



## **NVTC COMMISSION MEETING**

**THURSDAY, FEBRUARY 9, 2012  
CONFERENCE ROOM 3 WEST  
General Assembly Building  
Richmond, Virginia  
5:30 PM**

### **AGENDA**

NOTE: NVTC is meeting jointly with the Northern Virginia Transportation Authority on Local Government Day in Richmond.

#### **1. Minutes of the NVTC Meeting of January 5, 2012.**

Recommended Action: Approval.

#### **2. VRE Items.**

- A. Report from the VRE Operations Board and VRE Chief Executive Officer-- Information Item.
- B. VRE Railcar Procurement—Action Item/Resolution #2185.

#### **3. NVTC's FY 2013 State Transit Assistance Application.**

NVTC staff submitted the application on behalf of its jurisdictions and VRE by the February 1, 2012 deadline.

Recommended Action: Approve Resolution #2186 endorsing the application.

#### **4. WMATA Items.**

NVTC's WMATA Board members will present information and receive feedback on WMATA's updated vision, mission and strategic goals.

Discussion Item.

#### **5. Legislative Items.**

The current status of state and federal legislation will be reviewed and strategies to improve the chances of success will be considered.

Recommended Action: Following joint discussion with NVTA members, act on any proposed changes to NVTC's legislative agenda.





AGENDA ITEM #1

MINUTES  
NVTC COMMISSION MEETING – JANUARY 5, 2012  
NVTC CONFERENCE ROOM – ARLINGTON, VIRGINIA

The meeting of the Northern Virginia Transportation Commission was called to order by Chairman Euille at 8:16 P.M.

**Members Present**

Sharon Bulova  
Barbara Comstock  
John Cook  
James Dyke  
Adam Ebbin  
William D. Euille  
Jay Fisette  
John Foust  
Jeffrey Greenfield  
Mark R. Herring  
Catherine Hudgins  
Mary Hynes  
Jeffrey McKay  
Ken Reid  
Thomas Rust  
Paul Smedberg  
David F. Snyder  
Mary Margaret Whipple  
Christopher Zimmerman

**Members Absent**

Joe May

**Staff Present**

Rhonda Gilchrest  
Claire Gron  
Scott Kalkwarf  
Kala Quintana  
Rick Taube  
Dale Zehner (VRE)



### Oath of Office for New NVTC Commissioner

Chairman Euille announced that Ken Reid has been appointed to serve on NVTC as a replacement for Kelly Burk from the Loudoun County Board of Supervisors. Chairman Euille administered the oath of office to Mr. Reid and the commission welcomed him to NVTC.

Mr. Dyke left the room.

### Awards to Departing Commission Members

Chairman Euille stated that three NVTC commissioners serving in 2011 will be leaving NVTC in 2012. He presented an award of appreciation to Senator Whipple in special recognition of her 25 years of service. Several commissioners expressed that they have been deeply honored to serve alongside Senator Whipple who has done so much for this region. Chairman Euille noted that these comments are reflective of the entire commission. Chairman Euille also presented an award of appreciation to Delegate Ebbin for his service on NVTC. Since Mrs. Burk was not present, NVTC staff will mail the award to her.

### Election of NVTC Officers for 2012

Chairman Euille reported that NVTC's Executive Committee served as the Nominating Committee and has recommended the following slate of officers for 2012:

Chairman: Jay Fisette  
Vice-Chairman: Jeff McKay  
Secretary-Treasurer: Paul Smedberg

There were no further nominations. Mrs. Bulova moved, with a second by Mr. Zimmerman, to approve the recommended slate of officers. The vote in favor was cast by commissioners Bulova, Comstock, Cook, Ebbin, Euille, Fisette, Foust, Greenfield, Herring, Hudgins, Hynes, McKay, Reid, Rust, Smedberg, Snyder, Whipple and Zimmerman.

Chairman Euille administered the oath of office to the newly elected officers. He then passed the gavel to Chairman Fisette.

Chairman Fisette presented an award to Mr. Euille for his outstanding service as NVTC chairman in 2011. Mr. Euille stated that he has had the privilege to serve as a NVTC officer over the last 8-9 years. He looks forward to working with the new officers and full commission during 2012.

## Minutes of the December 1, 2011 NVTC Meeting

On a motion by Senator Whipple and a second by Mr. McKay, the commission unanimously approved the minutes. The vote in favor was cast by commissioners Bulova, Comstock, Cook, Ebbin, Euille, Fisette, Foust, Greenfield, Herring, Hudgins, Hynes, McKay, Reid, Rust, Smedberg, Snyder, Whipple and Zimmerman.

### VRE Items

Report from the VRE Operations Board and Chief Executive Officer. Mr. Zehner reported that on-time performance (OTP) for the month of December was 96.5 percent on the Fredericksburg line and 96.6 percent on the Manassas line. Ridership for December was 18,095 average daily trips, with three top 10 ridership days. Since February, 2011 when VRE hit the 20,000 daily ridership mark, there have been 60 days of 20,000 or higher daily trips. Ridership has exceeded 21,000 a few times. Mr. Zehner also reported that over the last year VRE riders have lost 1,846 items on the trains, including 300 cell phones, 85 wallets, 26 lap tops, and even a set of false teeth. VRE was able to return 1,569 items to their owners, which is an 85 percent return rate. This is VRE's highest return rate to-date. Delegate Rust asked about the capacity of the current rolling stock. Mr. Zehner explained that VRE can add approximately 2,000 more daily riders if capacity is spread across all the trains.

Mr. Dyke returned to the meeting at 8:26 P.M.

VRE's FY 2013 Operating and Capital Budget and Revisions to the FY 2012 Budget. Mrs. Bulova reported that the VRE Operations Board recommends approval of Resolution #2178, which would adopt VRE's proposed FY 2013 operating and capital budget and revisions to the FY 2012 budget. It would also authorize staff to forward the budget to NVTC's participating and contributing jurisdictions for their consideration under the terms of the VRE Master Agreement. Mrs. Bulova stated that the budget assumes an average daily ridership of 19,000 and holds the number of trains constant at 32. A three percent increase in total local subsidy is included together with a three percent fare increase.

On a motion by Mrs. Bulova and a second by Mr. Zimmerman, the commission approved Resolution #2178 (copy attached). The vote in favor was cast by commissioners Bulova, Comstock, Cook, Dyke, Ebbin, Euille, Fisette, Foust, Greenfield, Herring, Hudgins, Hynes, McKay, Rust, Smedberg, Snyder, Whipple and Zimmerman. Mr. Reid abstained.

Extension of the Norfolk Southern Operating Access Agreement. Mrs. Bulova stated that the VRE Operations Board recommends approval of Resolution #2179, which would extend the existing agreement with Norfolk Southern to July 31, 2012. The current extension expires January 31, 2012. The purpose of the extension is to allow more time to negotiate unresolved insurance issues.

Mrs. Bulova moved, with a second by Mr. Smedberg, to adopt the resolution (copy attached). The vote in favor was cast by commissioners Bulova, Comstock,

Cook, Dyke, Ebbin, Euille, Fisette, Foust, Greenfield, Herring, Hudgins, Hynes, McKay, Rust, Smedberg, Snyder, Whipple and Zimmerman. Mr. Reid abstained.

#### NVTC's FY 2011 Audit

Chairman Euille introduced Mike Garber and Dwight Buracker from NVTC's audit firm, PBGH LLP, who were present to review the results of NVTC's annual audit for FY 2011. Mr. Garber reported that PBGH has issued three opinions, including an unqualified (clean) opinion that NVTC's financial statements in all material respects, fairly and accurately present the financial position of the organization. A clean report was also issued on the internal control of NVTC's financial reporting, compliance and other matters. The third opinion is in regards to compliance with the federal OMB Circular A-133 and states that NVTC complied in all material respects with those requirements. However, an item was discovered that is required to be reported. NVTC staff did not properly submit the June 30, 2010 financial statements to the Federal Audit Clearinghouse (FAC) by the required due date. This occurred because NVTC staff did not receive the email notification with log-in credentials and therefore failed to electronically activate its filing. To guard against this recurring, NVTC staff has initiated a system to generate an internal reminder, whether or not the email notice is received from the FAC. Mr. Garber also stated that a portion of VRE's financial statements are now included in NVTC's and PRTC's financial statements.

Mr. Zimmerman moved, with a second by Mr. Euille, to authorize staff to provide the audited financial statements to a list of interested regulatory agencies, bond holders, jurisdictions and individuals. The vote in favor was cast by commissioners Bulova, Comstock, Cook, Dyke, Ebbin, Euille, Fisette, Foust, Greenfield, Herring, Hudgins, Hynes, McKay, Reid, Rust, Smedberg, Snyder, Whipple and Zimmerman.

#### Selection of NVTC's Representatives to the WMATA, VRE and VTA Boards of Directors and to NVTC's Executive and Legislative Committees

Chairman Fisette announced the nominations for the WMATA, VRE and VTA Boards, which would be adopted by approving Resolution #2180. The nominations are as follows:

##### WMATA Board:

|             |                   |             |             |
|-------------|-------------------|-------------|-------------|
| Principals: | Catherine Hudgins | Alternates: | Mary Hynes  |
|             | James Dyke        |             | Bill Euille |

##### VRE Operations Board:

|             |                 |             |             |
|-------------|-----------------|-------------|-------------|
| Principals: | Sharon Bulova   | Alternates: | Jeff McKay  |
|             | John Cook       |             |             |
|             | Chris Zimmerman |             | Jay Fisette |
|             | Paul Smedberg   |             |             |

VTA Board:

Principals: Chris Zimmerman  
Bill Euille

Alternates: Mary Hynes  
Jeff McKay  
Rick Taube

Chairman Fisette further explained that NVTC's By-Laws determine the membership of the Executive Committee and NVTC's chairman appoints the members of the Legislative Committee. A later agenda item will discuss potential changes to the By-Laws, which would change the membership of the Executive Committee. The membership of these committees is as follows:

NVTC Legislative Committee

Jay Fisette, Chairman  
William Euille  
Jeff Greenfield  
Mark Herring  
Catherine Hudgins  
Mary Hynes  
Ken Reid  
Tom Rust  
Dave Snyder

NVTC Executive Committee

Jay Fisette (chairman)  
Jeff McKay (vice-chairman)  
Paul Smedberg (secretary-treasurer)  
Tom Rust (General Assembly)  
James Dyke, (WMATA Board)  
Catherine Hudgins (WMATA Board)  
William Euille (immediate past chair)  
Mary Hynes (WMATA Board – pending By-Laws amendment)  
Sharon Bulova (Fairfax Co. Board Chair – pending By-Laws amendment)

Mrs. Hynes moved, with a second by Mr. Reid, to approve Resolution #2180.

Mrs. Bulova noted that the Fairfax County Board of Supervisors has not yet met, so the action should be contingent upon subsequent action taken by the Board. Senator Whipple observed that the resolution reflects this contingency. The commission then voted on Resolution #2180 (copy attached) and it passed. The vote in favor was cast by commissioners Bulova, Comstock, Cook, Dyke, Ebbin, Euille, Fisette, Foust, Greenfield, Herring, Hudgins, Hynes, McKay, Reid, Rust, Smedberg, Snyder, Whipple and Zimmerman.

Delegate Comstock left the room.

### Approval of NVTC's Official Signatories and Employees' Pension Trustees

Mr. Taube stated that Resolution #2181 establishes that Mr. Smedberg, as the new secretary-treasurer, is eligible to sign NVTC documents (including financial transactions) and to serve as a trustee of NVTC's Employees' Pension Trust.

On a motion by Mr. Zimmerman and a second by Mrs. Bulova, the commission unanimously approved Resolution #2181 (copy attached). The vote in favor was cast by commissioners Bulova, Cook, Dyke, Ebbin, Euille, Fisette, Foust, Greenfield, Herring, Hudgins, Hynes, McKay, Reid, Rust, Smedberg, Snyder, Whipple and Zimmerman.

### Disadvantaged Business Enterprise Policy , Program and Goal

Mr. Taube stated that Resolution #2182 would establish a Disadvantaged Business Enterprise (DBE) Policy and Program and a three-year goal for NVTC's federally funded projects. The goal is at least 5.6 percent by value of NVTC's federally funded projects to be performed by Certified Disadvantaged Business Enterprises. NVTC's subrecipients must also adhere to this policy and attempt to meet the goal. NVTC must report to the Federal Transit Administration regularly on progress in achieving this goal. In the past, PRTC established the goal for the three agencies (PRTC, NVTC and VRE) and processed the mandatory reports. FTA now requires NVTC to establish its own goal and report individually. The proposed goal remains the same as that of PRTC and VRE. NVTC's policy and goal must be available to the public for 45 days for comment before NVTC acts to approve them in final form. Accordingly, Resolution #2182 authorizes staff to advertise the proposed policy and goal for public comment with the expectation that final action will occur at NVTC's March 1, 2012 meeting.

Mr. Zimmerman moved to approve Resolution #2182. Mrs. Hudgins seconded.

In response to a question from Mr. Zimmerman, Mr. Taube stated that the DBE calculation was reviewed by a NVTC staff member who is also a lawyer. In response to a question from Delegate Rust, Mr. Taube stated that there are specific DBE definitions in the federal regulations that apply and he can provide that information. Mr. Dyke suggested staff provide a periodic update on how NVTC is meeting this goal. Mr. McKay observed that the calculated federal requirement for NVTC is 2.8 percent but NVTC is proposing 5.6 percent. Mr. Taube explained that 5.6 percent is the same goal as VRE and PRTC and it is a realistic goal.

The commission then voted to adopt Resolution #2182 (copy attached). The vote in favor was cast by commissioners Bulova, Cook, Dyke, Ebbin, Euille, Fisette, Foust, Greenfield, Herring, Hudgins, Hynes, McKay, Reid, Rust, Smedberg, Snyder, Whipple and Zimmerman.

### NVTC By-Law Amendments

Chairman Fisette stated that in defining the 2012 performance goals, NVTC commissioners expressed an interest in clarifying certain procedures set forth in NVTC's By-Laws. The proposed changes are meant to accomplish such clarification. Specifically, it is stated that open meeting requirements in the Virginia Code will apply to NVTC's Executive Committee and the committee chairman has the authority to determine who is able to participate in lawfully convened closed sessions of that committee. In order to strengthen the capability of the Executive Committee to recommend policy actions to the full board of NVTC, it is recommended that the Chairman of the Fairfax County Board be a permanent member of the Executive Committee (if that person serves on NVTC). Also, all of NVTC's WMATA Board members would become members of the Executive Committee.

Mr. Taube explained that current By-Laws require action at two successive meetings of NVTC before any changes are adopted, so the commission is asked to act to approve the proposed changes, subject to ratification at NVTC's March 1<sup>st</sup> meeting. Chairman Fisette stated that the Executive Committee has reviewed all the changes. The committee agreed that it was beneficial to add a description of NVTC's purpose to the By-Laws.

In response to a question from Mrs. Bulova about who can attend Executive Committee meetings, Chairman Fisette stated that the Executive Committee meetings are open to the full commission and the public. However, closed sessions are limited to the rules described in the By-Laws. Summary minutes of Executive Committee meetings are also available. In response to a question from Mr. Dyke, Mr. Taube stated that each January NVTC adopts a meeting schedule, which includes Executive Committee meetings. The Executive Committee meeting agendas are posted on NVTC's website.

Delegate Comstock returned to the meeting.

Senator Whipple moved, with a second by Mr. Snyder, to approve the By-Law changes and to authorize a final action on the proposed changes to occur at NVTC's March 1, 2012 meeting.

Mr. Snyder proposed a friendly amendment to add "safety and customer service" to the purpose statement. The sentence would read: "NVTC works to improve mobility, safety, and transit customer service; reduce traffic congestion; protect the environment; and stimulate the regional economy; all by increasing the use of transit and ridesharing." This friendly amendment was accepted by unanimous consent.

Mr. Snyder also stated that he has no objection to adding the Fairfax County Board Chair to the Executive Committee but suggested including the stipulation that it does not give any single jurisdiction a majority on the Executive Committee. Chairman Fisette stated that this issue was discussed by the Executive Committee but it was determined that based on the make-up of the committee it was not possible for one jurisdiction to have a majority. Mr. Taube stated that all three officers would have to be from Fairfax County for this to happen. However, it has not been NVTC's practice to



have all its officers from one jurisdiction. Mr. Snyder suggested the wording “so long as it does not create a majority on the Executive Committee of any one jurisdiction.”

Mr. Reid asked for clarification that he can attend Executive Committee meetings as a representative from Loudoun County. Chairman Fisette responded that it is an open meeting and he can attend.

In response to a comment from Mrs. Hynes, Mr. Taube explained that senators and delegates do not represent specific jurisdictions on NVTC and it is assumed that this would also apply to Mr. Dyke, since he is a representative of the commonwealth. Mr. Zimmerman noted that Mr. Snyder’s proposed language might not be needed since NVTC’s practice precludes it happening. Chairman Fisette took a straw poll to determine if commissioners think it is important to include additional language. The consensus was language was not needed and can be dealt with in the future if it becomes an issue.

The commission then voted on the main motion and it passed. The vote in favor was cast by commissioners Bulova, Comstock, Cook, Dyke, Ebbin, Euille, Fisette, Foust, Greenfield, Herring, Hudgins, Hynes, McKay, Reid, Rust, Smedberg, Snyder, Whipple and Zimmerman.

Mr. Greenfield left the meeting and did not return.

### Review of NVTC's 2011 Accomplishments

Mr. Kalkwarf provided an overview of NVTC’s financial accomplishments, including carefully monitoring receipt of \$43.8 million of regional gas taxes, which is up \$5.7 million from the previous fiscal year. NVTC also actively pursued proper allocation of gas taxes by jurisdictions with the result of \$1.6 million being correctly reallocated to-date.

Ms. Quintana reviewed the public outreach and legislative accomplishments, including completing a detailed state and federal legislative agenda for NVTC and a state agenda for the Virginia Transit Administration. Over four million requests for e-schedules were received (up 27 percent since 2007) and 10,848 NVTC web-site visits (up 17 percent since 2010). Mr. Smedberg asked how the e-schedules are processed. Ms. Quintana replied that there is an automated structure in place through Arlington County’s Transportation Partners.

Since Mariela Garcia-Colberg, NVTC’s new Public Transit Projects and Grants Specialist, is out of the country, Mr. Taube reviewed the project management accomplishments for 2011. NVTC continued to lead the multi-region effort to initiate a new Vanpool Incentive Program; managed the \$500,000 grant for the TransAction 2040 regional transportation plan update; took the lead role in managing the \$350,000 federally funded project to analyze high-capacity transit options in the Route 7 corridor; and managed ongoing federal grants for Alexandria, Arlington and Falls Church totaling over \$13 million, with another \$6 million pending approval.

Claire Gron introduced herself as NVTC's new Public Transit Policy Analyst. She reported that NVTC continues to compile transit performance data from each of the transit systems operating within Northern Virginia. For FY 2011, ridership rose modestly overall, despite the ongoing economic downturn and the resulting transit service cutbacks and increased fares. VRE's ridership (up 14 percent) and on-time performance were spectacular, and other local bus systems showed solid growth. Ms. Gron also presented a working draft of mapping congressional districts showing transit being provided in that district, as well as including ridership data. Mrs. Hynes suggested that bus priority corridors could be included.

Mr. Taube reported that over a period of several months, NVTC staff led negotiations among NVTC's jurisdictions to agree on a course of action for Loudoun County's participation in NVTC when the county begins to pay for service from WMATA. The proposed resolution has been shared with NVTC's Executive Committee and action by the full commission will be initiated when the Loudoun County Board so requests. NVTC also organized responses to the Pentagon's efforts to revise access to bus bays at the Pentagon Transit Center. NVTC staff also actively represents NVTC's transit operators on DRPT's SJR 297 stakeholder group. That study has very significant implications for the amount of state transit assistance this region may receive in the future. The Interim Report has now been issued. Senator Whipple noted that the fiscal stress criteria for the study tend to favor other localities. Mr. Taube stated that on the other hand, if local level of effort is applied, Northern Virginia would fare better. Senator Whipple stated that since two of the five items selected for further study are designed to reward lower costs, she would be more reassured if there were a reference to regional costs of living. Mrs. Hudgins stated that the economic development aspect is very important. Chairman Fisette thanked staff for closely monitoring this since it could dramatically affect the region. He suggested DRPT staff be asked to give a presentation at a future NVTC meeting.

#### Public Hearing On and Adoption of NVTC's Work Program and Schedule for 2012

Mr. Taube stated that as a result of feedback from the Executive Committee, staff added an item under Goal #8 "Strengthen NVTC as an Organization" to provide for developing a communications plan, which would deal with internal and external communication. It would be a plan, with a possible budget, of how to improve communication among NVTC commissioners and staff as well as the public and General Assembly members. It is meant to be a substitute for the proposed legislative affairs scope of work presented at the last meeting. Chairman Fisette further stated that staff would bring back a draft communications plan for discussion at the March NVTC meeting.

Chairman Fisette opened the public hearing.

Allen Muchnick, a board member of the Virginia Bicycling Federation, urged NVTC to help improve pedestrian and bicycle access to public transportation in Northern Virginia. He stated that the only section of NVTC's work program related to promoting and improving non-auto access to transit is Action 3 under Goal 3, and the activities listed are neither current nor adequate. It fails to mention WMATA's excellent

Metrorail Bicycle and Pedestrian Access Improvements Study. He stated that VRE continues to fail at adequately promoting and accommodating bicycle parking at VRE stations. Obtaining bicycle information from the VRE website seems harder than ever. VRE should aggressively pursue alternate funding to establish a bicycle locker program before expanding free vehicle parking. NVTC and DRPT should help plan and promote the Capital Bikeshare, which has been remarkably successful over the past 15 months and is expected to double in the coming year.

Mr. Taube agreed that the Metrorail Bicycle and Pedestrian Access Improvement Study should be included in the work program. He also stated that VRE staff now provides a report each month to the Operations Board on the number of riders using bicycles to access stations. NVTC could also include the Capital Bikeshare in NVTC's communications outreach plan.

Ed Tennyson, a resident of Arlington County, stated that NVTC has helped make WMATA one of the top two or three transit systems in the United States when measured by high ridership and low cost per passenger-mile. NVTC needs to monitor cost per passenger-mile and passenger-miles per bus mile. WMATA needs to seek 28 passenger-miles per car-mile. It is important to keep cost per passenger-mile below 50-cents. He also stated that Metrobus is a growing problem with reported 2010 operating costs of \$1.39 per passenger-mile, and with fares of only 27-cents, a revenue-to-cost ratio of only 19.5 percent. The load factor must be increased to at least 12 passenger-miles per bus-mile and bus fares must be no less than rail fares for short distances. Mr. Tennyson stated that VRE needs to improve its insurance arrangement. Insurance takes seven percent of VRE's operating expenses compared to other regional commuter rail operations averaging three percent. Finally, NVTC needs to educate everyone on how much imported foreign motor fuel it has saved with its transit support for cleaner air.

Rob Whitfield, from the Dulles Corridor Users Group, thanked NVTC for the work it does. He stated that NVTC should consider changing its name to the Northern Virginia Transit Commission so the public is not confused by NVTC's real role. In reality, 90 percent of travel in Northern Virginia is done by automobile. His concern is that although NVTC has effective meetings representing the transit community, there is no counterpart representing the needs of the automobile driver. He urged members of the General Assembly to come up with proposals to address the needs of people outside of the Beltway. The biggest issue to be resolved in 2012 is funding of the Dulles Rail Phase II Project. Most of the assumptions being made for economic growth, ridership growth, revenues, costs, and operating subsidies are not understood by the public. NVTC should spearhead an effort to educate the public within the next 90 days.

David Dixon, Transportation Program Manager of the Sierra Club, stated that NVTC's work program and legislative agenda look good. He called for NVTC to take an active leadership role as a stakeholder in several initiatives, including the VTrans 2035 Update and the Northern Virginia North-South Corridor Master Plan in order to make sure that these studies and recommendations maintain strong multi-modal components.

There being no additional members of the public wishing to speak, Chairman Fissette closed the public hearing.

Mr. Snyder moved, with a second by Mr. Euille, to approve the 2012 NVTC's work program and meeting schedule as submitted.

Mr. Reid expressed his interest in the oversight of WMATA and asked if NVTC is monitoring the binding arbitration. Mrs. Hudgins replied that arbitration is required in the WMATA Compact. Mr. Zimmerman stated that the binding arbitration is there because Congress put it in as a requirement of the Compact, which makes it federal law. It specifies in the Compact that WMATA does the negotiating. He stated that NVTC can play a more active role in WMATA issues, but there is a time to let WMATA Board members do their job. In response to a question from Mr. Reid, Mr. Zimmerman stated that NVTC has the ability to offer comments and suggestions on WMATA matters. Chairman Fisette stated that Metro issues can be discussed at NVTC meetings and NVTC can give feedback to its WMATA Board members. Mr. Reid asked if NVTC can add something to its work program that directs staff to monitor the binding arbitration. Chairman Fisette stated that Mr. Reid could propose specific language but it does not need to be a specific point in the work program for NVTC to have a discussion. Mrs. Hudgins stated that if NVTC is going to have a detailed discussion, commissioners would need to have an understanding of the contract and arbitration requirements. Mr. McKay stated that getting input from commissioners is helpful but he cautioned that these are either legal or personnel issues that are usually discussed in closed session at WMATA. Mr. Zimmerman suggested that NVTC be briefed prior to WMATA entering into future contracts.

Senator Herring asked if Goal #6, Item #4 could be interpreted broadly enough for NVTC to participate in the CTB's study on Corridors of Statewide Significance between Route 7 and the Beltway. Mr. Taube responded that it could be included.

Chairman Fisette moved, with a second by Mrs. Hynes, to amend Item #3 (page 8) to add the wording: "...and assist WMATA in implementing the recommendations from their Metrorail Bicycle and Pedestrian Access Improvement Study." The commission unanimously agreed to accept this friendly amendment.

The commission then voted on the main motion and it passed. The vote in favor was cast by commissioners Bulova, Comstock, Cook, Dyke, Ebbin, Euille, Fisette, Foust, Herring, Hudgins, Hynes, McKay, Rust, Smedberg, Snyder, Whipple and Zimmerman. Mr. Reid abstained.

Mrs. Bulova suggested it may be helpful to have an understanding of what would be required to change NVTC's name, as suggested during the public hearing. Chairman Fisette directed staff to report back to the Executive Committee on this issue.

#### Approval of NVTC's FY 2013 Administrative Budget

Mr. Taube stated that the commission is asked to approve the budget, which is the same budget reviewed in September. Local staff reviewed it again in December. For FY 2013, NVTC is proposing a reduction in overall spending, with total expenditures dropping to \$1.194 million. This reduction is possible, despite anticipated significant

increases in insurance and other costs, primarily by maintaining NVTC's staff at six full-time and two part-time positions. Total contributions from state and local governments will be reduced by 2.4 percent respectively.

Mr. Euille moved, with a second by Mr. Snyder, to approve the FY 2013 administrative budget. The vote in favor was cast by commissioners Bulova, Comstock, Cook, Dyke, Ebbin, Euille, Fisette, Foust, Herring, Hudgins, Hynes, McKay, Reid, Rust, Smedberg, Snyder, Whipple and Zimmerman.

#### Virginia Vanpool Incentive Program

Mr. Taube explained that substantial seed money must be provided to cover a two to three-year period from the start of the program until federal transit formula funds are available. DRPT staff invited the project sponsors to apply for assistance for FY 2013, with the understanding that any DRPT assistance will only be temporary and will not support the program beyond the initial two to three-year period until federal funds become available. Since PRTC will be the agency managing the project on behalf of the three sponsoring commissions (PRTC, NVTC and GWRC), PRTC will submit the grant application. NVTC is being asked to endorse the PRTC request for DRPT funds. Also, NVTC currently has \$200,000 of CMAQ funding reserved for this project. Because PRTC is administering the project, PRTC should apply for NVTC's reserved CMAQ funding. Resolution #2183 would authorize PRTC to apply for the DRPT and CMAQ funding.

Mrs. Hudgins moved with a second by Mr. Zimmerman, to approve Resolution #2183 (copy attached).

Mr. Snyder stated that a speaker during the public hearing suggested highways and transit interests are separate, but in reality, they are all linked together. Various programs such as this one provide options for people, including often safer options. These types of projects make highways more useable for those who have no other options.

The commission then voted on the motion and it passed. The vote in favor was cast by commissioners Bulova, Comstock, Cook, Dyke, Ebbin, Euille, Fisette, Foust, Herring, Hudgins, Hynes, McKay, Reid, Rust, Smedberg, Snyder, Whipple and Zimmerman.

#### Legislative Items

Mr. Taube reported that the brochure describing NVTC's 2012 Legislative Agenda has been widely distributed to General Assembly members and other interested parties. A concise discussion paper was prepared that describes the potential adverse consequences of combining NVTC and NVTA, as Governor McDonnell proposed. There would be no monetary savings and the two organizations do very different things. Mr. Snyder stated that he would like to see some of the previous work done in response

to past consolidation proposals be merged into the shorter document to give a more detailed explanation.

Mr. Taube reported that a legislative reception is scheduled in Richmond for the Virginia Transit Association on January 30<sup>th</sup>. NVTC will meet jointly with NVTa in Richmond on Local Government Day (February 9, 2012) at 5:30 P.M.

### WMATA Items

Mrs. Hudgins explained that a proposed new Resolution #2184 serves as a way of putting a mechanism in place for NVTC to make its appointments to the WMATA Board. She reviewed the resolution. Chairman Fisette stated that it is his understanding that it has been discussed among NVTC's WMATA Board members.

Mrs. Hynes moved, with a second by Mr. Dyke, to approve Resolution #2184.

In response to a question from Mr. Reid, Mrs. Hynes explained that the intent is that the four WMATA Board members will work together in a cooperative effort. Since Mr. Reid has not been here over the last year, she gave some historical background. The resolution speaks to how the board members will commit to work together.

Mr. Taube explained that by agreement the Loudoun County representative does not vote on WMATA items. The current agreement between NVTC and Loudoun County, in which the county joined NVTC, states that while Loudoun County is not paying for Metro service, it will not vote on WMATA issues. A new agreement between NVTC and Loudoun County is in the process of being finalized. Mr. Reid observed that the resolution references the Silver Line. Chairman Fisette noted that the resolution is focused on how board members will work together.

Mr. Zimmerman called the question and the commission voted on the motion. It passed. The vote in favor was cast by commissioners Bulova, Comstock, Cook, Dyke, Ebbin, Euille, Fisette, Foust, Herring, Hudgins, Hynes, McKay, Rust, Smedberg, Snyder, Whipple and Zimmerman. As explained above, Mr. Reid was not eligible to vote.

### Regional Transportation Items

Chairman Fisette suggested deferring these information items until a future NVTC meeting. There were no objections.

### NVTC's Public Outreach

Chairman Fisette suggested deferring this item until a future NVTC meeting. There were no objections.

NVTC Financial Items for November, 2011

The financial reports were provided to commissioners and there were no questions.

Adjournment

Mr. Taube reminded commissioners that the next meeting will be held on February 9<sup>th</sup> in Richmond at 5:30 P.M.

Without objection, Chairman Fisette adjourned the meeting at 10:12 P.M.

Approved this 9<sup>th</sup> day of February, 2012.

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Jay Fisette  
Chairman

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Paul C. Smedberg  
Secretary-Treasurer



## RESOLUTION #2178

**SUBJECT:** VRE's FY 2013 Operating and Capital Budget and Revisions to the FY 2012 Budget.

**WHEREAS:** The VRE Master Agreement requires that the commissions be presented with a fiscal year budget for their consideration at their respective January meetings prior to the commencement of the subject fiscal year;

**WHEREAS:** The VRE Operations Board is recommending a FY 2013 Operating and Capital Budget within the guidelines developed in concert with the jurisdictional chief administrative officers; and

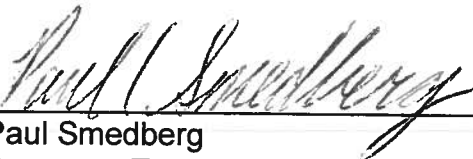
**WHEREAS:** The budget is built on an average daily ridership of 19,000 and 32 trains.


**NOW, THEREFORE, BE IT RESOLVED** that the Northern Virginia Transportation Commission adopts the revised FY 2012 and the recommended FY 2013 VRE Operating and Capital Budgets and directs its staff to forward the FY 2013 budget to the local jurisdictions for inclusion in their budgets and appropriations in accordance with the VRE Master Agreement.

**BE IT FURTHER RESOLVED** that NVTC authorizes the Executive Directors of both PRTC and NVTC to submit to the Transportation Planning Board of the National Capital Region and to the Federal Transit Administration or other federal agencies, the appropriate Transit Improvement Program and grant applications for FY 2012 and FY 2013.

**BE IT FURTHER RESOLVED** that NVTC authorizes its Executive Director to submit to the Commonwealth the approved budget as part of the FY 2013 VRE state aid grant applications.

Approved this 5<sup>th</sup> day of January, 2012.

  
Paul Smedberg  
Secretary-Treasurer

  
Jay Fisette  
Chairman







## RESOLUTION #2179

**SUBJECT:** Extension of Norfolk Southern Operating Access Agreement.

**WHEREAS:** The commissions currently have an operating/access agreement with Norfolk Southern relating to VRE operations in the Manassas to Washington corridor, with said agreement ending on January 31, 2012;

**WHEREAS:** Staff has reached an agreement in principle on many substantive items relating to a new agreement following detailed negotiation sessions with Norfolk Southern representatives;


**WHEREAS:** A proposal to extend the existing agreement to July 31, 2012, without any changes to the existing agreement is expected from Norfolk Southern;

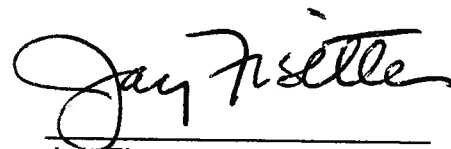
**WHEREAS:** The purpose of this extension is to allow time to negotiate and resolve the outstanding liability issues relating to a new agreement; and

**WHEREAS:** Necessary funding has been incorporated into the FY 2012 and FY 2013 budgets to allow VRE to continue its operations over Norfolk Southern tracks via this contract extension.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Northern Virginia Transportation Commission authorizes the VRE Chief Executive Officer to execute an extension of the existing amended operating/access agreement with Norfolk Southern to July 31, 2012.

Approved this 5<sup>th</sup> day of January, 2012.

  
Paul Smedberg  
Secretary-Treasurer

  
Jay Fisette  
Chairman





## RESOLUTION #2180

**SUBJECT:** Selection of NVTC Representatives to Various Boards.

**WHEREAS:** NVTC is empowered to make appointments to the Board of Directors of the Washington Metropolitan Area Transit Authority, the Virginia Railway Express and the Virginia Transit Association; and

**WHEREAS:** Some of NVTC's jurisdictions may not formally appoint their NVTC members prior to NVTC's January meeting and some may not be ready with recommendations.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Northern Virginia Transportation Commission hereby appoints the following persons to various boards, contingent upon possible subsequent action by NVTC's jurisdictions to alter their NVTC members for 2012 and their recommendations for members of the various boards.

**BE IT FURTHER RESOLVED THAT** the contingent appointments for 2012 are:

**WMATA Board:**

Principals

Hon. Cathy Hudgins  
James Dyke, Esq.

Alternates

Hon. Mary Hynes  
Hon. Bill Euille

**VRE Board:**

Principals

Hon. Sharon Bulova  
Hon. John Cook  
Hon. Chris Zimmerman  
Hon. Paul Smedberg

Alternates

Hon. Jeff McKay  
  
Hon. Jay Fisette

**VTA Board:**

Principals

Hon. Chris Zimmerman  
Hon. Bill Euille

Alternates

Hon. Mary Hynes  
Hon. Jeff McKay  
Richard K. Taube

Approved this 5<sup>th</sup> day of January, 2012.

Paul Smedberg  
Secretary-Treasurer

Jay Fisette  
Chairman





## RESOLUTION #2181

**SUBJECT:** Designation of NVTC Signatories and Pension Trustees.

**WHEREAS:** The Honorable Paul Smedberg has been elected Secretary-Treasurer of NVTC for 2011; and

**WHEREAS:** NVTC desires that the person holding the office of Secretary-Treasurer be designated as an official signatory as well as a pension trustee.

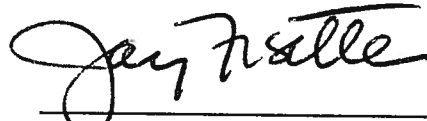
**NOW, THEREFORE BE IT RESOLVED** that the Northern Virginia Transportation Commission hereby selects the following persons to serve as NVTC signatories (who are eligible to sign individually for any transaction of less than \$5,000 and with one other signatory for transactions of \$5,000 or greater):


Hon. Paul Smedberg  
Richard K. Taube  
Scott C. Kalkwarf

Secretary-Treasurer  
Executive Director  
Director of Finance and Administration

**BE IT FURTHER RESOLVED** that the individuals listed above shall serve as NVTC employees' pension trustees, with the addition of NVTC's Assistant Financial Officer, Colethia Quarles.

Approved this 5<sup>th</sup> day of January, 2012.

  
\_\_\_\_\_  
Jay Fisette  
Chairman

  
\_\_\_\_\_  
Paul Smedberg  
Secretary-Treasurer





## RESOLUTION #2182

**SUBJECT:** Disadvantaged Business Enterprise Policy and Goal.

**WHEREAS:** The Federal Transit Administration (FTA) requires grant recipients to adopt policies and goals for awarding contracts to certified Disadvantaged Business Enterprises (DBE);

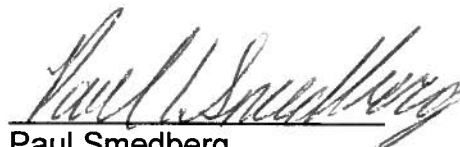
**WHEREAS:** NVTC has relied on PRTC to adopt such policies and goals and file mandatory reports on behalf of NVTC (and VRE), but now FTA is requiring NVTC to adopt its own policy and goal and file its own reports; and

**WHEREAS:** NVTC desires to maintain continuity with PRTC and VRE.

**NOW, THEREFORE BE IT RESOLVED** that the Northern Virginia Transportation Commission hereby authorizes its staff to publish immediately the proposed policy and goal of at least 5.6 percent of its federally funded contract value to be awarded to DBE's for the three-year period of 2012-2014. Staff is also authorized to seek public comment prior to March 1, 2012 with a final proposed policy and goal, reflecting public comment, to be brought to NVTC for action on that date.

Approved this 5<sup>th</sup> day of January, 2012.

  
Jay Fisette  
Chairman

  
Paul Smedberg  
Secretary-Treasurer



# NVTC

## Northern Virginia Transportation Commission

### RESOLUTION #2183

**SUBJECT:** Virginia Vanpool Incentive Program.

**WHEREAS:** The Northern Virginia Transportation Commission (NVTC) has supported a study by VHB that developed a business plan for a Northern Virginia Vanpool Incentive Program, co-sponsored with the Potomac and Rappahannock Transportation Commission (PRTC) and the George Washington Regional Commission (GWRC);

**WHEREAS:** The business plan shows that the proposed program will return several million dollars annually above program costs in new federal transit formula assistance and result in reduced WMATA subsidies for NVTC's jurisdictions as well as providing congestion relief and environmental benefits;

**WHEREAS:** Because there is a two to three-year lag in receiving the new federal funds after the program begins, a source of seed money must be identified;

**WHEREAS:** PRTC will manage the new program on behalf of itself and NVTC and GWRC;

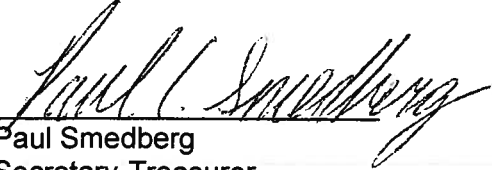
**WHEREAS:** The Virginia Department of Rail and Public Transportation (DRPT) has indicated its willingness to consider an application from PRTC for seed money for the project; and

**WHEREAS:** NVTC has received authorization for \$200,000 of federal Congestion Mitigation and Air Quality (CMAQ) funding for the project.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Northern Virginia Transportation Commission hereby authorizes PRTC to seek start-up funding for the Vanpool Incentive Program on behalf of PRTC, NVTC and GWRC from the FY 2013 DRPT grant program, with applications due by February 1, 2012.

**BE IT FURTHER RESOLVED THAT** the Northern Virginia Transportation Commission requests that the Northern Virginia Transportation Authority's (NVTA) Jurisdictional and Agency Coordinating Committee (JACC) transfer sponsorship of \$200,000 of approved CMAQ funding from NVTC to PRTC so that PRTC can obtain the grant funds for the project.

Approved this 5<sup>th</sup> day of January, 2012

  
Paul Smedberg  
Secretary-Treasurer

  
Jay Fisette  
Chairman



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## RESOLUTION #2184

**SUBJECT:** Coordination Among NVTC's WMATA Board Members.

**WHEREAS:** The Northern Virginia Transportation Commission (NVTC) is charged in the WMATA Compact with appointing Virginia's members of the WMATA Board;

**WHEREAS:** Until January of 2012, NVTC has selected only local elected officials to represent the commission on the WMATA Board;

**WHEREAS:** NVTC's WMATA Compact member jurisdictions provide significant funding for WMATA and serve as "fundors of last resort" when WMATA has budget shortfalls; in addition the locally elected members of NVTC have direct and continuous contact with their constituents who provide the majority of WMATA's subsidies through their local taxes and fares;

**WHEREAS:** These local elected officials have always maintained a very high level of cooperation and coordination to ensure that the interests of Virginia's taxpayers and transit customers are well represented;

**WHEREAS:** In 2011 the Virginia General Assembly approved Governor McDonnell's budget amendment requiring NVTC to select the designee of the Virginia Secretary of Transportation as one of NVTC's voting members on the WMATA Board; and

**WHEREAS:** This change necessitates a reexamination of the methods used to coordinate the positions of NVTC's WMATA Board members to ensure that they maintain a unified approach that continues to maximize the best interests of Northern Virginia's taxpayers and transit customers.

**NOW, THEREFORE BE IT RESOLVED THAT** NVTC urges its local jurisdiction WMATA Compact members and the Commonwealth to work together to achieve what is best for WMATA and the taxpayers and transit customers of this region. In addition, all WMATA Board members should, prior to significant actions at the WMATA Board, provide sufficient notice to each other so that any differences can be resolved to mutual satisfaction if possible.

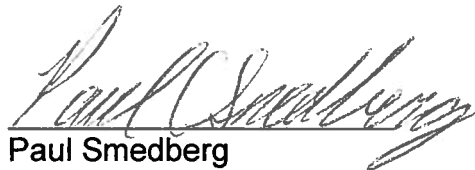


**BE IT FURTHER RESOLVED THAT** NVTC's member jurisdictions and the Commonwealth are urged to coordinate positions on all of the region's significant transit issues through NVTC, such as the Silver Line Metrorail extension, among others.

**BE IT FURTHER RESOLVED THAT** NVTC agrees to continue to monitor the performance of WMATA through its appointees to the WMATA Board, with regular reports at commission meetings; if problems of coordination among NVTC's WMATA Board appointees surface during the following year the commission will work to achieve appropriate solutions.

**BE IT FURTHER RESOLVED THAT** in light of the state's control of 50 percent of the appropriation power associated with participation in WMATA, the Northern Virginia Transportation Commission urges the Commonwealth of Virginia to provide sustainable and dedicated revenues to support WMATA, in order to ensure the safety and reliability of the Metro system and the economic sustainability of our region.

Approved this 5<sup>th</sup> day of January, 2012

  
Paul Smedberg  
Secretary-Treasurer

  
Jay Fisette  
Chairman



AGENDA ITEM #2

**TO:** Chairman Fiset and NVTC Commissioners

**FROM:** Rick Taube

**DATE:** February 2, 2012

**SUBJECT:** VRE Items

- 
- A. Report from the VRE Operations Board and VRE Chief Executive Officer--Information Item.
  - B. VRE Railcar Procurement--Action Item/ Resolution #2185.



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Item #2A

Report from the VRE Operations Board and VRE's Chief Executive Officer

Attached are performance and financial reports for your information. Minutes of the VRE Operations Board meeting of January 20, 2012 are also provided.



# CHIEF EXECUTIVE OFFICER'S REPORT

January 2012

## MONTHLY DELAY SUMMARY

|  | September | October | November | December |
|--|-----------|---------|----------|----------|
| <b>System wide</b>                     |           |         |          |          |
| Total delays                           | 67        | 11      | 27       | 21       |
| Average length of delay (mins.)        | 19        | 15      | 28       | 15       |
| Number over 30 minutes                 | 3         | 1       | 5        | 1        |
| Days with Heat Restrictions/Total days | 0/20      | 0/20    | 0/20     | 0/21     |
| On-Time Performance                    | 88.8%     | 98.2%   | 95.4%    | 96.5%    |
| <b>Fredericksburg Line</b>             |           |         |          |          |
| Total delays                           | 35        | 6       | 12       | 10       |
| Average length of delay (mins.)        | 14        | 19      | 14       | 17       |
| Number over 30 minutes                 | 0         | 1       | 1        | 1        |
| On-Time Performance                    | 87.50%    | 97.9%   | 95.6%    | 96.5%    |
| <b>Manassas Line</b>                   |           |         |          |          |
| Total delays                           | 32        | 5       | 15       | 11       |
| Average length of delay (mins.)        | 23        | 11      | 41       | 12       |
| Number over 30 minutes                 | 3         | 0       | 4        | 0        |
| On-Time Performance                    | 90.0%     | 98.4%   | 95.2%    | 96.6%    |

## SYSTEM RIDERSHIP

The average daily ridership (ADR) for December was 18,379. We had 800 more trips per day than December 2010, putting this year's ADR 10.4% higher than last December. Similarly, the year-to-date ridership six months into the year is 10.3% higher than last year. There were eight days of ridership over 20,000 in December. The top ten days are below:

|    |                   |        |
|----|-------------------|--------|
| 1  | April 12, 2011    | 21,496 |
| 2  | March 23, 2011    | 21,136 |
| 3  | December 6, 2011  | 20,953 |
| 4  | December 14, 2011 | 20,853 |
| 5  | December 1, 2011  | 20,824 |
| 6  | April 13, 2011    | 20,803 |
| 7  | May 10, 2011      | 20,803 |
| 8  | April 6, 2011     | 20,791 |
| 9  | October 25, 2011  | 20,789 |
| 10 | January 10, 2012  | 20,747 |

Now that ridership numbers are in for the entire calendar year, we know that the trend of continuing ridership was sustained. While December is usually the lowest ridership month of the year, we actually saw several Top 10 ridership days that month. In fact, three days in December nearly surpassed 21,000 daily passenger trips. VRE first broke the 20,000 trip barrier on February 16, 2011. Since then, all of the top ridership days were over 20,000, with some approaching 22,000.

As we begin 2012, ridership trends continue to show very positive numbers. We remain optimistic that federal cuts in the transit benefit, as well as reductions in federal and state funding, won't have a significant impact on VRE ridership.

### **ON-TIME PERFORMANCE (OTP)**

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We operated 602 trains during December with only 21 delays. In addition, we achieved fourteen days with 100% on-time performance (OTP). System wide OTP was 96.51% in December; with 96.45% on the Fredericksburg line and 96.56% on the Manassas line. There was only 1 mechanical delay during the entire month.

### **ANNUAL ON-TIME PERFORMANCE**

---

OTP for calendar year 2011 was the highest ever recorded in VRE history – 92.9%. This is 9% higher than last year. VRE's best month was October when we achieved OTP of 98.7%. With respect to individual lines, the Fredericksburg line operated at 91.1% and the Manassas line operated at 94.5% for the year. This year was also the first time ever that both lines completed the year at above 90% OTP.

### **MECHANICAL DELAYS**

---

In years past, mechanical delays were often a cause of reduced OTP. The delays were most often related to the age and condition of the locomotive fleet. This year, all 20 new locomotives went into revenue service. The new engines are state of the art, have increased our fleet reliability and have been a major reason for the reduction in mechanical delays. In addition, the mechanical delays associated with railcars have also been significantly reduced. The table below shows reduction in total delays over the past 18 months.

| Time Period           | Number of Delays |          | Total |
|-----------------------|------------------|----------|-------|
|                       | Locomotives      | Railcars |       |
| July to December 2010 | 90               | 13       | 103   |
| January to June 2011  | 13               | 8        | 21    |
| July to December 2011 | 3                | 2        | 5     |

## **FEDERAL COMMUTER BENEFIT**

---

The federal commuter tax benefit, used by 2.7 million transit commuters across the country, was reduced this month. While both the House and Senate worked to keep the benefit equal to that for parking, Congress did not act when it had the opportunity during the payroll tax debate. In 2011, both drivers and mass transit users received \$230 toward their commute. Beginning January 1, drivers will receive \$240, due to a cost-of-living increase, while transit riders will only receive \$125 per month in pretax dollars.

## **ELIMINATION OF PAPER VOUCHERS**

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At the end of November, WMATA discontinued use of paper vouchers as a form of payment for transit benefits. Instead, they moved to an Electronic Smart Benefits (ESBs) system. As such, all VRE ticket vendors are now registered with WMATA for assignment of ESBs. Vendors are located at Union Station, L'Enfant, Alexandria, Broad Run, Woodbridge, Quantico, Leeland Road, and Fredericksburg. Commuter Direct (Mail/Internet/Phone), as well as vendors at Crystal City and Springfield are also registered, but they manage ESBs themselves for their clients and our passengers.

## **GAINESVILLE-HAYMARKET**

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Comments on the Addendum to the Rail Enhancement Fund (REF) agreement for the Gainesville-Haymarket Extension project have been received from Norfolk Southern. VRE Counsel is reviewing the revised agreement. The award of the consultant contract for environmental review and preliminary engineering is pending the execution of this Addendum.

## **SUMMONS OVERVIEW**

---

In December, there were 28 cases of fare evasion that were brought before the court. Details are provided below:

| <b>Outcome</b>   | <b>Occurrences</b> | <b>Fine</b> | <b>Court Costs</b> |
|--|--------------------|-------------|--------------------|
| Continued  | 3                  |             |                    |
| Guilty with reduced fine                               | 0                  | \$50.       | \$81               |
| Appealed   | 0                  |             |                    |
| Prepaid  | 8                  | \$100       | \$81               |
| Guilty   | 2                  | \$100       | \$81               |
| Guilty in absentia                                     | 1                  | \$100       | \$116              |
| Dismissed  | 6                  | 0           | 0                  |
| Dismissed  | 0                  | 0           | \$81               |
| Dismissed due to passenger<br>Is under 18 years of age | 0                  | 0           | 0                  |
| Waived due to TVM issue                                | 0                  | 0           | 0                  |
| Waived with Proof of Monthly Ticket                    | 8                  |             |                    |

## **FRANCONIA/SPRINGFIELD STATION**

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The Franconia Springfield station rehabilitation project is under construction. The project consists of stair rehabilitation, glass replacement, painting, and new tactile surfacing. The platform has two ramps and an elevator for ADA accessibility which will be kept open during the reconstruction. This project is expected to be completed this spring.

## **WOODBIDGE KISS AND RIDE**

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The Woodbridge Kiss & Ride facility is essentially complete, with only final paving and a Prince William County site inspection remaining. The major components of the facility include a car drop off/pickup lane, bus lane and shelter, lighting, and new sidewalks and crosswalks to improve pedestrian access. The Kiss & Ride is expected to open this month.

# MONTHLY PERFORMANCE MEASURES – DECEMBER 2011

| MONTHLY ON-TIME PERFORMANCE         | ON-TIME PERCENTAGE |
|-------------------------------------|--------------------|
| December Fredericksburg OTP Average | 96.45%             |
| December Manassas OTP Average       | 96.56%             |
| VRE DECEMBER OVERALL OTP AVE.       | 96.51%             |

| RIDERSHIP YEAR TO DATE       | RIDERSHIP |
|------------------------------|-----------|
| VRE FY 2012 Passenger Totals | 2,329,993 |
| VRE FY 2011 Passenger Totals | 2,111,767 |
| PERCENTAGE CHANGE            | 10.3%     |

| RIDERSHIP MONTH TO MONTH COMPARISON |                   |
|-------------------------------------|-------------------|
| DESCRIPTION                         | MONTHLY RIDERSHIP |
| DECEMBER 2011                       | 367,137           |
| DECEMBER 2010                       | 332,424           |
| PERCENTAGE CHANGE                   | 10.4%             |
| SERVICE DAYS (CURRENT/PRIOR)        | 21/21             |

# Monthly Ridership and OTP: December 2011

| Date | Manassas AM     | Manassas PM | Total Manassas | Actual OTP TD | Fred'burg AM    | Fred'burg PM | Fred'burg Total | Actual OTP TD   | Total Trips | Actual OTP TD |
|------|-----------------|-------------|----------------|---------------|-----------------|--------------|-----------------|-----------------|-------------|---------------|
| 1    | 5,162           | 5,229       | 10,391         | 100%          | 5,066           | 5,367        | 10,433          | 100%            | 20,824      | 100%          |
| 2    | 4,523           | 3,731       | 8,254          | 100%          | 4,583           | 4,471        | 9,054           | 100%            | 17,308      | 100%          |
| 3    |                 |             |                |               |                 |              |                 |                 |             |               |
| 4    |                 |             |                |               |                 |              |                 |                 |             |               |
| 5    | 4,963           | 5,190       | 10,153         | 81%           | 5,020           | 5,079        | 10,099          | 79%             | 20,252      | 80%           |
| 6    | 5,488           | 5,001       | 10,469         | 94%           | 5,319           | 5,165        | 10,484          | 79%             | 20,953      | 87%           |
| 7    | 4,977           | 4,863       | 9,840          | 88%           | 5,088           | 5,281        | 10,370          | 100%            | 20,210      | 93%           |
| 8    | 5,423           | 4,672       | 10,095         | 100%          | 5,241           | 5,074        | 10,315          | 100%            | 20,410      | 100%          |
| 9    | 4,866           | 4,192       | 9,058          | 88%           | 4,572           | 3,673        | 8,245           | 100%            | 17,303      | 93%           |
| 10   |                 |             |                |               |                 |              |                 |                 |             |               |
| 11   |                 |             |                |               |                 |              |                 |                 |             |               |
| 12   | 4,759           | 5,349       | 10,108         | 81%           | 4,943           | 4,821        | 9,764           | 93%             | 19,872      | 87%           |
| 13   | 5,002           | 4,882       | 9,884          | 100%          | 5,128           | 5,118        | 10,246          | 100%            | 20,130      | 100%          |
| 14   | 5,448           | 5,178       | 10,626         | 100%          | 5,233           | 4,994        | 10,227          | 100%            | 20,853      | 100%          |
| 15   | 5,315           | 4,954       | 10,269         | 100%          | 4,954           | 4,792        | 9,746           | 100%            | 20,015      | 100%          |
| 16   | 4,662           | 3,836       | 8,498          | 100%          | 4,226           | 4,646        | 8,872           | 100%            | 17,370      | 100%          |
| 17   |                 |             |                |               |                 |              |                 |                 |             |               |
| 18   |                 |             |                |               |                 |              |                 |                 |             |               |
| 19   | 4,252           | 5,072       | 9,324          | 100%          | 4,523           | 4,611        | 9,134           | 100%            | 18,458      | 100%          |
| 20   | 4,559           | 4,858       | 9,417          | 100%          | 4,700           | 4,687        | 9,387           | 100%            | 18,804      | 100%          |
| 21   | 5,091           | 4,922       | 10,013         | 100%          | 4,383           | 4,172        | 8,555           | 100%            | 18,568      | 100%          |
| 22   | 4,296           | 4,019       | 8,315          | 100%          | 4,040           | 4,139        | 8,179           | 100%            | 16,494      | 100%          |
| 23*  | 2,396           | 2,236       | 4,632          | 100%          | 2,250           | 2,377        | 4,627           | 100%            | 9,259       | 100%          |
| 24   |                 |             |                |               |                 |              |                 |                 |             |               |
| 25   |                 |             |                |               |                 |              |                 |                 |             |               |
| 26   |                 |             |                |               |                 |              |                 |                 |             |               |
| 27   | 3,063           | 2,588       | 5,651          | 100%          | 2,947           | 2,971        | 5,918           | 93%             | 11,568      | 97%           |
| 28   | 2,986           | 2,929       | 5,915          | 100%          | 3,392           | 2,974        | 6,366           | 86%             | 12,281      | 93%           |
| 29   | 3,048           | 2,768       | 5,816          | 100%          | 3,056           | 3,261        | 6,317           | 100%            | 12,133      | 100%          |
| 30*  | 2,296           | 1,679       | 3,975          | 100%          | 2,244           | 2,453        | 4,697           | 100%            | 8,672       | 100%          |
| 31   |                 |             |                |               |                 |              |                 |                 |             |               |
|      | 92,555          | 88,148      | 180,703        | 97%           | 90,909          | 90,126       | 181,035         | 96%             | 361,738     | 97%           |
|      | Adjusted total: |             | 172,537        |               | Adjusted Total: |              | 176,669         | Adjusted Total: | 349,206     |               |

|                             |        |                         |            |                 |         |
|-----------------------------|--------|-------------------------|------------|-----------------|---------|
| # of Service Days:          | 19     | Total Trips This Month: | 367,137    | Adjusted Total: | 349,206 |
| Manassas Daily Avg. Trips:  | 8,605  | Prior Total FY-2012:    | 1,962,856  |                 |         |
| Fred'burg Daily Avg. Trips: | 8,621  | Total Trips FY-2012     | 2,329,993  |                 |         |
| Total Avg. Daily Trips:     | 17,226 | Total Prior Years:      | 53,006,578 |                 |         |
|                             |        | Grand Total:            | 55,336,571 |                 |         |

Note: Adjusted Averages & Totals include all VRE trips taken on Amtrak trains, but do not include "S" schedule days.  
 \* designates "S" schedule day

# **Monthly Ridership Changes: FY 2011 v. FY 2012**

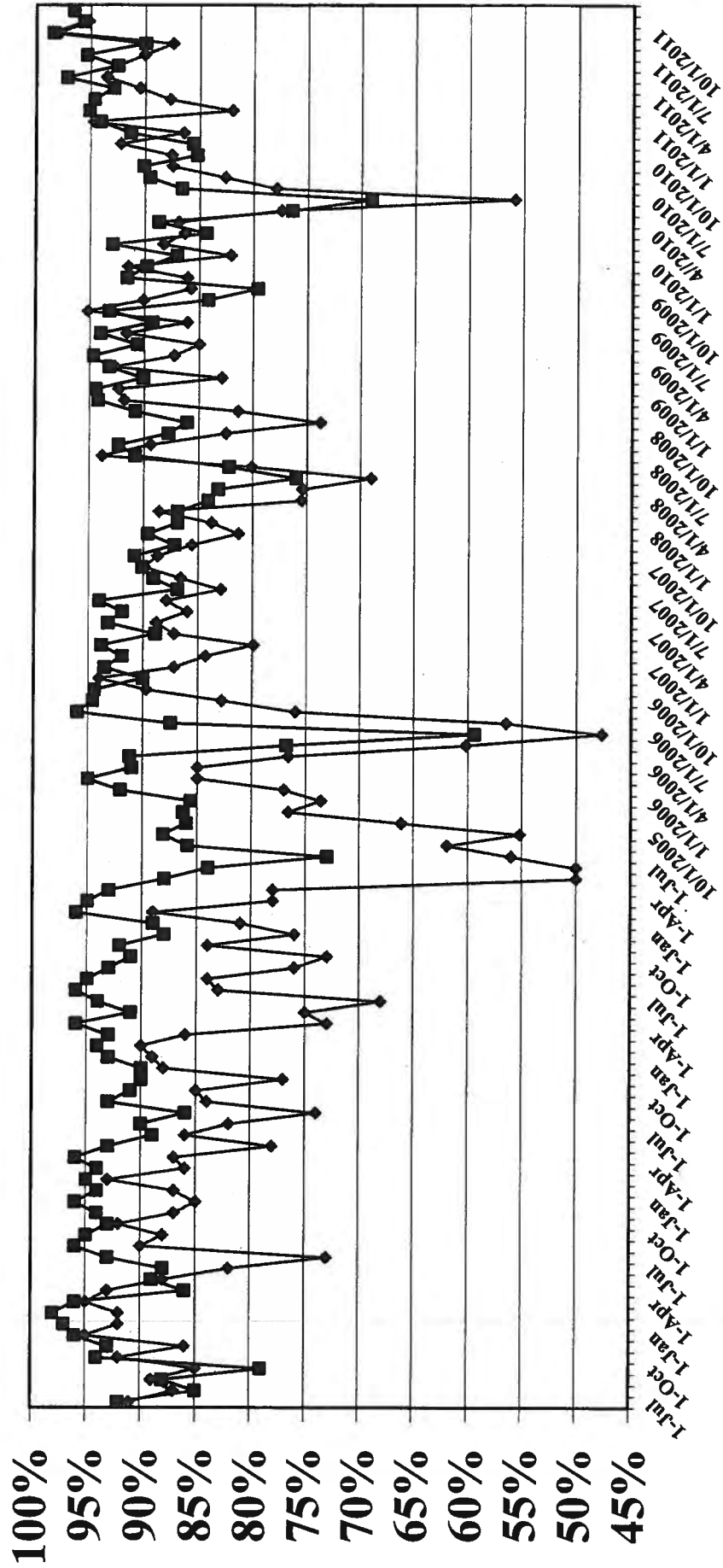
| Current Month | MANASSAS             |                      |          |                      | FREDERICKSBURG       |          |                  |          |
|---------------|----------------------|----------------------|----------|----------------------|----------------------|----------|------------------|----------|
|               | Cumulative<br>FY2011 | Cumulative<br>FY2012 | % change | Cumulative<br>FY2011 | Cumulative<br>FY2012 | % change | Current<br>Total | % change |
| July          | 177,199              | 174,866              | -1.3%    | 183,554              | 203,162              | 10.7%    | 378,028          | 4.8%     |
| August        | 356,554              | 379,224              | 6.4%     | 369,561              | 430,255              | 16.4%    | 809,479          | 11.5%    |
| September     | 531,826              | 561,165              | 5.5%     | 560,951              | 628,888              | 12.1%    | 1,190,053        | 8.9%     |
| October       | 687,461              | 747,745              | 8.8%     | 749,050              | 833,524              | 11.3%    | 1,581,269        | 10.1%    |
| November      | 842,550              | 929,938              | 10.4%    | 936,793              | 1,032,918            | 10.3%    | 1,962,856        | 10.3%    |
| December      | 992,422              | 1,111,082            | 12.0%    | 1,119,345            | 1,218,911            | 8.9%     | 2,329,993        | 10.3%    |
| January       | 1,156,798            |                      |          | 1,311,930            |                      |          | 0                |          |
| February      | 1,321,505            |                      |          | 1,503,871            |                      |          | 0                |          |
| March         | 1,530,573            |                      |          | 1,744,670            |                      |          | 0                |          |
| April         | 1,721,462            |                      |          | 1,959,234            |                      |          | 0                |          |
| May           | 1,916,908            |                      |          | 2,172,606            |                      |          | 0                |          |
| June          | 2,118,380            |                      |          | 2,398,986            |                      |          | 0                |          |

\*Ridership figures are shown in passenger trips. Includes Amtrak cross honor train riders.



# On-Time Performance

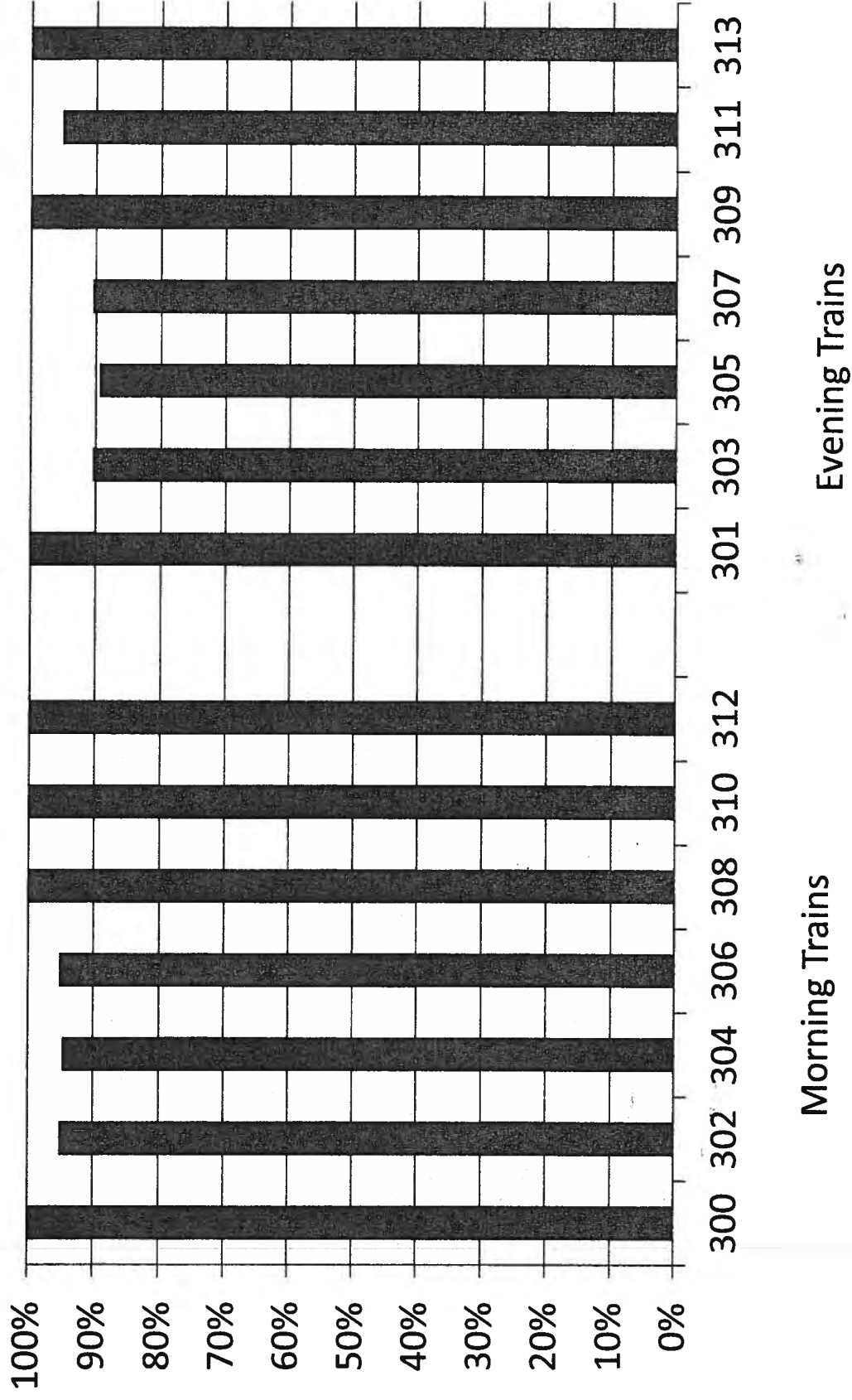
July 2001 – December 2011



—◆— Frederickburg Line    —■— Manassas Line

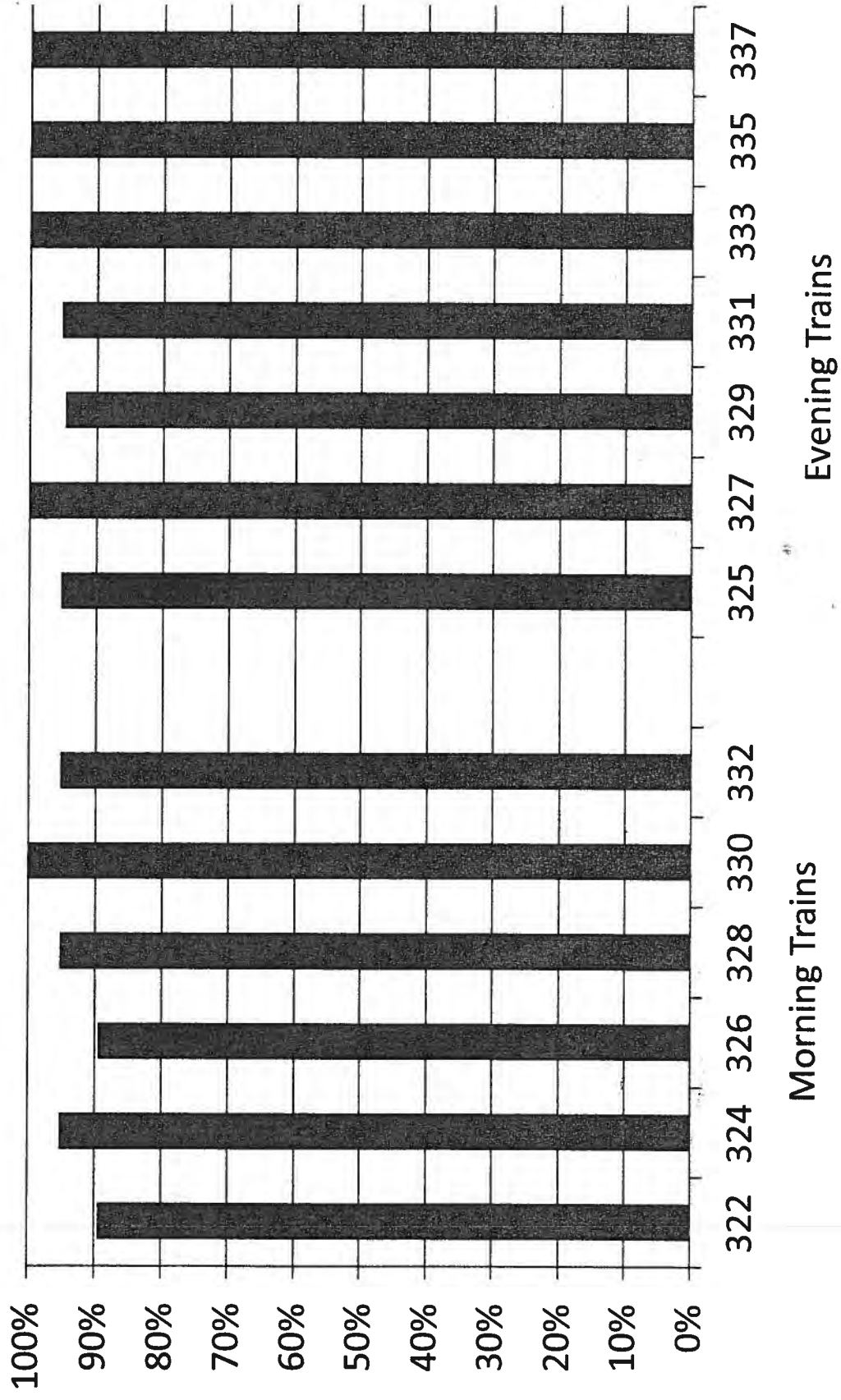
# On-Time Performance By Train

## Fredericksburg Line – December 2011



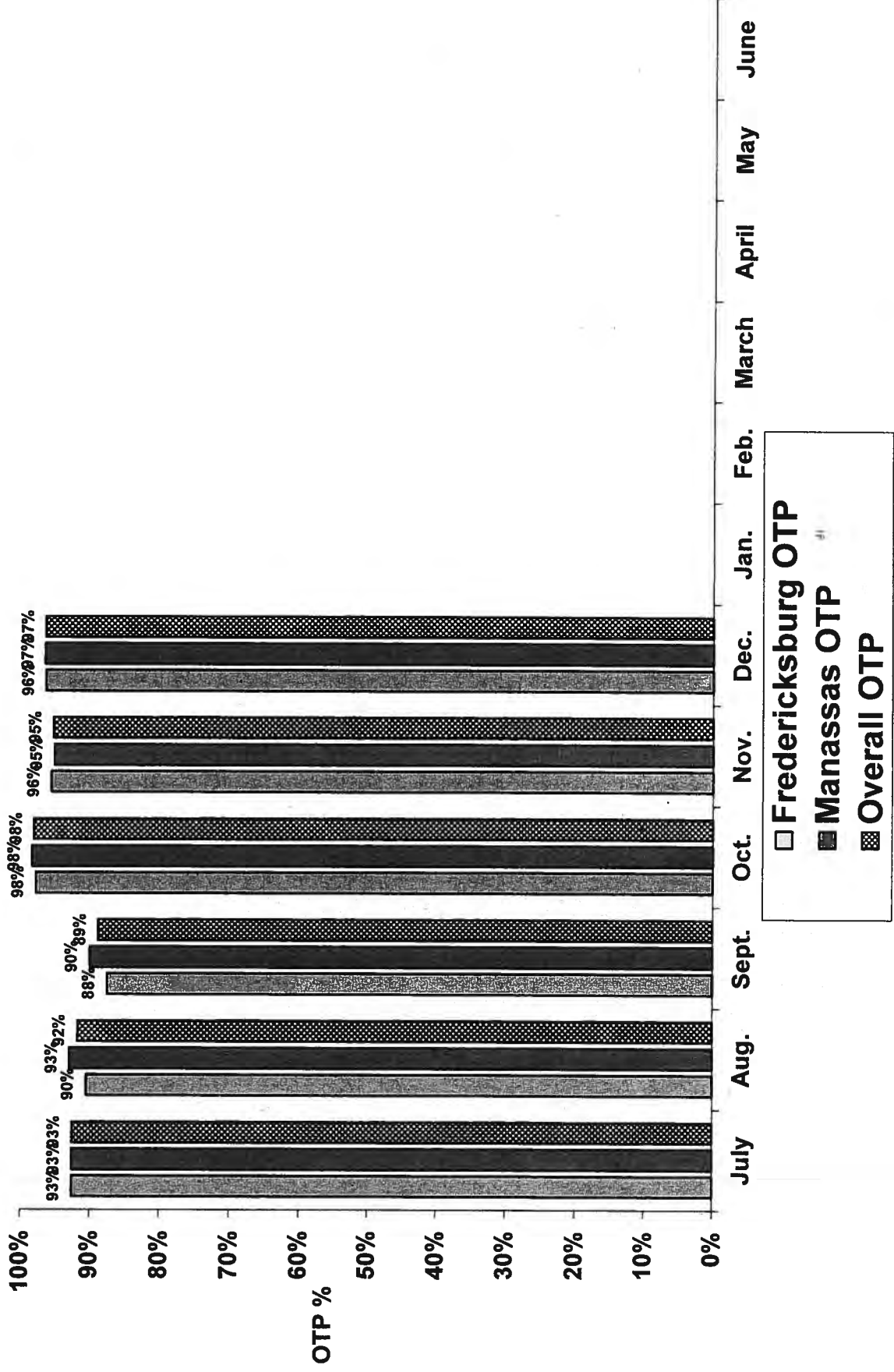
# On-Time Performance By Train

## Manassas Line – December 2011



# Average On-Time Performance

## FY-2012



# Delay by Cause October 2011 Through December 2011

| VRE  | October Delays | November Delays | December Delays | % of Overall Delays |
|--|----------------|-----------------|-----------------|---------------------|
| VRE Train Interference, Mechanical Problems, Crew Related and Late Turns                                   | 9%             | 15%             | 12%             | 12%                 |
| Freight Railroads  |                |                 |                 |                     |
| Train Interference, Switch/Signal Problems, Slow Orders/Restricted Speeds/Stop Signals, Maintenance of Way | 65%            | 39%             | 53%             | 49%                 |
| Amtrak   |                |                 |                 |                     |
| Train Interference, Switch/Signal Problems, Slow Orders/Restricted Speeds/Stop Signals, Maintenance of Way | 13%            | 19%             | 14%             | 16%                 |
| Other  |                |                 |                 |                     |
| Weather, Passengers, Other   | 13%            | 28%             | 21%             | 23%                 |
| Total Delays   | 100%           | 100%            | 100%            | 100%                |

\*Each train can have more than one cause for its delay. For example a train may be 5" late due to a slow order and 4" late due to heavy passenger travel on that train. Both causes would be listed in this chart: One for "Other" and one for "Freight Railroads."

## FINANCIAL STATISTICS FOR DECEMBER 2011

A copy of the December 2011 Operating Budget Report is attached.

Fare income for the month of December 2011 was \$279,034 above the budget – a favorable variance of 10.61%. The cumulative variance for the year is 12.68% or \$2,083,773 above the adopted budget. Revenue in the first six months of FY 2012 is up 17.8% over FY 2011. This positive variance is the result of higher than budgeted ridership. Activity related to the discontinuation of WMATA's paper voucher program at the end of November, along with the unknown impact of the decrease to the transit benefit in January has made it difficult to project fare revenue for the fiscal year.

A summary of the financial results (unaudited) as of December 2011 follows. Detail on the major revenue and expense categories is provided in the attached Operating Budget Report. Figures represent the FY12 Amended Budget.

| Measures                                 |            | Goal   | Actual    |
|--|------------|--------|-----------|
| Operating Ratio                          |            | 55%    | 68%       |
| <b>Budgeted Revenue</b>                  | 76,496,976 |        |           |
| Budgeted Revenue YTD                     | 36,460,941 |        |           |
| Actual Revenue YTD                       | 38,702,396 |        |           |
| Cumulative Variance                      | 2,241,455  |        | 2,241,455 |
| Percent Collected YTD                    |            | 47.66% | 50.59%    |
| <b>Budgeted Expenses</b>                 | 76,496,976 |        |           |
| Budgeted Expenses YTD                    | 37,727,221 |        |           |
| Operating Expenses YTD                   | 37,464,591 |        |           |
| Cumulative Variance                      | 262,630    |        | 262,630   |
| Percent Expended YTD                     |            | 49.32% | 48.98%    |
| <b>Net Income (Loss) from Operations</b> |            |        | 2,504,085 |

These figures are preliminary and unaudited.

**VIRGINIA RAILWAY EXPRESS**  
**FY 2012 Operating Budget Report**  
**December 31, 2011**

|  | CURR. MO.<br>ACTUAL | CURR. MO.<br>BUDGET | YTD<br>ACTUAL     | YTD<br>BUDGET      | YTD VARIANCE<br>\$ | %            | TOTAL FY12<br>BUDGET |
|--|---------------------|---------------------|-------------------|--------------------|--------------------|--------------|----------------------|
| <b>OPERATING REVENUE</b>                   |                     |                     |                   |                    |                    |              |                      |
| Passenger Ticket Revenue                   | 2,908,516           | 2,629,482           | 18,518,036        | 16,434,263         | 2,083,773          | 12.7%        | 33,000,000           |
| Equipment Rental and Other                 | 3,087               | 10,040              | 102,656           | 62,749             | 39,907             | 63.6%        | 126,000              |
| <b>Subtotal Operating Revenue</b>          | <b>2,911,603</b>    | <b>2,639,522</b>    | <b>18,620,692</b> | <b>16,497,012</b>  | <b>2,123,680</b>   | <b>12.9%</b> | <b>33,126,000</b>    |
| Jurisdictional Subsidy (1)                 | -                   | -                   | 7,843,479         | 7,843,479          | -                  | 0.0%         | 14,679,017           |
| Federal/State/Other Jurisdictional Subsidy | 3,048,507           | 3,016,089           | 12,232,046        | 12,090,071         | 141,975            | 1.2%         | 28,387,823           |
| Appropriation from Reserve                 | -                   | -                   | -                 | -                  | -                  | 0.0%         | 243,136              |
| Interest Income                            | -                   | 4,861               | 6,179             | 30,378             | (24,199)           | -79.7%       | 61,000               |
| <b>Total Operating Revenue</b>             | <b>5,960,110</b>    | <b>5,660,472</b>    | <b>38,702,396</b> | <b>36,460,941</b>  | <b>2,241,455</b>   | <b>6.1%</b>  | <b>76,496,976</b>    |
| <b>OPERATING EXPENSES</b>                  |                     |                     |                   |                    |                    |              |                      |
| Departmental Operating Expenses            | 5,400,750           | 5,746,356           | 27,427,184        | 27,734,948         | 307,764            | 1.1%         | 56,403,821           |
| Debt Service                               | 2,421,338           | 2,421,527           | 6,372,060         | 6,373,014          | 953                | 0.0%         | 13,738,803           |
| Insurance                                  | -                   | -                   | 3,619,260         | 3,619,260          | -                  | 0.0%         | 4,100,000            |
| Other Non-Departmental Expenses            | 10,194              | -                   | 46,087            | -                  | (46,087)           | -            | 2,254,352            |
| <b>Total Operating Expenses</b>            | <b>7,832,282</b>    | <b>8,167,883</b>    | <b>37,464,591</b> | <b>37,727,221</b>  | <b>262,630</b>     | <b>0.7%</b>  | <b>76,496,976</b>    |
| <b>NET INCOME (LOSS) FROM OPERATIONS</b>   | <b>(1,872,173)</b>  | <b>(2,507,411)</b>  | <b>1,237,804</b>  | <b>(1,266,281)</b> | <b>2,504,085</b>   |              |                      |

**CALCULATED OPERATING RATIO**

**68%**

(1) Total jurisdictional subsidy is \$15,943,917. Portion shown is attributed to Operating Fund only.

1/18/12

R:\Finance and Accounting\Accounting FY 2012\Financial Reports\06 - Dec 11\Board Revenue and Expense Report Dec 11.xls\BoardReport



**VIRGINIA RAILWAY  
EXPRESS**

BOARD MEMBERS

**WALLY COVINGTON**  
CHAIRMAN

**PAUL SMEDBERG**  
VICE-CHAIRMAN

**JOHN COOK**  
TREASURER

**SUSAN STIMPSON**  
SECRETARY

**SHARON BULOVA**  
**MAUREEN CADDIGAN**  
**THELMA DRAKE**  
**FREDERIC HOWE**  
**JOHN JENKINS**  
**PAUL MILDE**  
**SUHAS NADDONI**  
**GARY SKINNER**  
**JONATHAN WAY**  
**CHRIS ZIMMERMAN**

ALTERNATES

**MARC AVENI**  
**HARRY CRISP**  
**MARK DUDENHEFER**  
**BRAD ELLIS**  
**JAY FISETTE**  
**FRANK JONES**  
**MICHAEL MAY**  
**JEFF McKAY**  
**MARTIN NOHE**  
**KEVIN PAGE**  
**BENJAMIN PITTS**  
**BOB THOMAS**

**DALE ZEHNER**  
CHIEF EXECUTIVE  
OFFICER

1500 King Street, Suite 202  
Alexandria, VA 22314-2730

# MINUTES

**VRE OPERATIONS BOARD MEETING  
PRTC HEADQUARTERS – PRINCE WILLIAM COUNTY, VIRGINIA  
JANUARY 20, 2012**

| MEMBERS PRESENT               | JURISDICTION           |
|-------------------------------|------------------------|
| Sharon Bulova (NVTC)          | Fairfax County         |
| Maureen Caddigan (PRTC)       | Prince William County  |
| John Cook (NVTC)              | Fairfax County         |
| Wally Covington (PRTC)        | Prince William County  |
| Frederic Howe (PRTC)          | City of Fredericksburg |
| Paul Milde (PRTC)             | Stafford County        |
| Gary Skinner (PRTC)           | Spotsylvania County    |
| Paul Smedberg (NVTC)          | City of Alexandria     |
| Jonathan Way (PRTC)           | City of Manassas       |
| Christopher Zimmerman (NVTC)* | Arlington County       |

| MEMBERS ABSENT         | JURISDICTION          |
|------------------------|-----------------------|
| Thelma Drake           | DRPT                  |
| John D. Jenkins (PRTC) | Prince William County |
| Suhas Naddoni (PRTC)   | City of Manassas Park |
| Susan Stimpson (PRTC)  | Stafford County       |

| ALTERNATES PRESENT | JURISDICTION    |
|--------------------|-----------------|
| Kevin Page         | DRPT            |
| Bob Thomas (PRTC)  | Stafford County |

| ALTERNATES ABSENT        | JURISDICTION           |
|--------------------------|------------------------|
| Marc Aveni (PRTC)        | City of Manassas       |
| Harry Crisp (PRTC)       | Stafford County        |
| Mark Dudenhefer (PRTC)   | Stafford County        |
| Brad Ellis (PRTC)        | City of Fredericksburg |
| Jay Fissette (NVTC)      | Arlington County       |
| Frank C. Jones (PRTC)    | City of Manassas Park  |
| Michael C. May (PRTC)    | Prince William County  |
| Jeff McKay (NVTC)        | Fairfax County         |
| Martin E. Nohe (PRTC)    | Prince William County  |
| Benjamin T. Pitts (PRTC) | Spotsylvania County    |

| STAFF AND GENERAL PUBLIC               |  |
|--|--|
| Jeremy Borden – Washington Post        | Bob Leibbrandt – Prince William County |
| Donna Boxer – VRE                      | Steve MacIsaac – VRE counsel           |
| Tim Crobons – Connetics Trans Group    | Jennifer Mouchantaf – VRE              |
| Keith Dayton – Stafford County         | Sirel Mouchantaf – VRE                 |
| Patrick Durany – Prince William County | Dick Peacock – citizen                 |
| Jeremy Flores – VRE                    | Lynn Rivers – Arlington County         |
| Anthony Foster – DRPT                  | Anthony Romanello – Stafford County    |
| Al Harf – PRTC staff                   | Scott Shenk – Free Lance Star          |
| Chris Henry – VRE                      | Alex Sugatan – VRE                     |
| Christine Hoeffner – VRE               | Rick Taube – NVTC staff                |
| Ann King – VRE                         | Amanda Vitko – VRE                     |
| Mike Lake – Fairfax County DOT         | Walter Yeatts – UTU                    |
| Lezlie Lamb – VRE                      | Dale Zehner – VRE                      |

\* Delineates arrival following the commencement of the Board meeting. Notation of exact arrival time is included in the body of the minutes.



Chairman Bulova called the meeting to order at 9:32 A.M. Following the Pledge of Allegiance, roll call was taken.

Chairman Bulova welcomed Bob Thomas, a new alternate from Stafford County. Mr. Skinner stated that Benjamin Pitts should replace Jerry Logan as an alternate. Ms. Caddigan also reported that since Mr. Stirrup did not seek re-election, Prince William County Board of Supervisors will appoint a new alternate to replace him by the next meeting.

### Approval of the Agenda – 3

Mr. Milde moved, with a second by Mr. Covington, to approve the agenda. The vote in favor was cast by Board Members Bulova, Caddigan, Cook, Covington, Howe, Milde, Page, Skinner, Smedberg and Way.

### Approval of the Minutes of the December 16, 2011 Operations Board Meeting – 4

Ms. Caddigan moved approval of the minutes. Mr. Skinner and Mr. Milde jointly seconded the motion. The vote in favor was cast by Board Members Bulova, Caddigan, Cook, Covington, Howe, Milde, Page, Skinner, Smedberg, Thomas and Way.

### Installation of New Officers – 5

Chairman Bulova introduced the new VRE officers for 2012:

|                |                 |
|----------------|-----------------|
| Chairman:      | Wally Covington |
| Vice-Chairman: | Paul Smedberg   |
| Treasurer:     | John Cook       |
| Secretary:     | Susan Stimpson  |

Chairman Bulova passed the gavel to Mr. Covington. Chairman Covington presented a gift of appreciation to Ms. Bulova for her outstanding service as Chairman in 2011.

### New Chairman's Comments – 6

Chairman Covington observed that looking back on 2011, it was a very good year. VRE achieved record breaking ridership and on-time performance; 20 new locomotives were put into service; and Spotsylvania County has been participating for a full year. Looking ahead to 2012, Chairman Covington expressed hope that VRE will continue with its success in on-time performance and ridership, which could reach to 22,000 average daily riders. He also reported that at 96.5 percent, December was the third month in a row that on-time performance reached over 95 percent.

## Chief Executive Officer's Report – 7

Mr. Zehner reported that ridership from July through the end of December 2011 was up 10.3 percent compared to the same period in 2010. For the month of December daily ridership averaged 18,379, which is extremely high for a month that is historically a slower month because of the holidays. On-time performance through January 17<sup>th</sup> is 96 percent for the Fredericksburg line and 100 percent on the Manassas line. Mr. Zehner also reported that the ADA compliance audit by the Federal Transit Administration (FTA) was completed for five VRE stations (Franconia-Springfield, Lorton, Backlick Road, Manassas Park and Leeland Road) with minor findings at each station. The majority of the findings are signage issues. FTA will issue a final report to VRE in a few months.

## Operations Board Member's Time – 8

Mr. Milde stated that to give some perspective to new Board Members, it was just two years ago that the Fredericksburg Line was in the 80 percent range for on-time performance, with frequent plummets into the 60 percent range during heat restrictions. As a result of improved OTP, ridership is growing.

Mr. Milde introduced Stafford County Administrator, Anthony Romanello, and Deputy County Administrator, Keith Dayton. Mr. Milde asked the Operations Board to support a Memorandum of Understanding between Stafford County and VRE that would allow the County to administer the Brooke and Leeland parking expansion projects. There would be no financial impact to VRE. Mr. Zehner stated that he does not know if Board action is required and he would be happy to meet with county staff to discuss this issue. In response to a question from Mr. Milde, Chairman Covington stated that it seems premature to take Board action until staff and legal counsel have looked at the MOU and asked if this could be deferred until the next meeting. Mr. Milde responded that time is a factor and it needs to be approved as soon as possible. Mr. MacIsaac explained that it is important to know the details of the MOU and what VRE is agreeing to, as well as determining if Commission action is needed. Chairman Covington suggested that Stafford County keep the preliminary process moving forward while VRE staff and legal counsel review the MOU and then the Operations Board can take official action at the February meeting. If there is no objection, Stafford County could present it to PRTC at its February 2<sup>nd</sup> meeting, which is before VRE's next meeting in case Commission approval is needed. Mr. Romanello stated that this time line will work and county staff will sit down with VRE staff to work out the details.

Mr. Milde stated that he read an article that Wi-Fi on the trains has been scrapped. Ms. Bulova stated that it was her understanding that there was never any intention of scrapping Wi-Fi and it is unfortunate that the press perceived it that way. It was a funding issue. Chairman Covington stated that Wi-Fi was discussed at the Strategic Planning Retreat but the Board did not give a lot of direction to staff on this issue. VRE may need another retreat to look at priorities. Mr. Zehner confirmed that Wi-Fi has not been scrapped, but there have been other priorities that needed to be funded. The Operations Board direction has been to sustain service and keep it in good repair. Also,

technology is continually changing and more people are buying Smart phones and I-pads with Internet connectivity. The question becomes whether Wi-Fi service is necessary.

[Mr. Zimmerman arrived at 9:55 A.M.]

Mr. Milde asked that this issue be brought back for further consideration in the next few months. Chairman Covington suggested staff add it to the workplan over the next six months and bring information and data back to the Board. Mr. Zehner replied that staff can bring it back within two to three months. Chairman Covington stated that the Operations Board should also decide about the merits of another retreat. Mr. Howe stated that if VRE initially gathered rider input about Wi-Fi service, it should do so again since technology is changing and it could impact demand. Mr. Smedberg suggested staff include a good summary of new technology in the report.

Mr. Skinner reported that Spotsylvania County is ready to proceed on its station and parking lot projects. Work is still being done on the third rail. He stated that he would like to have a status report at the February meeting.

#### VRE Riders' and Public Comment – 9

Mr. Peacock encouraged the Operations Board to approve the contract with Sumitomo Corporation for the additional railcars. This summer VRE will be celebrating its 20<sup>th</sup> anniversary and VRE has a lot to celebrate. In regards to Wi-Fi, Mr. Peacock suggested riders may be willing to pay a small fee for the service. VRE needs to broadcast its excellent on-time performance. There was also a medical emergency one afternoon at the L'Enfant Station. Mr. Peacock commended the VRE conductors who did a very good job and handled the incident properly.

#### Authorization to Issue a Task Order for Analysis of VRE Long Term Rolling Stock Maintenance Equipment and Facility Needs – 10A

Mr. Zehner reported that the VRE Operations Board is being asked to authorize him to issue a task order to STV Inc., under the MEC V contract, to study and make recommendations regarding VRE's long term rolling stock maintenance, equipment, and facility needs in an amount not to exceed \$250,000. Resolution #10A-01-2012 would accomplish this.

Mr. Zehner stated that since 2004, when the Strategic Plan was adopted, VRE has worked to acquire new rolling stock equipment and design and construct maintenance facilities. An update to the Strategic Plan is needed to create an action plan that addresses life cycle maintenance and overhaul requirements for the new rolling stock. Specifically, VRE needs to ensure the life cycle and overhaul requirements are planned for in advance to ensure existing facilities can accommodate these requirements. If they cannot, plans for equipment and facility enhancements must be initiated and funded or contracted services must be obtained. The scope of work includes a

comprehensive review of the current VRE maintenance organization, structures, practices, and facilities as well as identifying future requirements. A long range plan will be developed to assure orderly growth and provisions for future maintenance and overhaul of the fleet. This plan will address the equipment needs of VRE for the next 25 years. A draft final plan will be completed within five months from the Notice to Proceed.

In response to a question from Mr. Milde, Mr. Zehner explained that funding is available from two federal grants (80 percent), with local match being provided from state (12 percent) and local (8 percent) funds. Mr. Smedberg asked if there is a reason why there are no contingency costs. Ms. Mouchantaf stated that the Project Manager believes that this is a specific scope of work and there are no scenarios anticipated that would add additional work and, therefore, no contingency is needed.

Ms. Bulova moved, with a second by Mr. Smedberg, to approve Resolution #10A-01-2012.

Mr. Way requested two wording changes to the detailed scope of work list: #4A "Ensure that OEM recommendations are being followed" and #4B: "Determine reactive versus preventative maintenance, with an emphasis on preventative maintenance." Chairman Bulova accepted this as a friendly amendment. Mr. Smedberg also concurred.

In response to a question from Mr. Milde, Mr. Zehner stated that VRE follows all OEM requirements but may do more than required. Analysis can be done to determine if those extra investments make a difference. An example – OEM requirements call for oil changes every 12 months, but VRE may determine that there are benefits to doing it every six months.

The Board then voted on the resolution. The vote in favor was cast by Board Members Bulova, Caddigan, Cook, Covington, Howe, Milde, Page, Skinner, Smedberg, Thomas, Way and Zimmerman.

#### Acceptance of the VRE Transit Development Plan for FY 2013-2018 – 10B

Mr. Zehner stated that the VRE Operations Board is being asked to approve Resolution #10B-01-2012, which would accept the VRE Transit Development Plan for Fiscal Years 2013-2018, subject to annual revision based upon the annual adoption of the VRE Operating and Capital Budget. DRPT requires any public transit operator receiving state funding to prepare, approve, submit and annually update a six-year Transit Development Plan (TDP). DRPT initiated the preparation of a TDP for VRE in June 2011, with assistance from their on-call consultants Connetics Transportation Group and Atkins. The TDP provides the foundation for DRPT funding requests and feeds directly into its programming process. Mr. Zehner introduced Tim Crobons from Connetics Transportation Group, who is present to answer any questions from the Board.

Ms. Bulova moved, with a second by Mr. Howe, to approve Resolution #10B-01-2012.

Mr. Page stated that this is a DRPT initiative but VRE accepts it so it becomes a VRE plan as well. It is very important for DRPT to pull together all the needs of the Commonwealth into one document. VRE is required to provide an annual update describing progress made in implementing the plan and any significant changes. The entire document must be updated every six years. He acknowledged Anthony Foster from DRPT who served as the Project Manager.

The Board then voted on the motion and it passed. The vote in favor was cast by Board Members Bulova, Caddigan, Cook, Covington, Howe, Milde, Page, Skinner, Smedberg, Thomas, Way and Zimmerman.

#### Authorization to Award a Contract for New Passenger Railcars – 10C

Mr. Zehner reported that the VRE Operations Board is being asked to recommend that the Commissions authorize him to award a contract to Sumitomo Corporation of America for \$21,240,000, plus a contingency of \$1,900,000, for a total amount not to exceed \$23,140,000 for the purchase of eight new passenger railcars.

Mr. Zehner explained that in April 2011, the Board approved a funding plan, developed in conjunction with DRPT, for the purchase of 15 new railcars to replace the remaining 20 legacy gallery railcars. At that time, the cost of the 15 railcars was estimated at \$36 million, or \$2.4 million per car, including contingency and oversight costs. Following a procurement process, VRE received only one response from Sumitomo Corporation of America. This proposal was technically compliant, but the price exceeded VRE's available funding by approximately \$7.3 million. The majority of the increased cost was due to significant increases in the cost of rolled and stainless steel used in the construction of the frame and car shell. In addition, the car shells are manufactured in Japan and the U.S. dollar weakened significantly since the last procurement.

Mr. Zehner explained that following negotiations with Sumitomo and revisions to the contingency and oversight assessments, the funding shortfall was reduced to \$6.8 million. DRPT has agreed to provide an additional \$1.44 million in their FY 2013 funding cycle. VRE has \$1.5 million in its capital reserve. VRE also has the option of using a remaining FRA loan. However, since it is debt, VRE would have to seek approval from all the jurisdictions. In response to a question from Mr. Smedberg, Ms. Boxer stated that there is not an end date to the FRA loan. It is a 25 year loan period and those funds have been set aside for VRE. In response to a question from Mr. Cook, Mr. Zehner stated that the \$1.5 million in the capital reserve is mainly from the sale of rolling stock and federal law requires that it must be used for equipment. Some of the reserve is from fare revenue and it is not encumbered in any way.

Mr. Page stated that it is mid-cycle so VRE will need to apply for state funds by February 1<sup>st</sup> but \$219,000 will not be available until mid-June. In response to a question from Ms. Bulova, Mr. Zehner stated that VRE also has an operating reserve (currently estimated at \$11 million). The operating reserve could be used to cover the \$219,000,

until the state funds are received by VRE. Mr. Page suggested VRE send a letter to DRPT Director Drake seeking a letter of no prejudice concerning the \$219,000.

Mr. Zehner explained that the plan is to approve the base order of eight railcars. If approved, staff will return in February with an oversight approval request. Mr. Smedberg asked why not exercise the option for 15 railcars. Mr. Zehner explained that VRE only has funding for eight railcars at this time. Staff will continue to seek additional funding sources for the balance of the order. In response to a question from Mr. Harf, Mr. Zehner stated that the contract price is set for five years so VRE has time to exercise the option for additional railcars.

[Ms. Caddigan left the meeting at 10:40 A.M. and did not return.]

Mr. Milde moved, with a second by Mr. Howe, to approve Resolution #10C-01-2012.

Mr. Milde stated that he supports this action but expressed his concern that the capital reserve funding is being used but no capacity will be added. With VRE's growth, capacity issues will force the need for new equipment in the near future. Mr. Zehner agreed that this only replaces equipment, but the 40-railcar option will be in place so if funds become available they can be ordered.

Mr. Zimmerman also stated that he will support this item but would like to have a better understanding of the cost estimates. He also asked if VRE would do better to piggyback on another large order. Mr. Zehner explained that VRE sought a stainless steel car body and there are only two models available. Ms. Mouchantaf stated that staff did look into piggybacking onto another system's order but there was no opportunity to do so. Mr. Zimmerman observed that VRE would have more options if steel wasn't a requirement. Ms. Mouchantaf stated that it is important to have a standardized fleet. In the long-term it is more economical.

Chairman Covington called for the vote and the Board approved the resolution. The vote in favor was cast by Board Members Bulova, Caddigan, Cook, Covington, Howe, Milde, Skinner, Smedberg, Thomas, Way and Zimmerman. Mr. Page abstained.

#### VRE Mission Statement – 11A

Mr. Zehner stated that at the VRE Strategic Planning Retreat a suggestion was made to revisit VRE's mission statement. Staff has drafted a revised mission statement for discussion. The revised mission statement reads:

The Virginia Railway Express, a joint project of the Northern Virginia Transportation Commission and the Potomac and Rappahannock Transportation Commission will provide safe, cost effective, accessible, reliable, convenient, and comfortable commuter-oriented rail passenger service. VRE will contribute to the economic development of its member jurisdictions as an integral part of a balanced, intermodal regional transportation system.

Mr. Way stated that the revised statement emphasizes the commuter orientation of VRE and that it serves its member jurisdictions. Ms. Bulova stated that she likes some elements, especially that VRE needs to be a part of a balanced intermodal regional transportation system. However, she is not sure that “VRE will contribute to the economic development of its member jurisdictions” belongs in the mission statement. She stated that it is not VRE’s role, although it is the effect of what it does. Mr. Way responded that the intent was to prevent VRE from being expanded beyond its commuter orientation. Mr. Smedberg agreed with Ms. Bulova that VRE’s role is not economic development, but more economic vitality or economic sustainability. He suggested changing “development” to “vitality” or “sustainability.” Mr. Zimmerman disagreed and asked if transportation is just about moving people. Economic development is the only reason to do it. It pays for itself by the economic development around it. The region needs to take better advantage of these types of systems and expand them throughout the region. Mr. Cook stated that there are two VRE stations in Fairfax County that are not looking for economic development because they are in the middle of residential neighborhoods. VRE secondarily contributes to economic development because it helps move people to work. He stated that for Fairfax County, it shouldn’t be suggested that VRE is like Metro in relation to economic development. Mr. Zimmerman stated that the mission statement does not need to be interpreted that every station needs development.

In response to a question from Chairman Covington, Mr. Page explained that the Commonwealth is trying to develop an integrated rail system. Economic development is not a deciding factor when the state decides on funding, but it is a side benefit. There is a great value to local governments for economic development. The Commonwealth’s decisions are based on integrated transportation purposes. He suggested changing the wording to “economic vitality.” Ms. Bulova suggested it read: “VRE contributes to the economic vitality of its member jurisdictions...”

Mr. Skinner stated that for Spotsylvania County, the economic impact around its station will be great. Mr. Howe stated that it is the opposite for Fredericksburg because land is not available for development. Mr. Thomas stated that Stafford County sees an economic engine around its two stations. He cautioned that if economic development is part of the mission statement, then VRE has to have a way to measure how it is being accomplished. Mr. Way stated that the VRE station in Manassas has brought enormous economic development to downtown Manassas. He observed that “vitality” could be vaguely interpreted as economic development or economic sustenance.

Mr. Way moved, with a second by Ms. Bulova, to adopt the revised mission statement with the following wording change: “VRE contributes to the economic vitality of its member jurisdictions...”

Mr. Taube observed in comparing the old and new mission statements, the wording “customer responsiveness” has been changed to “convenient and comfortable.” In his view something has been lost in the translation. Mr. Skinner asked who sets the standard for comfortability. It is a wide range. He requested a friendly amendment to

keep “customer responsiveness.” Mrs. Bulova agreed to accept this as a friendly amendment. Mr. Smedberg also agreed.

In response to a question, Mr. Way stated that “accessible” is really referring to handicapped. Accessibility also covers station access, location, train accessibility, schedules, etc. He stated that “convenient ” could be dropped. Mr. Thomas stated “convenient” is important. If a rider can’t park at the station, it is no longer convenient.

The Board then voted and approved the revised mission statement including the amendments. The vote in favor was cast by Board Members Bulova, Caddigan, Cook, Covington, Howe, Milde, Page, Skinner, Smedberg, Thomas, Way and Zimmerman.

#### VRE Fare Evasion Policy – 11B

Chairman Covington observed that this is an issue important to Ms. Stimpson and suggested it be deferred to the February meeting. There were no objections.

#### Adjournment

Without objection, Chairman Bulova adjourned the meeting at 11:17 A.M.

Approved this 17<sup>th</sup> day of February, 2012.

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Wally Covington  
Chairman

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Susan Stimpson  
Secretary

#### **CERTIFICATION**

This certification hereby acknowledges that the minutes for the January 20, 2012 Virginia Railway Express Operations Board Meeting have been recorded to the best of my ability.



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Rhonda Gilchrest



VRE Railcar Procurement

The VRE Operations Board recommends approval of Resolution #2185. This resolution authorizes VRE's CEO to award a contract to Sumitomo Corporation of America for \$21.2 million plus a \$1.9 million contingency for the purchase of eight new railcars. VRE has a plan to purchase 15 new railcars to replace 20 old railcars but at present has only enough funding to buy eight. The proposed contract has options to eventually purchase an additional 42 railcars.

The attached materials explain in detail how VRE intends to pay for the eight railcars in this initial purchase. Oversight is also required by the Federal Transit Administration and that additional cost (\$1.5 million) will be the subject of a separate action by the VRE Operations Board in the near future.



## RESOLUTION #2185

**SUBJECT:** VRE Railcar Procurement.

**WHEREAS:** VRE issued a Request for Proposals for new passenger railcars;

**WHEREAS:** VRE received one response from Sumitomo Corporation of America;

**WHEREAS:** The single proposal was determined to be technically compliant;

**WHEREAS:** VRE has identified the funding necessary to execute the contract for the base order of eight railcars; and

**WHEREAS:** VRE will return to the Operations Board to exercise an option to order more railcars once additional funding sources have been identified.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Northern Virginia Transportation Commission authorizes the VRE Chief Executive Officer to award a contract to Sumitomo Corporation of America for \$21,240,000, plus a contingency of \$1,900,000, for a total amount not to exceed \$23,140,000 for the purchase of eight new passenger railcars.

Approved this 9<sup>th</sup> day of February, 2012.

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Jay Fisette  
Chairman

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Paul C. Smedberg  
Secretary-Treasurer



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**AGENDA ITEM 10-C**  
**ACTION ITEM**

**TO: CHAIRMAN COVINGTON AND THE VRE OPERATIONS BOARD**

**FROM: DALE ZEHNER**

**DATE: JANUARY 20, 2012**

**RE: AUTHORIZATION TO AWARD A CONTRACT FOR NEW PASSENGER RAILCARS**

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**RECOMMENDATION:**

The VRE Operations Board is being asked to recommend that the Commissions authorize the Chief Executive Officer to award a contract to Sumitomo Corporation of America for \$21,240,000, plus a contingency of \$1,900,000, for a total amount not to exceed \$23,140,000 for the purchase of eight new passenger railcars.

**BACKGROUND:**

In April 2011, the VRE Operations Board approved a funding plan, developed in conjunction with DRPT, for the purchase of 15 new railcars to replace the remaining 20 legacy gallery railcars still in VRE service. Only 15 new railcars are needed to replace the 20 old railcars due to maintenance cycles and the required spare ratio. The cost of continuing to maintain the aging railcars has also become prohibitive and a costly major overhaul will be required in the near future if new railcars are not ordered at this time.

In April, the cost of the 15 railcars was estimated at \$36 million, or \$2.4 million per car, including contingency and oversight costs.

This amount was based on prior railcar purchases and funding was identified from the following sources:

- VRE federal formula funds (FY 2012 – FY 2015) - \$15.4M
- State bond funds and federal funds assigned to the state - \$18.1M
- VRE annual match to federal funding and capital reserve funds - \$2.5M

In May 2011, the VRE Board of Operations authorized the issuance of an RFP for the purchase of the railcars. On July 1, 2011, an RFP was issued for a base order of eight railcars with an option for up to 42 railcars. The base order had to be limited to eight railcars due to the schedule for receiving the federal formula funds.

Responses to the RFP were due on September 1, 2011, and VRE received one response from Sumitomo Corporation of America. The railcars proposed by Sumitomo are the same as those currently in VRE service with the exception of minor design changes required by new safety standards.

The single proposal was technically compliant, but the price exceeded VRE's available funding by approximately \$7.3 million. The majority of the cost increase was due to the significant increases in the cost of rolled and stainless steel used in the construction of the frame and car shell. In addition, the car shells are manufactured in Japan and since our last new railcar purchase, the U.S. dollar has weakened significantly. Other cost increases were due to lack of production volume and start up costs spread over a smaller number of units.

Following negotiations with Sumitomo and revisions to the contingency and oversight assessments, the funding shortfall was reduced to \$6.8M. The following sources of additional funding have been identified and are recommended. DRPT has agreed to provide an additional \$1.44 million for this project in their FY 2013 funding cycle.

- Base order of 8 railcars (additional \$2.05 million needed):
  - Federal grant VA-05-X368 – reprogramming of \$334K originally assigned to Washington Union Terminal joint recapitalization program with Amtrak but no longer needed to fulfill commitment
  - Additional state bond funds - \$219K (not available until FY 2013 – VRE operating reserve funds will be used in the interim to execute contracts)
  - VRE capital reserve - \$1.5 million

- Option order of 7 railcars (additional \$4.77 million needed). Authorization would be sought at a later time.
  - Additional state bond funds - \$1.22 million
  - Use of remaining available FRA loan funds - \$3.55 million

The first four railcars from the base order will be delivered to VRE in January 2014. The next four will be delivered in February 2014. VRE will return to the Operations Board at a later date to obtain authorization to exercise the option order once federal formula funding is available. Future use of the remaining FRA loan funds (originally used to purchase the previous 60 gallery railcars) will require the approval of each of the VRE member jurisdictions.

VRE will also return to the Operations Board to obtain authorization to issue a task order to STV, under MEC V, for the federally mandated oversight of this project.

**FISCAL IMPACT:** The table below identifies the project costs and funding sources for the base order of eight passenger railcars.

#### Project Cost

| Description                                | Cost          |
|--|---------------|
| Best and Final Offer Pricing from Sumitomo | \$21,240,000  |
| Contingency - Sumitomo                     | \$1,900,000   |
| Oversight                                  | \$1,250,000   |
| Contingency - Oversight                    | \$224,000     |
| Total                                      | \$24,614,000* |

#### Funding Sources

| Source   | Amount       |
|--|--------------|
| Federal (State Flexible Funds, FY12 Formula Funds, X368) | \$13,173,200 |
| State (Bond Funds – FY 2012)                             | \$7,769,760  |
| VRE (FY12 budget and capital reserve)                    | \$3,452,040  |
| State (Bond Funds – FY 2013)**                           | \$219,000    |
| Total  | \$24,614,000 |

\*This amount varies from the total contract value being sought for approval in this item because it does not include federally mandated oversight costs. Oversight will be a separate contract and a board item will be presented at a later date.

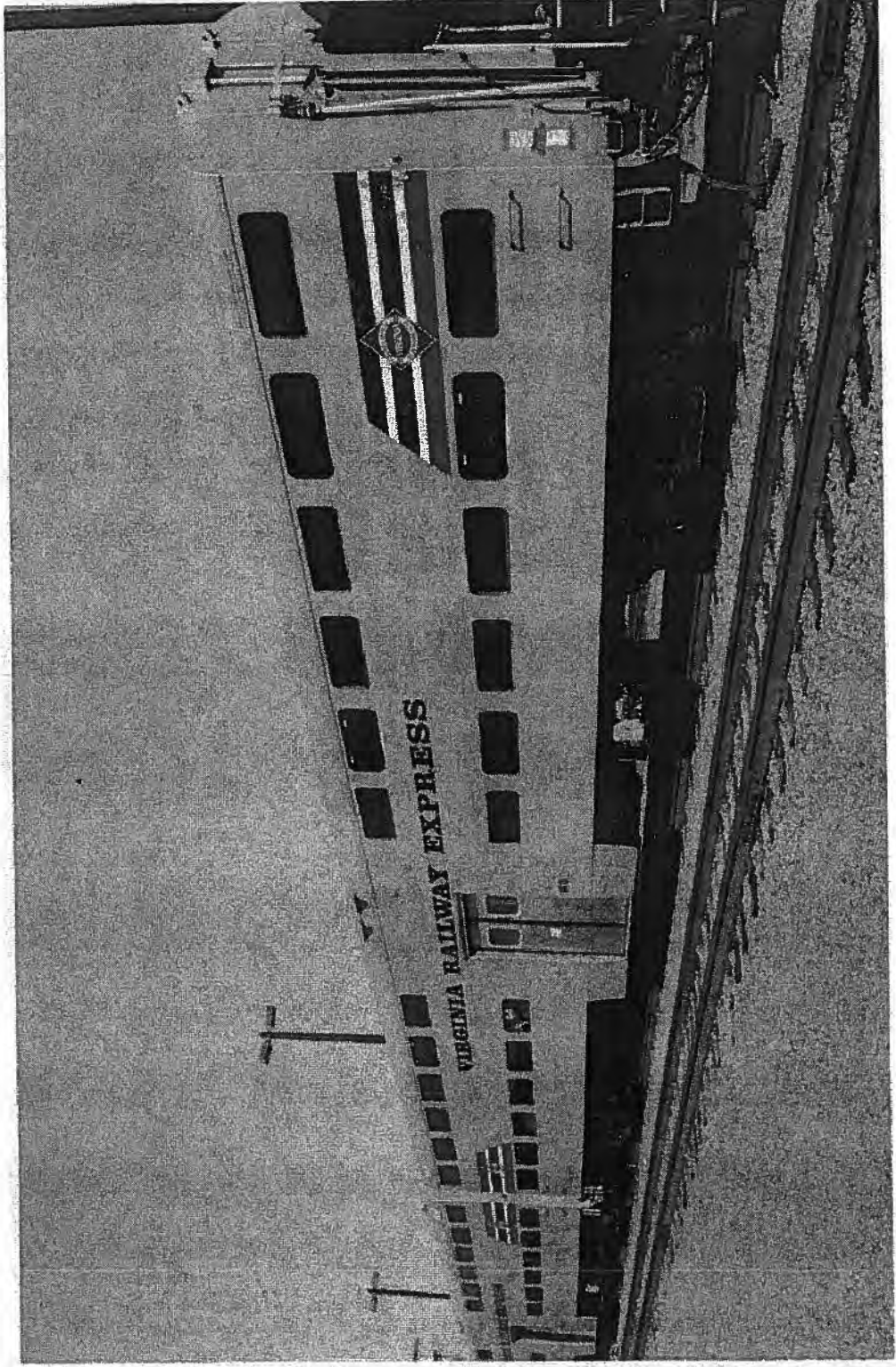
\*\*VRE operating reserve funds will be used to execute contracts, pending approval of the State FY 2013 six-year plan.

# Railcar Procurement

January 20, 2012

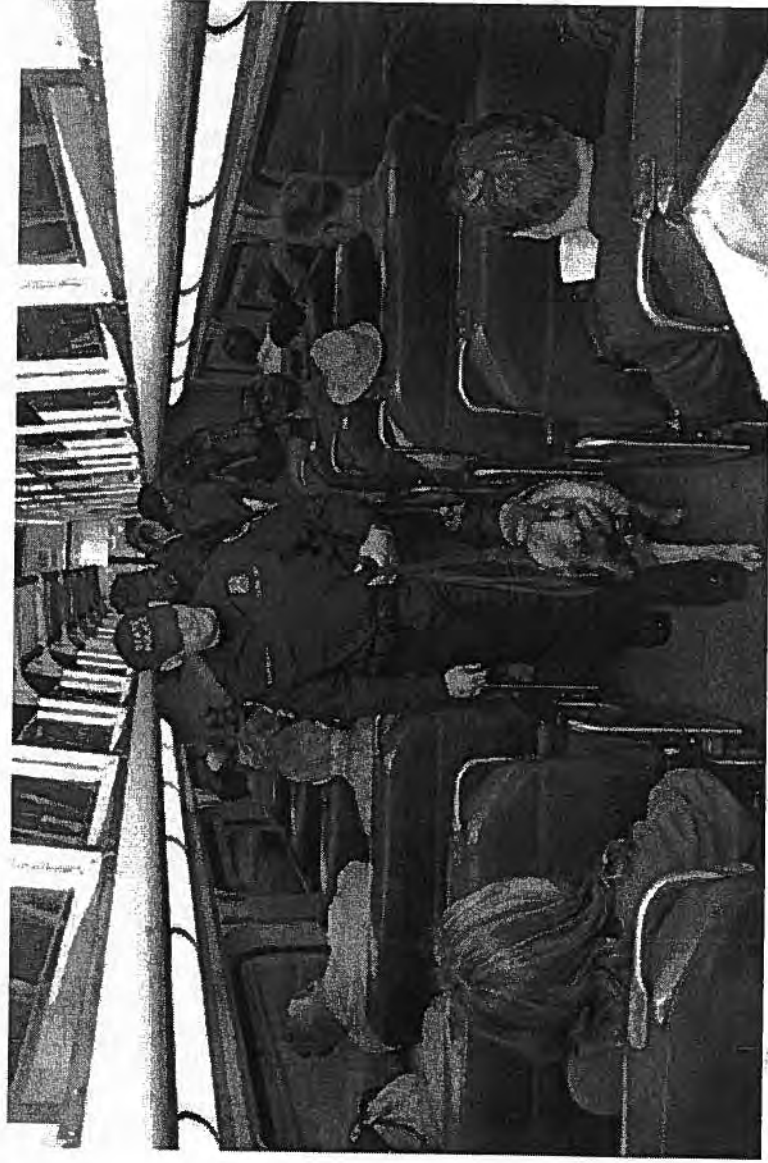


# Legacy Railcar



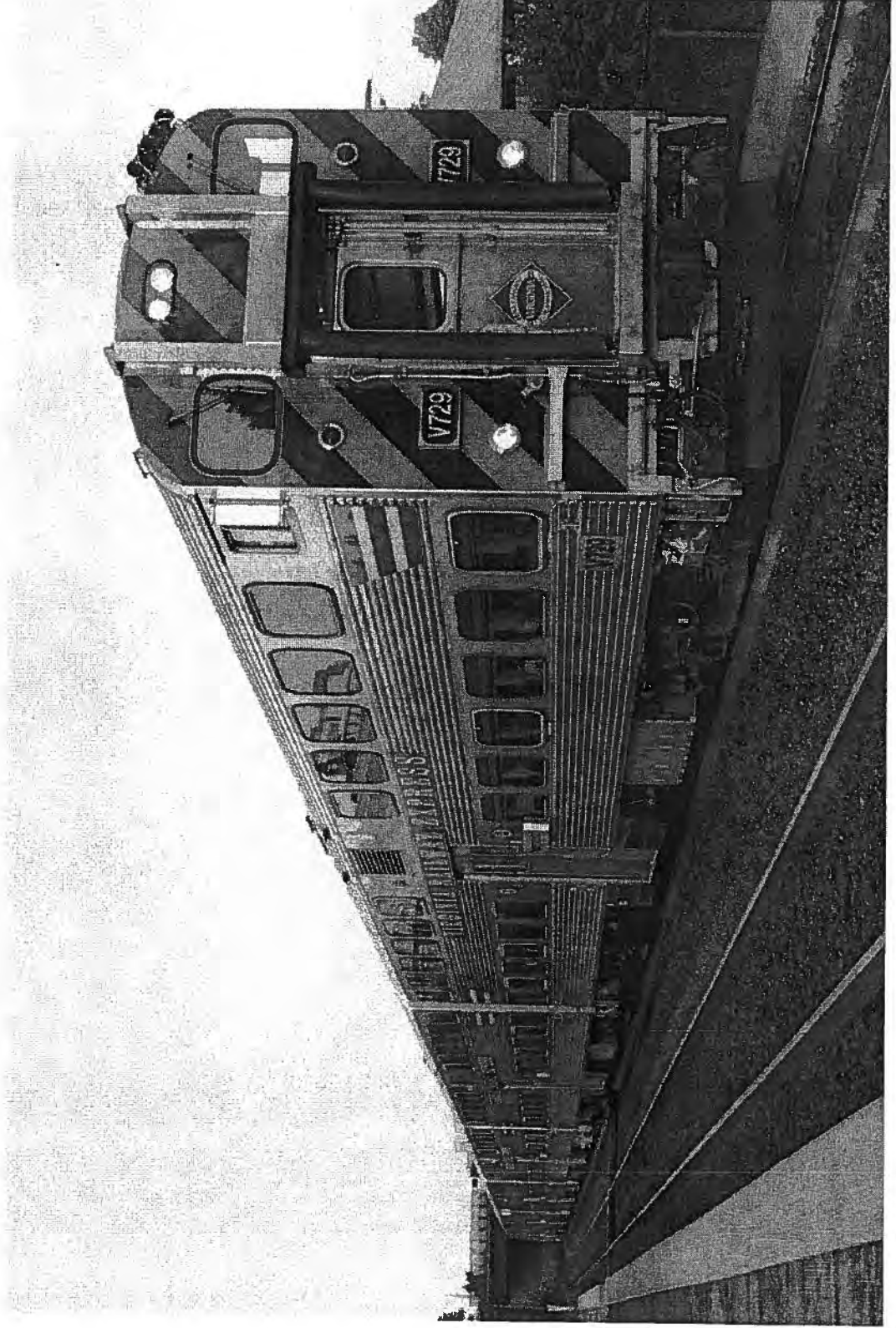


# Interior of Legacy Railcar

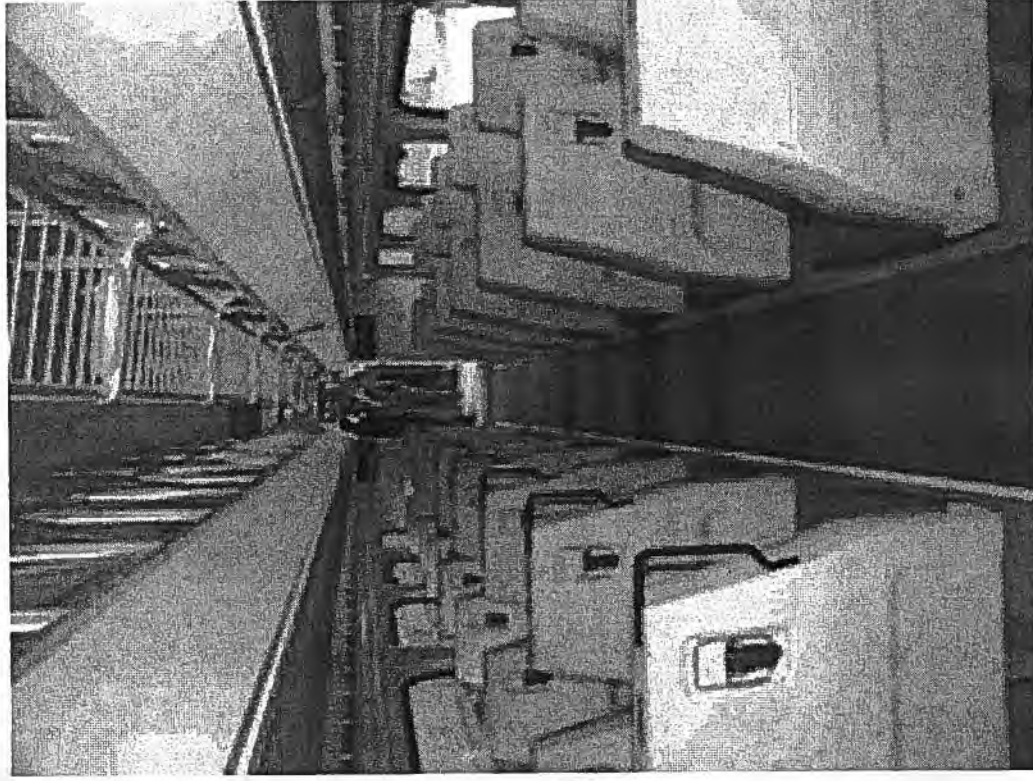




# New Railcar



# Interior of New Railcar



# Need for Railcars

- Currently have 91 railcars – 20 over 40 years old
  - These older (legacy cars) are:
  - Three times more expensive to maintain legacy cars
  - Will require \$500K to overhaul if not replaced
- Planned to sell all legacy cars by 2011
- Required for additional service in 2010/2011
- Retained legacy cars to provide:
  - Express train – used 6 railcars
  - Lengthening of exiting trains – used 5 railcars

# Background

- April 20, 2011 – Operations Board approved funding plan to procure 15 new gallery railcars to replace 20 legacy railcars
- Funding plan over four fiscal years and includes contingency and oversight

|                             |              |
|-----------------------------|--------------|
| Federal funding             | \$15,350,000 |
| State funding               | \$18,150,000 |
| VRE local match and reserve | \$2,500,000  |
| Total                       | \$36,000,000 |

# Request for Proposals

- RFP issued in July 2011 for gallery railcars or equivalent
- Base order limited to 8 railcars due to funding
- Requested option pricing for additional 42 cars
- Received one technically compliant proposal
- Same manufacturer as existing railcars

# Final Project Pricing

| Item                | Base 8 Car Order | 7 Car Option | Total        |
|---------------------|------------------|--------------|--------------|
| Price for Railcars  | \$21,240,000     | \$16,100,000 | \$37,340,000 |
| Contingency         | \$1,900,000      | \$1,610,000  | \$3,510,000  |
| Oversight           | \$1,474,000      | \$500,000    | \$1,974,000  |
| Total Project Price | \$24,614,000     | \$18,210,000 | \$42,824,000 |
| Funding Plan        |                  |              | \$36,000,00  |
| Funding Shortage    | \$2,053,000      | \$4,770,000  | \$6,824,000  |

- Had to secure \$2,053,000 to execute the base order



# Additional Funding Identified

| Funding Source      | Base 8 Car Order | 7 Car Option | Total       |
|---------------------|------------------|--------------|-------------|
| Federal Grant       | \$334,000        |              | \$334,000   |
| State Bonds         | \$219,000        | \$1,220,000  | \$1,439,000 |
| FRA Loan            |                  | \$3,550,000  | \$3,550,000 |
| VRE Capital Reserve | \$1,500,000      |              | \$1,500,000 |
| Total               | \$2,053,000      | \$4,770,000  | \$6,823,000 |

- Sufficient funding available for base order – requires use of VRE capital reserve
- Out year funding available over next two years for option order
- Will continue to attempt to find other funding sources



# Reasons for Price Increase

- In past four years, the dollar to yen – down 31%
- Forty percent of base order priced in yen
  - All one-time engineering costs in base order
  - First 8 car shells built in Japan to meet delivery
- Twenty percent increase in stainless steel prices since 2008



# Action Requested

- Requesting approval of contract award for base order of 8 railcars
- Total funding in place:
  - Railcars      \$21,240,000
  - Contingency    \$1,900,000
  - Total          \$23,140,000
- Oversight will be requested at February meeting

# Final Breakdown of Funding

| Source of Funding                            | Amount       | Percent |
|--|--------------|---------|
| Federal formula funding                      | \$4,933,200  | 20%     |
| Surface transportation program (STP) funding | \$8,240,000  | 33%     |
| State bond proceeds                          | \$7,988,760  | 33%     |
| VRE funding                                  | \$3,452,040  | 14%     |
| Total  | \$24,614,000 | 100%    |







AGENDA ITEM #3

**TO:** Chairman Fisette and NVTC Commissioners

**FROM:** Rick Taube and Scott Kalkwarf

**DATE:** February 2, 2012

**SUBJECT:** NVTC's FY 2013 State Transit Assistance Application

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The commission is asked to approve Resolution #2186. This resolution ratifies the state transit assistance applications submitted by NVTC staff on February 1, 2012 to the Virginia Department of Rail and Public Transportation on behalf of NVTC's five WMATA jurisdictions for regional and local bus and Metrorail service and on behalf of VRE.

As can be seen in the attached tables, for WMATA and local buses, capital funding requests for FY 2013 are down by \$22.7 million from FY 2012, but operating assistance requests are up \$20.7 million. For VRE, capital requests are down \$50.6 million and operating assistance requests are up \$0.2 million.

NVTC has also applied for up to \$87,500 in matching funding from DRPT for the high-capacity transit study in the Route 7 corridor (Alexandria to Tysons Corner). PRTC is applying for significant start up funding for the Vanpool Incentive Program co-sponsored by NVTC, PRTC and the George Washington Regional Commission.



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## RESOLUTION #2186

**SUBJECT:** Approval of FY 2013 NVTC and VRE State Administrative/FTM, Capital, and Related Grant Applications and Authority to Apply for Funds from the Commonwealth Transportation Board, Federal Transit Administration and other Grant Agencies.

**WHEREAS:** The Northern Virginia Transportation Commission (NVTC) wishes to obtain state and federal grants to help defray NVTC, WMATA, local bus systems and Virginia Railway Express (VRE) operating and capital costs.

**NOW, THEREFORE, BE IT RESOLVED** that the Northern Virginia Transportation Commission's executive director is authorized, for and on behalf of NVTC and its members, 1) to execute and file an application to the Virginia Department of Rail and Public Transportation (DRPT), for grants of public transportation assistance for the fiscal year 2013 commencing July 1, 2012 in the amount of \$193.0 million to defray the public transportation cost of NVTC and its members for administration, fuels, tires, lubricants and maintenance parts at a matching ratio of 95%; 2) to accept from DRPT grants in such amounts as may be awarded; and 3) to furnish DRPT such documents and other information as may be required for processing the grant request.

**BE IT FURTHER RESOLVED** that NVTC's executive director is authorized, for and on behalf of NVTC and its members, 1) to execute and file an application to DRPT, for grants of public transportation assistance for FY 2013 for capital expenses in an amount that will not exceed \$86.9 million to defray up to 95 percent of the costs borne by NVTC and its members for equipment, facilities and the associated expenses of any approved capital grant; 2) to revise the capital portion of the application to reflect refined estimates by WMATA or local governments when they become available; 3) to accept from DRPT grants in such amounts as may be awarded; and 4) to furnish to DRPT such documents and other information as may be required for processing the grant request.



**BE IT FURTHER RESOLVED** that NVTC's executive director is authorized, for and on behalf of NVTC and PRTC and their members, 1) to execute and file FY 2012 VRE applications to DRPT and to seek up to \$14.0 million for FTM and administrative costs and up to \$12.4 million for capital; 2) to revise the application to reflect refined estimates by VRE; 3) to accept from DRPT grants in such amounts as may be awarded; and 4) to furnish to DRPT such documents and other information as may be required for processing the grant request.

**BE IT FURTHER RESOLVED** that NVTC's executive director is authorized to apply for technical assistance funds from DRPT of up to \$87,500 to cover the non-federal costs of completing a high-capacity transit feasibility study in the Route 7 corridor (Alexandria to Tysons Corner).

**BE IT FURTHER RESOLVED** that NVTC certifies that the funds for all of the above grants will be used in accordance with the requirements of Section 58.1 638.A.4 of the Code of Virginia, that NVTC will provide matching funds in the ratio required by the Act, that the records of receipts of expenditures of funds granted to NVTC may be subject to audit by DRPT and by the State Auditor of Public Accounts, and that funds granted to NVTC for defraying the public transportation expenses of NVTC shall be used only for such purposes as authorized in the Code of Virginia.

**BE IT FURTHER RESOLVED** that NVTC's executive director is authorized, for and on behalf of NVTC and its members, to furnish to TPB, CTB and other state and federal funding agencies such documents, information, assurances and certifications as may be required for pursuing the above grant requests and continuing previously awarded grants.

**BE IT FURTHER RESOLVED** that NVTC's executive director is authorized to amend the above described applications at the request of NVTC's member jurisdictions to include the most recent information and project costs.

Approved this 9<sup>th</sup> day of February, 2012.

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Jay Fisette  
Chairman

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Paul C. Smedberg  
Secretary-Treasurer

**NVTC**  
**SUMMARY OF STATE CAPITAL AND FORMULA GRANT ASSISTANCE APPLICATIONS**  
**FOR FY 2013**

|  | <u>FY 13</u>       | <u>FY 12</u>       | <u>Increase<br/>(Decrease)</u> |
|--|--------------------|--------------------|--------------------------------|
| <b><u>NVTC</u></b>                                 |                    |                    |                                |
| <b><u>CAPITAL</u></b>                              |                    |                    |                                |
| <b>Local Capital (see schedule A)</b>              |                    |                    |                                |
| Alexandria   | 3,800,000          | 6,850,000          | (3,050,000)                    |
| City of Fairfax                                    | 30,000             | 75,100             | (45,100)                       |
| Fairfax County                                     | 24,765,000         | 34,590,000         | (9,825,000)                    |
| Arlington  | 6,226,000          | 11,300,000         | (5,074,000)                    |
| Falls Church                                       | -                  | -                  | -                              |
| Total  | <u>34,821,000</u>  | <u>52,815,100</u>  | <u>(17,994,100)</u>            |
| Eligibility amount @95%                            | <u>33,079,950</u>  | <u>50,174,345</u>  | <u>(17,094,395)</u>            |
| <b>WMATA Capital (see schedule B)</b>              |                    |                    |                                |
| Capital Funding Agreement                          | 40,928,490         | 43,604,000         | (2,675,510)                    |
| WMATA Debt Service                                 | 4,368,581          | 7,410,462          | (3,041,881)                    |
| Metro Matters Program                              | 52,939             | 52,945             | (6)                            |
| Debt Service - MMs opt out                         | 10,505,257         | 10,679,126         | (173,870)                      |
| Project Development                                | 825,000            | 825,000            | -                              |
| Total  | <u>56,680,266</u>  | <u>62,571,533</u>  | <u>(5,891,267)</u>             |
| Eligibility amount @95%                            | <u>53,846,253</u>  | <u>59,442,957</u>  | <u>(5,596,704)</u>             |
| <b>Total Capital</b>                               | <u>91,501,266</u>  | <u>115,386,633</u> | <u>(23,885,367)</u>            |
| <b>Eligibility amount @95%</b>                     | <u>86,926,203</u>  | <u>109,617,302</u> | <u>(22,691,099)</u>            |
| <b><u>OPERATING FTM/ADMIN (see schedule C)</u></b> |                    |                    |                                |
| Eligibility amount @ 95%                           |                    |                    |                                |
| NVTC-WMATA   | 157,753,776        | 137,263,364        | 20,490,411                     |
| Local  | 35,229,899         | 35,025,848         | 204,051                        |
| <b>Total operating eligibility</b>                 | <u>192,983,675</u> | <u>172,289,213</u> | <u>20,694,462</u>              |
| <b><u>VRE</u></b>                                  |                    |                    |                                |
| <b><u>CAPITAL (see schedule D)</u></b>             |                    |                    |                                |
| Total budget (non-federal)                         | 13,095,915         | 66,318,000         | (53,222,085)                   |
| Eligibility amount @ 95%                           | <u>12,441,119</u>  | <u>63,002,100</u>  | <u>(50,560,981)</u>            |
| <b><u>OPERATING FTM/ADMIN</u></b>                  |                    |                    |                                |
| Eligibility amount @ 95%                           | <u>13,971,913</u>  | <u>13,749,861</u>  | <u>222,052</u>                 |

**NVTC**  
**STATE CAPITAL GRANT ASSISTANCE**  
**LOCAL CAPITAL**  
**FY 2013**

**SCHEDULE A**

| Grant Applications                                     |                       |                |                         |
|--|-----------------------|----------------|-------------------------|
|  | <b>TOTAL<br/>COST</b> | <b>FEDERAL</b> | <b>NON-<br/>FEDERAL</b> |
| <b>CITY OF ALEXANDRIA</b>                              |                       |                |                         |
| Purchase CNG BRT Buses                                 | 5,600,000             | 1,800,000      | 3,800,000               |
|  |                       |                | -                       |
| Total at Cost  | 5,600,000             | 1,800,000      | 3,800,000               |
| <b>CITY OF FAIRFAX</b>                                 |                       |                |                         |
| Purchase Support Vehicles                              | 30,000                | -              | 30,000                  |
|  |                       |                | -                       |
| Total at Cost  | 30,000                | -              | 30,000                  |
| <b>FAIRFAX COUNTY</b>                                  |                       |                |                         |
| Engeneering & Design - West Ox Garage                  | 1,500,000             | -              | 1,500,000               |
| Rehab/Renovaton of Admin/Maint Facitliy Herndon Monroe | 900,000               | -              | 900,000                 |
| Bus Construction Maint Facility - Huntington           | 1,200,000             | -              | 1,200,000               |
| Construction Rail Facility - Stringfellow Park & Ride  | 4,300,000             |                |                         |
| Construction of Rail Facility - Lorton VRE Park & Ride | 1,500,000             |                |                         |
| Bus Stop Inventory and Safety Program                  | 1,300,000             | -              | 1,300,000               |
| Purchase Expansion Buses                               | 7,275,000             | -              | 7,275,000               |
| Purchase Replacement Buses                             | 9,700,000             | -              | 9,700,000               |
| Purchase Support Vehicles                              | 90,000                | -              | 90,000                  |
| ITS Implementation Program                             | 2,500,000             | -              | 2,500,000               |
| 3rd Party Project Management                           | 300,000               |                | 300,000                 |
|  |                       |                | -                       |
| Total at Cost  | 30,565,000            | -              | 24,765,000              |
| <b>ARLINGTON</b>                                       |                       |                |                         |
| ART House Demolition                                   | 150,000               | -              | 150,000                 |
| Bus Rehabilitation                                     | 500,000               | -              | 500,000                 |
| Bus Stop and Shelters Program                          | 200,000               | -              | 200,000                 |
| Engineering and Design - Columbia Pike Streetcar       | 4,500,000             | -              | 4,500,000               |
| Design and Construction - Crystal City Multimodal      | 170,000               | -              | 170,000                 |
| Transit ITS Program                                    | 130,000               | -              | 130,000                 |
| Ballston Fairfax Drive Improvements                    | 200,000               | -              | 200,000                 |
| Bus Stop Improvements - Lee & Glebe                    | 380,000               | 304,000        | 76,000                  |
| Pentagon City Renovation                               | 300,000               | -              | 300,000                 |
|  |                       |                | -                       |
| Total at Cost  | 6,530,000             | 304,000        | 6,226,000               |
| <b>CITY OF FALLS CHURCH</b>                            |                       |                |                         |
|  | -                     | -              | -                       |
| Total  | -                     | -              | -                       |
| <b>GRAND TOTAL</b>                                     |                       |                |                         |
|  | 42,725,000            | 2,104,000      | 34,821,000              |



**NVTC  
APPLICATION FOR STATE CAPITAL GRANT ASSISTANCE  
WMATA CAPITAL SUBSIDIES  
FY 2013**

**SCHEDULE B**

|  | Alexandria       | Arlington        | Fairfax City  | Fairfax County    | Falls Church  | Total             |
|--|------------------|------------------|---------------|-------------------|---------------|-------------------|
| FY 13 CIP Program (a)                      | 6,484,094        | 12,122,943       | 408,729       | 21,488,757        | 423,967       | 40,928,490        |
| WMATA Debt Service (b)                     | 835,821          | 1,614,946        | 27,523        | 1,867,601         | 22,690        | 4,368,581         |
| Metro Matters Program (c)                  | -                | -                | -             | -                 | 52,939        | 52,939            |
| Jurisdiction Debt Service - MM Opt Out (d) | 914,536          | 1,604,307        | -             | 7,986,414         | -             | 10,505,257        |
| Project Development (e)                    | 133,000          | 261,000          | 6,000         | 417,000           | 8,000         | 825,000           |
| Reimbursable Projects (f)                  | -                | -                | -             | -                 | -             | -                 |
| <b>Total</b>                               | <b>1,883,357</b> | <b>3,480,253</b> | <b>33,523</b> | <b>10,271,015</b> | <b>83,629</b> | <b>15,751,777</b> |

(a) Virginia Compact members' share of FY13 Capital Improvement Program eligible to be funded by DRPT. Preventative maintenance has been excluded from the capital assistance request, but included in the operating assistance request according to DRPT requirements.

(b) Gross Revenue Transit Refunding Bonds Series 2003 maturing FY 2014.

(c) Balance due under Metro Matters program for those members who did not opt out of the FY09 debt issue.

(d) Debt Service to be incurred by jurisdictions on their share of debt used to opt out of the Metro Matters FY09 debt issue.

(e) Project Development - a regional reimbursable capital program stated separately from the FY13 CIP

(f) Reimbursable projects - These are non-regional projects that the individual jurisdictions include on their respective jurisdiction state capital grant requests based upon their understanding of the current year budgeted expenditures.

Actual needs will be reduced to account for carryover grant funding.

**NVTC**

**APPLICATION FOR FTM/ADMIN OPERATING FORMULA ASSISTANCE**

**FY 2013**

**SCHEDULE C**

|   | <b>LOCAL SYSTEMS</b> |                            |                           |                             | <b>TOTAL<br/>LOCAL<br/>SYSTEMS</b> | <b>NVTC &amp;<br/>WMATA</b> | <b>TOTAL<br/>NVTC</b> |
|---|----------------------|----------------------------|---------------------------|-----------------------------|------------------------------------|-----------------------------|-----------------------|
|   | <b>Alexandria</b>    | <b>City of<br/>Fairfax</b> | <b>Fairfax<br/>County</b> | <b>Arlington<br/>County</b> |                                    |                             |                       |
| FY11 total operating expenses (certification) | 14,038,751           | 2,723,998                  | 57,971,415                | 9,618,607                   | 84,352,771                         | 963,332                     | 85,316,103            |
| FTM   |                      |                            |                           |                             |                                    |                             |                       |
| Administrative Expenses                       | 2,029,000            | 555,040                    | 13,374,306                | 2,058,465                   | 18,016,811                         | 48,243,149                  | 66,259,960            |
| Other Operating Expenses                      | 2,358,100            | 388,351                    | 15,007,532                | 1,313,310                   | 19,067,293                         | 134,689,046                 | 153,756,339           |
| Total Operating Expenses                      | 11,162,228           | 1,967,810                  | 55,417,074                | 7,294,858                   | 75,841,970                         | 234,725,941                 | 310,567,911           |
|   | 15,549,328           | 2,911,201                  | 83,798,912                | 10,666,633                  | 112,926,074                        | 417,658,136                 | 530,584,210           |
| Total Operating Revenue                       | 4,962,000            | 1,165,294                  | 14,191,533                | 2,545,066                   | 22,863,893                         | 249,598,731                 | 272,462,624           |
| Deficit                                       | 10,587,328           | 1,745,907                  | 69,607,379                | 8,121,567                   | 90,062,181                         | 168,059,405                 | 258,121,586           |
| Total Federal / Other State Operating Asst    | -                    | -                          | -                         | -                           | -                                  | 2,002,799                   | 2,002,799             |
| Deficit before State Operating Assistance     | 10,587,328           | 1,745,907                  | 69,607,379                | 8,121,567                   | 90,062,181                         | 166,056,606                 | 256,118,787           |

**NVTC  
VRE  
APPLICATION FOR STATE CAPITAL GRANT ASSISTANCE  
FOR FY 2013**

**SCHEDULE D**

|                            | <u>Total Cost</u> | <u>Federal</u>    | <u>Non-Federal</u> |
|----------------------------|-------------------|-------------------|--------------------|
| Fare Collection Upgrade    | 2,138,000         | 1,710,400         | 427,600            |
| Mid-Day Storage            | 500,000           | 400,000           | 100,000            |
| Purchase Railcars          | 1,440,000         | -                 | 1,440,000          |
| Facilities Infrastructure  | 500,000           | 400,000           | 100,000            |
| Debt Service - 11 Cabcars  | 1,931,357         | 1,545,086         | 386,271            |
| Debt Service - 60 Railcars | 4,676,938         | 3,741,550         | 935,388            |
| Debt Service - 1998 Bond   | 6,906,656         | -                 | 6,906,656          |
| Track Lease Payments       | 14,000,000        | 11,200,000        | 2,800,000          |
|                            | -                 | -                 | -                  |
|                            | <b>32,092,951</b> | <b>18,997,036</b> | <b>13,095,915</b>  |



High-Capacity Transit Feasibility Study in the Route 7 Corridor  
(King Street Alexandria to Tysons Corner)

Draft Discussion Paper

--December 12, 2011--

Revised: January 24, 2012



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## Background

The city of Falls Church received a \$350,000 earmark of FY 2010 federal SAFETEA-LU funds for a \$437,500 project (including required 20% non-federal matching funds) to conduct a feasibility study and perform planning and preliminary design of enhanced multi-modal transportation solutions along Route 7 between the city of Alexandria and Tysons Corner in Fairfax County. That corridor is also of interest to Arlington County.

The Northern Virginia Transportation Commission (NVTC) supported Falls Church in its initial request and in November, 2011 agreed to Falls Church's request to add the project to NVTC's work program. NVTC will obtain and manage the federal grant and non-federal matching funds as well as manage the project.

Among the factors to be considered in the project are:

- The Route 7 corridor is severely congested
- The TransAction 2030 regional transportation plan of the Northern Virginia Transportation Authority (NVTA) calls for transit improvements in that corridor
- The Washington Metropolitan Area Transit Authority (WMATA) has designated the Route 7 corridor as part of its Metrobus Priority Corridor Network and obtained a TIGER grant from the Federal Transit Administration (FTA) to install a Traffic Signal Priority system in cooperation with the Virginia Department of Transportation (VDOT)
- Arlington and Fairfax counties are cooperating in the Columbia Pike Streetcar Project which will intersect the Route 7 corridor
- Other potential regional transit corridor improvements impacting the Route 7 corridor and/or offering the potential for an interconnected regional transit network include Duke and Beauregard streets in Alexandria and Pentagon City and Crystal City in Arlington
- Major construction continues at the Tysons Corner terminus of the portion of the Route 7 corridor included in this study, including the Metrorail extension in the Dulles Corridor and the I-495 HOT Lanes project
- The Transportation Planning Board of the National Capital Area (TPB) is considering the Route 7 corridor for inclusion in a region-wide network of Bus Rapid Transit service
- High-capacity transit improvements in this corridor offer the possibility of improving access to the new Mark Center defense facility

- Such improvements also would offer better access to the new Silver Line Metrorail extension in the Dulles Corridor

All of these factors make a coordinated interjurisdictional study of high-capacity transit in the Route 7 corridor timely and important.

An initial meeting of interested jurisdictional and agency staff was held in the Falls Church City Hall on August 26, 2009. Among the topics discussed were WMATA's Bus Priority Corridor Network, implications for Falls Church's other grants (e.g. providing bus shelters for priority transit routes), the level of regional interest, funding, schedule and next steps. A second meeting occurred at NVTC on January 12, 2012. This document reflects that discussion.

### Funding

Earmarked FY 2010 federal funds are \$350,000. Non-federal matching funds must total \$87,500 at 20%. Possible sources of non-federal match include the Virginia Department of Rail and Public Transportation (DRPT) as well as the four participating local governments.

DRPT may be able to provide a FY 2013 grant for some or all of the non-federal match. Applications for those funds are due February 1, 2012 with an initial indication of a potential award usually available by April and final decision in June. In submitting the grant application, sponsors must indicate that they are willing to provide a match to the DRPT funds, if needed.

Accordingly, Arlington and Fairfax counties and the cities of Alexandria and Falls Church should be prepared to indicate a general commitment to fund some of the project, with exact shares to be determined after DRPT acts on the FY 2013 grant application.

By informal agreement among staff on January 12, 2012, the four local jurisdictions will provide written assurances to NVTC of their willingness to provide up to \$22,000 each to match the federal grant.

The federal earmark of SAFETEA-LU funds was provided in the FY 2010 Omnibus Appropriations Act (P.L.111-117) for alternatives analysis. The grant (VA-E2010-ALTA-018-Enhanced Transit Services-Route 7 Corridor (City of Falls Church)) must be awarded by September 30, 2012.

Given the amount of the existing grant, detailed planning and preliminary engineering would not be accomplished and would require subsequent grants. This project will be a detailed feasibility study emphasizing high-capacity transit alternatives.

### Additional Factors to be Considered in the Study

- The Northern Virginia Community College has included a streetcar maintenance facility and station in its Master Plan, which would require an extension of the Columbia Pike Streetcar from its currently planned terminus in Skyline.
- If high-capacity transit is extended on Route 7 toward Tysons Corner, how could a spur serve the East Falls Church Metrorail station?
- Alexandria staff is concerned that expanded transit service would penalize that city with disproportionate transit subsidy formula assessments
- WMATA is focusing on regional travel demand and its safety program and has eliminated its construction program and staff for new rail-lines. Accordingly, it should not be expected to assume a leadership role in local transit improvements in this corridor. However, its 28x Express Bus study in this corridor offers a detailed analysis of potential transit improvements that should be considered in this feasibility study.

### Study Goal

Identify a range of current and visionary high-capacity transit solutions with due regard for related corridor management approaches (operational, transit, bike, pedestrian, TDM, HOV lanes, variable pricing, ITS) that can be implemented to reduce highway and transit congestion and improve overall mobility within the corridor and along major arterial roadways and bus routes within the study area. Specifically, links to the Mark Center, to high-capacity transit corridors and to the Metrorail Silver Line Dulles extension will be emphasized.

### Draft Consultant's Scope of Work

#### **Task 1: Organization and Ongoing Project Management**

- Meet with Technical Advisory Committee (TAC) to establish an understanding of deliverables and timeline for the project.
- Propose a public involvement strategy for this study that encourages timely and informed public participation.
- Interact regularly (at least quarterly) with the TAC with meetings and presentations on all deliverables.

- Provide a briefing on the final report to NVTC and the governing boards of all four participating jurisdictions.
- Identify optional roles in the study for staff of participating jurisdictions.

*Products:*

- a. Finalized work scope and project schedule, task completion dates, ongoing reporting procedures and delivery protocols.
- b. Attend progress meetings with TAC.
- c. Prepare and give presentations of draft final report to NVTC and the four participating jurisdictions.
- d. Prepare and give presentation of final report to NVTC (emphasizing the changes that were made to the draft final report).

**Task 2: Identifying the Study Area and Relevant Data Available**

- Define the corridor geographically to include the transit ridership catchment area.
- Meet with staff of each of the four jurisdictions and review their plans, previous studies, aspirations and visions, existing budgets and approved projects in the Route 7 corridor.
- List the relevant projects and corridor studies completed and (separately) ongoing by phase (planning/study; design; construction). WMATA's 28x Express Bus study and Arlington's examination of access alternatives to the East Falls Church Metrorail station will be valuable resources.
- Review all relevant studies, plans and projects to form an anticipated base line through 2040.
- Provide maps showing the corridor and the geographic scope of the several ongoing transit studies and projects in that corridor.
- Show current transit routes and services within the corridor (including intersecting arterials) and the origins/destinations of current transit ridership by mode and provider.

*Product:*

Draft technical memorandum incorporating all above tasks.



### **Task 3: Identifying Existing Conditions along Route 7 Corridor**

- The Consultant shall conduct a site investigation to observe and document existing conditions and operational issues including pedestrian movement, bicycle travel, bus transfer activity, parking, taxi stands, transit operations, and general traffic flows at various times.
- The Consultant shall describe the transportation network and urban design in and around the study limits.
- Identify key corridor issues and needs, including forecasted changes in land use, population, households and employment. Consider travel patterns by mode, modal split, and network gap analysis to identify opportunities for high-capacity transit improvements.
- Identify congestion hot spots, including determining transit choke points by calculating transit load factors (ridership to capacity ratios) in peak periods in peak directions. Also, ask each transit provider to identify congestion problems. Consider difficulties in buses merging into traffic, making left turns, or sitting in lengthy traffic signal queues.
- Report on levels of congestion by mode and time of day from existing traffic studies within the corridor.

#### *Products:*

- a. Draft technical memorandum.
- b. Traffic and transit raw data and interpretive summary.

### **Task 4: Community Perception and Involvement**

- Through surveys or other techniques identify potential community concerns (e.g. increased congestion from taking rights-of-way on narrow portions of Route 7).
- Conduct market research to identify users' perceptions of high-capacity transit options in the corridor and specific prioritized issues, needs and expectations. Also, determine what factors influence their mode choice.
- Determine the relative public appeal of various options when they are available.

- To conserve study resources an on-line survey can be used with postcards mailed to potential respondents who live and/or travel in the corridor as well as emails sent to persons on appropriate regional databases.
- Conduct a public information and outreach program to solicit input for the study and then to disseminate the results of the study to encourage two-way communication. Tools include market research, stakeholder interviews, a study webpage and project fact sheets (some of these can be furnished by TAC).
- The Consultant will follow the public involvement plan to solicit community input on the recommended alternative.

*Products:*

- a. Finalized public outreach strategy and schedule.
- b. Complete list of stakeholders and contact information, together with results of stakeholder interviews.
- c. Two rounds of public meetings will occur (one to gather input and one to share the results).
- d. Written summary of each public meeting, describing how they were conducted, what comments were received, how comments were incorporated into the final plan, and analysis of what was learned from the public at these meetings.
- e. Memos describing survey and market research results.

**Task 5: Alternatives Development and Evaluation**

- Produce tentative plans for feasible short-term alternatives (2-5 years) (e.g. transit signal priority, queue jumping, dedicated lanes, transit shelters, pedestrian facilities).
- Produce tentative plans for long-term alternatives (6 years and beyond through 2040).
- The Consultant will establish a methodology for comparing and analyzing alternatives and selecting a preferred concept.
- For each high-capacity transit alternative, analyze community impacts including noise, air pollution, congestion and aesthetics.
- Analyze development trade-offs of alternative routes (e.g. serving East Falls Church Metrorail vs. emphasis of the North Washington Street corridor in Falls Church).

- Investigate the best technologies for the alternative approaches (e.g. batteries vs. overhead catenary for streetcars).
- For each alternative, produce pro-forma multi-year capital and operating budgets, including start-up expenses, projected through 2040. Show alternative funding sources.
- Identify technical hurdles to the various approaches (e.g. very steep grade at King Street west of the Metrorail station).
- Report current transit ridership for the base year (2011) and using the MWCOG version 2.3 travel demand model, forecast ridership in 2025 and 2040 for the base case and for several alternative transit configurations.
- Assess the mobility option packages based on such measures as non-single occupant vehicle mode share; person throughput-vehicle miles traveled (and associated greenhouse gas and other emissions); travel time; level of service; non-motorized travel; and benefit/cost analysis (including state of good repair, economic competitiveness, livability, environmental sustainability and safety).
- Provide lists of option elements organized by right-of-way spot improvements; new bus services, revisions to existing bus services and bus and vanpool capital improvements; new rail/streetcar services, revisions to existing rail/streetcar services, rail/streetcar capital improvements; intelligent transportation systems (ITS) changes to right-of-way and transit. Specify whether each improvement is included in the Constrained Long Range Plan, TIP and STIP.
- Describe indirect transit subsidy implications (e.g. will new Route 7 streetcar or BRT service alter the NVTC jurisdiction's WMATA subsidy allocations?)
- Based on the evaluations and in consultation with the TAC, rank order the sets of short and long term alternatives.

*Products:*

- a. Traffic and transit operations analyses and interpretive summaries.
- b. Refined concept sketches and drawings.
- c. Alternatives evaluation matrix and report.
- d. A draft report that identifies all alternatives and evaluates and ranks each alternative based on such criteria as productivity; cost efficiency; economic, environmental and quality of life benefits.

**Task 6: Identify Strategies, Opportunities and Next Steps**

- Evaluate the level of study necessary to advance potential public transportation services in the Route 7 corridor through to implementation.
- Determine which agency(ies) is(are) responsible to continue planning and design, and eventually operate any improvements that are ultimately implemented (e.g. WMATA, NVTC, new authority)?
- Involve VDOT, DOD and other agencies with a stake in relieving traffic congestion and improving access in and around the Mark Center and the new Metrorail Silver Line.

*Product:*

Working paper will summarize these strategies, and will define the next steps and range of opportunities.

**Task 7: Complete Draft and Final Report**

- The consultant will define all recommendations in a draft final report following acceptance by the TAC of draft findings from the previous tasks. The draft final report will incorporate all previous reports and it will include an executive summary.
- The consultant will incorporate any comments on the draft final report from the jurisdictions, TAC and NVTC Board and will prepare and submit the final report.

*Products:*

- a. Draft final report
- b. Final report (including a reproducible electronic version of the report).

### Preliminary Technical Committee

Suggestions are as follows, with each jurisdiction and agency responsible for selecting a principal member and alternate:

|                |                | <u>Principal</u>  | <u>Alternate(s)</u>           |
|----------------|----------------|-------------------|-------------------------------|
| Jurisdictions: | Alexandria     | Jim Maslanka      | Pierre Holloman               |
|                | Arlington      | Steve del Guidice | Lynn Rivers; Tamara Galliani  |
|                | Fairfax County | Randy White       | Tom Burke                     |
|                | Falls Church   | Cindy Mester      | Wendy Block Sanford           |
| Agencies:      |                |                   |                               |
|                | NVTC           | Rick Taube        | Mariela Garcia-Colberg        |
|                | WMATA          | Jim Hamre         | Ramona Burns;<br>Sean Kennedy |
|                | MWCOG          | Eric Randall      |                               |
|                | DRPT           | Anthony Foster    | David Awbrey                  |
|                | VDOT           | Valerie Pardo     |                               |

## Project Schedule

- |  |                 |
|--|-----------------|
| 1. NVTC convenes a meeting of technical staff for project planning.                      | January, 2012   |
| 2. NVTC defines a technical committee (TAC).   | January, 2012   |
| 3. NVTC and the TAC draft a project description and scope of work.                       | January, 2012   |
| 4. Local jurisdictions provide maximum matching funds commitment of \$22,000 each.       | January, 2012   |
| 5. NVTC staff submits project to TIP/CLRP.   | January, 2012   |
| 6. NVTC drafts and submits a consensus FY 2013 state matching grant application to DRPT. | February, 2012  |
| 7. NVTC applies for approved federal grant.  | March, 2012     |
| 8. NVTC and TAC draft Request for Proposals for consulting assistance.                   | March, 2012     |
| 9. Preliminary approval/rejection by DRPT of grant application.                          | April, 2012     |
| 10. NVTC and TAC seek public comment on RFP.   | April, 2012     |
| 11. NVTC issues RFP.   | May, 2012       |
| 12. Final DRPT approval of state matching grant.   | June, 2012      |
| 13. Local governments provide non-federal match to NVTC, if needed.                      | June, 2012      |
| 14. NVTC and TAC review RFP responses.   | June, 2012      |
| 15. Federal grant received by NVTC.  | June, 2012      |
| 16. NVTC awards consulting contract and issues notice to proceed.                        | July, 2012      |
| 17. Project draft final report submitted to NVTC and TAC.                                | July, 2013      |
| 18. Action by NVTC and jurisdictions on final report.                                    | September, 2013 |



AGENDA ITEM #4

**TO:** Chairman Fisette and NVTC Commissioners

**FROM:** Rick Taube and Claire Gron

**DATE:** February 2, 2012

**SUBJECT:** WMATA Items

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NVTC's WMATA Board members will present information and receive feedback on WMATA's updated vision, mission and strategic goals. An updated summary of WMATA's monthly performance through November, 2011 is attached for your information.



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# NVTC Monthly Summary of Systemwide Metrorail and Metrobus Performance Through November, 2011

## System-wide Ridership Data (millions of one-way passenger trips)

|                          | Sep   | Oct   | Nov   |                         | Sep   | Oct   | Nov   |
|--------------------------|-------|-------|-------|-------------------------|-------|-------|-------|
| <b>CY 2011 Metrorail</b> | 18.00 | 18.50 | 17.20 | <b>CY 2011 Metrobus</b> | 11.20 | 10.90 | 10.60 |
| <b>CY 2010 Metrorail</b> | 17.80 | 18.90 | 16.60 | <b>CY 2010 Metrobus</b> | 10.50 | 10.60 | 10.10 |

Source: WMATA Vital Signs Reports

## Operating Budget

### Month-to-Month Budget Variance (\$ Millions)

|                  | Nov-10<br>Actual | Nov-11<br>Actual | Nov-11<br>Budget | Variance |
|------------------|------------------|------------------|------------------|----------|
| <b>Revenue</b>   | \$61.8           | \$63.0           | \$63.9           | -1%      |
| <b>Expense</b>   | \$116.2          | \$107.6          | \$120.6          | -11%     |
| <b>Subsidy</b>   | \$54.4           | \$44.6           | \$56.6           | -21%     |
| <b>Cost Rec.</b> | 53%              | 59%              | 53%              |          |

### Fiscal Year-To-Date Budget Variance (\$ Millions)

|                  | Nov-10<br>Actual | Nov-11<br>Actual | Nov-11<br>Budget | Variance |
|------------------|------------------|------------------|------------------|----------|
| <b>Revenue</b>   | \$335.4          | \$336.1          | \$341.1          | -1%      |
| <b>Expense</b>   | \$592.2          | \$592.0          | \$607.1          | -2%      |
| <b>Subsidy</b>   | \$256.8          | \$255.9          | \$266.0          | -4%      |
| <b>Cost Rec.</b> | 57%              | 57%              | 56%              | 1%       |

Source: WMATA Monthly Financial Reports

## On-Time

| Bus On-Time Performance | CY 2010 | CY 2011 |
|-------------------------|---------|---------|
| Nov                     | 74.0%   | 73.7%   |
| Oct                     | 72.7%   | 72.6%   |
| Target = 78%            | Sep     | 71.7%   |
|                         | Aug     | 74.7%   |
|                         | Jul     | 72.8%   |
|                         | Jun     | 73.0%   |

| Rail On-Time Performance | CY 2010 | CY 2011 |
|--------------------------|---------|---------|
| Nov                      | 88.5%   | 89.3%   |
| Oct                      | 89.3%   | 90.0%   |
| Target = 90%             | Sep     | 89.7%   |
|                          | Aug     | 89.2%   |
|                          | Jul     | 88.6%   |
|                          | Jun     | 89.9%   |

Source: WMATA Vital Signs Reports

## Safety

### Preventable and Non-Preventable Passenger Injury Rate (per million passengers)\*

|                | Aug  | Sep  | Oct  |
|----------------|------|------|------|
| <b>CY 2011</b> | 1.43 | 1.67 | 1.46 |
| <b>CY 2010</b> | 1.78 | 3.43 | 1.65 |

\* Includes Metrorail, rail facilities, Metrobus, and Metroaccess

### Crime Rate (per million passengers)

|                | Aug-11 | Sep-11 | Oct-11 |
|----------------|--------|--------|--------|
| <b>Bus</b>     | 0.79   | 0.80   | 0.37   |
| <b>Rail</b>    | 4.02   | 4.16   | 5.41   |
| <b>Parking</b> | 3.15   | 2.66   | 1.57   |

### Customer Complaint Rate (per million passengers)

|                | Sep | Oct | Nov |
|----------------|-----|-----|-----|
| <b>CY 2011</b> | 136 | 133 | 121 |
| <b>CY 2010</b> | 129 | 125 | 128 |

Source: WMATA Vital Signs Reports

## Reliability

### Bus Fleet Reliability by Fuel Type Miles Without Service Interruption

|               | CNG    | Hybrid | Clean D. | Other |
|---------------|--------|--------|----------|-------|
| <b>Nov-11</b> | 7,625  | 8,346  | 5,872    | 4,834 |
| <b>Nov-10</b> | 10,410 | 14,198 | 12,290   | 5,718 |

### Rail Fleet Reliability by Series (Target = 60,000)

|               | 1000   | 5000   | 6000    | Fleet Avg. |
|---------------|--------|--------|---------|------------|
| <b>Nov-11</b> | 32,581 | 58,799 | 60,631  | 35,135     |
| <b>Nov-10</b> | 45,595 | 54,016 | 119,427 | 45,471     |

### Escalator Availability

(Target = 89%)

|               |       |
|---------------|-------|
| <b>Nov-11</b> | 90.1% |
| <b>Nov-10</b> | 86.7% |

### Elevator Availability

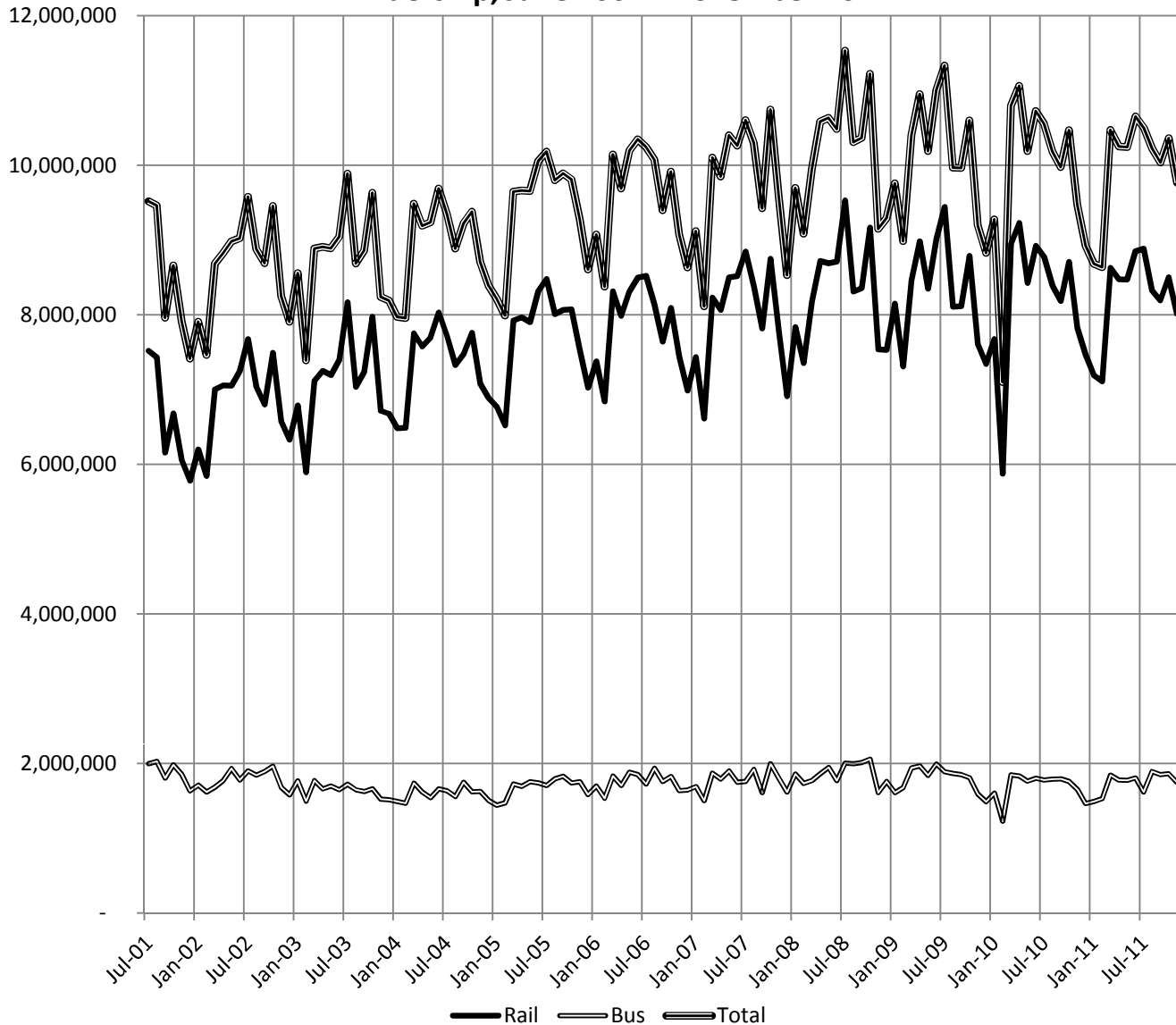
(Target = 97.5%)

|               |       |
|---------------|-------|
| <b>Nov-11</b> | 96.7% |
| <b>Nov-10</b> | 96.4% |

Source: WMATA Vital Signs Reports



# Northern Virginia Metrobus, Metrorail, and Combined Monthly Ridership, June 2001 - November 2011



| Northern Virginia Ridership Data (thousands of one-way passenger trips) |         |         |         |         |         |         |
|---|---------|---------|---------|---------|---------|---------|
|   | Jun     | Jul     | Aug     | Sep     | Oct     | Nov     |
| Metrorail CY 2011   | 8,847.3 | 8,883.5 | 8,325.0 | 8,188.3 | 8,499.1 | 8,015.3 |
| Metrorail CY 2010   | 8,922.3 | 8,773.0 | 8,388.2 | 8,181.8 | 8,707.7 | 7,823.9 |
| Metrorail 5 yr. Avg.  | 8,731.2 | 9,021.3 | 8,263.6 | 8,021.3 | 8,700.2 | 7,637.3 |
| Metrobus CY 2011  | 1,802.5 | 1,615.8 | 1,893.7 | 1,848.7 | 1,861.3 | 1,747.9 |
| Metrobus CY 2010  | 1,799.8 | 1,776.7 | 1,790.7 | 1,792.0 | 1,757.9 | 1,650.5 |
| Metrobus 5 yr. Avg.   | 1,831.9 | 1,829.6 | 1,901.4 | 1,803.1 | 1,887.9 | 1,658.0 |



AGENDA ITEM #5

**TO:** Chairman Fiset and NVTC Commissioners

**FROM:** Rick Taube and Kala Quintana

**DATE:** February 2, 2012

**SUBJECT:** Legislative Items

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Members of NVTC and the Northern Virginia Transportation Authority will have the opportunity to jointly discuss legislative matters of mutual interest. Board members can offer further guidance to staff regarding legislative strategy.

Several attachments are provided for use in the discussion, including:

- NVTC's 2012 Legislative Agenda
- A list of the status of bills and budget amendments (to be updated at the meeting)
- Two short discussion papers regarding the proposed consolidation of NVTC and NVTA
- Copies of:
  - HJ 49/S 66 and HB 1291 regarding NVTC/NVTA consolidation
  - HB 601 regarding WMATA Board selections
  - HB 876/SB 138 regarding NVTC's 2.1 percent motor fuels tax

Finally, the U.S. House of Representatives' version of surface transportation reauthorization (HR 7) has been released by the Transportation and Infrastructure Committee. It is called the "American Energy and Infrastructure Jobs Act." It provides:

- Five-year \$250 billion funding for highways, transit and safety
- No earmarks
- Consolidation of 70 programs
- Less emphasis on urban areas
- Permits Governors to override MPO's in certain cases



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# Federal Legislative Action Items

## Immediate and Ongoing Funding

1. As part of the process to restructure federal transportation programs and authorize multi-year funding, provide immediate and ongoing funding for important Northern Virginia transit projects.
2. Continue to appropriate funding for WMATA of at least \$150 million annually as previously authorized by Congress. In recognition of the federal role on the WMATA Board, federal appropriations should continue to ensure the safety and reliability of the region's transit system, on which a large portion of the federal workforce depends.
3. Make available funding for Metro Access from other relevant federal programs, such as those of the U.S. Department of Housing and Human Development and the U.S. Department of Health and Social Services.
4. Include significant funding for transit as a critical strategy in any new spending measures that seek to conserve energy, enhance clean air, mitigate climate change, provide access to jobs, stimulate the economy and respond to emergencies and disasters.
5. Provide immediate funding to facilitate needed transit and other transportation improvements to relieve congestion at BRAC-mandated facilities.

## Authorization of Improved Transportation Policies and Programs

6. The current multi-year authorization of federal surface transportation programs (SAFETEA-LU) expired at the end of FY 2009. Many organizations have offered detailed recommendations for a major restructuring rather than fine-tuning existing programs, including the National Surface Transportation Policy and Revenue Commission in its Transportation for Tomorrow report and the Miller Center's Well Within Reach: America's New Transportation Agenda, among many other pertinent reports and recommendations. Among the primary reasons for this view are shortfalls in gasoline tax revenues flowing to the Highway Trust Fund, proliferation of separate programs with complex eligibility criteria and rampant earmarking, all without a unifying policy focus.

NVTC supports the policy principles adopted by the National Capital Region Transportation Planning Board and those of the American Public Transportation Association and the Northern Virginia Transportation Authority among others. Among the revisions with greatest benefit to NVTC's members are:

- The level of federal investment in U.S. transportation infrastructure, including maintenance of the existing system and expansion, must increase significantly.

- Recognizing that federal fixed per gallon taxes on motor fuels are no longer reliable sources of funding, **new methods must be identified that will grow along with the need to maintain existing facilities and support improvements and system expansions.** Temporary transfers of General Funds or raiding the Transit Trust Fund are not worthwhile strategies to resolve this long-term structural imbalance.

- Fees for highway use that vary with numbers of auto occupants, types of vehicle miles driven and times and places driven should be used to **reduce congestion as well as providing revenues.** New technologies make such variable pricing feasible.

- Leverage available federal funds with loans and bonding programs.

- Simplified, consolidated and streamlined federal transportation programs should be created with uniform, rigorous and comprehensive benefit/cost analyses across all modes, consideration of energy efficiency and environmental protection, inclusion of safety and security, and reduced federal review time.

- Urban mobility (and hence support for public transit) should be recognized as a vital federal responsibility, in cooperation with states, local governments and regional agencies through intergovernmental partnerships, with greater decision-making authority for metropolitan areas and local governments.

## Equitable Tax Incentives for Transit Users

7. Make permanent the existing tax-free monthly transit benefits of at least \$230 (to match the benefits currently available for parking). Index the transit benefits to inflation.

## Rail Related Actions

8. Additional federal funding should be provided to commuter rail systems to meet new federal Positive Train Control unfunded mandates contained in the U.S. Rail Safety Act of 2008.

9. Amend the current liability cap of \$200 million to include third party claims.

## Promote Green Commuting

10. Allow governments to leverage private capital to create and expand vanpools by making vanpool passenger fare revenue an eligible source for local match of federal grants.

11. Provide further federal funding and other incentives to encourage alternative methods of commuting, including telework, bicycles, walking, vanpools as well as public transit.



# 2012 LEGISLATIVE AGENDA



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# State Legislative Action Items

## The Transit Funding Crisis

Here are the essential facts:

- Transit is very well used in Northern Virginia with 145 million annual transit passenger trips (75% of Virginia's total transit ridership)

The benefits to the region and entire Commonwealth are enormous. They include:

- Annual congestion relief valued at about \$1 billion;
  - Metro alone reduces one million car trips per day;
  - Energy savings approaching \$10,000 annually per driver or 40 million gallons of gas saved annually for the Washington, DC region;
  - Cleaner air and reduced greenhouse gas emissions including 200 tons of volatile organic compounds and 0.5 million tons of CO<sub>2</sub> avoided in this region each year, with environmental savings valued at \$9.5 million annually;
  - Access to jobs and "green" jobs in the transit industry;
  - Transit oriented development boosting economic values and hence state and local tax revenues;
  - Metro has \$235 billion of real estate value around its system and provides access to two million jobs (54%);
  - Mobility for senior citizens and persons with disabilities.
- Currently over \$700 million annually is spent on Northern Virginia's transit for capital and operations by customers and federal, state and local governments;
  - The Commonwealth has consistently failed to meet its own statutory target of covering 95% of eligible transit costs throughout the entire state. In FY 2011, the commonwealth fell \$166 million short.
  - Well over \$900 million annually is needed (source: NVTA's TransAction 2030 Plan);
  - Congress has not reauthorized federal transit assistance programs. The American Public Transportation Association estimates that Virginia alone could lose \$100 million annually under a plan introduced to the U.S. House of Representatives.
  - This leaves a gap of over \$200 million annually in Northern Virginia extending into the future;

As the transit funding crisis is getting worse, the Commonwealth must enact major new revenue sources for public transit during the 2012 General Assembly session, with these sources being stable, reliable, proven and permanent, in order to maintain a state of good repair and enhance capacity to promote job growth.

## The following options for statewide and regional revenue sources should be considered:

- New statewide revenue sources for public transit should be enacted. They should at least keep pace with inflation and should not decline as automobiles are driven less and become more fuel efficient. Examples include: sales taxes (one percent yields \$1 billion statewide), indexed motor fuels taxes (10-cents generates almost \$500 million); vehicle miles traveled fees, state/regional income taxes and tolls and congestion pricing. One-time revenue sources are welcome but they are not sufficient to resolve the ongoing transit funding crisis; immediate, continuous and sustainable funding is essential.
- NVTC's 2.1% motor fuels tax on distributors should be increased to at least 4.2%. The expected annual yield would increase from \$43.8 million in FY 2011 to more than \$87.6 million. This tax is dedicated to WMATA in five of NVTC's jurisdictions. WMATA faces a continuing financial crisis. Its Capital Needs Inventory for the next decade totals \$13.3 billion with emphasis on maintaining a state of good repair and responding to federal safety recommendations.
- The Commonwealth should impose other new regional taxes and fees for public transit, including restoring previously authorized funds for the Northern Virginia Transportation Authority (HB 3202 in 2007 created several new regional revenue sources with significant funds reserved for WMATA and VRE).
- Any new statewide revenue measures for transportation, energy conservation, air quality or climate protection should dedicate an appropriate portion to public transit because transit is an effective means to achieve the goals of such legislation. Transit currently receives only 14.7% of Transportation Trust Fund revenues while 34% of the Commonwealth's most recent bond issue was devoted to transit.
- Existing state transit funding sources should be protected from encroachment, either through diversion of revenues from the Transportation Trust Fund to non-transportation uses or from new intercity passenger rail initiatives. New state priorities should not be funded at the expense of local priorities contained in approved regional plans.
- If federal transit assistance programs benefiting primarily WMATA are cut back, the Commonwealth must make up the difference in order to preserve existing transit services, since local funding sources are dependent on property tax revenues that remain seriously depressed.
- Provide funding to facilitate needed transit and other transportation improvements to relieve congestion at BRAC-mandated facilities.

# State Legislative Action Items

## WMATA Governance and Regional Coordination

- NVTC supports favorable changes in the WMATA Compact and other legislative actions developed collaboratively with a voice for local governments and WMATA Board members. Such changes should enhance the improvements already implemented by the WMATA Board in a manner that ensures appropriate representation of local governments on the WMATA Board.
- NVTC opposes efforts to consolidate separate agencies facilitating Northern Virginia's successful transit services where such consolidation would not result in significant savings and will cause serious unintended consequences.
- Decisions on governance of local transit systems should be determined through agreements among the parties, not by legislation. Important considerations in determining effective governance of local transit systems include provision of sustainable funding by those jurisdictions represented on the board and direct access to local decision-makers by customers and tax payers.
- As state-mandated transit studies of various corridors are considered, established regional and local priorities should be incorporated.



## Improved Efficiency

- NVTC supports a proposed shift to the Department of Motor Vehicles from the Department of Taxation in administering the motor fuels tax collected in NVTC's and PRTC's districts. This would be accomplished in two phases. First, in 2012 legislation TAX and DMV would be required to report on a transition plan and second, in the 2013 General Assembly session, the plan would be approved and implementation could begin July 1, 2013. The 2012 legislation should include revisions to the existing statute to provide penalties for misallocation of revenues among jurisdictions. Also, a re-examination of the existing three-year statute of limitations should be performed (currently some audits may not be completed within the three-year limit) and if necessary, modifications should be included in the 2012 legislation.

- Amend the Virginia Public Investment Act to permit transit systems to buy and sell exchange traded fuel futures contracts to reduce costs and provide a reserve for any fuel budget shortfalls.

## Safety

- Safety in accessing transit should be enhanced by enacting legislation to require motorists to stop for pedestrians in marked crosswalks at unsignalized intersections where posted speeds are 35 mph or less and at unsignalized crosswalks in front of schools

## VRE and other Rail-Related Legislative Actions

- Amend the Virginia Code to further cap liability for commuter rail operations by including third party claims and terrorism.
- Allow VRE, at its discretion, to utilize an independent third party or the Division of Risk Management to manage VRE's liability insurance plan and trust fund.
- Amend the Virginia Code to allow VRE to receive interest on the Insurance Trust Fund. While past practice allowed VRE to receive interest from these funds, an Executive Order last session changed the policy. The proceeds are now given to the Commonwealth despite the fact that the Insurance Trust Fund was established and is replenished with local funds.
- Amend the Virginia Code to increase maximum fines for repeat offenders traveling on VRE trains with an invalid or fraudulent ticket.
- Amend the Virginia Code to allow VRE to recoup a portion of the fines imposed on fare evasion cases. Currently, when a conductor is required to attend court, VRE must pay for their appearance in court as well as for another conductor to be on the train. Cumulatively, this puts the financial burden for prosecution on VRE while all fines are directed to the Commonwealth Literary Fund.
- Amend Chapter 774 of the Virginia Code to eliminate the annual index increase in the aggregate awardable liability claim a rail passenger can make per incident. Under the current Code, the threshold (now \$100,000) will be increased each year based on the percentage of change in the medical care component of the Consumer Price Index (as published by the Bureau of Labor Statistics). The first increase is set to take place in January 2012. The existing statute could increase the current \$250 million liability insurance threshold imposed by the Class 1 freight railroads.
- Virginia's existing Rail Enhancement Program should be made available to fund the operating expenses of eligible regional and intercity passenger rail services that have benefits commensurate with costs.
- Where freight railroads are the beneficiaries of state investments, they should be required to agree to cooperate with publicly provided passenger rail services on equitable terms.



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Composite view

| Bills  | Committee                                   | Last action                                     | Date     |
|--|---|---|----------|
| <b>HB 2</b> - Marshall, R.G. - Dulles Corridor Metrorail Project; prohibits use of state funds for Phase II of Project, etc. | (H) Committee on General Laws               | (H) Assigned GL sub: #2 FOIA/Procurement        | 01/13/12 |
| <b>HB 7</b> - Edmunds - Bicycles; riders approaching intersection controlled by traffic lights need not to wait two minutes. | (H) Committee on Transportation             | (H) Passed by indefinitely in Transportation    | 01/24/12 |
| <b>HB 11</b> - Cole - Transportation; bonds for specific project on northbound and southbound lanes of Interstate 95.        | (H) Committee on Appropriations             | (H) Subcommittee recommends laying on the table | 01/30/12 |
| <b>HB 23</b> - Cole - Transportation Trust Fund; increases amount of sales and use tax revenue dedicated to Fund.            | (H) Committee on Appropriations             | (H) Assigned App. sub: Transportation           | 01/31/12 |
| <b>HB 30</b> - Putney - Budget Bill  | (H) Committee on Appropriations             | (H) Referred to Committee on Appropriations     | 12/19/11 |
| <b>HB 33</b> - Comstock - Public procurement; state agency agreements with labor organizations.                              | (H) Committee on General Laws               | (H) VOTE: PASSAGE (69-Y 27-N)                   | 01/31/12 |
| <b>HB 52</b> - Albo - Tax information; permits Attorney General to disclose information related to cigarettes, etc.          | (H) Committee on Finance                    | (H) Printed as engrossed 12100767D-E            | 02/01/12 |
| <b>HB 85</b> - Greason - HOV lanes; extends sunset provision on use by vehicles with clean special fuel license plates.      | (H) Committee on Transportation             | (H) Assigned Transportation sub: #3             | 01/24/12 |
| <b>HB 92</b> - Marshall, R.G. - Urban development areas; incorporation of areas optional rather than mandatory, etc.         | (H) Committee on Counties, Cities and Towns | (H) Assigned CC & T sub: #2                     | 01/18/12 |
| <b>HB 211</b> - Miller - Forward energy pricing; authorizes any public body to use mechanisms for budget risk reduction.     | (H) Committee on General Laws               | (H) Assigned GL sub: #2 FOIA/Procurement        | 01/27/12 |
| <b>HB 256</b> - Stolle - HOV lanes; extends sunset clause in Northern Virginia and in Hampton Roads.                         | (H) Committee on Transportation             | (H) Assigned Transportation sub: #3             | 01/23/12 |
| <b>HB 262</b> - Peace - Transportation Board; increases number of members and adds an urban at-large member.                 | (H) Committee on Transportation             | (H) Committee substitute printed 12104800D-H1   | 01/31/12 |
| <b>HB 393</b> - Howell, A.T. - Motor fuels tax; dedicates additional revenue to operation, etc., of transportation system.   | (H) Committee on Finance                    | (H) Subcommittee recommends laying on the table | 02/01/12 |
| <b>HB 407</b> - Torian - Prince William County Metrorail Improvement District; created.                                      | (H) Committee on Transportation             | (H) Continued to 2013 in Transportation         | 01/24/12 |
| <b>HB 422</b> - Watts - Transportation; additional funding by imposing and increasing certain taxes.                         | (H) Committee on Finance                    | (H) Subcommittee recommends laying on the table | 02/01/12 |
| <b>HB 599</b> - LeMunyon - Northern Virginia   | (H) Committee on Transportation             | (H) Assigned Transportation                     | 01/20/12 |

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| Transportation District; establishes responsibilities for various entities.   | Transportation                              | sub: #4   |          |
| <b>HB 600</b> - LeMunyon - Transportation Board; changes composition.   | (H) Committee on Transportation             | (H) Subcommittee recommends laying on the table                   | 01/26/12 |
| <b>HB 601</b> - LeMunyon - Washington Metropolitan Area Transit Authority; board membership.                                  | (H) Committee on Transportation             | (H) Reported from Transportation (16-Y 6-N)                       | 01/31/12 |
| <b>HB 625</b> - LeMunyon - Transportation planning; proposed comprehensive plans in Northern Virginia.                        | (H) Committee on Counties, Cities and Towns | (H) Assigned CC & T sub: #2                                       | 01/17/12 |
| <b>HB 627</b> - LeMunyon - Dulles Corridor Metrorail Project; use of state funds.   | (H) Committee on General Laws               | (H) Assigned GL sub: #2<br>FOIA/Procurement                       | 01/20/12 |
| <b>HB 659</b> - Surovell - Transportation Board; increases number of members.   | (H) Committee on Transportation             | (H) Subcommittee recommends laying on the table                   | 01/26/12 |
| <b>HB 693</b> - Plum - HOV lanes; extends sunset provision on use by vehicles with clean special fuel license plates.         | (H) Committee on Transportation             | (H) Assigned Transportation sub: #3                               | 01/20/12 |
| <b>HB 706</b> - Filler-Corn - Pedestrians; requires vehicle drivers to stop at marked crosswalks, etc.                        | (H) Committee on Transportation             | (H) Subcommittee recommends laying on the table                   | 02/01/12 |
| <b>HB 723</b> - Yancey - Transportation; funding and administration in various construction districts.                        | (H) Committee on Appropriations             | (H) Subcommittee recommends laying on the table                   | 01/30/12 |
| <b>HB 802</b> - May - Virginia Pump Toll; established.  | (H) Committee on Finance                    | (H) Subcommittee recommends laying on the table                   | 02/01/12 |
| <b>HB 827</b> - Marshall, R.G. - Transportation districts; repeals allocation of funds.                                       | (H) Committee on Transportation             | (H) Assigned Transportation sub: #4                               | 01/20/12 |
| <b>HB 864</b> - Rust - Transportation Board; changes composition.   | (H) Committee on Transportation             | (H) Subcommittee recommends reporting with amendment(s) (3-Y 2-N) | 01/26/12 |
| <b>HB 876</b> - Rust - Motor vehicle fuels sales tax; transfer administration and collection to DMV.                          | (H) Committee on Finance                    | (H) Read second time and engrossed                                | 02/01/12 |
| <b>HB 892</b> - Alexander - Highway Construction Projects Trust Fund; established.  | (H) Committee on Finance                    | (H) Assigned Finance sub: #1                                      | 01/20/12 |
| <b>HB 898</b> - Albo - Highway Maintenance and Operating Fund; for transportation funding.                                    | (H) Committee on Finance                    | (H) Assigned Finance sub: #1                                      | 01/20/12 |
| <b>HB 899</b> - Albo - Retail Sales and Use Tax and motor fuels tax; funds for transportation.                                | (H) Committee on Finance                    | (H) Assigned Finance sub: #1                                      | 01/20/12 |
| <b>HB 983</b> - Scott, J.M. - Motor fuels tax rate; converts rate from cents per gallon to a percentage rate.                 | (H) Committee on Finance                    | (H) Subcommittee recommends laying on the table                   | 02/01/12 |
| <b>HB 1027</b> - Englin - Motor fuels tax; permits two or more localities to impose.  | (H) Committee on Finance                    | (H) Assigned Finance sub: #2                                      | 01/20/12 |
| <b>HB 1039</b> - Keam - Highway maintenance payments; increased by Commissioner where traffic volumes exceed certain average. | (H) Committee on Transportation             | (H) Assigned Transportation sub: #1                               | 01/20/12 |
| <b>HB 1068</b> - Hugo - Real estate tax; commercial and industrial property in localities in Northern                         | (H) Committee on Finance                    | (H) Subcommittee recommends reporting with                        | 02/01/12 |

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| and industrial property in localities in Northern Virginia.  |  | recommends reporting with amendment(s) (10-Y 0-N)        |          |
| <b>HB 1239</b> - Putney - Retail Sales and Use Tax; increased from four percent to five percent, and distribution of revenues. | (H) Committee on Finance   | (H) Subcommittee recommends laying on the table          | 01/25/12 |
| <b>HB 1241</b> - Purkey - Motor fuels tax; required to be indexed starting on January 1, 2014.                                 | (H) Committee on Finance   | (H) Assigned Finance sub: #2                             | 01/24/12 |
| <b>HB 1248</b> - Lingamfelter - Transportation; provides for construction, operation, maintenance, and funding, report.        | (H) Committee on Appropriations  | (H) Assigned App. sub: Transportation                    | 01/23/12 |
| <b>HB 1291</b> - Gilbert - Governor's reorganization of executive branch of state government.                                  | (H) Committee on General Laws  | (H) Assigned GL sub: #5 Special                          | 01/27/12 |
| <b>HJ 49</b> - Gilbert - Governor's Executive Reorganization Plan; approval by each house of General Assembly.                 | (H) Committee on Rules<br>(S) Committee on General Laws and Technology | (S) Referred to Committee on General Laws and Technology | 01/23/12 |
| <b>HJ 71</b> - Watts - Constitutional amendment; Transportation Funds.   | (H) Committee on Privileges and Elections                              | (H) Referred to Committee on Privileges and Elections    | 01/10/12 |
| <b>HJ 90</b> - Comstock - Constitutional amendment; Transportation Funds (first reference).                                    | (H) Committee on Privileges and Elections                              | (H) Referred to Committee on Privileges and Elections    | 01/10/12 |
| <b>HJ 146</b> - Herring - High capacity transit; Transportation Board to make priority for funding by State.                   | (H) Committee on Appropriations  | (H) Subcommittee recommends laying on the table          | 01/30/12 |
| <b>SB 3</b> - Black - Dulles Corridor Metrorail Project; prohibits use of state funds for Phase II of Project, etc.            | (S) Committee on Finance   | (S) Referred to Committee on Finance                     | 12/01/11 |
| <b>SB 40</b> - Reeves - Retail Sales and Use Tax; applicable to public transportation companies operated by locality.          | (S) Committee on Finance   | (S) Reported from Finance with amendments (13-Y 0-N)     | 02/01/12 |
| <b>SB 138</b> - Puller - Motor vehicle fuels sales tax; transfers administration and collection to DMV.                        | (S) Committee on Finance   | (S) Referred to Committee on Finance                     | 01/10/12 |
| <b>SB 161</b> - Petersen - Transportation Board; increases number of membership.   | (S) Committee on Transportation  | (S) Continued to 2013 in Transportation (15-Y 0-N)       | 01/25/12 |
| <b>SB 162</b> - Petersen - Fuels taxes; indexing of tax rates.   | (S) Committee on Finance   | (S) Referred to Committee on Finance                     | 01/10/12 |
| <b>SB 209</b> - Barker - HOV lanes; extends sunset provision on use by vehicles with clean special fuel license plates.        | (S) Committee on Transportation  | (S) Read third time and passed Senate (32-Y 8-N)         | 01/24/12 |
| <b>SB 212</b> - Barker - High occupancy toll (HOT) lanes; construction contracts.  | (S) Committee on Transportation  | (S) Passed by indefinitely in Transportation (15-Y 0-N)  | 01/25/12 |
| <b>SB 503</b> - Saslaw - Motor vehicle fuels sales tax; transfers administration and collection to DMV.                        | (S) Committee on Finance   | (S) Rereferred to Finance                                | 02/01/12 |
| <b>SB 531</b> - Marsden - Northern Virginia Transportation District; establishes responsibilities for various entities.        | (S) Committee on Transportation  | (S) Committee substitute printed 12104993D-S1            | 02/01/12 |
| <b>SB 539</b> - Puller - Forward energy pricing; authorizes any public body to use mechanisms for budget risk reduction.       | (S) Committee on General Laws and Technology                           | (S) Constitutional reading dispensed (39-Y 0-N)          | 02/01/12 |
| <b>SB 631</b> - Watkins - Motor fuels tax; required to be indexed starting on January 1, 2014.                                 | (S) Committee on Finance   | (S) Referred to Committee on Finance                     | 01/20/12 |

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| <b>SB 639</b> - Wagner - Transportation; provides for construction, operation, maintenance, and funding report. | (S) Committee on Finance                     | (S) Rereferred to Finance                                    | 01/25/12 |
| <b>SJ 2</b> - Obenshain - Constitutional amendment; Transportation Funds (first reference).                     | (S) Committee on Privileges and Elections    | (S) Continued to 2013 in Privileges and Elections (15-Y 0-N) | 01/17/12 |
| <b>SJ 6</b> - Black - Constitutional amendment; Transportation Funds (first reference).                         | (S) Committee on Privileges and Elections    | (S) Continued to 2013 in Privileges and Elections (15-Y 0-N) | 01/17/12 |
| <b>SJ 52</b> - Ebbin - High capacity transit; Transportation Board to make priority for funding by State.       | (S) Committee on Rules                       | (S) Referred to Committee on Rules                           | 01/10/12 |
| <b>SJ 66</b> - McDougle - Governor's Executive Reorganization Plan; approval by each house of General Assembly. | (S) Committee on General Laws and Technology | (S) Agreed to by Senate (22-Y 17-N)                          | 01/20/12 |

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# MEMBER TRANSIT AND RAIL BUDGET AMENDMENTS: 2012 General Assembly Session

Below are amendments to the budget for the current and upcoming bienniums submitted by individual members. House Appropriations and Senate Finance Transportation Subcommittees will consider and act on these amendments by February 19<sup>th</sup>. **VTA introduced two amendments which would add approximately \$10M to the Mass Transit Fund in FY 12 and FY 13 and 14.**

| HB 30/ SB 30<br>Putney/Colgan                |                              | Budget Bill. Appropriations of the Budget submitted by the Governor of Virginia providing a portion of revenues for the two years ending respectively on the thirtieth day of June, 2013, and the thirtieth day of June, 2014.   |
|--|------------------------------|--|
| Item 441 #1h<br>Kory                         | \$10M in FY12-13 and FY13-14 | This amendment provides \$10.0 million general fund each year to supplement available funding for mass transit to help maintain and support public transportation services that provide commuters with job access. The source of the general fund support is a reduction to economic development incentives in Item 105 of House Bill 30.  |
| Item 441 #4s<br>Saslaw<br>*VTA<br>Amendments |                              |  |
| Item 430 #1h<br>Hugo/Comstock                | Language                     | This amendment states that no project may be undertaken by the Commonwealth Transportation Board or any state funds be expended in support of a project if such project or projects are subject to mandatory project labor agreements. Companion legislation, House Bill 33, would codify these requirements   |
| Item 430 #2h<br>LeMunyon                     | Language                     | Notwithstanding any contrary provision of law, no revenues of the Commonwealth, from whatsoever source, shall be allocated, paid, or expended in connection with Phase II of the Dulles Corridor Metrorail Project extending the line beyond Wiehle Avenue in Fairfax County to Washington Dulles International Airport & on to Virginia Route 772 in Loudoun County unless (i) all persons working or seeking work, directly or indirectly, on the Phase II Project or any portion thereof may do so without regard for whether a person is a member of a labor union, (ii) the Phase II Project will comply in all respects with Chapter 4 (§ 40.1-52 et seq.) of Title 40.1, (iii) all meetings & records pertaining to the project are in compliance with the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), (iv) the Secretary of Transportation determines that Phase I of the Dulles Corridor Metrorail Project, at such time as it becomes operational, shall not cause a reduction in service to existing Virginia Metrorail passengers, & (v) no tolls imposed & collected for use of the Dulles Toll Road are used to pay for the Phase II Project, including principal or interest on debt issued to pay for the Phase II Project |
| Item 430 #3h<br>R. Marshall                  | Language                     | This amendment prohibits the use of any source of state funding on Phase 2 of the Dulles Corridor Metrorail Project unless the MWAA meets Virginia's open meeting requirements as set out in the Freedom of Information Act.   |
| Item 430 #4h<br>R. Marshall                  | Language                     | This amendment prohibits the use of any source of state funding, including tolls, on Phase 2 of the Dulles Corridor Metrorail Project unless the project finances are subject to state audit.  |
| Item 430 #5h<br>R. Marshall                  | Language                     | This amendment prohibits the use of any source of state funding, including tolls, on Phase 2 of the Dulles Corridor Metrorail Project unless the MWAA meets Virginia's open meeting requirements as set out in the Freedom of Information Act  |
| Item 430 #6h<br>R. Marshall                  | Language                     | Notwithstanding any contrary provision of law, no revenues of the Commonwealth, from whatsoever source, shall be allocated, paid, or expended in connection with Phase II of the Dulles Corridor Metrorail Project beyond Wiehle Avenue in Fairfax County to Washington Dulles International Airport and on to Virginia Route 772 in Loudoun County if the project or phase of the project (i) is subject to a project labor agreement, (ii) the policy or bylaws of the Metropolitan Washington Airports Authority governing public access to the Authority's meetings and records are incompatible with Virginia's Freedom of Information Act (§ 2.2-3700 et seq.), or (iii) Phase II of the Project and its finances will not be subject to audit by either the Virginia Department of Transportation or the Auditor of Public Accounts   |
| Item 430 #7h<br>R. Marshall                  | Language                     | This amendment prohibits the use of any source of state funding on Phase 2 of the Dulles Corridor Metrorail Project unless the project finances are subject to state audit.  |
| Item 430 #8h<br>R. Marshall                  | Language                     | This amendment prohibits the use of any source of state funding on Phase II of the Dulles Corridor Metrorail Project, including Dulles Toll Road revenues, unless a series of conditions are met.  |
| Item 441 #2h<br>Plum; Rust                   | Language                     | This amendment directs the CTB to utilize \$350.0 million, in addition to the \$150.0 million already committed by the State, to buy down the costs of the Dulles Corridor Metrorail Project to reduce the price of tolls on the Dulles Toll Road that are being used to support the project costs. The amount   |



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| Item 436 #3h<br>R. Marshall                                | Language | This amendment prohibits the use of any source of state funding on Phase 2 of the Dulles Corridor Metrorail Project unless the MWAA meets Virginia's open meeting requirements as set out in the Freedom of Information Act  |
| Item 436 #4h<br>R. Marshall                                | Language | This amendment prohibits the use of any source of state funding on Phase 2 of the Dulles Corridor Metrorail Project unless the MWAA meets Virginia's open meeting requirements as set out in the Freedom of Information Act  |
| Item 436 #5h<br>R. Marshall                                | Language | This amendment prohibits the use of any source of state funding on Phase 2 of the Dulles Corridor Metrorail Project unless a series of conditions are met.   |
| Item 436 #6h<br>R. Marshall<br>Item 436 #7h<br>R. Marshall | Language | This amendment prohibits the use of any source of state funding on Phase 2 of the Dulles Corridor Metrorail Project unless the project finances are subject to state audit.  |
| Item 448 #1h<br>Orrock                                     | Language | This amendment modifies language related to average dwell times of hazardous material shipments related to certain infrastructure projects and adds language that clarifies the goal of the projects include promoting safety. The current language is too narrowly worded to facilitate a grant agreement that would fund the projects agreed to by the various parties. Because this item is not set out in House Bill 29, it is the intent of the General Assembly that the proposed amendments to the language would occur during enrollment of House Bill 30 as adopted.  |
| Item 448 #2s<br>Reeves                                     | Language | This amendment modifies language related to the use of Rail of Industrial Access Funds to include public safety improvements at the Mayfield Yard in the City of Fredericksburg. Additionally, the language eliminates the requirement that these funds be used for improvements that reduce the storage time of hazardous materials to 24 hours. Current federal law requires that these materials be stored in one location not longer than 48 hours.  |
| Item 452 #1s<br>Watkins                                    | Language | This amendment eliminates the proposed deposit of \$67.2 million to the Virginia Transportation Infrastructure Bank from FY 2011 General Fund surplus amounts and directs that this deposit instead be used for the one-time capitalization of the Intercity Passenger Rail Operating and Capital Fund that was proposed by Governor McDonnell and approved by the 2011 General Assembly. Statute requires that surplus revenues be deposited to the Transportation Trust Fund, however Appropriations Act language currently overrides this provision and directs these funds to be deposited to the Virginia Transportation Infrastructure Bank. |

## **VALUE ADDED BY THE NORTHERN VIRGINIA TRANSPORTATION COMMISSION**

**--January, 2012--**

### **DISTRICT**

- Over a thousand square miles with a population of 1.6 million (Arlington, Fairfax and Loudoun counties and the cities of Alexandria, Fairfax, and Falls Church).

### **PURPOSE**

- Created by Virginia General Assembly in 1964 to plan and finance Metrorail and to serve as a forum for enhancing regional transit with all the powers of the Transportation District Act. NVTC appoints Virginia's members of the Metro Board and co-owns the Virginia Railway Express (VRE). In FY 2011, 145 million transit trips were taken in Northern Virginia, comprising 75% of the total in all of Virginia.

### **ADMINISTRATIVE BUDGET**

- \$1.2 million annually with staff of six full-time and two part-time. Covers all activities listed below with no additional charges to NVTC's jurisdictions.

### **SOURCES OF OPERATING REVENUES**

- 60% from state transit assistance, 25% from local government General Fund contributions, 10% from budget carry-overs, and 5% from other grants and contributions.

### **FINANCIAL RESPONSIBILITIES**

- Receive \$44 million annually of regional motor fuels taxes dedicated to Metro; audit allocation among NVTC's jurisdictions (corrected \$1.6 million in taxpayer errors in 2011); hold funds in trust for NVTC's jurisdictions.
- Manage \$125 million in revenue in FY 2011 at an administrative cost of \$0.003 per dollar of assets (substantially lower than peer local and state agencies); reallocate these funds using a complex subsidy allocation model.
- As a trustee for its member jurisdictions, provide cash flow forecasts balancing transit assistance revenues with bills from transit providers; hold funds in trust pending payment instructions from jurisdictions to pay their transit bills.
- Co-owner of \$378 million in VRE assets and issuer of \$150 million of VRE bonds (\$25 million outstanding); appoint members to VRE Board, approve VRE budgets and hire VRE's Chief Executive Officer.

### STATE AND FEDERAL GRANT MANAGEMENT RESPONSIBILITIES

- \$500,000 TransAction 2040 Plan Update of the Northern Virginia Transportation Authority (NVTA) with \$250,000 in savings due to NVTC's public outreach support.
- Alexandria, Arlington and Falls Church transit projects (\$13 million); NVTC is responsible for meeting the complex federal requirements.

### PROJECT MANAGEMENT RESPONSIBILITIES

- National Transit Database reporting (yields over \$5 million in net annual revenues for Metro).
- Route 7 corridor multi-modal study (Alexandria to Tysons Corner) with \$437,500 in grants.
- Transit customer information systems handling 4 million annual requests for e-schedules.
- Previously completed senior transit travel training; real-time passenger information systems; low emissions small bus system start-up; and other demonstrations of innovative transit technologies.

### INITIATIVES IN REGIONAL COORDINATION

- Co-leading Virginia Vanpool Incentive Program development promising net annual profits after three years of as much as \$5 million.
- Assisting NVTC's jurisdictions in completing the complex institutional details for a successful expansion of Metrorail in the Dulles Corridor.
- Responsible for the coordinated \$5 million purchase and successful installation of SmarTrip fareboxes on seven separate Northern Virginia transit systems.

### PUBLIC EDUCATION RESPONSIBILITIES

- Regularly compile transit performance data from eight separate transit systems operating in NVTC's district to alert the public to transit opportunities and funding requirements.
- Formulate coordinated regional policy positions on such matters as transit plans, routes, fares and access to transit services.
- Maintain an informative website with visits up 17% from last year.

IF THERE WERE NO NVTC, THE REGION WOULD NEED TO:

- Amend the WMATA Compact to provide for selection of Virginia's members of the Metro Board (requires identical action by Virginia, Maryland and D.C. plus the U.S. Congress).
- Rewrite the VRE Master Agreement (requires identical action by nine local jurisdictions)
- Add as many as six senior local project managers plus six senior local financial administrators (to, among other duties, apply for \$250 million in state transit assistance, manage up to \$200 million of revenues, prepare financial statements for audit and identify taxpayer errors in the regional motor fuels sales tax).
- Negotiate a new sharing agreement among NVTC's local jurisdictions for state transit assistance.
- Hire a Public Information Officer, Web Manager and Chief Audit Officer for NVTA (NVTC staff voluntarily fills those positions now).
- Identify a new mechanism for NVTC's six jurisdictions to meet to agree on coordinated transit policies.
- Refund and reissue \$25 million of VRE bonds outstanding.

***For further information go to [www.thinkoutsidethecar.org](http://www.thinkoutsidethecar.org)***



## **Discussion of Governor McDonnell's Proposal to Consolidate NVTC and NVTA**

### **Proposal**

Governor McDonnell has proposed consolidating the Northern Virginia Transportation Commission (NVTC) and the Northern Virginia Transportation Authority (NVTA):

*“The Northern Virginia Transportation Commission (NVTC) would be consolidated with the Northern Virginia Transportation Authority (NVTA) so that the NVTA would assume all powers and responsibilities of the NVTC. The merger would create a singular, unified group to represent Northern Virginia’s localities on transportation issues.”*

*“Under the consolidation, the powers and duties of the NVTC would be assumed by the NVTA, except that the NVTC would remain as a subsidiary solely for the purposes of appointing Virginia’s representation to the WMATA Board of Directors.”*

The consolidation proposal purports to “provide for more direct funding of transit, consolidate duplicative organizations, and create one unified organization for improving transportation in Northern Virginia.”

The Governor has not provided an explanation of how his proposal achieves any of these goals. As explained below, instead it appears to create further complications for transportation planning, coordination and implementation for the region.

The proposed consolidation does not recognize significant complications of NVTC’s co-ownership of the Virginia Railway Express (VRE). It also overlooks the fact that there is no overlap in operations and expertise between NVTC and NVTA. NVTA has no staff or budget and therefore no financial savings will occur from consolidation.

### **Overview of Organizations**

Each organization was created at a different time in order to address unique transportation issues that were locality specific.

- NVTC was established in 1964. It includes six jurisdictions. Its responsibilities include appointing Virginia’s members of the Washington Metropolitan Area Transit Authority (WMATA) Board, managing Northern Virginia gas tax revenues, managing transit projects and grants for its jurisdictions, coordinating transit services, conducting transportation research and initiating innovations for local transit systems.
- VRE, Northern Virginia’s commuter rail service, began service in 1992 and is jointly owned by NVTC and the Potomac Rappahannock Transportation Commission (PRTC), so that the effects on PRTC and its member jurisdictions must be considered in the proposed consolidation, including NVTC- issued bonds for VRE and a complex multi-jurisdiction Master Agreement executed by NVTC.
- NVTA, created in 2002, includes nine jurisdictions plus a representative of several towns. It was tasked with long-range transportation planning, programming highway and other transportation funds, and advocating for Northern Virginia’s transportation needs. NVTA has no staff, no official offices (only a mailbox and phone number), and minimal funding of \$50,000 annually provided by VDOT to cover incidental mailbox, telephone and meeting expenses (which NVTA is not spending given volunteer efforts of staff of its member jurisdictions).

While a combined transportation agency could be developed, consolidation would require significant effort, detract from each agency’s current mission, and almost certainly function no more effectively than the separate agencies, given their unique missions. Many unanticipated consequences would result.

### **Agency Funding and Governance**

|  | NVTA      | NVTC   |
|--|-----------|--|
| Total Staff                                | 0         | 6 FT; 2 PT   |
| Total Budget in FY2012                     | \$0       | \$1.2 Million  |
| Financial Assets                           | \$116,000 | \$148 Million held for member jurisdictions. Co-ownership of \$378 million of VRE assets |
| Support from State General Fund            | \$0       | \$0  |
| Lease Agreements                           | \$0       | \$2 Million for 10-year Office Lease   |
| Bonds                                      | \$0       | \$25 Million in outstanding bonds for VRE  |
| Board Meetings in FY2011                   | 3         | 9  |
| Total Board Members (Excluding Alternates) | 17        | 20   |

**Conclusion:** NVTC is an active organization with a small staff and significant financial resources and commitments. NVTA has not received anticipated funding and has no staff.

### **Agency Responsibilities**

|  | NVTA | NVTC |
|--|------|------|
| Coordinates Local and Regional Transit Services  |      | X    |
| Co-owns VRE (Commuter Rail)  |      | X    |
| Appoints Virginia's Members of the WMATA Board   |      | X    |
| Receives 2.1% Motor Vehicle Tax Which Funds Member Jurisdictions' WMATA and other Transportation Expenses                  |      | X    |
| Issued Bonds and Manages Trust Funds For Member Jurisdictions  |      | X    |
| Allocates CMAQ/RSTP Federal Funds and Other Funds That May Be Made Available By the General Assembly or Federal Government | X    |      |
| Prioritizes Transportation Projects and Agrees on Project Funding  | X    |      |
| Agrees on Unified Virginia Positions On Issues to be Acted On By the Regional Metropolitan Planning Organization           | X    |      |
| Prepares Unconstrained Long-Range Regional Surface Transportation Plan   | X    |      |
| Demonstrates New Transit Technology  |      | X    |
| Advocates for Public Transit in General  |      | X    |
| Compiles Transit Performance Data and Educates the Public  |      | X    |
| Serves as Trustee for State Transit Assistance   |      | X    |

**Conclusion:** No overlapping responsibilities.



## **Rationale for Consolidation, Per the Governor's Recommendation**

### *Rationale 1: "Provide more direct funding of transit"*

- The member jurisdictions of NVTC, NVTA and VRE have adopted different and complex approaches to allocating revenue and shares of their administrative budgets, either statutorily or through other agreements, that best meet the region's objectives. None of these jurisdictions is seeking a change in funding allocations.
- In Northern Virginia, transportation spending priorities are developed in a collaborative manner, transit services are effectively and closely coordinated, and no territorial conflicts exist between the agencies.
- No state general funds are used for the agencies' administrative budgets.

### *Rationale 2: "Consolidate duplicative organizations"*

- Currently the two agencies serve different territories. Consolidating these agencies could result in jurisdictions voting on issues outside their boundaries/interests.
- To ensure that all issues are properly addressed, the consolidated agency would likely have to include subcommittees to address specific areas, thereby creating further bureaucratic layers.

### *Rationale 3: "Create one unified organization for improving transportation in Northern Virginia."*

- In 2008, the Transportation Planning Board (TPB) reconfirmed a cooperative planning approach that avoids overlapping and competing planning responsibilities in an agreement executed by TPB, VDOT, DRPT, WMATA, NVTC, NVRC and others. If the region were failing to meet these federally mandated requirements, federal transportation funds would be withheld.

**Conclusion:       The Governor has not provided evidence that his proposal achieves any of his stated objectives.**

## **Additional Adverse Consequences from the Proposal**

### *Governance*

- Currently NVTA and NVTC have 37 combined board members, primarily local elected officials, General Assembly members and the Governor's appointees. Methods for appointments for the new consolidated agency would have to be resolved. Additionally, decisions would have to be made regarding whether representation would be allocated based on population, financial contribution, or other criteria. Such criteria may upset the current balance of decision-making authority in the two organizations that is currently producing effective outcomes.
- Given NVTC's current role in selecting Virginia's WMATA board members, it is likely that reshuffling the organization will affect the way those selections are made, creating winners and losers. For example, NVTA's board includes DRPT's Director, the Administrator of the Northern Virginia District of VDOT, two citizen members appointed by the Governor, the mayor of a town and three General Assembly members that may not all be from NVTC's WMATA jurisdictions.

### *Legal Issues*

- Issues related to bonds, leases, and other legal documents must be reviewed and resolved. For example, in contrast to NVTA, NVTC has liability protection tailored to its ownership of VRE and also has negotiated labor agreements supporting millions of dollars in federal transit grants that would have to be unwound if NVTC ceases to be an active and free-standing organization.

- NVTC is cited specifically in the WMATA Compact, which can only be amended with identical actions by the Virginia, Maryland and D.C. legislative bodies and the U.S. Congress. Creating NVTC as a subsidiary of NVTA solely for the purposes of appointing the WMATA representatives would be problematic if conflicts with the Compact resulted.
- Unforeseen consequences may occur due to widespread technical amendments to the Virginia Code that would be required for this undertaking. For example, would Northern Virginia's local governments need to be excluded from the opportunities available to the rest of the state in the Transportation District Act? As competing interests become involved, amendments may become even more complex and create still further unintended consequences.

### *Funding*

- NVTC is a transit organization and receives 75% of its administrative budget from state transit funds. Subsuming NVTC within NVTA (a non-transit organization) would result in loss of that state funding source and require local General Funds to be used. Some NVTA members would also have to begin to pay the costs of two transportation agencies (PRTC and NVTA) where today they only pay for one (PRTC). Accordingly, the proposal is another unfunded state mandate.

### **Conclusions**

1. No evidence exists that the consolidation proposal achieves the stated goals.
2. NVTC is already results oriented, is a good steward of taxpayer dollars, has been recognized nationally as an outstanding public agency, consistently ensures sound investments in transit and has done so since 1964.
3. There is significant local opposition to the proposal because there is deep skepticism that consolidation would serve any constructive purpose. Consolidation has been previously proposed, evaluated, and rejected by the local governments and regional agencies that are directly affected because the disadvantages far outweighed any perceived advantages.
4. In considering previous proposals to do away with NVTC, some have expressed serious concerns that NVTC's carefully negotiated sharing agreement for transit funds will be overturned and the new organization will tilt the balance of funding toward more roads and less transit.
5. It took at least two years for the General Assembly to create NVTA alone. Consolidation of NVTC and NVTA, with repercussions for VRE and PRTC, would require even more evaluation and planning to accomplish. This, tied with the negotiation of acceptable terms for all parties needed to overcome complex funding, governance, and legal issues, would be costly and time consuming. It is a distraction when time, funding and other limited resources could be better spent addressing the individual agencies' missions and the region's critical transportation needs.
6. If, despite an absence of any factual basis for supporting consolidation of NVTA and NVTC, the General Assembly wishes to proceed, it would be less disruptive to absorb NVTA into NVTC than to attempt the opposite as the Governor has proposed. NVTC has staff, offices and funding and meets monthly. Given the legislative complexity of such a merger, the 2012 General Assembly could call for the requested consolidation to be completed in at least two stages, with a detailed study of alternatives and suggested legislation slated for completion in 2012 with enactment of the preferred alternative occurring in the 2013 General Assembly.

12101710D

**HOUSE JOINT RESOLUTION NO. 49**

Offered January 11, 2012

Prefiled January 10, 2012

*Approving the Executive Reorganization Plan submitted by the Governor.*

Patron—Gilbert

Referred to Committee on General Laws

WHEREAS, Article 2 (§ 2.2-127 et seq.) of Chapter 1 of Title 2.2, entitled Executive Reorganization, directs the Governor from time to time to examine the organization of all executive agencies and determine what changes therein are necessary to (i) promote better execution of the laws, the more effective management of the executive branch of state government and of its agencies and functions, and the expeditious administration of the public business; (ii) reduce expenditures and promote economy to the fullest extent consistent with the efficient operation of state government; (iii) increase the efficiency of the operations of state government to the fullest extent practicable; (iv) group, coordinate, and consolidate agencies and functions of state government, as nearly as may be, according to major purposes; (v) reduce the number of agencies by consolidating those having similar functions under a single head, and to abolish such agencies or functions thereof that are not necessary for the efficient conduct of the state government; and (vi) eliminate overlapping and duplication of effort; and

WHEREAS, Article 2 (§ 2.2-127 et seq.) of Chapter 1 of Title 2.2 requires the Governor to prepare a plan for reorganization and transmit the plan to each house of the General Assembly at least 45 days prior to the commencement of a regular or special session of the General Assembly; and

WHEREAS, on November 25, 2011, the Governor submitted his reorganization plan to the Clerks of the House of Delegates and the Senate of Virginia; and

WHEREAS, Article 2 (§ 2.2-127 et seq.) of Chapter 1 of Title 2.2 requires that, in order to become effective, the Governor's reorganization plan must be approved by the House of Delegates and the Senate of Virginia by resolution in whole or in part. Further, any portion of the reorganization plan may be deleted by either the Senate or the House of Delegates; and

WHEREAS, the Governor's reorganization plan in pertinent detail follows; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Governor's reorganization plan as contained in this resolution be approved; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the Governor in order that he may be apprised of the sense of the General Assembly in this matter.

**GOVERNOR'S EXECUTIVE REORGANIZATION PLAN.****NOVEMBER 25, 2011.****ADMINISTRATION****1. Eliminate the Commonwealth Competition Council.**

The Commonwealth Competition Council was created in 1995 as independent advisory body within the executive branch with the goal of finding opportunities for privatization of state government functions. At the time, Virginia was on the cutting edge of privatization of government functions. Today, privatization is frequently discussed throughout government, and the Commonwealth Competition Council is often circumvented as vendors work directly with agencies and take advantage of the PPTA and PPEA processes. The Competition Council meets approximately once a year and, in recent years, has primarily monitored actions happening elsewhere in state government rather than taking the lead role on these efforts. The Commission on Government Reform and Restructuring recommended elimination of the Council in 2011. The Commonwealth Competition Council was created with a laudable goal of promoting privatization. In the years since, it has succeeded in making privatization a common theme in state government and has served its purpose. Elimination of the Council is now appropriate.

**2. Eliminate the Interagency Dispute Resolution Council.**

The Interagency Dispute Resolution Council should be eliminated, and the Department of Human Resource Management should be authorized to perform agency training seminars and educational programs on the use of dispute resolution proceedings.

The Interagency Dispute Resolution Council was created in 1992 to conduct training seminars, publish educational materials, and report on the use of dispute resolution. The Council is made up of state employees and citizens. Costs of staffing and administration of this board were estimated at almost \$3,000 for FY2011 despite being unfunded by the General Assembly and without offering travel reimbursements to members. Many seats remain unfilled and participation is low. While Alternative

674 and the Department of Juvenile Justice.

675 **40. Eliminate the Board of Correctional Education.**

676 The Board of Correctional Education's primary function is to oversee the operations of the  
677 Department of Correctional Education. With the Department merging into the Department of Corrections  
678 and the Department of Juvenile Justice (see above), the Board is no longer necessary.

679 The authority that the Board of Correctional Education currently holds should be transferred to the  
680 Board of Corrections and the Board of Juvenile Justice with the merger of the education functions.

681 **41. Eliminate the Virginia Juvenile Enterprise Committee.**

682 The Virginia Juvenile Enterprise Committee reviews work program proposals for juveniles committed  
683 to the Department of Juvenile Justice. This authority is duplicative of authority granted to the  
684 Department of Juvenile Justice. The Juvenile Enterprise Committee is redundant and unnecessary. The  
685 Committee should be eliminated.

686 **42. Transfer the Functions of the Governor's Office of Substance Abuse Prevention to the**  
687 **Virginia Department of Alcoholic Beverage Control.**

688 The responsibilities of the Governor's Office of Substance Abuse Prevention should be transferred to  
689 the Department of Alcoholic Beverage Control, and the Governor's Office of Substance Abuse  
690 Prevention should be eliminated.

691 The Code of Virginia states that it is "the responsibility of the Governor to administer the substance  
692 abuse prevention program within the Commonwealth." The program was designed to be the link  
693 between state and local law enforcement and substance abuse prevention efforts and was designed to  
694 administer federal grant funds that are no longer available. Dedicated staff are required to manage this  
695 program. It would be more appropriate to house it at an agency where the program can benefit from  
696 expertise and collaboration with other programs. In recent years, the primary objective of the Governor's  
697 Office of Substance Abuse Prevention has been on alcohol abuse prevention. As such, the Department of  
698 Alcoholic Beverage Control is the appropriate agency to administer the Commonwealth's substance  
699 abuse prevention program in conjunction with its other prevention programs.

700  
701 **TRANSPORTATION**

702 **43. Eliminate the Board of Transportation Safety.**

703 The functions of the Board of Transportation Safety are already being performed by the Department  
704 of Motor Vehicles (DMV). The Board of Transportation Safety should be eliminated.

705 The Board of Transportation Safety is comprised of 12 members appointed by the Governor and has  
706 been established within the Virginia Department of Motor Vehicles. The Board may consider, study, and  
707 report on: the identification of the unique safety needs of each particular mode of transportation; the  
708 identification of the common elements of safe transportation operation, regardless of mode of  
709 transportation; the adoption of proven safety practices and technology in use in one mode to other  
710 modes of transportation; the identification of the common elements of accident situations; and the  
711 allocation of grant funds made available to the Department. These functions are primarily performed by  
712 DMV leadership and staff. An advisory board is not required. The Commission of Motor Vehicles can  
713 pull together advisory groups as needed to address particular instances and can do so based on the  
714 expertise required. This approach will allow DMV to better address transportation safety in the  
715 Commonwealth and will save taxpayer dollars.

716 The Secretary of Transportation recommended the elimination of the Board in 2011.

717 **44. Consolidate the Northern Virginia Transportation Commission and the Northern Virginia**  
718 **Transportation Authority.**

719 The Northern Virginia Transportation Commission (NVTC) would be consolidated with the Northern  
720 Virginia Transportation Authority (NVTA) so that the NVTA would assume all powers and  
721 responsibilities of the NVTC. The merger would create a singular, unified group to represent Northern  
722 Virginia's localities on transportation issues.

723 The Northern Virginia Transportation Commission is a regional body comprised of 20  
724 commissioners. Of the commissioners, 13 are selected from local government officials in Northern  
725 Virginia, six are appointed by the General Assembly, and one represents the Secretary of Transportation.  
726 The NVTC allocates transit funding provided by the state among the member jurisdictions and is  
727 responsible for selecting Virginia's representation on the WMATA Board of Directors. The Northern  
728 Virginia Transportation Authority is a 17-member regional transportation authority charged with  
729 developing a regional transportation plan, including mass transit, and has the authority to administer  
730 locally imposed taxes and fees to support issuance bonds for the construction of regional transportation  
731 projects.

732 Under the consolidation, the powers and duties of the NVTC would be assumed by the NVTA,  
733 except that the NVTC would remain as a subsidiary solely for the purposes of appointing Virginia's  
734 representation to the WMATA Board of Directors. The consolidation will provide for more direct  
735 funding of transit, consolidate duplicative organizations, and create one unified organization for

improving transportation in Northern Virginia.

The Secretary of Transportation recommended the merger in 2011.

**45. Eliminate the Board for Recovery and Towing Operators.**

The Board for Towing and Recovery Operations is a supervisory Board and functions should be absorbed into the Virginia State Police (VSP) and Department of Motor Vehicles (DMV). This re-organization will include a transfer of regulations, enforcement, background checks, state and local lists of authorized towers and licensing of trucks and drivers.

This elimination was a recommendation of the Commission on Government Reform and Restructuring in 2011.

**VETERANS AFFAIRS AND HOMELAND SECURITY**

**46. Transfer the Virginia War Memorial to the Department of Veterans Services.**

In the most recent annual audit, the Auditor of Public Accounts concluded that the Virginia War Memorial is a state agency. The annual audit also concluded that the relationship of the War Memorial to both the Commonwealth and the Virginia War Memorial Educational Foundation is poorly defined and does not serve the best interest of either the War Memorial or the Commonwealth. Finally, the annual audit noted that the Code of Virginia gives the War Memorial Board of Trustees certain specific duties and responsibilities and clearly states that the War Memorial is a part of the Executive Branch of government.

Section 2.2-2707 of the Code of Virginia requires that all accounts and records of the War Memorial be established by the Auditor of Public Accounts "in a manner similar to other organizations." The Auditor is also required to audit the accounts of the War Memorial annually. The General Assembly does not provide for direct state appropriations for the support of the War Memorial; however, a substantial amount of state support is provided by both the Departments of Veterans Services and General Services. Therefore, the War Memorial is indirectly receiving substantial monetary support from the Commonwealth. Finally, a 2010 informal opinion of the Attorney General concludes that the War Memorial is an agency of the Commonwealth.

Placing the War Memorial in the Department of Veterans Services is advisable because, at present, the War Memorial is an independent entity that is entirely governed by an independent policy Board of Trustees. Realignment will result in clarification that the War Memorial is an agency of the Commonwealth subject to the Governor's direction as a part of the executive branch of government.

The only change affecting the War Memorial is that its operation would be under the direct supervision of the Commissioner of Veterans Services subject to the advice and recommendations of the Board of Trustees.

This is a recommendation of the Virginia War Memorial Foundation Board of Trustees by vote taken on September 16, 2011.

12101929D

**HOUSE BILL NO. 601**

Offered January 11, 2012

Prefiled January 10, 2012

*A BILL to amend and reenact § 15.2-4507 of the Code of Virginia, as it shall become effective, relating to Washington Metropolitan Area Transit Authority; board membership.*

Patron—LeMunyon

Referred to Committee on Transportation

**Be it enacted by the General Assembly of Virginia:**

**1. That § 15.2-4507 of the Code of Virginia, as it shall become effective, is amended and reenacted as follows:**

§ 15.2-4507. (Effective July 1, 2012) Members of transportation district commissions.

A. Any transportation district commission created shall consist of the number of members the component governments shall from time to time agree upon, or as may otherwise be provided by law. The governing body of each participating county and city shall appoint from among its members the number of commissioners to which the county or city is entitled; however, for those commissions with powers as set forth in subsection A of § 15.2-4515, the governing body of each participating county or city is not limited to appointing commissioners from among its members. In addition, the governing body may appoint from its number or otherwise, designated alternate members for those appointed to the commission who shall be able to exercise all of the powers and duties of a commission member when the regular member is absent from commission meetings. Each such appointee shall serve at the pleasure of the appointing body; however, no appointee to a commission with powers as set forth in subsection B of § 15.2-4515 may continue to serve when he is no longer a member of the appointing body. Each governing body shall inform the commission of its appointments to and removals from the commission by delivering to the commission a certified copy of the resolution making the appointment or causing the removal.

In the case of a transportation district, commonly known as the Potomac and Rappahannock Transportation Commission, which was established on or after July 1, 1986, and which includes more than one jurisdiction located within the Washington, D.C., metropolitan area, such commission shall also include two members of the House of Delegates and one member of the Senate from legislative districts located wholly or in part within the boundaries of the transportation district. The members of the House of Delegates shall be appointed by the Speaker of the House for terms coincident with their terms of office, and the member of the Senate shall be appointed by the Senate Committee on Rules for a term coincident with his term of office. The members of the General Assembly shall be eligible for reappointment for successive terms. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term. Vacancies shall be filled in the same manner as the original appointments.

In the case of the Transportation District Commission of Hampton Roads, such commission shall consist of one citizen member appointed by the Governor from each county and city embraced by the Transportation District. The governing body of each such county or city may appoint either a member of its governing body or its county or city manager to serve as an ex officio member with voting privileges. Every such ex officio member shall be allowed to attend all meetings of the commission that other members may be required to attend. Vacancies shall be filled in the same manner as the original appointments.

The Chairman of the Commonwealth Transportation Board, or his designee, shall be a member of each commission, ex officio with voting privileges. The chairman of the Commonwealth Transportation Board may appoint an alternate member who may exercise all the powers and duties of the chairman of the Commonwealth Transportation Board when neither the chairman of the Commonwealth Transportation Board nor his designee is present at a commission meeting.

B. Any appointed member of a commission of a transportation district, commonly known as the Northern Virginia Transportation Commission, which was established prior to July 1, 1986, and which includes jurisdictions located within the Washington, D.C., metropolitan statistical area, ~~is and the Secretary of Transportation or his designee, is~~ authorized to serve as a member of the board of directors of the Washington Metropolitan Area Transit Authority (Chapter 627 of the Acts of Assembly of 1958 as amended) and while so serving the provisions of § 2.2-2800 shall not apply to such member. *In appointing Virginia members of the board of directors of the Washington Metropolitan Area Transit Authority (WMATA), the Northern Virginia Transportation Commission shall include the Secretary of Transportation or his designee as a principal member on the board of directors of the WMATA.*

INTRODUCED

HB601

59 *In selecting from its membership those members to serve on the board of directors of the WMATA,*  
60 *the Northern Virginia Transportation Commission shall comply with the following requirements:*

61 *1. A board member shall not have been an employee of WMATA within one year of appointment to*  
62 *serve on the board of directors.*

63 *2. A board member shall have experience in at least one of the following: transit planning,*  
64 *transportation planning, or land use planning; transit or transportation management or other public*  
65 *sector management; engineering; finance; public safety; homeland security; human resources; the law;*  
66 *or knowledge of the region's transportation issues derived from working on regional transportation issue*  
67 *resolution.*

68 *3. A member shall be a regular patron of the services provided by WMATA.*

69 *4. Members shall serve a term of four years with a maximum of two consecutive terms. Such term or*  
70 *terms must coincide with their term on the body that appointed them to the Northern Virginia*  
71 *Transportation Commission. Any vacancy created if a board member cannot fulfill his term because his*  
72 *term on the appointing body had ended shall be filled for the unexpired term in the same manner as the*  
73 *member being replaced was appointed within 60 days of the vacancy. The initial appointments to a*  
74 *four-year term will be as follows: the Secretary, or his designee, for a term of four years; the second*  
75 *principal member for a term of three years; one alternate for a term of two years; and the remaining*  
76 *alternate for a term of one year. Thereafter, members shall be appointed for terms of four years.*

77 *5. Members may be removed from the board of directors of the WMATA if they attend fewer than*  
78 *three-fourths of the meetings in a calendar year; if they are conflicted due to employment at WMATA;*  
79 *or if they are found to be in violation of the State and Local Government Conflict of Interests Act*  
80 *(§ 2.2-3100 et seq.). If a member is removed during a term, the vacancy shall be filled pursuant to the*  
81 *provisions of subdivision 4.*

82 *6. Each member of the Northern Virginia Transportation Commission appointed to the board of*  
83 *directors of the WMATA shall file semiannual reports with the Secretary of Transportation's office*  
84 *beginning July 1, 2012. The reports shall include (i) the dates of attendance at WMATA board meetings,*  
85 *(ii) any reasons for not attending a specific meeting, and (iii) dates and attendance at other*  
86 *WMATA-related public events.*

87 *Any entity that provides compensation to a WMATA board member for his service on the WMATA*  
88 *board shall be required to submit on July 1 of each year to the Secretary of Transportation the amount*  
89 *of that compensation. Such letter will remain on file with the Secretary's office and be available for*  
90 *public review.*

2825. Funding for the cost of expenses shall be provided by the Department of Behavioral Health and Developmental Services.

F. The duties of the Council shall be:

1. To recommend policies and goals to the Governor, the General Assembly, and the State Board of Behavioral Health and Developmental Services;

2. To coordinate agency programs and activities, to prevent duplication of functions, and to combine all agency plans into a comprehensive interagency state plan for substance abuse services;

3. To review and comment on annual state agency budget requests regarding substance abuse and on all applications for state or federal funds or services to be used in substance abuse programs;

4. To define responsibilities among state agencies for various programs for persons with substance abuse and to encourage cooperation among agencies; and

5. To make investigations, issue annual reports to the Governor and the General Assembly, and make recommendations relevant to substance abuse upon the request of the Governor.

G. Staff assistance shall be provided to the Council by the Office of Substance Abuse Services of the Department of Behavioral Health and Developmental Services.

*§ 4.1-103.02. Additional powers; substance abuse prevention.*

*It shall be the responsibility of the Board to administer a substance abuse prevention program within the Commonwealth and to (i) coordinate substance abuse prevention activities of agencies of the Commonwealth in such program, (ii) review substance abuse prevention program expenditures by agencies of the Commonwealth, and (iii) determine the direction and appropriateness of such expenditures. The Board shall cooperate with federal, state, and local agencies, private and public agencies, interested organizations, and individuals in order to prevent substance abuse within the Commonwealth. The Board shall report annually by December 1 of each year to the Governor and the General Assembly on the substance abuse prevention activities of the Commonwealth.*

113. That § 2.2-118 of the Code of Virginia is repealed.\*

114. That § 46.2-224 of the Code of Virginia is repealed.\*

115. That §§ 15.2-4503.1, 15.2-4515, 15.2-4830, 46.2-753, 58.1-3 and 58.1-638 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-4503.1. Northern Virginia Transportation District and Commission.

A. There is hereby created the Northern Virginia Transportation District comprised of the Counties of Arlington, Fairfax, Loudoun, and the Cities of Alexandria, Falls Church, and Fairfax and such other county or city contiguous to the District that agrees to join the District.

B. There is hereby established the Northern Virginia Transportation Commission (the Commission) as a transportation commission pursuant to this chapter. ~~The Commission shall consist of five nonlegislative citizen members from Fairfax County, three nonlegislative citizen members from Arlington County, one nonlegislative citizen member from the County of Loudoun, two nonlegislative citizen members from the City of Alexandria, one nonlegislative member from the City of Falls Church, one nonlegislative citizen member from the City of Fairfax, and the Chairman of the Commonwealth Transportation Board or his designee to serve ex officio with voting privileges. If a county or city contiguous to the District agrees to join the District, such jurisdiction shall appoint one nonlegislative citizen member to the Commission. Members from the respective counties and cities shall be appointed from their governing bodies. The Commission shall also include four members of the House of Delegates appointed by the Speaker of the House of Delegates for terms coincident with their terms of office and two members of the Senate appointed by the Senate Committee on Rules for terms coincident with their terms of office. Members may be reappointed for successive terms. All members shall be citizens of the Commonwealth. Except for the Chairman of the Commonwealth Transportation Board or his designee, all members of the Commission shall be residents of the localities comprising the Transportation District. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term. Vacancies shall be filled in the same manner as the original appointments.~~

*The Commission shall consist of 17 members, who are also members of the Northern Virginia Transportation Authority, as follows: the chief elected officer of the governing body of each county and city embraced by the Authority or, in the discretion of the chief elected officer, his designee, who shall be a current elected officer of such governing body; two members of the House of Delegates who reside in different counties or cities embraced by the Authority, appointed by the Speaker of the House, to the extent practicable, from the membership of the*



House Committee on Appropriations, the House Committee on Finance, or the House Committee on Transportation; one member of the Senate who resides in a county or city embraced by the Authority, appointed by the Senate Committee on Rules, to the extent practicable, from the membership of the Senate Committee on Finance and the Senate Committee on Transportation; and two citizens who reside in counties and cities embraced by the Authority, appointed by the Governor, provided that (i) one gubernatorial appointment includes a member of the Commonwealth Transportation Board who resides in a county or city embraced by the Authority, (ii) the remaining gubernatorial appointment shall be a person who has significant experience in transportation planning, finance, engineering, construction, or management and shall be a resident of a county or city embraced by the Authority, and (iii) the citizen members shall not be a resident of the same county or city.

Legislative members shall serve terms coincident with their terms of office. The gubernatorial appointee who is not a member of the Commonwealth Transportation Board shall serve for a term of four years. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term. Vacancies shall be filled in the same manner as the original appointments.

C. Beginning July 1, 2013, the powers of the Commission shall be limited to the making of appointments to the Washington Metropolitan Area Transit Authority. All assets and liabilities of the Commission shall be subsumed by the Northern Virginia Transportation Authority.

D. Beginning July 1, 2013, in the Northern Virginia Transportation District, comprised of the Counties of Arlington, Fairfax, and Loudoun and the Cities of Alexandria, Falls Church, and Fairfax, and such other counties or cities contiguous to the District that agrees to join the District, all powers, duties, and responsibilities granted under the Transportation District Act of 1964 shall be assumed by the Northern Virginia Transportation Authority.

§ 15.2-4515. Powers and functions generally.

A. Any other provision of law to the contrary notwithstanding, a commission shall, except as provided in subsection B herein, have the following powers and functions:

1. The commission shall prepare the transportation plan for the transportation district and shall from time to time revise and amend the plan in accordance with the planning process and procedures specified in Article 7 (§§ 15.2-4527 and 15.2-4528) of this chapter.

2. The commission may, when a transportation plan is adopted according to Article 7, construct or acquire, by purchase or lease, the transportation facilities specified in such transportation plan.

3. The commission may enter into agreements or leases with private companies for the operation of its facilities, or may operate such facilities itself.

4. The commission may enter into contracts or agreements with the counties and cities within the transportation district, or with counties and cities which adjoin the transportation district and are within the same planning district, or with other commissions of adjoining transportation districts, to provide, or cause to be provided, transit facilities and service to such counties and cities, or to provide transit facilities and other modes of transportation between adjoining transportation districts. Such contracts or agreements, together with any agreements or leases for the operation of such facilities, may be utilized by the transportation district to finance the construction and operation of transportation facilities and such contracts, agreements or leases shall inure to the benefit of any creditor of the transportation district.

Notwithstanding the above, however, except in any transportation district containing any or all of the Counties of Hanover, Henrico, and Chesterfield or the City of Richmond, being so delegated by the respective local governments, the commission shall not have the power to regulate services provided by taxicabs, either within municipalities or across municipal boundaries, which regulation is expressly reserved to the municipalities within which taxicabs operate. In any transportation district containing any or all of the Counties of Hanover, Henrico, and Chesterfield or the City of Richmond, the commission may upon proper authority granted by the respective component governments, regulate services provided by taxicabs, either within localities or across county or city boundaries.

B. When the transportation district is located within a metropolitan area which includes all or a portion of a state or states contiguous to Virginia, the commission:

1. Shall not prepare a transportation plan nor construct or operate transit facilities, but shall collaborate and cooperate in the manner specified in Article 7 (§§ 15.2-4527 and 15.2-4528) with an agency in preparing, revising, and amending a transportation plan for such metropolitan area.

2. Shall, according to Article 7 and in cooperation with the governing bodies of the component governments embraced within the transportation district, formulate the tentative policy and decisions of the transportation district with respect to the planning, design, location, construction, operation and financing of transportation facilities.

3. May, when a transportation plan applicable to such a transportation district is adopted, enter into contracts or agreements with an agency to contribute to the capital required for the construction and/or acquisition of transportation facilities and for meeting expenses and obligations in the operations of such facilities.

4. May, when a transportation plan applicable to such transportation district is adopted, enter into contracts or agreements with the counties and cities within the transportation district to provide or cause to be provided transportation facilities and service to such counties and cities.

5. Notwithstanding any other provision herein to the contrary:

a. May acquire land or any interest therein by purchase, lease, gift, condemnation or otherwise and provide transportation facilities thereon for use in connection with any transportation service;

b. May acquire land or any interest therein by purchase, lease, gift, condemnation or otherwise in advance of need for sale or contribution to an agency, for use by that agency in connection with an adopted mass transit plan;

c. May, in accordance with the terms of any grant from or loan by the United States of America or the Commonwealth, or any agency or instrumentality thereof, or when necessary to preserve essential transportation service, acquire transit facilities or any carrier, which is subject to the jurisdiction of the Washington Metropolitan Area Transit Commission, by acquisition of the capital stock or transit facilities and other assets of any such carrier and shall provide for the performance of transportation by any such carrier or with such transit facilities by contract or lease. However, the contract or lease shall be for a term of no more than one year, renewable for additional terms of similar duration, and, in order to assure acceptable fare levels, may provide for financial assistance by purchase of service, operating subsidies or otherwise. No such service will be rendered which will adversely affect transit service rendered by the transit facilities owned or controlled by the agency or any existing private transit or transportation company. When notified by the agency that it is authorized to perform or cause to be performed transportation services with motor vehicle facilities, the commission, upon request by the agency, shall transfer such capital stock or transit facilities to the agency at a price to be agreed upon; and

d. May prepare a plan for mass transportation services with cities, counties, agencies, authorities, or commissions and may further contract with transportation companies, cities, counties, commissions, authorities, agencies, and departments of the Commonwealth and appropriate agencies of the federal government and/or governments contiguous to Virginia to provide necessary facilities, equipment, operations and maintenance, access, and insurance pursuant to such plan.

C. The provisions of subdivisions 1 through 4 and provisions b and c of subdivision 5 of subsection B shall not apply (i) to any transportation district which may be established on or after July 1, 1986, and which includes any one or more jurisdictions which are located within a metropolitan area, but which were not, on January 1, 1986, members of any other transportation district or (ii) to any jurisdiction which, after July 1, 1989, joins a transportation district which was established on or before January 1, 1986. The provisions of this subsection shall only apply to any transportation district or jurisdiction which is contiguous to the Northern Virginia Transportation District. Any such district or jurisdiction shall be subject to the provisions of subsection A hereof, and further may exercise the powers granted by subdivision B 5 a to acquire land or any interest therein by purchase, lease, gift, condemnation or otherwise and provide transportation facilities thereon for use in connection with any transportation service.

D. Until such time as a commission enters into contracts or agreements with its component governments under the provisions of subdivisions A 4 and B 4 and is receiving revenues thereunder, adequate to meet the administrative expenses of the commission after paying or providing for the payment of the obligations arising under said subdivisions, the administrative expenses of the commission shall be borne by the component governments in the manner herein set forth. The commission annually shall submit to the governing bodies of the component counties and cities a budget of its administrative requirements for the next year. Except for the Northern Virginia Transportation Commission, the administrative expenses of the commission, to the extent funds for such expenses are not provided from other sources, shall be allocated among the component governments on the basis of population as reflected by the latest population statistics of the Bureau of the Census; however, upon the request of any component government, the commission shall make the allocation upon estimates of population prepared in a manner approved by the commission and by the governing body of the component government

making such request. ~~For the Northern Virginia Transportation Commission, the administrative expenses of the Commission, to the extent funds for such expenses are not provided from other sources, shall be allocated among the component governments on the basis of the relative shares of state and federal transit aids allocated by the Commission among its component governments. Such budget shall be limited solely to the administrative expenses of the Commission and shall not include any funds for construction or acquisition of transportation facilities and/or the performing of transportation service. In addition, the Commission annually shall submit to the governing bodies of the component counties and cities a budget of its other expenses and obligations for the ensuing year. Such expenses and obligations shall be borne by the component counties and cities in accordance with prior arrangements made therefor.~~

E. When a transportation plan has been adopted under § 15.2-4528 A 4, the commission shall determine the equitable allocation among the component governments of the costs incurred by the district in providing the transportation facilities proposed in the transportation plan and any expenses and obligations from the operation thereof to be borne by each county and city. In making such determinations, the commission shall consider the cost of the facilities located within each county and city, the population of each county and city, the benefits to be derived by each county and city from the proposed transportation service and all other factors which the commission determines to be relevant. Such determination, however, shall not create a commitment by the counties and cities and such commitments shall be created only under the contracts or agreements specified in subdivisions A 4 and B 4.

§ 15.2-4830. Authority created.

There is hereby created a political subdivision of the Commonwealth known as the Northern Virginia Transportation Authority, hereinafter known as "the Authority."

In addition to such other powers vested in the Authority by this chapter, the Authority shall have the following powers and functions:

1. The Authority shall prepare a regional transportation plan for Planning District Eight, to include, but not necessarily be limited to, transportation improvements of regional significance, and those improvements necessary or incidental thereto, and shall from time to time revise and amend the plan. The provisions of Article 7 (§ 15.2-4527 et seq.) of Chapter 45 of this title shall apply, mutatis mutandis, to preparation of such transportation plan.

2. The Authority may, when a transportation plan is adopted according to subdivision 1, construct or acquire, by purchase, lease, contract, or otherwise, the transportation facilities specified in such transportation plan.

3. The Authority may enter into agreements or leases with public or private entities for the operation of its facilities, or may operate such facilities itself.

4. The Authority may enter into contracts or agreements with the counties and cities embraced by the Authority, with other transportation commissions of transportation districts adjoining any county or city embraced by the Authority, with any transportation authority, or with any state, local, private or federal entity to provide, or cause to be provided, transportation facilities and services to the area embraced by the Authority. Such contracts or agreements, together with any agreements or leases for the operation of such facilities, may be used by the Authority to finance the construction and operation of transportation facilities and such contracts, agreements or leases shall inure to the benefit of any creditor of the Authority.

Notwithstanding the above, however, the Authority shall not have the power to regulate services provided by taxicabs, either within municipalities or across municipal boundaries, which regulation is expressly reserved to the municipalities within which taxicabs operate.

5. Notwithstanding any other provision of law to the contrary the Authority may:

a. Acquire land or any interest therein by purchase, lease, or gift and provide transportation facilities thereon for use in connection with any transportation service;

b. Acquire land or any interest therein by purchase, lease, or gift in advance of the need for sale or contribution to an agency, for use by that agency in connection with an adopted transportation plan;

c. Prepare a plan for mass transportation services with persons, cities, counties, agencies, authorities, or transportation commissions and may further contract with any such person or other entity to provide necessary facilities, equipment, operations and maintenance, access, and insurance pursuant to such plan.

6. *The Authority may exercise all powers previously exercised by the Northern Virginia Transportation Commission under Chapter 45 (§ 15.2-4500 et seq.) of Title 15.2 prior to July 1, 2013, except for the making of appointments to the Washington Metropolitan Area Transit Authority which appointments shall continue to be*

made by the Commission. However, the exercise of any powers by the Authority related to the Washington Metropolitan Area Transit Authority, other than appointments to the Washington Metropolitan Area Transit Authority, shall be made by a five member subcommittee of the Northern Virginia Transportation Authority. The subcommittee shall be appointed by the Authority from its membership and shall consist of one member from each of the following localities: the City of Alexandria, Arlington County, the City of Fairfax, Fairfax County, and the City of Falls Church.

§ 46.2-753. Additional license fees in certain localities.

Notwithstanding any other provision of law, the governing bodies of Alexandria, Arlington, Fairfax County, Fairfax City, and Falls Church are authorized to charge annual license fees, in addition to those specified in § 46.2-752, on passenger cars not used for the transportation of passengers for compensation. The additional fee shall be no more than five dollars. The total local license fee shall be no more than twenty-five dollars on any vehicle and this license fee shall not be imposed on any motor vehicle exempted under § 46.2-739.

The governing bodies are also authorized to charge additional annual license fees on the motor vehicles, trailers, and semitrailers as specified in § 46.2-697 in an amount of no more than five dollars for each such vehicle. This authorization shall not increase the maximum chargeable by more than five dollars or affect any existing exemption.

Any funds acquired in excess of those allowed by § 46.2-752, shall be allocated to the Northern Virginia Transportation Commission to be a credit to that jurisdiction making the payment for its share of any operating deficit assigned to it by the Washington Metropolitan Area Transit Authority. However, once functional control over the Washington Metropolitan Area Transit Authority is transferred to the Northern Virginia Transportation Authority, such funds shall be allocated to the Northern Virginia Transportation Authority.

§ 58.1-3. Secrecy of information; penalties.

A. Except in accordance with a proper judicial order or as otherwise provided by law, the Tax Commissioner or agent, clerk, commissioner of the revenue, treasurer, or any other state or local tax or revenue officer or employee, or any person to whom tax information is divulged pursuant to § 58.1-512 or 58.1-2712.2, or any former officer or employee of any of the aforementioned offices shall not divulge any information acquired by him in the performance of his duties with respect to the transactions, property, including personal property, income or business of any person, firm or corporation. Such prohibition specifically includes any copy of a federal return or federal return information required by Virginia law to be attached to or included in the Virginia return. This prohibition shall apply to any reports, returns, financial documents or other information filed with the Attorney General pursuant to the provisions of Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2. Any person violating the provisions of this section shall be guilty of a Class 2 misdemeanor. The provisions of this subsection shall not be applicable, however, to:

1. Matters required by law to be entered on any public assessment roll or book;
2. Acts performed or words spoken or published in the line of duty under the law;
3. Inquiries and investigations to obtain information as to the process of real estate assessments by a duly constituted committee of the General Assembly, or when such inquiry or investigation is relevant to its study, provided that any such information obtained shall be privileged;
4. The sales price, date of construction, physical dimensions or characteristics of real property, or any information required for building permits;
5. Copies of or information contained in an estate's probate tax return, filed with the clerk of court pursuant to § 58.1-1714, when requested by a beneficiary of the estate or an heir at law of the decedent;
6. Information regarding nonprofit entities exempt from sales and use tax under § 58.1-609.11, when requested by the General Assembly or any duly constituted committee of the General Assembly.

B. Nothing contained in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns and the items thereof or the publication of delinquent lists showing the names of taxpayers who are currently delinquent, together with any relevant information which in the opinion of the Department may assist in the collection of such delinquent taxes. This section shall not be construed to prohibit a local tax official from disclosing whether a person, firm or corporation is licensed to do business in that locality and divulging, upon written request, the name and address of any person, firm or corporation transacting business under a fictitious name. Additionally, notwithstanding any other provision of law, the commissioner of revenue is authorized to provide, upon written request stating the reason for such

request, the Tax Commissioner with information obtained from local tax returns and other information pertaining to the income, sales and property of any person, firm or corporation licensed to do business in that locality.

C. Notwithstanding the provisions of subsection A or B or any other provision of this title, the Tax Commissioner is authorized to: (i) divulge tax information to any commissioner of the revenue, director of finance or other similar collector of county, city or town taxes who, for the performance of his official duties, requests the same in writing setting forth the reasons for such request; (ii) provide to the Commissioner of the Department of Social Services, upon written request, information on the amount of income, filing status, number and type of dependents, and whether a federal earned income tax credit has been claimed as reported by persons on their state income tax returns who have applied for public assistance or social services benefits as defined in § 63.2-100; (iii) provide to the chief executive officer of the designated student loan guarantor for the Commonwealth of Virginia, upon written request, the names and home addresses of those persons identified by the designated guarantor as having delinquent loans guaranteed by the designated guarantor; (iv) provide current address information upon request to state agencies and institutions for their confidential use in facilitating the collection of accounts receivable, and to the clerk of a circuit or district court for their confidential use in facilitating the collection of fines, penalties and costs imposed in a proceeding in that court; (v) provide to the Commissioner of the Virginia Employment Commission, after entering into a written agreement, such tax information as may be necessary to facilitate the collection of unemployment taxes and overpaid benefits; (vi) provide to the Alcoholic Beverage Control Board, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of state and local taxes and the administration of the alcoholic beverage control laws; (vii) provide to the Director of the State Lottery Department such tax information as may be necessary to identify those lottery ticket retailers who owe delinquent taxes; (viii) provide to the Department of the Treasury for its confidential use such tax information as may be necessary to facilitate the location of owners and holders of unclaimed property, as defined in § 55-210.2; (ix) provide to the State Corporation Commission, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of taxes and fees administered by the Commission; (x) provide to the Executive Director of the Potomac and Rappahannock Transportation Commission for his confidential use such tax information as may be necessary to facilitate the collection of the motor vehicle fuel sales tax; (xi) provide to the Commissioner of the Department of Agriculture and Consumer Services such tax information as may be necessary to identify those applicants for registration as a supplier of charitable gaming supplies who have not filed required returns or who owe delinquent taxes; (xii) provide to the Department of Housing and Community Development for its confidential use such tax information as may be necessary to facilitate the administration of the remaining effective provisions of the Enterprise Zone Act (§ 59.1-270 et seq.), and the Enterprise Zone Grant Program (§ 59.1-538 et seq.); (xiii) provide current name and address information to private collectors entering into a written agreement with the Tax Commissioner, for their confidential use when acting on behalf of the Commonwealth or any of its political subdivisions; however, the Tax Commissioner is not authorized to provide such information to a private collector who has used or disseminated in an unauthorized or prohibited manner any such information previously provided to such collector; (xiv) provide current name and address information as to the identity of the wholesale or retail dealer that affixed a tax stamp to a package of cigarettes to any person who manufactures or sells at retail or wholesale cigarettes and who may bring an action for injunction or other equitable relief for violation of Chapter 10.1, Enforcement of Illegal Sale or Distribution of Cigarettes Act; (xv) provide to the Commissioner of Labor and Industry, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of unpaid wages under § 40.1-29; (xvi) provide to the Director of the Department of Human Resource Management, upon entering into a written agreement, such tax information as may be necessary to identify persons receiving workers' compensation indemnity benefits who have failed to report earnings as required by § 65.2-712; (xvii) provide to any commissioner of the revenue, director of finance, or any other officer of any county, city, or town performing any or all of the duties of a commissioner of the revenue and to any dealer registered for the collection of the Communications Sales and Use Tax, a list of the names, business addresses, and dates of registration of all dealers registered for such tax; and (xviii) provide to the Executive Director of the Northern Virginia Transportation Commission, or to the chief executive officer of the Northern Virginia Transportation Authority, as appropriate, for his confidential use such tax information as may be necessary to facilitate the collection of the motor vehicle fuel sales tax. The Tax Commissioner is further authorized to enter into written agreements with duly constituted tax officials of other states and of the United States for the inspection of tax returns, the making of audits, and the exchange of information relating to any tax administered

by the Department of Taxation. Any person to whom tax information is divulged pursuant to this section shall be subject to the prohibitions and penalties prescribed herein as though he were a tax official.

D. Notwithstanding the provisions of subsection A or B or any other provision of this title, the commissioner of revenue or other assessing official is authorized to (i) provide, upon written request stating the reason for such request, the chief executive officer of any county or city with information furnished to the commissioner of revenue by the Tax Commissioner relating to the name and address of any dealer located within the county or city who paid sales and use tax, for the purpose of verifying the local sales and use tax revenues payable to the county or city; (ii) provide to the Department of Professional and Occupational Regulation for its confidential use the name, address, and amount of gross receipts of any person, firm or entity subject to a criminal investigation of an unlawful practice of a profession or occupation administered by the Department of Professional and Occupational Regulation, only after the Department of Professional and Occupational Regulation exhausts all other means of obtaining such information; and (iii) provide to any representative of a condominium unit owners' association, property owners' association or real estate cooperative association, or to the owner of property governed by any such association, the names and addresses of parties having a security interest in real property governed by any such association; however, such information shall be released only upon written request stating the reason for such request, which reason shall be limited to proposing or opposing changes to the governing documents of the association, and any information received by any person under this subsection shall be used only for the reason stated in the written request. The treasurer or other local assessing official may require any person requesting information pursuant to clause (iii) of this subsection to pay the reasonable cost of providing such information. Any person to whom tax information is divulged pursuant to this subsection shall be subject to the prohibitions and penalties prescribed herein as though he were a tax official.

Notwithstanding the provisions of subsection A or B or any other provisions of this title, the treasurer or other collector of taxes for a county, city or town is authorized to provide information relating to any motor vehicle, trailer or semitrailer obtained by such treasurer or collector in the course of performing his duties to the commissioner of the revenue or other assessing official for such jurisdiction for use by such commissioner or other official in performing assessments.

This section shall not be construed to prohibit a local tax official from imprinting or displaying on a motor vehicle local license decal the year, make, and model and any other legal identification information about the particular motor vehicle for which that local license decal is assigned.

E. Notwithstanding any other provisions of law, state agencies and any other administrative or regulatory unit of state government shall divulge to the Tax Commissioner or his authorized agent, upon written request, the name, address, and social security number of a taxpayer, necessary for the performance of the Commissioner's official duties regarding the administration and enforcement of laws within the jurisdiction of the Department of Taxation. The receipt of information by the Tax Commissioner or his agent which may be deemed taxpayer information shall not relieve the Commissioner of the obligations under this section.

F. Additionally, it shall be unlawful for any person to disseminate, publish, or cause to be published any confidential tax document which he knows or has reason to know is a confidential tax document. A confidential tax document is any correspondence, document, or tax return that is prohibited from being divulged by subsection A, B, C, or D of this section and includes any document containing information on the transactions, property, income, or business of any person, firm, or corporation that is required to be filed with any state official by § 58.1-512. This prohibition shall not apply if such confidential tax document has been divulged or disseminated pursuant to a provision of law authorizing disclosure. Any person violating the provisions of this subsection shall be guilty of a Class 2 misdemeanor.

§ 58.1-638. Disposition of state sales and use tax revenue; localities' share; Game Protection Fund.

A. The Comptroller shall designate a specific revenue code number for all the state sales and use tax revenue collected under the preceding sections of this chapter.

1. The sales and use tax revenue generated by the one-half percent sales and use tax increase enacted by the 1986 Special Session of the General Assembly shall be paid, in the manner hereinafter provided in this section, to the Transportation Trust Fund as defined in § 33.1-23.03:1. Of the funds paid to the Transportation Trust Fund, an aggregate of 4.2 percent shall be set aside as the Commonwealth Port Fund as provided in this section; an aggregate of 2.4 percent shall be set aside as the Commonwealth Airport Fund as provided in this section; and an aggregate of 14.5 percent in fiscal year 1998-1999 and 14.7 percent in fiscal year 1999-2000 and thereafter shall be set aside as the Commonwealth Mass Transit Fund as provided in this section. The Fund's share of such net



revenue shall be computed as an estimate of the net revenue to be received into the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the Fund on the last day of each month.

2. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be a part of the Transportation Trust Fund and which shall be known as the Commonwealth Port Fund.

a. The Commonwealth Port Fund shall be established on the books of the Comptroller and the funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall remain in the Fund and be credited to it. Funds may be paid to any authority, locality or commission for the purposes hereinafter specified.

b. The amounts allocated pursuant to this section shall be allocated by the Commonwealth Transportation Board to the Board of Commissioners of the Virginia Port Authority to be used to support port capital needs and the preservation of existing capital needs of all ocean, river, or tributary ports within the Commonwealth.

c. Commonwealth Port Fund revenue shall be allocated by the Board of Commissioners to the Virginia Port Authority in order to foster and stimulate the flow of maritime commerce through the ports of Virginia, including but not limited to the ports of Richmond, Hopewell and Alexandria.

3. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be part of the Transportation Trust Fund and which shall be known as the Commonwealth Airport Fund. The Commonwealth Airport Fund shall be established on the books of the Comptroller and any funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on the funds shall be credited to the Fund. The funds so allocated shall be allocated by the Commonwealth Transportation Board to the Virginia Aviation Board. The funds shall be allocated by the Virginia Aviation Board to any Virginia airport which is owned by the Commonwealth, a governmental subdivision thereof, or a private entity to which the public has access for the purposes enumerated in § 5.1-2.16, or is owned or leased by the Metropolitan Washington Airports Authority (MWAA), as follows:

Any new funds in excess of \$12.1 million which are available for allocation by the Virginia Aviation Board from the Commonwealth Transportation Fund, shall be allocated as follows: 60 percent to MWAA, up to a maximum annual amount of \$2 million, and 40 percent to air carrier airports as provided in subdivision A 3 a. Except for adjustments due to changes in enplaned passengers, no air carrier airport sponsor, excluding MWAA, shall receive less funds identified under subdivision A 3 a than it received in fiscal year 1994-1995.

Of the remaining amount:

a. Forty percent of the funds shall be allocated to air carrier airports, except airports owned or leased by MWAA, based upon the percentage of enplanements for each airport to total enplanements at all air carrier airports, except airports owned or leased by MWAA. No air carrier airport sponsor, however, shall receive less than \$50,000 nor more than \$2 million per year from this provision.

b. Forty percent of the funds shall be allocated by the Aviation Board for air carrier and reliever airports on a discretionary basis, except airports owned or leased by MWAA.

c. Twenty percent of the funds shall be allocated by the Aviation Board for general aviation airports on a discretionary basis.

4. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be a part of the Transportation Trust Fund and which shall be known as the Commonwealth Mass Transit Fund.

a. The Commonwealth Mass Transit Fund shall be established on the books of the Comptroller and any funds remaining in such Fund at the end of the biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall be credited to the Fund. Funds may be paid to any local governing body, transportation district commission, or public service corporation for the purposes hereinafter specified.

b. The amounts allocated pursuant to this section shall be used to support the public transportation administrative costs and the costs borne by the locality for the purchase of fuels, lubricants, tires and maintenance parts and supplies for public transportation at a state share of 80 percent in 2002 and 95 percent in 2003 and succeeding years. These amounts may be used to support up to 95 percent of the local or nonfederal share of capital project costs for public transportation and ridesharing equipment, facilities, and associated costs. Capital costs may include debt service payments on local or agency transit bonds. The term "borne by the locality" means the local share eligible for state assistance consisting of costs in excess of the sum of fares and other operating revenues plus federal assistance received by the locality.

c. Commonwealth Mass Transit Fund revenue shall be allocated by the Commonwealth Transportation Board as follows:

(1) Funds for special programs, which shall include ridesharing, experimental transit, and technical assistance, shall not exceed 1.5 percent of the Fund.

(2) The Board may allocate these funds to any locality or planning district commission to finance up to 80 percent of the local share of all costs associated with the development, implementation, and continuation of ridesharing programs.

(3) Funds allocated for experimental transit projects may be paid to any local governing body, transportation district commission, or public corporation or may be used directly by the Department of Rail and Public Transportation for the following purposes:

(a) To finance up to 95 percent of the capital costs related to the development, implementation and promotion of experimental public transportation and ridesharing projects approved by the Board.

(b) To finance up to 95 percent of the operating costs of experimental mass transportation and ridesharing projects approved by the Board for a period of time not to exceed 12 months.

(c) To finance up to 95 percent of the cost of the development and implementation of any other project designated by the Board where the purpose of such project is to enhance the provision and use of public transportation services.

d. Funds allocated for public transportation promotion and operation studies may be paid to any local governing body, planning district commission, transportation district commission, or public transit corporation, or may be used directly by the Department of Rail and Public Transportation for the following purposes and aid of public transportation services:

(1) At the approval of the Board to finance a program administered by the Department of Rail and Public Transportation designed to promote the use of public transportation and ridesharing throughout Virginia.

(2) To finance up to 50 percent of the local share of public transportation operations planning and technical study projects approved by the Board.

e. At least 73.5 percent of the Fund shall be distributed to each transit property in the same proportion as its operating expenses bear to the total statewide operating expenses and shall be spent for the purposes specified in subdivision 4 b.

f. The remaining 25 percent shall be distributed for capital purposes on the basis of 95 percent of the nonfederal share for federal projects and 95 percent of the total costs for nonfederal projects. In the event that total capital funds available under this subdivision are insufficient to fund the complete list of eligible projects, the funds shall be distributed to each transit property in the same proportion that such capital expenditure bears to the statewide total of capital projects. Prior to the annual adoption of the Six-Year Improvement Program, the Commonwealth Transportation Board may allocate up to 20 percent of the funds in the Commonwealth Mass Transit Fund designated for capital purposes to transit operating assistance if operating funds for the next fiscal year are estimated to be less than the current fiscal year's allocation, to attempt to maintain transit operations at approximately the same level as the previous fiscal year.

g. There is hereby created in the Department of the Treasury a special nonreverting fund known as the Commonwealth Transit Capital Fund. The Commonwealth Transit Capital Fund shall be part of the Commonwealth Mass Transit Fund. The Commonwealth Transit Capital Fund subaccount shall be established on the books of the Comptroller and consist of such moneys as are appropriated to it by the General Assembly and of all donations, gifts, bequests, grants, endowments, and other moneys given, bequeathed, granted, or otherwise made available to the Commonwealth Transit Capital Fund. Any funds remaining in the Commonwealth Transit Capital Fund at the end of the biennium shall not revert to the general fund, but shall remain in the Commonwealth Transit Capital Fund. Interest earned on funds within the Commonwealth Transit Capital Fund shall remain in and be credited to the Commonwealth Transit Capital Fund. Proceeds of the Commonwealth Transit Capital Fund may be paid to any political subdivision, another public entity created by an act of the General Assembly, or a private entity as defined in § 56-557 and for purposes as enumerated in subdivision 4c of § 33.1-269 or expended by the Department of Rail and Public Transportation for the purposes specified in this subdivision. Revenues of the Commonwealth Transit Capital Fund shall be used to support capital expenditures involving the establishment, improvement, or expansion of public transportation services through specific projects approved by the Commonwealth Transportation Board. Projects financed by the Commonwealth Transit Capital



Fund shall receive local, regional or private funding for at least 20 percent of the nonfederal share of the total project cost.

5. Funds for Metro shall be paid by the Northern Virginia Transportation Commission (NVTC), or by the Northern Virginia Transportation Authority (NVTA) once such function is transferred to the NVTA, to the Washington Metropolitan Area Transit Authority (WMATA) and be a credit to the Counties of Arlington and Fairfax and the Cities of Alexandria, Falls Church and Fairfax in the following manner:

a. Local obligations for debt service for WMATA rail transit bonds apportioned to each locality using WMATA's capital formula shall be paid first by NVTC. NVTC shall use 95 percent state aid for these payments.

b. The remaining funds shall be apportioned to reflect WMATA's allocation formulas by using the related WMATA-allocated subsidies and relative shares of local transit subsidies. Capital costs shall include 20 percent of annual local bus capital expenses. Hold harmless protections and obligations for NVTC's jurisdictions agreed to by NVTC on November 5, 1998, shall remain in effect.

Appropriations from the Commonwealth Mass Transit Fund are intended to provide a stable and reliable source of revenue as defined by Public Law 96-184.

B. The sales and use tax revenue generated by a one percent sales and use tax shall be distributed among the counties and cities of this Commonwealth in the manner provided in subsections C and D.

C. The localities' share of the net revenue distributable under this section among the counties and cities shall be apportioned by the Comptroller and distributed among them by warrants of the Comptroller drawn on the Treasurer of Virginia as soon as practicable after the close of each month during which the net revenue was received into the state treasury. The distribution of the localities' share of such net revenue shall be computed with respect to the net revenue received into the state treasury during each month, and such distribution shall be made as soon as practicable after the close of each such month.

D. The net revenue so distributable among the counties and cities shall be apportioned and distributed upon the basis of the latest yearly estimate of the population of cities and counties ages five to 19, provided by the Weldon Cooper Center for Public Service of the University of Virginia. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for persons who are domiciled in orphanages or charitable institutions or who are dependents living on any federal military or naval reservation or other federal property within the school division in which the institutions or federal military or naval reservation or other federal property is located. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for members of the military services who are under 20 years of age within the school division in which the parents or guardians of such persons legally reside. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for persons who are confined in state hospitals, state training schools or state training centers for the mentally retarded, mental institutions, or state or federal correctional institutions or who attend the Virginia School for the Deaf and the Blind within the school division in which the parents or guardians of such persons legally reside. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for persons who attend institutions of higher education within the school division in which the student's parents or guardians legally reside. To such estimate, the Department of Education shall add the population of students with disabilities, ages two through four and 20 through 21, as provided to the Department of Education by school divisions. The revenue so apportionable and distributable is hereby appropriated to the several counties and cities for maintenance, operation, capital outlays, debt and interest payments, or other expenses incurred in the operation of the public schools, which shall be considered as funds raised from local resources. In any county, however, wherein is situated any incorporated town constituting a school division, the county treasurer shall pay into the town treasury for maintenance, operation, capital outlays, debt and interest payments, or other expenses incurred in the operation of the public schools, the proper proportionate amount received by him in the ratio that the school population of such town bears to the school population of the entire county. If the school population of any city or of any town constituting a school division is increased by the annexation of territory since the last estimate of school population provided by the Weldon Cooper Center for Public Service, such increase shall, for the purposes of this section, be added to the school population of such city or town as shown by the last such estimate and a proper reduction made in the school population of the county or counties from which the annexed territory was acquired.

E. Beginning July 1, 2000, of the remaining sales and use tax revenue, the revenue generated by a two percent sales and use tax, up to an annual amount of \$13 million, collected from the sales of hunting equipment, auxiliary

12051 hunting equipment, fishing equipment, auxiliary fishing equipment, wildlife-watching equipment, and auxiliary  
12052 wildlife-watching equipment in Virginia, as estimated by the most recent U.S. Department of the Interior, Fish  
12053 and Wildlife Service and U.S. Department of Commerce, Bureau of the Census National Survey of Fishing,  
12054 Hunting, and Wildlife-Associated Recreation, shall be paid into the Game Protection Fund established under §  
12055 29.1-101 and shall be used, in part, to defray the cost of law enforcement. Not later than 30 days after the close of  
12056 each quarter, the Comptroller shall transfer to the Game Protection Fund the appropriate amount of collections to  
12057 be dedicated to such Fund. At any time that the balance in the Capital Improvement Fund, established under §  
12058 29.1-101.01, is equal to or in excess of \$35 million, any portion of sales and use tax revenues that would have  
12059 been transferred to the Game Protection Fund, established under § 29.1-101, in excess of the net operating  
12060 expenses of the Board, after deduction of other amounts which accrue to the Board and are set aside for the Game  
12061 Protection Fund, shall remain in the general fund until such time as the balance in the Capital Improvement Fund  
12062 is less than \$35 million.

12063 F. 1. Of the net revenue generated from the one-half percent increase in the rate of the state sales and use tax  
12064 effective August 1, 2004, pursuant to enactments of the 2004 Special Session I of the General Assembly, the  
12065 Comptroller shall transfer from the general fund of the state treasury to the Public Education Standards of  
12066 Quality/Local Real Estate Property Tax Relief Fund established under § 58.1-638.1 an amount equivalent to one-  
12067 half of the net revenue generated from such one-half percent increase as provided in this subdivision. The  
12068 transfers to the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund under this  
12069 subdivision shall be for one-half of the net revenue generated (and collected in the succeeding month) from such  
12070 one-half percent increase for the month of August 2004 and for each month thereafter.

12071 2. For the purposes of the Comptroller making the required transfers under subdivision 1, the Tax  
12072 Commissioner shall make a written certification to the Comptroller no later than the twenty-fifth of each month  
12073 certifying the sales and use tax revenues generated in the preceding month. Within three calendar days of  
12074 receiving such certification, the Comptroller shall make the required transfers to the Public Education Standards  
12075 of Quality/Local Real Estate Property Tax Relief Fund.

12076 G. If errors are made in any distribution, or adjustments are otherwise necessary, the errors shall be corrected  
12077 and adjustments made in the distribution for the next quarter or for subsequent quarters.

12078 H. The term "net revenue," as used in this section, means the gross revenue received into the general fund or  
12079 the Transportation Trust Fund of the state treasury under the preceding sections of this chapter, less refunds to  
12080 taxpayers.

12081 116. That during the transition period prior to July 1, 2013, rules, issues and goals are to be discussed and  
12082 identified by the membership of the Northern Virginia Transportation Commission and the Northern  
12083 Virginia Transportation Authority in consultation with any and all interested stakeholders including the  
12084 local governments encompassed by the entities, the Department of Transportation, and the Department of  
12085 Rail and Public Transportation.

12086 117. That the provisions of the 115th and 116th enactments of this act shall become effective on July 1,  
12087 2013.\*

12088 118. That §§ 2.2-4024, 46.2-649.1, and 46.2-1217 of the Code of Virginia are amended and reenacted and  
12089 that the Code of Virginia is amended by adding in Title 52 a chapter numbered 12, consisting of sections  
12090 numbered 52-50 through 52-75 as follows:

12091 § 2.2-4024. Hearing officers.

12092 A. In all formal hearings conducted in accordance with § 2.2-4020, the hearing shall be presided over by a  
12093 hearing officer selected from a list prepared by the Executive Secretary of the Supreme Court and maintained in  
12094 the Office of the Executive Secretary of the Supreme Court. Parties to informal fact-finding proceedings  
12095 conducted pursuant to § 2.2-4019 may agree at the outset of the proceeding to have a hearing officer preside at the  
12096 proceeding, such agreement to be revoked only by mutual consent. The Executive Secretary may promulgate rules  
12097 necessary for the administration of the hearing officer system and shall have the authority to establish the number  
12098 of hearing officers necessary to preside over administrative hearings in the Commonwealth.

12099 Prior to being included on the list, all hearing officers shall meet the following minimum standards:

- 12100 1. Active membership in good standing in the Virginia State Bar;  
12101 2. Active practice of law for at least five years; and

2011 SESSION

INTRODUCED

10102762D

**HOUSE BILL NO. 876**

Offered January 13, 2010

Prefiled January 13, 2010

*A BILL to amend the Code of Virginia by adding in Article 15 of Chapter 1 of Title 33.1 a section numbered 33.1-223.2:23, relating to installation and maintenance of fences along Interstate Highway System components.*

\_\_\_\_\_  
Patron—Cline

\_\_\_\_\_  
Referred to Committee on Transportation

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Article 15 of Chapter 1 of Title 33.1 a section numbered 33.1-223.2:23 as follows:**

*§ 33.1-223.2:23. Installation and maintenance of fences along Interstate Highway System components.*

*In all matters relating to the installation and maintenance of fences along Interstate Highway System components, the Department of Transportation shall adhere to all policies or other requirements of the county, city, or town in which the fence is located or to be located.*

INTRODUCED

HB876

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## LEGISLATIVE Alert

AMERICAN PUBLIC TRANSPORTATION ASSOCIATION



February 1, 2012

### **HOUSE TRANSPORTATION & INFRASTRUCTURE COMMITTEE AND SENATE BANKING COMMITTEE MOVE FORWARD ON AUTHORIZATION PROPOSALS; FUNDING PROPOSALS TO COME**

Major action on surface transportation authorization bills will occur this week in the House and Senate, as the House Transportation & Infrastructure (T&I) Committee and the Senate Banking, Housing, and Urban Affairs Committee are each scheduled to mark-up their respective authorization proposals on Thursday, February 2. While the T&I Committee will lead efforts on the House proposal, other committees will have important roles in crafting financing portions of the bill. The House Ways and Means Committee, as well as the Energy and Commerce, and the Natural Resources Committees will develop separate financing titles for the bill.

Indications are that the House Leadership has worked with those committees to set a mark-up schedule that will allow the multiple measures to be completed in time for floor and subsequent conference committee action before the current authorization extension expires on March 31. The House Natural Resources Committee held its mark-up of [energy development provisions](#) earlier today.

The Senate Banking, Housing, and Urban Affairs Committee will mark up the transit title of the Senate bill on Thursday as well. The Environment and Public Work Committee has already marked up the highway title of the bill, and the Senate Finance Committee, which oversees the revenue, financing and trust fund elements of the surface transportation bill, is tentatively scheduled to mark up the financing title next week.

#### **House Transportation & Infrastructure Committee**

Information included here is based on a preliminary review of legislative language released this week. APTA continues to review the details of the House T&I bill. One major change from the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) is the elimination of the Mass Transit Account of the Highway Trust Fund and the creation of a new Alternative Transportation Account. Transit programs previously funded under the Mass Transit Account, along with several programs previously funded under the Highway Account, will be funded under the new account, which remains in the Highway Trust Fund. APTA awaits the release of draft language from the House Ways and Means, Natural Resources, and Energy and Commerce Committees, to determine exactly how the House proposal will be funded. APTA believes strongly that motor fuel tax revenues now dedicated to transit investment must remain dedicated to transit programs.

Under the House proposal, authorized funding for transit formula, capital investment and research funding are consistent with Fiscal Year (FY) 2012 levels but still below FY 2011 amounts. The bill includes a number of changes that APTA has recommended, such as: a permanent exemption for transit vehicles from highway axle weight limits; major increases in the Transportation Infrastructure Finance and Innovation Act program; and the replication of the Federal Highway Administration (FHWA) SEP-15 program within Federal Transit Administration (FTA); among other items.

The House T&I bill provides \$10.498 billion, slightly above the full FY 2012 level, for FTA programs during the period of FY 2013 through FY 2016. The bill extends the current authorization for FTA programs in FY 2012 at current appropriations levels. It provides a modest increase in funding to the Urbanized Area Formula program (Sec. 5307) and eliminates the Growing States and High Density (Sec. 5340) formula program, effectively redistributing those funds to core urban and rural formula programs. Consistent with APTA's legislative recommendations, the House T&I bill combines the Elderly and Disabled (Sec. 5310), New Freedoms (Sec. 5317), and Job Access and Reverse Commute (JARC) (Sec. 5316) programs into a Coordinated Access and Mobility Program, increasing the authorization for the combined programs by over \$100 million.

The House bill also provides a significant increase in funding for rural programs. The House bill does not make significant changes to the fixed guideway modernization program, and it increases annual funding slightly above

the FY 2012 level. The bill alters significantly the Bus and Bus Facilities program, converting it to a formula program based on bus factors under the urban formula and limiting grants under the program to “providers of public transportation in urbanized areas that operate fixed route bus services and that do not operate heavy rail, commuter rail, or light rail services.” The House bill also repeals the Clean Fuels Formula program, along with the Alternative Transportation in Parks program. The House T&I Committee has sought to consolidate and streamline programs throughout the bill. No authority is provided to the FTA for a Federal Public Transit Safety program, although the committee bill does enhance the existing State Safety Oversight (SSO) structure. Finally, Capital Investment Grants (New Starts/Small Starts), FTA Administration, and Transit Research are funded through the General Fund (as under current law) at FY 2012 levels. Provisions are included within the Capital Investment Grants section aimed at expediting project delivery, and the bill renews the statutory federal share of 80 percent for new capital investment grants.

The House T&I bill also contains language extending the deadline for implementing Positive Train Control (PTC) systems to December 31, 2020. It also makes high-speed intercity passenger rail an eligible expense under the Railroad Rehabilitation and Improvement Financing (RRIF) loan program and reduces Amtrak operating grants by 25 percent.

[View detailed table reflecting the funding levels and program changes in the House Public Transportation title](#)

[View full House T&I Committee bill](#)

### **Senate Banking, Housing and Urban Affairs Committee**

On Monday, January 30 Senate Banking Committee Chairman Tim Johnson (D-SD) and Ranking Member Richard Shelby (R-AL) released a bipartisan agreement that incorporates many ideas from both sides of the aisle.

On Thursday, February 2 the Committee will mark up the transit title that authorizes two years of funding for FTA programs at FY 2012 levels (similar to the highway title approved earlier). The Committee’s bill authorizes an increase of more than \$600 million for the Urbanized Area Formula program (Sec. 5307), but unlike the House bill it retains the Growing States and High Density States formula program and relocates a modified JARC program to Sec. 5307. The bill includes a modified “100 bus rule”, allowing systems with 75 to 100 buses operating in peak service to use up to 25 percent of their formula funds for operating expenses and those operating 75 or fewer buses to use up to 50 percent for operating expenses. In addition, it includes language allowing public transportation providers flexibility to use a limited portion of their 5307 funds for operating assistance for up to two years during periods of high unemployment, contingent on certain criteria being met.

In a significant programmatic change, the Banking Committee bill eliminates the Bus and Bus Facilities Discretionary program and the current fixed guideway modernization program, and creates a new “High Intensity” State of Good Repair (SGR) program for both rail and bus fixed guideway programs, authorizing \$1.987 billion for this new program. It makes significant changes to the distribution of these funds, eliminating the formula tiers of the current rail modernization program and replacing that formula with a new formula based on revenue vehicle miles and route miles. High-occupancy vehicle lanes would no longer qualify for funding unless they are reserved exclusively for public transportation vehicles. The new High Intensity Bus SGR program is aimed at systems with a large number of bus rapid transit, express bus or other high intensity bus routes that may not qualify as a fixed guideway.

The bill authorizes the Clean Fuel Grant Program as a competitive program to provide grants for the acquisition of clean fuel vehicles and related equipment, the construction of facilities for clean fuel vehicles, and the rehabilitation of existing facilities to accommodate the use of clean fuel vehicles. Additionally, the Committee has included a Coordinate Access and Mobility Program, structured slightly differently from the House bill, but nonetheless combining the Elderly and Disabled and New Freedom programs. It creates separate urban and rural JARC programs funded with a portion of formula funding. The bill also restructures the Transit Research program, creates a Technical Assistance grant program, authorizes a workforce development program, and funds these programs, along with the Transit Cooperative Research Program (TCRP) and the National Transit Institute (NTI) through the Mass Transit Account (as opposed to the General Fund).

Like the House bill, Capital Investment Grants (New Starts) are funded at the FY 2012 level of \$1.955 billion, and the Committee includes language aimed at simplifying the program and streamlining project delivery.

Also included in the Senate Banking bill is language creating a Federal Public Transportation Safety Oversight program similar to legislation previously adopted by the Committee. Authority for the program is included within the FTA Administration account and funded through General Funds.

[View detailed table reflecting the funding levels and program changes in the Senate Banking title](#)

[View Senate Banking Committee summary of the bill](#)

[View full text of the bill](#)

For questions on these issues, please contact Brian Tynan of APTA's Government Affairs Department at (202) 496-4897, or [btynan@apta.com](mailto:btynan@apta.com).



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Estimated Funding Levels from U.S. House of Representatives American Energy and Infrastructure Jobs Act of 2012  
January 31, 2012

| Program   | FY 2011<br>Appropriation<br>(Millions) | FY 2012 Estimated<br>Appropriation Under<br>Current Law<br>(Millions) | FY 2013 through<br>FY 2016 Annual<br>House Authorization<br>(Millions) |
|---|--|---|--|
| Total All Programs                              | 10,097.6                               | 10,458.3  | 10,498.0   |
| Programs Funded from the Highway Trust Fund     |  |   |  |
| Formula Programs Total                          | 8,343.2                                | 8,360.6   | 8,400.0  |
| § 5305 Planning Subtotal                        | 113.3                                  | 113.5   | 126.0  |
| § 5303 Metropolitan Transportation Planning     | 93.7                                   | 93.9  | 104.2  |
| § 5304 Statewide Transportation Planning        | 19.6                                   | 19.6  | 21.8   |
| § 5307 Urbanized Area Subtotal                  | 4,542.6                                | 4,551.9   | 4,574.5  |
| UZA Bus Basic Over 1,000,000 Population         | 1,656.9                                | 1,660.3   | 1,788.7  |
| UZA Bus Basic 200,000 to 1,000,000 Population   | 600.8                                  | 602.0   | 648.6  |
| UZA Bus Basic Less Than 200,000 Population      | 383.1                                  | 383.9   | 413.6  |
| UZA Bus Incentive                               | 228.7                                  | 229.2   | 246.9  |
| UZA Fixed-Guideway Basic                        | 1,186.3                                | 1,188.8   | 1,280.7  |
| UZA Fixed-Guideway Incentive                    | 54.5                                   | 54.6  | 58.8   |
| UZA Small Transit Incentive Cities              | 41.5                                   | 41.6  | 91.5   |
| § 5336(k) State Safety Oversight                | ---                                    | ---   | 45.7   |
| § 5311 Growing States, Urbanized Area           | 158.8                                  | 159.0   | ---  |
| § 5311 High Density States, Urbanized Area      | 232.0                                  | 232.5   | ---  |
| § 5308 Clean Fuels Formula                      | 51.4                                   | 51.5  | ---  |
| § 5309(m)(2)(B) Fixed-Guideway Modernization    | 1,663.0                                | 1,666.5   | ---  |
| § 5337 Fixed-Guideway Modernization             | ---                                    | ---   | 1,680.0  |
| § 5309(m)(2)(C) Bus and Bus Facilities          | 982.0                                  | 984.0   | ---  |
| § 5310 Bus and Bus Facilities                   | ---                                    | ---   | 840.0  |
| § 5310 Elderly and Disabled                     | 133.2                                  | 133.5   | ---  |
| § 5311 Rural Area Subtotal                      | 537.2                                  | 538.5   | 672.0  |
| Basic Rural Formula                             | 439.8                                  | 440.7   | 658.6  |
| § 5311(b)(3) RTAP                               | 9.3                                    | 9.3   | 13.4   |
| § 5311(c)(1) Transit on Indian Reservations     | 15.0                                   | 15.0  | ---  |
| § 5340 Growing States, Rural                    | 73.2                                   | 73.5  | ---  |
| § 5316 Job Access and Reverse Commute           | 164.2                                  | 164.5   | ---  |
| § 5317 New Freedom                              | 92.3                                   | 92.5  | ---  |
| § 5317 Coordinated Access and Mobility Subtotal | ---                                    | ---   | 504.0  |
| § 5317(d)(1)(A) UZAs 200,000 Pop. or More       | ---                                    | ---   | 252.0  |
| § 5317(d)(1)(B) UZAs Below 200,000 Population   | ---                                    | ---   | 126.0  |
| § 5317(d)(1)(C) Rural Areas                     | ---                                    | ---   | 126.0  |
| § 5320 Alternative Transportation in Parks      | 26.8                                   | 26.9  | ---  |
| § 5335 National Transit Database                | 3.5                                    | 3.5   | 3.5  |
| § 5339 Alternatives Analysis                    | 24.9                                   | 25.0  | ---  |
| § 3038 Over-the Road Bus Subtotal               | 8.8                                    | 8.8   | ---  |
| Intercity Fixed-Route Over-the-Road Bus Service | 6.6                                    | 6.6   | ---  |
| Other Over-the-Road Bus Service                 | 2.2                                    | 2.2   | ---  |
| Programs Funded from General Revenues           |  |   |  |
| § 5309(m)(2)(C) New Starts Total                | 1,596.8                                | 1,955.0   | 1,955.0  |
| Research Total                                  | 58.9                                   | 44.0  | 45.0   |
| § 5313(a) TCRP                                  | 10.0                                   | 6.5   | ---  |
| § 5312(c) TCRP                                  | ---                                    | ---   | asca   |
| § 5315 National Transit Institute               | 4.3                                    | 3.5   | ---  |
| § 5322(c) National Transit Institute            | ---                                    | ---   | asca   |
| § 5314 National Research                        | 37.6                                   | 30.0  | ---  |
| § 5322(d) Technical Assistance                  | ---                                    | ---   | asca   |
| § 5506 University Centers                       | 7.0                                    | 4.0   | ---  |
| FTA Operations                                  | 98.7                                   | 98.7  | 98.0   |

asca = as the Secretary [of U.S. DOT] considers appropriate

## **Federal Public Transportation Act of 2012**

### **Bill Highlights**

- Reauthorizes federal public transportation programs at current funding levels for two fiscal years.
- Improves the safety of public transportation systems by improving the effectiveness of federal and state oversight and requiring public transportation safety plans at transit agencies.
- Establishes a system to monitor and manage public transportation assets to improve safety and increase reliability and performance.
- Eliminates earmarks from federal transit programs.
- Streamlines the New Starts process for transit construction to accelerate project delivery by eliminating duplicative steps and speed federal decision-making.
- Establishes a State of Good Repair program to assist public transportation systems in addressing the backlog of maintenance needs.

### **Sec. 3005, 49 USC 5303/5304, Metropolitan and State Transportation Planning**

- Improves metropolitan and statewide planning processes to incorporate a more comprehensive performance-based approach, drawing on the planning provisions developed in the “Moving Ahead for Progress in the 21st Century Act” as reported by the Committee on Environment and Public Works. The use of performance targets will assist metropolitan areas and states in targeting limited resources to improve the condition and performance of transportation assets, including public transportation assets.
- Existing metropolitan planning organizations (MPOs) will be required to meet minimum requirements established by the Secretary of Transportation. All existing MPOs will have the opportunity to review their planning process in order to meet the new minimum requirements.
- Creates a pilot program for transit-oriented development planning to advance planning efforts that support transit-oriented development around fixed guideway capital investment and core capacity projects (New Starts projects). Improved development around public transportation projects enhances economic development, increases transit ridership, and promotes multi-modal connectivity and accessibility. Grants for planning will help communities develop strategies to facilitate transit-oriented development.

### **Sec. 3007, 49 USC 5306, Public Transportation Emergency Relief Program**

- Establishes a program to assist States and public transportation systems pay for unusually heavy expenses resulting from a disaster.



Secs. 3008 and 3027, 49 USC 5307 and 5336, Urbanized Area Formula Grants

- Maintains the basic structure for urbanized area grants under Section 5307. The program continues to be the largest program for federal investment in public transportation. The “Job Access and Reverse Commute” program (JARC) has been moved to Section 5307.
- Maintains the existing criteria for use of 5307 funds for capital projects (operating expenses continue to be ineligible) in urban areas with a population greater than 200,000. In addition, the bill maintains language allowing rural areas to use up to 100 percent of their 5307 funding for operating expenses. A modified “100 bus rule” has been included, allowing systems with 75-100 buses operating in peak service to use up to 25% of their 5307 funding for operating expenses and those operating 75 or fewer buses to use up to 50% for operating expenses.
- Includes a provision establishing a program to allow public transportation providers temporary flexibility during periods of high unemployment to use a limited portion of their 5307 funds for up to two years, provided they meet the established criteria, for operating expenses.

Sec. 3009, 49 USC 5308, Clean Fuel Grant Program

- Establishes the Clean Fuel Grant Program as a competitive program to support the use of clean fuel vehicles in public transportation. Grants will be available for the acquisition of clean fuel vehicles and related equipment, the construction of facilities for clean fuel vehicles, and the rehabilitation of existing facilities to accommodate the use of clean fuel vehicles.
- Grants can be made to all modes of public transportation, but not less than 65 percent of available funds in each fiscal year must fund eligible bus-related projects, and not less than 10 percent of available funds in each fiscal year must fund eligible bus-related facility and infrastructure projects.

Sec. 3010, 49 USC 5309, Fixed Guideway Capital Investment Grants (New Starts)

- Reforms and streamlines the “Fixed Guideway Capital Investment Grant” program (previously the “Major Capital Investment Grant” or “New Starts” program). Based on extensive feedback from project sponsors and other stakeholders, the bill streamlines the New Starts process to accelerate project delivery by eliminating duplicative steps in project development and instituting a modified program structure that will allow the Federal Transit Administration to review proposals quickly, without sacrificing effective project oversight.
- Duplicative steps in the existing process are eliminated under the bill, and the number of federal approvals required to advance a project is decreased. \*See Attached Flow Chart.
- Projects under \$100 million can utilize an expedited review process if they meet standards of similar highly qualified projects. The bill also creates a category of demonstration projects for

sponsors that propose a significant amount of local and/or private funding and reduce the federal commitment required for the projects.

- Establishes a new category for capital investment projects by authorizing core capacity projects, which will undergo the same process as other true “new starts” projects but provide an opportunity for existing systems to make necessary but significant investments that are currently not eligible for funding.
- Modifies the definition of Bus Rapid Transit project eligible under this Section to ensure that such projects actually mimic the characteristics of fixed guideway systems.

#### Sec. 3011, 49 USC 5310, Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities

- Consolidates the existing “Elderly and Disabled” (Sec. 5310) and “New Freedom” (Sec. 5317) programs into a single program that increases the level of resources available beyond the level of funding available under existing programs.
- The consolidated program will continue to ensure support for non-profit providers of transportation, and it will continue to make available funds to public transportation services that exceed the requirements of the Americans with Disabilities Act, as previously provided under the “New Freedom” program.
- Maintains the requirement for communities to develop a coordinated public transportation-human services transportation plan to improve the delivery of service.

#### Sec. 3012, 49 USC 5311, Formula Grants for Other Than Urbanized Areas (Rural Formula)

- Maintains the existing structure providing funding to states for public transportation in rural areas. The 5311 formula is expanded to include the rural component of the current “Job Access and Reverse Commute” program that is being eliminated, and the level of public transportation service that is provided within a state’s rural areas will be considered in the distribution of new funds.
- Funding for the “Public Transportation on Indian Reservations” program is increased to \$30 million. The Secretary will distribute \$10 million competitively each fiscal year, and \$20 million will be available to Indian Tribes as formula grants to continue and expand public transportation services.
- Establishes a new “Appalachian Development Public Transportation Program” to distribute \$20 million to states within the Appalachian region with a goal of providing greater public transportation opportunities to residents in these challenged areas.

Sec. 3013, 49 USC 5312, Research, Development, Demonstration, and Deployment Projects

- Modifies the existing research program by eliminating earmarks and reforming the program to provide research focused on public transportation with a goal of providing meaningful results.
- Creates a clearly delineated pipeline with criteria for continued progress with a goal of taking an idea from the research phase through to demonstration and deployment in the field.
- For the first time, the program specifically provides funding for demonstration and deployment of products and services that may benefit public transportation; a major impediment to putting new technology to use in the field often cited by public transportation providers.

Sec. 3014, 49 USC 5314, Technical Assistance and Standards Development

- Provides grants for activities that help public transportation systems more effectively and efficiently provide public transportation service and helps grant recipients administer funds received under this chapter;
- Authorizes the Federal Transit Administration to continue making grants for the development of voluntary standards by the public transportation related to procurement, safety and other subjects and authorizes the Secretary to fund technical assistance centers to assist grant recipients following a competitive process.

Sec. 3015, 49 USC 5318, Bus Testing Facilities

- Instructs the Secretary to certify no more than 4 comprehensive facilities for testing new bus models for maintainability, reliability, safety, performance (including braking performance), structural integrity, fuel economy, emissions, and noise.
- Includes a new requirement that vehicles tested at these facilities meet the requirements (receive a passing grade) established by the Secretary in order for a recipient to spend federal dollars to procure the vehicle.

Sec. 3016, 49 USC 5322, Public Transportation Workforce Development and Human Resource Programs

- Authorizes the Secretary to make grants, or enter into contracts for, activities that address human resource and workforce needs as they apply to public transportation activities.
- Requires public transportation agencies to spend a portion of their 5307 formula funding on workforce development activities, unless the Secretary determines that a transit agency has an adequate workforce development program or has partnered with a local educational institution to sufficiently addresses workforce development and human resource needs.

- Creates the Innovative Public Transportation Workforce Development Program, a competitive grant program to promote and assist the development of innovative workforce development and human resource activities within the public transportation industry.

Sec. 3019, 49 USC 5326, Transit Asset Management

- Establishes a system to monitor and manage public transportation assets to improve safety and increase reliability and performance. Recipients are required to establish and use an asset management system to develop capital asset inventories and condition assessments, and report on the condition of their system as a whole, including a description of the change in overall condition since the last report.
- The Secretary of Transportation is required to define the term ‘state of good repair,’ including objective standards for measuring the condition of capital assets.

Sec. 3021, 49 USC 5329, Public Transportation Safety Program

- Establishes a National Public Transportation Safety Plan to improve the safety of all public transportation systems that receive Federal funding. The Secretary will develop minimum performance standards for vehicles used in public transportation and establish a training program for Federal and State employees who conduct safety audits and examinations of public transportation systems.
- Requires public transportation agencies to establish comprehensive safety plans, thus encouraging a “culture of safety” in which each employee completes a safety training program that includes continuing safety education and training. Public transportation agency safety plans will be approved by the agency’s board of directors, and reviewed and updated annually.
- Improves the effectiveness of State Safety Oversight Agencies and increases federal funding for safety. States will submit proposals for state safety oversight programs for rail fixed guideway public transportation systems to the Secretary, and upon approval, receive funding at an 80 percent Federal share. The Act builds on the existence of State safety oversight agencies and requires them to be independent legal entities that have the authority, staff training and expertise to enforce Federal safety law.
- Provides new enforcement over public transportation safety to the Secretary of Transportation. In the event a public transportation agency is in violation of Federal safety law, the Secretary will have the authority to require more frequent oversight; impose more frequent reporting requirements; impose conditions on grants; withhold grant funds; and impose civil penalties. Public transportation agencies will be given the opportunity to address violations before these penalties are imposed, and Congress must be notified prior to the Secretary withholding grant funds or imposing civil penalties.

#### Sec 3027, 49 USC 5337, State of Good Repair Grant Program

- Modernizes, and renames, the old “Rail Modernization” program by establishing a program structure and defining eligible expenses under the program with a goal of moving all systems towards a state of good repair and enabling systems to maintain a state of good repair.
- The program has two major components: a rail fixed guideway state of good repair formula program and a high intensity bus state of good repair formula program. In addition, the bill establishes a discretionary grant program for rail fixed guideway systems.
- Funding tiers and earmarks in the old rail modernization program have been eliminated and replaced with a new structure that focuses on the age of the system, revenue vehicle miles and directional route miles. Additionally, the new proposal no longer recognizes highway high occupancy vehicle lanes as eligible directional route miles if they are not reserved for the sole use of public transportation vehicles.
- The new high intensity bus state of good repair formula program focuses on systems that have a large number of bus rapid transit, express bus or other high intensity bus routes that may not qualify as a fixed guideway.

#### Sec. 3029, 49 USC 5338, Authorizations

- See Attached table for funding amounts

#### Sec. 3030, 49 USC 5340, Apportionments based on growing States and high density States formula factors

- Maintains the existing formula for providing funding to growing states and high density states

|   | FPTA -- TF        | FPTA -- GF       |
|---|-------------------|------------------|
| <b>Administration</b>   |                   | \$ 108,350,000   |
| Section 5329 -- Safety [non-add]  |                   | [\$10,000,000]   |
| Section 5326 -- Asset Management Program [non-add]                                |                   | [\$1,000,000]    |
| <b>Section 5305 Planning Programs</b>   | \$ 144,850,000    |                  |
| Section 5303 Metropolitan Transportation Planning Program [non-add]               | [\$103,275,920]   |                  |
| Transit Oriented Development Pilot - Planning [non-add]                           | [\$20,000,000]    |                  |
| Section 5304 Statewide Transportation Planr.                                      | [\$21,574,080]    |                  |
| <b>Section 5306 Emergency Relief</b>  |                   |                  |
|   |                   |                  |
| <b>Section 5307 Urbanized Area Formula Program</b>                                | \$ 4,756,161,500  |                  |
| Job Access and Reverse Commute [non-add]  | [\$144,760,000]   |                  |
| Ferry takedown (of which \$10M is for geographically constrained areas) [non-add] | [\$35,000,000]    |                  |
| Takedown -- STIC (1% of the total apportionment) [non-add]                        | [\$45,763,915]    |                  |
| <b>Section 5308 Clean Fuels Program</b>   | \$ 65,150,000     |                  |
| Setaside for activities under 5312 [non-add]                                      | [\$8,500,000]     |                  |
| <b>Section 5309 Capital Investment Grants</b>                                     |                   | \$ 1,955,000,000 |
|   |                   |                  |
| <b>Section 5310 Elderly and Disabled</b>  | \$ 248,600,000    |                  |
|   |                   |                  |
| <b>Section 5311 Nonurbanized Area Formula Program</b>                             | \$ 591,190,000    |                  |
| Takedown -- Transit Asset Management [non-add]                                    |                   |                  |
| Takedown -- Rural Transit Assistance Program (RTAP) [non-add]                     | [\$10,860,276]    |                  |
| Takedown -- Public Transportation on Indian Reservations [non-add]                | [\$30,000,000]    |                  |
| Takedown -- Appalachian Development Public Transportation Pogram[non-add]         | [\$20,000,000]    |                  |
| Job Access and Reverse Commute [non-add]  | [\$46,190,000]    |                  |
| <b>Section 5312 Research, Development, Demonstration, and Deployment Projects</b> | \$ 34,000,000     |                  |
|   |                   |                  |
| <b>Section 5313 Transit Cooperative Research Program (TCRP)</b>                   | \$ 6,500,000      |                  |
|   |                   |                  |
| <b>Section 5314 Technical Assistance and Standards Development</b>                | \$ 4,500,000      |                  |
|   |                   |                  |
| <b>Section 5315 National Transit Institute</b>                                    | \$ 5,000,000      |                  |
|   |                   |                  |
| <b>Section 5320 Paul S. Sarbanes Transit in Parks Program</b>                     |                   | \$ 26,900,000    |
|   |                   |                  |
| <b>Section 5322 Workforce Development and Human Resource Programs</b>             | \$ 2,000,000      |                  |
|   |                   |                  |
| <b>Section 5335 National Transit Database</b>                                     | \$ 3,850,000      |                  |
|   |                   |                  |
| <b>Section 5337 SGR</b>   | \$ 1,987,263,500  |                  |
| Fixed Guideway SGR [non-add]  | [\$1,874,763,500] |                  |
| Fixed Guideway SGR Discretionary  |                   | \$ 7,463,000     |
| Motorbus SGR [non-add]  | [\$112,500,000]   |                  |
| <b>Section 5340 Growing States and High Density States Formula</b>                | \$ 511,500,000    |                  |
|   |                   |                  |
|   | \$ 8,360,565,000  | \$ 2,097,713,000 |

Blue

# NVTC

## Northern Virginia Transportation Commission

### AGENDA ITEM #3

**TO:** Chairman Fisette and NVTC Commissioners

**FROM:** Rick Taube <sup>NVT</sup> and Scott Kalkwarf

**DATE:** February 2, 2012

**SUBJECT:** NVTC's FY 2013 State Transit Assistance Application

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The commission is asked to approve Resolution #2186. This resolution ratifies the state transit assistance applications submitted by NVTC staff on February 1, 2012 to the Virginia Department of Rail and Public Transportation on behalf of NVTC's five WMATA jurisdictions for regional and local bus and Metrorail service and on behalf of VRE.

As can be seen in the attached tables, for WMATA and local buses, capital funding requests for FY 2013 are down by \$17.0 million from FY 2012, but operating assistance requests are up \$20.7 million. For VRE, capital requests are down \$50.6 million and operating assistance requests are up \$0.2 million.

NVTC has also applied for up to \$87,500 in matching funding from DRPT for the high-capacity transit study in the Route 7 corridor (Alexandria to Tysons Corner). PRTC is applying for significant start up funding for the Vanpool Incentive Program co-sponsored by NVTC, PRTC and the George Washington Regional Commission.



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**NVTC**  
**SUMMARY OF STATE CAPITAL AND FORMULA GRANT ASSISTANCE APPLICATIONS**  
**FOR FY 2013**

|  | <u>FY 13</u>              | <u>FY 12</u>              | <u>Increase<br/>(Decrease)</u> |
|--|---------------------------|---------------------------|--------------------------------|
| <b><u>NVTC</u></b>                                 |                           |                           |                                |
| <b><u>CAPITAL</u></b>                              |                           |                           |                                |
| <b>Local Capital (see schedule A)</b>              |                           |                           |                                |
| Alexandria   | 4,000,000                 | 6,850,000                 | (2,850,000)                    |
| City of Fairfax                                    | 30,000                    | 75,100                    | (45,100)                       |
| Fairfax County                                     | 30,565,000                | 34,590,000                | (4,025,000)                    |
| Arlington  | 6,226,000                 | 11,300,000                | (5,074,000)                    |
| Falls Church                                       | -                         | -                         | -                              |
| Total  | <u>40,821,000</u>         | <u>52,815,100</u>         | <u>(11,994,100)</u>            |
| Eligibility amount @95%                            | <u>38,779,950</u>         | <u>50,174,345</u>         | <u>(11,394,395)</u>            |
| <b>WMATA Capital (see schedule B)</b>              |                           |                           |                                |
| Capital Funding Agreement                          | 40,928,490                | 43,604,000                | (2,675,510)                    |
| WMATA Debt Service                                 | 4,368,581                 | 7,410,462                 | (3,041,881)                    |
| Metro Matters Program                              | 52,939                    | 52,945                    | (6)                            |
| Debt Service - MMs opt out                         | 10,505,257                | 10,679,126                | (173,870)                      |
| Project Development                                | 825,000                   | 825,000                   | -                              |
| Total  | <u>56,680,266</u>         | <u>62,571,533</u>         | <u>(5,891,267)</u>             |
| Eligibility amount @95%                            | <u>53,846,253</u>         | <u>59,442,957</u>         | <u>(5,596,704)</u>             |
| <b>Total Capital</b>                               | <u>97,501,266</u>         | <u>115,386,633</u>        | <u>(17,885,367)</u>            |
| <b>Eligibility amount @95%</b>                     | <u><b>92,626,203</b></u>  | <u><b>109,617,302</b></u> | <u><b>(16,991,099)</b></u>     |
| <b><u>OPERATING FTM/ADMIN (see schedule C)</u></b> |                           |                           |                                |
| Eligibility amount @ 95%                           |                           |                           |                                |
| NVTC-WMATA   | 157,753,776               | 137,263,364               | 20,490,411                     |
| Local  | 35,229,899                | 35,025,848                | 204,051                        |
| <b>Total operating eligibility</b>                 | <u><b>192,983,675</b></u> | <u><b>172,289,213</b></u> | <u><b>20,694,462</b></u>       |
| <b><u>VRE</u></b>                                  |                           |                           |                                |
| <b><u>CAPITAL (see schedule D)</u></b>             |                           |                           |                                |
| Total budget (non-federal)                         | 13,095,915                | 66,318,000                | (53,222,085)                   |
| Eligibility amount @ 95%                           | <u>12,441,119</u>         | <u>63,002,100</u>         | <u>(50,560,981)</u>            |
| <b><u>OPERATING FTM/ADMIN</u></b>                  |                           |                           |                                |
| Eligibility amount @ 95%                           | <u>13,971,913</u>         | <u>13,749,861</u>         | <u>222,052</u>                 |



**NVTC**  
**STATE CAPITAL GRANT ASSISTANCE**  
**LOCAL CAPITAL**  
**FY 2013**

**SCHEDULE A**

|  | <b>Grant Applications</b> |                |                         |
|--|---------------------------|----------------|-------------------------|
|  | <b>TOTAL<br/>COST</b>     | <b>FEDERAL</b> | <b>NON-<br/>FEDERAL</b> |
| <b>CITY OF ALEXANDRIA</b>                              |                           |                |                         |
| Purchase CNG BRT Buses                                 | 5,500,000                 | 1,500,000      | 4,000,000               |
|  |                           |                | -                       |
| Total at Cost  | 5,500,000                 | 1,500,000      | 4,000,000               |
| <b>CITY OF FAIRFAX</b>                                 |                           |                |                         |
| Purchase Support Vehicles                              | 30,000                    | -              | 30,000                  |
|  |                           |                | -                       |
| Total at Cost  | 30,000                    | -              | 30,000                  |
| <b>FAIRFAX COUNTY</b>                                  |                           |                |                         |
| Engeneering & Design - West Ox Garage                  | 1,500,000                 | -              | 1,500,000               |
| Rehab/Renovaton of Admin/Maint Facitliy Herndon Monroe | 900,000                   | -              | 900,000                 |
| Bus Construction Maint Facility - Huntington           | 1,200,000                 | -              | 1,200,000               |
| Construction Rail Facility - Stringfellow Park & Ride  | 4,300,000                 | -              | 4,300,000               |
| Construction of Rail Facility - Lorton VRE Park & Ride | 1,500,000                 | -              | 1,500,000               |
| Bus Stop Inventory and Safety Program                  | 1,300,000                 | -              | 1,300,000               |
| Purchase Expansion Buses                               | 7,275,000                 | -              | 7,275,000               |
| Purchase Replacement Buses                             | 9,700,000                 | -              | 9,700,000               |
| Purchase Support Vehicles                              | 90,000                    | -              | 90,000                  |
| ITS Implementation Program                             | 2,500,000                 | -              | 2,500,000               |
| 3rd Party Project Management                           | 300,000                   | -              | 300,000                 |
|  |                           |                | -                       |
| Total at Cost  | 30,565,000                | -              | 30,565,000              |
| <b>ARLINGTON</b>                                       |                           |                |                         |
| ART House Demolition                                   | 150,000                   | -              | 150,000                 |
| Bus Rehabilitation                                     | 500,000                   | -              | 500,000                 |
| Bus Stop and Shelters Program                          | 200,000                   | -              | 200,000                 |
| Engineering and Design - Columbia Pike Streetcar       | 4,500,000                 | -              | 4,500,000               |
| Design and Construction - Crystal City Multimodal      | 170,000                   | -              | 170,000                 |
| Transit ITS Program                                    | 130,000                   | -              | 130,000                 |
| Ballston Fairfax Drive Improvements                    | 200,000                   | -              | 200,000                 |
| Bus Stop Improvements - Lee & Glebe                    | 380,000                   | 304,000        | 76,000                  |
| Pentagon City Renovation                               | 300,000                   | -              | 300,000                 |
|  |                           |                | -                       |
| Total at Cost  | 6,530,000                 | 304,000        | 6,226,000               |
| <b>CITY OF FALLS CHURCH</b>                            |                           |                |                         |
|  | -                         | -              | -                       |
| Total  | -                         | -              | -                       |
| <b>GRAND TOTAL</b>                                     |                           |                |                         |
|  | 42,625,000                | 1,804,000      | 40,821,000              |

**NVTC  
APPLICATION FOR STATE CAPITAL GRANT ASSISTANCE  
WMATA CAPITAL SUBSIDIES  
FY 2013**

**SCHEDULE B**

|  | <u>Alexandria</u> | <u>Arlington</u>  | <u>Fairfax City</u> | <u>Fairfax County</u> | <u>Falls Church</u> | <u>Total</u>      |
|--|-------------------|-------------------|---------------------|-----------------------|---------------------|-------------------|
| FY 13 CIP Program (a)                      | 6,484,094         | 12,122,943        | 408,729             | 21,488,757            | 423,967             | 40,928,490        |
| WMATA Debt Service (b)                     | 835,821           | 1,614,946         | 27,523              | 1,867,601             | 22,690              | 4,368,581         |
| Metro Matters Program (c)                  | -                 | -                 | -                   | -                     | 52,939              | 52,939            |
| Jurisdiction Debt Service - MM Opt Out (d) | 914,536           | 1,604,307         | -                   | 7,986,414             | -                   | 10,505,257        |
| Project Development (e)                    | 133,000           | 261,000           | 6,000               | 417,000               | 8,000               | 825,000           |
| Reimbursable Projects (f)                  | -                 | -                 | -                   | -                     | -                   | -                 |
| <b>Total</b>                               | <b>8,367,451</b>  | <b>15,603,196</b> | <b>442,252</b>      | <b>31,759,771</b>     | <b>507,596</b>      | <b>56,680,266</b> |

(a) Virginia Compact members' share of FY13 Capital Improvement Program eligible to be funded by DRPT. Preventative maintenance has been excluded from the capital assistance request, but included in the operating assistance request according to DRPT requirements.

(b) Gross Revenue Transit Refunding Bonds Series 2003 maturing FY 2014.

(c) Balance due under Metro Matters program for those members who did not opt out of the FY09 debt issue.

(d) Debt Service to be incurred by jurisdictions on their share of debt used to opt out of the Metro Matters FY09 debt issue.

(e) Project Development - a regional reimbursable capital program stated separately from the FY13 CIP

(f) Reimbursable projects - These are non-regional projects that the individual jurisdictions include on their respective jurisdiction state capital grant requests based upon their understanding of the current year budgeted expenditures.

Actual needs will be reduced to account for carryover grant funding.

**NVTC**  
**APPLICATION FOR FTM/ADMIN OPERATING FORMULA ASSISTANCE**  
**FY 2013**

**SCHEDULE C**

|   | LOCAL SYSTEMS |                    |                   | TOTAL            | NVTC &<br>WMATA | TOTAL       |             |
|---|---------------|--------------------|-------------------|------------------|-----------------|-------------|-------------|
|   | Alexandria    | City of<br>Fairfax | Fairfax<br>County | LOCAL<br>SYSTEMS |                 | NVTC        |             |
| FY11 total operating expenses (certification) | 12,594,096    | 2,723,998          | 57,971,415        | 9,618,607        | 82,908,116      | 356,836,860 | 439,744,976 |
| FTM   |               |                    |                   |                  |                 |             |             |
| Administrative Expenses                       | 2,029,000     | 555,040            | 13,374,306        | 2,058,465        | 18,016,811      | 48,243,149  | 66,259,960  |
| Other Operating Expenses                      | 2,358,100     | 388,351            | 15,007,532        | 1,313,310        | 19,067,293      | 134,689,046 | 153,756,339 |
| Total Operating Expenses                      | 11,162,228    | 1,967,810          | 55,417,074        | 7,294,858        | 75,841,970      | 234,725,941 | 310,567,911 |
|   | 15,549,328    | 2,911,201          | 83,798,912        | 10,666,633       | 112,926,074     | 417,658,136 | 530,584,210 |
| Total Operating Revenue                       | 4,962,000     | 1,165,294          | 14,191,533        | 2,320,934        | 22,639,761      | 249,598,731 | 272,238,492 |
| Deficit                                       | 10,587,328    | 1,745,907          | 69,607,379        | 8,345,699        | 90,286,313      | 168,059,405 | 258,345,718 |
| Total Federal / Other State Operating Asst    | -             | -                  | -                 | -                | -               | 2,002,799   | 2,002,799   |
| Deficit before State Operating Assistance     | 10,587,328    | 1,745,907          | 69,607,379        | 8,345,699        | 90,286,313      | 166,056,606 | 256,342,919 |

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**APPLICATION FOR STATE CAPITAL GRANT ASSISTANCE  
FOR FY 2013**

**SCHEDULE D**

|                            | <u>Total Cost</u> | <u>Federal</u>    | <u>Non-Federal</u> |
|----------------------------|-------------------|-------------------|--------------------|
| Fare Collection Upgrade    | 2,138,000         | 1,710,400         | 427,600            |
| Mid-Day Storage            | 500,000           | 400,000           | 100,000            |
| Purchase Railcars          | 1,440,000         | -                 | 1,440,000          |
| Facilities Infrastructure  | 500,000           | 400,000           | 100,000            |
| Debt Service - 11 Cabcars  | 1,931,357         | 1,545,086         | 386,271            |
| Debt Service - 60 Railcars | 4,676,938         | 3,741,550         | 935,388            |
| Debt Service - 1998 Bond   | 6,906,656         | -                 | 6,906,656          |
| Track Lease Payments       | 14,000,000        | 11,200,000        | 2,800,000          |
|                            | -                 | -                 | -                  |
|                            | <b>32,092,951</b> | <b>18,997,036</b> | <b>13,095,915</b>  |