus Agenda, NVTC developed a database containing all the bus routes in Northern Virginia, including route- and stop-level ridership by time of day. The database is part of a larger analytical program known as the Transit Boardings Estimation and Simulation Tool (TBEST), which integrates socioeconomic, land use, and transit network data into a platform for scenario-based transit ridership estimation and analysis.

NVTC used TBEST to evaluate WMATA’s Title VI analysis of environmental justice concerns related to the extension of bus service in Falls Church, which is funded through NVTC’s I-66 Commuter Choice program. At year’s end, planning was underway to assist the City of Alexandria with its Transit Vision Plan by testing proposed bus service improvements.

I-66 Transit Ridership Report

Commuter and express bus routes in the I-66 corridor showed an 8 percent increase in ridership from February 2017 to February 2018 due to tolling and new service funded by the I-66 Commuter Choice program, according to a June NVTC report. Bus travel times were more reliable as traffic conditions on I-66 improved. Vehicular speed on I-66 inside the Beltway increased by 15 percent during the same time period. Available data and anecdotal evidence suggested that running times of express bus services using I-66 have also improved. The NVTC report, which will be updated annually, highlighted the need for more information to evaluate the impact of tolling on the I-66 Commuter Choice program and, more broadly, public transportation services along the I-66 corridor.

Regional Transit Performance Report

NVTC’s annual report on transit performance summarized statistics from all transit agencies operating in Northern Virginia. In fiscal year 2017, Northern Virginia transit providers experienced an overall ridership decline of 9 percent, according to the report. Metrorail, which carries the bulk of the riders, declined 12 percent and other transit systems in Northern Virginia dropped an average of 2 percent. Exceptions were Arlington Transit (ART) and Virginia Railway Express (VRE), which experienced ridership increases of 7 and 9 percent, respectively.
Virginia Transit Association

Leadership

NVTC Commissioner Dave Snyder was honored in May for his service as president of the Virginia Transit Association (VTA). Snyder was instrumental in raising the organization’s profile and advocating for dedicated funding for transit. NVTC Executive Director Kate Mattice, a member of VTA’s executive committee, served as a liaison between the association and the Transit Service Delivery Advisory Committee (TSDAC), keeping VTA members apprised of changes to the methods for allocating state transit capital and operating assistance and advocating on their behalf. NVTC staff continued to chair VTA’s annual awards program, help plan the agenda for its annual conference, and coordinate and participate in conference sessions.

Transit Service Delivery Advisory Committee Representation

As VTA’s liaison to TSDAC, NVTC Executive Director Kate Mattice worked to ensure the equity of the legislatively mandated prioritization formulas for capital and operating assistance. The Commonwealth Transportation Board (CTB) approved the prioritization process for capital funding in October and was to take up operating assistance in early 2019. In remarks prior to the CTB’s vote, Mattice noted that the legislative mandate to turn the process for allocating capital assistance into a statewide competition would undermine transit agencies’ asset management efforts and create uncertainty in fleet and asset management. Acknowledging the CTB’s need to comply with the requirements, Mattice called the proposed approach reasonable.

Washington Area Bus Transformation Project

NVTC participated in the Washington Area Bus Transformation Project, a regional effort to identify ways to make local bus service a more attractive transportation option. Executive Director Kate Mattice and Transit Planner Dan Goldfarb, P.E. served on the Strategic Advisory Panel and Technical Team, respectively. The two attended a kick-off summit in September. Over the next year, they will engage with regional stakeholders in the public and private sectors to explore all factors that influence the quality of bus service, including costs, advancing technology, governance structures, regional coordination and communication, service operations, funding sources, and the role of different providers. The project will develop a set of draft strategies with recommendations and an implementation plan by the end of 2019.
Northern Virginia Transit Response Coordination

With WMATA’s announcement that it would shut down six stations south of National Airport during the summer of 2019 for platform repairs, NVTC began coordinating the region’s response. In partnership with WMATA, regular conference calls were held with specific groups, such as transit operators or transportation demand management (TDM) coordinators, to create a draft mitigation plan. Communication and outreach strategies at the jurisdictional and regional levels also were addressed. NVTC was working with Virginia’s Department of Rail and Public Transportation to explore additional funding to support transit operations, TDM efforts, and communication strategies in advance of the shutdowns.

National Transit Database Training

To help local transit agencies meet their federal reporting requirements, NVTC hosted a two-day training session in October on the National Transit Database. Those receiving grants from the Urbanized Area Formula Program or Rural Formula Program are required to submit certain data to the Federal Transit Administration (FTA). The reporting requirements have allowed the FTA to make information – such as agency funding sources, inventories of vehicles and maintenance facilities, safety event reports, measures of transit service provided and consumed, and data on transit employees – available to the public.
In recognition of the Northern Virginia delegation’s efforts to secure dedicated funding for WMATA and VRE, transit industry leaders offered thanks and shared how the funds will be used during NVTC and OmniRide/PRTC’s joint Legislative and Policy Briefing in December. Nearly 120 state legislators, local elected officials, federal and state legislative staff, and area business leaders convened to learn more about Congressional and state issues affecting transit in Northern Virginia that are critical to the region’s economy and quality of life.

While much of NVTC’s activity pertaining to WMATA was focused on funding and oversight, staff and WMATA board members continued a successful series of forums designed to engage the public. In late May three of Virginia’s WMATA board members braved a torrential downpour to discuss the challenges and opportunities facing Metro following the General Assembly’s approval of dedicated funding. Their presentation touched on how Virginia’s new transit legislation affects WMATA governance and expands NVTC’s oversight role and responsibilities.

The prestigious Ronald F. Kirby Award for Collaborative Leadership was presented to NVTC Executive Director Kate Mattice in December by the Metropolitan Washington Council of Governments (COG). The award, bestowed during COG’s annual membership meeting and awards luncheon, recognizes a non-elected government executive who works collaboratively with elected officials, stakeholders, and their communities to shape a better region. COG noted that “under Mattice’s leadership, NVTC’s collaboration with COG and regional partners was instrumental in the Metro dedicated funding effort.” She was the sixth non-elected leader and first woman to be recognized with this award.

With dedicated funding for WMATA secured, the Coalition for Smarter Growth hosted a forum to explore how the region was able to pass identical legislation in Virginia, Maryland and the District of Columbia and what the next step might be. NVTC Executive Director Kate Mattice was one of several panelists providing perspective during a well-attended session in June moderated by The Washington Post’s Robert McCartney.
Elected Leaders Transportation Forum

Providing clarity so that elected leaders understand the roles and responsibilities of organizations involved in transportation in Northern Virginia was the goal of a forum in which NVTC participated. The April event, which included a presentation by NVTC Executive Director Kate Mattice, focused on the collaboration and coordination of transportation planning, policy development, and funding between NVTC and other governmental organizations.

I-66 Commuter Choice & Multimodal Connectivity

NVTC’s Patricia Happ was a panelist at the Virginia Transit Association’s annual conference, presenting at a session on multimodal connectivity. She spoke to transportation demand management and transit projects funded through the I-66 Commuter Choice program.

Educating Future Transportation Planners

As a guest lecturer at George Mason University, NVTC’s Dan Goldfarb explained how travel demand forecasting applies to planning studies. Earlier in the year Patricia Happ introduced Washington-Lee High School students to careers in transportation.

Celebrate Fairfax

NVTC staffers joined their transit colleagues in early June to share the benefits of public transportation at Celebrate Fairfax! Hundreds stopped by the Transportation Station to watch NVTC’s I-66 Commuter Choice video, engage with staff, or pick up an I-66 Commuter Choice beach ball or cell phone wallet.
Arlington Forum

NVTC's Andrew D’huyvetter was one of four panelists at a #Back2Good Metro Panel, where he shared a variety of information, including Metro ridership and funding. He was joined by NVTC Commissioner and WMATA Board Member Christian Dorsey and Virginia Senator Barbara Favola.

NVTC Transit Article Wins National Award

Guiding Kids to Navigate Transit, an article written for Washington Parent magazine by NVTC’s Karen Finucan Clarkson, received a silver award for service feature from the Parenting Media Association (PMA) in early March.

NVTC in the News

NVTC was featured in more than 50 articles in both national and local publications in 2018. Among them was a piece in The Washington Post – In Prince William, a high-tech plan to get more commuters out of their cars – that profiled two microtransit projects funded by NVTC's I-66 Commuter Choice program.

NVTC Staff