



## BOARD OF DIRECTORS

Wednesday, February 14, 2018  
12:00 - 2:00 P.M.  
Walter A. Scheiber Board Room

### AGENDA

- 12:00 P.M.**
- 1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**  
*Matthew Letourneau, COG Board Chairman*
  - 2. CHAIRMAN'S REPORT**  
*Matthew Letourneau, COG Board Chairman*
    - A. Transportation Land-use Connections Program Application
- 12:05 P.M.**
- 3. EXECUTIVE DIRECTOR'S REPORT**  
*Chuck Bean, COG Executive Director*
  - 4. AMENDMENTS TO THE AGENDA**  
*Matthew Letourneau, COG Board Chairman*
  - 5. APPROVAL OF THE MINUTES FROM JANUARY 10, 2018**  
*Matthew Letourneau, COG Board Chairman*  
**Recommended Action: Approve minutes.**
- 12:15 P.M.**
- 6. ADOPTION OF CONSENT AGENDA ITEMS**  
*Matthew Letourneau, COG Board Chairman*
    - A. Resolution R13-2018 – Resolution authorizing COG to lease office furniture
    - B. Resolution R14-2018 – Resolution authorizing COG to receive a grant, and procure and enter into a contract to support the regional drinking water security monitoring system**Recommended Action: Adopt Resolutions R13-2018 and R14-2018.**
- 12:20 P.M.**
- 7. FISCAL YEAR 2018 2<sup>ND</sup> QUARTER FINANCIAL REPORT**  
*Leta Simons, COG Chief Financial Officer*  
*Kate Stewart, COG Secretary-Treasurer*  
The board will be briefed on the FY 2018 second quarter (July - December 2017) financial statements.  
**Recommended Action: Receive briefing.**
- 12:30 P.M.**
- 8. PREPARING FOR UPCOMING ELECTIONS**  
*Richard Keech, Loudoun County Deputy Registrar*  
*Kathleen Conway, City of Rockville City Clerk/Director of Council Operations*  
*DeAnna Smith, D.C. Board of Elections Assistant Registrar of Voters*

Reasonable accommodations are provided upon request, including alternative formats of meeting materials.  
Visit [www.mwco.org/accommodations](http://www.mwco.org/accommodations) or call (202) 962-3300 or (202) 962-3213 (TDD).

Representatives of the Elections Officials Committee will update the board on election activities within each of their jurisdictions from the last election and preparations for the 2018 primary and general elections.

**Recommended Action: Receive briefing.**

**1:05 P.M. 9. LEGISLATIVE MONITORING UPDATE**

*Chuck Bean, COG Executive Director*

The board will be briefed on proposed Metro legislation, infrastructure, water, and other current issues.

**Recommended Action: Receive briefing.**

**1:15 P.M. 10. METRONOW COALITION**

*Bob Buchanan, The 2030 Group President*

*Emeka Moneme, The Federal City Council Deputy Executive Director*

*Stewart Schwartz, The Coalition for Smarter Growth Executive Director*

*Jack McDougle, The Greater Washington Board of Trade CEO*

The board will be briefed about the work of the new MetroNow Coalition, a group of regional business and non-profit leaders, who have come together to ensure that action is taken to put Metro on a safe, smart, and sustainable path forward in 2018 and beyond.

**Recommended Action: Receive briefing.**

**1:45 P.M. 11. OTHER BUSINESS**

**2:00 P.M. 12. ADJOURN**

The next meeting is scheduled for Wednesday, March 14, 2018.

# **AGENDA ITEM #2**

# **CHAIRMAN'S REPORT**

The **TLC Program** helps local governments and agencies plan and design vibrant communities, share success stories, and promote regional goals. For more information, including how to apply for technical assistance, please see the contacts below.

**TLC TECHNICAL ASSISTANCE AND PEERX**

National Capital Region Transportation Planning Board  
mwcog.com/tlc  
TLC@mwcog.org

John Swanson  
(202) 962-3295  
jswanson@mwcog.org

Nicole McCall  
(202) 962-3341  
nmccall@mwcog.org

**TA SET ASIDE**

District Department of Transportation  
ddot.dc.gov/page/transportation-alternatives-program

Maryland State Highway Administration  
roads.maryland.gov/index.aspx?pageid=144

Virginia Department of Transportation  
Local Assistance Division  
viriniadot.org/business/prehancegrants.asp

**COG-ULI TECHNICAL ASSISTANCE PANELS**

ULI Washington District Council  
washington.uli.org/what-we-do/technical-assistance-panels/

Deborah K. Bilek  
(240) 497-0550  
deborah.bilek@uli.org

The **National Capital Region Transportation Planning Board (TPB)** is the federally designated metropolitan planning organization (MPO) for the Washington region. It is responsible for developing and carrying out a continuing, comprehensive, and cooperative transportation planning process in the metropolitan area.

Members of the TPB include representatives of the transportation agencies of the states of Maryland and Virginia, and the District of Columbia, 22 local governments, the Washington Metropolitan Area Transit Authority, the Maryland and Virginia General Assemblies, and nonvoting members from the Metropolitan Washington Airports Authority and federal agencies.

The TPB is staffed by the Department of Transportation Planning at the **Metropolitan Washington Council of Governments (COG)**.



National Capital Region  
**Transportation Planning Board**

Metropolitan Washington Council of Governments  
777 North Capitol Street NE, Suite 300  
Washington, DC 20002

mwcog.org/tpb



**TLC** **TRANSPORTATION/  
LAND USE  
CONNECTIONS  
PROGRAM**



National Capital Region  
**Transportation Planning Board**

The Transportation Planning Board's (TPB) Transportation/Land Use Connections (TLC) program helps local jurisdictions work through the challenges of integrating transportation and land use planning to create vibrant communities. TLC is designed to support local planning and design projects as well as share success stories and proven tools with governments and agencies across the region.

Since 2007, the TPB has worked with nearly every jurisdiction in the National Capital Region through the three components of the TLC Program: TLC Technical Assistance, the Peer Exchange Network (TLC PeerX), and the Transportation Alternatives Set Aside (TA Set Aside). TLC also includes a partnership with the Washington District Council of the Urban Land Institute through its Technical Assistance Panels (COG-ULI TAP).

**The TPB encourages TLC projects and events that support:**

- **REGIONAL GOALS**
  - REGIONAL TRANSPORTATION PRIORITIES PLAN
  - REGION FORWARD
- **CROSS-JURISDICTIONAL COLLABORATION**
- **ACTIVITY CENTERS**
- **ACCESS TO TRANSIT**
- **DIVERSITY AND EQUITY**

The TLC Program has three components:

**TLC TECHNICAL ASSISTANCE**

TLC Technical Assistance provides consultant services to local jurisdictions working on creative, forward-thinking, and sustainable plans and projects. The TPB provides assistance of \$30,000 to \$60,000 for planning, and up to \$80,000 for 30 percent design. Applicants must be TPB member local jurisdictions or area agencies or organizations partnering with TPB member jurisdictions.

**PEER EXCHANGE NETWORK (TLC PEERX)**

TLC PeerX provides opportunities for planners across the region to share and discuss best practices and innovative ideas stemming from successful past projects and regional planning issues. TLC PeerX includes webinars, forums, site visits, and other means of connecting the region's planners and promoting collaboration around TLC-related topics.

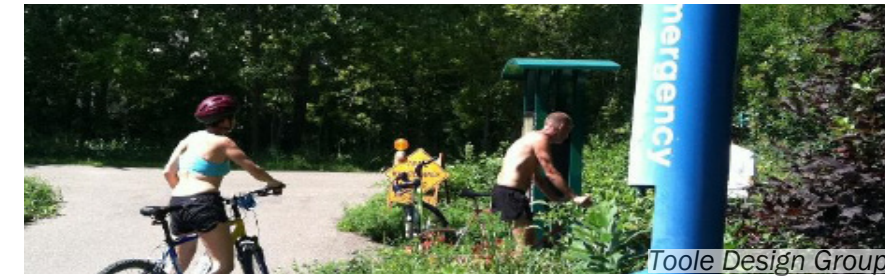
**TRANSPORTATION ALTERNATIVES SET ASIDE (TA SET ASIDE)**

The TA Set Aside allocates federal reimbursible aid for capital improvements considered alternative to traditional highway construction. The TPB works with the District of Columbia, Maryland, and Virginia to coordinate each state's application process in the region. The TPB strongly encourages applications that support TLC priority criteria, Safe Routes to School, bicycle/pedestrian facilities, and non-motorized access improvements. Applicants must provide a minimum 20 percent match. Projects should be ready for construction or in final engineering and design phases.

[mwcog.org/tlc](http://mwcog.org/tlc)



Designing a new streetscape for 19th Street to address land use and stormwater issues in Downtown DC. *ZGF Architects*



Planning a multi-use trail to connect suburban communities with Metrorail stations, create new walking and biking facilities, and promote safety and health in Prince George's County, MD. *Toole Design Group*



Supporting the expansion of Capital Bikeshare in suburban Activity Centers like Reston in Fairfax County, VA. *MrTinDC/Flickr*

**COG-ULI TECHNICAL ASSISTANCE PANELS (COG-ULI TAP)**

ULI-TAP gathers urban development experts to provide focused, market-level feedback for local development and/or land-use issues. ULI Washington and COG have partnered to select and support technical assistance panels for projects located in Activity Centers. Applicants must be local governments and are eligible to pay a reduced rate.



# **AGENDA ITEM #3**

## **EXECUTIVE DIRECTOR'S REPORT**



## MEMORANDUM

**TO:** COG Board of Directors  
**FROM:** Chuck Bean, COG Executive Director  
**SUBJECT:** Executive Director's Report – February 2018  
**DATE:** February 7, 2018

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### POLICY BOARD & COMMITTEE UPDATES

#### National Capital Region Transportation Planning Board (TPB)

– At its January meeting, the TPB voted to study newly proposed transportation projects, such as toll lanes on I-495 and I-270, to determine if they meet air quality standards before deciding whether to include them in the Visualize 2045 long-range plan. The TPB also approved \$6 million in grants for 17 projects that fund transportation services for people with disabilities as well as new highway safety targets for the region.

[View the Visualize 2045 news release](#)

[View the Enhanced Mobility grants news release](#)

**Climate, Energy, and Environment Policy Committee (CEEPC) and the Metropolitan Washington Air Quality Committee (MWAQC)** – In January, the committees sponsored a special work session on electric vehicles (EV) during Public Policy Day at the 2018 Washington Auto Show.

**Chesapeake Bay and Water Resources Policy Committee (CBPC)** – In January, CBPC focused on proposed water and environmental legislation and initiatives. New CBPC Chair Libby Garvey facilitated a panel on federal initiatives that discussed advocating nationally for water infrastructure and workforce development. Members were also briefed on forthcoming state bills, and Councilmember Elisa Silverman highlighted the D.C. Council's areas of environmental focus, including planning for the Year of the Anacostia.

**Human Services Policy Committee (HSPC)** – In January, HSPC reviewed its focus areas for the year and members shared information on health and human services initiatives in their jurisdictions.

**Region Forward Coalition (RFC)** – In January, the RFC received a briefing on VoicesDMV, an initiative designed to hear directly from residents about regional challenges and opportunities. It was also briefed on policies and practices to enhance economic inclusion as well as a 2018 study on millennials from American University's Kogod School of Business.



#### STAFF FEATURE

**Andrew Meese's work is helping the region enhance its response to traffic incidents and keep pedestrians and bicyclists safe.**

[View the Heart of COG](#)

## OUTREACH & PROGRAM HIGHLIGHTS

**City of Fairfax** – On January 9, Chuck Bean gave a presentation on COG’s programs and discussed the City of Fairfax’s participation in COG.

**Unmanned aircraft** – The Police Foundation and the Federal Aviation Administration (FAA) presented at COG on January 30 on small unmanned aircraft systems (sUAS), their relationship with public safety, and the future of sUAS in the region. Federal, state, and local public safety partners attended and discussed current issues, strategic implementation, and future legal authorities in the region.

**Transportation/Land-Use Connections (TLC) Program** – On February 1, the TPB began accepting applications for free technical assistance under its popular TLC Program, which provides support for planning studies and preliminary engineering for projects that help local jurisdictions build sustainable, walkable communities. Applications are due Friday, April 2.

[View the TLC site](#)

**Metrorail Safety Commission (MSC)** – The three states have been working to appoint and confirm their MSC Commissioners and held an orientation for them at COG on February 7. The states are also continuing to work on other key tasks, such as hiring an executive director.

**Foster Care Exchange** – COG’s Foster Care Advisory Committee and Wednesday’s Child Committee hosted the annual Regional Adoption Exchange on January 11, during which private agencies presented licensed families, who are prepared to adopt older children from foster care.

## MEDIA HIGHLIGHTS

**How Amazon could impact DC-area schools, housing and transportation**– COG’s Paul DesJardin and Tim Canan interviewed.

[View the WTOP story](#)

**Funding Projects to Enhance Transportation Mobility**– COG’s Wendy Klancher interviewed.

[View the Comcast Newsmakers show](#)



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### BLOG: ELECTRIC VEHICLES

Behind the scenes at the Washington Auto Show, COG and area leaders continued their work readying the region for “plugging in” to the coming “revolution”—electrification of transportation. (CEEPC Chair Mary Lehman moderates panel at Auto Show meeting.)

[View the blog](#)



# **AGENDA ITEM #4**

## **AMENDMENTS TO THE AGENDA**

# **AGENDA ITEM #5**

## **APPROVAL OF THE MINUTES**

**METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS  
777 North Capitol Street, NE  
Washington, D.C. 20002**

**MINUTES  
Board of Directors Meeting  
January 10, 2018**

**BOARD MEMBERS AND ALTERNATES:** See attached chart for attendance.

**STAFF:**

Chuck Bean, COG Executive Director  
Leta Simons, COG Chief Financial Officer  
Kanti Srikanth, COG Transportation Planning Director  
Scott Boggs, COG Homeland Security and Public Safety Director  
Monica Beyrouti Nuñez, COG Government Relations and Member Services Supervisor

**GUESTS:**

John Foust, COG Audit Committee Chairman

**1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

2017 COG Board Chairman Kenyan McDuffie called the meeting to order at 12:07 P.M. and led the Pledge of Allegiance.

**2. ELECTION OF 2018 COG BOARD OFFICERS**

The board approved the following COG Board officers for 2018: Chairman Matthew Letourneau, Vice Chairman Derrick Davis, and Vice Chairman Robert White. Additionally, Virginia Senator George Barker and Maryland Senator Brian Feldman were reappointed to the COG Board for a two-year term.

**Action: Adopted Resolution R1-2018.**

**3. ELECTION OF 2018 POLICY COMMITTEE LEADERSHIP**

The board approved the proposed leadership nominations for 2018 for the following policy committees: Chesapeake Bay and Water Resources Policy Committee; Climate, Energy, and Environment Policy Committee; Human Services Policy Committee; Emergency Preparedness Council; and Region Forward Coalition, and the following administrative committees: Audit Committee, Budget and Finance Committee, Employee Compensation and Benefits Review Committee, and Pension Plan Administrative Committee.

**Action: Adopted Resolution R2-2018.**

**4. CHAIRMAN'S REPORT**

2018 COG Board Chairman Matthew Letourneau outlined his priorities for the board to focus on this year, including Traffic Incident Management Enhancement (TIME) and security in public buildings.

**5. EXECUTIVE DIRECTOR'S REPORT**

Executive Director Chuck Bean noted that the public comment period for the Transportation Planning Board's Visualize 2045 plan is open until January 13. He also noted that COG's top fire, emergency management, police, and 9-1-1 committees met on November 20 to discuss information sharing and operational coordination for planned and unplanned events. Next, Bean shared that MWAQC approved a plan that demonstrates the region's achievement in attaining the U.S. Environmental Protection Agency's 2008 standard for ground-level ozone pollution. Finally, he noted that CEEPC is holding a special session on electric vehicles at the Auto Show on January 25.

## **6. AMENDMENTS TO AGENDA**

There was one amendment to the agenda. Staff requested to add Resolution R12-2018 to the consent agenda authorizing COG to receive a grant to purchase x-ray systems for COG law enforcement members in the region. The board approved the amendment.

## **7. APPROVAL OF MINUTES**

The minutes from the December 13, 2017 board meeting were approved.

## **8. ADOPTION OF CONSENT AGENDA ITEMS**

- A. Resolution R3-2018 – Resolution approving the 2018 COG Board of Directors meeting dates
- B. Resolution R4-2018 – Resolution approving the draft round 9.1 cooperative forecasts
- C. Resolution R5-2018 – Resolution authorizing COG to receive a grant to provide Anacostia River Watershed Partnership-related support services
- D. Resolution R6-2018 – Resolution authorizing COG to renew an existing contract for Go Recycle Campaign media consulting services
- E. Resolution R7-2018 – Resolution authorizing COG to receive funding for administrative support for Urban Area Security Initiative sub-awards
- F. Resolution R8-2018 – Resolution authorizing COG to receive a grant to conduct stream monitoring in the District of Columbia
- G. Resolution R12-2018 – Resolution authorizing COG to receive a grant to purchase x-ray systems for COG law enforcement members in the National Capital Region

**Action: Adopted Resolutions R3-2018 – R8-2018 and R12-2018.**

## **9. FY2017 AUDITED FINANCIAL STATEMENTS**

COG Audit Committee Chairman John Foust briefed the board on the audited financial statements for the year ending on June 30, 2017. PBMares, LLC. Issued a clean opinion of COG's financial statements. The board approved the audit report and extended the contract for the audit firm.

**ACTION: Received briefing and adopted Resolution R9-2018.**

## **10. 2018 LEGISLATIVE PRIORITIES**

COG Government Relations and Member Services Supervisor Monica Beyrouiti Nuñez briefed the board on the 2018 COG Legislative Priorities, including transportation funding, water quality protection, climate and energy innovation, air quality protection, workforce development, affordable housing, emergency preparedness, and health and human services.

**ACTION: Received briefing and adopted Resolution R10-2018.**

## **11. 2018 LEGISLATIVE MONITORING**

COG Executive Director Chuck Bean provided an update on legislation related to Metro, including in the Maryland and Virginia General Assemblies as well as legislation proposed by Congressional Representatives Delaney, Brown, Raskin, and Comstock. He also provided an overview of the new MetroNow Coalition.

**ACTION: Received briefing.**

## **12. TRAFFIC INCIDENT MANAGEMENT ENHANCEMENT (TIME)**

COG Transportation Planning Director Kanti Srikanth provided an overview on traffic incident management (TIM) in the region, including the impact on safety, mobility, and the economy, due to traffic delays of non-recurring incidents. He discussed regional efforts by the Transportation Planning Board and the Metropolitan Area Transportation Operations Coordination to help improve

information sharing around TIM. COG Homeland Security and Public Safety Director Scott Boggs discussed the role of first responders, including Police, Fire, and 9-1-1 to quickly clear incidents. The board agreed to move forward with creating a task force and discussed possible activities to help enhance the region's management of traffic incidents.

**ACTION: Received briefing.**

### **13. EXECUTIVE SESSION**

During this closed session, the board discussed the Executive Director's annual performance and compensation evaluation.

**ACTION: Adopted Resolution R11-2018.**

### **14. OTHER BUSINESS**

There was no other business.

### **15. ADJOURN**

Upon motion duly made and seconded, the meeting was adjourned at 1:35 P.M.

**January 2018 Attendance**

| <u>Jurisdiction</u>                | <u>Member</u>                         | <u>Y/N</u> | <u>Alternate</u>                               | <u>Y/N</u> |
|------------------------------------|---------------------------------------|------------|--|------------|
| <b><i>District of Columbia</i></b> |                                       |            |  |            |
| <b>Executive</b>                   | Hon. Muriel Bowser                    |            | Brian Kenner<br>Beverly Perry<br>HyeSook Chung | Y          |
|                                    | Mr. Rashad Young                      |            |  |            |
| <b>Council</b>                     | Hon. Phil Mendelson                   | Y          |  |            |
|                                    | <b><i>Hon. Robert White</i></b>       | Y          |  |            |
|                                    | <b><i>Hon. Kenyan McDuffie</i></b>    | Y          |  |            |
| <b><i>Maryland</i></b>             |                                       |            |  |            |
| Bowie                              | Hon. G. Frederick Robinson            |            | Hon. Courtney Glass                            |            |
| Charles County                     | Hon. Ken Robinson                     |            | Hon. Amanda Stewart<br>Hon. Peter Murphy       |            |
| City of Frederick                  | Hon. Michael O'Connor                 |            |  |            |
| Frederick County                   | Hon. Jan Gardner                      |            | Mr. Roger Wilson                               |            |
| College Park                       | Hon. Patrick Wojahn                   |            | Hon. Monroe Dennis                             |            |
| Gaithersburg                       | Hon. Robert Wu                        | Y          | Hon. Neil Harris                               |            |
| Greenbelt                          | Hon. Emmett Jordan                    |            | Hon. Judith "J" Davis                          |            |
| Laurel                             | Hon. Craig Moe                        |            | Hon. Michael Leszcz                            | Y          |
| Montgomery County                  |                                       |            |  |            |
| <b>Executive</b>                   | Hon. Isiah Leggett                    |            | Mr. Tim Firestine                              |            |
| <b>Council</b>                     | Hon. Roger Berliner                   |            |  |            |
|                                    | Hon. Nancy Navarro                    | Y          |  |            |
| Prince George's County             |                                       |            |  |            |
| <b>Executive</b>                   | Hon. Rushern Baker                    |            | Mr. Nicholas Majett                            | Y          |
| <b>Council</b>                     | Hon. Todd Turner                      | Y          |  |            |
|                                    | <b><i>Hon. Derrick Leon Davis</i></b> | Y          |  |            |
| Rockville                          | Hon. Bridget Newton                   | Y          |  |            |
| Takoma Park                        | Hon. Kate Stewart                     | Y          | Hon. Peter Kovar                               |            |
| Maryland General Assembly          | Hon. Brian Feldman                    |            |  |            |
| <b><i>Virginia</i></b>             |                                       |            |  |            |
| Alexandria                         | Hon. Allison Silberberg               |            | Hon. Redella Pepper                            | Y          |
| Arlington County                   | Hon. Christian Dorsey                 | Y          |  |            |
| City of Fairfax                    | Hon. David Meyer                      | Y          | Hon. Jeffrey Greenfield                        |            |
| Fairfax County                     | Hon. Sharon Bulova                    | Y          | Hon. Catherine Hudgins                         |            |
|                                    | Hon. Penelope A. Gross                | Y          | Hon. Patrick Herrity                           |            |
|                                    | Hon. John Foust                       | Y          | Hon. Kathy Smith                               |            |
| Falls Church                       | Hon. David Snyder                     | Y          | Hon. David Tarter                              |            |
| Loudoun County                     | <b><i>Hon. Matt Letourneau</i></b>    | Y          |  |            |
| Loudoun County                     | Hon. Phyllis Randall                  | Y          |  |            |
| Manassas                           | Hon. Mark Wolfe                       | Y          |  |            |
| Manassas Park                      | Hon. Hector Cendejas                  | Y          | Hon. Suhas Naddoni                             |            |
| Prince William County              | Hon. Frank Principi                   |            |  |            |
|                                    | Hon. Ruth Anderson                    | Y          |  |            |
| Virginia General Assembly          | Hon. George Barker                    |            |  |            |

Total: 24

# **AGENDA ITEM #6**

## **ADOPTION OF CONSENT AGENDA ITEMS**

## ADOPTION OF CONSENT AGENDA ITEMS

### A. Resolution R13-2018 – Resolution authorizing COG to lease office furniture

The board will be asked to adopt Resolution R13-2018 authorizing the Executive Director, or his designee, to expend funds in the amount of \$39,975.25 to lease office furniture. The project will allow COG to provide temporary work spaces to staff while COG offices are being renovated. The resolution further authorizes the Executive Director, or his designee, if necessary, to enter into contracts with qualified entities to provide and/or complete the necessary services. Such contracts shall result from COG's competitive procurement system. Funding for this project in the amount of \$39,975.25 will be utilized from the FY2018 Capital Expenditure Reserve, as approved in the FY2018 Capital Expenditure Plan.

**RECOMMENDED ACTION: Approve Resolution R13-2018.**

### B. Resolution R14-2018 – Resolution authorizing COG to receive a grant, and procure and enter into a contract to support the regional drinking water security monitoring system

The board will be asked to adopt Resolution R14-2018 authorizing the Executive Director, or his designee, to receive and expend grant funds from regional drinking water utilities in the amount of \$126,343.00. The resolution also authorizes the Executive Director, or his designee, to proceed with procurement for a contractor, or contractors, and enter into a contract to service and provide reagents for HACH monitoring equipment. COG has provided coordination, management, and technical support for the regional contaminant warning system since 2007 and, the drinking water utilities have invested in specialized monitoring equipment manufactured by HACH. The service and chemical contract is essential to operate the regional drinking water security monitoring system and requires specialized support services and reagents from HACH. Use of another vendor or component would void the equipment warranty. The regional drinking water utilities provide all annual funding and program support for the program for the monitoring system operation and maintenance.

**RECOMMENDED ACTION: Approve Resolution R14-2018.**



# **AGENDA ITEM #7**

## **FISCAL YEAR 2018**

### **2<sup>ND</sup> QUARTER FINANCIAL REPORT**



## MEMORANDUM

**TO:** COG Board of Directors  
**FROM:** Chuck Bean, COG Executive Director  
Leta Simons, Chief Financial Officer  
**SUBJECT:** Fiscal Year 2018 Second Quarter Financial Report  
**DATE:** February 7, 2018

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We are providing the following interim financial reports to the Board of Directors for the six months ended December 31, 2017:

- Statement of Revenue, Expense, and Change in Net Position for the period July 1, 2017 – December 31, 2017
- Comparative Statement of Net Position as of December 31, 2016 and December 31, 2017

### SUMMARY AND HIGHLIGHTS

As of the first six months of the fiscal year, the net change in the undesignated fund balance is a deficit of \$90,000, which is near the break-even point budgeted for FY2018. The total deficit from operations of \$400,600 is primarily due to the use of restricted program funds that were recognized as revenue in a prior year, but used to pay expense in the current fiscal year.

Revenue from federal programs is based on reimbursement of expenses, and both the revenue and expenses are currently at lower levels than anticipated in the budget. In the Unified Planning Work Program, revenue and expenditures will be approximately \$800,000 less than the amount included in COG's Work Program and Budget, and about \$1.27 million less than the amount of the FY2018 award. The remaining funds will be carried over and used in a subsequent fiscal year.

Project funds for regional homeland security preparedness, received through the D.C. Homeland Security and Emergency Management Agency, are significantly less than expected thus far this fiscal year. These are primarily pass-through funds that support training exercises, equipment, and other regional needs. The mid-year variance is reflected in the reported amount of Subrecipient Pass-Through funds in the financial statements. Additional program funds are expected to be available during the last half of the fiscal year.

The Statement of Net Position as of December 31, 2017 shows a reduction in both accounts receivable and accounts payable compared to December 31, 2016. These amounts were significantly higher in the previous fiscal year due to equipment purchases in the Secure the Cities program.

Deferred revenue is recorded when funds are received in advance of expenditures. The variance between FY2017 and FY2016 is primarily due to match funds received in advance for the repowering of two Amtrak diesel locomotives to reduce emissions. The funds will be expended over two fiscal years, along with grant funds from the Environmental Protection Agency.

Undesignated net assets were used to cover the FY2017 operating deficit. In addition, an amount of \$419,400 was transferred to the Board-designated Operating Reserve, to maintain a level equal to two months of operating expenses, as required by Board policy. Both the Operating and Capital Expenditure reserves are fully funded.

**Metropolitan Washington Council of Governments**  
**FY 2018 Statement of Revenue, Expense, and Change in Net Position**  
**For the six months ended December 31, 2017**  
**With Comparisons to Approved Budget and Prior Year Results**

*Prepared on an accrual basis*

|  | Fiscal YTD<br>As of<br>12/31/2017 | Budget<br>FY2018  | % of<br>Budget | Prior FY<br>As of<br>12/31/2016 |
|--|-----------------------------------|-------------------|----------------|---------------------------------|
| <b>Operations Revenue</b>                          |                                   |                   |                |                                 |
| Federal and state revenue                          | 9,644,700                         | 25,325,700        |                | 12,801,000                      |
| Member dues  | 2,032,400                         | 4,058,200         |                | 1,957,400                       |
| Regional funds                                     | 1,045,300                         | 2,090,600         |                | 1,004,900                       |
| Building & investment revenue                      | 357,000                           | 866,000           |                | 339,200                         |
| Other revenue*                                     | 1,243,400                         | 3,038,800         |                | 2,712,800                       |
| <b>Total Operations Revenue</b>                    | <b>14,322,800</b>                 | <b>35,379,300</b> | 40%            | <b>18,815,300</b>               |
| <b>Operations Expense</b>                          |                                   |                   |                |                                 |
| Salaries - Direct program                          | 4,163,800                         | 8,940,500         |                | 4,032,400                       |
| Salaries - Leave benefits                          | 814,900                           | 1,749,600         |                | 826,200                         |
| Other employee benefits                            | 1,284,500                         | 2,757,900         |                | 1,221,900                       |
| Consultants  | 1,400,300                         | 9,056,600         |                | 5,831,100                       |
| Other direct program expense                       | 2,940,000                         | 4,275,900         |                | 3,201,000                       |
| Support services, rent and other allocated expense | 4,119,900                         | 9,003,300         |                | 3,850,400                       |
| <b>Total Operations Expense</b>                    | <b>14,723,400</b>                 | <b>35,783,800</b> | 41%            | <b>18,963,000</b>               |
| <b>Net Surplus (Deficit) - Operations</b>          | <b>(400,600)</b>                  | <b>(404,500)</b>  |                | <b>(147,700)</b>                |
| <b>Net Surplus (Deficit) - Special Funds</b>       | <b>65,100</b>                     |                   |                | <b>111,300</b>                  |
| <b>Use of Prior Year Program Funds</b>             | <b>245,500</b>                    | <b>404,500</b>    |                |                                 |
| <b>Change in Undesignated Fund Balance</b>         | <b>(90,000)</b>                   | <b>-</b>          |                | <b>(36,400)</b>                 |

\*Other Revenue includes sponsorships, donations, fees for services, and other miscellaneous revenue.

| Revenue - All Sources              | FY2018 YTD        | FY2018 Budget     |     |
|------------------------------------|-------------------|-------------------|-----|
| Operations                         | 14,322,800        | 35,379,300        | 40% |
| Special Revenue Funds              | 100,500           | 199,700           | 50% |
| Subrecipient Pass-Through          | 4,077,900         | 25,344,800        | 16% |
| Contributed Services               | 160,100           | 307,700           | 52% |
| <b>Total Revenue - All Sources</b> | <b>18,661,300</b> | <b>61,231,500</b> |     |

Metropolitan Washington Council of Governments  
 Comparative Statement of Net Position  
 As of December 31, 2016 and December 31, 2017

|   | FY2018 as of<br>12/31/2017 | FY2017 as of<br>12/31/2016 | Increase<br>(Decrease) |
|---|----------------------------|----------------------------|------------------------|
| <b>Current Assets</b>                   |                            |                            |                        |
| Cash                                    | 1,988,000                  | 2,588,200                  |                        |
| Investments                             | 7,542,100                  | 7,898,600                  |                        |
| Accounts receivable                     | 11,903,700                 | 17,601,400                 |                        |
| Prepaid expenses and other assets       | 506,600                    | 770,400                    |                        |
| <b>Total Current Assets</b>             | <b>21,940,400</b>          | <b>28,858,600</b>          | <b>(6,918,200)</b>     |
| Capital assets, net of depreciation     | 1,240,800                  | 1,310,800                  |                        |
| Other non-current assets                | 613,800                    | 169,000                    |                        |
| <b>Total Assets</b>                     | <b>23,795,000</b>          | <b>30,338,400</b>          | <b>(6,543,400)</b>     |
| <b>Liabilities</b>                      |                            |                            |                        |
| Accounts payable                        | 1,126,200                  | 8,586,900                  |                        |
| Accrued payroll, leave & other expenses | 1,800,000                  | 1,072,100                  |                        |
| Deferred revenue                        | 6,045,700                  | 4,754,800                  |                        |
| <b>Total Liabilities</b>                | <b>8,971,900</b>           | <b>14,413,800</b>          | <b>(5,441,900)</b>     |
| <b>NET POSITION*</b>                    |                            |                            |                        |
| Net investment in capital assets        | 1,854,600                  | 1,479,800                  |                        |
| Board designated reserves               | 11,062,400                 | 11,027,100                 |                        |
| Project funds                           | 1,127,700                  | 1,543,200                  |                        |
| Restricted                              | 8,200                      | 8,200                      |                        |
| Undesignated                            | 770,200                    | 1,866,300                  |                        |
| <b>Total Net Position</b>               | <b>14,823,100</b>          | <b>15,924,600</b>          | <b>(1,101,500)</b>     |
| <b>Total Liabilities and Net Assets</b> | <b>23,795,000</b>          | <b>30,338,400</b>          | <b>(6,543,400)</b>     |

\*Excludes Net Pension Asset of \$2,131,700, which is available only for pension plan benefits.

# **AGENDA ITEM #8**

## **PREPARING FOR UPCOMING ELECTIONS**

# COG Election Officials Technical Committee Report

## **Memorandum**

**To:** Metropolitan Washington Council of Governments Board of Directors (COG Board of Directors)

**From:** COG Election Officials Technical Committee

**Re:** February 14, 2018 COG Board of Directors Meeting

The Election Officials Technical Committee appreciates the opportunity to meet with the Metropolitan Washington Council of Governments' Board of Directors and provide an update of election activities throughout the Metropolitan DC Region. We look forward to our discussion with you on February 14, 2018.

A summary of documents enclosed in this packet follows below:

**1. COG Election Officials Technical Committee Members and Officers**

**2. April 6, 2018 Election Officials Regional Conference Flier**

The COG Election Officials Technical Committee is hosting its inaugural Metropolitan DC Election Officials Regional Conference on April 6, 2018 at the Citywide Conference Center in Washington, DC. Registration is limited and priority will be given to COG Members.

This all-day conference will include speakers from the US Elections Administration Commission, two professional education classes from the Center for Technology and Civic Life and an opportunity for election officials in the metropolitan area to discuss best practices and network.

**3. Summary of Election Data for Maryland, Virginia and Washington, DC**

**4. Summary of Election Data for Maryland Municipalities (Members of COG)**

**5. COG Election Officials Technical Committee By-Laws**



**Metropolitan Washington Council of Governments  
Election Officials Technical Committee 2018 Members and Officers**

| <b>NAME</b>                          | <b>JURISDICTION</b>    |
|--------------------------------------|------------------------|
| Alyssa Glomb                         | Alexandria City        |
| Angela Turner                        | Alexandria City        |
| Anna Leider                          | Alexandria City        |
| Bruce Brown                          | Alexandria City        |
| Jack Powers                          | Alexandria City        |
| Susan Kellom                         | Alexandria City        |
| David Bell                           | Arlington County       |
| Gretchen Reinemeyer                  | Arlington County       |
| Linda Lindberg                       | Arlington County       |
| Janeen Miller                        | College Park City      |
| Brenda Cabrera                       | Fairfax City           |
| Nancy Tingen                         | Fairfax City           |
| Cameron Sasnett                      | Fairfax County         |
| Gary Scott                           | Fairfax County         |
| Marie Reilly                         | Fairfax County         |
| Patricia Ferguson                    | Fairfax County         |
| Dave Bjerke                          | Falls Church City      |
| Renee Andrews                        | Falls Church City      |
| Stuart Harvey                        | Frederick County       |
| Lauren Klingler                      | Gaithersburg City      |
| Laura Reams                          | Hyattsville City       |
| Jeff Mangold                         | Loudoun County         |
| Judy Brown                           | Loudoun County         |
| Ricky Keech (Committee Co-Chair)     | Loudoun County         |
| Natalia Taylor                       | Manassas City          |
| Susan Reed                           | Manassas City          |
| Patricia Brendel                     | Manassas Park City     |
| Alysoun McLaughlin                   | Montgomery County      |
| Eric Olsen                           | Montgomery County      |
| Gilberto Zelaya                      | Montgomery County      |
| Jessica White (Committee Secretary)  | Montgomery County      |
| Margaret Jurgensen                   | Montgomery County      |
| Patricia Warren                      | Council of Governments |
| Alisha Alexander                     | Prince Georges County  |
| Michelle White                       | Prince William County  |
| Kathleen Conway (Committee Co-Chair) | Rockville City         |
| Lois Neuman                          | Rockville City         |
| Irma Nalvarte                        | Takoma Park City       |
| Jessie Carpenter                     | Takoma Park City       |

|                 |                |
|-----------------|----------------|
| Alice Miller    | Washington, DC |
| Deanna Smith    | Washington, DC |
| Tamara Robinson | Washington, DC |

Friday,  
April 6, 2018

9:30 a.m.

441 4th St NW  
11th Floor  
Washington, DC



# METROPOLITAN DC ELECTION OFFICIALS REGIONAL CONFERENCE

The Election Technical Committee of the Metropolitan Washington Council of Governments (MWCOCG) is pleased to announce the First Annual Metropolitan DC Election Officials Regional Conference. This will be a day for election officials from throughout the metro region to gather, network, and learn together. The fee is \$70 and includes lunch and a continental breakfast.

#### Topics:

- Visualization of Data
- Messaging to Voters
- Election Officials as IT Managers
- Cyber Security in Today's Election Environment

#### Presenters:

**Whitney May** is the Co-founder and Director of Government Services at the Center for Technology and Civic Life. Prior to working at the Center, Whitney served the Durham County Board of Elections in North Carolina for four years.

**The Election Assistance Commission** is an independent, bipartisan commission charged with developing guidance to meet HAVA requirements, adopting voluntary voting system guidelines, and serving as a national clearinghouse of information on election administration.

The Metropolitan DC Election Officials Regional Conference will be held on Friday, April 6, 2018 from 9:30 a.m. to 4:30 p.m. at the Citywide Conference Center located at 441 4th St, NW, Washington, DC on the 11th floor.

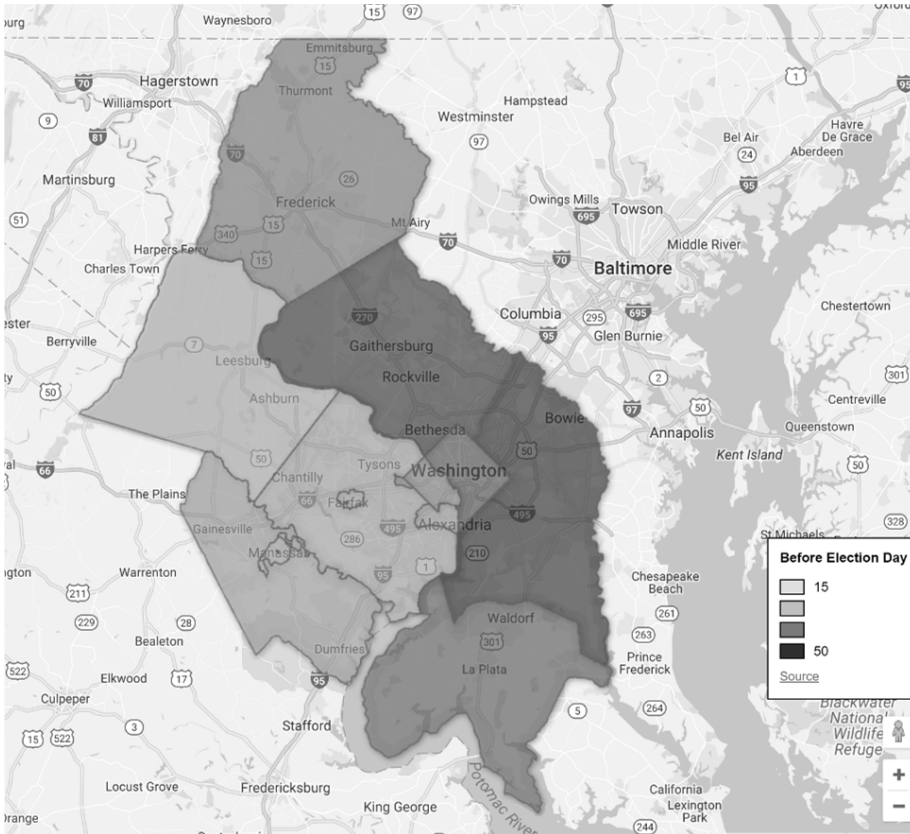
To make a reservation, email Ricky Keech at [Richard.Keech@Loudoun.gov](mailto:Richard.Keech@Loudoun.gov)

The closest Metro station is Judiciary Square on the red line. Street parking is severely limited, but several daily fee garages are within a few blocks.

|                                    | District of Columbia   | Maryland   | Virginia   |
|------------------------------------|--|--|--|
| <b>Election Cycle</b>              |  |  |  |
| Election Day Hours                 | 7 a.m. to 8 p.m.   | 7 a.m. to 8 p.m.   | 6 a.m. to 7 p.m.   |
| Number / Year                      | 2 elections in even years, special elections as needed   | 2 elections in even years, special elections when called. Municipalities are separate from county/state/federal elections  | General Election every November. Primaries and specials when called.   |
| Towns                              | N/A  | Maryland municipalities have a great deal of flexibility in running their own elections. Please see attached municipality sheet for more information on their election laws.                 | Town elections are run by the County in which the town sits. They can be in either May or November. All statewide election laws are enforced.  |
| <b>Before Election Day Options</b> |  |  |  |
| By Mail Absentee Eligibility       | Upon request, reason not required. If you are requesting a ballot for a primary election, you must be at least seventeen (17) years of age and eighteen (18) years of age on or before the next general election. If you are requesting a ballot for a general or special election, you must be at least 18 years of age on or before the date of the general or special election. | Upon request, reason not required.   | Must have valid reason. Valid reasons include; <ul style="list-style-type: none"> <li>- Student or spouse of student</li> <li>- Business</li> <li>- Personal travel</li> <li>- Commute 11hrs between 6 a.m. - 7 p.m.</li> <li>- First Responder</li> <li>- Disability, or caregiver for a disabled family member</li> <li>- Pregnancy</li> <li>- Confined, awaiting trial or convicted of misdemeanor</li> <li>- Electoral Board or Officer of Election</li> <li>- Religious obligations</li> <li>- Active duty military, spouse or dependent</li> <li>- Temporarily residing outside of US</li> <li>- Moved out of VA within 30 days of Presidential Election</li> <li>- Pollwatcher</li> <li>- Granted protective order</li> </ul> |
| Early Voting                       | Schedule set by board each year. In 2018 it will be October 22nd to November 2nd.  | 8 days, from Thursday to Thursday before the election  | None   |
| In Person Absentee                 | Schedule set by board each year.   | 45 days before every election.   | 45 days before every election. See eligibility rules above for by mail absentee  |
| <b>Voter Registration</b>          |  |  |  |
| Methods                            | Online, in person, by mail.  | Online, in person, by mail.  | Online, in person, by mail.  |
| Deadline                           | Applications must be submitted or postmarked no later than 30 days prior to the election date OR voters may register in person during the early voting period or at their precinct on Election Day.  | Applications must be submitted or postmarked no later than 21 days prior to the election date OR voters may register in person during the 8 day early voting period but not on Election Day. | Applications must be submitted or postmarked no later than 22 days prior to the election date.   |
| Party Affiliation                  | Must select party or independent.  | Must select party or independent.  | None.  |

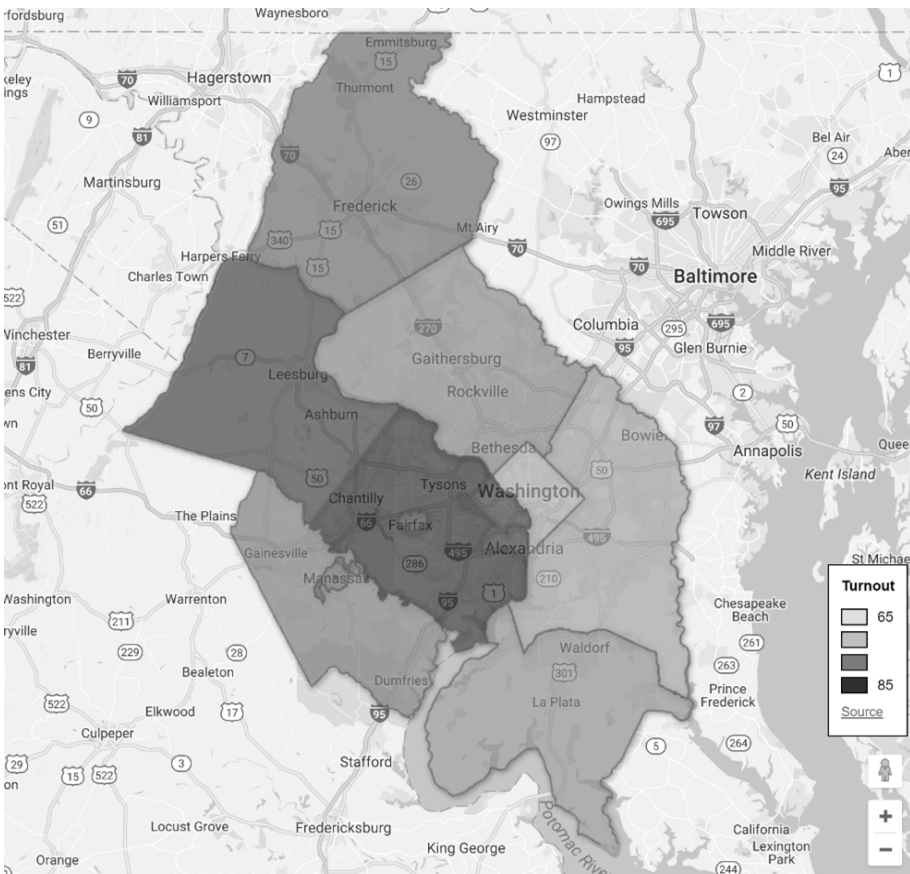
|                           | District of Columbia  | Maryland  | Virginia   |
|---------------------------|---|---|--|
| <b>Voter ID</b>           |   |   |  |
| Requirements to Vote      | <p>None - To register by mail you must have either a driver's license number or a DMV-issued ID number or a social security number. When registering for the first time by mail you will additionally need to include a copy of one of the following:</p> <ul style="list-style-type: none"> <li>- A copy of a current and valid government photo identification</li> <li>- A copy of a current utility bill</li> <li>- A copy of a current bank statement</li> <li>- A copy of a current government check</li> <li>- A copy of a paycheck</li> <li>- Other government document that shows the name and address of the voter</li> </ul> | <p>None* - First time voters in Maryland are required to show ID if the ID or last 4 of SS# was not verified or provided at the time of registration.</p>                                 | <p>Must present acceptable photo ID. List includes:</p> <ul style="list-style-type: none"> <li>- Valid United States passport</li> <li>- Valid Virginia driver's license or ID card</li> <li>- Valid Virginia DMV issued veteran's ID card</li> <li>- Valid tribal enrollment or other tribal ID issued by one of 11 tribes recognized by the Commonwealth of Virginia</li> <li>- Valid student ID card from within Virginia if it includes a photo</li> <li>- Any other identification card issued by a government agency of the Commonwealth, one of its political subdivisions, or the United States</li> <li>- Employee ID card containing a photograph of the voter and issued by an employer of the voter in the ordinary course of the employer's business</li> </ul> |
| <b>Primary Elections</b>  |   |   |  |
| Date                      | Set each year by board.   | Set each year by General Assembly.  | Second Tuesday in June.  |
| Required?                 | Required for parties to select candidates.  | Required for parties to select candidates.  | Optional for parties to select candidates. They may also opt to run their own process.   |
| Open/Closed               | Closed  | Closed  | Open. Declare the ballot for the party at the polling place on Election Day  |
| <b>Provisional Voting</b> |   |   |  |
| Counting                  | Provisional ballots cast in wrong precinct are not counted. If a voter returns an absentee ballot and also votes a provisional ballot the provisional is rejected and the absentee is counted.  | Provisional ballots that are cast out of precinct (including out of County) are counted in-part. If a voter returns an absentee ballot and votes a provisional ballot, both are rejected. | Provisional ballots cast in wrong precinct are not counted. If a voter returns an absentee ballot and also votes a provisional ballot the provisional is rejected and the absentee is counted.   |
| <b>Other Information</b>  |   |   |  |
| Felon Rights Restoration  | Felons can register or re-register to vote if they are not incarcerated on a felony conviction  | Felons can register if they have completed serving a court-ordered sentence of imprisonment   | Felons must have their voting rights restored by the governor's office.  |
| Post Election Audit       | Board will randomly select precincts to audit after the election  | In 2016, Clear Ballot was used to recreate and re-tabulate the entire election using the image files from the scanners. 2018 process pending legislation.                                 | Department of Elections will randomly select precincts throughout the state to audit after the election.   |

## Metropolitan DC Area – 2016 November Presidential Election Percentage of voters voting before Election Day (Early Voting/Absentee):



|                             |        |
|-----------------------------|--------|
| <b>District of Columbia</b> | 40.39% |
| <b>Virginia</b>             |        |
| City of Alexandria          | 26.44% |
| Arlington County            | 30.91% |
| City of Fairfax             | 21.40% |
| Fairfax County              | 22.03% |
| City of Falls Church        | 34.20% |
| Loudoun County              | 17.25% |
| City of Manassas            | 18.78% |
| City of Manassas Park       | 23.45% |
| Prince William County       | 25.50% |
| <b>Maryland</b>             |        |
| Charles County              | 39.73% |
| Frederick County            | 33.55% |
| Montgomery County           | 45.77% |
| Prince George's County      | 48.36% |

## Total turnout percentage including before and on Election Day:



|                             |        |
|-----------------------------|--------|
| <b>District of Columbia</b> | 65.3%  |
| <b>Virginia</b>             |        |
| City of Alexandria          | 82.82% |
| Arlington County            | 82.60% |
| City of Fairfax             | 81.20% |
| Fairfax County              | 86.25% |
| City of Falls Church        | 85%    |
| Loudoun County              | 82.32% |
| City of Manassas            | 77.50% |
| City of Manassas Park       | 77%    |
| Prince William County       | 74.95% |
| <b>Maryland</b>             |        |
| Charles County              | 72.78% |
| Frederick County            | 77.11% |
| Montgomery County           | 73.62% |
| Prince George's County      | 68.47% |

| Maryland Cities/Towns              | Town of Bladensburg                           | City of Bowie   | City of College Park                                     | City of Frederick   | City of Gaithersburg                                   |
|------------------------------------|---|---|--|---|--|
| <b>Election Cycle</b>              |   |   |  |   |  |
| Election Day Hours                 | 7 a.m.- 7 p.m.                                | 7 a.m. - 8 p.m.   | 7 a.m. - 8 p.m.  | 7 a.m. - 8 p.m.   | 7 a.m. - 8 p.m.  |
| Number / Year                      | Every 2 years in odd years                    | Every 4 years; next election November 2019                                      | Every 2 years in odd years                               | Every 4 years; next election November 2021                              | Every 2 years; next election in 2019                   |
| <b>Before Election Day Options</b> |   |   |  |   |  |
| By Mail Absentee Eligibility       | Upon request; no reason needed                | With approved application; no reason needed                                     | With approved application; must meet criteria            | Upon request; no reason needed  | Upon request; no reason needed                         |
| Early Voting                       | No  | No  | Beginning in 2019  | Board of Aldermen's discretion; 2017 election had 2 days                | 2 days   |
| In-Person Absentee                 | No, application due 6 weeks prior to election | Application must be presented by 5 pm on the day before the election.           | Allowed one week prior to Election Day only              | Yes, from Wednesday prior to election until polls close on election day | Yes  |
| <b>Voter ID Requirements</b>       |   |   |  |   |  |
| Requirements to vote               | Information compared to Voter Poll Book       | Voter verbally confirms information on voter authority cards provided by County | No ID required. Voter provides name, address, DOB orally | Not provided  | Compared to voter data received from Montgomery County |
| <b>Primary Elections</b>           |   |   |  |   |  |
| Date(s)                            | NA  | NA  | NA   | Every 4 years; next primary September 2021                              | NA   |
| Open/Closed                        | NA  | NA  | NA   |   | NA   |

| Maryland Cities/Towns                | Town of Bladensburg                    | City of Bowie                   | City of College Park   | City of Frederick | City of Gaithersburg  |
|--------------------------------------|--|---------------------------------|--|-------------------|---|
| <b>Provisional Voting</b>            |  |                                 |  |                   |   |
| Counting                             | Refers to Prince George's County rules | None                            | Not provided   | Not provided      | Not provided  |
| <b>Voter Requirements/ Other</b>     |  |                                 |  |                   |   |
| Minimum Age                          | 18                                     | 18                              | 18   | Not provided      | 18  |
| Citizenship                          | US                                     | US                              | US   | US                | US  |
| Residency                            | Municipality for at least 30 days      | Residents of incorporated Bowie | Must be registered to vote with Prince George's County Board of Elections at current address in College Park |                   | Must be registered at an address located within the City limits |
| <b>Same day registration</b>         | No                                     | No                              | No   | No                | No  |
| Voter turnout / most recent election | 14. % (2017)                           | 15.33% (Dec. 2017)              | 14.5% (2017)   | 21.58% (2017)     | 9.61% (2017)  |



| Maryland Cities/Towns          | City of Greenbelt   | City of Hyattsville                      | City of Laurel                               | City of Rockville                                    | City of Takoma Park  |
|--------------------------------|---|--|--|--|--|
| <b>Election Cycle</b>          |   |  |  |  |  |
| Election Day Hours             | 7 a.m. - 8 p.m.   | 7 a.m. - 8 p.m.                          | 7 a.m. - 8 p.m.                              | 7 a.m. - 8 p.m.                                      | 7 a.m. - 8 p.m.  |
| Number / Year                  | Every 2 years; next election in 2019  | Every 2 Years; Next Election in May 2019 | Every 2 years in odd years                   | Every 4 years; next City Election will occur in 2019 | 2-year concurrent terms for all. Changing from odd to even year to coincide with presidential and gubernatorial elections in 2020. |
| <b>Before Election Day Opt</b> |   |  |  |  |  |
| By Mail Absentee Eligibility   | Upon request (fill out application form or write a letter of application); no reason needed | Upon request; no reason needed           | With approved application; no reason needed. | Upon request; no reason needed                       | Upon request; no excuse.   |
| Early Voting                   | 13 days   | 2 days                                   | 1 day  | 2 days   | 5 days   |
| In-Person Absentee             | Yes   | Not provided                             | No   | Same-day registration allowed; vote provisionally    | Yes  |
| <b>Voter ID Requirements</b>   |   |  |  |  |  |
| Requirements to vote           | Compare to voter poll book info   | No                                       | Not provided                                 | Information compared to Voter Poll Book              | No ID except same day registrants or if ID required pursuant to County BOE.  |
| <b>Primary Elections</b>       |   |  |  |  |  |
| Date(s)                        | NA  | NA                                       | NA   | NA   | NA   |
| Open/Closed                    | NA  | NA                                       | NA   | NA   | NA   |

| Maryland Cities/Towns                | City of Greenbelt   | City of Hyattsville                          | City of Laurel                  | City of Rockville                                 | City of Takoma Park   |
|--------------------------------------|---|--|---------------------------------|---|---|
| <b>Provisional Voting</b>            |   |  |                                 |   |   |
| Counting                             | Provisional goes by PG County rules                           | Provisional voting via application           | Not provided                    | Provisional needed if same-day registration voter | Provisional needed only if registering and voting on the same day without providing ID. |
| <b>Voter Requirements/ Other</b>     |   |  |                                 |   |   |
| Minimum Age                          | 16  | 16   | Not provided                    | 18 (can register at age 16)                       | 16  |
| Citizenship                          | 18  | NA   |                                 | US  | N/A   |
| Residency                            | Residents of Greenbelt who are qualified to vote in PG County | Resident of Incorporated City of Hyattsville | Qualified residents of the City | Resident of incorporated City of Rockville        | Residing in Takoma Park for 21 days immediately preceding the election.                 |
| <b>Same day registration</b>         | No  | Yes  | No                              | Yes   | Yes   |
| Voter turnout / most recent election | 15.5% (2015)  | 15% (2017)                                   | Not provided                    | 15.87% (2015)                                     | 22% (2017)  |

## COG Election Officials Technical Committee By-Laws

### BY-LAWS

#### OF THE ELECTION OFFICIALS TECHNICAL COMMITTEE OF THE METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS

##### Article I

###### Name

The name of this Committee shall be the Election Officials Technical Committee (“Committee”) which shall be constituted as regular standing Committee of the Metropolitan Washington Council of Governments (“COG”).

##### Article II

###### Purpose

The Committee shall have the following purposes:

- It shall serve as a forum for the exchange of ideas and information between the Members and their respective jurisdictions;
- It shall facilitate coordination of efforts among Member jurisdictions on issues of common concern and determine when to seek action by the COG; and
- It shall strive to promote accessibility, efficiency, and integrity of voter registration and elections in each Member jurisdiction.

##### Article III

###### Members

Section 1. Membership shall be open to any election official appointed or regularly employed by any member jurisdiction. Member jurisdictions are those represented on the MCCOG which are in good standing with the COG.

Section 2. The number of individual Members of this Committee shall not be limited.

Section 3. Any individual having become a Member shall be eligible to serve as an Officer of the Technical Committee or on any standing committee of the Committee.

## **Article IV**

### **Officers**

Section 1. The Officers of the Technical Committee shall be designated “Co-Chairs.” If possible, neither the District of Columbia, Maryland, nor Virginia will provide more than one of the two Co-Chairs.

Section 2. The Members will choose a Recording Secretary who shall record the proceedings and prepare Minutes. The Secretary shall also prepare Agendas for upcoming meetings.

Section 3. At the first regularly held meeting of each calendar year, known as the Annual Meeting, the Technical Committee will nominate and elect its Officers and Recording Secretary for the coming calendar year. They will be elected by those Members present at the January meeting. The Officers’ one-year term of office shall begin at the close of that meeting.

## **Article V**

### **Meetings**

Section 1. The regular meetings of the Technical Committee shall be held on the second Friday of January, April, June, and September, unless otherwise agreed to by the members.

Section 2. The first regular meeting of each calendar year shall be known as the Annual Meeting and shall be for the purpose of electing Officers, forming working committees, planning, and conducting any other business that may arise.

Section 3. The Co-Chairs may call special meetings as may be required to support the Purposes of the Committee as outlined in Article II.

Section 4. Passage of a motion or election of officers requires a simple majority of members present.

## **Article VI**

### **Committees**

Section 1. The Co-Chairs may appoint a committee on Voter Registration composed of three Members, which may include one each from the District of Columbia, Maryland, and Virginia, at the Annual Meeting. It shall be the duty of this committee to monitor legislation and proposed administrative changes affecting Voter Registration.

Section 2. The Co-Chairs may appoint a committee on Voter Education and Outreach composed of three Members, which may include one each from the District of Columbia, Maryland, and Virginia, at the Annual Meeting. It shall be the duty of this committee to explore ways of reaching voters in the COG area with the goal of increasing their level of knowledge on voting procedures.

Section 3. The Co-Chairs may appoint a committee on Program Planning composed of three Members, which may include one each from the District of Columbia, Maryland, and Virginia, at the Annual Meeting. It shall be the duty of this committee to assist the Co-Chairs in identifying, recommending and, if so authorized, contacting speakers and other persons of interest for regular meetings of the Technical Committee.

Section 4. The Co-Chairs may appoint such other working committees as may be deemed necessary.

Section 5. The Co-Chairs shall serve as *ex officio* members of all working committees.

## **Article VII**

### **Amendment of By-Laws**

These By-Laws can be amended at any regular meeting of the Technical Committee by a two-thirds vote of members present, provided that the proposed amendment has been distributed in writing to each Member in attendance at the previous meeting. The Recording Secretary will send copies of all proposed amendments to all Members as an attachment to the Agenda for the meeting at which they will be voted upon.

*By-Laws Revised May 2012*

# **AGENDA ITEM #9**

## **LEGISLATIVE MONITORING UPDATE**

# SENATE BILL 277

R2, B5

8lr1964  
CF 8lr0955

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By: **Senators Feldman, Benson, Currie, Guzzone, Kagan, King, Lee, Madaleno, Manno, Middleton, Muse, Peters, Pinsky, Ramirez, Rosapepe, Smith, Young, and Zucker**

Introduced and read first time: January 22, 2018

Assigned to: Budget and Taxation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Metro Funding Act**

3 FOR the purpose of establishing the Maryland Metro Dedicated Fund Account in the  
4 Transportation Trust Fund; repealing a requirement that the Secretary of  
5 Transportation approve certain grants to the Washington Suburban Transit District;  
6 requiring the Governor to include an appropriation in the annual State budget of at  
7 least a certain amount for the sole purpose of providing grants to the Washington  
8 Suburban Transit District to pay the capital costs of the Washington Metropolitan  
9 Area Transit Authority; providing that the Governor is not required to make a  
10 certain appropriation unless the Washington Metropolitan Area Transit Authority  
11 provides certain information to the Department of Transportation regarding capital  
12 projects; requiring a certain appropriation to be made from the Transportation Trust  
13 Fund; providing that the Maryland Metro Dedicated Fund Account consists of  
14 certain motor vehicle excise tax revenue and certain other funds; requiring the  
15 Department of Transportation to provide an annual grant of at least a certain  
16 amount from the Account to the Washington Suburban Transit District to pay the  
17 capital costs of the Washington Metropolitan Area Transit Authority; providing that  
18 the Account may be used only for the purpose of a certain grant to the Washington  
19 Suburban Transit District; providing that a certain grant to the Washington  
20 Suburban Transit District is in addition to a certain appropriation; altering the  
21 distribution of motor vehicle excise tax revenue; making certain provisions of this  
22 Act contingent on enactment of certain legislation by the Commonwealth of Virginia  
23 and the District of Columbia; requiring the Department of Transportation to notify  
24 the Department of Legislative Services when a certain contingency has been met;  
25 providing for the application of certain mandated appropriations to certain fiscal  
26 years; and generally relating to capital funding for the Washington Metropolitan  
27 Area Transit Authority.

28 BY repealing and reenacting, without amendments,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Transportation  
 2 Section 3–216(a), (b), and (d)(1) and 8–402(a) and (b)  
 3 Annotated Code of Maryland  
 4 (2015 Replacement Volume and 2017 Supplement)

5 BY repealing and reenacting, with amendments,  
 6 Article – Transportation  
 7 Section 3–216(c)(2)(i) and 10–205  
 8 Annotated Code of Maryland  
 9 (2015 Replacement Volume and 2017 Supplement)

10 BY repealing and reenacting, without amendments,  
 11 Article – Transportation  
 12 Section 13–809(b)(1)  
 13 Annotated Code of Maryland  
 14 (2012 Replacement Volume and 2017 Supplement)

15 BY repealing and reenacting, with amendments,  
 16 Article – Transportation  
 17 Section 13–814  
 18 Annotated Code of Maryland  
 19 (2012 Replacement Volume and 2017 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 21 That the Laws of Maryland read as follows:

22 **Article – Transportation**

23 3–216.

24 (a) There is a Transportation Trust Fund for the Department.

25 (b) Except as otherwise expressly provided by statute, there shall be credited to  
 26 the Transportation Trust Fund for the account of the Department all taxes, fees, charges,  
 27 and revenues collected or received by or paid, appropriated, or credited to the account of  
 28 the Department or any of its units in the exercise of their rights, powers, duties, or  
 29 obligations, including the cash proceeds of the sale of consolidated transportation bonds,  
 30 notes, or other evidences of obligation issued by the Department, any General Fund  
 31 appropriations, and the proceeds of any State loan or federal grant made for transportation  
 32 purposes.

33 (c) (2) (i) The Gasoline and Motor Vehicle Revenue Account, the Driver  
 34 Education Account, [and] the Motorcycle Safety Program Account, **AND THE MARYLAND**  
 35 **METRO DEDICATED FUND ACCOUNT** shall be maintained in the Transportation Trust  
 36 Fund.

37 (d) (1) After meeting its debt service requirements, the Department may use



1 the funds in the Transportation Trust Fund for any lawful purpose related to the exercise  
2 of its rights, powers, duties, and obligations.

3 8–402.

4 (a) There is a Gasoline and Motor Vehicle Revenue Account in the Transportation  
5 Trust Fund.

6 (b) All revenues collected from the following, after deductions provided by law,  
7 shall be credited to the Gasoline and Motor Vehicle Revenue Account:

8 (1) All of the motor vehicle fuel tax;

9 (2) Except as otherwise provided by law, two-thirds of the vehicle titling  
10 tax;

11 (3) Except for revenues collected under Parts III and IV of Title 13, Subtitle  
12 9 of this article, vehicle registration fees;

13 (4) The revenue disbursed to this Account under § 2–614 of the Tax –  
14 General Article; and

15 (5) 80 percent of the funds distributed on short-term vehicle rentals under  
16 § 2–1302.1 of the Tax – General Article to the Transportation Trust Fund from the sales  
17 and use tax.

18 10–205.

19 (a) In accordance with and subject to the principle that, if there is substantial  
20 State financial support for the planned rapid rail mass transit system in one metropolitan  
21 area of this State, there should be substantial State financial support for the planned rapid  
22 rail mass transit system in the other metropolitan area of this State, and subject to the  
23 appropriation requirements and budgetary provisions of § 3–216(d) of this article, the  
24 Department shall provide for grants to the Washington Suburban Transit District in an  
25 amount equal to the current expenditures required of the Washington Suburban Transit  
26 District in accordance with capital contributions agreements between the Washington  
27 Metropolitan Area Transit Authority, the Washington Suburban Transit District, and other  
28 participating jurisdictions. The Washington Suburban Transit District shall consult with  
29 the Secretary of Transportation prior to the execution of any capital contributions  
30 agreement. [Expenditures required of the Washington Suburban Transit District for  
31 projects and programs not included in the “Adopted Regional System – 1968” revised as of  
32 January 1, 1992, are only eligible for State funding in accordance with subsection (f) of this  
33 section.]

34 (b) (1) Subject to the appropriation requirements and budgetary provisions of  
35 § 3–216(d) of this article and upon receipt of an approval of a grant application in such form  
36 and detail as the Secretary shall reasonably require, the Department shall provide for

1 annual grants to the Washington Suburban Transit District for a share of the operating  
2 deficits of the regional transit system for which the District is responsible. “Operating  
3 deficit” means operating costs less:

4 (i) The greater of operating revenues or 50 percent of the operating  
5 costs; and

6 (ii) All federal operating assistance.

7 (2) The Department’s share shall equal 100 percent of the operating deficit.

8 (c) Subject to the appropriation requirements and budgetary provision of §  
9 3–216(d) of this article, the Department shall provide for grants to the Washington  
10 Suburban Transit District in an amount equal to 75 percent of the net debt service assigned  
11 to the Washington Suburban Transit District on bonds issued by the Washington  
12 Metropolitan Area Transit Authority. In no event shall the amount of net debt service,  
13 including the refinancing of any debt, required of the Washington Suburban Transit  
14 District exceed the amount presently assigned on a year by year basis to the Washington  
15 Suburban Transit District, and payable through the year 2014. Nothing in this article shall  
16 preclude the use of bond proceeds for capital improvements and replacements of the  
17 “Adopted Regional System – 1968” revised as of January 1, 1992.

18 (d) (1) In accordance with and subject to the principle that, if there is  
19 substantial State financial support for rapid rail and bus transit capital replacement costs  
20 in one metropolitan area of this State, there should be substantial State financial support  
21 for the costs of similar needs in the other metropolitan area of this State, and in recognition  
22 of the fact that timely replacement of capital facilities and equipment is essential to safe  
23 and reliable transit service, the Department shall provide grants to fully fund the  
24 Washington Suburban Transit District’s share of the Washington Metropolitan Area  
25 Transit Authority’s capital equipment replacement programs.

26 (2) The grants under this subsection:

27 (i) Shall be made subject to the appropriation and budgetary  
28 provisions of § 3–216(d) of this article;

29 (ii) Shall be included in the State budget beginning in fiscal year  
30 2000;

31 (iii) Notwithstanding any other provision of law, may be funded with  
32 revenues derived from:

33 1. Any State–enacted transportation fees or taxes; or

34 2. Federal transportation grants available to the State to  
35 fund transit capital equipment replacement; and

1 (iv) Shall be contingent on the receipt of a request by the District to  
2 the Department, based on annual capital improvements programs adopted by the  
3 Washington Metropolitan Area Transit Authority.

4 (e) Subject to the appropriation requirements and budgetary provisions of §  
5 3–216(d) of this article, the Department shall provide grants from amounts derived from  
6 the Transportation Trust Fund to the Washington Suburban Transit District for the  
7 purpose of funding Maryland’s required share of local funds for the Washington  
8 Metropolitan Area Transit Authority to match any federal funds appropriated in any given  
9 year authorized under Title VI, § 601, P.L. 110–432.

10 (f) [A grant by the Department to the Washington Suburban Transit District in  
11 excess of the provisions of subsection (a) of this section may be made only after approval by  
12 the Secretary.]

13 **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**  
14 **THE GOVERNOR SHALL INCLUDE AN APPROPRIATION IN THE ANNUAL BUDGET OF**  
15 **AT LEAST THE AMOUNT SPECIFIED IN PARAGRAPH (4) OF THIS SUBSECTION FOR THE**  
16 **SOLE PURPOSE OF PROVIDING GRANTS TO THE WASHINGTON SUBURBAN TRANSIT**  
17 **DISTRICT TO PAY THE CAPITAL COSTS OF THE WASHINGTON METROPOLITAN AREA**  
18 **TRANSIT AUTHORITY.**

19 **(2) THE GOVERNOR IS NOT REQUIRED TO MAKE THE APPROPRIATION**  
20 **UNDER PARAGRAPH (1) OF THIS SUBSECTION IN A FISCAL YEAR UNLESS THE**  
21 **DEPARTMENT CERTIFIES TO THE GOVERNOR IN WRITING BEFORE THE BEGINNING**  
22 **OF THE IMMEDIATELY PRECEDING FISCAL YEAR THAT THE WASHINGTON**  
23 **METROPOLITAN AREA TRANSIT AUTHORITY HAS SUBMITTED TO THE DEPARTMENT**  
24 **A SUFFICIENTLY DETAILED DESCRIPTION OF ALL THE WASHINGTON**  
25 **METROPOLITAN AREA TRANSIT AUTHORITY CAPITAL PROJECTS TO BE FUNDED IN**  
26 **THE IMMEDIATELY PRECEDING FISCAL YEAR AND EACH OF THE SUBSEQUENT 5**  
27 **FISCAL YEARS.**

28 **(3) THE GOVERNOR SHALL MAKE THE APPROPRIATION UNDER**  
29 **PARAGRAPH (1) OF THIS SUBSECTION FROM THE TRANSPORTATION TRUST FUND.**

30 **(4) THE APPROPRIATION UNDER PARAGRAPH (1) OF THIS**  
31 **SUBSECTION SHALL EQUAL AT LEAST THE TOTAL AMOUNT PROVIDED IN THE**  
32 **IMMEDIATELY PRECEDING FISCAL YEAR FOR GRANTS TO THE WASHINGTON**  
33 **SUBURBAN TRANSIT DISTRICT TO PAY THE CAPITAL COSTS OF THE WASHINGTON**  
34 **METROPOLITAN AREA TRANSIT AUTHORITY, INCREASED BY 3%.**

35 **(G) (1) THERE IS A MARYLAND METRO DEDICATED FUND ACCOUNT IN**  
36 **THE TRANSPORTATION TRUST FUND.**

1           **(2) THE ACCOUNT CONSISTS OF:**

2                   **(I) THE MOTOR VEHICLE EXCISE TAX REVENUE DISTRIBUTED**  
 3 **TO THE ACCOUNT UNDER § 13-814 OF THIS ARTICLE; AND**

4                   **(II) ANY OTHER MONEY APPROPRIATED IN THE STATE BUDGET**  
 5 **TO THE ACCOUNT.**

6           **(3) THE DEPARTMENT SHALL PROVIDE AN ANNUAL GRANT OF AT**  
 7 **LEAST \$125,000,000 FROM THE ACCOUNT TO THE WASHINGTON SUBURBAN**  
 8 **TRANSIT DISTRICT TO BE USED ONLY TO PAY THE CAPITAL COSTS OF THE**  
 9 **WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY.**

10           **(4) THE GRANT REQUIRED UNDER PARAGRAPH (3) OF THIS**  
 11 **SUBSECTION IS IN ADDITION TO THE APPROPRIATION REQUIRED UNDER**  
 12 **SUBSECTION (F)(1) OF THIS SECTION.**

13 13-809.

14           (b) (1) Except as otherwise provided in this part, in addition to any other  
 15 charge required by the Maryland Vehicle Law, an excise tax is imposed:

16                   (i) For each original and each subsequent certificate of title issued  
 17 in this State for a motor vehicle, a trailer, a semitrailer, a moped, a motor scooter, or an  
 18 off-highway recreational vehicle for which sales and use tax is not collected at the time of  
 19 purchase; and

20                   (ii) Except as provided in paragraph (2) of this subsection, for each  
 21 motor vehicle, trailer, or semitrailer that is in interstate operation and registered under §  
 22 13-109(c) or (d) of this title without a certificate of title.

23 13-814.

24           **(A) [Money] MOTOR VEHICLE EXCISE TAX REVENUE** collected under this part  
 25 shall be deposited in the State Treasury and accounted for on the records of the State  
 26 Comptroller [and transferred to the Transportation Trust Fund].

27           **(B) THE COMPTROLLER SHALL DISTRIBUTE:**

28                   **(1) TWO-THIRDS OF THE MOTOR VEHICLE EXCISE TAX REVENUE TO**  
 29 **THE GASOLINE AND MOTOR VEHICLE REVENUE ACCOUNT IN THE**  
 30 **TRANSPORTATION TRUST FUND;**

31                   **(2) OF THE MOTOR VEHICLE EXCISE TAX REVENUE REMAINING**  
 32 **AFTER THE DISTRIBUTION UNDER ITEM (1) OF THIS SUBSECTION, AT LEAST**

1 **\$125,000,000 EACH FISCAL YEAR TO THE MARYLAND METRO DEDICATED FUND**  
2 **ACCOUNT IN THE TRANSPORTATION TRUST FUND; AND**

3 **(3) ALL OF THE MOTOR VEHICLE EXCISE TAX REVENUE REMAINING**  
4 **AFTER THE DISTRIBUTIONS UNDER ITEMS (1) AND (2) OF THIS SUBSECTION TO THE**  
5 **TRANSPORTATION TRUST FUND TO BE USED AS PROVIDED IN § 3-216 OF THIS**  
6 **ARTICLE.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That:

8 (a) Section 1 of this Act is contingent on the Commonwealth of Virginia and the  
9 District of Columbia each enacting legislation providing for new dedicated capital funding  
10 for the Washington Metropolitan Area Transit Authority of at least \$125,000,000.

11 (b) The Department of Transportation shall notify the Department of Legislative  
12 Services in writing within 5 days after both the Commonwealth of Virginia and the District  
13 of Columbia have enacted legislation that meets the requirements of subsection (a) of this  
14 section.

15 (c) Section 1 of this Act shall take effect on the date that the Department of  
16 Legislative Services receives notice under subsection (b) of this section.

17 SECTION 3. AND BE IT FURTHER ENACTED, That, subject to § 10-205(f)(2) of  
18 the Transportation Article as enacted by Section 1 of this Act, the mandated appropriations  
19 in § 10-205(f) and (g) of the Transportation Article as enacted by Section 1 of this Act shall  
20 be applicable to the fiscal year that begins on the second succeeding July 1 after Section 1  
21 of this Act takes effect, and to each subsequent fiscal year.

22 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to Section 2 of this  
23 Act, this Act shall take effect June 1, 2018.

# SENATE BILL 279

R2

8lr1965  
CF 8lr0582

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By: **Senator Feldman**

Introduced and read first time: January 22, 2018

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Metro Board Member Act**

3 FOR the purpose of altering the requirement that Washington Suburban Transit  
4 Commission members appointed by the Governor serve as the Commission's  
5 appointees to be principal members of the Washington Metropolitan Area Transit  
6 Authority Board of Directors; requiring one of the Commission's appointees to the  
7 Authority's board of directors to be the Secretary of Transportation or the Secretary's  
8 designee; requiring one of the Commission's appointees to the Authority's board of  
9 directors to be one of the commissioners appointed by the Governor; requiring the  
10 Secretary's designee to meet certain qualifications; specifying that the Secretary's  
11 designee may attend meetings of the Authority's board of directors only under  
12 certain circumstances; providing that the Commission's appointee to the Authority's  
13 board of directors who is appointed by the Governor may not be succeeded by a  
14 commissioner who is a resident of the same county; prohibiting the Secretary or the  
15 Secretary's designee from receiving compensation as a member of the Authority's  
16 board of directors; making conforming changes; providing for the application of this  
17 Act; and generally relating to the appointment of Washington Suburban Transit  
18 Commission members to the Washington Metropolitan Area Transit Authority  
19 Board of Directors.

20 BY repealing and reenacting, with amendments,  
21 The Public Local Laws of Montgomery County  
22 Section 87-1(b) and 87-5(a)(4) and (5)(iv)  
23 Article 16 – Public Local Laws of Maryland  
24 (2004 Edition and September–October 2017 Supplement, as amended)

25 BY adding to  
26 The Public Local Laws of Montgomery County  
27 Section 87-5(a)(14) and 87-7(c)  
28 Article 16 – Public Local Laws of Maryland  
29 (2004 Edition and September–October 2017 Supplement, as amended)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,  
 2 The Public Local Laws of Prince George's County  
 3 Part III, Section 1(b) and Section 5(a)(4) and (5)(iv)  
 4 Article 17 – Public Local Laws of Maryland  
 5 (2011 Edition, as amended)  
 6 (As enacted by Chapter 433 of the Acts of the General Assembly of 2012)

7 BY adding to  
 8 The Public Local Laws of Prince George's County  
 9 Part III, Section 5(a)(14)  
 10 Article 17 – Public Local Laws of Maryland  
 11 (2011 Edition, as amended)  
 12 (As enacted by Chapter 433 of the Acts of the General Assembly of 2012)

13 BY adding to  
 14 The Public Local Laws of Prince George's County  
 15 Part III, Section 7(c)  
 16 Article 17 – Public Local Laws of Maryland  
 17 (2011 Edition, as amended)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 19 That the Laws of Maryland read as follows:

20 **Article 16 – Montgomery County**

21 87–1.

22 (b) The General Assembly finds that, due to the interest of the State in  
 23 transportation facilities in the Washington Metropolitan Area, and due to the substantial  
 24 level of State financial support for transportation facilities and operations provided to the  
 25 Commission under §§ 10–205 and 10–207 of the Transportation Article, Annotated Code of  
 26 Maryland, and the substantial level of support through the Commission to the Washington  
 27 Metropolitan Area Transit Authority, it is in the State's interest to alter the composition of  
 28 the Washington Suburban Transit Commission to require that the Governor make certain  
 29 appointments to the Commission and that the **[Governor's appointees] SECRETARY OF**  
 30 **TRANSPORTATION, OR THE SECRETARY'S DESIGNEE, AND ONE OF THE GOVERNOR'S**  
 31 **APPOINTEES** serve as the Commission's principal representatives on the Washington  
 32 Metropolitan Area Transit Authority Board of Directors and that the State's interests are  
 33 appropriately represented in Commission decisions.

34 87–5.

35 (a) (4) (i) The governor shall appoint 2 members with the advice and  
 36 consent of the senate of Maryland.

37 (ii) One member shall be a resident of Montgomery County and one

1 member shall be a resident of Prince George’s County.

2 [(iii) The Governor’s appointees shall serve as the Commission’s  
3 appointees to be principal members of the Washington Metropolitan Area Transit  
4 Authority Board of Directors.]

5 (5) A Commissioner serving as a principal or an alternate member on the  
6 Washington Metropolitan Area Transit Authority Board of Directors:

7 (iv) [Shall] **EXCEPT FOR THE SECRETARY OF**  
8 **TRANSPORTATION, OR THE SECRETARY’S DESIGNEE, SHALL** be a regular passenger  
9 and customer of the bus, rail, or paratransit services of the Washington Metropolitan  
10 Transit Authority; and

11 **(14) (I) THE FOLLOWING COMMISSIONERS SHALL SERVE AS THE**  
12 **COMMISSION’S APPOINTEES TO BE PRINCIPAL MEMBERS OF THE WASHINGTON**  
13 **METROPOLITAN AREA TRANSIT AUTHORITY BOARD OF DIRECTORS:**

14 **1. SUBJECT TO SUBPARAGRAPH (II) OF THIS**  
15 **PARAGRAPH, THE SECRETARY OF TRANSPORTATION, OR THE SECRETARY’S**  
16 **DESIGNEE, AS AN EX OFFICIO PRINCIPAL MEMBER; AND**

17 **2. SUBJECT TO SUBPARAGRAPH (III) OF THIS**  
18 **PARAGRAPH, ONE OF THE COMMISSIONERS APPOINTED BY THE GOVERNOR UNDER**  
19 **PARAGRAPH (4) OF THIS SUBSECTION.**

20 **(II) THE SECRETARY OF TRANSPORTATION’S DESIGNEE UNDER**  
21 **SUBPARAGRAPH (I)1 OF THIS PARAGRAPH:**

22 **1. SHALL BE AN EMPLOYEE OF THE DEPARTMENT OF**  
23 **TRANSPORTATION;**

24 **2. SHALL HAVE EXPERIENCE WITH AND POSSESS**  
25 **QUALIFICATIONS RELATED TO TRANSIT; AND**

26 **3. MAY ATTEND MEETINGS OF THE WASHINGTON**  
27 **METROPOLITAN AREA TRANSIT AUTHORITY BOARD OF DIRECTORS ON BEHALF OF**  
28 **THE SECRETARY ONLY IF A SCHEDULING CONFLICT ARISES.**

29 **(III) THE COMMISSION’S APPOINTEE UNDER SUBPARAGRAPH**  
30 **(I)2 OF THIS PARAGRAPH MAY NOT BE SUCCEEDED IN OFFICE BY A COMMISSIONER**  
31 **WHO IS A RESIDENT OF THE SAME COUNTY.**

32 87–7.





1 COMMISSION’S APPOINTEES TO BE PRINCIPAL MEMBERS OF THE WASHINGTON  
2 METROPOLITAN AREA TRANSIT AUTHORITY BOARD OF DIRECTORS:

3 1. SUBJECT TO SUBPARAGRAPH (II) OF THIS  
4 PARAGRAPH, THE SECRETARY OF TRANSPORTATION, OR THE SECRETARY’S  
5 DESIGNEE, AS AN EX OFFICIO PRINCIPAL MEMBER; AND

6 2. SUBJECT TO SUBPARAGRAPH (III) OF THIS  
7 PARAGRAPH, ONE OF THE COMMISSIONERS APPOINTED BY THE GOVERNOR UNDER  
8 PARAGRAPH (4) OF THIS SUBSECTION.

9 (II) THE SECRETARY OF TRANSPORTATION’S DESIGNEE UNDER  
10 SUBPARAGRAPH (I)1 OF THIS PARAGRAPH:

11 1. SHALL BE AN EMPLOYEE OF THE DEPARTMENT OF  
12 TRANSPORTATION;

13 2. SHALL HAVE EXPERIENCE WITH AND POSSESS  
14 QUALIFICATIONS RELATED TO TRANSIT; AND

15 3. MAY ATTEND MEETINGS OF THE WASHINGTON  
16 METROPOLITAN AREA TRANSIT AUTHORITY BOARD OF DIRECTORS ON BEHALF OF  
17 THE SECRETARY ONLY IF A SCHEDULING CONFLICT ARISES.

18 (III) THE COMMISSION’S APPOINTEE UNDER SUBPARAGRAPH  
19 (I)2 OF THIS PARAGRAPH MAY NOT BE SUCCEDED IN OFFICE BY A COMMISSIONER  
20 WHO IS A RESIDENT OF THE SAME COUNTY.

21 7.

22 (C) THE SECRETARY OF TRANSPORTATION, OR THE SECRETARY’S  
23 DESIGNEE, MAY NOT RECEIVE COMPENSATION FOR SERVICE AS A PRINCIPAL  
24 MEMBER OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY BOARD  
25 OF DIRECTORS.

26 SECTION 2. AND BE IT FURTHER ENACTED, That a commissioner of the  
27 Washington Suburban Transit Commission appointed as a principal member of the  
28 Washington Metropolitan Area Transit Authority Board of Directors before the effective  
29 date of this Act may continue to serve as a principal member of the Washington  
30 Metropolitan Area Transit Authority Board of Directors until the expiration of the  
31 commissioner’s current term of appointment.

32 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
33 1, 2018.

2018 SESSION

INTRODUCED

INTRODUCED

SB856

18101813D

SENATE BILL NO. 856

Offered January 17, 2018

A BILL to amend and reenact §§ 33.2-1907, 33.2-2510, 33.2-2511, 33.2-2512, 58.1-638, 58.1-802.2, 58.1-815.4, as it is currently effective, 58.1-1742, 58.1-2289, as it is currently effective, 58.1-2292, and 58.1-2295, as it is currently effective, of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 33.2-214.3, 33.2-365.1, and 33.2-1526.1, relating to mass transit in the Commonwealth; Commonwealth Transit Capital Bond Act of 2018.

Patron—Saslaw

Referred to Committee on Finance

Be it enacted by the General Assembly of Virginia:

1. That §§ 33.2-1907, 33.2-2510, 33.2-2511, 33.2-2512, 58.1-638, 58.1-802.2, 58.1-815.4, as it is currently effective, 58.1-1742, 58.1-2289, as it is currently effective, 58.1-2292, and 58.1-2295, as it is currently effective, of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 33.2-214.3, 33.2-365.1, and 33.2-1526.1 as follows:

§ 33.2-214.3. Statewide prioritization for the Commonwealth Mass Transit Fund; capital purposes.

A. The Board shall develop a prioritization process for the use of funds allocated pursuant to subdivision C 1 of § 33.2-1526.1. Such prioritization process shall be used for the development of the Six-Year Improvement Program adopted annually by the Board pursuant to § 33.2-214. There shall be a separate prioritization process for state of good repair projects and major expansion projects. The prioritization process shall, for state of good repair projects, be based upon federal requirements for Transit Asset Management pursuant to 49 U.S.C. § 5326. The prioritization process shall, for major expansion projects, be based on an objective and quantifiable analysis that considers the following factors relative to the cost of a major expansion project: congestion mitigation, economic development, accessibility, safety, environmental quality, and land use.

B. The Board shall create for the Department of Rail and Public Transportation a Transit Service Delivery Advisory Committee, consisting of two members appointed by the Virginia Transit Association, one member appointed by the Community Transportation Association of Virginia, one member appointed by the Virginia Municipal League, one member appointed by the Virginia Association of Counties, and three members appointed by the Director of the Department of Rail and Public Transportation, to advise the Department of Rail and Public Transportation in the development of a distribution process for the funds allocated pursuant to subdivisions C 1 and 2 of § 33.2-1526.1 and how transit systems can incorporate these metrics in their transit development plans. The Transit Service Delivery Advisory Committee shall elect a chairman from among its membership. The Department of Rail and Public Transportation shall provide administrative support to the committee. The Transit Service Delivery Advisory Committee shall meet at least annually and consult with interested stakeholders and hold at least one public hearing and report its findings to the Director of the Department of Rail and Public Transportation. Prior to the Board approving the service delivery factors, the Director of the Department of Rail and Public Transportation along with the chairman of the Transit Service Delivery Advisory Committee shall brief the Senate Committee on Finance, the House Appropriations Committee, and the Senate and House Committees on Transportation on the findings of the Transit Service Delivery Advisory Committee and the Department's recommendation. Before redefining any component of the service delivery factors, the Board shall consult with the Director of the Department of Rail and Public Transportation, the Transit Service Delivery Advisory Committee, and interested stakeholders and provide for a 45-day public comment period.

§ 33.2-365.1. Allocation of proceeds of Commonwealth of Virginia Transportation Capital Projects Revenue Bonds.

The Board shall allocate, use, and distribute the proceeds of any bonds it is authorized to issue on or after July 1, 2007, pursuant to subdivision 10 of § 33.2-1701, for transit capital as further described in subdivision A 4 c of § 58.1-638.

§ 33.2-1526.1. Use of the Commonwealth Mass Transit Fund.

A. All funds deposited pursuant to §§ 58.1-638, 58.1-638.3, and 58.1-2289 into the Commonwealth Mass Transit Fund (the Fund), established pursuant to subdivision A 4 of § 58.1-638, shall be allocated as set forth in this section.

B. The Board may establish policies for the implementation of this section, including the determination of the state share of operating, capital, and administrative costs related to mass transit.

59 For purposes of this section, capital costs may include debt service payments on local or agency transit  
 60 bonds. Funds may be paid to any local governing body, transportation district commission, or public  
 61 service corporation for the purposes as set forth in this section. No funds from the Fund shall be  
 62 allocated without a local match from the recipient.

63 C. Each year the Director of the Department of Rail and Public Transportation shall make  
 64 recommendations to the Board for the allocation of funds from the Fund. Such recommendations, and  
 65 the final allocations approved by the Board, shall adhere to the following:

66 1. At least 31 percent of the funds shall be allocated to support operating costs of transit providers  
 67 and shall be distributed by the Board as follows: (i) the first \$54 million of such funds shall be  
 68 distributed to each transit property in the same proportion as its operating expenses bear to the total  
 69 statewide operating expenses and shall be spent for purposes deemed to be eligible by the Board and  
 70 (ii) the remaining amount of such funds shall be allocated to support operating costs of transit providers  
 71 and shall be distributed by the Board on the basis of service delivery factors, based on effectiveness and  
 72 efficiency, as established by the Board. Such measures and their relative weight shall be evaluated every  
 73 three years and, if redefined by the Board, shall be published and made available for public comment at  
 74 least one year in advance of being applied. The Washington Metropolitan Area Transit Authority  
 75 (WMATA) shall not be eligible for an allocation of funds pursuant to this subdivision.

76 2. Twelve and one-half percent of the funds shall be allocated for capital purposes and distributed  
 77 utilizing the transit capital prioritization process established by the Board pursuant to § 33.2-214.3. The  
 78 Washington Metro Area Transit Authority shall not be eligible for an allocation of funds pursuant to  
 79 this subdivision.

80 3. Fifty-three and one-half percent of the funds shall be allocated to the Northern Virginia  
 81 Transportation Commission for distribution to WMATA for capital purposes and operating assistance, as  
 82 determined by the Commission.

83 4. Three percent of the funds shall be allocated for special programs, including ridesharing,  
 84 transportation demand management programs, experimental transit, public transportation promotion,  
 85 operation studies, and technical assistance, and may be allocated to any local governing body, planning  
 86 district commission, transportation district commission, or public transit corporation. Remaining funds  
 87 may also be used directly by the Department of Rail and Public Transportation to (i) finance a program  
 88 administered by the Department of Rail and Public Transportation designed to promote the use of  
 89 public transportation and ridesharing throughout the Commonwealth or (ii) finance up to 80 percent of  
 90 the cost of development and implementation of projects with a purpose of enhancing the provision and  
 91 use of public transportation services.

92 D. The Board may consider the transfer of funds from subdivisions C 2 and 4 to subdivision C 1 in  
 93 times of statewide economic distress or statewide special need.

94 E. The Department of Rail and Public Transportation may reserve a balance of up to five percent of  
 95 the Fund revenues in order to ensure stability in providing operating and capital funding to transit  
 96 entities from year to year.

97 F. The Board may allocate up to 3.5 percent of the funds set aside for the Fund to support costs of  
 98 project development, project administration, and project compliance incurred by the Department of Rail  
 99 and Public Transportation in implementing rail, public transportation, and congestion management  
 100 grants and programs.

101 G. Funds allocated to the Northern Virginia Transportation Commission (NVTC) for WMATA  
 102 pursuant to subdivision C 3 shall be credited to the Counties of Arlington and Fairfax and the Cities of  
 103 Alexandria, Fairfax, and Falls Church. Beginning in the fiscal year when service starts on Phase II of  
 104 the Silver Line, such funds shall also be credited to Loudoun County. Funds allocated pursuant to this  
 105 subsection shall be credited as follows:

106 1. Local obligations for debt service for WMATA rail transit bonds apportioned to each locality  
 107 using WMATA's capital formula shall be paid first by NVTC, which shall use 95 percent state aid for  
 108 these payments.

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

113 H. Appropriations from the Fund are intended to provide a stable and reliable source of revenue, as  
 114 defined by P.L. 96-184.

115 I. Notwithstanding any other provision of law, funds allocated to WMATA may be disbursed by the  
 116 Department of Rail and Public Transportation directly to WMATA or to any other transportation entity  
 117 that has an agreement to provide funding to WMATA.

118 **§ 33.2-1907. Members of transportation district commissions.**

119 A. Any transportation district commission created pursuant to this chapter shall consist of the number  
 120 of members the component governments shall agree upon, or as may otherwise be provided by law. The

121 governing body of each participating county and city shall appoint from among its members the number  
 122 of commissioners to which the county or city is entitled; however, for those commissions with powers  
 123 as set forth in subsection A of § 33.2-1915, the governing body of each participating county or city is  
 124 not limited to appointing commissioners from among its members. In addition, the governing body may  
 125 appoint, from its number or otherwise, designated alternate members for those appointed to the  
 126 commission who shall be able to exercise all of the powers and duties of a commission member when  
 127 the regular member is absent from commission meetings. Each such appointee shall serve at the pleasure  
 128 of the appointing body; however, no appointee to a commission with powers as set forth in subsection B  
 129 of § 33.2-1915 may continue to serve when he is no longer a member of the appointing body. Each  
 130 governing body shall inform the commission of its appointments to and removals from the commission  
 131 by delivering to the commission a certified copy of the resolution making the appointment or causing  
 132 the removal.

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

138 The Potomac and Rappahannock Transportation Commission shall also include two members of the  
 139 House of Delegates and one member of the Senate from legislative districts located wholly or in part  
 140 within the boundaries of the transportation district. The members of the House of Delegates shall be  
 141 appointed by the Speaker of the House for terms coincident with their terms of office, and the member  
 142 of the Senate shall be appointed by the Senate Committee on Rules for a term coincident with his term  
 143 of office. The members of the General Assembly shall be eligible for reappointment for successive  
 144 terms. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term.  
 145 Vacancies shall be filled in the same manner as the original appointments.

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

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

164 In selecting ~~from its membership those members~~ *a person* to serve on the board of directors of  
 165 WMATA, the Northern Virginia Transportation Commission shall comply with the following  
 166 requirements:

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

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

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

175 4. Board members shall serve a term of four years with a maximum of two consecutive terms. A  
 176 board member's term or terms must coincide with his term on the body that appointed him to the  
 177 Northern Virginia Transportation Commission. Any vacancy created if a board member cannot fulfill his  
 178 term because his term on the appointing body has ended shall be filled for the unexpired term in the  
 179 same manner as the member being replaced was appointed within 60 days of the vacancy. The initial  
 180 appointments to a four-year term will be as follows: the Secretary, or his designee, for a term of four  
 181 years; the second principal member for a term of three years; one alternate for a term of two years; and

182 the remaining alternate for a term of one year. Thereafter, board members shall be appointed for terms  
 183 of four years. Service on the WMATA board of directors prior to July 1, 2012, shall not be considered  
 184 in determining length of service. Any person appointed to an initial one-year or two-year term, or  
 185 appointed to an unexpired term in which two years or less is remaining, shall be eligible to serve two  
 186 consecutive four-year terms after serving the initial or unexpired term.

187 5. Members may be removed from the board of directors of WMATA if they attend fewer than  
 188 three-fourths of the meetings in a calendar year; if they are conflicted due to employment at WMATA;  
 189 or if they are found to be in violation of the State and Local Government Conflict of Interests Act (§  
 190 2.2-3100 et seq.). If a board member is removed during a term, the vacancy shall be filled pursuant to  
 191 the provisions of subdivision 4.

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

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

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

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

217 **§ 33.2-2510. Use of certain revenues by the Authority.**

218 A. All moneys received by the Authority and the proceeds of bonds issued pursuant to § 33.2-2511  
 219 shall be used by the Authority solely for transportation purposes benefiting those counties and cities that  
 220 are embraced by the Authority. *Any moneys used by the Authority for the capital needs of the*  
 221 *Washington Metropolitan Area Transit Authority (WMATA) pursuant to subsection C shall be*  
 222 *determined to have been used solely for transportation purposes benefiting those counties and cities that*  
 223 *are embraced by the Authority, provided that such moneys are used to pay the Commonwealth's share of*  
 224 *the capital needs of WMATA as determined in the Authority's adopted annual budget.*

225 B. 1. Except as provided in subdivision 2, ~~30~~ 18 percent of the revenues received by the Authority  
 226 under subsection A shall be distributed on a pro rata basis, with each locality's share being the total of  
 227 such fee and taxes received by the Authority that are generated or attributable to the locality divided by  
 228 the total of such fee and taxes received by the Authority. Of the revenues distributed pursuant to this  
 229 subsection, as determined solely by the applicable locality, such revenues shall be used for additional  
 230 urban or secondary highway construction, for other capital improvements that reduce congestion, for  
 231 other transportation capital improvements that have been approved by the most recent long-range  
 232 transportation plan adopted by the Authority, or for public transportation purposes. None of the revenue  
 233 distributed by this subsection may be used to repay debt issued before July 1, 2013. Each locality shall  
 234 create a separate, special fund in which all revenues received pursuant to this subsection and from the  
 235 tax imposed pursuant to § 58.1-3221.3 shall be deposited. Each locality shall provide annually to the  
 236 Authority sufficient documentation as required by the Authority showing that the funds distributed under  
 237 this subsection were used as required by this subsection.

238 2. If a locality has not deposited into its special fund (i) revenues from the tax collected under  
 239 § 58.1-3221.3 pursuant to the maximum tax rate allowed under that section or (ii) an amount, from  
 240 sources other than moneys received from the Authority, that is equivalent to the revenue that the locality  
 241 would receive if it was imposing the maximum tax authorized by § 58.1-3221.3, then the amount of  
 242 revenue distributed to the locality pursuant to subdivision 1 shall be reduced by the difference between  
 243 the amount of revenue that the locality would receive if it was imposing the maximum tax authorized by

244 such section and the amount of revenue deposited into its special fund pursuant to clause (i) or (ii), as  
245 applicable. The amount of any such reduction in revenue shall be redistributed according to subsection C  
246 E. The provisions of this subdivision shall be ongoing and apply over annual periods as determined by  
247 the Authority.

248 C. *Thirty-five percent of the revenues received by the Authority under subsection A shall be*  
249 *transferred directly to WMATA for capital purposes.*

250 D. *Five percent of the revenues received by the Authority under subsection A shall be used by the*  
251 *Authority solely to fund capital and operating needs of the Virginia Railway Express.*

252 E. 1. The remaining ~~70~~ 42 percent of the revenues received by the Authority under subsection A,  
253 plus the amount of any revenue to be redistributed pursuant to subsection B, shall be used by the  
254 Authority solely to fund transportation projects selected by the Authority that are contained in the  
255 regional transportation plan in accordance with § 33.2-2500 and that have been rated in accordance with  
256 § 33.2-257. For only those regional funds received in fiscal year 2014, the requirement for rating in  
257 accordance with § 33.2-257 shall not apply. The Authority shall give priority to selecting projects that  
258 are expected to provide the greatest congestion reduction relative to the cost of the project and shall  
259 document this information for each project selected. Such projects selected by the Authority for funding  
260 shall be located (i) only in localities embraced by the Authority or (ii) in adjacent localities but only to  
261 the extent that such extension is an insubstantial part of the project and is essential to the viability of the  
262 project within the localities embraced by the Authority.

263 2. Not less than 15 days prior to any decision by the Authority for the expenditure of funds pursuant  
264 to subdivision 1 for any project to create or improve any transportation facility, the Authority shall make  
265 the following publicly available: (i) the project evaluation pursuant to § 33.2-257, (ii) the total amount  
266 of funds from the Authority to be used for the project, (iii) the total amount of funds from sources other  
267 than the Authority to be used for the project, and (iv) any other rating or scoring of other factors to be  
268 taken into account by the Authority related to each such transportation facility.

269 3. All transportation projects undertaken by the Authority shall be completed by private contractors  
270 accompanied by performance measurement standards, and all contracts shall contain a provision granting  
271 the Authority the option to terminate the contract if contractors do not meet such standards.  
272 Notwithstanding the foregoing, any locality may provide engineering services or right-of-way acquisition  
273 for any project with its own forces. The Authority shall avail itself of the strategies permitted under the  
274 Public-Private Transportation Act (§ 33.2-1800 et seq.) whenever feasible and advantageous. The  
275 Authority is independent of any state or local entity, including the Department and the Commonwealth  
276 Transportation Board, but the Authority, the Department, and the Commonwealth Transportation Board  
277 shall consult with one another to avoid duplication of efforts and, at the option of the Authority, may  
278 combine efforts to complete specific projects. Notwithstanding the foregoing, at the request of the  
279 Authority, the Department may provide the Authority with engineering services or right-of-way  
280 acquisition for the project with its own forces.

281 4. With regard to the revenues distributed under subdivision 1, each locality's total long-term benefit  
282 shall be approximately equal to the proportion of the total of the fees and taxes received by the  
283 Authority that are generated by or attributable to the locality divided by the total of such fees and taxes  
284 received by the Authority.

285 ~~D.~~ F. For road construction and improvements pursuant to subsection B, the Department may, on a  
286 reimbursement basis, provide the locality with planning, engineering, right-of-way, and construction  
287 services for projects funded in whole by the revenues provided to the locality by the Authority.

288 **§ 33.2-2511. Authority to issue bonds.**

289 The Authority may issue bonds and other evidences of debt as may be authorized by this section or  
290 other law. The provisions of Article 5 (§ 33.2-1920 et seq.) of Chapter 19 shall apply, mutatis  
291 mutandis, to the issuance of such bonds or other debt. The Authority may issue bonds or other debt in  
292 such amounts as it deems appropriate. The bonds may be supported by any funds available except that  
293 (i) funds from tolls collected pursuant to subdivision 7 of § 33.2-2512 shall be used only as provided in  
294 that subdivision and (ii) funds allocated pursuant to subsection C of § 33.2-2510 shall not be used to  
295 support such bonds.

296 **§ 33.2-2512. Other duties and responsibilities of Authority.**

297 In addition to other powers granted in this chapter, the Authority shall have the following duties and  
298 responsibilities:

- 299 1. Providing general oversight of regional programs involving mass transit or congestion mitigation,  
300 including carpooling, vanpooling, and ridesharing;
- 301 2. Providing long-range regional planning, both financially constrained and unconstrained;
- 302 3. Recommending to federal, state, and regional agencies regional transportation priorities, including  
303 public-private transportation projects and funding allocations;
- 304 4. Developing, in coordination with affected counties and cities, regional priorities and policies to

305 improve air quality;

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

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

310 7. Imposing, collecting, and setting the amount of tolls for use of facilities in the area embraced by  
311 the Authority, when the facility is either newly constructed or reconstructed solely with revenues of the  
312 Authority or solely with revenues under the control of the Authority in such a way as to increase the  
313 facility's traffic capacity, with the amount of tolls variable by time of day, day of the week, vehicle size  
314 or type, number of axles, or other factors as the Authority may deem proper, and with all such tolls to  
315 be used for programs and projects that are reasonably related to or benefit the users of the applicable  
316 facility, including for the debt service and other costs of bonds whose proceeds are used for such  
317 construction or reconstruction;

318 8. Providing general oversight of regional transportation issues of a multijurisdictional nature,  
319 including intelligent transportation systems, signalization, and preparation for and response to  
320 emergencies;

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

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

331 11. Acting as a "responsible public entity" for the purpose of the acquisition, construction,  
332 improvement, maintenance, or operation, or any combination thereof, of a "qualifying transportation  
333 facility" under the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.); and

334 12. Deciding on and voting to impose certain fees and taxes authorized under law for imposition or  
335 assessment by the Authority, provided that any such fee or tax assessed or imposed is assessed or  
336 imposed in all counties and cities embraced by the Authority. The revenues from such certain fees and  
337 taxes shall be kept in a separate account and shall be used only for the purposes provided in this  
338 chapter; and

339 *13. Providing funding support for the Washington Metropolitan Area Transit Authority and the*  
340 *Virginia Railway Express.*

341 **§ 58.1-638. Disposition of state sales and use tax revenue.**

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

344 1. The sales and use tax revenue generated by the one-half percent sales and use tax increase enacted  
345 by the 1986 Special Session of the General Assembly shall be paid, in the manner hereinafter provided  
346 in this section, to the Transportation Trust Fund as defined in § 33.2-1524. Of the funds paid to the  
347 Transportation Trust Fund, an aggregate of 4.2 percent shall be set aside as the Commonwealth Port  
348 Fund as provided in this section; an aggregate of 2.4 percent shall be set aside as the Commonwealth  
349 Airport Fund as provided in this section; and an aggregate of 14.7 percent shall be set aside as the  
350 Commonwealth Mass Transit Fund as provided in this section. The Fund's share of such net revenue  
351 shall be computed as an estimate of the net revenue to be received into the state treasury each month,  
352 and such estimated payment shall be adjusted for the actual net revenue received in the preceding  
353 month. All payments shall be made to the Fund on the last day of each month.

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

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

360 b. The amounts allocated pursuant to this section shall be allocated by the Commonwealth  
361 Transportation Board to the Board of Commissioners of the Virginia Port Authority to be used to  
362 support port capital needs and the preservation of existing capital needs of all ocean, river, or tributary  
363 ports within the Commonwealth. Expenditures for such capital needs are restricted to those capital  
364 projects specified in subsection B of § 62.1-132.1.

365 c. Commonwealth Port Fund revenue shall be allocated by the Board of Commissioners to the  
366 Virginia Port Authority in order to foster and stimulate the flow of maritime commerce through the



367 ports of Virginia, including but not limited to the ports of Richmond, Hopewell, and Alexandria.  
 368 3. There is hereby created in the Department of the Treasury a special nonreverting fund which shall  
 369 be part of the Transportation Trust Fund and which shall be known as the Commonwealth Airport Fund.  
 370 The Commonwealth Airport Fund shall be established on the books of the Comptroller and any funds  
 371 remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in  
 372 the Fund. Interest earned on the funds shall be credited to the Fund. The funds so allocated shall be  
 373 allocated by the Commonwealth Transportation Board to the Virginia Aviation Board. The funds shall  
 374 be allocated by the Virginia Aviation Board to any Virginia airport which is owned by the  
 375 Commonwealth, a governmental subdivision thereof, or a private entity to which the public has access  
 376 for the purposes enumerated in § 5.1-2.16, or is owned or leased by the Metropolitan Washington  
 377 Airports Authority (MWAA), as follows:

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

384 Of the remaining amount:

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

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

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

393 3a. There is hereby created in the Department of the Treasury a special nonreverting fund that shall  
 394 be a part of the Transportation Trust Fund and that shall be known as the Commonwealth Space Flight  
 395 Fund. The Commonwealth Space Flight Fund shall be established on the books of the Comptroller and  
 396 the funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall  
 397 remain in the Fund. Interest earned on such funds shall remain in the Fund and be credited to it.

398 a. The amounts allocated to the Commonwealth Space Flight Fund pursuant to § 33.2-1526 shall be  
 399 allocated by the Commonwealth Transportation Board to the Board of Directors of the Virginia  
 400 Commercial Space Flight Authority to be used to support the capital needs, maintenance, and operating  
 401 costs of any and all facilities owned and operated by the Virginia Commercial Space Flight Authority.

402 b. Commonwealth Space Flight Fund revenue shall be allocated by the Board of Directors to the  
 403 Virginia Commercial Space Flight Authority in order to foster and stimulate the growth of the  
 404 commercial space flight industry in Virginia.

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

408 a. The Commonwealth Mass Transit Fund shall be established on the books of the Comptroller and  
 409 any funds remaining in such Fund at the end of the biennium shall not revert to the general fund but  
 410 shall remain in the Fund. Interest earned on such funds shall be credited to the Fund. ~~If funds in~~  
 411 ~~subdivision 4 b (1)(e) or 4 b (2)(d) are allocated to the construction of a new fixed rail project, such~~  
 412 ~~project shall be evaluated according to the process established pursuant to subsection B of § 33.2-214.1.~~  
 413 ~~Funds may be paid to any local governing body, transportation district commission, or public service~~  
 414 ~~corporation for the purposes hereinafter specified.~~

415 b. The amounts allocated pursuant to ~~this section~~ § 33.2-1526.1 shall be used to support the  
 416 operating, capital, and administrative costs of public transportation at a state share determined by the  
 417 Commonwealth Transportation Board, and these amounts may be used to support the capital project  
 418 costs of public transportation and ridesharing equipment, facilities, and associated costs at a state share  
 419 determined by the Commonwealth Transportation Board. Capital costs may include debt service  
 420 payments on local or agency transit bonds. ~~In making these determinations, the Commonwealth~~  
 421 ~~Transportation Board shall confer with the Director of the Department of Rail and Public Transportation.~~  
 422 ~~In development of the Director's recommendation and subsequent allocation of funds by the~~  
 423 ~~Commonwealth Transportation Board, the Director of the Department of Rail and Public Transportation~~  
 424 ~~and the Commonwealth Transportation Board shall adhere to the following:~~

425 (1) For the distribution of revenues from the Commonwealth Mass Transit Fund, of those revenues  
 426 generated in 2014 and thereafter, the first \$160 million in revenues or the maximum available revenues  
 427 if less than \$160 million shall be distributed by the Commonwealth Transportation Board as follows:

428 (a) Funds for special programs, which shall include ridesharing, transportation demand management  
429 programs, experimental transit, public transportation promotion, operation studies, and technical  
430 assistance, shall not exceed 3 percent of the funds pursuant to this section and may be allocated to any  
431 local governing body, planning district commission, transportation district commission, or public transit  
432 corporation, or may be used directly by the Department of Rail and Public Transportation for the  
433 following purposes and aid of public transportation services:

434 (i) To finance a program administered by the Department of Rail and Public Transportation designed  
435 to promote the use of public transportation and ridesharing throughout Virginia.

436 (ii) To finance up to 80 percent of the cost of the development and implementation of projects where  
437 the purpose of such project is to enhance the provision and use of public transportation services.

438 (b) At least 72 percent of the funds shall be distributed to each transit property in the same  
439 proportion as its operating expenses bear to the total statewide operating expenses and shall be spent for  
440 the purposes specified in subdivision 4 b.

441 (c) Twenty-five percent of the funds shall be allocated and distributed utilizing a tiered approach  
442 evaluated by the Transit Service Delivery Advisory Committee along with the Director of the  
443 Department of Rail and Public Transportation and established by the Commonwealth Transportation  
444 Board for capital purposes based on asset need and anticipated state participation level and revenues.  
445 The tier distribution measures may be evaluated by the Transit Service Delivery Advisory Committee  
446 along with the Director of the Department of Rail and Public Transportation every three years and, if  
447 redefined by the Board, shall be published at least one year in advance of being applied. Funds allocated  
448 for debt service payments will be included in the tier that applies to the capital asset that is leveraged.

449 (d) Transfer of funds from funding categories in subdivisions 4 b (1)(a) and 4 b (1)(c) to 4 b (1)(b)  
450 shall be considered by the Commonwealth Transportation Board in times of statewide economic distress  
451 or statewide special need.

452 (2) The Commonwealth Transportation Board shall allocate the remaining revenues after the  
453 application of the provisions set forth in subdivision 4 b (1) generated for the Commonwealth Mass  
454 Transit Fund for 2014 and succeeding years as follows:

455 (a) Funds pursuant to this section shall be distributed among operating, capital, and special projects  
456 in order to respond to the needs of the transit community.

457 (b) Of the funds pursuant to this section, at least 72 percent shall be allocated to support operating  
458 costs of transit providers and distributed by the Commonwealth Transportation Board based on service  
459 delivery factors, based on effectiveness and efficiency, as established by the Commonwealth  
460 Transportation Board. These measures and their relative weight shall be evaluated every three years and,  
461 if redefined by the Commonwealth Transportation Board, shall be published and made available for  
462 public comment at least one year in advance of being applied. In developing the service delivery factors,  
463 the Commonwealth Transportation Board shall create for the Department of Rail and Public  
464 Transportation a Transit Service Delivery Advisory Committee, consisting of two members appointed by  
465 the Virginia Transit Association, one member appointed by the Community Transportation Association  
466 of Virginia, one member appointed by the Virginia Municipal League, one member appointed by the  
467 Virginia Association of Counties, and three members appointed by the Director of the Department of  
468 Rail and Public Transportation, to advise the Department of Rail and Public Transportation in the  
469 development of a distribution process for the funds allocated pursuant to this subdivision 4 b (2)(b) and  
470 how transit systems can incorporate these metrics in their transit development plans. The Transit Service  
471 Delivery Advisory Committee shall elect a Chair. The Department of Rail and Public Transportation  
472 shall provide administrative support to the committee. Effective July 1, 2013, the Transit Service  
473 Delivery Advisory Committee shall meet at least annually and consult with interested stakeholders and  
474 hold at least one public hearing and report its findings to the Director of the Department of Rail and  
475 Public Transportation. Prior to the Commonwealth Transportation Board approving the service delivery  
476 factors, the Director of the Department of Rail and Public Transportation along with the Chair of the  
477 Transit Service Delivery Advisory Committee shall brief the Senate Committee on Finance, the House  
478 Appropriations Committee, and the Senate and House Committees on Transportation on the findings of  
479 the Transit Service Delivery Advisory Committee and the Department's recommendation. Before  
480 redefining any component of the service delivery factors, the Commonwealth Transportation Board shall  
481 consult with the Director of the Department of Rail and Public Transportation, Transit Service Delivery  
482 Advisory Committee, and interested stakeholders and provide for a 45-day public comment period. Prior  
483 to approval of any amendment to the service delivery measures, the Board shall notify the  
484 aforementioned committees of the pending amendment to the service delivery factors and its content.

485 (c) Funds for special programs, which shall include ridesharing, transportation demand management  
486 programs, experimental transit, public transportation promotion, operation studies, and technical  
487 assistance, shall not exceed 3 percent of the funds pursuant to this section and may be allocated to any  
488 local governing body, planning district commission, transportation district commission, or public transit  
489 corporation, or may be used directly by the Department of Rail and Public Transportation for the

490 following purposes and aid of public transportation services:

491 (i) To finance a program administered by the Department of Rail and Public Transportation designed  
492 to promote the use of public transportation and ridesharing throughout Virginia.

493 (ii) To finance up to 80 percent of the cost of the development and implementation of projects where  
494 the purpose of such project is to enhance the provision and use of public transportation services.

495 (d) Of the funds pursuant to this section, 25 percent shall be allocated and distributed utilizing a  
496 tiered approach evaluated by the Transit Service Delivery Advisory Committee along with the Director  
497 of Rail and Public Transportation and established by the Commonwealth Transportation Board for  
498 capital purposes based on asset need and anticipated state participation level and revenues. The tier  
499 distribution measures may be evaluated by the Transit Service Delivery Advisory Committee along with  
500 the Director of Rail and Public Transportation every three years and, if redefined by the Board, shall be  
501 published at least one year in advance of being applied. Funds allocated for debt service payments shall  
502 be included in the tier that applies to the capital asset that is leveraged.

503 (e) Transfer of funds from funding categories in subdivisions 4 b (2)(e) and 4 b (2)(d) to 4 b (2)(b)  
504 shall be considered by the Commonwealth Transportation Board in times of statewide economic distress  
505 or statewide special need.

506 (f) The Department of Rail and Public Transportation may reserve a balance of up to five percent of  
507 the Commonwealth Mass Transit Fund revenues under this subsection in order to assure better stability  
508 in providing operating and capital funding to transit entities from year to year.

509 (3) The Commonwealth Mass Transit Fund shall not be allocated without requiring a local match  
510 from the recipient.

511 c. There is hereby created in the Department of the Treasury a special nonreverting fund known as  
512 the Commonwealth Transit Capital Fund. The Commonwealth Transit Capital Fund shall be part of the  
513 Commonwealth Mass Transit Fund. The Commonwealth Transit Capital Fund subaccount shall be  
514 established on the books of the Comptroller and consist of such moneys as are appropriated to it by the  
515 General Assembly and of all donations, gifts, bequests, grants, endowments, and other moneys given,  
516 bequeathed, granted, or otherwise made available to the Commonwealth Transit Capital Fund. Any funds  
517 remaining in the Commonwealth Transit Capital Fund at the end of the biennium shall not revert to the  
518 general fund, but shall remain in the Commonwealth Transit Capital Fund. Interest earned on funds  
519 within the Commonwealth Transit Capital Fund shall remain in and be credited to the Commonwealth  
520 Transit Capital Fund. Proceeds of the Commonwealth Transit Capital Fund may be paid to any political  
521 subdivision, another public entity created by an act of the General Assembly, or a private entity as  
522 defined in § 33.2-1800 and for purposes as enumerated in subdivision 7 of § 33.2-1701 or expended by  
523 the Department of Rail and Public Transportation for the purposes specified in this subdivision.  
524 Revenues of the Commonwealth Transit Capital Fund shall be used to support capital expenditures  
525 involving the establishment, improvement, or expansion of public transportation services through specific  
526 projects approved by the Commonwealth Transportation Board. If revenues of the Commonwealth  
527 Transit Capital Fund are allocated to the construction of a new fixed rail project, such project shall be  
528 evaluated according to the process established pursuant to subsection B of § ~~33.2-214.1~~. The  
529 Commonwealth Transit Capital Fund shall not be allocated without requiring a local match from the  
530 recipient.

531 d. The Commonwealth Transportation Board may allocate up to three and one-half percent of the  
532 funds set aside for the Commonwealth Mass Transit Fund to support costs of project development,  
533 project administration, and project compliance incurred by the Department of Rail and Public  
534 Transportation in implementing rail, public transportation, and congestion management grants and  
535 programs.

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

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

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

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

548 6. Notwithstanding any other provision of law, funds allocated to Metro may be disbursed by the  
549 Department of Rail and Public Transportation directly to Metro or to any other transportation entity that  
550 has an agreement to provide funding to Metro.

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

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

560 D. The net revenue so distributable among the counties and cities shall be apportioned and  
561 distributed upon the basis of the latest yearly estimate of the population of cities and counties ages five  
562 to 19, provided by the Weldon Cooper Center for Public Service of the University of Virginia. Such  
563 population estimate produced by the Weldon Cooper Center for Public Service of the University of  
564 Virginia shall account for persons who are domiciled in orphanages or charitable institutions or who are  
565 dependents living on any federal military or naval reservation or other federal property within the school  
566 division in which the institutions or federal military or naval reservation or other federal property is  
567 located. Such population estimate produced by the Weldon Cooper Center for Public Service of the  
568 University of Virginia shall account for members of the military services who are under 20 years of age  
569 within the school division in which the parents or guardians of such persons legally reside. Such  
570 population estimate produced by the Weldon Cooper Center for Public Service of the University of  
571 Virginia shall account for individuals receiving services in state hospitals, state training centers, or  
572 mental health facilities, persons who are confined in state or federal correctional institutions, or persons  
573 who attend the Virginia School for the Deaf and the Blind within the school division in which the  
574 parents or guardians of such persons legally reside. Such population estimate produced by the Weldon  
575 Cooper Center for Public Service of the University of Virginia shall account for persons who attend  
576 institutions of higher education within the school division in which the student's parents or guardians  
577 legally reside. To such estimate, the Department of Education shall add the population of students with  
578 disabilities, ages two through four and 20 through 21, as provided to the Department of Education by  
579 school divisions. The revenue so apportionable and distributable is hereby appropriated to the several  
580 counties and cities for maintenance, operation, capital outlays, debt and interest payments, or other  
581 expenses incurred in the operation of the public schools, which shall be considered as funds raised from  
582 local resources. In any county, however, wherein is situated any incorporated town constituting a school  
583 division, the county treasurer shall pay into the town treasury for maintenance, operation, capital outlays,  
584 debt and interest payments, or other expenses incurred in the operation of the public schools, the proper  
585 proportionate amount received by him in the ratio that the school population of such town bears to the  
586 school population of the entire county. If the school population of any city or of any town constituting a  
587 school division is increased by the annexation of territory since the last estimate of school population  
588 provided by the Weldon Cooper Center for Public Service, such increase shall, for the purposes of this  
589 section, be added to the school population of such city or town as shown by the last such estimate and a  
590 proper reduction made in the school population of the county or counties from which the annexed  
591 territory was acquired.

592 E. Beginning July 1, 2000, of the remaining sales and use tax revenue, the revenue generated by a  
593 two percent sales and use tax, up to an annual amount of \$13 million, collected from the sales of  
594 hunting equipment, auxiliary hunting equipment, fishing equipment, auxiliary fishing equipment,  
595 wildlife-watching equipment, and auxiliary wildlife-watching equipment in Virginia, as estimated by the  
596 most recent U.S. Department of the Interior, Fish and Wildlife Service and U.S. Department of  
597 Commerce, Bureau of the Census National Survey of Fishing, Hunting, and Wildlife-Associated  
598 Recreation, shall be paid into the Game Protection Fund established under § 29.1-101 and shall be used,  
599 in part, to defray the cost of law enforcement. Not later than 30 days after the close of each quarter, the  
600 Comptroller shall transfer to the Game Protection Fund the appropriate amount of collections to be  
601 dedicated to such Fund. At any time that the balance in the Capital Improvement Fund, established  
602 under § 29.1-101.01, is equal to or in excess of \$35 million, any portion of sales and use tax revenues  
603 that would have been transferred to the Game Protection Fund, established under § 29.1-101, in excess  
604 of the net operating expenses of the Board, after deduction of other amounts which accrue to the Board  
605 and are set aside for the Game Protection Fund, shall remain in the general fund until such time as the  
606 balance in the Capital Improvement Fund is less than \$35 million.

607 F. 1. Of the net revenue generated from the one-half percent increase in the rate of the state sales  
608 and use tax effective August 1, 2004, pursuant to enactments of the 2004 Special Session I of the  
609 General Assembly, the Comptroller shall transfer from the general fund of the state treasury to the  
610 Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund established under  
611 § 58.1-638.1 an amount equivalent to one-half of the net revenue generated from such one-half percent  
612 increase as provided in this subdivision. The transfers to the Public Education Standards of

613 Quality/Local Real Estate Property Tax Relief Fund under this subdivision shall be for one-half of the  
614 net revenue generated (and collected in the succeeding month) from such one-half percent increase for  
615 the month of August 2004 and for each month thereafter.

616 2. Beginning July 1, 2013, of the remaining sales and use tax revenue, an amount equal to the  
617 revenue generated by a 0.125 percent sales and use tax shall be distributed to the Public Education  
618 Standards of Quality/Local Real Estate Property Tax Relief Fund established under § 58.1-638.1, and be  
619 used for the state's share of Standards of Quality basic aid payments.

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

625 G. (Contingent expiration date) Beginning July 1, 2013, of the remaining sales and use tax revenue,  
626 an amount equal to the following percentages of the revenue generated by a one-half percent sales and  
627 use tax, such as that paid to the Transportation Trust Fund as provided in subdivision A 1, shall be paid  
628 to the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530:

- 629 1. For fiscal year 2014, an amount equal to 10 percent;
- 630 2. For fiscal year 2015, an amount equal to 20 percent;
- 631 3. For fiscal year 2016, an amount equal to 30 percent; and
- 632 4. For fiscal year 2017 and thereafter, an amount equal to 35 percent.

633 The Highway Maintenance and Operating Fund's share of the net revenue distributable under this  
634 subsection shall be computed as an estimate of the net revenue to be received into the state treasury  
635 each month, and such estimated payment shall be adjusted for the actual net revenue received in the  
636 preceding month. All payments shall be made to the Fund on the last day of each month.

637 H. (Contingent expiration date) 1. The additional revenue generated by increases in the state sales  
638 and use tax from Planning District 8 pursuant to §§ 58.1-603.1, 58.1-604.01, 58.1-604.1, and 58.1-614  
639 shall be deposited by the Comptroller in the fund established under § 33.2-2509.

640 2. The additional revenue generated by increases in the state sales and use tax from Planning District  
641 23 pursuant to §§ 58.1-603.1, 58.1-604.01, 58.1-604.1, and 58.1-614 shall be deposited by the  
642 Comptroller in the fund established under § 33.2-2600.

643 3. The additional revenue generated by increases in the state sales and use tax in any other Planning  
644 District pursuant to §§ 58.1-603.1, 58.1-604.01, 58.1-604.1, and 58.1-614 shall be deposited into special  
645 funds that shall be established by appropriate legislation.

646 4. The net revenues distributable under this subsection shall be computed as an estimate of the net  
647 revenue to be received by the state treasury each month, and such estimated payment shall be adjusted  
648 for the actual net revenue received in the preceding month. All payments shall be made to the  
649 appropriate funds on the last day of each month.

650 I. If errors are made in any distribution, or adjustments are otherwise necessary, the errors shall be  
651 corrected and adjustments made in the distribution for the next quarter or for subsequent quarters.

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

655 **§ 58.1-802.2. (Contingent expiration date) Regional congestion relief fee.**

656 In addition to any other tax or fee imposed under the provisions of this chapter, a fee, delineated as  
657 the "regional congestion relief fee," is hereby imposed on each deed, instrument, or writing by which  
658 lands, tenements, or other realty located in any county or city in a Planning District described in this  
659 section is sold and is granted, assigned, transferred, or otherwise conveyed to or vested in the purchaser  
660 or any other person, by such purchaser's direction. The fee shall be imposed in a Planning District  
661 established pursuant to Chapter 42 (§ 15.2-4200 et seq.) of Title 15.2 that (i) as of January 1, 2013, has  
662 a population of two million or more, as shown by the most recent United States Census, has not less  
663 than 1.7 million motor vehicles registered therein, and has a total transit ridership of not less than 50  
664 million riders per year across all transit systems within the Planning District or (ii) as shown by the  
665 most recent United States Census meets the population criteria set forth in clause (i) and also meets the  
666 vehicle registration and ridership criteria set forth in clause (i). The rate of the fee, when the  
667 consideration or value of the interest, whichever is greater, equals or exceeds \$100, shall be ~~\$0.15~~ \$0.25  
668 for each \$100 or fraction thereof, exclusive of the value of any lien or encumbrance remaining thereon  
669 at the time of the sale, whether such lien is assumed or the realty is sold subject to such lien or  
670 encumbrance. In any case in which the fee is imposed pursuant to clause (ii) such fee shall be effective  
671 beginning on the July 1 immediately following the calendar year in which all of the criteria under such  
672 clause have been met.

673 The fee imposed by this section shall be paid by the grantor, or any person who signs on behalf of

674 the grantor, of any deed, instrument, or writing subject to the fee imposed by this section.

675 No such deed, instrument, or other writing shall be admitted to record unless certification of the  
676 clerk wherein first recorded has been affixed thereto that the fee imposed pursuant to this section has  
677 been paid.

678 Fees imposed by this section shall be collected by the clerk of the court and deposited into the state  
679 treasury as soon as practicable. Such fees shall then be deposited into special funds established by law.  
680 In the case of Planning District 8, the revenue generated and collected therein shall be deposited into the  
681 fund established in § 33.2-2509. For additional Planning Districts that may become subject to this  
682 section, funds shall be established by appropriate legislation.

683 **§ 58.1-815.4. (Contingent expiration dates) Distribution of recordation tax for certain**  
684 **transportation-related purposes.**

685 Of the state recordation taxes imposed pursuant to §§ 58.1-801 and 58.1-803, the revenues collected  
686 each fiscal year from \$0.03 of the total tax imposed under each section shall be deposited by the  
687 Comptroller as follows:

688 1. The revenues collected from \$0.02 of the total tax shall be deposited into the Commonwealth  
689 Mass Transit Fund pursuant to subdivision A 4 b (1)(b) of § 58.1-638; and

690 2. The revenues collected from \$0.01 of the total tax shall be deposited into the Commonwealth  
691 Mass Transit Capital Fund established pursuant to subdivision A 4 e of § 58.1-638.

692 **§ 58.1-1742. (Contingent expiration date) Regional transient occupancy tax.**

693 In addition all other fees and taxes imposed under law, there is hereby imposed an additional  
694 transient occupancy tax at the rate of ~~two~~ three percent of the amount of the charge for the occupancy  
695 of any room or space occupied in any county or city located in a Planning District established pursuant  
696 to Chapter 42 (§ 15.2-4200 et seq.) of Title 15.2 that (i) as of January 1, 2013, has a population of two  
697 million or more, as shown by the most recent United States Census, has not less than 1.7 million motor  
698 vehicles registered therein, and has a total transit ridership of not less than 50 million riders per year  
699 across all transit systems within the Planning District or (ii) as shown by the most recent United States  
700 Census meets the population criteria set forth in clause (i) and also meets the vehicle registration and  
701 ridership criteria set forth in clause (i). In any case in which the tax is imposed pursuant to clause (ii)  
702 such tax shall be effective beginning on the July 1 immediately following the calendar year in which all  
703 of the criteria have been met.

704 The tax imposed under this section shall be imposed only for the occupancy of any room or space  
705 that is suitable or intended for occupancy by transients for dwelling, lodging, or sleeping purposes.

706 The tax imposed under this section shall be administered by the locality in which the room or space  
707 is located in the same manner as it administers the tax authorized by § 58.1-3819 or 58.1-3840, mutatis  
708 mutandis, except as herein provided. The revenue generated and collected from the tax shall be  
709 deposited by the local treasurer into the state treasury pursuant to § 2.2-806 and transferred by the  
710 Comptroller into special funds established by law. In the case of Planning District 8, the revenue  
711 generated and collected therein shall be deposited into the fund established in § 33.2-2509. For  
712 additional Planning Districts that may become subject to this section, funds shall be established by  
713 appropriate legislation.

714 **§ 58.1-2289. (For contingent expiration) Disposition of tax revenue generally.**

715 A. Unless otherwise provided in this section, all taxes and fees, including civil penalties, collected by  
716 the Commissioner pursuant to this chapter, less a reasonable amount to be allocated for refunds, shall be  
717 promptly paid into the state treasury and shall constitute special funds within the Commonwealth  
718 Transportation Fund. Any balances remaining in these funds at the end of the year shall be available for  
719 use in subsequent years for the purposes set forth in this chapter, and any interest income on such funds  
720 shall accrue to these funds.

721 The Governor is hereby authorized to transfer out of such fund an amount necessary for the  
722 inspection of gasoline and motor grease measuring and distributing equipment, and for the inspection  
723 and analysis of gasoline for purity.

724 B. The tax collected on each gallon of aviation fuel sold and delivered or used in this  
725 Commonwealth, less refunds, shall be paid into a special fund of the state treasury. Proceeds of this  
726 special fund within the Commonwealth Transportation Fund shall be disbursed upon order of the  
727 Department of Aviation, on warrants of the Comptroller, to defray the cost of the administration of the  
728 laws of this Commonwealth relating to aviation, for the construction, maintenance and improvement of  
729 airports and landing fields to which the public now has or which it is proposed shall have access, and  
730 for the promotion of aviation in the interest of operators and the public generally.

731 C. One-half cent of the tax collected on each gallon of fuel on which a refund has been paid for  
732 gasoline, gasohol, diesel fuel, blended fuel, or alternative fuel, for fuel consumed in tractors and  
733 unlicensed equipment used for agricultural purposes shall be paid into a special fund of the state  
734 treasury, known as the Virginia Agricultural Foundation Fund, to be disbursed to make certain refunds  
735 and defray the costs of the research and educational phases of the agricultural program, including

736 supplemental salary payments to certain employees at Virginia Polytechnic Institute and State University,  
737 the Department of Agriculture and Consumer Services and the Virginia Truck and Ornamentals Research  
738 Station, including reasonable expenses of the Virginia Agricultural Council.

739 D. One and one-half cents of the tax collected on each gallon of fuel used to propel a commercial  
740 watercraft upon which a refund has been paid shall be paid to the credit of the Game Protection Fund of  
741 the state treasury to be made available to the Board of Game and Inland Fisheries until expended for the  
742 purposes provided generally in subsection C of § 29.1-701, including acquisition, construction,  
743 improvement and maintenance of public boating access areas on the public waters of this  
744 Commonwealth and for other activities and purposes of direct benefit and interest to the boating public  
745 and for no other purpose. However, one and one-half cents per gallon on fuel used by commercial  
746 fishing, oystering, clamming, and crabbing boats shall be paid to the Department of Transportation to be  
747 used for the construction, repair, improvement and maintenance of the public docks of this  
748 Commonwealth used by said commercial watercraft. Any expenditures for the acquisition, construction,  
749 improvement and maintenance of the public docks shall be made according to a plan developed by the  
750 Virginia Marine Resources Commission.

751 From the tax collected pursuant to the provisions of this chapter from the sales of gasoline used for  
752 the propelling of watercraft, after deduction for lawful refunds, there shall be paid into the state treasury  
753 for use by the Marine Resources Commission, the Virginia Soil and Water Conservation Board, the  
754 State Water Control Board, and the Commonwealth Transportation Board to (i) improve the public  
755 docks as specified in this section, (ii) improve commercial and sports fisheries in Virginia's tidal waters,  
756 (iii) make environmental improvements including, without limitation, fisheries management and habitat  
757 enhancement in the Chesapeake and its tributaries, and (iv) further the purposes set forth in § 33.2-1510,  
758 a sum as established by the General Assembly.

759 E. Of the remaining revenues deposited into the Commonwealth Transportation Fund pursuant to this  
760 chapter less refunds authorized by this chapter: (i) 80 percent shall be deposited into the Highway  
761 Maintenance and Operating Fund established pursuant to § 33.2-1530, (ii) 11.3 percent shall be  
762 deposited into the Transportation Trust Fund established pursuant to § 33.2-1524, (iii) four percent shall  
763 be deposited into the Priority Transportation Fund, (iv) ~~3.44~~ 3.7 percent shall be deposited into the  
764 Commonwealth ~~Mass Transit Capital~~ Fund established pursuant to subdivision A 4 e of § 58.1-638, and  
765 (v) one percent shall be transferred to a special fund within the Commonwealth Transportation Fund in  
766 the state treasury, to be used to meet the necessary expenses of the Department of Motor Vehicles; ~~(vi)~~  
767 ~~0.35 of one percent shall be deposited into the Commonwealth Mass Transit Fund established pursuant~~  
768 ~~to subdivision A 4 of § 58.1-638 and allocated to subdivision A 4 b (1)(b), and (vii) 0.24 of one percent~~  
769 ~~shall be deposited into the Commonwealth Mass Transit Fund established pursuant to subdivision A 4 of~~  
770 ~~§ 58.1-638 and allocated to subdivision A 4 b (1)(a).~~

771 **§ 58.1-2292. Definitions.**

772 As used in this chapter unless the context requires a different meaning:

773 "Commissioner" means the Commissioner of the Department of Motor Vehicles.

774 "Cost price" means the same as that term is defined in § 58.1-602, and also includes all federal and  
775 state excise taxes and storage tank fees paid by the distributor. "Cost price" does not include separately  
776 stated federal diesel fuel excise taxes, unless the distributor fails to exclude the federal diesel excise tax  
777 when collecting the tax imposed pursuant to this chapter.

778 "Department" means the Department of Motor Vehicles, acting directly or through its duly authorized  
779 officers and agents.

780 "*Diesel fuel*" means the same as that term is defined in § 58.1-2201.

781 "Distributor" means (i) any person engaged in the business of selling fuels in the Commonwealth  
782 who brings, or causes to be brought, into the Commonwealth from outside the Commonwealth any fuels  
783 for sale, or any other person engaged in the business of selling fuels in the Commonwealth; (ii) any  
784 person who makes, manufactures, fabricates, processes, or stores fuels in the Commonwealth for sale in  
785 the Commonwealth; or (iii) any person engaged in the business of selling fuels outside the  
786 Commonwealth who ships or transports fuels to any person in the business of selling fuels in the  
787 Commonwealth.

788 "Fuel" means any fuel subject to tax under Chapter 22 (§ 58.1-2200 et seq.).

789 "*Gasoline*" means the same as that term is defined in § 58.1-2201.

790 "Gross sales" means the same as that term is defined in § 58.1-602.

791 "Retail dealer" means any person, including a distributor, who sells fuels to a consumer or to any  
792 person for any purpose other than resale.

793 "Sale" means the same as that term is defined in § 58.1-602 and also includes the distribution of  
794 fuel by a distributor to itself as a retail dealer.

795 "Sales price" means the same as that term is defined in § 58.1-602 and also includes all  
796 transportation and delivery charges, regardless of whether the charges are separately stated on the

797 invoice. Sales price does not include separately stated federal diesel fuel excise taxes, unless the  
 798 distributor fails to exclude the federal diesel excise tax when collecting the tax imposed pursuant to this  
 799 chapter.

800 *"Wholesale price" means the same as that term is defined in § 58.1-2201.*

801 **§ 58.1-2295. (Contingent expiration date) Levy; payment of tax.**

802 A. 1. In addition to all other taxes now imposed by law, there is hereby imposed a tax upon every  
 803 distributor who engages in the business of selling fuels at wholesale to retail dealers for retail sale in  
 804 any county or city that is a member of (i) any transportation district in which a rapid heavy rail  
 805 commuter mass transportation system operating on an exclusive right-of-way and a bus commuter mass  
 806 transportation system are owned, operated, or controlled by an agency or commission as defined in  
 807 § 33.2-1901 or (ii) any transportation district that is subject to subsection C of § 33.2-1915 and that is  
 808 contiguous to the Northern Virginia Transportation District.

809 2. In addition to all other taxes now imposed by law, there is hereby imposed a tax upon every  
 810 distributor who engages in the business of selling fuels at wholesale to retail dealers for retail sale in  
 811 any county or city that is located in a Planning District established pursuant to Chapter 42 (§ 15.2-4200  
 812 et seq.) of Title 15.2 that (i) as of January 1, 2013, has a population of not less than 1.5 million but  
 813 fewer than two million, as shown by the most recent United States Census, has not less than 1.2 million  
 814 but fewer than 1.7 million motor vehicles registered therein, and has a total transit ridership of not less  
 815 than 15 million but fewer than 50 million riders per year across all transit systems within the Planning  
 816 District or (ii) as shown by the most recent United States Census meets the population criteria set forth  
 817 in clause (i) and also meets the vehicle registration and ridership criteria set forth in clause (i). In any  
 818 case in which the tax is imposed pursuant to clause (ii) such tax shall be effective beginning on the July  
 819 1 immediately following the calendar year in which all of the criteria have been met.

820 B. ~~The 1. Beginning July 1, 2018, the tax shall be imposed on each gallon of fuel, except for diesel~~  
 821 ~~fuel, sold by a distributor to a retail dealer for retail sale in any such county or city at a rate of 2.1~~  
 822 ~~percent of the sales price charged by a distributor for fuels sold to a retail dealer for retail sale in any~~  
 823 ~~such county or city. In any such sale to a retail dealer in which the distributor and the retail dealer are~~  
 824 ~~the same person, the sales price charged by the distributor shall be the cost price to the distributor of the~~  
 825 ~~fuel statewide average wholesale price of a gallon of unleaded regular gasoline as determined by the~~  
 826 ~~Commissioner pursuant to subsection A of § 58.1-2217. In no case shall the average wholesale price~~  
 827 ~~computed for purposes of this subsection be less than the statewide average wholesale price of a gallon~~  
 828 ~~of unleaded regular gasoline on February 20, 2013.~~

829 2. Beginning July 1, 2018, the tax shall be imposed on each gallon of diesel fuel sold by a  
 830 distributor to a retail dealer for retail sale in any such county or city at a rate of 2.1 percent of the  
 831 statewide average wholesale price of a gallon of diesel fuel as determined by the Commissioner  
 832 pursuant to subdivision B of § 58.1-2217. In no case shall the average wholesale price computed for  
 833 purposes of this subsection be less than the statewide average wholesale price of a gallon of diesel fuel  
 834 on February 20, 2013.

835 3. For alternative fuels other than liquid alternative fuels, the Commissioner shall determine an  
 836 equivalent tax rate based upon gasoline gallon equivalency.

837 C. The tax levied under this section shall be imposed at the time of sale by the distributor to the  
 838 retail dealer.

839 ~~C. D.~~ The tax imposed by this section shall be paid by the distributor, but the distributor shall  
 840 separately state the amount of the tax and add such tax to the sales price or charge. Thereafter, such tax  
 841 shall be a debt from the retail dealer to the distributor until paid and shall be recoverable at law in the  
 842 same manner as other debts. No action at law or suit in equity under this chapter shall be maintained in  
 843 the Commonwealth by any distributor who is not registered under § 58.1-2299.2 or is delinquent in the  
 844 payment of taxes imposed under this chapter.

845 **2. That the Commonwealth Transportation Board is authorized to issue bonds for transit capital**  
 846 **purposes throughout the Commonwealth as follows:**

847 § 1. Title. This act shall be known and may be cited as the "Commonwealth Transit Capital Bond  
 848 Act of 2018."

849 § 2. The Commonwealth Transportation Board is hereby authorized, by and with the consent of the  
 850 Governor, to issue, pursuant to the provisions of the Transportation Development and Revenue Bond Act  
 851 (§ 33.2-1700 et seq. of the Code of Virginia) as amended from time to time, revenue obligations of the  
 852 Commonwealth to be designated "Commonwealth of Virginia Transit Capital Projects Revenue Bonds,  
 853 Series .." at one or more times in an aggregate principal amount not to exceed \$550 million, after all  
 854 costs, provided that the aggregate principal amount issued in any one fiscal year shall not exceed \$110  
 855 million, including any premium received on the sale therefore, excluding any refunding bonds. If the  
 856 aggregate principal amount issued in any fiscal year is less than \$110 million, then the amount by  
 857 which such issuance is less than \$110 million may be issued in any subsequent fiscal year in addition to  
 858 the \$110 million authorized in the subsequent fiscal year. The issuance of any bonds under this act is



859 subject to the provisions of subsection C of § 33.2-1527 of the Code of Virginia.  
 860 § 3. The net proceeds of the bonds shall be used exclusively to support the capital project costs of  
 861 public transportation and ridesharing equipment, facilities, and associated costs pursuant to subdivision  
 862 A 4 c of § 58.1-638 of the Code of Virginia. Such costs may include the payment of interest on the  
 863 bonds for a period during construction and not exceeding one year after completion of construction of  
 864 the projects.

865 § 4. The proceeds of the bonds, including any premium received on the sale thereof, shall be made  
 866 available by the Commonwealth Transportation Board to pay costs of the projects and, where  
 867 appropriate, may be paid to any authority, locality, commission, or other entity for the purposes of  
 868 paying for costs of the projects. The proceeds of the bonds may be used together with any federal, local,  
 869 or private funds that may be made available for such purpose. The proceeds of the bonds, together with  
 870 any investment earnings thereon, may, at the discretion of the Commonwealth Transportation Board,  
 871 secure the payment of principal or purchase price of and redemption premium, if any, and interest on  
 872 the bonds.

873 § 5. The terms and structure of each issue of the bonds shall be determined by the Commonwealth  
 874 Transportation Board, subject to approval by the Treasury Board in accordance with § 2.2-2416 of the  
 875 Code of Virginia, as amended. The bonds of each issue shall be dated; shall be issued in a principal  
 876 amount (subject to the limitations set forth in § 2 and in subsection C of § 33.2-1527 of the Code of  
 877 Virginia); shall bear interest at such rate or rates, which may be fixed, adjustable, variable or a  
 878 combination thereof and may be determined by a formula or other method; shall mature at such time or  
 879 times not exceeding 25 years from their date or dates; and may be made subject to purchase or  
 880 redemption before their maturity or maturities, at such price or prices and under such terms and  
 881 conditions, all as may be determined by the Commonwealth Transportation Board. The Commonwealth  
 882 Transportation Board shall determine the form of the bonds, whether the bonds are certificated or  
 883 uncertificated, and fix the authorized denomination or denominations of the bonds and the place or  
 884 places of payment of principal or purchase price of, and redemption premium, if any, and interest on  
 885 the bonds, which may be at the office of the State Treasurer or any bank or trust company within or  
 886 outside the Commonwealth. The principal or purchase price of, and redemption premium, if any, and  
 887 interest on the bonds shall be made payable in lawful money of the United States of America. Each  
 888 issue of the bonds may be issued under a system of book entry for recording the ownership and transfer  
 889 of ownership of rights to receive payments of principal or purchase price of and redemption premium, if  
 890 any, and interest on such bonds. All bonds shall have and are hereby declared to have, as between  
 891 successive holders, all of the qualities and incidents of negotiable instruments under the negotiable  
 892 instruments law of the Commonwealth.

893 The Commonwealth Transportation Board may sell the bonds from time to time at public or private  
 894 sale, by competitive bidding, negotiated sale, or private placement, for such price or prices as it may  
 895 determine to be in the best interests of the Commonwealth.

896 § 6. The bonds shall be signed on behalf of the Commonwealth Transportation Board by the  
 897 chairman or vice-chairman of the Commonwealth Transportation Board, or shall bear the facsimile  
 898 signature of such officer, and shall bear the official seal of the Commonwealth Transportation Board,  
 899 which shall be attested to by the manual or facsimile signature of the secretary or assistant secretary of  
 900 the Commonwealth Transportation Board. In the event that the bonds shall bear the facsimile signature  
 901 of the chairman or vice-chairman of the Commonwealth Transportation Board, such bonds shall be  
 902 signed by such administrative assistant as the chairman of the Commonwealth Transportation Board  
 903 shall determine or by any registrar/paying agent who may be designated by the Commonwealth  
 904 Transportation Board. In case any officer whose signature or a facsimile of whose signature appears on  
 905 any bonds shall cease to be such officer before the delivery of such bonds, such signature or facsimile  
 906 signature nevertheless shall be valid and sufficient for all purposes as if such officer had remained in  
 907 office until such delivery.

908 § 7. All expenses incurred under this act or in connection with the issuance of the bonds shall be  
 909 paid from the proceeds of such bonds or from any available funds as the Commonwealth Transportation  
 910 Board shall determine.

911 § 8. The Commonwealth Transportation Board is hereby authorized to borrow money at such rate or  
 912 rates through the execution and issuance of the bonds for the same, but only in the following  
 913 circumstances and under the following conditions:

- 914 a. In anticipation of the sale of the bonds, the issuance of which shall have been authorized by the  
 915 Commonwealth Transportation Board and shall have been approved by the Governor, if the  
 916 Commonwealth Transportation Board shall deem it advisable to postpone the issuance of such bonds; or
- 917 b. For the renewal of any anticipation notes herein authorized.

918 § 9. The proceeds of the bonds and of any anticipation notes herein authorized (except the proceeds  
 919 of the bonds the issuance of which has been anticipated by such anticipation notes) shall be placed by

920 *the State Treasurer in a special fund in the state treasury, or may be placed with a trustee in*  
 921 *accordance with § 33.2-1716 of the Code of Virginia, as amended, and shall be disbursed only for the*  
 922 *purpose for which such bonds and such anticipation notes shall be issued, provided, however, that*  
 923 *proceeds derived from the sale of the bonds herein authorized shall be first used in the payment of any*  
 924 *anticipation notes that may have been issued in anticipation of the sale of such bonds and any renewals*  
 925 *of such bonds.*

926 *§ 10. The Commonwealth Transportation Board is hereby authorized to receive any other funds that*  
 927 *may be made available to pay costs of the projects and, subject to appropriation, to make available the*  
 928 *same to the payment of the principal or purchase price of, and redemption premium, if any, and interest*  
 929 *on the bonds authorized hereby and to enter into the appropriate agreements to allow for those funds to*  
 930 *be paid into the state treasury, or to a trustee in accordance with § 33.2-1716 of the Code of Virginia,*  
 931 *as amended, to pay a part of the costs of the projects or to pay principal or purchase price of, and*  
 932 *redemption premium, if any, and interest on the bonds.*

933 *§ 11. The Commonwealth Transportation Board, in connection with the issuance of the bonds, shall*  
 934 *establish a fund in accordance with § 33.2-1708 of the Code of Virginia, as amended, either in the state*  
 935 *treasury or with a trustee in accordance with § 33.2-1716 of the Code of Virginia, as amended, which*  
 936 *shall secure and be used for the payment of the bonds to the credit of which there shall be deposited*  
 937 *such amounts, appropriated therefor by the General Assembly, as are required to pay principal or*  
 938 *purchase price of, and redemption premium, if any, and interest on the bonds, as and when due and*  
 939 *payable, (i) from the revenues deposited into the Priority Transportation Fund pursuant to § 33.2-1527;*  
 940 *(ii) to the extent required, from revenues legally available from the Transportation Trust Fund; and (iii)*  
 941 *to the extent required, from any legally available funds.*

942 *§ 12. Bond proceeds and moneys in any reserve funds and sinking funds in respect of the bonds shall*  
 943 *be invested by the State Treasurer in accordance with the provisions of general law relating to the*  
 944 *investment of such funds belonging to or in the control of the Commonwealth, or by a trustee in*  
 945 *accordance with § 33.2-1716 of the Code of Virginia, as amended.*

946 *§ 13. The interest income from and any profit made on the sale of the obligations issued under the*  
 947 *provisions of this act shall at all times be free and exempt from taxation by the Commonwealth and by*  
 948 *any municipality, county, or other political subdivision thereof.*

949 *§ 14. All obligations issued under the provisions of this act are hereby made securities in which all*  
 950 *persons and entities listed in § 33.2-1713 of the Code of Virginia, as amended, may properly and legally*  
 951 *invest funds under their control.*

952 **3. That until July 1, 2021, the Northern Virginia Transportation Commission shall not make more**  
 953 **than one appointment to the Board of the Washington Metropolitan Area Transit Authority, and**  
 954 **such appointee shall not be an elected official. However, the Commission may appoint additional**  
 955 **members to the Board in the event that the total number of appointees to the Board from entities**  
 956 **other than the Commission exceeds four appointments.**

957 **4. That each county and city located in Planning District 8 on January 1, 2018, shall expend or**  
 958 **disburse for transportation purposes each year an amount at least equal to the average annual**  
 959 **amount expended or disbursed for transportation by the county or city, excluding bond proceeds**  
 960 **or debt service payments and federal or state grants, between July 1, 2015, and June 30, 2018.**  
 961 **Each county or city that is a member of the Northern Virginia Transportation Commission or the**  
 962 **Potomac Rappahannock Transportation Commission as of January 1, 2018, shall expend or**  
 963 **disburse for the support of the Washington Metropolitan Area Transit Authority and the Virginia**  
 964 **Railway Express an amount that is at least equal to the average annual amount expended or**  
 965 **disbursed for such purposes by the county or city, excluding bond proceeds or debt service**  
 966 **payments and federal or state grants, between July 1, 2015, and June 30, 2018.**

967 **5. That an amount equal to the additional revenues in fiscal year 2019 attributable to § 58.1-2295,**  
 968 **as it is currently effective, of the Code of Virginia as amended by this act transferred to the**  
 969 **Northern Virginia Transportation Commission shall be transferred directly to the Washington**  
 970 **Metropolitan Area Transit Authority for dedicated capital purposes annually.**

971 **6. That an amount equal to the additional revenues in fiscal year 2019 attributable to § 58.1-2295,**  
 972 **as it is currently effective, of the Code of Virginia as amended by this act transferred to the**  
 973 **Potomac Rappahannock Transportation Commission shall be transferred directly to the Virginia**  
 974 **Railway Express for capital and operating needs.**

975 **7. That the provisions of this act amending §§ 33.2-2510, 58.1-638, 58.1-802.2, 58.1-1742, and**  
 976 **58.1-2295, as it is currently effective, of the Code of Virginia and creating § 33.2-1526.1 of the**  
 977 **Code of Virginia shall not become effective until 30 days after the District of Columbia and the**  
 978 **State of Maryland each enact legislation or take actions to provide dedicated funding equal to**  
 979 **their share of the \$500 million in additional capital funding for the Washington Metropolitan Area**  
 980 **Transit Authority.**

981 **8. That the provisions of this act amending §§ 33.2-2510, 58.1-638, 58.1-802.2, 58.1-1742, and**

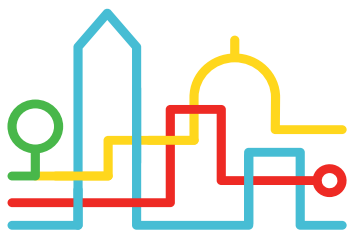
982 58.1-2295, as it is currently effective, of the Code of Virginia and creating § 33.2-1526.1 of the  
983 Code of Virginia shall expire on June 30 of any fiscal year where the District of Columbia and the  
984 State of Maryland fail to provide dedicated funding equal to their share of the \$500 million in  
985 additional capital funding for the Washington Metropolitan Area Transit Authority.  
986 9. That the Department of Rail and Public Transportation, in conjunction with the Transit Service  
987 Delivery Advisory Committee, shall develop a prioritization process as required by § 33.2-214.3 of  
988 the Code of Virginia as created by this act for the Commonwealth Transportation Board's  
989 consideration. The Board shall implement the prioritization process required by 33.2-214.3 no later  
990 than July 1, 2019, and use such process for the development of the Six-Year Improvement  
991 Program for fiscal years 2020 through 2025.

**INTRODUCED**

SB856

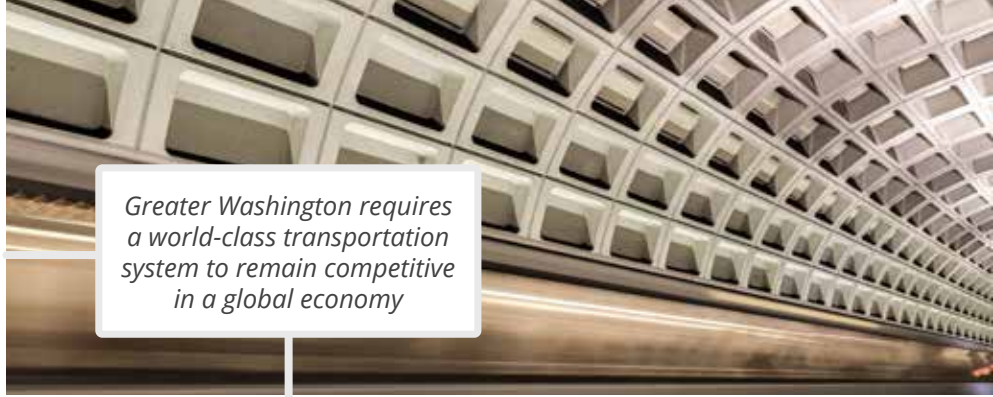
# **AGENDA ITEM #10**

## **METRONOW COALITION**



**MetroNow**

TIME FOR BETTER TRANSIT



*Greater Washington requires a world-class transportation system to remain competitive in a global economy*

## CHANGING THE CONVERSATION

**Metro was once one of the region's greatest assets, but today it is a growing liability. We can change that.**

Effective governance and dedicated, sustainable funding are needed in order to reverse this trend, improve operations, and restore Metro to the world-class system it was intended to be.

Without substantial and immediate reform to Metro's governance, funding, and operations, Metro service will continue to decline. A decaying Metro undermines Greater Washington's economic security, quality of life and ability to attract and retain the talent and businesses needed to compete on a global scale.

The MetroNow coalition is a group of regional leaders from organizations representing the region's riders, advocates, businesses, and civic leaders who have come together to ensure that action is taken to put Metro—the backbone of Greater Washington's transportation infrastructure—on a safe, smart and sustainable path forward in 2018 and beyond.



## HOW WE GET THERE

### Better Governance:

*We need decision-making that puts WMATA first.*

- A smaller and more effective board can balance political leadership priorities more effectively
- Technical experts for board positions
- Removal of the jurisdictional veto

### Dedicated Funding:

*We need sustainable, dedicated funding.*

- A minimum of \$500M in sustainable, dedicated and bondable funding from DC, Maryland and Virginia
- No less than \$150M in sustainable, dedicated funding from the federal government

### Improved Operations:

*We need Metro operations to be safe and reliable.*

- New funding and governance will provide stronger, more effective operations of the Metro system
- Planning and investment decisions must be driven by performance outcomes—not politics



## WE NEED ACTION NOW

- **Our citizens count on Metro for safe, affordable and reliable transportation** throughout the District, Maryland and Virginia.
- **The region's future depends on Metro:** Our economy and our workforce rely on Metro every day.
- **Nearly one million trips are taken on Metro on an average weekday**, reducing congestion on our region's roads.
- **Just over half of all jobs in the region** are located within a half-mile radius of Metrorail or Metrobus stops.



## EQUATION FOR SUCCESS



+



=



*Governance reforms that create a smaller board focused on outcomes for the entire system to ensure long-term durability*

*A minimum of \$500 million in new, dedicated and bondable funding, which each local jurisdiction is responsible for determining*

*Operational efficiency providing safe, frequent, and reliable transit, increased ridership, and reasonable fares that contribute to the overall quality of life and economic success of the region*

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## LEARN MORE

[metronow.com](http://metronow.com)

[facebook.com/MetroNowDMV](https://facebook.com/MetroNowDMV)

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## **MetroNow Launches Business, Nonprofit and Grassroots Coalition to Reform Washington Region's Transit System**

**Washington, D.C., January 8, 2018** – Calling on elected leaders region-wide to take immediate action to reform Washington's transit system, business, nonprofit and grassroots groups across the District, Virginia and Maryland today launched the MetroNow Coalition, unveiling an explicit proposal for reforms to the Washington transit system's governance, funding and operations. Building on existing proposals to bring Washington's public transportation system into the future, the Coalition's proposal seeks to capitalize on the opportunities to act this year – when elected officials across all three jurisdictions have voiced the urgency of taking action to reform the system, and several bills are already in play.

Led by an executive committee consisting of the Federal City Council, Greater Washington Board of Trade, Greater Washington Partnership, The 2030 Group, Northern Virginia Chamber of Commerce and the Coalition for Smarter Growth; and members consisting of Leadership Greater Washington and the District of Columbia Building Industry Association, the MetroNow Coalition includes broad representation across the business and nonprofit community, from Annapolis to Richmond. The group plans to work with federal, state and District elected officials to enact comprehensive reforms in 2018.

Anthony Williams, former Washington mayor and CEO and executive director of The Federal City Council, said, "Metro is one of the region's greatest assets. With regional collaboration and leadership from Richmond, Annapolis and the District of Columbia, we can put Metro back on a safe, smart and sustainable path in 2018. Attention to funding, governance and operations will bring about the greatest benefit to the regional economy and to the people who depend on Metro every day."

"Reliable and effective transit is an essential resource shared by thriving economies around the world," said Jason Miller, chief executive officer of the Greater Washington Partnership. "If the Capital Region is to remain competitive globally, we must double our efforts to transform all elements of our transportation system, none more central than Metro. MetroNow's powerful voice calling for urgent action underscores just how important Metro is to our region's economy today and for future generations. We must come together to advance meaningful, long-term reform during this year's legislative sessions."

Kim Horn, president of Kaiser Permanente of the Mid-Atlantic States and chair elect of the Greater Washington Board of Trade, said, "Building on the great momentum we've seen across the region already on this issue, we believe significant progress is on the horizon. It's time."

"The most powerful and effective campaigns combine the business and civic advocacy sectors," said Stewart Schwartz, executive director of the nonprofit Coalition for Smarter Growth. "That's why we are here, and it's a sign of our collective commitment to winning a regional solution for Metro this year."

As a Capital Region that not only runs the federal government, but also attracts 20 million U.S. tourists each year, Greater Washington relies heavily on its transit system to drive future growth. Metro removes more than 1 million car trips from the region's roads each day; without Metro, commuters in the region would experience commutes 25 percent longer than they do currently. The transit system also bolsters state-wide tax revenue in Virginia and Maryland, as transit-oriented development brings new jobs and new residents to each jurisdiction.

"If we are going to be in position to attract large and innovative corporations like Amazon, we must retain our highly talented workforce, and to do that we must have a Metro system that works," said Bob Buchanan, president of The 2030 Group. "The unprecedented level of regional collaboration behind the coalition indicates how important a priority Metro is to the Greater Washington business community and how willing it is to work to create the environment that is needed for businesses to be created, grow and thrive here."

## **Governance reforms + dedicated funding = operational improvements**

The MetroNow Coalition's proposal for comprehensive reform calls for immediate, concrete action in two key areas—reforming Washington Metropolitan Area Transit Authority (WMATA)'s long-term governance and funding. Coalition members agree these reforms should, in turn, create operational efficiencies that will enable safe, frequent and reliable transit; increased ridership; and reasonable fares that collectively contribute to the overall quality of life and economic success of the region.

Coalition leaders believe failure to fully address Metro's funding and governance crisis is not an option. The coalition's platform acknowledges the existing strong political will across the region in support of making the substantial changes necessary to sustain the system long term—right now. Recent movement on the issue includes action at the federal level with bills promoting Metro reform from Rep. Comstock of Virginia and Reps. Brown, Delaney and Raskin of Maryland; the Virginia budget proposal includes dedicated funding for Metro; the D.C. Council has proposed a new funding mechanism; and Maryland legislators plan to introduce a bill in the upcoming session surrounding dedicated funding for Metro.

Specifically, the MetroNow Coalition's proposal urges:

- **Governance reforms that replace the current 16-member WMATA board with a smaller, independent board.** A smaller and more effective board can balance political leadership priorities more effectively. Currently, board members have split responsibilities to their jurisdictions, which makes it difficult to look out for the system as a whole. In addition, no relevant experience is currently required to sit on the board—a loophole the Coalition's proposal is designed to address.
- **New, dedicated, bondable funding to support Metro's ongoing development and continual improvement.** Specifically, MetroNow's proposal includes a minimum of \$500 million in new, dedicated and bondable funding, with the District, Maryland and Virginia each responsible for their fair share, with flexibility to determine their own sources of funding to meet that requirement.
- **A commitment of at least \$150 million annually from the federal government.** Combined with funds from the individual jurisdictions, this investment will leverage no less than \$15.5 billion in bond proceeds over the next 10 years and provide long-term funding to support the regional population, jobs and economic growth.

"Taking these concrete actions - immediately - will enable operational efficiencies we can only dream about today," said Harry Klaff, managing partner, JLL, and chairman of the Northern Virginia Chamber of Commerce. "Imagine a Metro system that doesn't just run safely and on time, but is equipped to take advantage of innovative solutions and evolve with new technologies. We believe that vision is possible, but not without dramatic governance and funding reforms enacted in 2018 to preserve the region's economic security, quality of life and global competitiveness."

### **About the MetroNow Coalition**

The MetroNow Coalition is a group of regional leaders from organizations representing businesses and non-profit advocates who have come together to ensure that action is taken to put Metro – the backbone of Greater Washington's transportation infrastructure – on a safe, smart and sustainable path forward in 2018 and beyond. We are dedicated to securing comprehensive improvement of Metro's governance, funding and operational structures in 2018. Visit [www.MetroNow.com](http://www.MetroNow.com) for more information. In October, Coalition members commissioned an online [survey](#) of 621 registered voters in the District, suburban Maryland and Northern Virginia, finding that 94 percent of respondents agreed that the Metro system is valuable to the greater Washington region. In the survey, 70 percent also supported an increase in public funding to improve the Metro system, and 90 percent agreed that without an effective governance structure, the Metro system can never reach its full potential.

# **AGENDA ITEM #11**

## **OTHER BUSINESS**



# **AGENDA ITEM #12**

## **ADJOURN**