XI

NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

M E M O R A N D U M

TO: Chairman Nohe and Members of the
Northern Virginia Transportation Authority

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

SUBJECT: Adoption of the 2019 Legislative Program

DATE: December 7, 2018

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1) **Purpose:** To seek Northern Virginia Transportation Authority (NVTA) approval of the 2019 Legislative Program. The draft 2019 Legislative Program as reviewed by the NVTA Governance and Personnel Committee (GPC) on December 13, 2018.

2) **Suggested Motion:** *I move Authority approval the draft 2019 Legislative Program, inclusive of any amendments made at the December 13, 2018 Authority meeting.*

3) **Background:**
   - **a)** The GPC, with the assistance of the Authority's Legislative Liaison, Ms. Tracy Baynard – McGuireWoods Consulting LLC, has met since September of 2018 to work on the draft development of the 2019 Legislative Program.
   - **b)** A draft 2019 Legislative Program was circulated to the GPC and all Authority members on December 7th.
   - **c)** The GPC will have met to review and discuss as well as finalize the draft Program at the December 13th 5:30PM meeting.
   - **d)** Please note the compressed timeline, with GPC meeting just before the Authority meeting on December 13th, the distribution of a revised draft Program at the meeting may be required.

Attachment: Draft - 2019 Legislative Program

Northern Virginia Transportation Authority
The Authority for Transportation in Northern Virginia

2019 State and Federal Legislative Program

(Draft Date: December 7, 2018)

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NORTHERN VIRGINIA TRANSPORTATION AUTHORITY (New Section and Positions)

The Northern Virginia Transportation Authority (Authority) is a regional body that 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.

For the 2019 General Assembly Session, the Authority has three legislative priorities as noted below:

RESTORE LONG TERM FUNDING TO THE AUTHORITY

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 revenue sources. The Transit Occupancy Tax and the Grantor's Tax are now assigned to Virginia's newly created WMATA Capital Fund. The annual impact is a loss of $102 million in Authority revenues for regional and local use. The adopted FY 2018-2023 Six Year Program was reduced by $289 million from initial projections resulting in partial funding for multiple projects with high analysis scores of reducing congestion. In addition, we note that many of the Authority's member localities use both 70% Regional Revenues and 30% Local Distribution Funds as a match to the Virginia Revenue Sharing Program, and will struggle to participate in this program without restoration of long term funding for the Authority.

ALLOW THE AUTHORITY TO PERFORM HB 599 PRIORITIZATION ANALYSIS

Since the adoption of HB 599 (2012), the Authority has worked with the Virginia Department of Transportation (VDOT) and the Department of Rail and Public Transportation to create and use a prioritization evaluation process to determine which transportation projects will do the most to reduce congestion in our region. NOVA VDOT was not given any new revenues to undertake this work and indicated it had capacity to review only 25 projects every 4 years. However, the Authority, as an experiment with VDOT, incorporated HB 599 into the 2017 TransAction update (the region's long range transportation plan) and 352 projects were evaluated for their impact on congestion reduction. These results were incorporated into the Authority's FY2018-2023 Six Year Program. The Authority believes it is more efficient to perform the analysis based on the approach of incorporating HB 599 into TransAction as it has high benefit to the region. It is more efficient and provides a wider regional look at congestion relief than can be obtained through the process as originally envisioned in HB599. The Authority seeks the transfer of responsibility for the HB 599 analysis from VDOT to the Authority.

PROVIDE THE AUTHORITY THE SAME FLEXIBILITY IN FUNDING OPERATIONS AS THE HAMPTON ROADS TRANSPORTATION ACCOUNTABILITY COMMISSION

The Authority seeks the same flexibility in which funding sources are used to support administration and operations expenses as the Hampton Roads Transportation Accountability Commission.

STATE LEGISLATIVE PROGRAM

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.

- **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 requests that the Commonwealth also consider the condition of our region's secondary and urban roads when allocating the State of Good Repair and Highway Maintenance and Operations Funds (HMOF). Northern Virginia is only expected to receive 6.39 percent in FY2019, of State of Good Repair funds this year as 87 percent of roads in Northern Virginia are in Fair or Better Condition. However, according to VDOT's Dashboard, our secondary pavement conditions are the worst in the Commonwealth, with only 41 percent of these roads in Fair or Better Condition. This percentage is far less than the Commonwealth's average of 60 percent and far from the Commonwealth's 65 percent target. This is an on-going concern of the Authority as millions of people drive on our roads every day and these deteriorated pavements will only get worse until something is done to address them.

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<u>Revenue Sharing:</u> The Authority recommends that funding of the Revenue Sharing Program not be decreased below its current level of $100 million.

- 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. 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.

- **<u>Transit Capital Funding:</u> 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. Revised

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 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. **<u>State of Good Repair</u>: 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.**

- The Authority opposes any legislation that would shift the Commonwealth's responsibility for transit funding to localities or regions.

B. **<u>Safety:</u> 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.

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C. **<u>Sustainable Governance, Operating and Funding Reforms:</u> The Authority supports appropriate changes in governance structures and policies, operational practices, and funding sources as identified in SB 856/HB 1539, 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.

D. **<u>Maximize Metrorail's Existing Infrastructure:</u> 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. (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 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.
- 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

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operating remains a critical need to sustain the current level of service and meet future demand.

- 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. VRE is currently conducting an in-depth financial analysis to establish whether additional funding is needed to ensure VRE's financial security, as well as determining which capital projects are best suited for CROC funding in VRE's Capital Improvement Program.

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,

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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 LEGISLATIVE PROGRAM

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.

(*Revises and reaffirms previous position*)

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) FUNDING

A. <u>Extending Passenger Rail Investment and Improvement Act of 2008 (PRIIA) Funding and Safety:</u> 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

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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.

- o 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. **<u>Maximize Metrorail's Existing Infrastructure:</u> 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.**

- o 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.
- o 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)

VIRGINIA RAILWAY EXPRESS (VRE)

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- o 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 both capital and operating remains a critical need to sustain the current level of service and meet future demand.

- o 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.

- o 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.

- o 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.

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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*)

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