

2017 Federal and State Legislative and Policy Agenda



Approved November 2016

Northern Virginia's economic growth and global competitiveness are directly tied to the region's transit network. Transit links businesses to employees, customers, suppliers and investors and residents to jobs, school, shopping and entertainment. With nearly 60 percent of jobs within a quarter-mile of a rail station or bus stop, Northern Virginia is among the nation's most transit-accessible areas. For the past five decades, the Northern Virginia Transportation Commission (NVTC) has promoted an efficient, high-quality and innovative transit network in order to fuel the economy and sustain the region's quality of life.

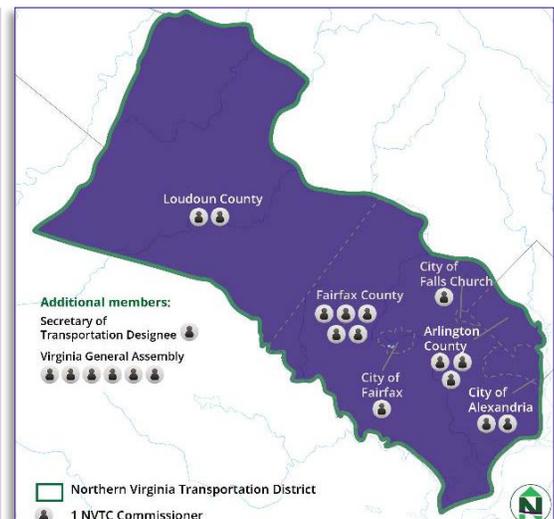
Each work day 550,000 Northern Virginians commute via transit, saving the region 35.5 million hours of congestion-related delays annually. Virginia Railway Express (VRE) riders, nearly 19,000 daily, take the equivalent of two lanes of traffic – one each on I-66 and I-95 – off the highways during rush hour. With six bus systems extending from Loudoun County to the City of Alexandria and commuter- and fixed-rail systems, Northern Virginia continues to explore new ways to better connect businesses, residents and visitors.

NVTC will support legislation and policies that build our transportation network by:

- ✓ Maintaining and expanding opportunities for dedicated, sustainable funding for transit capital and operations;
- ✓ Establishing the Metro Safety Commission (MSC) to enhance safety and security of riders and systems in the region through diligent oversight;
- ✓ Using metrics to promote efficiency and maximize capital investments;
- ✓ Promoting and strengthening regional cooperation and accountability;
- ✓ Maximizing use of existing assets to enhance transit performance and safety; and
- ✓ Fostering innovation and technological integration that improves transit operations and expands service.

For over 50 years, NVTC has worked to ensure that high-quality transit serves Northern Virginia through:

- ✓ Financial and grants management
- ✓ Research and technical expertise
- ✓ Regional coordination and collaboration
- ✓ Regional forum for transit issues
- ✓ Virginia forum for transit governance and policy lead for WMATA
- ✓ Co-ownership of the Virginia Railway Express





STATE LEGISLATIVE PROGRAM

Maintain and Expand Opportunities for Dedicated, Sustainable Funding for Operations and Capital

NVTC's top legislative and policy priority is identifying stable, secure and dedicated sources of funding for regional transit systems including WMATA's Metrorail and Metrobus, the Virginia Railway Express (VRE), the commuter rail service NVTC co-owns with the Potomac and Rappahannock Transportation Commission (PRTC), and local and commuter bus service. Maintaining and expanding stable, dedicated revenue sources for operations and capital is essential to system safety and meeting the region's transportation need to reduce congestion. This includes a focus on the following items:

Establishing a Floor on Regional Gas Tax Revenues

NVTC supports establishing a floor on the regional gas tax. The monthly revenues collected via the regional gas tax --- the only dedicated source of funding for WMATA in Northern Virginia -- are down as much as 40 percent since 2013. During calendar year 2015 alone, NVTC lost \$13.2 million and PRTC lost \$10.6 million in revenue because the regional gas tax lacks the same protective floor as the statewide tax.

Maintaining Long-Standing Funding Commitments and Preparing to Meet Future Needs

To meet the growing funding needs of NVTC's transit systems, the Commonwealth must continue its financial commitments to WMATA and VRE and work with the region to lay the groundwork for expanded innovative finance and planning. NVTC is committed to working with the Transit Service Delivery Advisory Committee and the Transit Capital Project Revenue Advisory Board to ensure the Commonwealth's judicious allocation of capital and operating assistance.

NVTC supports:

- Continuing to ensure the Virginia match to the federal Passenger Rail Investment and Improvement Act of 2008 (PRIIA) funding for WMATA;
- Identifying new funding for Virginia's share of WMATA's [Momentum: Long Term Strategic Plan](#);
- Identifying additional sources of revenue for operating assistance for regional transit including VRE and WMATA as well as the local providers in the NVTC and PRTC districts; and
- Developing and expanding opportunities for innovative financing of transportation infrastructure.

Addressing the Transportation Capital Funding Bond Expiration

In FY2019, the Commonwealth Transportation Board will allocate the last revenues received from the 2007 Transportation Capital Project Revenue Bonds. When this happens, the Commonwealth's projected available funds for transit capital projects will drop by approximately \$75 million each year unless another source of revenue is identified. The capital funding gap is a significant concern for continuing to invest in all modes of transportation projects. Finding a long-term, sustainable funding solution for the Commonwealth's transportation needs is imperative if we are to avoid the collapse of Virginia's transit capital program.

Enhance Safety and Security

Strong oversight, achieving and maintaining state of good repair and emergency preparedness are essential for the safety of all transit riders whether they are customers of WMATA's Metrorail and Metrobus, VRE or local bus. Additional areas of focus include:

Establishing the Metro Safety Commission (MSC)

FTA has mandated the establishment of a Metro Safety Commission to replace the Tri-State Oversight Commission. The MSC will be an entity with its own investigative and enforcement authority and is financially independent from WMATA. In order to comply with this federal mandate, legislative action is required by Virginia, Maryland and the District of Columbia. On February 8, 2016, USDOT Secretary Anthony Foxx informed the jurisdictions that if the MSC is not established by February 9, 2017, FTA is prepared to begin withholding federal formula funds, which affects local transit systems beyond Metrorail.

Integrating State and Regional Emergency Preparedness Plans

Transit must provide key transportation support in the event of an emergency. To do so successfully, Metrorail, VRE and all bus service must be fully integrated in state and regional emergency planning programs.

Ensuring State of Good Repair

Ensuring that our regional transit systems are maintained in a "state of good repair" is key to providing riders with safe service. To that end, NVTC supports stable state and federal funding of transit capital including the \$50 million per year state match required for WMATA to receive \$150 million per year in federal state of good repair funding authorized under the Passenger Rail Investment and Improvement Act of 2008 (PRIIA).

Implementing Positive Train Control (PTC)

PTC uses communication and processor-based technology designed to increase the reliability and safety of trains by preventing collisions, overspeed derailments, incursions into work zones, and the incorrect movement of a train through a mainline switch. The Rail Safety Improvement Act of 2008 (RSIA) requires passenger rail service, such as VRE, to have operational PTC. In 2015, Congress extended the original 2015 deadline for implementation of PTC to December 31, 2018, with the possibility of an additional two-year extension if certain requirements are met. NVTC will continue to monitor all legislation and regulations related to PTC.

Use Metrics to Promote Efficiency and Effectiveness

SMART SCALE Metrics Should Ensure an Even Playing Field for All Modes of Transportation

Passed in the 2014 General Assembly Session, SMART SCALE requires the Commonwealth Transportation Board to develop a statewide prioritization process for capacity expansion projects, starting in the FY 2016-2022 Six Year Improvement Program. SMART SCALE applies only to projects that are new construction for expansion purposes. Transit, along with all other modes, are eligible to compete for highway construction funds and therefore, those specific transit projects will be subject to the same SMART SCALE evaluation factors as any other project. SMART SCALE requires that projects be evaluated based on congestion reduction, environmental quality, economic development, accessibility, land use, and safety, with congestion reduction being given the greatest weight in Northern Virginia and Hampton Roads. NVTC will continue to work with Commonwealth Transportation Secretary Aubrey Layne to ensure that transit continues to be on an even playing field with other modes of transportation.

Development of Distribution Process for Transit Capital and Operating Funds through the Transit Service Delivery Advisory Committee (TSDAC)

NVTC will continue to monitor the implementation of SB1140 to assess how new performance criteria applied to the operating assistance formula are working in practice. In addition, NVTC will analyze the impact of adjustments to the state assistance for capital, including the implementation of changes in the calculation of state participation and the adoption of the tiering structure.

Promote and Strengthen Regional Cooperation and Accountability

NVTC, through regional planning and funding activities, will continue to promote high-quality, high-capacity transit in key corridors including Route 1, Route 7, U.S. 29 and U.S. 50. NVTC partners with other entities such as the Northern Virginia Transportation Authority, the Northern Virginia Regional Commission and the Metropolitan Washington Council of Governments to seek ways to maximize transit investments in the region.

Maximize Use of Existing Facilities to Enhance Transit Performance and Improve Safety

NVTC will continue to work with the General Assembly, the Department of Rail and Public Transportation (DRPT) and the Virginia Department of Transportation (VDOT) to encourage optimal use of existing investments through:

- Investing in multimodal options in key interstate corridors including I-66, I-95, I-495, and I-395;
- Maximizing bus service on existing Express Lanes on I-95, I-395, I-495 and future I-66 Express Lane;
- Evaluating the bus-on-shoulder pilot and other opportunities with the potential to provide safer and faster connections along interstates and roadways in the region;
- Identifying cost-effective vehicle storage solutions for commuter buses;
- Employing full flexibility in the urban design standards for transportation system components;
- Providing training to ensure safe and secure transit operations; and
- Developing and integrating transit into local, regional, and state emergency management plans.

Foster Innovation & Technology Integration to Improve Transit Operations and Service

NVTC will continue to support innovative technological opportunities for transportation including:

- Deploying Transportation Demand Management (TDM) and Intelligent Transportation Systems (ITS);
- Seeking support for the acquisition of a regional electronic fare payment system that will decrease costs and make it seamless to move from VRE to Metro to local bus systems; and
- Expanding telecommuting, ridesharing and transit ridership during peak and off-peak times through innovative incentives.

FEDERAL LEGISLATIVE PROGRAM

Commuter Benefits

NVTC supports legislation to make transit service more attractive to commuters who currently drive alone. We encourage the use of carpools, vanpools, rideshare, bikeshare and TDM as effective tools to eliminate congestion.

Federal Surface Transportation Program

As discussions on future federal legislation continue, NVTC supports Congress:

- Significantly increasing the level of federal investment in the nation's transportation infrastructure;
- Ensuring that funding structures support all modes of public transportation and uses of innovative funding techniques;
- Highlighting safety and security as key outcomes of transportation projects;
- Affirming that all interstate toll revenues can be used for transit capital and operations;
- Appropriating funding levels for New Start, Small Start, and Core Capacity grants as authorized by the Fixing America's Surface Transportation (FAST) Act;
- Providing funding for the Transportation Improvements Generating Economic Recovery (TIGER) discretionary grant program;
- Simplifying the distribution of the federal flex funding through programs like the Surface Transportation Program (STP) and the Congestion Mitigation and Air Quality (CMAQ) program in order to provide greater decision-making authority to local government and regional agencies to determine how the funding is spent; and
- Streamlining environmental reviews when multiple federal agencies are involved with a project so that the environmental impacts can be efficiently identified and addressed.

Dedicated Funding for WMATA (PRIIA)

NVTC supports continued annual federal appropriations of \$150 million for the Passenger Rail Investment and Improvement Act of 2008 (PRIIA). Under this legislation, Congress committed to \$1.5 billion for WMATA over ten years to support critical safety and state of good repair projects. This funding requires Maryland, Virginia and the District of Columbia provide a \$1.5 billion match (\$500 million per jurisdiction) of the federal funds over the same period. All three signatory jurisdictions have passed the Compact amendments required to receive the federal funding, and the non-Federal matches are in place.

Funding for the Virginia Railway Express (VRE)

As a co-owner of VRE, NVTC supports legislation that increases commuter rail service to meet natural demand growth in Northern Virginia and ensures the long-term financial viability of service. NVTC supports efforts to secure federal funding for the following capital projects:

- Expansion of Long Bridge;
- High-capacity railcars;
- Train storage of rail equipment;
- Station parking expansion; and
- Platform extensions and additions.

Monitoring Surface Transportation Board Policy on Amtrak On-Time Performance

The Surface Transportation Board recently published a final rule for Amtrak on-time performance (OTP) on host railroads. The policy on OTP was amended from being calculated on a terminal station-basis to being calculated at every station. Several railroads and the Association of American Railroads have filed suit in federal court related to the authority to implement the rule. NVTC will continue to monitor the possible impacts of this rule and potential consequences for VRE operations.

Funding for Transportation Emergency Preparedness

NVTC calls upon Congress to provide increased security funding to local and regional transportation agencies in the metropolitan Washington area.

Supporting In-State Collection of Online Retail Sales Tax

NVTC supports passage of legislation to allow the Commonwealth of Virginia to collect sales tax on purchases made with online retailers, such as the Marketplace Fairness Act of 2015. If Marketplace Fairness is enacted in the future, HB2313 ensures the Commonwealth will spend a portion of the collected funds on transit projects.