

Northern Virginia Transportation Authority

www.thenovaauthority.org

AGENDA

Thursday, February 3, 2011

5:30 p.m.

General Assembly Building
901 East Broad Street – Conference Room 3 West
Richmond, Virginia 23219

1. **Call to Order**.....Chairman Nohe
2. **Roll Call**
3. **Approval of the Minutes of the January 13, 2011, Meeting**
4. **Discussion and Action Items**
 - A. Review of Legislation Introduced during the 2011 General Assembly Session
 - B. Review of CMAQ/RSTP Program Discussions, Changes and New Requirements
5. **Information Items**
 - A. Update on TransAction 2040
 - B. Update on I-66 Projects and Studies
 - C. Update on the TIP/CLRP
6. **Other Business**
7. **Adjournment**

NEXT MEETING:

Pending Discussion of Item 4.B.

Next Regularly Scheduled Meeting

April 14, 2011 – 7:30 p.m.

Fairfax City Hall

10455 Armstrong Street – Rooms 111A & B

Fairfax, Virginia 22030

**SUMMARY MINUTES
NORTHERN VIRGINIA TRANSPORTATION AUTHORITY**

**January 13, 2011
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
Chairman Scott York	Loudoun County
Council Member David Snyder	City of Falls Church*
Council Member Wolf	City of Manassas
Kerry Donley	Governor's Appointee

*Council Member Snyder arrived at 7:39 p.m.

Non-voting Members:

Garrett Moore	VDOT
Mike Harris	DRPT
Mayor Jane Seeman	Town Representative

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 IV: Public Comment Period

Chairman Nohe solicited comments from the audience. Bob Chase, Northern Virginia Transportation Alliance, discussed his concerns with TransAction 2040. He outlined (1) all projects need to be on the table; (2) finish the most important projects first; (3) better land use would provide better bike routes, better pedestrian walkways, and help transportation. He also indicated that he believes that NVTA is not a regional body, but a collection of local elected officials who are looking out for their own jurisdiction's interests. He suggested that NVTA prioritize the projects for the 20-30 years.

Item V: Report of Nominating Committee and Election of Officers

Chairman Bulova presented the slate of officers for 2011:

Martin Nohe – Chairman
Bill Euille – Vice Chairman
Scott York – Secretary/Treasurer

This is the same of officers for 2010. Chairman Bulova moved and Board Member Zimmerman seconded, and the motion carried unanimously.

Item VI: Action Items:

(A) Approval of CY 2011 Work Program and Meeting Schedule

Chairman York moved and Chairman Bulova seconded approval of the staff recommendation. The motion carried unanimously.

(B) Approval of Comments on I-66 Inside the Beltway Multimodal Study Scope of Work

Mr. Biesiadny reviewed the hi-lights of the scope of work for the study. He also summarized comments prepared by the Jurisdiction and Agency Coordinating Committee (JACC). Council Member Snyder requested that "safety" be added to new insert. After a brief discussion, Council Member Snyder moved and Chairman Bulova second, and the motion carried unanimously.

(C) Approval of Additional Projects Priorities for Funding Identified in the VDOT Audit

Mr. Biesiadny reviewed three additional project recommendations for funding identified in the VDOT audit. Mr. Donley expressed his appreciation for the JACC including the Mark Center project on this list. There being no further discussion, Mr. Donley moved and Council Member Wolf seconded, and the motion carried unanimously.

(D) Approval to Extend Virtual Office Lease

Mr. Biesiadny stated that NVTa had a month-to-month lease at the Fairfax Innovation Center with an annual cost of \$1,800 for CY 2010. In order to continue this agreement, the Board needed to approve funding to continue the month-to-month agreement with Fairfax Innovation Center during CY 2011. Board Member Zimmerman moved and Mr. Donley seconded and the motion carried unanimously.

Item VII: Discussion Item

(A) Discussion of Governor's Transportation Proposals

Mr. Biesiadny briefed the Board on the Governor's State of the Commonwealth Address to the General Assembly on January 12, 2011. In the Governor's address, he stated approximately seven elements for revenue for transportation. Mr. Biesiadny explained the element of the Governor's Plan, as were available. The Board noted that these elements have concerns in the Northern Virginia area.

Initial Bills of Interest to NVTa

Mr. Biesiadny briefed the Board an initial list of bills filed regarding transportation. The Board noted concerns on several of the bills and after a discussion suggested that the February 3, 2011, meeting allow the Board to voice their concerns. The Board requested that Mr. Biesiadny inform them of any other bills regarding NVTa.

VIII. Information Items.

(A) Update on Governor's Transportation Conference

No comments.

(B) Update on Government Reform Commission

No comment.

(C) Update on CTB Action of Herndon Hybrid Vehicles

Chairman Nohe requested a meeting with Mr. Garczynski regarding the new vehicles. Mr. Biesiadny is to arrange this meeting.

(D) Update on TransAction 2040

No comment.

(E) Update on I-95/395 HOT Lanes Project

No comment.

(F) Update on I-66 Projects and Studies

No comment.

(G) Update on TIGER Grants

No comment.

(H) Update on Air Quality and Climate Change

No comment.

(I) Update on the TIP/CLRP

No comment.

Item IX. Other Business

Item XII. Adjournment

The meeting adjourned at 8:31 p.m.

Next Meeting:
February 3, 2011 – 5:30 p.m.
Virginia General Assembly Building
901 East Broad Street – Conference Room 3 West
Richmond, Virginia 23219

4.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: Tom Biesiadny, Chairman
Jurisdiction and Agency Coordinating Committee
Northern Virginia Transportation Authority

SUBJECT: Review of Legislation Introduced during the 2011 General Assembly Session
(Agenda Item 4.A.)

DATE: January 31, 2011

Recommendation:

The Jurisdiction and Agency Coordinating Committee recommends that the Northern Virginia Transportation Authority discuss introduced legislation and consider adopting positions on the bills included in the attached materials.

Background:

The General Assembly's 2011 session began on January 12, 2011. Progress has been made on several of NVTA's legislative initiatives. An annotated version of NVTA's 2011 Legislative Program showing the activities on each legislative initiative is included as Attachment A. Also attached is a matrix of transportation funding, allocation and constitutional amendment related bills and their status (Attachment B).

Governor's Transportation Plan

On December 9, 2010, Governor Bob McDonnell released portions of his short-term transportation funding plan at the Governor's Transportation Conference in Roanoke. He released additional details during his State of the Commonwealth address to the General Assembly on January 12, 2011, and at a news conference on January 14, 2011. The plan would provide \$4 billion for transportation project statewide over three years. The bill is being patroned by Speaker Howell in the House of Delegates and Senator Wampler in the Senate.

Martin E. Nohe, Chairman
Members, Northern Virginia Transportation Authority
January 31, 2011
Page Two

In discussing the Governor's transportation plan with legislators, Secretary of Transportation Sean Connaughton noted that the Governor believes that this is not the end of the effort to secure transportation funding. The Governor considers funding transportation to be a multi-year effort.

A summary of the proposed plan is included as Attachment C. The Governor has also released a list of more than 900 projects that will be funded by the transportation plan. On this amount, 125 projects totaling approximately \$834 million (~21 percent) are located in Northern Virginia. Several of these projects were included on the list of regional projects endorsed by NVTA on November 18, 2010. Others were previously endorsed by NVTA for other funding sources. It appears that some of the funding allocated to projects is supplementing these previous funding sources. A summary of the Northern Virginia projects with NVTA's endorsements is included as Attachment D.

Attachment: a/s

Cc: Members, NVTA Jurisdiction and Agency Coordinating Committee

Northern Virginia Transportation Authority
2010 Legislative Program
Approved: November 18, 2010
Updated: January 31, 2011

STATE

TRANSPORTATION FUNDING

What was once a crisis in Northern Virginia and Hampton Roads has become a catastrophe for nearly the entire Commonwealth. There is no viable transportation solution that does not include long-term, dedicated, sustainable, new multimodal revenues.

Over the past three years, the Commonwealth Transportation Board has cut **\$4.6 billion** from the Six Year Program. Secondary and urban system construction funds have essentially been eliminated, despite the fact that the secondary roads are a Commonwealth responsibility. Six-year secondary road allocations to counties in Northern Virginia are now less than **\$2,000** each and localities are being allocated no urban construction funds. In addition, the growth in maintenance spending has been reduced from four percent to three percent, even though maintenance costs are increasing overall. The Commonwealth is risking serious disinvestment in its existing transportation infrastructure that will be more difficult and more expensive to correct in the future. Today, approximately \$1 billion is needed to address existing deficient pavement conditions, and approximately \$3.7 billion is needed to fix the Commonwealth's deficient bridges. Very shortly the Commonwealth will be unable to ensure that the required matches are available for the federal transportation funds the Commonwealth receives. Should this happen, Virginia would have to return these federal funds, further compounding the crisis.

NVTA continues to support additional state and regional transportation funding for highway, transit, bicycle and pedestrian improvements, and have taken actions to increase funding locally. In 2006, the region's TransAction 2030 Long-Range Transportation Plan estimated that Northern Virginia alone needs \$700 million per year in new transportation funding to address the region's transportation problems. This figure has increased since then, because most of the major HB 3202 revenue sources have been eliminated.

NVTA seeks reinstatement of exclusive Northern Virginia revenues in the range of at least \$300 million annually, as well as 100 percent of Northern Virginia's contribution of additional statewide revenues, to address transportation needs not originally covered by the HB 3202 funding approved for Northern Virginia. Both the regional and statewide revenues should be provided from stable, reliable, proven and permanent source(s).

The General Assembly must adopt new statewide transportation revenue sources to bolster existing highway and transit revenue sources that are not generating sufficient funding to meet the Commonwealth's critical highway needs or meet the Commonwealth's statutory 95 percent share of eligible transit operating and capital costs (net of fares and federal assistance). This additional transit funding alone would require approximately \$166 million

annually in new funds for the limited transit projects and eligible operating costs included in the Six Year Program. Additional funds to dramatically increase Secondary Road investments are also needed.

Any funding solution must ensure that dedicated funding for Washington Metropolitan Area Transit Authority capital improvements and for Virginia Railway Express capital and operating expenses are addressed.

Existing state General Fund revenue streams (almost half of which now go to localities) are required and used for core services of the Commonwealth, such as education and public safety. These historically underfunded, locally provided, core services have already experienced significant cuts, due to reduced General Fund revenues, and shifting the state's transportation funding responsibility to localities by using the General Fund increases local budget pressures without providing a true transportation solution. *(Revises and updates previous transportation funding position.)*

General Assembly Action: *A variety of bills have been introduced. See attached matrix.*

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.

General Assembly Action: *No comprehensive bill introduced. See attached matrix.*

BASE REALIGNMENT AND CLOSURE (BRAC) RECOMMENDATIONS

NVTA supports the inclusion of sufficient funding in the 2010-2011 budget 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 will occur in 2011, and there is significant lead time required to implement needed transportation improvements. *(Updates previous position).*

General Assembly Action: *No specific bills introduced.*

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.)*

General Assembly Action: *No specific bills introduced.*

CHAPTER 527 TRAFFIC IMPACT ANALYSES

NVTA supports modifications to Chapter 527 Transportation and Land Use legislation and regulations to adjust timeframes for traffic impact analyses to be more consistent with local government review times and scheduled public hearings. In addition, the Comprehensive Plan amendment/updates section of the regulations should be further developed and improved to meet the needs of the process (especially dealing with multiple amendments at same time), and Low-volume rule traffic impact analysis requirements should be revised to address situations when existing roadway capacity is obviously sufficient to meet demands of a new development even though the development might otherwise cross the threshold for a traffic impact analysis. *(Reaffirms previous position).*

*General Assembly Action: One bill regarding the traffic impact analyses has been introduced, although it does not specifically address NVTA's concerns. **SB 1206 (Obenshain)** removes the requirement that a supplemental traffic analysis (TIA) accompany a plat or plan submitted to VDOT if such plat or plan is permissible by right under the local zoning ordinance. However, if a supplemental traffic analysis is required by a local ordinance, that requirement must be met. A substitute that is not as far reaching, but still eliminates the TIA requirement for by right development, passed the Senate (38-0).*

SECONDARY ROAD DEVOLUTION

NVTA opposes any legislative or regulatory moratorium on the transfer of newly constructed secondary roads to VDOT for the purposes of ongoing maintenance. NVTA also opposes any legislation that would require the transfer of secondary road construction and maintenance responsibilities to counties. *(Reaffirms previous position).*

General Assembly Action: No specific bills introduced

REVENUE SHARING

NVTA supports legislation to remove the project tiers and restore the program to the way it existed before 2006, but continue to allow cities and towns to participate. The revenue sharing program is a way to leverage scarce state transportation funds. *(New position).*

*General Assembly Action: Four bills have been introduced. Each makes similar, but not identical, changes to the criteria for allocating funds. **HB 2203 (Comstock)** has been incorporated into **HB 2021 (May)**. **HB 2021** eliminates the tiers and the total program cap, but keeps the \$1 million maximum per jurisdiction. **HB 2021** has been incorporated into **HB 2527**. **HB 2527** (Howell, W.) includes provisions to eliminate the tiers, as well as the per jurisdiction and total program caps. **HB 2527** is on the House Floor. **SB 1329** (Herring) has been assigned to Senate Finance.*

URBAN DEVELOPMENT AREAS

NVTA recommends changes to several aspects of the Code related to Urban Development Areas. These changes are summarized below:

Density – recommend changes to the density requirements to allow Northern Virginia Jurisdictions to comply with more appropriate density requirements, since current density requirements for jurisdictions with a population over 130,000 will not attract new development in several of the affected communities.

General Assembly Action: *No specific bills introduced*

Size of UDAs / Regional Coordination – recommend changes to allow population estimates developed by the local Metropolitan Planning Organization, rather than restricting only the Weldon Cooper Center, the Virginia Employment Commission or the U.S. Census Bureau.

General Assembly Action: **SB 1339 (Puller)** allows population projections to be based on official government projections required for federal transportation planning purposes. **SB 1339** passed the Senate.

Date of Compliance – Change the date of compliance from July 1, 2012, to July 1, 2013, to give jurisdictions adequate time to consider appropriate amendments to its plans and regulations. *(New position)*

General Assembly Action: *No specific bills introduced*

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. *(New position)*

General Assembly Action: *No specific bills introduced*

Other Bills of Interest to Northern Virginia
January 31, 2011

Transportation Agencies

HB 2016 (Albo): expands the duties of NVTA to include the assumption and oversight of the NVTC and PRTC administrative activities, bus and commuter rail transit planning, programming, funding, and operation activities that occur in the areas embraced by NVTA. Upon enactment, the NVTC and PRTC will be dissolved. This bill has a delayed enactment of July 1, 2012. *House Transportation Committee Subcommittee #4 recommends passing by with a letter to the Joint Commission on Transportation Accountability. **RECOMMEND OPPOSE.***

HB 1648 (Cosgrove): eliminates the Rail Advisory Board; creating additional flexibility in the Rail Enhancement Fund. *The House Transportation Committee Subcommittee #1 recommended reporting.*

Use of Revenues by NVTA

HB 1999 (LeMunyon): revises criteria for allocating regional transportation revenues as follows: after returning 40% of the funding to jurisdictions in which it is raised and allocating \$50 million to Metro and \$25 million to VRE (current law), NVTA must allocate the remainder of its funds to “(i) reduce traffic congestion as quickly as possible and (ii) maximize regional mobility and minimize the loss of life in the event of a homeland security emergency in the national capital area.” Also puts the same restrictions on the NVTD bond program. *The House Appropriations Committee is considering an amendment to provide greater flexibility. **RECOMMEND OPPOSE UNLESS AMENDED.***

Appointments to NVTC and the WMATA Board

HB 2000 (LeMunyon): provides that the Governor shall appoint an additional member to NVTC and that appointees have significant experience in mass transit planning, finance, engineering, construction, or management. Also directs that NVTC appoint one of the Governor appointee as a principal member of the WMATA Board and the other as alternate member to the WMATA Board. *The House Counties, Cities and Towns Committee referred this bill to House Appropriations. **RECOMMEND OPPOSE***

Budget Amendment, 447#1g: requires NVTA to appoint one representative of the Commonwealth to the WMATA Board as a principal. *The House amendment has been assigned to the House Appropriations Committee Transportation Subcommittee. The Senate amendment has been assigned to Senate Finance Committee Transportation Subcommittee. **RECOMMEND OPPOSE***

Northern Virginia Long Range Transportation Planning

HB 1998 (LeMunyon): establishes responsibilities for various entities for long-range transportation planning for VDOT in the Northern Virginia Transportation District. Creates requirements for NVTA to report annually on funding allocated from NVTA's Special Revenue Account related to reducing traffic congestion and improving air quality. ***HB 1998** was amended to change the frequency of the analyses from three years to five year. It was reported by House Transportation.*

Toll Road Bill

HB 1539 (LeMunyon): requires advance approval of any tolls for use of the Dulles Toll Road or Dulles Greenway by every local governing body of every county, city, and town through which the facility passes. *House Transportation Committee Subcommittee #4 recommends passing by indefinitely.*

Transportation Infrastructure Bank

HB 1582 (Cosgrove): Provides loans and grants to public and private entities to fund transportation projects. The special fund shall consist of revenues generated through the privatization of the Commonwealth's ABC stores and revenues generated through a one-time drawing down of construction cash reserves by the Virginia Department of Transportation. VTIB is authorized to issue bonds in an amount not to exceed \$4 billion.

***HB 1582** was incorporated into **HB 2527**.*

HB 2527 (Howell)/**SB 1446** (Wampler) also contain language implementing the transportation infrastructure bank.

HOV Bills

HB 1432 (Greason)/**HB 1754** (Plum)/**SB 1034** (Barker): extends until July 1, 2012, the sunset on use of HOV lanes by clean special fuel vehicles, regardless of the number of occupants. ***HB 1754** was incorporated into **HB 1432**. **HB 1432** passed the House. **SB 1034** was assigned to Senate Transportation.*

HB 1048 (Barker): requires that HOT lane construction contracts contain requirements for minimum average speed for vehicles using the facility. ***SB 1048** was assigned to Senate Transportation.*

Metropolitan Planning Organizations

SB 1112 (Miller, Y): specifies the role of MPOs in the Commonwealth's transportation decision-making process, including an examination of the structure and cost of transit operations; the endorsement of long-range plans assuring maximum utilization and integration of mass transportation facilities throughout the Commonwealth; and the study of long-range financial needs for improving public transportation systems. ***SB 1112** has been assigned to Senate Transportation.*

Commonwealth Transportation Board

HB 1801 (Surovell): changes the composition of the CTB. One member will be appointed from each of Virginia's 11 congressional districts (as they were on January 1, 2011) and four more will be at-large appointees: one representing seaports, one representing aviation, one representing railroads, and one representing mass transit. The three ex-officio members remain unchanged. ***SB 1801** was passed by indefinitely by House Transportation with a letter to the Joint Commission on Transportation Accountability.*

Metrorail Extension to Prince William County

HB 2238 (Torian): creates the Prince William County Metrorail Improvement District to provide a means of financing an extension of commuter rail service from Fairfax County into Prince William County. ***HB 2238** was stricken by the patron.*

Bicycles

HB 1683(Toscano)/**HB 2194** (Ebbin)/**SB 928** (McDougle): adds bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, and mopeds to the list of vehicles that the driver of a motor vehicle shall not follow more closely than is reasonable. In addition, the bill increases passing distance for passing bicycles from two to three feet. **HB 2194** was incorporated into **HB 1683**. *House Transportation Committee Subcommittee #2 recommended tabling **HB 1683**. **SB 928** was referred to Senate Transportation.*

Photo Red Bills

SB 898 (Miller, Y.B.) repeals the requirement that localities submit the list of intersections approved for installation of photo-monitoring systems to the Virginia Department of Transportation for final approval if the locality has a population of 149,500 or more. **SB 898** passed the Senate.

HB 2327 (Lingamfelter) limits the operation of a traffic signal enforcement program, commonly referred to as a "photo red program," to those localities that have adopted ordinances establishing the program prior to July 1, 2011. In addition, localities that have adopted such ordinances are prohibited from implementing or expanding a photo red program after July 1, 2011. *The House Militia, Police and Public Safety Committee, Subcommittee #2 recommends reporting **HB 2327**.*

Studies

HJ 603 (Surovell)/**SJ 292** (Puller): requests DRPT to conduct a study for improved public transportation services to Fort Belvoir and the Marine Corps Base at Quantico. DRPT shall conduct the study in consultation with Fort Belvoir, the Marine Corps Base at Quantico, the Washington Metropolitan Area Transit Authority, the NVTC, PRTC, VRE, the Counties of Fairfax, Prince William, and Stafford and affected federal agencies. **HB 603** was referred to the House Rules Committee Study Subcommittee. **SJ 292** is on the Senate Floor.

SJ 297 (Miller, Y.B.): requests the Department of Rail and Public Transportation (DRPT) to make a one-year study of transit programs in the Commonwealth, including but not limited to the funding of such programs. **SJ 297** is on the Senate Floor.

Other

HB 2248 (Torian) provides that any person who obstructs, hinders, or interferes with the operation or operator of a transit vehicle engaged in the performance of a public transportation service or a person engaged in his official duties as a conductor, station agent, or station attendant of a public transportation service is guilty of a Class 1 misdemeanor. *House Courts Committee Criminal Subcommittee recommended tabling **HB 2248**.*

C

**Governor McDonnell's Transportation Plan
January 31, 2011**

Elements of the Governor's Transportation Plan

Total funding in the Governor's plan is \$4 billion.

HB 2527 (Howell, W.) – House Committee on Appropriations / **SB 1446 (Wampler)** – Senate Committee on Finance

- **Authorize \$1.1 billion in new Grant Anticipation Revenue Vehicle (GARVEE) bonds which are bonds supported by future Federal transportation revenues** - using anticipated Federal revenues to fund transportation is similar to the Gilmore Administration's use of Federal Revenue Anticipation Notes (FRAN) debt. Unlike the FRANs, the GARVEE bonds will be issued to support specific projects. Both the principal and interest are repaid with future Federal transportation funds. It is estimated that this would require \$110 million in Federal transportation funds annually depending on the interest rate and the term of the bonds. It appears that the Administration is planning to sell 12 to 15 year bonds.
- **\$400 million to the new Virginia Transportation Infrastructure Bank (VTIB) (\$250 million comes from the VDOT audit and \$150 million comes from the FY 2010 General Fund surplus)** – the funds in this bank could be used for grants or loans. VTIB funding would be available to local governments, regional transportation agencies and the private sector. A variety of projects, including highways, transit, ports and airports would be eligible. A nine member board would be established to oversee the distribution of funds. It is not clear how funds would be distributed. Potentially Northern Virginia and other large regions could be required to use local funds to pay back loans, while rural localities receive grants, according to the Secretary's September 2010 presentation.
- **Modify the calculation for determining the amount of surplus General Funds that would be allocated to transportation** – current law states that 2/3rd of the annual budget is to be designated to transportation. This calculation is made after the deposits to the Revenue Stabilization (rainy day) Fund, the Water Quality Fund and others. The Governor proposes to take 2/3rd of the budget surplus immediately after making deposits to the Revenue Stabilization Fund and dedicate it to transportation.
- **Permits dedication of two percent of the growth in the General Fund to transportation in years in which the General Fund growth is at least five percent** – uses a portion of General Fund revenue growth for transportation. These revenues "may" be dedicated to the Transportation Trust Fund.
- **Increase the availability of Revenue Sharing, specifically eliminating the \$1 million cap per project and \$50 million program maximum** - this does not provide new transportation funding. It would provide additional transportation funds to localities by leveraging the funds raised by the localities.
- **Establish a Passenger Rail Capital and Operating Fund** – The Federal Passenger Rail Investment Act (PRIA) indicates that states will need to assume financial support for regional corridor trains by 2013. In addition, the Commonwealth is funding new trains from Lynchburg to Washington and from Richmond to Washington using a three year grant. At the end of the grant, the Commonwealth will need to either identify an alternative revenue source or discontinue these trains. The Governor proposes to establish this fund; however, no revenue source has been identified yet.

- **Accelerate issuance of \$1.8 billion in already authorized bonds from HB 3202 (2007)** - these funds were authorized by the 2007 General Assembly. This is not new funding, but the Governor proposes to accelerate issuance. It was originally envisioned that \$300 million in bonds would be sold each year. The Governor proposes to sell \$600 million per year for each of the next three years. These bonds are repaid by insurance premium taxes that are dedicated to the Priority Transportation Fund. The Administration believes that this source of funds is adequate to support the higher issuance.

HB 2404 (Rust) – House Committee on Finance/ SB 1394 (McWaters) – Senate Committee on Finance

- **Allocates 0.25 percent of the state sales taxes collected in Northern Virginia and Hampton Roads and dedicate it to transportation projects in those regions** – The Governor estimates that this will raise about \$100 million per year for transportation in Northern Virginia and about \$40 million per year in Hampton Roads. These funds would otherwise have been deposited in the General Fund. The revenues would be dedicated to the Northern Virginia Transportation Authority and the Hampton Roads Transportation Planning Organization.

HJ 511 (Oder) – House Adoption 96-0; Senate Committee on Privileges and Elections

- **Constitutional amendment to permanently protect the Commonwealth Transportation Fund from transfers to the General Fund** – continues prior efforts to protect transportation funds from being transferred to the General Fund for non-transportation purposes.

HB 1500 (Putney) – House Appropriations/ SB 800 (Colgan) – Senate Committee on Finance

- **Recapitalization of the Transportation Partnership Opportunity Fund (TPOF)** – the Governor’s proposals added \$50 million the TPOF. This fund is used to assist with Public Private Transportation Act (PPTA) projects.

SB 1417 (Obenshain) – Senate Committee on Rehabilitation and Social Services

- **Additional funding over the next three years to the Virginia Transportation Infrastructure Bank** – these funds may come from an anticipated future budget surplus, possibly diminishing funds going to General Fund supported activities. In addition, the Governor previously stated that proceeds from the privatization of Alcoholic Beverage Commission (ABC) stores would go to the Infrastructure Bank. The Governor estimates that \$300 million can be raised by selling the retail ABC stores and licenses. The Secretary indicated that he would like to raise a total of \$1 million for the Infrastructure Bank.

General Assembly Action Not Required

- **Use of toll credits to match Federal funds** – These toll credits would replace the use of cash from the Transportation Trust Fund or other sources to provide the required 20 percent non-Federal match for transportation projects. The technique allows projects to be funded with 100 percent Federal funds, and releases state funds to be used for non-Federal projects. It does not generate new Federal funds, but allows state transportation funds to be stretched further. FHWA has granted preliminary authority to use the toll credits. It is not clear whether the Federal toll credits would be tied to specific toll roads/projects or regions where the tolls were collected.

Proposed NVT A Priority Projects List for
VDOT Audit Funds
Approved: January 13, 2011

Items in Bold are include in the Governor's Transportation Plan.

Transit Infrastructure and Equipment Projects - \$212,396,800

- Dulles Rail Phase II Shortfall - \$100,000,000
- Springfield Multi-Use Community Transit Hub - \$27,115,000
- Eisenhower Avenue Metrorail Station Improvements - \$18,000,000
- I-66 Vienna Ramp - \$17,344,000
- **VRE Rail Cars - \$12,500,000**
- CNG-Fueling Equipment for Cinder Bed Road Metrobus Garage - \$8,000,000
- DASH Buses - 6 replacement buses & 6 expansion buses - \$7,800,000
- Improved Security at West Falls Church Service and Inspection (S&I) Yard - \$7,000,000
- **PRTC Bus Acquisition - \$3,537,800**
- **Rosslyn Metro Station Access Improvement Project - \$2,300,000**
- Truncated-Dome Tiles at Additional Virginia Metrorail Stations - \$2,000,000
- Real-time Parking Pilot Program at a Virginia Metrorail Station - \$2,000,000
- Improved Passenger-Information-Display System (PIDS) at Virginia Metrorail Stations - \$2,000,000
- Richmond Highway Transit Study \$1,500,000
- Van Dorn – Beauregard Corridor Exclusive Transitway - Design / Preliminary Engineering - \$1,000,000
- Bus Stop Enhancement Project - \$300,000

Highway Infrastructure Projects - \$336,275,000

Interstate - \$77,000,000

- **I-95 Additional and Improved Ramps to EPG - \$40,000,000**
- **I-66 Active Traffic Management - \$27,000,000**
- I-66 Reconstruct Interchange at Route 28 – Design Only \$10,000,000

Primary - \$141,500,000

- **Route 1 widening, Featherstone Road and Neabsco Mills Road - \$40,000,000**
- **Route 28 widening, Linton Hall Road and Fitzwater Drive - \$29,500,000**
- **Route 15/Sycolin Road Overpass - \$20,000,000**
- Route 1/123 Interchange Project, Phase 1 - \$19,000,000
- Route 7 Widening (Reston Avenue to Dulles Toll Road) Design Only - \$10,000,000
- Route 15 – King Street Widening - \$8,000,000
- Route 9/Route 287 Roundabout - \$5,000,000
- Duke Street Improvements - from Wheeler Ave to Jordan Street - \$5,000,000
- Route 236 Widening (Evergreen to Markham) & Medford Dr./ McWhorter Place Improvements (Rt. 236 to Ravensworth) – Design Only \$5,000,000

Secondary and Urban - \$117,775,000

- Prince William Parkway widening, Old Bridge Road to Minnieville Road - \$27,000,000
- **Widen Rolling Road (Old Keene Mill to Fairfax Co. Parkway) - \$25,000,000**
- Fairfax County Parkway/Rolling Road Loop Ramp - \$25,000,000
- Jones Branch Drive Connector to Route 123 - \$20,000,000
- Telegraph Road (South Kings to South Van Dorn) - \$10,000,000
- Fairfax County Parkway/Neuman Street Interchange – Design Only \$5,000,000
- Holland Lane Extension - \$5,000,000
- Lakewood Street Reconstruction - \$650,000
- Dranesville Road Reconstruction project - \$125,000

Highway and Park-and-Ride Repaving Projects - \$11,221,000

- Preventive Maintenance of Parking Facilities at Virginia Metrorail Stations - \$9,000,000
- Repaving Various Arterials – City of Fairfax - \$4,200,000
- Follin Lane Repaving - \$500,000
- Liberia Avenue Repaving - \$485,000
- Centreville Road Repaving - \$342,000
- Hastings Avenue Repaving - \$280,000
- Center Street Repaving - \$200,000
- Mill Street Repaving - \$200,000
- VRE Parking Lot Repaving - \$114,000
- Herndon Parkway Repaving - \$100,000

Transportation System Management Projects - \$4,395,000

- Transportation Systems Management (Arlington) - \$2,000,000
- Maple Avenue Traffic Signal Reconstruction (Multiple Locations) - up to \$1,050,000
- Transportation Demand Management (Alexandria) - \$1,000,000
- Dumfries Road/Hastings Drive Signal Upgrade - \$345,000

Pedestrian, Bicycle and Spot Intersection Projects - \$32,397,000

- Tysons Metrorail Station Access Management Study – Design Only \$10,000,000
- Capital Bikeshare – up to \$6,000,000
- **Pedestrian Connections Related to 1-495 HOT Lanes - \$4,500,000**
- Reston Metrorail Access Group – Design Only \$4,000,000
- Pedestrian, Bicycle and Intersection Improvements (City of Fairfax) – up to \$2,320,000
- Holmes Run Multi-Modal Shared Use Trail - \$2,000,000
- Pedestrian and Intersection Improvements (Manassas) – up to \$1,027,000
- Pedestrian, Bicycle and Traffic Calming Improvements (Falls Church) – up to \$1,000,000
- Cameron Run Preliminary Engineering for Multi-Use Trail - \$1,000,000
- Sidewalk Improvements (Town of Vienna) - \$300,000
- Washington Boulevard Trail - \$250,000

Other Projects

- The I-495/Dulles Airport Access Highway Westbound Interchange - \$40 million
- Route 606 Corridor Improvements – to be determined
- Beulah Road Bridge Rehabilitation – up to \$40 million.
- Design and construction of short and mid-term roadway improvements near the Seminary Road and I-395 Interchange (BRAC 133 Site) - \$20 million.

2011 General Assembly Session Transportation Funding/Allocation Bills

Bills	Patron	Description	Committee	Status	Position	Notes
Transportation Funding Bills						
HOUSE						
HB 1413	Scott	Motor fuels tax rate; converts rate of taxation from cents per gallon to a percentage rate.	H Finance, Sub. #1			Converts the rate of taxation on motor fuels from cents per gallon a percentage. Provides that the DMV Commissioner calculate the percentage rate in an amount that will most closely yield the amount of cents per gallon being charged on the applicable motor fuel prior to the effective date of the bill. Thereafter, the percentage rates would not change, but would be applied against the average price per gallon of the fuel, less federal and state taxes, as determined by the DMV Commissioner over rolling six-month periods, to determine the cents to be charged.
HB 1531	Howell, A.	Motor fuels tax; increases rate and dedicates additional revenue to transportation system.	H Finance, Sub. #1			Increases the motor fuels tax rate by \$0.10 per gallon and dedicates the additional revenue to the operation, maintenance, improvement, and expansion of the Commonwealth's transportation system.
HB 1604	Albo	Corporate income tax; market-based sourcing.	H Finance, Sub. #1			Changes the way the sales factor is determined, for purposes of the corporate income tax, so that it will be market-based sourcing rather than costs-of-performance, which is the current method used.
HB 1653	Purkey	Motor fuels tax; imposes additional tax in certain transportation districts, referendum.	H Finance, Sub. #1			Imposes an additional 2.1% tax on motor fuels sold by a wholesale distributor to retailers in the counties and cities within each transportation district wherein the citizens affirm the imposition at referendum on November 8, 2011. The revenue attributable to each transportation district shall be used solely for the construction of highways, bridges, or tunnels within the respective transportation district.
HB 1892	Watts	Northern Virginia Transportation Authority Sales & Use Tax Fund; established, etc.	H Finance			Provides additional funding for transportation by (i) imposing a motor fuels sales tax rate of 4%, phased in over four years, for highway maintenance, (ii) increasing the state sales tax in No. Va. by 0.5% for transportation projects in No. Va., and (iii) increasing the recordation tax in No. Va. at a rate of \$0.40 per \$100 valuation. The motor fuels tax is not effective until the unemployment rate in the Commonwealth decreases for four consecutive quarters after July 1, 2010. The bill also reduces the sales and use tax rate on food from 1.5% to 1%, and repeals the authority for certain localities to impose a local income tax. The bill requires DMV, in consultation with the Virginia Port Authority and the Commonwealth Transportation Commissioner, to develop a fee schedule for overweight vehicles, to be presented to the Joint Commission on Transportation Accountability by December 15, 2011. In addition, the bill removes the sunset date that reduced the special real property tax rate on commercial property in the localities embraced by NVRTA from \$0.25 per \$100 of assessed value, to \$0.125 per \$100 of assessed value. Finally, the bill increases the special real property tax rate on commercial property in localities in Hampton Roads from \$0.10 per \$100 of assessed value to \$0.125 per \$100 of assessed value.
HB 1926	Marshall, D.	Salem Highway Construction District Transportation Revenue Fund; established	H Trans, Sub. #4			Provides funds for transportation in the Salem Highway Construction District by allocating revenue attributable to a portion of economic growth due to or facilitated by the Inland Port in Montgomery County.
HB 2222	Oder	Transportation funding and administration; funding in Northern Virginia, Hampton Roads, etc.	H Approps, Sub. Trans			Provides for transportation funding and administration in No. Va., Hampton Roads, the Richmond Highway Construction District, the Staunton Highway Construction District, and the Salem Highway Construction District. The amount of funding is based on (i) for No. Va., a portion of the growth in certain state tax revenues in No. Va.; (ii) for Hampton Roads, a portion of the growth in certain state tax revenues generated or facilitated by the marine terminals in Hampton Roads; (iii) for the Richmond Highway Construction District, a portion of the growth in certain state tax revenues generated or facilitated by the Port of Richmond; (iv) for the Staunton Highway Construction District, a portion of the growth in certain state tax revenues generated or facilitated by the Inland Port at Front Royal; and (v) for the Salem Highway Construction District, a portion of the growth in certain state tax revenues expected to be generated or facilitated by the Elliston Intermodal Facility.
HB 2404	Rust	State sales & use tax revenue; dedicates portion for transportation projects in Hampton Roads	H Finance; Sub #2			Governor's Transportation Proposal. Dedicates a portion of state sales and use tax revenue for transportation projects in No. Va. and Hampton Roads equivalent to a 1/4% sales and use tax rate in the localities in Northern Virginia and the localities in Hampton Roads, with the amount for each region calculated separately. The amounts calculated for Northern Virginia and Hampton Roads are transferred to the Northern Virginia Transportation Authority and the Hampton Roads Transportation Planning Organization, respectively, to be used solely for projects in the Commonwealth Transportation Board's Six-Year Improvement Program.
HB 2456	Brink	Alcoholic beverage control; privatization of government stores	H Gen. Laws			Provides for the full implementation of retail privatization of distilled spirits by January 1, 2013. Under the provisions of the bill the ABC Board is to develop a plan for the discontinuation of government stores by December 31, 2011, at which time the process of auctioning of retail licenses for distilled spirits will begin. The ABC Board will still operate the warehouse for the wholesale sale of distilled spirits and wine produced by farm wineries. The bill creates a new distilled spirits retail license, which will be granted to successful bidders at an auction conducted by the ABC Board, and sets out the privileges of the license and the rates for the annual state and local license taxes. Under the provisions of the bill, these new licenses are transferable, are categorized by tier depending on square footage of the retail space and shelf space of the successful bidder, and are limited in number to one license per 8,000 people in each locality. Among other things, the bill (i) allows the new licensees the ability to set prices in accordance with their own individual business plans and in response to market conditions; (ii) provides that no one business entity shall be awarded more than 25 percent of the total number of distilled spirits retail licenses granted in any one tier, nor shall more than 25 percent of the total
HB 2499	Albo	Insurance license tax; dedicates to Highway Maintenance & Operating Fund one-third of total revenue	H Finance; Sub #1			Dedicates to the Highway Maintenance and Operating Fund one-third of the total revenue from the insurance license tax, phased in over three years, beginning with fiscal year 2013.
HB 2527	Howell, W.	Va. Transportation Infrastructure Fund and VA. Transportation Infrastructure Bank; created	H Approps, Sub. Trans			Governor's Transportation Proposals. The bill creates the Virginia Transportation Infrastructure Fund (Fund) and the Virginia Transportation Infrastructure Bank (Bank) whose board of directors administers the Fund. The initial deposit into the Fund consists of general fund surplus and certain savings identified at the Virginia Department of Transportation. Up to 20 percent of the Fund may be used to make grants to localities for transportation projects as determined by the Bank, and the remainder is used to make loans to private or public entities for transportation projects as determined by the Bank. The bill authorizes the issuance of Commonwealth of Virginia Transportation Grant Anticipation Revenue Notes whose outstanding aggregate principal amount, together with any outstanding aggregate principal amount of Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes, cannot exceed \$1.2 billion, with the proceeds used for transportation projects as determined by the Commonwealth Transportation Board. The bill also increases the aggregate principal amount of Commonwealth of Virginia Transportation Capital Projects Revenue Bonds that may be issued in a fiscal year from \$300 million to \$600 million. The bill establishes the Intercity Passenger Rail Operating and Capital Fund to be administered by the Director of the Department of Rail and Public Transportation, with the approval of the Commonwealth

2011 General Assembly Session Transportation Funding/Allocation Bills

SENATE						
SB 833	Peterson	Motor fuels taxes; indexing of tax rates.	S Finance			Increases or decreases each year the rates of Virginia's fuels taxes using a fuel efficiency index, which is defined using total annual vehicle miles traveled and the total gallons of motor fuel consumed for highway use in the Commonwealth for the relevant year. The bill would establish 2007 as the base year for the index. Thus, the percentage change in the index between the current year and 2007 would determine the annual percentage increase or decrease in the rates of Virginia's fuels taxes. Each December the DMV Commissioner would compute the adjusted rates of fuels taxes.
SB 1242	Edwards	Transportation; creates additional revenue by increasing motor vehicle sales & use and rental taxes	S Finance			Creates additional sources of revenue for transportation by increasing the motor vehicle sales and use tax by one-half percent and the motor vehicle rental tax by one percent and by imposing a five percent tax on the wholesale price of gasoline. The new revenue sources will be directed to the Rail Enhancement Fund, the Transportation Trust Fund, and the Highway Maintenance and Operating Fund for transportation projects and needs of the Commonwealth and to certain priority transportation projects, as designated by the Commonwealth Transportation Board, in Northern Virginia and Hampton Roads. The bill would also eliminate the one-half percent sales tax on food currently going to the Transportation Trust Fund and would raise the allowed credit for low-income taxpayers.
SB 1285	McWaters	Highway contractors; state taxes paid to be dedicated for transportation purposes	S Finance			Dedicates to the Transportation Trust Fund all state retail sales and use and income taxes paid by highway contractors.
SB 1295	Miller, J.C.	Transportation funding.	S Finance			Provides new and increased taxes, tolls, and general fund revenues for transportation funding. The bill would (i) decrease the motor fuels tax from \$0.175 per gallon to \$0.05 per gallon and establish a 5% tax on motor fuels sales based upon the statewide average wholesale price of a gallon of self-serve unleaded regular gasoline; (ii) subject to the amount of the additional revenues generated by the changes described in clause (i), increase the motor fuels tax rate by \$0.10 per gallon in increments of \$0.02 per gallon each year over the five-year period beginning in 2012; (iii) beginning in 2012 increase the motor vehicle sales and use tax by 0.5% each year for four years; (iv) provide that of the retail sales and use tax revenues generated by the Commonwealth's 4% tax on sales of automobile parts and automobile accessories, an amount equivalent to the revenues generated by a 2.5% retail sales and use tax on such parts and accessories would be deposited into the Highway Maintenance and Operating Fund (HMOF); (v) subject to receipt of federal authorization, authorize the CTB to impose and collect a toll of \$1 per axle on every vehicle entering the Commonwealth from the state of North Carolina via I-85 and I-95; and (vi) dedicate for highway maintenance purposes 10% of the future growth in certain state taxes that is attributable to economic activity generated or facilitated by the public and private general cargo marine terminals and inland ports of the Commonwealth. All amounts generated under the bill would be deposited into the HMOF to be used for highway maintenance except the revenues from tolls on vehicles entering the Commonwealth from North Carolina, which would be deposited into the Transportation Trust Fund.
SB 1347	Norment	Virginia Racing Commission; authorizes wagering on horse historical racing	S Finance			Authorizes wagering on historical horse racing. The bill also allocates the proceeds from such racing with fifty percent of the proceeds distributed to the Commonwealth Transportation Trust Fund and the remaining fifty percent distributed to other entities. In addition, the bill (i) requires the existing race track to provide gambling educational programs including information on the availability of gambling addiction counseling and (ii) requires the promulgation of emergency regulations
SB 1385	Colgan	Year-end surplus of general fund balance; changes priority of assignment	S Finance			Governor's Transportation Proposal. Changes the priority for assigning any year-end surplus by requiring that 10 percent of the general fund balance remaining after funds are set aside for required deposits to the Revenue Stabilization Fund, the Virginia Water Quality Improvement Fund, the Transportation Trust Fund, and other commitments would be assigned to provide funding to the Department of Veterans Services.
SB 1394	McWaters	State sales & use tax revenue; dedicates portion for transportation projects in Hampton Roads	S Finance			Governor's Transportation Proposal. Dedicates a portion of state sales and use tax revenue for transportation projects in Northern Virginia and Hampton Roads equivalent to a one quarter percent sales and use tax rate in the localities in Northern Virginia and the localities in Hampton Roads, with the amount for each region calculated separately. The amounts calculated for Northern Virginia and Hampton Roads are transferred to the Northern Virginia Transportation Authority and the Hampton Roads Transportation Planning Organization, respectively, to be used solely for projects in the Commonwealth Transportation Board's Six-
SB 1417	Obenshain	Alcoholic beverage control; privatization of government stores	S Rehab and Social Services			Provides for the full implementation of retail privatization of distilled spirits by January 1, 2013. Under the provisions of the bill the ABC Board is to develop a plan for the discontinuation of government stores by December 31, 2011, at which time the process of auctioning of retail licenses for distilled spirits will begin. The ABC Board will still operate the warehouse for the wholesale sale of distilled spirits and wine produced by farm wineries. The bill creates a new distilled spirits retail license, which will be granted to successful bidders at an auction conducted by the ABC Board, and sets out the privileges of the license and the rates for the annual state and local license taxes. Under the provisions of the bill, these new licenses are transferable, are categorized by tier depending on square footage of the retail space and shelf space of the successful bidder, and are limited in number to one license per 8,000 people in each locality. Among other things, the bill (i) allows the new licensees the ability to set prices in accordance with their own individual business plans and in response to market conditions; (ii) provides that no one business entity shall be awarded more than
SB 1438	Herring	Virginia Racing Commission; authorizes wagering on historical horse racing	S General Laws	Incorporated into SB 1347		Authorizes wagering on historical horse racing. The bill also allocates the proceeds from such racing with forty-two percent of the proceeds distributed to the Commonwealth Transportation Trust Fund and the remaining fifty-eight percent distributed to other entities. In addition, the bill (i) requires the existing race track to provide gambling educational programs including information on the availability of gambling addiction counseling and (ii) requires the promulgation of emergency regulations
SB 1446	Wampler	Va. Transportation Infrastructure Fund and VA. Transportation Infrastructure Bank; created				Governor's Transportation Proposals. The bill creates the Virginia Transportation Infrastructure Fund (Fund) and the Virginia Transportation Infrastructure Bank (Bank) whose board of directors administers the Fund. The initial deposit into the Fund consists of general fund surplus and certain savings identified at the Virginia Department of Transportation. Up to 20 percent of the Fund may be used to make grants to localities for transportation projects as determined by the Bank, and the remainder is used to make loans to private or public entities for transportation projects as determined by the Bank. The bill authorizes the issuance of Commonwealth of Virginia Transportation Grant Anticipation Revenue Notes whose outstanding aggregate principal amount, together with any outstanding aggregate principal amount of Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes, cannot exceed \$1.2 billion, with the proceeds used for transportation projects as determined by the Commonwealth Transportation Board. The bill also increases the aggregate principal amount of Commonwealth of Virginia Transportation Capital Projects Revenue Bonds

2011 General Assembly Session Transportation Funding/Allocation Bills

SJ 328	Miller, J.C.	Study; replacement of the state motor fuel tax; report.	S Rules			Requests the Virginia Transportation Research Council to study the desirability and feasibility of replacing the state motor fuel tax with alternatives including a mileage-based fee predicated on vehicle-miles traveled in Virginia.
Transportation Allocation Formula Bills						
HOUSE						
HB1491	Albo	Highway maintenance funds; requires CTB to allocate funds on basis of achieving level of disparity.	H Trans, Sub. #4			Provides that when allocating funds for the interstate system of highways, the primary system of state highways, and the secondary system of state highways maintained by the Commonwealth, the CTB shall consider achieving a minimal level of disparity among highway construction districts in meeting asset performance standards. Prior to such allocation, the Board shall release for public review a comparison of the proposed allocation of funds by highway construction district with an allocation of funds based entirely on specific asset performance standards by highway construction district.
HB 1544	Kory	Commonwealth Mass Transit Fund; increases percentage of Transportation Trust Fund revenues, etc.	H Appropriations, Sub. Trans			Increases the percentage of Transportation Trust Fund revenues flowing into the Commonwealth Mass Transit Fund from 14.7% to 19%.
HB 1582	Cosgrove	Virginia Transportation Infrastructure Bank; created.	H Appropriations, Sub. Trans			Creates the Virginia Transportation Infrastructure Bank (VTIB) as a special fund to provide loans and grants to public and private entities to fund transportation projects in the Commonwealth. The special fund shall consist of revenues generated through the privatization of the Commonwealth's ABC stores and revenues generated through a one-time drawing down of construction cash reserves by the VDOT. VTIB is authorized to issue bonds in an amount not to exceed \$4 billion.
HB 1631	Watts	Highway maintenance; payments to cities and towns.	H Trans, Sub. #4			Equalizes municipal street payments to comparable amounts paid for state maintenance.
HB 2331	Lingamfelter	Allocation of highway maintenance & construction funds; alters manner Transportation Bd. allocates.	H Appropriations, Sub. Trans			Alters the manner in which the CTB allocates highway maintenance and construction funds from the Transportation Trust Fund and the HMOF.
SENATE						
SB 1044	Barker	Highway maintenance allocations.	S Trans			Provides that allocation by the CTB for maintenance of assets within the Interstate System of Highways and the primary and secondary systems of state highways shall be based on achieving a minimal level of disparity among highway construction districts in meeting asset management performance standards established pursuant to § 33.1-13.02.
Protecting the Transportation Trust Fund						
House						
HJ 511	Oder	Constitutional amendment; Transportation Funds.	S Privileges and Elections	Passed House (96-0)		Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, and other funds established by general law for transportation. All revenues dedicated to Transportation Funds on January 1, 2012, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan must be repaid with reasonable interest by the end of the fourth fiscal year following the date of the borrowing.
HJ 572	Watts	Constitutional amendment; Transportation Funds	S Privileges and Elections	Incorporated into HJ 511		Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, and Priority Transportation Fund. All revenues dedicated to Transportation Funds on January 1, 2013, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment requires Funds be appropriated only for transportation systems and projects. The General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan or reduction must be repaid with reasonable interest within three years. The amendment also limits the use of general and other nontransportation funds for transportation purposes except for obligations authorized or entered into before January 1, 2013.
Senate						
SJ 353	Obenshain	Constitutional amendment; Transportation Funds	S Privileges and Elections, Sub. Const. Amendments			Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, and other funds established by general law for transportation. All revenues dedicated to Transportation Funds on January 1, 2013, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan must be repaid with reasonable interest within four years.
SJ 363	Norment	Constitutional amendment; Transportation Funds	S Privileges and Elections, Sub. Const. Amendments			Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, and Priority Transportation Fund. All revenues dedicated to Transportation Funds on January 1, 2013, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment requires Funds be appropriated only for transportation systems and projects. The General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan or reduction must be repaid with reasonable interest within three years. The amendment also limits the use of general and other nontransportation funds for transportation purposes except for obligations authorized or entered into before January 1, 2013.

2011 General Assembly Session Transportation Funding/Allocation Bills

Other Transportation Bills					
House					
Senate					
House					
Senate					
Legislation No Longer Under Consideration					
Transportation Funding Bills					
HOUSE					
SENATE					
Transportation Allocation Formula Bills					
HOUSE					
HB 1884	Filler-Corn	Highway maintenance funds; requires CTB to allocate funds on basis of achieving level of disparity.	H Trans, Sub. #4	Incorporated into HB 1491 (Albo)	Provides that when allocating funds for the interstate system of highways, the primary system of state highways, and the secondary system of state highways maintained by the Commonwealth, the CTB shall consider achieving a minimal level of disparity among highway construction districts in meeting asset performance standards. Prior to such allocation, the Board shall release for public review a comparison of the proposed allocation of funds by highway construction district with an allocation of funds based entirely on specific asset performance standards by highway construction district.
SENATE					
Transportation Trust Fund Bills					
HJR					
HJ 572	Watts	Constitutional amendment; Transportation Funds (first reference).	H Privileges and Elections	Incorporated into HJ 511 (Oder)	Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, and Priority Transportation Fund. All revenues dedicated to Transportation Funds on January 1, 2013, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment requires Funds be appropriated only for transportation systems and projects. The General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan or reduction must be repaid with reasonable interest within three years. The amendment also limits the use of general and other nontransportation funds for transportation purposes except for obligations authorized or entered into before January 1, 2013.
SJR					
Other Transportation Bills					
House					
Senate					

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: Tom Biesiadny, Chairman
Jurisdiction and Agency Coordinating Committee
Northern Virginia Transportation Authority

SUBJECT: Review of CMAQ/RSTP Program Discussions, Changes and New Requirements
(Agenda Item 4.B.)

DATE: January 31, 2011

Recommendation:

The Jurisdiction and Agency Coordinating Committee recommends that NVTA discuss VDOT's request to identify CMAQ and RSTP projects for FY 2013 to FY 2017, and decide how the Authority would like to proceed with approval of the list.

Background:

As a follow up to discussions regarding the Authority's allocation of Congestion Mitigation and Air Quality (CMAQ) funds to hybrid vehicles for the Town of Herndon, the Commonwealth Transportation Board established a subcommittee to discuss the allocation of CMAQ funds. The subcommittee met on January 12, 2011. NVTA Chairman Nohe attended the subcommittee meeting and presented information about NVTA's allocation of CMAQ funds. VDOT staff is concerned that they are having trouble obligating all of the Federal funds coming to the Virginia. This is important to ensuring the Commonwealth doesn't lose Federal transportation funds. The problem is partially due to the fact that several metropolitan planning organizations (MPOs), including NVTA, only allocate CMAQ funding on an annual basis. In addition, a number of old CMAQ projects that are either inactive or complete and not closed out. Following discussion, the subcommittee agreed to recommend against the CTB taking over the process of preparing CMAQ project recommendations. However, the subcommittee also agreed that the regional CTB representative should meet with the local organization and review the proposed project list. The CTB should also consider establishing priority categories for CMAQ projects. A copy of the draft CTB resolution is attached.

Chairman Martin E. Nohe

Members, Northern Virginia Transportation Authority
January 31, 2011
Page Two

Subsequently, VDOT staff met with staff from the four air quality non-attainment MPOs to discuss the CMAQ program changes in more detail. VDOT staff explained that to include all of the CMAQ and Regional Surface Transportation Program (RSTP) allocations in the FY 2012 to FY 2017 Six Year Program, VDOT will need regional submissions by March 15, 2011.

NVTA adopted its FY 2012 recommendations on November 18, 2010; however recommendations from FY 2013 to FY 2017 must still be developed. Typically, CMAQ and RSTP recommendations are approved by the Authority before they are submitted. Since NVTA's next scheduled meeting is April 14, 2011, there are at least two different options to accomplish this. NVTA could add a special meeting to approve the recommendations. NVTA's regular second Thursday meeting date would be March 10, 2011. Alternatively, the JACC can submit its recommendations, and NVTA can ratify the submission at its April meeting.

Jurisdiction and Agency Coordinating Committee members and I will be available at the NVTA meeting on February 3, 2011, to answer questions.

Cc: Members, NVTA Jurisdiction and Agency Coordinating Committee

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

January 19, 2011

MOTION

Made By: Seconded By:
 Action:

Title: CMAQ Policy

WHEREAS, Section 33.1-12 (9)(b) of the Code of Virginia, requires the Commonwealth Transportation Board (Board) to adopt by July 1 of each year a Six-Year Improvement Program (SYIP) of anticipated projects and programs and that the Program shall be based on the most recent official revenue forecasts and a debt management policy; and,

WHEREAS, the Board is required by Code of Virginia Section 33.1-12 (9) and (11) to administer and allocate funds in the Transportation Trust Fund; and,

WHEREAS, Section 33.1-12 (9)(b) of the Code of Virginia provides that the Board is to coordinate the planning for financing of transportation needs, including needs for highways, railways, seaports, airports, and public transportation and is to allocate funds for these needs pursuant to §§ 33.1-23.1 and 58.1-638, by adopting a Six-Year Improvement Program; and,

WHEREAS, Section 58.1-638 authorizes allocations to local governing bodies, transportation district commissions, or public service corporations for, among other things, capital project costs for public transportation and ridesharing equipment, facilities, and associated costs; and

WHEREAS, the Commonwealth receives approximately \$50 million annually in federal Congestion Mitigation and Air Quality Funds as defined in 23 USC 149; and,

WHEREAS, CMAQ funds may be used to fund projects that reduce air pollution and reduce congestion in designated nonattainment or maintenance areas or outside of nonattainment or maintenance areas where they contribute to air quality improvements in those areas; and,

WHEREAS, the Commonwealth Transportation Board (CTB) has historically delegated the authority to program CMAQ funds to the metropolitan planning organizations (MPOs) in the Commonwealth's nonattainment and maintenance areas; and,

WHEREAS, Chapter 874 of the 2010 Virginia Acts of the Assembly Item 436 contains certain conditions regarding the efficient use of CMAQ funds; and,

WHEREAS, the Board is committed to aligning priorities, improving project execution,

improved planning, and increased accountability of CMAQ funds; and,

WHEREAS, the Board believes that direct involvement by the Board in the allocation of these federal funds will facilitate the efficient use of these funds; and,

NOW THEREFORE BE IT RESOLVED, by the Commonwealth Transportation Board that, beginning with the FY12-17 SYIP, the district CTB member will work with appropriate MPOs and VDOT and DRPT staff to recommend to the Board a list of CMAQ projects for inclusion in the SYIP in order to allocate all six years of CMAQ funds anticipated to be available to the MPOs; and,

BE IT FURTHER RESOLVED, that CMAQ funds will be programmed to facilitate maximization of the use of federal funds, including fully funding project phases according to current schedules and estimates; and

BE IT FURTHER RESOLVED, that CMAQ allocations will be programmed centrally by VDOT and DRPT staff based on the recommended CMAQ projects according to CTB priorities and federal eligibility requirements; and,

BE IT FURTHER RESOLVED, that the CTB supports revisions to the Appropriations Act regarding the efficient use of CMAQ and Regional Surface Transportation Program (RSTP) funds to revise obligation and expenditure timeframes for RSTP funds, to eliminate CMAQ requirements, to eliminate retroactive implementation of fund withdrawal, and to provide localities with an opportunity to address deficiencies prior to withdrawing state match for RSTP; and,

BE IT FURTHER RESOLVED, that legislative direction regarding the efficient obligation and expenditure of CMAQ funds, as specified in Chapter 874 of the 2010 Virginia Acts of the Assembly Item 436, will be implemented by the CTB beginning in fiscal year 2012.

####