

Northern Virginia Transportation Authority
2013 Legislative Program
Adopted: November 8, 2012

STATE

TRANSPORTATION FUNDING

Transportation needs are now catastrophic throughout the Commonwealth. The Virginia Department of Transportation has estimated that almost \$1.9 billion is needed annually just for the maintenance and operations of the roads and bridges it maintains and for the third year in a row, secondary road construction has been unfunded. Over \$230 million of additional funding is required for transit projects and eligible operating costs included in the Six Year Program.

Without action, the Commonwealth risks serious disinvestment, which is evidenced by the Commonwealth's fall from #1 to #3 in CNBC's rankings of "America's Top States for Business". This was largely attributed to Virginia's decline in ranking for Infrastructure and Transportation from #10 to #33. 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.

In Northern Virginia alone, the TransAction 2040 Long-Range Transportation Plan estimates that the region needs \$900 million per year in additional transportation funding to address its transportation problems, and these needs continue to grow. Northern Virginia jurisdictions have increased funding locally, but continue to need additional state and regional transportation funding for highway, transit, bicycle and pedestrian improvements. NVTA seeks reinstatement of exclusive Northern Virginia revenues of at least \$300 million annually, as well as 100 percent of its contribution of additional statewide revenues, to address transportation needs.

NVTA is concerned about DRPT's recommendations related to the SJR 297 Statewide Transit Study. While DRPT acknowledges that state transit assistance has not kept pace with the growth in transit services, the Report does not make an explicit recommendation about how much additional state assistance is warranted. It also contains a recommendation calling for a drastic change to the current transit formula that reallocates the already limited state resources and reduces the stability of these statewide transit funds. The recommended formula change could end up decreasing funding for transit systems throughout the region which, collectively, provide nearly half of a million daily passenger trips throughout Northern Virginia.

While NVTA agrees that performance measures are important, the Authority has specific concerns with the current proposal. The peer groups are problematic, as they do not take into account the inherent differences of each transit agency. Additionally, NVTA believes that the measures should include congestion relief and the impact on economic development. Further, while we are especially concerned about these proposed changes, the Authority feels that any changes to the formula should be applied solely to new revenues added to the Mass Transit Fund, rather than reallocating the already limited resources. A study of the recommendations by the Joint Legislative

Audit and Review Committee with a particular focus on their impact on economic competitiveness in the Commonwealth, Northern Virginia, Central Virginia and Hampton Roads as well as the localities' ability to comply with the Americans with Disabilities Act, would be beneficial.

Transportation is fundamentally a state responsibility and the Commonwealth must lead the efforts to provide more revenue for our transportation infrastructure. Current state transportation revenues are vastly insufficient to maintain and build the multimodal infrastructure Virginia needs to remain an active and dynamic participant in a 21st Century economy. Virginia needs real transportation solutions that provide significant increases in transportation funding for all modes from new stable, reliable, permanent, and balanced sources. Localities throughout Northern Virginia and the entire Commonwealth continue to provide millions in local funds for transportation each year, but the state must do its part, otherwise future generations will pay the price for the current inaction. *(Revises and updates previous transportation funding position.)*

VRE TRACK ACCESS FEES

Since its inception, VRE has received money from the Commonwealth through the Equity Bonus Program for the track access fees. MAP-21 eliminated the Equity Bonus Program while keeping the level of program funding the same through the first two years of the law. If VRE is unable to resolve this potential funding shortfall then there will be significant budgetary ramifications which could include reductions in service, 58% jurisdiction increase in subsidies, and/or a 28% fare increase. NVTA supports the inclusion of VRE track access funding within the Secretary's proposed transportation budget. If this does not occur then NVTA supports a separate appropriation through eligible federal pass through money for track access fees within its capital program. *(New position)*

WMATA FUNDING

The Commonwealth must work with the Federal Government to ensure that it, too, provides sufficient resources to address transportation needs. A case in point is the need for continuing the \$50-million Virginia contribution to the \$300-million annual program over 10 years for Metro. This represents a significant commitment to maintaining Metro's assets and ensuring that Metro can continue to safely and efficiently meet the region's transportation needs. So long as both Maryland and DC provide their \$50 million each, Virginia needs to provide \$50 million. *(Reaffirms previous position).*

SECONDARY ROAD DEVOLUTION/LOCAL MAINTENANCE PROGRAMS

NVTA opposes any legislation that would require the transfer of secondary road construction and maintenance responsibilities to counties, especially if these efforts are not accompanied with corresponding revenue enhancements. While there are 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. Further, NVTA also opposes any legislative or regulatory moratorium on the transfer of newly constructed secondary roads to VDOT for the purposes of ongoing maintenance.

Additionally, NVTA is opposed to changes to maintenance allocation formulas detrimental to localities maintaining their own roads. Urban Construction Funds are already far below what is needed and localities must already find other ways to fund new construction initiatives and 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).*

ELECTRONIC MEETINGS

NVTA supports working with our General Assembly delegation regarding electronic participation of public meetings. Currently the Code of Virginia allows electronic participation in certain instances, including when a member identifies a specific emergency on the day of a meeting or if the member's principal residence is more than 60 miles from the meeting location. Expanding the circumstances for permitted electronic participation could allow for increased participation of these public meetings.

CHAPTER 729 PLANNING

Land use provisions included in legislation during the 2012 Session changed transportation planning requirements for jurisdictions. Specifically, the Virginia Department of Transportation (VDOT) and the Commonwealth Transportation Board (CTB) can decide whether local transportation plans are consistent with their current priorities. If they decided this is not the case, they are able to withhold funding for transportation projects in counties. While the NVTA is appreciative of efforts to better coordinate local and state transportation planning, the Authority is concerned that these provisions essentially transfer the responsibility for land use planning from local governments to the Commonwealth. Land use and zoning are fundamental local responsibilities and these provisions can override the work done by our local governments and our residents, property owners, and the local business communities on land use and transportation plans. *(New Position)*

EQUAL TAXING AUTHORITY FOR COUNTIES, CITIES AND TOWNS

NVTA supports granting counties the authority cities and towns currently have to enact local excise taxes, including the cigarette tax, admissions tax, transient occupancy tax and meals tax. Doing so would allow counties to raise additional revenues for transportation projects. *(Reaffirms previous position)*

BASE REALIGNMENT AND CLOSURE (BRAC) RECOMMENDATIONS

NVTA supports the inclusion of sufficient funding to ensure significant fiscal resources to address the enormous planning and transportation issues associated with the Base Realignment and Closure Commission recommendations. This is particularly critical, because the BRAC relocations have occurred, and Northern Virginia localities are facing significant shortfalls in the capacity of current infrastructure to support the additional military and civilian jobs. *(Revises and reaffirms previous position).*

PEDESTRIAN SAFETY

NVTA support 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. This issue is of special importance for pedestrians with physical or sensory disabilities, who are at particular risk of injury when crossing streets. *(Reaffirms previous position.)*

TRANSPORTATION CORRIDOR STUDIES

NVTA recommends that the Code of Virginia be amended to specify that major transportation corridor studies related to facilities wholly within one VDOT construction district, should be managed by that construction district rather than the VDOT Central Office. Regional VDOT staff is better equipped to address the concern of the affected citizens and local governments. *(Reaffirms previous position).*

FEDERAL

SURFACE TRANSPORTATION PROGRAM REAUTHORIZATION

In July 2012, Congress passed a two-year transportation reauthorization bill, Moving Ahead for Progress in the 21st Century (MAP-21). This bill provides \$120 billion for federal transportation programs from July 2012 – September 2014. The bill does not direct funding towards specific projects. The U.S. Department of Transportation (USDOT) is currently developing rules for many of the programs, in consultation with state departments of transportation, Metropolitan Planning Organizations (MPOs) and other stakeholders.

As discussions on the rulemaking and possible future legislation continue, NVTA 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;
- The distribution of funding within the Federal Surface Transportation Program must be simplified and the number of funding programs streamlined.
- The time required to complete the federal review process of significant new transportation projects must be reduced, and the approval process must be consistent across all modal administrations. In addition, federal implementation regulations should be streamlined;
- 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;
- Energy efficiency and environmental protection must be addressed in the development of transportation projects; however environmental reviews should be conducted within specified timeframes, so that a project's environmental impacts can be identified and adequately addressed; and
- Safety and security must continue to be an important focus of transportation projects. *(Revises and reaffirms previous position)*

DEDICATED FUNDING FOR WMATA

WMATA is the only major transit provider in the country without a permanent dedicated revenue source for a significant part of their revenue base. Congress passed legislation that authorizes \$1.5 billion for WMATA over ten years, if the region adopts a dedicated funding source(s) and provides an additional \$1.5 billion to match the federal funds. All three signatory jurisdictions have passed the compact amendments required to receive the federal funding, and the non-Federal matches are in place. This authorization must continue to be accompanied by annual appropriations. *(Revises and reaffirms previous position).*

FUNDING FOR THE VIRGINIA RAILWAY EXPRESS

NVTA supports the Virginia Railway Express efforts to secure federal funding for the following capital projects: high capacity railcars, positive train control; train storage of rail equipment, station parking expansion, platform extensions and additions, and expansion of commuter rail service. *(Updates previous position.)*

LIMITS ON COMMUTER RAIL RELATED LIABILITY

NVTA calls upon Congress to approve legislation to broaden the applicability of existing statutory language in 49 USC, 28301 related to commuter rail related liability. The language should be amended to reflect the existing liability standard of a \$250M annual aggregate limit while broadening the cap beyond passenger rail related claims for property damage, bodily injury or death so that they apply to all claims brought by third parties. *(Reaffirms previous position)*

FUNDING FOR TRANSPORTATION EMERGENCY PREPAREDNESS

NVTA calls upon Congress to provide increased 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

NVTA calls upon Congress to provide increased funding to transportation agencies in the metropolitan Washington area to continue funding for MATOC's operations. *(Reaffirms previous position)*

COMMUTER BENEFITS

NVTA supports legislation that would create parity between the level of tax-free transit benefits employers can provide to employees for transit (currently \$125/month) and for parking benefits (currently \$230/month), as a way to make transit service more attractive to commuters who currently drive alone. In addition, NVTA supports legislation to permanently extend the current transit benefit to all branches of the federal government. *(Revises and reaffirms previous position.)*