

# Northern Virginia Transportation Authority

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## AGENDA

**Friday, March 8, 2013**

**9:00 a.m.**

Northern Virginia Regional Commission  
3060 Williams Drive, Suite 510  
Fairfax, Virginia 22031

1. **Call to Order**.....Chairman Nohe
2. **Roll Call**
3. **Approval of the Minutes of the November 8, 2012 and the January 31, 2013, Meetings**
4. **Action Items**
  - A. Approval of the Nominating Committee's Recommendations of Officers
  - B. Approval of Town Appointee
  - C. Approval of City of Fairfax RSTP Transfer Request
5. **Discussion Items/Action Items**
  - A. Update on the Legislative Session
  - B. Transportation Funding Package
    - 5.B.1. Technical Amendment Recommendations
    - 5.B.2. Implementation/Working Groups
6. **Other Business**
7. **Adjournment**

### NEXT MEETING:

May 23, 2013 – 6:00 p.m.

Northern Virginia Regional Commission  
3060 Williams Drive, Suite 510  
Fairfax, Virginia 22031

**SUMMARY MINUTES  
NORTHERN VIRGINIA TRANSPORTATION AUTHORITY**

**November 8, 2012  
Fairfax City Hall  
Fairfax, Virginia**

**NVTA Members Present:**

**Voting Members:**

Martin Nohe, Chairman	Prince William County
Board Member Christopher Zimmerman	Arlington County
Chairman Sharon Bulova	Fairfax County
City Council Member Greenfield	City of Fairfax County
Mayor David Snyder	City of Falls Church
Mayor Hal Parrish	City of Manassas
Ms. Sandy Bushue	Governor's Appointee

Delegate Joe May arrived at 7:52 p.m.

**Non-voting Members:**

Garrett Moore	VDOT
Joseph Swartz	DRPT

**Staff:**

Pam Martin	Clerk
Various jurisdictional staffs	

**Item I: Call to Order**

Chairman Nohe called the meeting to order at 7:34 p.m.

**Item II: Roll Call**

The roll was called and members present were as noted above.

### **Item III: Approval of the February 9, 2012 Minutes**

Board Member Zimmerman moved and Mayor Parrish seconded the approval of the minutes with Chairman Bulova abstaining.

#### **Introduction:**

Chairman Nohe introduced Ms. Sandy Bushue as the Governor's Appointee to NVTa and Mr. Greenfield representing the City of Fairfax.

### **Item IV: Action Items:**

#### **(A) Endorsement of ECTF Report**

Ms. Backmon (Prince William County) briefed the committee on the Consolidation Report. The Chairman recognized staff on a very difficult task with time constraints to produce the report. The entire committee thanks staff for a job well done. In the report, it was advised that NVTa and NVRC would co locate for better efficiency of time, space and cost savings. It was also noted that participation electronically would need General Assembly approval. It was recommended that legislation should be requested.

#### **(B) Adoption of TransAction 2040**

Ms. Backmon briefed the committee on the results of the second model run of the TransAction 2040 report and asked for approval. She reminded the committee that ten new projects were added on the second model run. She introduced Mark Kellogg (Metro) who gave a slide presentation on the second newsletter. Chairman Bulova stated that the committee was approving a plan for the region but not prioritizing within the plan. The total cost of the plan if implemented would be approximately \$27.0 billion. Mr. Snyder remarked that the General Assembly was allocating enough money to Northern Virginia. Delegate May advised the committee that they had to be realistic about the revenue from the General Assembly during such a financial crisis. Chairman Bulova requested that the plan be sent to the General Assembly without the total cost of the plan. Mayor Parrish advised the committee at the City of Manassas's Council meeting they voted 4 to 2 for no action on TransAction 2040. Delegate May requested that he and Delegate Rust see the draft letter before submitting it to the General Assembly. Staff was directed to submit the draft letter to the Delegates.

The adoption of the Trans/Action 2040 was approved.

#### **(C) Approval of FY 19 CMAQ/RSPT Allocations**

Chairman Bulova moved and Mayor Parrish seconded and the motion carried.

**(D) Approval of 2013 Legislative Program**

Ms. Backmon introduced Noelle Dominguez (Fairfax County) to give a report on the Legislative package. Ms. Dominguez outlined the key areas and noted that the electronic participation would be noted in the package. Chairman Bulova moved and Council Member Zimmerman seconded and the motion carried.

**(E) Approval of CY 2013 Work Program and Meeting Schedule**

Ms. Backmon requested for approval of the work and meeting schedule. The committee will meet in Richmond on January 31, 2013 – a joint meeting. Mayor Parrish moved and City Council Member Greenfield seconded and the motion carried.

**(F) Approval of NVTAs Domain Name**

Ms. Backmon requested authorization for renewal of the services through [www.register.com](http://www.register.com) for a three year term.

Mayor Parrish moved and Chairman Bulova seconded and the motion carried.

**(G) Establish Nominating Committee for 2013 NVTAs Officers**

Ms. Backmon advised the committee that a nominating committee needed to be formed for the 2013 slated of officers. Chairman Nohe informed that the Nominating Committee would be: Board Member Zimmerman, Chairman Bulova and Mayor Snyder. He also reminded the committee that the town appointee was on calendar to calendar year unlike the committee on a July to July. The Town Nominating Committee is: Chairman Nohe, Chairman Bulova and Supervisor Volpe. The recommendation would be on the next agenda for the committee.

**Item V: Discussion Items:**

**(A) FY 2014-1019 SYIP Testimony**

Ms. Backmon reminded the committee on SJR 297 and the concern that had been expressed. There was general discussion regarding the testimony.

**VI. Information Items.**

**(A) Update on VTrans 2035**

No comments.

**(B) Update on I-95 Express Lanes Project**

No comment.

**(C) Update on I-66 Projects and Studies**

No. Comment

**(D) Update on SUPVERNOVA Study**

No comment.

**Item VII. Other Business**

**Item XII. Adjournment**

The meeting adjourned at 8:43 p.m.

Next Meeting:  
January 24, 2013  
Fairfax City Hall  
Fairfax, VA

**SUMMARY MINUTES  
NORTHERN VIRGINIA TRANSPORTATION AUTHORITY**

**January 31, 2013**  
Conference Room 3W  
General Assembly Building  
901 East Broad Street  
Richmond, Virginia 23219

**NVTA Members Present:**

**Voting Members:**

Martin Nohe, Chairman	Prince William County
William Euille, Vice Chairman	City of Alexandria
Board Member Jay Fisette	Arlington County
Chairman Sharon Bulova	Fairfax County
Ms. Bushue	Governor's Appointee

**Non-voting Members:**

Rene Hamilton	VDOT
Kevin Page	DRPT
Mayor Lazaro	Town Representative

**Staff:**

Pam Martin	Clerk
Various jurisdictional staffs	

**Item I: Call to Order**

Chairman Nohe called the meeting to order at 3:25 p.m.

**Item II: Roll Call**

The roll was called and members present were as noted above. There was not a quorum for this meeting.

**Item III: Approval of the Minutes of November 8, 2012, Meeting**

Approval of the minutes was tabled due to the lack of quorum.

**Item IV: Action Items**

All action items were tabled due to the lack of quorum. Chairman Nohe, authorized staff to terminate the lease agreement with the Fairfax Innovation Center.

**Item V: Other Business**

Chairman Nohe introduced Noelle Dominguez (Fairfax County). Ms. Dominguez gave an update on the transportation bills in both of the houses. She informed the committee of their impact on the region, taxes increase/decrease and the Governor's transportation bill.

**Item VI: Adjournment**

The NVTA meeting was adjourned at 3:45 p.m.

# 4.B.

## Jurisdiction and Agency Coordinating Committee Northern Virginia Transportation Authority

### MEMORANDUM

**TO:** Martin E. Nohe, Chairman  
Northern Virginia Transportation Authority

Members  
Northern Virginia Transportation Authority

**FROM:** Monica Backmon, Chairman  
Jurisdiction and Agency Coordinating Committee  
Northern Virginia Transportation Authority

**SUBJECT:** Appointment of Town Representative (Agenda Item 4.B.)

**DATE:** March 8, 2013

#### **Recommendation:**

The Jurisdiction and Agency Coordinating Committee recommends that the Northern Virginia Transportation Authority appoint a non-voting town representative to succeed Mayor Robert Lazaro on the Authority.

#### **Background:**

The Authority appointed Mayor Robert Lazaro as the non-voting town representative on the Authority in January 2012. Mayor Lazaro's appointment was recommended by a coalition of the towns within NVTA's boundaries.

On January 31, 2013, Mayor Lazaro informed the Authority that the town coalition recommends that she be succeeded by Mayor Gerald Foreman of the Town of Dumfries.

The NVTA Bylaws indicate that:

"(7) The chief elected officer of one town in a county which the Authority embraces to be chosen by the Authority shall be a non-voting member of the Authority." The Bylaws are silent on rotation and/or succession of the town representative.

JACC Members and I will be available at the Authority meeting on March 8, 2013, to answer questions.

Cc: Members, NVTA Jurisdictional and Agency Coordinating Committee



# 4.C.

## Jurisdiction and Agency Coordinating Committee Northern Virginia Transportation Authority

### MEMORANDUM

**TO:** Martin E. Nohe, Chairman  
Northern Virginia Transportation Authority

Members  
Northern Virginia Transportation Authority

**FROM:** Monica Backmon, Chairman  
Jurisdiction and Agency Coordinating Committee  
Northern Virginia Transportation Authority

**SUBJECT:** Approval to Reallocate Regional Surface Transportation Program Funds  
for the City of Fairfax (Agenda Item 4.C.)

**DATE:** March 8, 2013

#### **Recommendation:**

The Jurisdictional and Agency Coordinating Committee (JACC) recommends that the Authority approve the attached letter to VDOT's Northern Virginia District Acting Administrator Helen Cuervo endorsing the City of Fairfax's requests to reallocate Regional Surface Transportation Program (RTSP) funds.

#### **Background:**

Attached is a letter from Alexis Verzosa, Director, City of Fairfax Department of Transportation, requesting reallocation of the following RSTP funds:

- Reallocate \$320,000 in FY10 RSTP funds from the Chain Bridge Road/(Route 123)/Eaton Place Intersection Improvement Project (UPC 93506), to the Feasibility Study, Preliminary Engineering and Design, of a Retaining Wall, Sidewalk, Curb & gutter and Drainage Facilities along Chain Bridge Road at Rust Curve.

This request was discussed at the JACC meeting on February 28, 2013, and no objections were raised.

City of Fairfax staff, JACC Members and I will be available at the Authority meeting on March 8, 2013, to answer questions. Since this project has not been previously approved by NVTA, Authority action is needed for this transfer.

Cc: Members, NVTA Jurisdictional and Agency Coordinating Committee

# Northern Virginia Transportation Authority

3060 Williams Drive, Suite 510  
Fairfax, Virginia 22031

March 8, 2013

Mr. Helen Cuervo  
Acting District Administrator  
Virginia Department of Transportation  
4975 Alliance Dr. Suite 4E-342  
Fairfax, Virginia 22030

Reference: Request to Reallocate RSTP Funds for the City of Fairfax

Dear Ms. Cuervo:

On March 8, 2013, the Northern Virginia Transportation Authority endorsed the attached request from the City of Fairfax to reallocate the following Regional Surface Transportation Program (RSTP) funds:

- Reallocate \$320,000 in FY10 RSTP funds from the Chain Bridge Road/(Route 123)/Eaton Place Intersection Improvement Project (UPC 93506), to the Feasibility Study, preliminary Engineering and Design, of a Retaining Wall, Sidewalk, Curb & Gutter and Drainage Facilities along Chain Bridge Road at Rust Curve.

Please take the necessary steps to reallocate these funds in the Transportation Improvement Program and the State Transportation Improvement Program. Thank you very much.

Sincerely,

Martin E. Nohe  
Chairman

Cc: Jan Vaughn, Transportation Planning Section, VDOT  
Dic Burke, Transportation Planning Section, VDOT  
Alexis Verzosa, Director, City of Fairfax Department of Transportation  
Monica Backmon, Prince William County Department of Transportation



# City of Fairfax

**Mayor R. Scott Silverthorne**

*City Council*

*Michael J. DeMarco  
Daniel F. Drummond  
Jeffrey C. Greenfield*

*David L. Meyer  
Eleanor D. Schmidt  
Steven C. Stombres*

March 5, 2013

Mr. Martin E. Nohe  
Chairman  
Northern Virginia Transportation Authority

Dear Chairman Nohe,

On February 26, 2013, the City of Fairfax City Council, by resolution, identified a new project as a top priority project, "Feasibility Study, Preliminary Engineering and Design of a Retaining Wall, Sidewalk, Curb, Gutter, and Drainage Facilities along Chain Bridge Road (Route 123) at Rust Curve". The City Council also authorized the Mayor to send a letter to the Northern Virginia Transportation Authority (NVTA) to request approval by NVTA of the transfer of RSTP funds in the amount of \$320,000 to this project.

This letter transmits a copy of the resolution and officially requests NVTA to approve the fund transfer. If you have any questions, please contact Alexis Verzosa, City of Fairfax Transportation Director at 703-385-7889 or [alexis.verzosa@fairfaxva.gov](mailto:alexis.verzosa@fairfaxva.gov). Thank you.

Sincerely,

A handwritten signature in black ink that reads "Scott Silverthorne".

Scott Silverthorne  
Mayor

CC: Robert Sisson, City Manager  
David Summers, Director of Public Works  
Alexis Verzosa, Transportation Director  
Monica Backmon, Chair, JACC/NVTA

RESOLUTION NO. R-13-04

A RESOLUTION REQUESTING THE  
NORTHERN VIRGINIA TRANSPORTATION AUTHORITY  
TO APPROVE THE TRANSFER OF RSTP FUNDS FROM THE  
CHAIN BRIDGE ROAD (ROUTE 123)/EATON PLACE INTERSECTION  
IMPROVEMENT PROJECT TO THE FEASIBILITY STUDY,  
PRELIMINARY ENGINEERING AND DESIGN OF A  
RETAINING WALL, SIDEWALK, CURB, GUTTER AND DRAINAGE FACILITIES  
ALONG CHAIN BRIDGE ROAD AT RUST CURVE

**BE IT RESOLVED**, by the City Council of the City of Fairfax, Virginia at its regular City Council meeting on February 26, 2013, that the City Council, having identified that the construction of a retaining wall, sidewalk, curb, gutter, and drainage facilities along Chain Bridge Road at Rust Curve is a top priority project;

**AND BE IT FURTHER RESOLVED**, that funds need to be identified for the preliminary engineering and design of this project;

**NOW THEREFORE**, the City Council hereby requests the Northern Virginia Transportation Authority to approve the transfer of RSTP funds from the Chain Bridge Road (Route 123)/Eaton Place Intersection Improvement Project (UPC#93506), to the Feasibility Study, Preliminary Engineering and Design of a Retaining Wall, Sidewalk, Curb, Gutter, and Drainage Facilities along Chain Bridge Road at Rust Curve.

Adopted this 26<sup>th</sup> day of February, 2013.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

The vote on the motion to approve was recorded as follows:

**VOTE:**

Councilman DeMarco	Absent
Councilman Drummond	Aye
Councilman Greenfield	Aye
Councilman Meyer	Aye
Councilmember Schmidt	Aye
Councilman Stombres	Aye

# 5.A.

## Jurisdiction and Agency Coordinating Committee Northern Virginia Transportation Authority

### MEMORANDUM

**TO:** Martin E. Nohe, Chairman  
Northern Virginia Transportation Authority

Members  
Northern Virginia Transportation Authority

**FROM:** Monica Backmon, Chairman  
Jurisdiction and Agency Coordinating Committee  
Northern Virginia Transportation Authority

**SUBJECT:** Review of Legislation Introduced during the 2013 General Assembly Session  
(Agenda Item 5.A.)

**DATE:** March 8, 2013

#### **Recommendation:**

**The Jurisdiction and Agency Coordinating Committee recommends that the Northern Virginia Transportation Authority discuss legislation.**

#### **Background:**

The General Assembly's 2013 session began on January 20, 2013 and ended on February 23, 2013. An annotated version of NVTA's 2013 Legislative Program showing the activities on each legislative initiative is included as Attachment A. A comparison of the different versions of the transportation bill (Attachment B) is also included.

#### **Transportation Funding Package**

As in previous years, numerous bills were introduced this Session related to transportation funding. After the House and Senate passed different transportation funding proposals, the bills were negotiated in a conference committee. The Conference Report, which was adopted by the House (60-40) and by the Senate (25-15), provides approximately \$880 million for maintenance, construction, and transit by the year 2018, by:

- Eliminating the 17.5 cents per gallon gas tax.
- Imposing a 3.5% wholesale gas tax and a 6% wholesale diesel tax.
- Increasing the automobile sales tax from 3% to 4.3%.
- Increasing the state sales tax from 5% to 5.3%.
- Transferring an additional .175% (from .5% to .675%) of the state's portion of existing sales tax from the General Fund to transportation, phased in over five years.

Martin E. Nohe, Chairman  
Members, Northern Virginia Transportation Authority  
March 8, 2013  
Page Two

- Increasing the fee for alternative fuel vehicles to \$100, including electric and hybrid vehicles, but excluding natural gas-powered vehicles.
- Dedicating potential federal revenues that would become available if Congress enacts the Marketplace Equity Act, which grants states legal authority to collect out-of-state sales taxes. These funds would be allocated to transportation, public education, and to localities. If the Act is not adopted by Congress by January 1, 2015, the wholesale gas tax (not diesel) would increase to 5.1%.
- Prohibiting tolling on I-95 south of Fredericksburg without prior General Assembly approval.
- Allocating \$300 million from the state maintenance funding to Dulles Rail Phase II.

The Conference Report also includes regional components for Northern Virginia and Hampton Roads. The Northern Virginia plan is expected to provide an additional \$300-350 million per year by:

- Imposing a .7% sales tax, to a total of 6% for Northern Virginia.
- Imposing a 3% Transient Occupancy Tax (hotel tax).
- Imposing a grantors tax of \$0.25 per \$100 valuation.
- Of the revenues collected, 70% will be provided to NVTa to be used on regional projects that are included within the regional transportation plan that have been evaluated by VDOT for reducing congestion, as well as mass transit capital projects that increase capacity.
- 30% of funds will be distributed to localities to be spent on urban or secondary road construction, capital improvements that reduce congestion, other projects that have been improved by TransAction 2040 or its updates, or for public transportation purposes.
  - Localities must enact the local Commercial and Industrial Property at \$.125 per \$100 valuation or dedicate an equivalent amount into a special amount into a special fund that can be used solely for transportation. This amount must be at least equal to the amount expended or disbursed for FY 2012. Should the locality not do this or do so at a lower rate, the amount of the revenue the locality receives will be reduced by the difference between the amount they would have received if they were imposing the maximum amount and the amount of revenue deposited into this special fund.
- Requiring the NVTa and its counties and cities to work cooperatively with the towns when implementing these provisions.
- Repealing the local option to enact a 1% income tax by referendum.
- Including language requiring that should the General Assembly, NVTa, or any of the localities use these funds for non-transportation-related projects or those projects outside the boundaries provided in the act, these additional regional revenues would expire.

Attachment: a/s

Cc: Members, NVTa Jurisdiction and Agency Coordinating Committee

**Northern Virginia Transportation Authority**  
**2013 Legislative Program**  
**ADOPTED: November 8, 2012**  
***(Updated February 25, 2013)***

**STATE**

**TRANSPORTATION FUNDING**

Transportation needs are now catastrophic throughout the Commonwealth. The Virginia Department of Transportation has estimated that almost \$1.9 billion is needed annually just for the maintenance and operations of the roads and bridges it maintains and for the third year in a row, secondary road construction has been unfunded. Over \$230 million of additional funding is required for transit projects and eligible operating costs included in the Six Year Program.

Without action, the Commonwealth risks serious disinvestment, which is evidenced by the Commonwealth's fall from #1 to #3 in CNBC's rankings of "America's Top States for Business". This was largely attributed to Virginia's decline in ranking for Infrastructure and Transportation from #10 to #33. 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.

In Northern Virginia alone, the TransAction 2040 Long-Range Transportation Plan estimates that the region needs \$900 million per year in additional transportation funding to address its transportation problems, and these needs continue to grow. Northern Virginia jurisdictions have increased funding locally, but continue to need additional state and regional transportation funding for highway, transit, bicycle and pedestrian improvements. NVTA seeks reinstatement of exclusive Northern Virginia revenues of at least \$300 million annually, as well as 100 percent of its contribution of additional statewide revenues, to address transportation needs.

NVTA is concerned about DRPT's recommendations related to the SJR 297 Statewide Transit Study. While DRPT acknowledges that state transit assistance has not kept pace with the growth in transit services, the Report does not make an explicit recommendation about how much additional state assistance is warranted. It also contains a recommendation calling for a drastic change to the current transit formula that reallocates the already limited state resources and reduces the stability of these statewide transit funds. The recommended formula change could end up decreasing funding for transit systems throughout the region which, collectively, provide nearly half of a million daily passenger trips throughout Northern Virginia.

While NVTA agrees that performance measures are important, the Authority has specific concerns with the current proposal. The peer groups are problematic, as they do not take into account the inherent differences of each transit agency. Additionally, NVTA believes that the measures should include congestion relief and the impact on

economic development. Further, while we are especially concerned about these proposed changes, the Authority feels that any changes to the formula should be applied solely to new revenues added to the Mass Transit Fund, rather than reallocating the already limited resources. A study of the recommendations by the Joint Legislative Audit and Review Committee with a particular focus on their impact on economic competitiveness in the Commonwealth, Northern Virginia, Central Virginia and Hampton Roads as well as the localities' ability to comply with the Americans with Disabilities Act, would be beneficial.

Transportation is fundamentally a state responsibility and the Commonwealth must lead the efforts to provide more revenue for our transportation infrastructure. Current state transportation revenues are vastly insufficient to maintain and build the multimodal infrastructure Virginia needs to remain an active and dynamic participant in a 21st Century economy. Virginia needs real transportation solutions that provide significant increases in transportation funding for all modes from new stable, reliable, permanent, and balanced sources. Localities throughout Northern Virginia and the entire Commonwealth continue to provide millions in local funds for transportation each year, but the state must do its part, otherwise future generations will pay the price for the current inaction. *(Revises and updates previous transportation funding position.)*

**See attachments related to transportation funding package.**

**Additionally, legislation pertaining to the DRPT study on mass transit funding has been introduced - HB 2070 (Comstock)/SB 1120 (Petersen). HB 2070 was tabled in by the House Transportation Subcommittee #4. The Senate bill was changed to implement performance-based funding for revenues generated above \$160 million, or approximately the current funding levels. The bill was also changed to create a Transit Service Delivery Advisory Committee to advise DRPT on the distribution of such funds and how transit systems can incorporate the metrics into their transit development plans. As amended, SB 1140 was passed by the Senate (38-1) and the House agreed to the amendments (76-19).**

#### **VRE TRACK ACCESS FEES**

Since its inception, VRE has received money from the Commonwealth through the Equity Bonus Program for the track access fees. MAP-21 eliminated the Equity Bonus Program while keeping the level of program funding the same through the first two years of the law. If VRE is unable to resolve this potential funding shortfall then there will be significant budgetary ramifications which could include reductions in service, 58% jurisdiction increase in subsidies, and/or a 28% fare increase. NVTA supports the inclusion of VRE track access funding within the Secretary's proposed transportation budget. If this does not occur then NVTA supports a separate appropriation through eligible federal pass through money for track access fees within its capital program.

*(New position)* **Language including funding for track access fees has been included in the Governor's Budget amendments. Additionally, HB 2297 (Filler-Corn) would include this funding language within the Virginia Code. HB 2297 was Tabled by the House Transportation Committee.**

#### **WMATA FUNDING**

The Commonwealth must work with the Federal Government to ensure that it, too, provides sufficient resources to address transportation needs. A case in point is the need for continuing the \$50-million Virginia contribution to the \$300-million annual



program over 10 years for Metro. This represents a significant commitment to maintaining Metro's assets and ensuring that Metro can continue to safely and efficiently meet the region's transportation needs. So long as both Maryland and DC provide their \$50 million each, Virginia needs to provide \$50 million. *(Reaffirms previous position).*

## **SECONDARY ROAD DEVOLUTION/LOCAL MAINTENANCE PROGRAMS**

NVTA 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, NVTA also opposes any legislative or regulatory moratorium on the transfer of newly constructed secondary roads to VDOT for the purposes of ongoing maintenance.

Additionally, NVTA 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).*

## **ELECTRONIC MEETINGS**

NVTA supports working with our General Assembly delegation regarding electronic participation of public meetings. Currently the Code of Virginia allows electronic participation in certain instances, including when a member identifies a specific emergency on the day of a meeting or if the member's principal residence is more than 60 miles from the meeting location. Expanding the circumstances for permitted electronic participation could allow for increased participation of these public meetings. *(New Position)* **HB 2032 (May) Allowed regional public bodies to conduct electronic meetings in the same manner as state public bodies. The bill also removes the requirement that a public body hold one meeting each year at which no member participates using electronic means. HB 2032 has been referred to the FOIA Council.**

## **CHAPTER 729 PLANNING**

Land use provisions included in legislation during the 2012 Session changed transportation planning requirements for jurisdictions. Specifically, the Virginia Department of Transportation (VDOT) and the Commonwealth Transportation Board (CTB) can decide whether local transportation plans are consistent with their current priorities. If they decided this is not the case, they are able to withhold funding for transportation projects in counties. While the NVTA is appreciative of efforts to better coordinate local and state transportation planning, the Authority is 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. *(New Position)* **HB 1718 (Anderson)/ SB 1075 (Barker) clarify that localities and regional organizations are required to pay for terminating projects only when VDOT does not mutually agree to terminate the project. The bill also clarifies that the provisions requiring localities and regional organizations to pay for project alterations apply after design approval by the Chief Engineer of the Virginia Department of Transportation. HB 1718/SB 1075 were passed unanimously by the House and Senate.**

### **EQUAL TAXING AUTHORITY FOR COUNTIES, CITIES AND TOWNS**

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

### **BASE REALIGNMENT AND CLOSURE (BRAC) RECOMMENDATIONS**

NVTA supports the inclusion of sufficient funding to ensure significant fiscal resources to address the enormous planning and transportation issues associated with the Base Realignment and Closure Commission recommendations. This is particularly critical, because the BRAC relocations have occurred, and Northern Virginia localities are facing significant shortfalls in the capacity of current infrastructure to support the additional military and civilian jobs. *(Revises and reaffirms previous position).*

### **PEDESTRIAN SAFETY**

NVTA support 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. *(Reaffirms previous position.)*

### **TRANSPORTATION CORRIDOR STUDIES**

NVTA recommends that the Code of Virginia be amended to specify that major transportation corridor studies related to facilities wholly within one VDOT construction district, should be managed by that construction district rather than the VDOT Central Office. Regional VDOT staff is better equipped to address the concern of the affected citizens and local governments. *(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). This bill provides \$120 billion for federal transportation programs from July 2012 – September 2014. The bill does not direct funding towards specific projects. The U.S. Department of Transportation (USDOT) is currently developing rules for many of the programs, in consultation with state departments of transportation, Metropolitan Planning Organizations (MPOs) and other stakeholders.

As discussions on the rulemaking and possible future legislation continue, NVTAs 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 distribution of funding within the Federal Surface Transportation Program must be simplified and the number of funding programs streamlined.
- 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. In addition, federal implementation regulations should be streamlined;
- 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;
- Energy efficiency and environmental protection must be addressed in the development of transportation projects; however environmental reviews should be conducted within specified timeframes, so that a project's environmental impacts can be identified and adequately addressed; and
- Safety and security must continue to be an important focus of transportation projects.

*(Revises and reaffirms previous position)*

#### **DEDICATED FUNDING FOR WMATA**

WMATA is the only major transit provider in the country without a permanent dedicated revenue source for a significant part of their revenue base. Congress passed legislation that authorizes \$1.5 billion for WMATA over ten years, 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. *(Revises and reaffirms previous position).*

#### **FUNDING FOR THE VIRGINIA RAILWAY EXPRESS**

NVTAs 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. *(Updates previous position.)*

#### **LIMITS ON COMMUTER RAIL RELATED LIABILITY**

NVTAs calls upon Congress to approve legislation to broaden the applicability of existing statutory language in 49 USC, 28301 related to commuter rail related liability. The language should be amended to reflect the existing liability standard of a \$250M annual aggregate limit while broadening the cap beyond passenger rail related claims for property damage, bodily injury or death so that they apply to all claims brought by third parties. *(Reaffirms previous position)*

#### **FUNDING FOR TRANSPORTATION EMERGENCY PREPAREDNESS**

NVTA calls upon Congress to provide increased 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**

NVTA calls upon Congress to provide increased funding to transportation agencies in the metropolitan Washington area to continue funding for MATOC's operations. *(Reaffirms previous position)*

#### **COMMUTER BENEFITS**

NVTA supports legislation that would create parity between the level of tax-free transit benefits employers can provide to employees for transit (currently \$125/month) and for parking benefits (currently \$230/month), as a way to make transit service more attractive to commuters who currently drive alone. In addition, NVTA supports legislation to permanently extend the current transit benefit to all branches of the federal government. *(Revises and reaffirms previous position)* **On January 1, 2013, Congress passed legislation related to taxation and unemployment benefits, which included language increasing the transit benefit \$240 for 2012 and 2013.**

**Transportation Bill Side-by-Side**

February 25, 2013

	<b>Current</b>	<b>HB 2313 As Passed by House</b>	<b>HB 2313 As Passed Senate</b>	<b>Conference Report</b>
Gas and Diesel Tax	17.5 cents for gas and diesel (1 cent generates approx. \$90M)	Removes Gas Tax, Diesel Tax Remains the Same	Increases gas and diesel to 22.5 cents per gallon and indexes the amount to inflation.	Replaces 17.5 cents for gas and diesel with 3.5% tax on gas and 6% tax on diesel.
	<ul style="list-style-type: none"> <li>• 85% to HMOF</li> <li>• 14% to TTF</li> <li>• .8% to DMV</li> </ul>	Formula changes noted below	<ul style="list-style-type: none"> <li>• 85% to HMOF</li> <li>• 14% to TTF</li> <li>• .8% to DMV</li> </ul>	<ul style="list-style-type: none"> <li>• 80% to HMOF</li> <li>• 15% to TTF</li> </ul>
			1% Wholesale Gas Tax	
			<ul style="list-style-type: none"> <li>• 100% to Local and Regional Construction Fund Administered by VDOT</li> </ul>	
<b>Revenue Impact over 5 years</b>		<b>- \$3.5 billion</b>	<b>+ 1.4 billion</b>	<b>- \$ 846 million</b>
Motor Vehicle Sales Tax	3% (1% generates approx.. \$182M)	No Provision	No Provision	Increased to 4.3% (phased over 5-year period)
	<ul style="list-style-type: none"> <li>• 66% to HMOF</li> <li>• 33% to TTF</li> </ul>			<ul style="list-style-type: none"> <li>• 100% to HMOF</li> </ul>
<b>Revenue Impact over 5 years</b>				<b>+ \$1.2 billion</b>
State Sales Tax	0.5% (every 1% generates approx. \$1B)	Increase to .75% of current sales tax (.25% transferred over 5-year period)	Increase to .55% of current sales tax (.05% transferred)	Increase to .675% of current sales tax (.175% transferred over 5-year period)
	<ul style="list-style-type: none"> <li>• all to TTF</li> </ul>	<ul style="list-style-type: none"> <li>• 100% of increase to HMOF</li> </ul>	<ul style="list-style-type: none"> <li>• \$50M to Intercity Passenger Rail</li> <li>• Remaining to Transit</li> </ul>	<ul style="list-style-type: none"> <li>• 100% of increase to HMOF</li> </ul>
<b>Revenue Impact over 5 years</b>		<b>+ \$811 million</b>	<b>+ \$257 million</b>	<b>+ \$699 million</b>
		Additional 0.8% sales tax imposed	No Provision	Additional .3% sales tax imposed
		<ul style="list-style-type: none"> <li>• 4.75% to PTF</li> <li>• .7% to DMV</li> </ul> Of the remaining: <ul style="list-style-type: none"> <li>• 85% to HMOF</li> <li>• 15% to TTF</li> </ul>		<ul style="list-style-type: none"> <li>• 58% to HMOF</li> <li>• 16% to Intercity Passenger Rail</li> <li>• 25% to Transit</li> </ul>
<b>Revenue Impact over 5 years</b>		<b>+ \$4.1 billion</b>		<b>+ \$1.5 billion</b>
Alternative Vehicle Fee	\$50 for electric vehicles	No additional fee	No additional fee	\$100 for all Alternative Fuel Vehicles
				<ul style="list-style-type: none"> <li>• 100% to HMOF</li> </ul>
<b>Revenue Impact over 5 years</b>				<b>+ \$66 million</b>

**Transportation Bill Side-by-Side**

February 25, 2013

Vehicle Registration Fees	Base Fee is \$40.75	Additional \$15 fee	Additional \$15 fee	No Provision
	<ul style="list-style-type: none"> <li>• \$26 to HMOF</li> <li>• \$4 to DMV</li> <li>• \$3 to TTF</li> <li>• \$6.25 to Dept. of Health</li> <li>• \$1.50 to State Police</li> </ul>	<ul style="list-style-type: none"> <li>• 50% to Transit</li> <li>• 50% to Intercity Passenger Rail</li> </ul>	Of this and the additional sales tax transfer (above): <ul style="list-style-type: none"> <li>• \$50M to Intercity Passenger Rail</li> <li>• Remaining to Transit</li> </ul>	
<b>Revenue Impact over 5 years</b>		<b>+ \$547 million</b>	<b>+ \$547 million</b>	
Marketplace Equity Act (Revenue Impact over 5 years)	None	<b>If enacted, provides + \$1.6 billion for transportation, education, and localities. Of the 5.8% sales tax:</b>	<b>If enacted, + \$1.2 billion for transportation, education, and localities. Of the 5% sales tax:</b>	<b>If enacted, provides + \$1.4 billion for transportation, education, and localities. Of the 5.3% sales tax:</b>
		<ul style="list-style-type: none"> <li>• 1.125% to public education</li> <li>• .5% to localities for any purpose</li> <li>• .5% to localities for transportation</li> <li>• 3.675 % to TTF</li> </ul>	<ul style="list-style-type: none"> <li>• 1.125% to public education</li> <li>• .5% to localities for any purpose</li> <li>• .5% to localities for transportation</li> <li>• 2.875 % to TTF</li> </ul>	<ul style="list-style-type: none"> <li>• 1.25% to Public Education</li> <li>• .5% to localities for any purpose</li> <li>• .5% to localities for transportation</li> <li>• 3.0% to TTF</li> </ul>
			<i>*If no Congressional Action by July 1, 2014, wholesale gas tax increases an additional 1%</i>	<i>*If no Congressional Action by January 1, 2015, wholesale gas tax increases by 1.6%</i>
<b>TOTAL (Over 5 Years)</b>		<b>+ \$3.2 billion</b>	<b>+ \$4.5 billion</b>	<b>+ \$3.5 billion</b>
<b><u>Other Provisions</u></b>				
Dulles Rail Phase II		\$300M from the General Fund Transfer to HMOF	\$300M from funds allocated to transit through registration fees and General Fund Transfer	\$300M from funds allocated to the HMOF
Regional/Local Plans		Study by Secretary of Transportation to Review Options and Provide Recommendations for 2014 Session	Authorizes a statewide local option sales tax up to 1% for transportation purposes.	Local package enacts an additional: <ul style="list-style-type: none"> <li>• .7% sales tax</li> <li>• 3% transient occupancy tax</li> <li>• 25 cents/\$100 valuation grantors tax</li> </ul> 70% to be used on regional projects approved by NVTa and 30% returned to localities for projects.
<b>Revenue Impact over 5 years</b>			<b>Up to \$1.7 billion for Northern Virginia</b>	<b>\$1.5 billion - \$1.75 billion for Northern Virginia</b>

**Transportation Bill Side-by-Side**

February 25, 2013

ATTACHMENT B

# 5.B.1.

## Jurisdiction and Agency Coordinating Committee Northern Virginia Transportation Authority

### MEMORANDUM

**TO:** Martin E. Nohe, Chairman  
Northern Virginia Transportation Authority

Members  
Northern Virginia Transportation Authority

**FROM:** Monica Backmon, Chairman  
Jurisdiction and Agency Coordinating Committee  
Northern Virginia Transportation Authority

**SUBJECT:** Proposed Steps for Implementing HB 2313

**DATE:** March 8, 2013

#### **Recommendation:**

With the potential revenue stream from HB 2313 for transportation funding, the Jurisdiction and Agency Coordinating Committee recommends that the Authority revisit some of the work done as part of HB 3202 to implement transportation projects and services. There are a variety of subject areas that were reviewed as part of HB 3202 and, per the recommendation of the JACC, should be considered as part of HB 2313. These include: organizational, financial, legal, project implementation and public outreach.

#### **Background:**

On February 23, 2013, the General Assembly approved HB 2313. This bill provides authority for the Northern Virginia Transportation Authority to receive an estimated \$300-\$350 million per year for transportation purposes. If signed by the Governor, as proposed, the bill will become effective July 1, 2013.

NVTA was established by the General Assembly in 2002. Since then it has developed and adopted a long range transportation plan, including project priorities; made recommendations to the Commonwealth Transportation Board for allocating \$75 million in federal transportation funding each year; commented on major transportation projects in the region and focused on securing additional transportation funding.



**Proposal:**

It is proposed that NVTA establish a working group for each of the functional areas identified (as was done with HB 3202). Each of these working groups will be chaired by an NVTA member and will consist of members of local jurisdiction transportation staff members, local jurisdiction subject matter experts, transportation agency staff members and others as appropriate. Each working group will be charged with reviewing questions and issues related to that particular functional area and making recommendations back to NVTA no later than May 23, 2013. NVTA will then consider these recommendations and input received when discussing its future structure at a meeting TBD.

**Financial**

Proposed Members

- Chaired by Member of NVTA
- Representatives of local transportation staffs to be appointed by Chief Administrative Officers
- Representatives of local financial/accounting, tax administration, and debt management staffs to be appointed by Chief Administrative Officers Advisory Members
- Chief Financial Officers of NVTC, PRTC, VDOT and DRPT

Questions - Taxation

- Are NVTA's current financial controls adequate for handling these new revenues?
- What guidelines, policies and procedures should be established to ensure the efficient and effective allocation and administration of NVTA's revenues?

Questions - Financial

- What steps need to be taken to reestablish an annual budget process?
- Are any changes to NVTA's procurement policy necessary?
- How will the amount raised by each revenue source be tracked by jurisdiction?
- Should NVTA adopt a policy on tolling as a financial method?
- What additional policies/methodology are needed for calculating the 30 percent revenue distribution to the jurisdictions?
- What format should be used for the annual report each jurisdiction is expected to make concerning how funds have been spent?
- Is it desirable for NVTA to obtain federal grantee status? If so, what is necessary to obtain it?
- Are there any financial issues that also have legal implications and should be discussed jointly with the legal work group?

Martin E. Nohe, Chairman  
Members, Northern Virginia Transportation Authority  
March 8, 2013  
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#### Questions - Debt

- What additional or reused policies and procedures need to be in place for NVTA to consider issuing bonds?
- Are there any changes or revisions needed to NVTA's investment policies?

#### **Legal**

##### Proposed Members

- Chaired by Member of NVTA
- Representatives of local transportation staffs to be appointed by Chief Administrative Officers
- Representatives of local legal staffs to be appointed by Chief Legal Officers

#### Questions - Financial

- Are there any changes needed to NVTA's legal controls before receiving the new taxes and fees?
- What does NVTA need to do to defend against lawsuits related to NVTA receiving and expending taxes?
- Are there any changes required to NVTA's legal controls that should be in place before selling bonds or implementing projects and services?

#### Questions - Other

- Should the NVTA continue to use the Council of Counsels and bond counsel for legal advice?
- Should the NVTA begin the process of securing bond counsel?
- How will NVTA coordinate legal matters with the Hampton Road Transportation Authority if appropriate?
- Are there any legal issues that also have financial implications and should be discussed jointly with the financial work group?

#### **Project Implementation**

##### Proposed Members

- Chaired by Member of NVTA
- Representatives of local transportation and public works staffs to be appointed by Chief Administrative Officers Advisory Members
- Representatives of WMATA, VRE, VDOT, DRPT, NVTC, PRTC and TPB staffs

#### Questions – Project Implementation

- What are the advantages and disadvantages of various approaches to implementing transportation projects and services? (Contractor? Assistance from local governments? Assistance from existing transportation agencies? In-house staff? Other?)
- How will decisions on which approach to use be made on a project by project basis?
- How will interaction/coordination with CTB, VDOT and TPB be handled?
- How will NVTA go about implementing projects using the Public Private Transportation Act (PPTA)?

#### Questions – Planning

- How will Six Year Program, TIP and CLRP be handled?
- What performance measures should be used to evaluate contractors?
- How will the obligation to develop as part of long range plan, subject to CTB biennial approval, with quantifiable measures and achievable goals for the NVTA's area relating to, but not limited to, congestion reduction and safety, transit and HOV usage, job-to-housing ratios, job and housing access to transit and pedestrian facilities, air quality, and per-capita vehicle miles traveled, be met?
- How will NVTA's requirements to consider set transportation projects guided by performance-based criteria to improve travel times, reduce delays, connect regional activity centers, improve safety, improve air quality, and move the most people in the most cost-effective manner, be addressed in conjunction with complying with HB 599?
- How will NVTA administer requirement that, in determining what projects to construct with the 70% revenues, the Authority's decision shall be based on the combination that (i) equitably distributes the funds throughout the localities, and (ii) constructs projects that move the most people or commercial traffic in the most cost-effective manner, and on such other factors as NVTA approves?
- Does the policy previously adopted by NVTA still satisfy the requirement that revenues deposited with the Authority be used for projects benefiting the localities in the Authority, with each locality's total long term benefits being approximately equal to the total of the fees and taxes generated by or attributable to the locality divided by the total fees and taxes received by the Authority?

#### **Public Outreach**

##### Proposed Members

- Chaired by Member of NVTA
- Representatives of local transportation staffs to be appointed by Chief Administrative Officers
- Representatives of local public information staff to be appointed by Chief Legal Officers

##### Advisory Members

- Public information staff from VDOT, DRPT, WMATA, VRE, NVTC, PRTC and NVRC

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Members, Northern Virginia Transportation Authority  
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#### Questions

- What revisions should be made to the NVTA's communication plan?
- How should NVTA address the need for formal outreach to Northern Virginia residents, the business community, the media, and other transportation agencies?
- What outreach should be undertaken before, during, after the implementation of projects using the new revenues?
- What role should the PCAC and TAC play in selecting projects for implementation?

#### **Organizational**

##### Proposed Members

- Chaired by Member of NVTA
- Representatives of local transportation staffs to be appointed by Chief Administrative Officers
- Representatives of local legal staffs to be appointed by Chief Administrative Officers

##### Advisory Members

- Executive Directors of NVTC, PRTC and NVRC

#### Questions

- Based on input from the other four working groups, what is the best organizational structure, related to the use of in house staff, consultants, local jurisdictional staffs, and transportation and planning agency staffs?
- What level and type of administrative staff will NVTA need?
- What amount of office spaces will NVTA need and where should it be located?
- What timeline should be used for implementing changes to NVTA's organizational structure if any?
- How frequently should NVTA meet in the future?

Jurisdiction and Agency Coordination Committee members, the Council of Counsels and I will attend the March 8, 2013 NVTA meeting to answer questions.

Cc: Members, Jurisdiction and Agency Coordinating Committee  
Members, Council of Counsels