

1 HOUSE BILL NO. 201
2 AMENDMENT IN THE NATURE OF A SUBSTITUTE
3 (Proposed by the House Committee on Transportation
4 on _____)

5 (Patrons Prior to Substitute--Delegates Krizek and Sickles [HBs 1173 and 1175])

6 A BILL to amend and reenact §§ 33.2-1904, 33.2-1907, and 33.2-2502 of the Code of Virginia, relating
7 to certain transportation entities; membership.

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

9 **1. That §§ 33.2-1904, 33.2-1907, and 33.2-2502 of the Code of Virginia are amended and reenacted**
10 **as follows:**

11 **§ 33.2-1904. Northern Virginia Transportation District and Commission.**

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

15 B. There is hereby established the Northern Virginia Transportation Commission (the
16 Commission) as a transportation commission pursuant to this chapter. The Commission shall consist of
17 five nonlegislative citizen members from Fairfax County, three nonlegislative citizen members from
18 Arlington County, two nonlegislative citizen members from Loudoun County, two nonlegislative citizen
19 members from the City of Alexandria, one nonlegislative member from the City of Falls Church, one
20 nonlegislative citizen member from the City of Fairfax, and the Chairman of the Commonwealth
21 Transportation Board or his designee to serve ex officio with voting privileges. If a county or city
22 contiguous to the District agrees to join the District, such locality shall appoint one nonlegislative citizen
23 member to the Commission. Members from the counties and cities shall be appointed from their respective
24 governing bodies. The Commission shall also include four members of the House of Delegates appointed
25 by the Speaker of the House of Delegates ~~who may be members of the House of Delegates~~ and two
26 members of the Senate appointed by the Senate Committee on Rules. All legislative members shall serve

27 terms coincident with their terms of office. Members may be reappointed for successive terms. All
28 members shall be citizens of the Commonwealth. Except for the Chairman of the Commonwealth
29 Transportation Board or his designee, all members of the Commission shall be residents of the localities
30 composing the District. Vacancies occurring other than by expiration of a term shall be filled for the
31 unexpired term. Vacancies shall be filled in the same manner as the original appointments.

32 **§ 33.2-1907. Members of transportation commissions.**

33 A. Any transportation district commission created pursuant to this chapter shall consist of the
34 number of members the component governments shall agree upon, or as may otherwise be provided by
35 law. The governing body of each participating county and city shall appoint from among its members the
36 number of commissioners to which the county or city is entitled; however, for those commissions with
37 powers as set forth in subsection A of § 33.2-1915, the governing body of each participating county or
38 city is not limited to appointing commissioners from among its members. In addition, the governing body
39 may appoint, from its number or otherwise, designated alternate members for those appointed to the
40 commission who shall be able to exercise all of the powers and duties of a commission member when the
41 regular member is absent from commission meetings. Each such appointee shall serve at the pleasure of
42 the appointing body; however, no appointee to a commission with powers as set forth in subsection B of
43 § 33.2-1915 may continue to serve when he is no longer a member of the appointing body. Each governing
44 body shall inform the commission of its appointments to and removals from the commission by delivering
45 to the commission a certified copy of the resolution making the appointment or causing the removal.

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

51 The Potomac and Rappahannock Transportation Commission shall also include two members of
52 the House of Delegates who reside within the boundaries of the transportation district appointed by the
53 Speaker of the House ~~who may be members of the House of Delegates~~ and one member of the Senate

54 appointed by the Senate Committee on Rules. Each legislative member shall be from a legislative district
55 located wholly or in part within the boundaries of the transportation district and shall serve a term
56 coincident with his term of office. The members of the General Assembly shall be eligible for
57 reappointment for successive terms. Vacancies occurring other than by expiration of a term shall be filled
58 for the unexpired term. Vacancies shall be filled in the same manner as the original appointments.

59 The Transportation District Commission of Hampton Roads shall include one member of the
60 House of Delegates and one member of the Senate, one of whom shall represent a district that includes
61 the City of Hampton or Newport News and one of whom shall represent a district that includes the City
62 of Chesapeake, Norfolk, Portsmouth, or Virginia Beach. The member of the House of Delegates shall be
63 appointed by the Speaker of the House of Delegates for a term coincident with his term of office, and the
64 member of the Senate shall be appointed by the Senate Committee on Rules for a term coincident with his
65 term of office. The members of the General Assembly shall be eligible for reappointment for successive
66 terms, and vacancies occurring other than by expiration of a term shall be filled for the unexpired term.
67 The Transportation District Commission of Hampton Roads shall also consist of one nonlegislative citizen
68 member appointed by the Governor from each county and city embraced by the transportation district.
69 Nonlegislative citizen members shall have experience in at least one of the following fields: transit,
70 transportation, or land use planning; management of transit, transportation, or other public sector
71 operations; public budgeting or finance; corporate communications; government oversight; or state or
72 local government. All gubernatorial appointments shall be for terms of four years. The governing body of
73 each such county or city may appoint either a member of its governing body or its county or city manager
74 to serve as an ex officio member with voting privileges. Every such ex officio member shall be allowed
75 to attend all meetings of the commission that other members may be required to attend. Vacancies shall
76 be filled in the same manner as the original appointments.

77 B. The Secretary or his designee and any appointed member of the Northern Virginia
78 Transportation Commission are authorized to serve as members of the board of directors of the
79 Washington Metropolitan Area Transit Authority (§ 33.2-3100 et seq.) and while so serving the provisions
80 of § 2.2-2800 shall not apply to such member. In appointing Virginia members of the board of directors

81 of the Washington Metropolitan Area Transit Authority (WMATA), the Northern Virginia Transportation
82 Commission shall include the Secretary or his designee as a principal member on the board of directors
83 of WMATA. Any designee serving as the principal member must reside in a locality served by WMATA.

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

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

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

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

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

106 5. Members may be removed from the board of directors of WMATA if they attend fewer than
107 three-fourths of the meetings in a calendar year; if they are conflicted due to employment at WMATA; or

108 if they are found to be in violation of the State and Local Government Conflict of Interests Act (§ 2.2-
109 3100 et seq.). If a board member is removed during a term, the vacancy shall be filled pursuant to the
110 provisions of subdivision 4.

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

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

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

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

133 **§ 33.2-2502. Composition of Authority; membership; terms.**

134 The Authority shall consist of 17 members as follows:

135 1. The chief elected officer of the governing body of each county and city embraced by the
136 Authority or, in the discretion of the chief elected officer, his designee, who shall be a current elected
137 officer of such governing body;

138 2. Two members of the House of Delegates who reside in different counties or cities embraced by
139 the Authority, appointed by the Speaker of the House who may be from the membership of the House
140 Committee on Appropriations, the House Committee on Finance, or the House Committee on
141 Transportation;

142 3. One member of the Senate who resides in a county or city embraced by the Authority, appointed
143 by the Senate Committee on Rules and, to the extent practicable, from the membership of the Senate
144 Committee on Finance and Appropriations and the Senate Committee on Transportation;

145 4. Two nonlegislative citizen members who reside in different counties or cities embraced by the
146 Authority, appointed by the Governor. One such gubernatorial appointment shall be a member of the
147 Commonwealth Transportation Board and one shall be a person who has significant experience in
148 transportation planning, finance, engineering, construction, or management; and

149 5. The following three persons who shall serve as nonvoting ex officio members of the Authority:
150 the Director of the Department of Rail and Public Transportation, or his designee; the Commissioner of
151 Highways, or his designee; and the chief elected officer of one town in a county embraced by the Authority
152 to be chosen by the Authority.

153 All members of the Authority shall serve terms coincident with their terms of office, except that
154 the gubernatorial appointee who is not a member of the Board shall serve for a term of four years. A
155 vacancy occurring other than by expiration of a term shall be filled for the unexpired term. Vacancies shall
156 be filled in the same manner as the original appointments. The Authority shall appoint a chairman and
157 vice-chairman from among its members.

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