

## NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

### MEMORANDUM

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

**FROM:** Chair Randall, Chair – Governance and Personnel Committee

**DATE:** November 7, 2019

**SUBJECT:** Governance and Personnel Committee Report of the October 10, 2019 Meeting

---

1. **Purpose:** To provide the Northern Virginia Transportation Authority (NVTA) with a draft of the proposed 2020 Legislative Program prepared by the Governance and Personnel Committee (GPC).
2. **Background:** The Governance and Personnel Committee last met on Thursday, October 10, 2019, to review and comment on a preliminary draft of the 2020 Legislative Program. This draft is being presented for discussion purposes.
3. **Preparation of the draft 2020 Legislative Program:**
  - i. The Committee received a briefing from Ms. Tracy Baynard which recapped the 2019 General Assembly session and reviewed preparations and an outlook for the 2020 session.
  - ii. A preliminary draft of the 2020 Legislative Program was presented and discussed by the Committee.
  - iii. Two major initiatives for the 2020 Legislative Program are presented as;
    1. Restoration of long-term funding to the Authority.
    2. Amending the Virginia Investment of Public Funds Act to include the use of Fitch Ratings for the purchase of negotiable certificates of deposit and corporate notes.
  - iv. Additional changes were made to the draft program to delete obsolete language and clarify previous positions.
  - v. A draft copy of the 2020 Legislative Program is attached.
  - vi. The draft program, inclusive of any changes will be re-presented to the Authority in December for adoption.

**Attachment:** 2020 Legislative Program (Draft)



Northern Virginia Transportation Authority  
The Authority for Transportation in Northern Virginia

## NVTA 2020 State and Federal Legislative Program

(Adopted: XX)

### **PREAMBLE:**

The Northern Virginia Transportation Authority (Authority) is a regional body focused on delivering real transportation solutions and value for Northern Virginia's transportation dollars by bringing Northern Virginia jurisdictions and agencies together to prioritize projects and implement solutions. In 2002, the Authority was created by an act of the Virginia General Assembly to develop and update a regional transportation plan of prioritized multimodal transportation projects to address the mobility needs of Planning District 8. As directed via HB 599 (2012) and HB 1470 (2015), the Authority uses performance criteria to analyze project benefits relative to costs with the goal of reducing congestion and improving emergency evacuation.

The landmark HB 2313 (2013) statewide transportation funding legislation also provided new, sustained regional funding for the Authority and its member jurisdictions. Revenues from a two percent Transient Occupancy Tax, (TOT) a fifteen cents per \$100 Grantor's Tax and \$.07 Sales and Use Tax, were divided with thirty percent flowing to the individual jurisdiction members for use on transportation improvements and the Authority retaining seventy percent to add new capacity to multimodal facilities across the region.

During the 2018 General Assembly Session, HB1539/SB 856(2018) resulted in the diversion of two of the Authority's three revenue sources. The Transit Occupancy Tax and the Grantor's Tax are now assigned to the WMATA Capital Fund. The annual impact was a loss of \$102 million in Authority revenues for regional and local use.

The 2019 General Assembly Session brought a small recovery of the \$102 million per year revenue diversion through SB1716/ HB2718 (2019). The Commonwealth estimates that when fully implemented in FY 2022, SB1716/HB2718 will raise just under \$20 million per year for the Authority and its member jurisdictions.

### **2020 GENERAL ASSEMBLY SESSION LEGISLATIVE PRIORITIES:**

#### **I. RESTORE LONG TERM FUNDING TO THE AUTHORITY (Revised Position)**

In 2018, deliberations on how the Commonwealth of Virginia should provide \$154 million annually to address long neglected capital maintenance at the Washington Metropolitan Area Transit Authority (WMATA) resulted in the diversion of two of the Authority's three revenue sources. The Transit Occupancy Tax and the Grantor's Tax are now assigned to the WMATA Capital Fund. The annual impact was a loss of \$102 million in Authority revenues for regional and local use. The adopted FY 2018-2023 Six Year Program was reduced by \$275 million from initial projections resulting in partial funding for multiple projects with high scores of reducing congestion.

In recognition of the pressing transportation needs in Northern Virginia, during the 2019 General

Assembly Session the Governor and the General Assembly used the new interstate funding initiative to partially replace funds diverted from the region. The Commonwealth estimates that when fully implemented in FY 2022 the new interstate funding tools will raise just under \$20 million per year for the Authority and its member jurisdictions.

The Authority seeks an additional \$82 million in annual dedicated revenue that will restore the region to pre-2018 levels of funding. The Authority favors considering substantial use of statewide funding and dedicated regional revenue sources that would limit additional burdens on Northern Virginia taxpayers already paying for extensive multi-modal transportation projects in the region.

## **II. AMEND THE VIRGINIA INVESTMENT OF PUBLIC FUNDS ACT TO INCLUDE FITCH RATINGS (New policy)**

Current Virginia Code limits which rating agencies public entities can consult for rating of any investment purchases. Today companies seek ratings from two of three of the following organizations – Standard & Poor’s, Moody’s Investor Service and Fitch Ratings. Virginia Code currently only recognizes Standard & Poor’s and Moody’s Investor Service. The Authority supports efforts to add Fitch’s Ratings as an acceptable rating agency for investment of public funds.

### **A. STATE LEGISLATIVE PROGRAM**

#### **I. 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 that the Virginia Department of Transportation and the Commonwealth Transportation Board take action to ensure Northern Virginia’s primary and secondary roads are maintained at a Critical Condition Index (CCI) score of Good to Excellent.**

**i. The Authority encourages the Commonwealth to adopt performance metrics and a funding strategy for pavement and bridge maintenance that recognizes the unique use patterns in Northern Virginia where primary and secondary roads carry significantly more traffic than similar facilities in other parts of Virginia.**

**b) Revenue Sharing: The Authority recommends that funding of the Revenue Sharing Program not be decreased below \$100 million.**

- i. The Revenue Sharing Program, which significantly leverages state transportation funds by encouraging local governments to spend their own money on transportation projects, is important to the Authority and the region.
- ii. This program has been a success in Northern Virginia, where our localities regularly apply for and rely on these funds to advance critical transportation projects. Given the transportation needs of the region while acknowledging that Smart Scale is extremely oversubscribed, projects funded through the Revenue Sharing Program are not only important to the localities that seek Revenue Sharing funds, but are important to the region as well.

- c) **Transit Capital Funding:** The Authority supports efforts to fully address the pending 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.
- d) **Technology Innovation Funding:** The Authority supports additional state resources and initiatives that realize the full potential of technology to maximize the efficiency of the Commonwealth's transportation infrastructure. Technology innovation has the potential to create new and more effective transportation services for citizens and businesses. The Authority looks forward to partnering with the Commonwealth to advance strategic uses of technology and innovation in our member jurisdictions.
- e) **Smart Scale:** The Authority supports allocation of state funds via objective and transparent data analysis. In Northern Virginia, that analysis should emphasize multimodal projects that best mitigate traffic congestion relative to project cost. The Authority encourages amendments for Round 4 of SMART SCALE that mitigate the impact large interstate projects have in negatively impacting scores of other eligible projects around the Commonwealth.

## **II. 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. The Authority, in addition to WMATA's Virginia jurisdictional partners, are on track to enhance the system through significant investments, e.g. Silver Line completion, new Potomac Yard Metro 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) **State of Good Repair:** The Authority supports legislation and funding necessary to sustain investments in transit and keep transit systems in a state of good repair, including maintaining dedicated funding for Metro.
  - i. The Authority opposes any legislation that would shift the Commonwealth's responsibility for transit funding to localities or regions.
- b) **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 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.
- c) **Sustainable Governance, Operating and Funding Reforms:** The Authority

**supports appropriate changes in governance structures and policies, operational practices, and funding sources as identified in legislation adopted by the General Assembly in 2018, to address WMATA's current and long-term challenges.**

- i. 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.
  - ii. WMATA Board governance reforms should recognize that those jurisdictions that fund Metro have a role in decision-making.
  - iii. Capital and operating funding agreements among all Metro stakeholders is essential to ensuring sustainable funding for maintenance and enhancements.
- d) **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.**
- i. While focusing on safety and state of good repair, the region must also work to address 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.
  - ii. 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. (Reaffirms Previous Position)

### **III. 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.**

- a) 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.
- b) 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 DC2RVA projects; without **state and federal** investment in building an additional crossing at Long Bridge, VRE will not be able to meet current or future demands for service.
- c) The creation of the Commuter Rail Operating and Capital (CROC) fund and annual \$15 million allocation of regional gas tax revenue by the 2018 General Assembly was a clear acknowledgement of the critical role VRE plays in the regional transportation system.

**IV. 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.**

**V. 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)

**VI. MAXIMIZING USE OF FACILITIES AND OPERATIONS**

**A vital component of our transportation network is transportation demand management, such as high occupancy vehicle use, teleworking, safe pedestrian and bicyclist movement; and 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 LEGISLATIVE PROGRAM**

### **I. SURFACE TRANSPORTATION PROGRAM REAUTHORIZATION:**

The level of Federal investment in the nation's transportation infrastructure, including both maintenance of the existing system and expansion, must increase significantly

**USDOT must coordinate with regional agencies, including the Northern Virginia Transportation Authority and the Transportation Planning Board, and local governments** as it works to 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.**

*(Reaffirms previous position)*

### **II. WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) FUNDING:**

a) **Reauthorizing the 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.**

- i. 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 Authority calls for the federal government to provide at least \$200 million annually to address urgent capital needs of the region's critical transit backbone.
- ii. The Authority calls on the Commonwealth, Maryland and the District of Columbia to continue matching PRIIA funds up to a total of \$150 million as proposed in legislation before the U.S. Congress.
- iii. 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 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.**

- i. While focusing on safety and state of good repair, the region must also work to address 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.
- ii. 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. (Reaffirms Previous Position)

### **III. 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.**

- a) 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.
- b) 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 DC2RVA projects; without **state** and **federal** investment in building an additional crossing at Long Bridge, VRE will not be able to meet future demands for increased service.

### **IV. 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)**

### **V. 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)**

### **VI. 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)**

### **VII. 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)**