

NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

MEMORANDUM

TO: Chairman Martin E. Nohe and Members
Northern Virginia Transportation Authority

FROM: Mary Hynes, Chairman, Governance and Personnel Committee

DATE: December 2, 2016

SUBJECT: Adoption of the 2017 Legislative Program

1. **Purpose:** To seek adoption of the Northern Virginia Transportation Authority's (NVTA) 2017 Federal and State Legislative Program.
2. **Suggestion Action:** *I move adoption of the NVTA 2017 Legislative Program.*
3. **Background:** The Governance and Personnel Committee met on Thursday, October 13th at 6:00pm and Wednesday, November 2nd at 7:00pm, to discuss the draft 2017 Legislative Program for Authority consideration.

Chair Hynes noted that the structure of the draft 2017 Legislative Program has been changed from previous years to state the Authority's specific positions on legislative items first to ensure that the positions were not lost in the large amount of information.

After a robust discussion on the Draft 2017 Legislative Program, below are the noted highlights of the Program per the Committee discussion and recommendation:

- **Continued Support of Previous Positions related to the Allocation of Statewide Revenues**
 - ✓ **State of Good Repair:** continue to recommend an increase in the percentage of State of Good Repair revenues that come to Northern Virginia.
 - ✓ **Regional Gas Tax Floor:** continue support for establishment of a floor in the Regional Gas Tax, as the lack of a floor is negatively impacting the region's transit systems and should be addressed.
 - ✓ **Transit Capital Funding:** continue support of efforts to address anticipated funding reduction to ensure that transit systems continue to receive the Commonwealth resources needed to provide critical services.
 - ✓ **Revenue Sharing:** continue support of an increase to Revenue Sharing Program funding.
- **WMATA-** Support of the Metro Safety Commission created to ensure adequate oversight of WMATA's safety efforts.

- ✓ Continued Commonwealth support of Metro which will help accommodate additional growth in Northern Virginia. Northern Virginia's sustained growth is important for the entire Commonwealth.
- ✓ Language was also added and strengthened regarding Metro's enhanced and core capacity needs.
- **VRE-** Revisions and reaffirmations to the Authority's previous positions on VRE. Previous positions include support to identify funding for operating and capital needs per VRE's 2040 System Plan and associated Financial Plan.
- **Land Use Planning-** As the Planning Coordination Advisory Committee (PCAC) suggested that language be added to the program to address the 2015 General Assembly legislation regarding proffers; Ms. Backmon and Ms. Dominguez contacted localities regarding language they are including in their local legislative programs. A position was added to the draft legislative program.
- **Surface Transportation Program Reauthorization-** the language regarding federal transportation funding bill, Fixing America's Surface Transportation Act (FAST-Act), was updated to note:
 - ✓ The funding amounts and provisions in the bill.
 - ✓ The coordination with regional agencies, such as the Transportation Planning Board, in the implementation of the performance measures for funding programs.

The Draft 2017 Legislative Program was developed with input from the committees noted below:

- a. Planning Coordination Advisory Committee
 - b. Regional Jurisdiction and Agency Coordination Committee
 - c. Northern Virginia Legislative Liaison Group
4. The Draft 2017 Legislative Program was presented to the Authority for review and discussion at the November 10, 2016 meeting.

Attachment: Draft 2017 Legislative Program



Northern Virginia Transportation Authority
The Authority for Transportation in Northern Virginia

2017 Legislative Program

Draft: December 8, 2016

STATE

TRANSPORTATION FUNDING

The passage of HB 2313 (2013) was the result of bipartisan cooperation throughout the Commonwealth. The regional funding provided through HB 2313 is a significant step towards addressing the transportation needs of Northern Virginia. The Authority will continue to work with the Commonwealth to ensure that we are all fully utilizing the resources provided by HB 2313 to implement the necessary improvements to Northern Virginia's transportation infrastructure.

STATE FUNDING

Allocation of Statewide Revenues: It is important that Northern Virginia continues to receive its fair share of statewide revenues, as required in HB 2313. This is especially important as various formulas and processes for transportation funding are being created and/or modified.

- A. **State of Good Repair:** The Authority recommends an increase in the percentage of State of Good Repair revenues that come to Northern Virginia.
 - The Authority is concerned that Northern Virginia is currently expected to receive only 10.6 percent of State of Good Repair funds, while only 31 percent of all secondary roads in Northern Virginia are in Fair or Better Condition, far less than the Commonwealth's average of 60 percent. As millions of people drive on our roads every day, these deteriorated pavements will only get worse until something is done to address them.
- B. **Revenue Sharing:** The Authority recommends that funding of the Revenue Sharing Program remain the same or is increased.
 - The Authority is concerned about efforts to decrease funding for the Revenue Sharing Program over the next several years. By design, the Revenue Sharing Program has allowed more projects throughout the Commonwealth to move forward through the leveraging of funds with local sources as reducing the funding in this program will only slow the efforts to improve our transportation system.

- C. **Transit Capital Funding:** The Authority supports efforts to fully address this anticipated funding reduction to ensure that transit systems continue to receive the state resources needed to provide critical transit services. While the General Assembly has helped address the significant decline in state transit funding expected to occur in 2018, the Commonwealth's projected available funds for transit capital projects are still expected to drop significantly unless another source of revenue is identified.
- The Authority remains opposed to the Department of Rail and Public Transportation's decision to change the allocation of state funds for transit capital costs from the non-federal cost of a project to the total project cost. As several Northern Virginia transit systems do not receive federal funds, this change increases the local share our localities must pay while reducing the share for those other systems in the Commonwealth that provide far less local funding.
- D. **Regional Gas Tax Floor:** The Authority supports establishing a floor on the regional gas tax that would put it on par with the floor for the statewide gas tax established in HB 2313. A 2.1 percent motor vehicle fuels tax is levied on fuels sold/delivered in bulk in Northern Virginia. The revenues from these taxes, which must be spent on transportation purposes, have fallen significantly due the reduction in the price of gas.

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

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA)

- A. **Safety:** The Authority supports adequate funding and oversight of WMATA's efforts to enhance the safety and security of the system and its riders. The Authority is also supportive of the Metro Safety Commission being created to ensure adequate oversight of WMATA's efforts.
- The Commonwealth is a valuable partner in ensuring that WMATA continues to move ahead with important safety and infrastructure capital improvements in its system, and must work with the Federal Government to ensure that it, too, provides sufficient resources.
 - The \$300 million annually provided by the federal government, the Commonwealth, Maryland, and the District of Columbia, as provided in Passenger Rail Investment and Improvement Act of 2008 (PRIIA) addresses urgent capital needs and is especially important as

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

B. Enhanced Capacity: The Authority supports continued state and federal support of Metro that helps accommodate additional passenger growth in Northern Virginia, which is important for the entire Commonwealth and serves federal facilities in the National Capital Region.

- While focusing on safety and state of good repair, the region must also work to address the WMATA capacity needs that serve Northern Virginia residents and businesses and federal facilities. The region is projected to continue to grow over the coming decades, placing more pressure on a Metro system that is already nearing capacity.
- Improvements to the system's core capacity are needed as well as future extensions. Capital and operating resources are critical to ensuring that these needs are addressed. (Revises and Reaffirms Previous Position)

VIRGINIA RAILWAY EXPRESS (VRE)

The Authority supports efforts to identify funding for operating and capital costs to sustain current service, as well as funding to address natural demand growth in the region.

- VRE's 2040 System Plan identified capital and operating requirements needed for the system; and the associated Financial Plan found a clear need for increased funding for the system, even without any proposed expansion of service. VRE currently provides approximately 18,000 rides a day. Many of those utilizing the system are transit choice riders who would otherwise be driving on Northern Virginia's already congested roadways. Here in Northern Virginia, making smart choices between modes is what NVTA is trying to do (*Revises and reaffirms position*).

PEDESTRIAN AND TRANSIT SAFETY

The Authority supports revisions to Virginia's existing pedestrian legislation to clarify the responsibilities of drivers and pedestrians in order to reduce the number of pedestrian injuries and fatalities that occur each year. In particular, support legislation that would require motorists to stop for pedestrians in crosswalks at unsignalized intersections on roads where the speed is 35 mph or less and at unsignalized crosswalks in front of schools.

- Strong safety records depend on strong safety practices and training and **the Authority supports training programs for transit systems, pedestrians and bicyclists.** (*Revises and reaffirms previous position*)

LAND USE PLANNING

The Authority supports land use and zoning as fundamental local responsibilities and objects to certain land use provisions included in state law that could override the work done by our local governments and our residents, property owners, and the local business communities on land use and transportation plans.

- Land use provisions included in legislation during the 2012 Session provide that VDOT and the Commonwealth Transportation Board (CTB) can decide whether local transportation plans are consistent with the Commonwealth's current priorities. If they decide this is not the case, they are able to withhold funding for transportation projects in counties. While the Authority is appreciative of efforts to better coordinate local and state transportation planning, it is also concerned that these provisions essentially transfer the responsibility for land use planning from local governments to the Commonwealth. *(Reaffirms previous position)*
- **The Authority supports the ability of its member jurisdictions to collect both in-kind and cash proffers that assist with providing necessary transportation facilities and infrastructure to serve new development and help address transportation congestion and accessibility.** Proffers have been a critical element in leveraging local, regional, state, and federal funds, which come together to fully fund necessary transportation projects in our region. Member jurisdictions and their landowner partners should have sufficient flexibility to explore all options to provide critical transportation facilities. *(New position)*

SECONDARY ROAD DEVOLUTION/LOCAL MAINTENANCE PROGRAMS

- **The Authority opposes the transfer of secondary road construction and maintenance responsibilities to counties, especially if these efforts are not accompanied with corresponding revenue enhancements.** While there may be 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.
- **The Authority opposes the legislative or regulatory moratorium on the transfer of newly constructed secondary roads to VDOT for the purposes of ongoing maintenance.**
- **The Authority opposes changes to maintenance allocation formulas detrimental to localities maintaining their own roads.** 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. *(Revises and reaffirms previous position)*

MAXIMIZING USE OF FACILITIES AND OPERATIONS

A vital component of our transportation network is transportation demand management, such as high occupancy vehicle use, and teleworking, safe pedestrian and bicyclist movement; and encourage user friendly access to transit. **The Authority supports these efforts to help mitigate roadway congestion and provide benefits to employers and employees.** *(Revises and Reaffirms Previous Position)*

FEDERAL

SURFACE TRANSPORTATION PROGRAM REAUTHORIZATION

In December 2015, Congress passed the Fixing America's Surface Transportation Act (FAST Act), a five-year package that provides \$305 billion in new spending obligations from the Highway Trust Fund spanning fiscal years 2016 through 2020: \$225.2 billion for highways, \$48.7 billion for mass transit, and \$7 billion for highway and motor carrier safety. The U.S. Department of Transportation (USDOT) is currently implementing the FAST Act. As the implementation of the FAST Act occurs, **the Authority believes that a number of significant issues should be considered, including:**

- The level of Federal investment in the nation's transportation infrastructure, including both maintenance of the existing system and expansion, must increase significantly; it is essential **that programs receive the funding amount authorized in the FAST Act.**
- **USDOT must coordinate with regional agencies, including the Northern Virginia Transportation Authority and the Transportation Planning Board, and local governments as it works to implement the FAST Act,** specifically, during the development of rules to establish performance measures and standards for numerous programs;
- **The Congestion Mitigation and Air Quality Improvement Program (CMAQ) and Regional Surface Transportation Program (RSTP) are essential to the region.** These two programs are presently overextended and additional funding for both is crucial to address needs throughout the Country.
- To recognize the uniqueness of metropolitan areas, **greater decision-making authority for determining how transportation funding is spent should be given to local governments and regional agencies, such as the Northern Virginia Transportation Authority;** and
- **Safety and security must continue to be an important focus of transportation projects.**

(Revises and reaffirms previous position)

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) FUNDING

A. Passenger Rail Investment and Improvement Act of 2008 (PRIIA) Funding and Safety: The Authority supports WMATA's efforts to enhance the safety and security of the system and its riders, through adequate funding and oversight. The Authority is also supportive of the Metro Safety Commission being created to ensure adequate oversight of WMATA's efforts.

- The federal government is a valuable partner in ensuring that WMATA continues to move ahead with important safety and infrastructure capital improvements in its system. The \$300 million annually provided by the federal government, the Commonwealth, Maryland, and the District of Columbia, as provided in Passenger Rail Investment and Improvement Act of 2008 (PRIIA) addresses urgent capital needs and is especially important as WMATA works with the federal government and its state and local jurisdictions to improve safety and state of good repair issues throughout its system.
- This authorization, which must continue to be accompanied by annual appropriations, is especially important as WMATA works with the federal government and its state and local jurisdictions to improve safety and state of good repair issues throughout its system. *(Revises and Reaffirms Previous Position)*

B. Enhanced Capacity: The Authority supports federal and state support of Metro to help accommodate additional passenger growth, given the system's role in transporting employees and customers to federal facilities throughout the National Capital Region.

- While focusing on safety and state of good repair, the funding partners – including the Federal government -- must work to address WMATA's capacity needs. The National Capital Region is projected to continue to grow over the coming decades, placing more pressure on a Metro system that is already nearing capacity. Improvements to the system's core capacity are needed, as well as future extensions. Resources are critical to ensuring that these needs are addressed. *(Revises and Reaffirms Previous Position)*

VIRGINIA RAILWAY EXPRESS (VRE)

The Authority supports efforts to identify funding for operating and capital costs to sustain current service, as well as funding to address natural demand growth in the region.

- VRE's 2040 System Plan identified capital and operating requirements needed for the system; and the associated Financial Plan found a clear need for increased funding for the system, even without any proposed expansion of service. VRE currently provides approximately 18,000 rides a

day. Many of those utilizing the system are transit choice riders who would otherwise be driving on key segments of the National Highway System – I-95 and I-66. Both facilities are key to national commerce and military movement. Here in Northern Virginia, making smart choices between modes is what NVRTA is trying to do (*Revises and reaffirms position*).

- Federal funding and cooperation is critical to the expansion of the Long Bridge, currently a significant impediment to enhancing passenger and freight rail service in the Northeast Corridor. Expanding the Long Bridge is identified in VRE's 2040 Plan.

The Authority urges the Federal government to complete implementation of the Positive Train Control initiative in order to improve employee and passenger safety in rail corridors used by VRE.

FEDERAL GOVERNMENT RELOCATION AND CONSOLIDATION

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

FUNDING FOR TRANSPORTATION EMERGENCY PREPAREDNESS

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

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

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

FLIGHT OPERATIONS AT REAGAN WASHINGTON NATIONAL AIRPORT

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