

## NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

MEMORANDUM

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

**FROM:** Mary Hynes, Chair, Governance and Personnel Committee

**DATE:** November 3, 2017

**SUBJECT:** Adoption of the NVTA 2018 State and Federal Legislative Program

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1. **Purpose:** To seek Northern Virginia Transportation Authority (NVTA) adoption of the 2018 State and Federal Legislative Program.
2. **Suggested Motion:** *I move adoption of the NVTA 2018 State and Federal Legislative Program.*
3. **Background:**
  - a. The Governance and Personnel Committee (GPC) started discussions of the 2018 legislative issues in May 2017.
  - b. A draft Program was reviewed in September and October of 2017.
  - c. A revised Program draft was distributed to Authority Members and member jurisdictions and agencies on October 23<sup>rd</sup> with comments requested by October 31<sup>st</sup>.
  - d. Comments were received from VDOT and VRE, and have been incorporated in the attached draft.
  - e. The attached draft is highlighted to reflect areas that were updated, added or moved from the adopted 2017 State and Federal Legislative Program.
  - f. The highlighted areas reflect:
    1. Highlight of the importance of a modern, efficient multimodal transportation system to the Commonwealth, noting the importance of all to work together to maintain and build multimodal infrastructure.
    2. Continue to recommend an increase in the percentage of State of Good Repair revenues for Northern Virginia.
    3. Recommendation of no decreases to the Revenue Sharing Program.
    4. Support of efforts to fully address Transit Capital Funding with statewide resources for all the Commonwealth's transit systems.
    5. Support for the establishment of Regional Gas Tax Floor.
    6. Washington Metropolitan Area Transit Authority (WMATA) support for continued rail and bus service with focus on:
      - a. Safety
      - b. Sustainable Governance, Operating and Funding Reforms
      - c. Maximizing the use of existing WMATA Infrastructure

7. Virginia Railway Express (VRE) – support for efforts to identify funding for operating and capital costs to sustain current service, as well as address natural demand growth in the region.

**Attachment:** Draft 2018 State and Federal Legislative Program



## 2018 State and Federal Legislative Program

### 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.

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)

#### *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 10.6 percent of State of Good Repair funds, while as of May 2017 only 39.4 percent of all secondary roads in Northern Virginia are in Fair or Better Condition, far less than the Commonwealth's average of 60 percent. With statewide funding for State of Good Repair increasing from \$80 million to over \$300 million in FY 2021, the Authority hopes that some of this increased funding can be dedicated to repairing critical secondary road pavement in our region. 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 not be decreased below its current level of \$100 million.**

- 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. Reducing the funding in this program will slow

efforts to improve our transportation system.

- C. **Transit Capital Funding:** The Authority supports efforts to fully address this anticipated state funding reduction with statewide resources to ensure that all the Commonwealth's transit systems continue to receive appropriate state resources to provide critical transit services. Accessible and affordable transit services are an integral component to resolving Northern Virginia's traffic congestion challenges. The Commonwealth's projected available funds for transit capital projects are expected to drop 44 percent by 2021 unless another source of revenue is identified. Revised
- 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. Currently 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 not met expectations when compared to state gas tax revenues in the same time period. The Revenue Advisory Board estimated that this change could bring \$25 million/year to Northern Virginia Transportation jurisdictions.

#### **WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA)**

*WMATA bus and rail services continue to support job and population growth in the Commonwealth of Virginia and Northern Virginia. WMATA's Virginia jurisdictional partners are on track to enhance the system through significant investments, e.g. Silver Line completion, new Potomac Yards station and numerous park and ride garages along I-66. WMATA, its funding partners, stakeholders and users are at a critical crossroads as we collectively try to determine the future of this important transportation infrastructure and also protect the cumulative billions of dollars already invested by local, state and federal government, by this Authority and by the private sector.*

*Metrorail in particular is a significant driver of the Commonwealth's and Northern Virginia's economy. The transit system station locations are the focus of some \$25 billion in residential and commercial development and economic activity around rail facilities generates \$600 million a year in state tax revenues.*

- A. **Safety:** The Authority supports adequate funding for and oversight of WMATA as it enhances the safety and security of the system and its riders. The Authority applauds work being done to stand up the Metro Safety Commission 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.
- B. **Sustainable Governance, Operating and Funding Reforms:** The Authority supports appropriate changes in governance structures and policies, operational practices, and funding sources to address WMATA's current and long term challenges.
- Extending 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) beyond 2019 is critical. This funding

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.

- The system staff, board and stakeholders must identify, adopt and implement reforms in all three areas in order to provide the Commonwealth, Northern Virginia and the National Capital Region with a transit system capable of supporting continued economic and population growth and national security response.
- WMATA Board governance reforms should recognize that those jurisdictions that fund Metro have a role in decision-making.
- Capital and operating funding agreements among all Metro stakeholders is essential to ensuring sustainable funding for maintenance and enhancements.

C. **Maximize Metrorail's Existing Infrastructure: The Authority supports continued local, regional, state and federal investment in 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 to attract and accommodate additional riders. Capital and operating resources and efficiencies 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 even without any expansion of service. While some elements of the 2040 Plan have been funded through Smart Scale and the Atlantic Gateway projects, additional funding for capital and operating remains a critical need to sustain the current level of service and meet future demand.
- VRE currently provides approximately 20,000 rides a day. Most of those utilizing the system are transit choice riders who would otherwise be driving on Northern Virginia's already congested roadways. VRE provides the equivalent of an additional lane on the I-95/I-395 and I-66 Corridors of Statewide Significance during peak periods, with less pollution, energy consumption and accident cost from highway operation.

***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. (Reaffirms previous 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 any 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. (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. (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. **Extending 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 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. (Reaffirms Previous Position)

B. **Maximize Metrorail's Existing Infrastructure: The Authority supports continued local, regional, state and federal investment in 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 to attract and accommodate additional riders. Capital and operating resources and efficiencies are critical to ensuring that these needs are addressed. (Revises and Reaffirms Previous Position)

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- VRE currently provides approximately 20,000 rides a day. Most of those utilizing the system are transit choice riders who would otherwise be driving on Northern Virginia's already congested roadways. VRE provides the equivalent of an additional lane on the I-95/I-395 and I-66 Corridors of Statewide Significance during peak periods with less pollution, energy consumption and accident cost from highway operation.
- 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 supports, along with other localities and regional bodies, efforts to maintain 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)*