

NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

MEMORANDUM

FOR: Chair Phyllis J. Randall and Members
Northern Virginia Transportation Authority

FROM: Monica Backmon, Chief Executive Officer
Tracy Baynard, Sr. Vice President, McGuire Woods Consulting, LLC

DATE: October 6, 2022

SUBJECT: Governance and Personnel Committee Report- Initial Recommendations for
Draft 2023 Legislative Program

- 1. Purpose:** To update the Northern Virginia Transportation Authority (NVTA) on the development of the Draft 2023 Legislative Program.
- 2. Discussion:** For review is a draft one-pager with four recommended ongoing priorities for 2023 (Attachment A). These priorities provide a framework for the Authority to review and comment on any legislation or budget action that impact its ability to advance multi-modal, congestion reducing, transportation projects in Northern Virginia. Included in the priorities is a continued focus on protecting and restoring regional funding and the effective use of technology in transportation solutions.

The draft priorities are consistent with the priorities from the adopted 2022 Legislative Program. For reference, the adopted 2022 Legislation program is located on [NVTA's website](#). As of the date of this memorandum, there have been no transportation related bills pre-filed by legislators. Deadline to submit pre-filed bills and other General Assembly dates are presented in Attachment B.

The four suggested topics are outlined below.

- 1. PROTECT DEDICATED REVENUE SOURCES AND POWERS OF THE NORTHERN VIRGINIA TRANSPORTATION AUTHORITY**
 - Keep the Authority's current revenue sources and flexibility to meet the region's evolving transportation needs is paramount.
 - Oppose efforts to isolate the Authority's or local government's share of regional transportation funds that undermine the region's ability to determine priorities and focus.

2. RESTORE LONG TERM FUNDING TO THE AUTHORITY

- The region still needs to restore \$38.5 million in dedicated revenue. Structure of the state, regional and local funding sources for the Metro Capital Fund is outlined in Attachment C.

3. PROTECT VIRGINIA'S TRANSPORTATION FUNDING

- Elimination of 1.5% of the sales tax on food and personal hygiene products begins on January 1, 2023. This reduction includes 0.5% which is dedicated to state transportation.
 - No additional reductions to state transportation revenues should occur until the full impact of this change is understood.
 - Department of Taxation projected in July that for FY 23-28 the Commonwealth Transportation Fund would see \$741.4 million in revenue reduction from this action.
 - No funding was identified to backfill this revenue loss.

4. SUPPORT THE USE OF EFFECTIVE TRANSPORTATION TECHNOLOGY

- The Authority's Transportation Technology Strategic Plan (TTSP) eight strategies that address congestion reduction, accessibility, cybersecurity/privacy, autonomous vehicles (especially zero-occupancy passenger vehicles), pricing mechanisms, communications infrastructure, regional interoperability, and electric vehicle infrastructure provides a foundation for the Authority and its members to participate in implementing the Commonwealth's National Electric Vehicle Infrastructure (NEVI) Plan.
- Implementation of Virginia's NEVI Plan includes an upcoming Request for Information (RFI) and likely additional appropriation of new Infrastructure Investment and Jobs Act (IIJA) funds to secure a reliable charging infrastructure across the Commonwealth.

5. Next steps:

- November 13, 2022:** Briefing on the 2023 Draft Legislative Program.
- December 8, 2022:** Anticipated Authority adoption of the 2023 Draft Legislative Program

Attachments:

- A.** Draft 2023 NVTA Legislation Program One-Pager
- B.** 2023 General Assembly Calendar and Special Dates
- C.** Structure of Funding Sources for the Metro Capital Fund



Northern Virginia Transportation Authority
The Authority for Transportation in Northern Virginia

Northern Virginia Transportation Authority

2023 Virginia General Assembly Focus

DRAFT 10-4-22

The Northern Virginia Transportation Authority has several goals for the 2023 Virginia General Assembly session:

PROTECT DEDICATED REVENUE SOURCES AND POWERS OF THE NORTHERN VIRGINIA TRANSPORTATION AUTHORITY (Ongoing Position)

The Northern Virginia region has significant transportation needs requiring dedicated funding for multimodal solutions. The Authority and its member localities use these dedicated revenues to fill funding needs the Commonwealth is unable to meet and keep the regional economy and quality of life operating at high levels. The Authority and member localities need stable and predictable revenue sources and powers to make decisions that reduce traffic congestion for residents and businesses of the region.

The Authority will work with the General Assembly and the Administration to find an effective means of ensuring the region is not deprived of critically needed dedicated revenue to meet the multimodal transportation needs of our community. The Authority funds regionally significant multimodal transportation projects using a prioritization process required by law. We oppose any action that bypasses this process by mandating the spending of dedicated regional revenues outside of the prioritization process or dedicated locally controlled revenues by requiring set asides or any other action.

Any action to divert or remove dedicated revenue sources that generate revenue through state taxes or fees deposited into the Northern Virginia Transportation Authority Fund shall contain a method to restore or replace revenue sources to provide for similar revenue collections as of fiscal year ending June 30, 2018.

RESTORE LONG TERM FUNDING TO THE AUTHORITY (Ongoing Position)

An additional \$38.5 million in annual dedicated revenues is still needed to restore dedicated regional revenues to pre-2018 levels. The Authority favors statewide revenue as the first source of funding or a larger state role in providing funding to the Metro Capital Fund. Either action would limit additional burdens on Northern Virginia taxpayers already paying for extensive multimodal transportation projects in the region.

To date, the Northern Virginia region has absorbed an increase of twenty cents per \$100 in the Grantor's Tax and a three percent increase in the Transient Occupancy Tax, to produce the revenue required to complete critical multimodal transportation infrastructure. Additionally, these tax increases and local funds provide 2/3 of the dedicated revenues to the Metro Capital Fund (\$102M of Virginia's share of \$154M were funds diverted from the Authority), which supports State of Good Repair projects of the Washington Metropolitan Area Transit Authority (WMATA) to improve safety and reliability.

The Authority favors statewide revenue as the first source of funding which helps limit additional burdens on Northern Virginia taxpayers that pay for extensive multimodal transportation projects in the region. To date the Northern Virginia region has absorbed an increase of twenty cents per \$100 in the Grantors Tax

and a three percent increase in the Transient Occupancy Tax to produce revenue to complete critical multimodal transportation infrastructure

PROTECT VIRGINIA’S DEDICATED TRANSPORTATION FUNDING (Ongoing Position)

The Commonwealth of Virginia has primary responsibility for the Region’s multimodal transportation system. An efficient transportation infrastructure is critical to Virginia’s ability to attract and retain jobs. Resources that keep transportation projects moving forward need to continue and grow to ensure the Commonwealth can support the infrastructure that moves the goods and people that support the Region’s businesses, residents, and visitors.

SUPPORT USE OF EFFECTIVE TRANSPORTATION TECHNOLOGY (Ongoing Position)

The Northern Virginia Transportation Authority’s Transportation Technology Strategic Plan (TTSP) was developed as a tool for establishing a proactive approach to innovation, which keeps congestion reduction top of mind. It is comprised of an Action Plan and eight strategies that address **congestion reduction, accessibility, cybersecurity/privacy, autonomous vehicles (especially zero-occupancy passenger vehicles), pricing mechanisms, communications infrastructure, regional interoperability, and electric vehicle infrastructure**. TTSP activity is grounded in the Authority’s vision and core values including equity, sustainability, and safety. The Authority’s TTSP provides a foundation for the organization and its members to participate in implementing the Commonwealth’s National Electric Vehicle Infrastructure (NEVI) Plan to advance use of low or zero emission vehicles in Virginia.

Background

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 regional jurisdictions and agencies together to plan and program regional multimodal transportation projects focused on relieving congestion.

The landmark HB 2313 (2013) statewide transportation funding legislation also provided new, sustained regional funding for the Authority and its member jurisdictions.

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 two percent Transient Occupancy Tax and the fifteen cents per \$100 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 2019 and 2020, actions were taken to increase taxes in Northern Virginia and dedicate state transportation funding to partially restore funding diverted from the Authority and local governments.

To date, the Authority is advancing a total of **122 regional multimodal transportation projects, totaling \$3.1 billion**, for congestion reduction throughout the region. The Authority has distributed an additional \$868 million to member localities for public transportation needs within their jurisdiction.

2023 General Assembly Calendar and Special Dates

July 18, 2022	Prefiling began
November 21, 2022	Last day for committees to take action on carryover bills
December 1, 2022	Deadline to submit drafts for pre-filed bills
January 6, 2023 By 5:00 pm	Deadline to submit further redraft requests for pre-filed bills
January 10, 2023 By 12:00 pm	Staff will have all drafts for prefile bills ready for review
January 11, 2023 10:00 am	Deadline to prefile legislation
January 11, 2023 12:00 pm	Virginia General Assembly convenes
TBD	Budget Amendments from House and Senate Members Due
TBD	Deadline to file a bill
TBD	Last Day for House and Senate to Finish Their Bills (Crossover)
February 25, 2023	Virginia General Assembly Sine Die
TBD	Governor's Amendments Due by Midnight
TBD	Reconvened (Veto) Day – April

Structure of Funding Sources for the Metro Capital Fund

Virginia is committed to providing \$154 million each year for Washington Metro Area Transit Authority's (WMATA) state of good repair capital projects. The funding is used to support a multi-year capital program to improve the system's reliability and safety.

In 2018 and 2020, the Commonwealth decided to use the following combination of local, regional and state revenue sources to fulfill its commitment.

Local and Regional Share

\$.10/\$100 regional Grantor's Tax

- Applies to Planning District 8
- Prince William, Manassas and Manassas Park required to use revenues for transportation purposes

3 percent regional Transient Occupancy Tax

- Applies to Planning District 8
- Prince William, Manassas and Manassas Park required to use revenues for public transportation purposes

\$27.12 million from WMATA Compact Locality Members

- Alexandria, Arlington, Fairfax City, Fairfax, Falls Church and Loudoun

\$22.18 million from regional fuels tax collected from WMATA Compact Locality Members

- Alexandria, Arlington, Fairfax City, Fairfax, Falls Church and Loudoun

TOTAL: \$101.82 million

State Share

33% of state motor vehicle rental tax revenue = \$10 million

\$22.18 million of state fuels tax

\$20 million from the Commonwealth Transportation Fund

TOTAL: \$52.18 million