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SENATE BILL NO. 877
FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by Senator Cosgrove
on January 30, 2018)

(Patron Prior to Substitute—Senator Mason)

A BILL to amend and reenact § 33.2-1907 of the Code of Virginia, relating to the Hampton Roads Transportation Commission; membership.

Be it enacted by the General Assembly of Virginia:

1. That § 33.2-1907 of the Code of Virginia is amended and reenacted as follows:

§ 33.2-1907. Members of transportation district commissions.

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

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

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

The Transportation District Commission of Hampton Roads shall include two members of the House of Delegates, appointed by the Speaker of the House of Delegates, one of whom shall be a resident of the City of Hampton or the City of Newport News and one of whom shall be a resident of the City of Chesapeake, the City of Norfolk, the City of Portsmouth, or the City of Virginia Beach, and two members of the Senate, appointed by the Senate Committee on Rules, one of whom shall be a resident of the City of Hampton or the City of Newport News and one of whom shall be a resident of the City of Chesapeake, the City of Norfolk, the City of Portsmouth, or the City of Virginia Beach. The legislative members shall be eligible for reappointment for successive terms and shall serve terms coincident with their terms of office. The Transportation District Commission of Hampton Roads shall also consist of one nonlegislative citizen member appointed by the Governor from each county and city embraced by the transportation district. However, for the gubernatorial appointments that will become effective July 1, 2016, three of the appointments shall be for initial terms of two years and three appointments shall be for terms of four years. Thereafter, all gubernatorial appointments Such nonlegislative citizen members shall have experience in at least one of the following fields: (i) transit planning, transportation planning, or land use planning; (ii) transit or transportation management or management of other public sector operations; (iii) public budgeting or finance; (iv) corporate communications; (v) government oversight; or (vi) local or state government. All nonlegislative citizen members shall be appointed for terms of four years so as to stagger the terms of the gubernatorial appointees and shall be eligible to serve two consecutive four-year terms. The remainder of any term to which a nonlegislative citizen member is appointed to fill a vacancy, or a term of less than four years, shall not constitute a term in determining the member's eligibility for reappointment. The governing body of each such county or city may appoint either a member of its governing body or its county or city manager to serve as an

SENATE SUBSTITUTE

SB877S1

60 ex officio member with voting privileges. Every such ex officio member shall be allowed to attend all
61 meetings of the commission that other members may be required to attend. Vacancies shall be filled in
62 the same manner as the original appointments.

63 B. The Secretary or his designee and any appointed member of the Northern Virginia Transportation
64 Commission are authorized to serve as members of the board of directors of the Washington
65 Metropolitan Area Transit Authority (§ 33.2-3100 et seq.) and while so serving the provisions of
66 § 2.2-2800 shall not apply to such member. In appointing Virginia members of the board of directors of
67 the Washington Metropolitan Area Transit Authority (WMATA), the Northern Virginia Transportation
68 Commission shall include the Secretary or his designee as a principal member on the board of directors
69 of WMATA. Any designee serving as the principal member must reside in a locality served by
70 WMATA.

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

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

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

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

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

93 5. Members may be removed from the board of directors of WMATA if they attend fewer than
94 three-fourths of the meetings in a calendar year; if they are conflicted due to employment at WMATA;
95 or if they are found to be in violation of the State and Local Government Conflict of Interests Act
96 (§ 2.2-3100 et seq.). If a board member is removed during a term, the vacancy shall be filled pursuant
97 to the provisions of subdivision 4.

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

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

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

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

122 2. That the provisions of this act regarding qualifications of nonlegislative citizen members of the
123 Transportation District Commission of Hampton Roads shall not be construed to affect any
124 existing appointee until the expiration of the term of such appointee.