



2016 Legislative Program

Adopted: November 12, 2015

STATE

TRANSPORTATION FUNDING

The passage of HB 2313 (2013) was the result of bipartisan cooperation throughout the Commonwealth. Of particular interest to Northern Virginia was the inclusion of a regional package generating approximately \$300 million annually in increased Northern Virginia revenues. This funding is a significant step towards addressing the transportation needs of Northern Virginia.

- Ongoing Coordination with the Commonwealth: The Authority is working diligently to implement the regional components of HB 2313 (2013) as adopted by the General Assembly and validated by the Fairfax Circuit Court in 2013 as part of the bond validation suit. The Authority will continue to work together to ensure that it is fully utilizing the resources provided to implement the necessary improvements to Northern Virginia's transportation infrastructure. This is especially important as VDOT continues work on the evaluation required by HB 599/SB 531 (2012), which directly impacts the Authority and its future actions. Due to the key role that VDOT has in the congestion-related evaluation process as well as project implementation, it is essential that VDOT also has sufficient resources needed to participate in this effort. In addition, the Authority remains focused on implementing HB 2313, HB 599 and its original authorizing legislation, and seeks to limit changes to these statutes that could make it more difficult to provide the congestion relief it has been directed to provide.

Through the enactment of HB 2 (2014) and HB 1887 (2015), the Commonwealth Transportation Board (CTB) will be allocating transportation funds through new processes. At the same time, the Authority is required to use a congestion-related evaluation process (HB 599 – 2012), as a criteria for the distribution of the regional funds it allocates. Continued discussions and collaboration between us is essential, as projects may need to be evaluated under both to receive state and regional funding they may need to move forward. Additionally, the two processes should be compatible. Further, the Authority believes it is important that the implementation of the HB 2 and HB 1887 processes be closely monitored, especially during the initial years, to determine if changes and improvements are necessary.

- Allocation of Statewide Revenues: It is important that Northern Virginia continues to receive its fair share of statewide revenues, as required by HB 2313. This is

especially important as various formulas for transportation funding are being created and/or modified.

The Authority is concerned that Northern Virginia is currently expected to receive only 10.6 percent (\$36.1 million) of State of Good Repair funds. According to VDOT's Dashboard, 83 percent of roads in Northern Virginia are in Fair or Better Condition. Secondary pavement conditions are even worse, with only 31 percent of these roads in Northern Virginia in Fair or Better Condition, far less than the Commonwealth's average of 60 percent. Millions of people drive on our roads every day and these deteriorated pavements will only get worse until something is done to address them.

The Authority is also concerned about efforts to substantially decrease funding for the Revenue Sharing program over the next six years. This program significantly leverages state transportation funds by encouraging local governments to spend their own money on transportation projects. This program has been a success in Northern Virginia, where our localities regularly apply for and are awarded these funds, several for the maximum amount allowed. By design, the Revenue Sharing program has allowed more projects throughout the Commonwealth to move forward through the leveraging of funds with local sources. Reducing the funding in this program will only slow the efforts to improve our transportation system.

During the 2013 Session, the General Assembly passed SB 1140, which changed the methodology for distribution of new transit funding. The Authority is concerned about implementation decisions that go beyond the intent of the legislation. In particular, the Authority remains opposed to DRPT's decision to change the allocation of state funds for capital costs from the non-federal cost of a project to the total project cost. As several Northern Virginia transit systems do not receive federal funds, this change increases the local share our localities must pay while reducing the share for those other systems in the Commonwealth that provide far less local funding.

- Transit Capital Funding: Last year, the General Assembly helped address the significant decline in state transit funding expected to occur in 2018. The Authority supports efforts to fully address this anticipated funding reduction to ensure that transit systems continue to receive the state resources needed to provide critical transit services.
- Regional Gas Tax Floor: A 2.1 percent motor vehicle fuels tax is levied on fuels sold/delivered in bulk in the Northern Virginia area. The revenues from these taxes, which must be spent on transportation purposes, have fallen significantly due the reduction in the price of gas. The Authority supports establishing a floor on the regional gas tax that would put it on par with the floor for the statewide gas tax established in HB 2313.
- Marketplace Fairness Act: The Authority supports passage of the federal Marketplace Fairness Act and requests that the Commonwealth work with the

Virginia Congressional delegation to ensure its passage, as it will directly impact our region's road capacity and transit needs. Should Congress enact this legislation, HB 2313 provides that the Commonwealth can begin collecting these taxes. Over half of the revenues generated from these sales taxes will be allocated to the Commonwealth's Transportation Trust Fund (construction and transit), with the remainder being provided for local needs and public education. On January 1, 2015, the Commonwealth's gas tax increased by 1.6% per gallon, because the Marketplace Fairness Act had not been enacted, but these funds are primarily directed toward road maintenance. If Marketplace Fairness is acted on in the future, the Commonwealth can begin collecting taxes on remote sales and gas tax will revert to its previous level, while funding for construction and transit projects will increase.

A modern, efficient, multimodal transportation system is essential to the Commonwealth, and is intrinsically tied to continued economic development and the ability to compete in a global economy. We must all work together to maintain and build the multimodal infrastructure that Virginia needs to remain an active and dynamic participant in a 21st Century economy. *(Revises previous transportation funding position)*

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) FUNDING

- Passenger Rail Investment and Improvement Act of 2008 (PRIIA) Funding: The Commonwealth must work with the Federal Government to ensure that it, too, provides sufficient resources to address transportation needs. The Commonwealth is a valuable partner in ensuring that WMATA continues to move ahead with important safety and infrastructure capital improvements in its system. As part of the federal Passenger Rail Investment and Improvement Act (PRIIA) of 2008, WMATA received a total \$1.5B federal authorization from FY 2009 to FY 2018 to address urgent capital needs. The region matches these federal funds with \$50M each annually from DC, MD, and VA. The capital funding is used to support areas such as: meeting safety requirements of the NTSB, repairing aging rail track, investing in new rail cars, fixing broken escalators and elevators, rehabilitating decaying rail stations and platforms, modernizing the bus fleet, and improving bus facilities. This funding is especially important as WMATA works with the federal government and its state and local jurisdictions to improve safety and state of good repair issues throughout its system.
- Momentum: The region is projected to continue to grow over the coming decades, placing more pressure on a Metro system already nearing capacity. To address this need, Metro developed Momentum, their strategic plan which will guide decisions over the next 10 years and ensure that the system continues to support the region's competitiveness in the future. Within Momentum, Metro proposes a set of capital initiatives called Metro 2025, including: enhancement of rush-hour capacity by upgrading to the use of all eight-car trains, resulting in the ability to move an additional 35,000 customers per hour; expansion of high-volume rail stations to ease congestion; and, completion of the bus Priority Corridor Network that includes a variety of improvements allowing buses to bypass traffic

congestion. Continued support of Momentum and Metro 2025 will help keep Metro, Northern Virginia, and the Commonwealth moving forward. While the region must address future capacity needs for WMATA, the primary focus must be on safety and state of good repair. The Authority supports WMATA's efforts to address these critical needs as well as enhancing safety and security of the system and its riders through adequate funding and oversight. *(Revises and Reaffirms Previous Position)*

FUNDING FOR THE VIRGINIA RAILWAY EXPRESS (VRE)

As VRE implements the 2040 System Plan, it is developing an accompanying Financial Plan that identifies capital and operating requirements needed for its implementation. The Authority supports VRE's efforts to secure state funding of VRE Capital and Operating for the plan. *(New position)*

SECONDARY ROAD DEVOLUTION/LOCAL MAINTENANCE PROGRAMS

The Authority opposes any legislation that would require the transfer of secondary road construction and maintenance responsibilities to counties, especially if these efforts are not accompanied with corresponding revenue enhancements. While there are insufficient resources to adequately meet the maintenance and improvement needs of secondary roads within the Commonwealth, the solution to this problem is not to simply transfer these responsibilities to local government that have neither the resources nor the expertise to fulfill them. Further, the Authority also opposes any legislative or regulatory moratorium on the transfer of newly constructed secondary roads to VDOT for the purposes of ongoing maintenance.

Additionally, the Authority is opposed to changes to maintenance allocation formulas detrimental to localities maintaining their own roads. Urban Construction Funds are already far below what is needed and localities must already find other ways to fund new construction initiatives and changing current formulas or requiring additional counties to maintain their roads could lead to a reduction in Urban Construction and Maintenance Funds, placing a huge extra burden on these localities. *(Reaffirms previous position)*

EQUAL TAXING AUTHORITY FOR COUNTIES, CITIES AND TOWNS

The Authority supports granting counties the authority cities and towns currently have to enact local excise taxes, including the cigarette tax, admissions tax, and meals tax. Doing so would allow counties to raise additional revenues for transportation projects. *(Reaffirms previous position)*

FEDERAL GOVERNMENT RELOCATION AND CONSOLIDATION

The Authority supports greater coordination and sufficient funding to address the planning and transportation issues associated with any future Base Realignment and Closure Commission recommendations or other federal Government Relocations and Consolidations. *(Revises and reaffirms previous position)*

PEDESTRIAN AND TRANSIT SAFETY

Safe access to bicycle, pedestrian, and transit facilities can be improved through infrastructure improvements and better traffic safety laws. The Authority supports revisions to Virginia's existing pedestrian legislation to clarify the responsibilities of

drivers and pedestrians in order to reduce the number of pedestrian injuries and fatalities that occur each year. In particular, support legislation that would require motorists to stop for pedestrians in crosswalks at unsignalized intersections on roads where the speed is 35 mph or less and at unsignalized crosswalks in front of schools. This issue is of special importance for pedestrians with physical or sensory disabilities, who are at particular risk of injury when crossing streets. Further, strong safety records depend on strong safety practices and training and the Authority supports training programs for transit systems, pedestrians and bicyclists. *(Revises and reaffirms previous position)*

MAXIMIZING USE OF FACILITIES AND OPERATIONS

A High performance multimodal network requires smart usage of existing and new facilities. The Commonwealth, in cooperation with localities, should ensure that design standards for transportation system components can allow for the efficient movement of vehicles; accommodate safe pedestrian and bicyclist movement; and encourage user-friendly access to transit. More flexibility in the design of transit infrastructure and facilities that enhance safety should be provided. Additionally, localities, with cooperation of the Commonwealth, should identify existing facilities that can be flexed or used by transit vehicles on an as needed or scheduled basis in order to maximize the efficient use of roadways to expand capacity. Additionally, a vital component of our transportation network is transportation demand management, such as teleworking. Teleworking allows employees to work from home, satellite offices, or telework centers, and continues to be more feasible and effective due to continuing technological advances. The Authority supports efforts to create a more robust teleworking environment, as it provides benefits to employers and employees, and helps mitigate roadway congestion. *(Revises and Reaffirms Previous Position)*

LAND USE PLANNING

Land use provisions included in legislation during the 2012 Session changed transportation planning requirements for localities. Specifically, the Virginia Department of Transportation (VDOT) and the Commonwealth Transportation Board (CTB) can decide whether local transportation plans are consistent with the Commonwealth's current priorities. If they decided this is not the case, they are able to withhold funding for transportation projects in counties. While the Authority is appreciative of efforts to better coordinate local and state transportation planning, it is also concerned that these provisions essentially transfer the responsibility for land use planning from local governments to the Commonwealth. Land use and zoning are fundamental local responsibilities and these provisions can override the work done by our local governments and our residents, property owners, and the local business communities on land use and transportation plans. *(Reaffirms previous position)*

COORDINATION DURING REGIONAL STUDIES

It is vital that the Commonwealth coordinate with the Authority, as Northern Virginia's regional transportation planning entity, local governments, and other appropriate regional transportation agencies, at the earliest possible time, in any studies or audits related to funding, planning, operations, organizational structure and processes related to agencies in the Transportation Secretariat that would impact the region and localities. Further, the Authority recommends that the Code of Virginia be amended to specify that transportation studies related to facilities wholly within one VDOT

construction district should be managed by that construction district rather than the VDOT Central Office, as regional VDOT staff is better equipped to address the concern of the affected citizens and local governments. *(Revises and reaffirms previous position)*

FEDERAL

SURFACE TRANSPORTATION PROGRAM REAUTHORIZATION

In July 2012, Congress passed a two-year transportation reauthorization bill, Moving Ahead for Progress in the 21st Century (MAP-21). The U.S. Department of Transportation (USDOT) is currently implementing MAP-21. In consultation with states, Metropolitan Planning Organizations (MPOs) and other stakeholders, USDOT is continuing to implement various provisions within the legislation. Further, Congress is currently considering a long-term reauthorization bill. The Senate has passed its legislation, the Developing a Reliable and Innovative Vision for the Economy (DRIVE) Act, on July 21, 2015. The House approved its legislation, the Surface Transportation Reauthorization and Reform Act of 2015 (or STRR Act), on November 5, 2015. As discussions on reauthorization legislation continue and future rulemakings occur, the Authority believes that a number of significant issues should be considered, including:

- The level of Federal investment in the nation's transportation infrastructure, including both maintenance of the existing system and expansion, must increase significantly;
- The Congestion Mitigation and Air Quality Improvement Program (CMAQ) and Regional Surface Transportation Program (RSTP) are essential to the region. They two programs are presently overextended and additional funding for both is crucial to address needs throughout the Country.
- Coordination with regional agencies, such as the Northern Virginia Transportation Authority, and local governments is important as USDOT develops rules to establish performance measures and standards for numerous programs;
- The time required to complete the federal review process of significant new transportation projects must be reduced, and the approval process must be consistent across all modal administrations;
- To recognize the uniqueness of metropolitan areas, greater decision-making authority for determining how transportation funding is spent should be given to local governments and regional agencies, such as the Northern Virginia Transportation Authority; and
- Safety and security must continue to be an important focus of transportation projects.

(Revises and reaffirms previous position)

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) FUNDING

- Passenger Rail Investment and Improvement Act of 2008 (PRIIA) Funding: WMATA is the only major transit provider in the country without a permanent dedicated revenue source for a significant part of their revenue base. In 2008, Congress passed legislation that authorizes \$1.5 billion for WMATA between FY 2009 and FY 2018, if the region adopts a dedicated funding source(s) and provides an additional \$1.5 billion to match the federal funds. All three signatory jurisdictions have passed the compact amendments required to receive the federal funding, and the non-Federal matches are in place. This authorization must continue to be accompanied by annual appropriations. This funding is

especially important as WMATA works with the federal government and its state and local jurisdictions to improve safety and state of good repair issues throughout its system.

- **Momentum:** The region is projected to continue to grow over the coming decades, placing more pressure on a Metro system already nearing capacity. To address this need, Metro developed Momentum, their strategic plan which will guide decisions over the next 10 years and ensure that the system continues to support the region's competitiveness in the future. Within Momentum, Metro proposes a set of capital initiatives called Metro 2025, including: enhancement of rush-hour capacity by upgrading to the use of all eight-car trains, resulting in the ability to move an additional 35,000 customers per hour; expansion of high-volume rail stations to ease congestion; and, completion of the bus Priority Corridor Network that includes a variety of improvements allowing buses to bypass traffic congestion. Continued support of Momentum and Metro 2025 will help keep Metro and the Washington Metropolitan region moving forward. While the region must address future capacity needs for WMATA, the primary focus must be on safety and state of good repair. The Authority supports WMATA's efforts to address these critical needs as well as enhancing safety and security of the system and its riders through adequate funding and oversight. *(Revises and Reaffirms Previous Position)*

FEDERAL GOVERNMENT RELOCATION AND CONSOLIDATION

The Authority supports greater coordination and sufficient funding to address the planning and transportation issues associated with any future Base Realignment and Closure Commission recommendations or other federal Government Relocations and Consolidations. *(Revises and reaffirms previous position)*

FUNDING FOR THE VIRGINIA RAILWAY EXPRESS

The Authority supports the Virginia Railway Express efforts to secure federal funding for the following capital projects: high capacity railcars, positive train control; train storage of rail equipment, station parking expansion, platform extensions and additions, and expansion of commuter rail service. *(Reaffirms previous position)*

LIMITS ON COMMUTER RAIL RELATED LIABILITY

The Authority calls upon Congress to create a study commission in-lieu of raising the liability award cap as proposed in the Senate-approved DRIVE Act. This study would allow for better understanding of the impact of a change in liability award caps and consider third-party claims, as well as determine the potential increase in long-term operations costs and passenger ticket prices. This study would also allow for exploring a national commuter rail liability insurance pool. *(Revises and reaffirms previous position)*

FUNDING FOR TRANSPORTATION EMERGENCY PREPAREDNESS

The Authority calls upon Congress to provide increased emergency preparedness and security funding to local and regional transportation agencies in the metropolitan Washington area. *(Reaffirms previous position)*

FUNDING FOR THE METROPOLITAN AREA TRANSPORTATION OPERATIONS COORDINATION (MATOC) PROGRAM

The MATOC program is a coordinated partnership between transportation agencies in D.C., Maryland, and Virginia that aims to improve safety and mobility in the region through information sharing, planning, and coordination. The Authority calls upon Congress to provide increased funding to transportation agencies in the metropolitan Washington area to continue funding for MATOC's operations. *(Revises and reaffirms previous position)*

COMMUTER PARITY

The Authority supports legislation that would permanently create parity between the level of tax-free transit benefits employers can provide to employees for transit and for parking benefits, as a way to make transit service more attractive to commuters who currently drive alone. In addition, the Authority supports legislation to permanently extend the current transit benefit to all branches of the federal government. *(Reaffirms previous position)*

MARKETPLACE FAIRNESS ACT

The Authority supports passage of the Marketplace Fairness Act, as it will directly impact our region's road capacity and transit needs. The Commonwealth of Virginia's transportation funding bill, HB2313, depends on federal passage of the Marketplace Fairness Act. Should Congress enact the legislation, the Commonwealth can begin collecting these taxes. Over half of the revenues generated from these sales taxes will be allocated to the Commonwealth's Transportation Trust Fund (construction and transit), with the remainder being provided for local needs and public education. On January 1, 2015, the Commonwealth's gas tax increased by 1.6% per gallon, because the Marketplace Fairness Act had not been enacted, but these funds are primarily toward road maintenance. If Marketplace Fairness is acted on in the future, the Commonwealth can begin collecting taxes on remote sales and gas tax will revert to its previous level, while funding for construction and transit projects will increase.

(Revises and reaffirms previous position)

FLIGHT OPERATIONS AT REAGAN WASHINGTON NATIONAL AIRPORT

The Authority agrees with other localities and regional bodies in opposing efforts to undermine regional and local authority over airports and supports maintaining the slot rule (limiting the takeoffs and landing) and the perimeter rule at Reagan Washington National Airport. Increasing the number of slots and changing the perimeter rules would have substantial negative impacts on congestion, efficiency, service and the surrounding community. Further, the region has encouraged air expansion at Dulles International Airport and Northern Virginia continues to significantly invest in transportation projects, such as the Metrorail Silver Line extension, that will provide greater accessibility to Dulles International Airport. *(Reaffirms previous position)*