



NVTC COMMISSION MEETING

**THURSDAY, JANUARY 31, 2013
CONFERENCE ROOM 3 WEST
General Assembly Building
1000 Bank Street
Richmond, Virginia 23219
5:30 PM**

AGENDA

1. Minutes of the NVTC Meeting of January 3, 2013.

Recommended Action: Approval.

2. NVTC's FY 2014 State Transit Assistance Applications.

NVTC staff is preparing grant applications on behalf of its jurisdictions and VRE. Details will be provided via blue sheets at this meeting.

Recommended Action: Approve Resolution #2211 authorizing NVTC staff to submit the applications to DRPT.

3. Update on the Recruitment of the NVTC Executive Director.

Staff will provide a report. Applications were due January 25, 2013.

Information Item.

4. Legislative Items.

Staff and commissioners will discuss progress on transportation items of importance to Northern Virginia and propose strategies for the remainder of the 2013 General Assembly session.

Recommended Action: Provide strategic direction to staff.



AGENDA ITEM #1

MINUTES
NVTc COMMISSION MEETING – JANUARY 3, 2013
NVTc CONFERENCE ROOM – ARLINGTON, VIRGINIA

The meeting of the Northern Virginia Transportation Commission was called to order by Chairman Fisette at 8:08 P.M.

Members Present

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

Members Absent

Richard H. Black
Jeffrey Greenfield
Mark R. Herring
Joe May
David Ramadan

Staff Present

Doug Allen (VRE)
Mariela Garcia-Colberg
Rhonda Gilchrest
Claire Gron
Scott Kalkwarf
Kala Quintana
Rick Taube

Minutes of the December 6, 2012 Meeting

Mrs. Bulova moved, with a second by Mr. Smedberg, to approve the minutes. The vote in favor was cast by commissioners Bulova, Comstock, Cook, Dyke, Euille, Fisette, Foust, Hudgins, Hynes, McKay, Rust, Smedberg, Snyder and Zimmerman.

Election of NVTC Officers for 2013 and Oath of Office

Chairman Fisette announced that he appointed NVTC's executive committee to serve as the nominating committee. The nominating committee has recommended the following slate of officers for 2013:

Chairman: Jeff McKay
 Vice-Chairman: Paul Smedberg
 Secretary-Treasurer: Dave Snyder

Chairman Fisette moved, with a second by Delegate Rust, to approve the slate of officers. The vote in favor was cast by commissioners Bulova, Comstock, Cook, Dyke, Euille, Fisette, Foust, Hudgins, Hynes, McKay, Rust, Smedberg, Snyder and Zimmerman.

Chairman Fisette administered the oath of office to the new officers and handed the gavel over to newly elected Chairman McKay. Chairman McKay presented a plaque to Mr. Fisette recognizing his outstanding leadership during 2012.

VRE Items

Report from the VRE Operations Board and Chief Executive Officer. Mr. Allen reported that VRE's overall on-time performance (OTP) for the month of December was 97.5 percent. There was one significant delay caused by an electrical issue, but it does not appear to be a systematic problem. Ridership also remains strong at over 19,000 average daily riders for the month of December. VRE received assurances from DRPT concerning the track access funding. VRE also conducted its 16th annual Santa Trains event on December 8th and VRE's annual Toys for Tots campaign was also very successful. VRE collected 40 bags of toys and over \$15,000 in cash donations. Mr. Allen also reported that the VRE Operations Board has appointed the following officers for 2013:

Chairman: Paul Smedberg
 Vice-Chairman: Paul Milde
 Secretary: John Cook
 Treasurer: Jonathan Way

VRE FY 2014 Operating and Capital Budget and Revisions to the FY 2013 Budget. Mrs. Bulova reported that the VRE Operations Board recommends approval of Resolution #2205, which would approve VRE's FY 2014 operating and capital budgets

together with revisions to the FY 2013 budget. It also authorizes staff to forward the approved FY 2014 budget to participating and contributing jurisdictions under the terms of the Master Agreement. Mrs. Bulova stated that it will also be sent to TPB, FTA and other federal agencies, as well as the Commonwealth.

Mrs. Bulova explained that the FY 2014 budget is basically a status quo budget, with deferment of the additional 10-car Fredericksburg train to FY 2015, recommendation of a four percent fare increase, and no increase in subsidy level, which will remain at \$16.4 million.

Mrs. Bulova moved, with a second by Mr. Smedberg, to approve Resolution #2205 (copy attached). The vote in favor was cast by commissioners Bulova, Comstock, Cook, Dyke, Euille, Fisette, Foust, Hudgins, Hynes, McKay, Rust, Smedberg, Snyder and Zimmerman.

Extension of the Norfolk Southern Operating Access Agreement. Mrs. Bulova reported that the VRE Operations Board recommends approval of Resolution #2206, which would extend the current VRE operating access agreement with Norfolk Southern through July 31, 2013. VRE staff expects this to be the last extension before a revised agreement is presented for commission approval.

On a motion by Mrs. Bulova and a second by Mr. Smedberg, the commission unanimously approved the resolution (copy attached). The vote in favor was cast by commissioners Bulova, Comstock, Cook, Dyke, Euille, Fisette, Foust, Hudgins, Hynes, McKay, Rust, Smedberg, Snyder and Zimmerman.

Public Access Across the Rippon VRE Station. Mrs. Bulova reported that Resolution #2207 would approve agreements with Prince William County and CSXT permitting public access across the Rippon VRE station for the purpose of reaching the Featherstone National Wildlife Refuge. The commissions would grant the access in return for Prince William County providing \$2 million in liability insurance coverage for the commissions and CSXT. Incidents exceeding this amount would be covered under VRE's other existing insurance policies. A developer will cover the entire cost of the station modifications needed to provide this access.

Mrs. Bulova moved, with a second by Mr. Smedberg, to approve Resolution #2207 (copy attached). The vote in favor was cast by commissioners Bulova, Comstock, Cook, Dyke, Euille, Fisette, Foust, Hudgins, Hynes, McKay, Rust, Smedberg, Snyder 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 McKay announced the nominations for the WMATA, VRE and VTA boards. He reminded commissioners that these actions may be contingent on subsequent action by local boards and councils. The nominations and committee selections are as follows:

WMATA Board:

Principals: Cathy Hudgins
James Dyke

Alternates: Mary Hynes
William Euille

VRE Operations Board:

Principals: Sharon Bulova
John Cook
Chris Zimmerman
Paul Smedberg

Alternates: Jeff McKay

Jay Fisette
Tim Lovain

VTA Board:

Principals: Chris Zimmerman
William Euille

Alternates: Mary Hynes
Jeff McKay

NVTC Legislative Committee

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

NVTC Executive Committee

Jeff McKay (chairman)
Paul Smedberg (vice-chairman)
Dave Snyder (secretary-treasurer)
Tom Rust (General Assembly)
Catherine Hudgins (WMATA Board)
James Dyke (WMATA Board)
Mary Hynes (WMATA Board)
William Euille (WMATA Board)
Sharon Bulova (chairman of the
Fairfax County Board of
Supervisors)
Jay Fisette (immediate past chair)

Mr. Euille moved, with a second by Mrs. Bulova, to adopt Resolution #2208, which approves the selection of the NVTC appointments to the WMATA, VRE and VTA boards. In response to a question from Mr. Smedberg, Mr. Taube explained that legislative committee members are appointed by NVTC's chairman and the executive committee membership is governed by NVTC's By-Laws. Delegate Rust noted that he would serve on NVTC's Legislative and Executive Committees if Delegate May chose not to do so.

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

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

Mr. Taube explained that Resolution #2209 establishes David Snyder, as NVTC's newly appointed Secretary-Treasurer, as eligible to sign NVTC documents (including financial transactions) and to serve as a trustee of NVTC's Employees' Pension Trust.

On a motion by Mrs. Bulova and a second by Mr. Smedberg, the commission unanimously approved the resolution (copy attached). The vote in favor was cast by commissioners Bulova, Comstock, Cook, Dyke, Euille, Fisette, Foust, Hudgins, Hynes, McKay, Rust, Smedberg, Snyder and Zimmerman.

Disadvantaged Business Enterprise Policy, Program and Goal

Mr. Taube stated that the commission is being asked to adopt Resolution #2210, which would establish a Disadvantaged Business Enterprise (DBE) policy, program and three-year goal for NVTC's federally funded projects. He explained that NVTC established such a policy, program and goal earlier in 2012 but FTA has asked for revisions. NVTC's revised policy, program and goal must be made available to the public for 45 days for comment before NVTC acts to approve it in final form. FTA has asked that the goal be increased from 6.7 to 10.3 percent. Accordingly, the resolution authorizes staff to advertise the proposed policy, program and goal for public comment with the expectation that final action will occur at NVTC's March 7, 2013 meeting.

Mr. Fisette stated that it is his understanding that it is just a goal and there is no penalty if it is not met. Mr. Taube agreed but stated that NVTC should be able to meet the goal. NVTC has awarded a contract for one federal grant project over the last year and the actual DBE content was 25 percent.

Mrs. Bulova moved, with a second by Delegate Rust, to approve the resolution (copy attached). The vote in favor was cast by commissioners Bulova, Comstock, Cook, Dyke, Euille, Fisette, Foust, Hudgins, Hynes, McKay, Rust, Smedberg, Snyder and Zimmerman.

Review of NVTC's 2012 Accomplishments

Mr. Taube asked NVTC staff members to brief the commission on their accomplishments over the past year. Mr. Kalkwarf reported that he spent a lot of his time and effort responding to DRPT's new policies regarding NVTC's role and its Subsidy Allocation Model. A new complex process has been initiated in which NVTC serves as an "agent" to the jurisdictions to prepare state grant applications, invoice grants and receive and allocate state funds in separate accounts. NVTC carefully monitored the receipt of \$48 million in gas tax revenue. \$5.3 million has been correctly reallocated to date.

Ms. Quintana reported that she assisted in completing NVTC's state and federal legislative agenda, cooperated in the response to the consolidation study, and completed public outreach work for NVTA's TransAction 2040 plan update, saving up to \$250,000 in contract costs. NVTC's website continues to see increases in usage (up 30 percent since 2010) and nearly 2.9 million requests were received for e-schedules.

Ms. Garcia-Colberg reported that NVTC helped lead the multi-region effort to initiate a new Vanpool Incentive Program. NVTC managed the grant for the \$500,000 TransAction 2040 regional transportation plan update, which was completed at the end of 2012. NVTC also is in the lead role in managing the \$350,000 federally funded (\$437,500 with required matching funds) project to analyze multi-modal options in the Route 7 corridor from King Street Alexandria to Tysons). A consultant was selected and work is underway. For Alexandria, Arlington and Falls Church, NVTC continues to manage ongoing federal grants with matching funds totaling over \$17 million, with another \$8.5 million pending FTA approval.

Ms. Gron reported that NVTC compiles transit performance data from each of the transit systems operating in Northern Virginia. NVTC includes this information on its website. For FY 2012, ridership rose for many systems, despite the ongoing economic downturn, sharp reduction of federal tax-free commuting benefits and increased fares. VRE gained over 300,000 annual riders (up 1.2 percent) and several local bus systems showed very solid growth (e.g. Arlington's ART at 12.2 percent).

Ms. Gron also reported that NVTC adopted a carefully negotiated resolution and obtained agreement from WMATA on the terms to be applied to Loudoun County when Silver Line service begins to operate in the county. Staff also actively represented NVTC's transit systems on DRPT's SJR 297 stakeholder group. NVTC staff is also assisting the region in planning for the procurement of the next generation of fare collection (NEPP) to be compatible with WMATA.

Public Hearing on and Adoption of NVTC's Work Program and Schedule for 2013

Mr. Taube reviewed NVTC's proposed Work Program and Schedule for 2013, recognizing that when a new executive director is hired there may be new recommendations made.

Chairman McKay opened the public hearing at 8:36 P.M.

Mr. Ed Tennyson, a resident from Vienna, Virginia, stated that NVTC 2013 Work Program should look to the future to stop the region from backsliding. He expressed concern about planning issues with the new Silver Line Metrorail extension to Dulles. Erroneous planning has caused a 6.5 percent loss of Metrorail riders in the third quarter of 2012. WMATA had a good fare structure until about two years ago when the base Metrorail fare was increased higher than Metrobus fares. He observed that the Rush Plus program has also chased riders off the system. Overloading Blue Line trains is unacceptable. He expressed his opinion that WMATA cannot afford to waste \$4.5 million annually to run the Silver Line to Largo. The third pocket track at D&G Junction should be used for six-car trains. Metrorail's car mileage is excessive averaging only 24 passenger-miles per car-mile. NVTC should pay closer attention to WMTA management.

Mr. Reid arrived at 8:39 P.M.

Mr. Tennyson urged NVTC to expand its comparative data on transit operations to include the transit riding habit, the cost per passenger-mile, and load factors. Passenger-miles per capita is the only honest way to measure ridership. He also stated that with federal and state funds in short supply, more local funding is needed for transit. The local contribution is only 25.4 percent of the subsidy, but the median of the peer group is 28.5 percent, which is a difference of 12 percent. Metrorail is saving Northern Virginia residents over \$800 million annually on motor fuel. Hopefully the General Assembly will restore the originally agreed 4.2 percent sales tax on motor fuel, but if not, it is up to the region to generate more transit funding. He also stated that it is important to watch trends.

Mr. Zimmerman noted that nine years ago WMATA's General Manager cut Metrorail car lengths on off peak trains, which resulted in many complaints by the press and public.

Mr. Rob Whitfield, a member of the Dulles Corridor Users Group, stated that he has been attending NVTC meetings for about three years. He hasn't heard many significant updates about WMATA. Back in 2010, the WMATA General Manager gave a presentation at NVTC where he projected that the WMATA fleet would contain 50 percent eight-car trains by 2015 and 100 percent by 2020. At WMATA's General Manager's last presentation to NVTC he made no such projections. It will now cost \$1.5 billion for system improvements before eight-car trains can be put into service.

Mr. Whitfield stated that his lack of trust of WMATA stems from a series of issues. For example, the proposed maintenance yard near Dulles Airport for the Silver Line should not be paid "off of the backs" of the Toll Road users. He stated that transit riders are paying zero percent of the \$6+ million capital costs of the Silver Line. That is a fundamental failure of all the federal and state politicians to not restructure the funding policies for transit. Therefore, he will be making a proposal to Congress which would require that for federal funding there be a minimum contribution from those that benefit from transit projects. The notion that somebody else should pay for transit rather than people who are using transit is wrong. Mr. Whitfield also suggested that the Metropolitan Washington Airports Authority participate in NVTC meetings. He is also concerned that NVTC approved its Legislative Agenda before getting any public input. The proposal to increase the motor fuels tax is unjustified. NVTC did not ask for any performance improvements from WMATA. There need to be standards and performance measures.

Mr. Zimmerman stated that the suggestion that Metro riders are not paying enough is not correct. To his knowledge, there is no other transit system that has a higher fare box recovery. He does not disagree that those people who are benefitting from transit should help pay for the system, but non-transit people also benefit from Metro (less congestion and higher real estate values). He agreed that a case can be made that only so much should be expected from the Toll Road users in funding the Silver Line.

Mr. Reid stated that the Metrorail fare on the Silver Line is capped at \$5.75 and yet the potential toll for using the Toll Road is \$7-8, so there are some who feel that the

Metrorail fare should be increased closer to what Toll Road users are having to pay. Chairman McKay observed that most Metrorail riders also pay a significant parking fee (\$4.50) at the station, which should be considered as part of their total fare.

Mrs. Hudgins stated that in regards to the eight-car trains, WMATA's General Manager will not continue to pursue projects if there is no funding to implement them. She stated that it is also important to understand the purpose of transit and how everyone in the region benefits from it and not just the riders.

Mr. Snyder stated that he frequently travels outside of the U.S. and he has found that other countries invest far more into transportation infrastructure, especially transit. For the United States to remain competitive on the global stage, it will be important to look at funding issues for all modes of transportation.

Mrs. Hynes stated \$1 billion is needed annually to maintain the region's current transit services and to add any additional capacity would increase that by \$1-2 billion annually. Everyone in the commonwealth, whether they use transit or not, should want the transit infrastructure to function at its very best because when it works well, the economic engine generates more dollars. There is no solution that simply comes out of the individual transit user's pocket.

Mr. Reid asked staff to research how many jurisdictions in the United States that have urban mass transit have used toll road revenue for capital projects.

Chairman McKay closed the public hearing at 9:02 P.M.

Commissioners then discussed whether there should be changes to Goal #8 "Strengthening NVTC as an Organization" in light of a new executive director being hired. Chairman McKay observed that other areas of the Work Program could also be affected. Mr. Reid stated that he would like to see staff spend more time in oversight of WMATA and take a "watch dog role" especially over budget issues

Mr. Fisette moved, with a second by Mrs. Hynes, to approve the Work Program and the Schedule, after removing items #2 and #3 under goal #8. The vote in favor was cast by commissioners Bulova, Comstock, Cook, Dyke, Euille, Fisette, Foust, Hudgins, Hynes, McKay, Reid, Rust, Smedberg, Snyder and Zimmerman.

Approval of NVTC's FY 2014 Administrative Budget

Mr. Taube stated that the commission is asked to approve the budget, which is the same budget that was reviewed in September. Local staff again reviewed it in December. For FY 2014, NVTC staff is proposing a 1.6 percent increase in overall spending, with total expenditures of \$1.213 million. He reminded the commission that the new executive director may wish to make changes to the budget. A new executive director should be hired before the fiscal year begins.

Mr. Fisette moved, with a second by Delegate Rust, to approve the FY 2014 budget. The vote in favor was cast by commissioners Bulova, Comstock, Cook, Dyke, Euille, Fisette, Foust, Hudgins, Hynes, McKay, Reid, Rust, Smedberg, Snyder and Zimmerman.

Legislative Items

Mr. Taube reported that with the temporary resolution of the fiscal cliff, the federal government reauthorized the federal transit benefit and increased it to \$245, which is the same as the parking benefit. It is retroactive to FY 2012.

Mr. Reid suggested NVTC include in its Legislative Agenda a more “apples to apples” comparison between the percentage the state has funded of the Dulles Silver Line (other than toll revenue) versus the Norfolk Light Rail project. Ms. Hynes observed that NVTC’s Legislative Agenda has already been mailed to General Assembly members. Mr. Reid stated that he would still like to see this information.

WMATA Items

Mrs. Hudgins encouraged commissioners to read the various reports from WMATA on its operations. She reported that WMATA has done a great deal of work preparing for Inauguration Day. The Customer Satisfaction Survey results, which are for the first quarter of FY 2013, include responses from 770 customers. Chairman McKay noted that Metrobus received an 84 percent satisfaction rate and Metrorail received an 80 percent satisfaction rate. Mrs. Hynes observed that the Blue/Yellow Line split is coming up. WMATA is working on providing bus bridges from Pentagon City to Rosslyn. There are real challenges on the Virginia side concerning this issue. There is no simple solution.

Regional Items

Vanpool Project Update. Mr. Taube reported that the vanpool project has begun initial start up work. The vanpool program advisory board (PAB) has been established and has been meeting regularly. A full-time vanpool program director has been hired. It is estimated that from now through March of 2013, the program will implement the marketing plan, develop the necessary software for ridematching and data collection, and sign up vanpools for program participation. If all of these actions are completed, the program could go live in April of 2013.

FY 2012 Northern Virginia Transit Performance. Mr. Taube reported that NVTC has a continuing role in assembling and reporting to the public annual performance data from each of the transit systems in Northern Virginia. Data show that total transit ridership remained relatively strong even though the federal transit benefit was reduced.

New Express Bus Service. Mrs. Bulova announced that the kick-off ceremony for the new Fairfax Connector bus service using the Express Lanes to Tysons will be held at 10:00 A.M. on January 12th at the Burke Centre VRE Station. This service opens up new commuting choices where VRE riders can get off at Burke Centre and take a bus to Tysons. Chairman McKay asked commissioners to help publicize this new service.

NVTC Financial Items for November, 2012

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

Status of Executive Director Recruitment

Mr. Taube reported that the job announcement was posted on December 21, 2012 and NVTC's Search Committee has already received several applications, which are due January 25th. The applications are being kept confidential.

Closed Session

Chairman McKay moved, with a second by Delegate Rust, to convene a closed session, as authorized by Virginia Code section 2.2-3711.A.1, for the purpose of discussing a personnel matter.

The vote in favor was cast by commissioners Bulova, Comstock, Cook, Dyke, Euille, Fisette, Foust, Hudgins, Hynes, McKay, Reid, Rust, Smedberg, Snyder and Zimmerman.

The commission entered into closed session at 9:23 P.M. and returned to open session at 9:51 P.M.

Chairman McKay moved, with a second by Mrs. Bulova, the following certification:

The Northern Virginia Transportation Commission certifies that at the just concluded Closed Session:

1. Only public business matters lawfully exempted from open meeting requirements under Chapter 37, Title 2.2 of the Code of Virginia were discussed; and
2. Only such public business matters as were identified in the motion by which the closed session was convened were heard, discussed or considered by the commission.

The vote in favor was cast by commissioners Bulova, Comstock, Cook, Dyke, Euille, Fisette, Foust, Hudgins, Hynes, McKay, Reid, Rust, Smedberg, Snyder and Zimmerman.

Mr. Fisette moved, with a second by Mr. Smedberg, to accept the recommendation of the Executive Committee regarding the compensation of the executive director. The vote in favor was cast by commissioners Bulova, Comstock, Cook, Dyke, Euille, Fisette, Foust, Hudgins, Hynes, McKay, Rust, Smedberg, Snyder and Zimmerman. Mr. Reid abstained.

Adjournment

Without objection, Chairman McKay adjourned the meeting at 9:52 P.M.

Approved this 31st day of January, 2013.

Jeffrey McKay
Chairman

David F. Snyder
Secretary-Treasurer

NVTC
Northern Virginia Transportation Commission
NVTC
RESOLUTION #2205

SUBJECT: Approval of VRE's FY 2014 Operating and Capital Budget and Revisions to VRE's FY 2013 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 has recommended a FY 2014 Operating and Capital Budget within the guidelines developed in concert with the jurisdiction chief administrative officers; and

WHEREAS: The recommended budget is built on the assumption of average daily ridership of 20,100 and 32 trains.


NOW, THEREFORE BE IT RESOLVED that the Northern Virginia Transportation Commission does hereby adopt the revised FY 2013 and recommended FY 2014 VRE Operating and Capital Budgets and authorizes staff to forward the FY 2014 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 hereby 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 2013 and FY 2014.

BE IT FURTHER RESOLVED that NVTC hereby authorizes the Executive Director of NVTC to submit to the Commonwealth the approved budget as part of the FY 2014 VRE state aid grant applications.

Approved this 3rd day of January, 2013.


David Snyder
Secretary-Treasurer


Jeffrey McKay
Chairman



NVTC
Northern Virginia Transportation Commission
NVTC
RESOLUTION #2206

SUBJECT: Extension of the Norfolk Southern Operating Access Agreement.

WHEREAS: The commissions currently have an Operating/Access Agreement with Norfolk Southern dated as of May 5, 2000, related to VRE operations in the Manassas to Washington, D.C. corridor;

WHEREAS: This agreement, following several extensions, will expire January 31, 2013;


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

WHEREAS: The VRE Operations Board recommends extending the existing new agreement to July 31, 2013 to allow time to conclude negotiations and finalize a new agreement; and

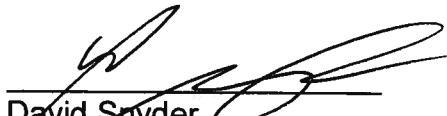
WHEREAS: Necessary funding has been incorporated into the FY 2013 and FY 2014 budgets to allow VRE to continue its operations over Norfolk Southern tracks via this contract extension.

NOW, THEREFORE BE IT RESOLVED that the Northern Virginia Transportation Commission authorizes the VRE Chief Executive Officer to execute an extension of the existing May 5, 2000 Amended Operating/Access Agreement with Norfolk Southern to July 31, 2013.

Approved this 3rd day of January, 2013.



Jeffrey McKay
Chairman



David Snyder
Secretary-Treasurer



NVTC
Northern Virginia Transportation Commission
NVTC
RESOLUTION #2207

SUBJECT: Public Access Across the Rippon VRE Station.

WHEREAS: The Featherstone National Wildlife Refuge is adjacent to the Rippon VRE station;

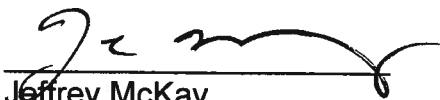
WHEREAS: The commissions have been asked by Prince William County to permit public access across the Rippon VRE station to reach the refuge; and


WHEREAS: It is recommended by the VRE Operations Board that the commissions grant this access in return for Prince William County providing \$2 million in liability insurance annually covering both the commissions and CSXT to cover claims arising out of the public access.

NOW, THEREFORE BE IT RESOLVED that the Northern Virginia Transportation Commission approves the agreement with Prince William County recommended by the VRE Operations Board, permitting access across the Rippon VRE station for the purpose of accessing the Featherstone National Wildlife Refuge.

BE IT FURTHER RESOLVED that NVTC approves the agreement with CSX recommended by the VRE Operations Board, permitting access across the Rippon VRE station for the purpose of accessing the Featherstone National Wildlife Refuge.

Approved this 3rd day of January, 2013.


Jeffrey McKay
Chairman


David Snyder
Secretary-Treasurer



NVTC

Northern Virginia Transportation Commission

RESOLUTION #2208

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 2013 and their recommendations for members of the various boards.

BE IT FURTHER RESOLVED THAT the contingent appointments for 2013 are:

WMATA Board:

Principals

Hon. Cathy Hudgins
Hon. James Dyke

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
Hon. Tim Lovain

VTA Board:

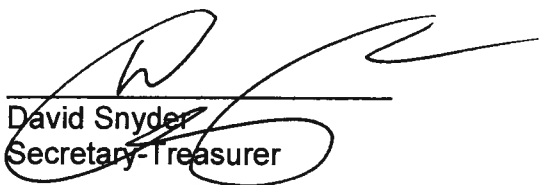
Principals


Hon. Chris Zimmerman
Hon. Bill Euille

Alternates

Hon. Mary Hynes
Hon. Jeff McKay

Approved this 3rd day of January, 2013.


David Snyder
Secretary-Treasurer


Jeffrey McKay
Chairman





RESOLUTION #2209

SUBJECT: Designation of NVTC Signatories and Pension Trustees.

WHEREAS: The Honorable David Snyder has been elected Secretary-Treasurer of NVTC for 2013; 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.

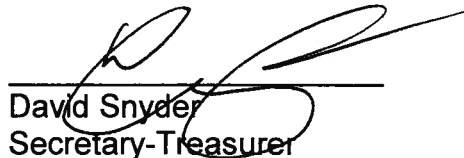
NOW, THEREFORE BE IT RESOLVED that the Northern Virginia Transportation Commission hereby selects the following persons to serve as NVTC signatories (who are eligible to sign individually for any transaction of less than \$5,000 and with one other signatory for transactions of \$5,000 or greater):

Hon. David Snyder
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 3rd day of January, 2013.



David Snyder
Secretary-Treasurer



Jeffrey McKay
Chairman





RESOLUTION #2210

SUBJECT: Disadvantaged Business Enterprise Policy, Program and Goal.

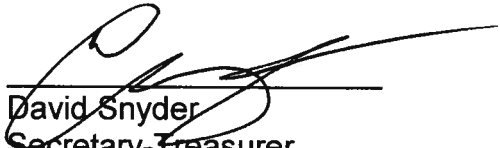
WHEREAS: The Federal Transit Administration (FTA) requires grant recipients to adopt a policy, program and goal for awarding contracts to certified Disadvantaged Business Enterprises (DBE); and

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

NOW, THEREFORE BE IT RESOLVED that the Northern Virginia Transportation Commission hereby authorizes its staff to publish immediately the proposed policy, program and goal of at least 10.3 percent of its federally funded contract value to be awarded to DBE's for the three-year period of FY 2012-2014. Staff is also authorized to seek public comment prior to March 7, 2013 with the final proposed policy, program and goal, reflecting public comment, to be brought to NVTC for action on that date.

Approved this 3rd day of January, 2013.


Jeffrey McKay
Chairman


David Snyder
Secretary-Treasurer



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AGENDA ITEM #2

TO: Chairman McKay and NVTC Commissioners
FROM: Rick Taube and Scott Kalkwarf
DATE: January 24, 2013
SUBJECT: NVTC's FY 2014 State Transit Assistance Application

The commission is asked to approve Resolution #2211. This resolution authorizes NVTC staff to submit state transit assistance applications 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.

Detailed tables will be provided at this meeting via blue sheets showing the amounts of each form of assistance being requested for each jurisdiction and for VRE, with comparisons to FY 2013. A blue sheet Resolution #2211 will also be provided showing the actual amounts of requested assistance being authorized by the commission.



RESOLUTION #2211

SUBJECT: Approval of FY 2014 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 as an agent for 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 2014 commencing July 1, 2013 in the amount of \$--- 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 file an application to DRPT, for grants of public transportation assistance for FY 2014 for capital expenses in an amount that will not exceed \$--- 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 2014 VRE applications to DRPT and to seek up to \$--- for FTM and administrative costs and up to \$--- 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 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 31st day of January, 2013

Jeffrey McKay
Chairman

David Snyder
Secretary-Treasurer



AGENDA ITEM #3

TO: Chairman McKay and NVTC Commissioners
FROM: Rick Taube
DATE: January 24, 2013
SUBJECT: Status of Executive Director Recruitment

The attached job announcement was released on December 21, 2012. It includes the emphasis areas identified in the survey of NVTC commissioners.

The job announcement and related items are available at:

<http://www.thinkoutsidethecar.org/nvtc/jobopenings.asp>

Applications are welcome until January 25, 2013.

Staff will provide a report on the volume and quality of applications and discuss next steps.



NVTC EXECUTIVE DIRECTOR RECRUITMENT JOB ANNOUNCEMENT

Available Position:

The Northern Virginia Transportation Commission (NVTC) is seeking an Executive Director to replace the incumbent who is retiring after nearly 30 years. The Executive Director reports to a 20-member Board of Directors consisting of state and local elected officials from NVTC's six member jurisdictions plus the designee of the Virginia Secretary of Transportation.

Description of NVTC:

NVTC was created by the Virginia General Assembly in 1964 to help plan and fund the Washington Metropolitan Area Transit Authority (WMATA). NVTC appoints Virginia's members of the WMATA Board from its own Board and also co-owns the Virginia Railway Express (VRE) commuter rail system with assets of \$377 million and 4.7 million annual ridership.

NVTC's district comprises over 1,000 square miles with a population of over 1.7 million. NVTC receives, allocates and holds in trust up to \$200 million annually in regional, state and federal assistance to help pay for WMATA, VRE and five local bus systems.

The commission currently employs a staff of eight with financial, planning, grants management and public outreach expertise.

NVTC's office is conveniently located in the vibrant Court House area of Arlington, Virginia in a LEED-certified building situated a half block from a Metrorail station.

NVTC's Website:

A complete description of NVTC and its history, mission, work program, budget and audited financial statements are available at www.thinkoutsidethecar.org.

Complete instructions for applying for this position are also available on that site, together with a detailed job description of the available position.

Desired Experience:

NVTC's Search Committee is seeking a skilled executive with increasingly responsible work experience demonstrating effective leadership. Applied expertise in public transit and transportation combined with specific knowledge of the Washington D.C. Metropolitan Area and the Commonwealth of Virginia is important. Experience in reporting to a bi-partisan board of elected officials and well-regarded work in a similar sized organization are also desirable.

Desired Business and Administrative Strengths:

Among the most desired business strengths are expert collaboration and negotiation skills and the ability to recommend and communicate effective policy after expertly evaluating complex issues. Desired administrative strengths include excellent communication with board members and well organized staff work programs and structure.

Desired Personal Attributes:

Among the most useful personal attributes are active listening, creative thinking, accepting feedback as a learning opportunity, adaptability, good communication and relationship building (especially with board members), the ability to work with individuals holding conflicting points of view to achieve collaborative solutions and skills in conveying messages using new online communication tools.

Compensation:

NVTC offers a competitive salary and benefit package including, but not limited to: deferred compensation; bonus opportunities; travel allowance; pension; health, disability and life insurance; transit benefit or free parking; vacation and sick leave; cafeteria health and child care plan.

Process:

Resumes will be accepted until 5:00 p.m. on January 25, 2013. Thereafter the top-ranked candidates will be invited to interview with NVTC's Search Committee (by telephone, internet or in person) prior to February 22, 2013. The NVTC Search Committee expects to recommend a top-ranked candidate for consideration by NVTC's full board at 8:00 p.m. on March 7. The top-ranked candidate will be present at that time to be interviewed by NVTC's full board.

Confidentiality:

In accordance with Virginia law, NVTC will keep application materials confidential. The materials will be reviewed only by NVTC's Search Committee and its staff.

How to apply:

Applicants should first carefully review the materials posted on NVTC's website. Then, they should submit a detailed resume and cover letter with supporting materials addressing the commission's desired experience, strengths and attributes, together with a salary history, to:

NVTCEdrecruitment@gmail.com.

Equal Opportunity Employment:

NVTC is an equal opportunity employer that does not discriminate against any applicants for employment because of race, color, religion, sex, disability, age or national origin.



AGENDA ITEM #4

TO: Chairman McKay and NVTC Commissioners
FROM: Rick Taube and Kala Quintana
DATE: January 24, 2013
SUBJECT: Legislative Items

Commissioners are invited to review the attached legislative items and act to provide direction to staff for the remainder of the ongoing General Assembly session. Up-to-date information will be provided by staff at the meeting.

Among the attached materials are:

1. Copies of NVTC's, NVTA's, and VTA's 2013 legislative agendas.
2. Lists of bills related to the action items in the above agendas, together with the current status of General Assembly action on those bills.
3. A copy of a resolution passed by VRE's Operations Board opposing SB 1210 and HB 2152.

Bill Number Patron	Bill Summary	Status
HB 2313 Howell SB 1355 Newman Governor's Plan	<p>Revenues and appropriations of the Commonwealth.</p> <ul style="list-style-type: none"> • Raises the registration fees for vehicles and trailers. Increased revenues to the Commonwealth Mass Transit Fund and the Intercity Passenger Rail Operating and Capital Fund. • Raises the state sales & use tax from 4% to 4.8% . Increased revenues to the Commonwealth Transportation Fund. • Establishes procedures for the collecting the state sales and use tax from remote sellers for sales made in VA, contingent upon the passing of federal legislation. If such revenues are collected, a portion will be allocated to the localities with a stipulation that some of the funds be used by the locality for transportation needs and a portion of the revenues will be deposited in the TTF. • Eliminates the statewide taxation of gasoline and blended fuel containing gasoline under the VA Fuels Act but leaves the current tax in place for other types of motor fuels. • Raises the annual license fee for electric vehicles from \$50 to \$100 and imposes the fee on hybrid electric vehicles and alternative fuel vehicles. • Repeals the application of the local sales & use tax on the sale of certain fuels used for domestic consumption. Revenue for those localities replaced with a portion of new revenue generated. • Effective 7/1/13; except that the changes in the distribution of Fuels Act revenues related to the repeal of the tax on gasoline is effective 7/1/14. 	<p>House: Finance</p> <p>Senate: Transportation</p>
HB 1677 Hugo Governor's Plan	<p>Transportation funding.</p> <ul style="list-style-type: none"> • Repeals the tax on all motor fuels except diesel fuel and diesel blended fuel. • Increases the retail sales and use tax rate by 0.75 %. Additional revenue to transportation according to the current formula for motor fuels tax revenue allocation. • Doubling the amount of current sales & use tax revenue dedicated to the TTF. 	House: Finance
HB 1472 Watts	<p>Transportation funding and administration. Provides additional funding for transportation by:</p> <ul style="list-style-type: none"> • Imposing a motor fuels sales tax rate of 5% for highway maintenance • Increasing the state sales tax in NoVA by 0.5% for transportation projects in NoVA • Adding an additional recordation tax in NoVA at a rate of \$0.40 per \$100 valuation. R • Reduces the sales & use tax rate on food from 1.5 % to 1%. • Repeals the authority for certain localities to impose a local income tax. • Removes the sunset date (6/30/18) from the legislation that reduced the special real property tax rate on commercial property in NoVA from \$0.25 per \$100 of assessed value to \$0.125 per \$100 of assessed value. • Increases the special real property tax rate on commercial property in localities in Hampton Roads from \$0.10 per \$100 of assessed value to \$0.125 per \$100 of assessed value. 	House: Finance
HB 2179 Rust SB 717 Watkins	<p>Establishing and adjusting sources of revenue for appropriations.</p> <ul style="list-style-type: none"> • Establishes a 5% tax on motor fuels sales based on the statewide average wholesale price of a gallon of self-serve unleaded regular gasoline. Revenues to be distributed to the Highway Maintenance and Operating Fund, the TTF, the Intercity Passenger Rail Operating and Capital Fund, and the localities to be used for transportation purposes. • Increases the additional registration fee on electric vehicles from \$50 to \$102 and requires hybrid electric motor vehicles registered in VA to pay this fee. However, owners of hybrid electric motor vehicles registered in VA would be eligible for a refund of the new 5% tax on motor fuels sales; • Prohibits the placement of tolls on existing roads in VA without the approval of the General Assembly; • Lowers individual income tax rates and changes the individual income tax structure, effective 1/1/14. Income less than 	<p>House: Finance</p> <p>Senate: Finance</p>

	<p>\$5,000 would be taxed at a 0.75% rate, income over \$5,000 and up to \$17,000 would be taxed at a 4.5% rate, and income over \$17,000 would continue to be taxed at a 5.75% rate;</p> <ul style="list-style-type: none"> • Repeals income tax credits for vehicle emissions testing equipment, clean-fuel vehicles, and biodiesel fuel producers effective for taxable years beginning on or after 1/1/13; • Eliminates the sales tax exemption currently extended to certain services, such as auto repairs, taxi and limousines, armored cars, travel, and transportation. 	
HB 2253 Albo	<p>Transportation funding.</p> <ul style="list-style-type: none"> • Decreases all individual income tax rates by 0.2%; • Adopts market-based sourcing for corporate income tax for the sourcing of services, marketable securities, and property; and (iii) repeals (a) the land preservation tax credit, (b) the long-term care insurance tax credit, and (c) the coalfield employment enhancement tax credit, including the ability of electricity generators to allocate tax credits earned by such persons for purchasing coal to persons with an economic interest in coal. • Imposes a 5% state tax on motor fuels sales based on the statewide average wholesale price of a gallon of self-serve unleaded regular gasoline. Revenues to be distributed for maintenance of roads in the secondary state highway system and construction of new roads. • Increases the additional state registration fee on electric vehicles from \$50 to \$102 and requires hybrid electric motor vehicles registered in VA to pay this fee. However, owners of hybrid electric motor vehicles registered in VA would be eligible for a refund of the new 5% tax on motor fuels sales • Imposes a 2% state transient occupancy tax, an initial 1% state motor vehicle registration fee, and a \$0.20 per \$100 recordation fee in any locality in NoVA that is imposing either of the 2 local taxes set forth below. • Completely exempts food from state and local sales taxes, • Repeals the sales & use tax exemption for nonprofit entities, and increases the amount of state sales tax distributed to localities from 1% to 1.23%. • Authorizes Fairfax County, Loudoun County, and Prince William County to impose a 4% food and beverage tax without a referendum, to be used for the construction of roads that reduce traffic congestion. • Authorizes Arlington County and the cities in Northern Virginia to impose an additional 0.5% local sale & use tax to be used for the construction of roads that reduce traffic congestion. • Authorizes localities in Hampton Roads to impose an additional 1% sale & use tax to be used for the construction of roads that reduce traffic congestion. • Effective 1/1/16, except for the adoption of market-based sourcing for corporate income tax, which is effective 1/1/14. 	House: Finance
SB 1328 Wagner	<p>Revenues and appropriations of the Commonwealth.</p> <ul style="list-style-type: none"> • Raises the state sales and use tax from 4% to 4.5%, and designates the increased revenues for the TTF, to be allocated in the same manner as other sales and use tax revenues designated for the Transportation Trust Fund. • Retail sales and hotel taxes on transient room rentals are computed based upon the total charges or the total price paid for the use or possession of the room. For those cases in which a hotel or similar establishment contracts with an intermediary to facilitate the sale of the room and the intermediary charges the customer for the room and such facilitation efforts, the bill requires the intermediary to separately state the taxes on the bill or invoice provided to the customer and to collect the taxes based upon the total charges or the total price paid for the use or possession of the room. Additional revenues generated by this change would be dedicated to transportation. The effective date of these provisions of the bill is 1/1/14. • Eliminates the statewide cents-per-gallon taxation of gasoline and blended fuel containing gasoline under the Virginia Fuels Act but leaves the current cents-per-gallon tax in place for other types of motor fuels. E • Establishes a new 5.5% tax on motor fuels sales based on the statewide average wholesale price of a gallon of self-service unleaded regular gasoline. I • Increases the registration fee for electronic vehicles from \$50 to \$75, and levies the annual fee on alternative fuel vehicles. 	Senate: Finance

SB 1340 Saslaw	<p>Revenues and appropriations of the Commonwealth.</p> <ul style="list-style-type: none"> Raises the state sales & use tax rate from 4% to 5%. Of these new revenues, an amount equal to a .5% sales and use tax will be deposited in the TTF, and the percentage of the TTF sales & use tax revenues dedicated to mass transit will be raised to 25%. Of the other .5% of the new 1% sales & use tax, 2/3 will be distributed to localities to use for education, and 1/3 will be used to fund higher education. In fiscal years 2014, 2015, 2016, and 2017, \$80 million dollars each year that would otherwise be distributed to the TTF will be designated to the Phase 2 Dulles Corridor Metrorail Extension Project, subject to certain conditions. Raises the cents-per-gallon rate of the tax on motor fuels by 5 cents on 7/1/13 and 7/1/14, and then begins indexing the cents-per-gallon rate on 7/1/15. 	Senate: Finance
SB 855 Petersen	<p>Transportation; funding and administration.</p> <ul style="list-style-type: none"> Increases the base fuel tax rate in Virginia by 10 cents to \$0.275 per gallon of gasoline, gasohol, and diesel fuel, and then increases or decreases the rate each year using a fuel efficiency index. Defines the fuel efficiency index as the quotient that is obtained when using as the numerator the total annual vehicle miles traveled in VA for the relevant year and using as the denominator the total gallons of motor fuel consumed for highway use in VA for the relevant year. The numerator and denominator would be the corresponding amounts as published by the Federal Highway Administration of the U.S. Department of Transportation. Establishes 2007 as the base year for the fuel efficiency index. Thus, the percentage change in the fuel efficiency index between the current year and 2007, the base year, would determine the annual percentage increase or decrease in the rates of Virginia's fuels taxes. Each December the Commissioner of the DMV would compute the adjusted rates of fuels taxes. Establishes a \$10 fee for the sale of each new electric motor vehicle battery, with the proceeds being deposited into the Highway Maintenance and Operating Fund. Increases the membership of the CTB from 17 members to 23 members, with 4 members representing Northern VA, 3 members representing Hampton Roads, and 2 members representing Richmond. Currently, each of those areas has one representative on the Board. 	Senate: Finance
SB 700 Alexander	<p>Taxes on fuels; issuance of bonds.</p> <ul style="list-style-type: none"> Makes the retail sale of gasoline, diesel fuel, and other fuels subject to the general 5% retail sales & use tax and reduces the fuels tax on such fuels by \$0.05 per gallon from \$0.175 per gallon to \$0.125 per gallon. Of the net additional revenues generated each year, \$250 million would be deposited into the Highway Maintenance and Operating Fund and the remainder would be deposited into the Highway Construction Projects Trust Fund created under the bill. Moneys deposited into the Highway Construction Projects Trust Fund would be used to finance or fund the construction, acquisition, reconstruction, or replacement of or improvements or additions to highway projects as specifically set forth in the general appropriation act to be financed or funded using moneys from the Fund. Authorizes the issuance of up to \$5 billion in bonds for such highway projects with the bonds and the interest thereon to be repaid from the net additional revenues generated by the bill and deposited into the Fund. The CTB is charged with ensuring that of the revenues deposited into the Highway Construction Projects Trust Fund, over the long term, approximately 38 % of such revenues would be used for projects in the NoVA highway construction district, 31 % for projects in the Hampton Roads highway construction district, and 31 % for projects in all other highway construction districts. 	Senate: Finance
SB 733 Petersen	<p>Fuels taxes; indexing of tax rates. Increases or decreases each year the rates of fuels taxes using a fuel efficiency index. The fuel efficiency index is the quotient that is obtained when using as the numerator the total annual vehicle miles traveled in VA for the relevant year and using as the denominator the total gallons of motor fuel consumed for highway use in VA for the relevant year, as published by the Federal Highway Administration of the U.S. Department of Transportation. Establishes 2007 as the base year for the fuel efficiency index. Thus, the percentage change in the fuel efficiency index between the current year and 2007, the base year, would determine the annual percentage increase or decrease in the rates of Virginia's fuels taxes. Each December the Commissioner of the DMV would compute the adjusted rates of fuels taxes.</p>	Senate: Finance

SB 714 Lucas	VA Toll Mitigation Act; regulation of casino gaming; penalties. Creates the VA Casino Gaming Commission as the licensing body for casino gaming. The bill sets up the regulatory system for casino gaming and provides penalties for violations of the casino gaming law. Proceeds of the gross receipts tax and admission tax imposed on casino gaming operators will be paid into the Toll Mitigation Fund, which shall be used to mitigate the tolls established to support construction and maintenance of the (i) Dominion Boulevard Bridge and Roadway Improvement Project and (ii) Downtown Tunnel/Midtown Tunnel/Martin Luther King Freeway Extension Project. Under the bill, a referendum of the location of a casino gaming operation shall be limited to localities within the Hampton Roads Transportation District, and no initial license to operate a casino gaming operation may be issued unless a regional referendum approving casino gaming has been conducted and approved.	Senate: General Laws
HJ 584 Watts	Constitutional amendment; Transportation Funds. Requires the General Assembly to maintain permanent and separate Transportation Funds to include the CTF, Transportation Trust Fund, Highway Maintenance and Operating Fund, Priority Transportation Fund, and any other transportation fund established by general law, other than a general appropriation law. All revenues dedicated to Transportation Funds on 1/1/13, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. Requires Funds be appropriated only for such transportation systems and projects as authorized by the General Assembly by law, but excluding a general appropriation law. The General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan or reduction must be repaid with reasonable interest within three years. <i>These bills differ slightly as to the dedication date (1/1/14) and term of repayment of loan (4 years).</i>	House: P & E sub on CA Senate: P & E sub on CA
SB 872 McWaters	Assignment of general fund balance; TTF. Increases from 67 % to 75 % the portion of the general fund surplus remaining at the end of each fiscal year that is deposited into the TTF. Such deposit takes place after deposits are made to the Revenue Stabilization Fund and the Water Quality Improvement Fund and other statutorily mandated commitments are met.	Senate: Finance
SB 1321 Obenshain	Assignment of general fund balance; Transportation Trust Fund. Provides that after the full deposit is assigned to the Revenue Stabilization Fund from any general fund surplus at the end of the fiscal year, the Comptroller shall assign the remaining general fund balance to the Transportation Trust Fund.	Senate: Finance
HB 1403 Cole	Sales and use tax revenue dedicated to the TTF. Increases the amount of sales and use tax revenue dedicated to the TTF from an amount generated by a 0.5 % tax rate under current law to an amount generated by a 1 % tax rate, phased in by a 0.1 % increase each year for 5 years, or over a longer period of time if there is a lack of growth in general fund revenues.	House: Finance
SB 925 McWaters	Sales and use tax revenue dedicated to the TTF. Increases the amount of sales and use tax revenue dedicated to the TTF from an amount generated by a 0.5 % tax rate under current law to an amount generated by a 0.75 % tax rate, phased in over a period of 3 years.	Senate: Finance
HB 1450 Stolle	Additional state sales and use tax in the Hampton Roads Planning District; referendum. Provides for an additional 1 % sales and use tax in the counties and cities located in the Hampton Roads Planning District, with the additional revenues to be used for regional transportation projects. The tax would become effective on 1/1/14, and only if approved by a majority of the voters in the Planning District at the November 2013 election.	House: Finance Senate: Finance
SB 1313 Stosch	Local income tax. Adds the City of Portsmouth to the list of localities authorized to impose a local income tax to generate revenue to be used for transportation purposes. The bill also removes the requirement that the local income tax be approved by a referendum and repeals the five-year sunset on the local income tax.	Senate: Finance
HB 1409 Scott	Motor fuels tax rate. Converts the rate of taxation on motor fuels from cents per gallon to a percentage rate. The Commissioner of the DMV shall calculate the percentage rate in an amount that will most closely yield the amount of cents per gallon being charged on the applicable motor fuel prior to the effective date of the bill.	House: Finance sub 1
HB 1438 Purkey	Motor fuels tax; Indexed. Requires that the motor fuels tax rate be indexed on 1/1/14 and each year thereafter, to the average percentage change in the U.S. Department of Transportation's Transportation Services Index for the 3 years ending October 31 of the year immediately preceding the affected year.	House: Finance
HB 1663 Minchew	Local motor fuels tax. Authorizes any locality to impose a tax at a rate not to exceed \$0.10 per gallon on motor fuel sold by a wholesale distributor to a retail dealer in the locality with revenue to be used solely for transportation projects.	House: Finance sub 1 recommends tabling.

HB 2224 Howell	Motor fuels tax; rate increase. Increases the motor fuels tax rate by \$0.10 per gallon and dedicates the additional revenue to the operation, maintenance, improvement, and expansion of the Commonwealth's transportation system.	House: Finance sub 1
HJ 620 Jones	Study; JLARC to study transportation funding in VA; report. Directs the JLARC to study the efficiency and sufficiency of funding for transportation programs in the Commonwealth.	House: Rules sub on Studies recommends tabling.

For detailed information on each bill, go to [Legislative Information Systems](#)

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

STATE

TRANSPORTATION FUNDING

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

Without action, the Commonwealth risks serious disinvestment, which is evidenced by the Commonwealth's fall from #1 to #3 in CNBC's rankings of "America's Top States for Business". This was largely attributed to Virginia's decline in ranking for Infrastructure and Transportation from #10 to #33. A modern, efficient, multimodal transportation system is essential to the Commonwealth, and is intrinsically tied to continued economic development and the ability to compete in a global economy.

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

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

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

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

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

VRE TRACK ACCESS FEES

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

WMATA FUNDING

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

SECONDARY ROAD DEVOLUTION/LOCAL MAINTENANCE PROGRAMS

NVTA opposes any legislation that would require the transfer of secondary road construction and maintenance responsibilities to counties, especially if these efforts are not accompanied with corresponding revenue enhancements. While there are insufficient resources to adequately meet the maintenance and improvement needs of secondary roads within the Commonwealth, the solution to this problem is not to simply transfer these responsibilities to local government that have neither the resources nor the expertise to fulfill them. Further, NVTA also opposes any legislative or regulatory moratorium on the transfer of newly constructed secondary roads to VDOT for the purposes of ongoing maintenance.

Additionally, NVTa is opposed to changes to maintenance allocation formulas detrimental to localities maintaining their own roads. Urban Construction Funds are already far below what is needed and localities must already find other ways to fund new construction initiatives and changing current formulas or requiring additional counties to maintain their roads could lead to a reduction in Urban Construction and Maintenance Funds, placing a huge extra burden on these localities. *(Reaffirms previous position).*

ELECTRONIC MEETINGS

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

CHAPTER 729 PLANNING

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

EQUAL TAXING AUTHORITY FOR COUNTIES, CITIES AND TOWNS

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

BASE REALIGNMENT AND CLOSURE (BRAC) RECOMMENDATIONS

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

PEDESTRIAN SAFETY

NVTa support revisions to Virginia's existing pedestrian legislation to clarify the responsibilities of drivers and pedestrians in order to reduce the number of pedestrian injuries and fatalities that occur each year. In particular, support legislation that would

require motorists to stop for pedestrians in crosswalks at unsignalized intersections on roads where the speed is 35 mph or less and at unsignalized crosswalks in front of schools. This issue is of special importance for pedestrians with physical or sensory disabilities, who are at particular risk of injury when crossing streets. *(Reaffirms previous position.)*

TRANSPORTATION CORRIDOR STUDIES

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

FEDERAL

SURFACE TRANSPORTATION PROGRAM REAUTHORIZATION

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

As discussions on the rulemaking and possible future legislation continue, NVTA believes that a number of significant issues should be considered, including:

- The level of Federal investment in the nation's transportation infrastructure, including both maintenance of the existing system and expansion, must increase significantly;
- The distribution of funding within the Federal Surface Transportation Program must be simplified and the number of funding programs streamlined.
- The time required to complete the federal review process of significant new transportation projects must be reduced, and the approval process must be consistent across all modal administrations. In addition, federal implementation regulations should be streamlined;
- To recognize the uniqueness of metropolitan areas, greater decision-making authority for determining how transportation funding is spent should be given to local governments and regional agencies, such as the Northern Virginia Transportation Authority;
- Energy efficiency and environmental protection must be addressed in the development of transportation projects; however environmental reviews should be conducted within specified timeframes, so that a project's environmental impacts can be identified and adequately addressed; and
- Safety and security must continue to be an important focus of transportation projects. *(Revises and reaffirms previous position)*

DEDICATED FUNDING FOR WMATA

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

FUNDING FOR THE VIRGINIA RAILWAY EXPRESS

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

LIMITS ON COMMUTER RAIL RELATED LIABILITY

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

FUNDING FOR TRANSPORTATION EMERGENCY PREPAREDNESS

NVTA calls upon Congress to provide increased security funding to local and regional transportation agencies in the metropolitan Washington area. *(Reaffirms previous position.)*

FUNDING FOR THE METROPOLITAN AREA TRANSPORTATION OPERATIONS COORDINATION (MATOC) PROGRAM

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

COMMUTER BENEFITS

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

The Facts on Public Transportation

PUBLIC TRANSPORTATION: *Some of us ride it, all of us need it.*

REDUCES CONGESTION / INCREASES SAVINGS

- Everyone wins: Every commuter railcar takes up to 125 vehicles off the road. A single bus can take up to 40 vehicles off the road and vanpools remove over 6,000 cars a year from Virginia roads.*

	Annual hourly delay/ commuter		Total <u>added</u> annual delay if transit were discontinued	
	1982	2012	Hours	Cost
NoVa	20	74	35.5M	\$726M
Hampton Rds	14	34	1.3M	\$25M
Richmond	4	20	571,000	\$11M

Source: Texas Transportation Institute, 2011 Urban Mobility Report

- Households that use public transportation save an average of \$10,000 annually.**
- In FY2012, on average, approximately 123,000 riders boarded Metrorail at stations in Northern Virginia during peak hours every workday.
- VRE trains remove the equivalent of one lane of cars from both I-95 and I-66 every hour during peak commuting hours.*
- Norfolk Light Rail “The Tide” continues to outperform with over 5,000 average weekday ridership levels in 2012, well above estimates.*
- If everyone commuting alone in Hampton Roads would carpool or take transit once every ten workdays, Hampton Roads’ severe congestion problems would disappear. —*Dwight Farmer, Hampton Roads PDC*

ECONOMIC INVESTMENT

- Every \$1 billion in transit investment supports and creates 36,000 jobs. There are 27,000 transit/rail jobs in Virginia.**
- Every \$10 million in capital investment in public transit yields \$30 million in increased business sales.**
- Every \$10 million spent on operating public transit yields \$32 million in increased business sales.**
- A recent study shows that \$235 billion in economic value is located near the Metro system, in the NoVA/ DC/MD region. Additionally, Metrorail boosts property values, adding 6.8% more value to residential, 9.4% to multi-family and 8.9% to commercial office properties within a half-mile of a Metrorail station. (*Making the Case for Transit, WMATA Regional Benefits of Transit Technical Report, Nov 2011*).

JOBS

- Over 60% of transit riders are going to and from work.
- Businesses locate near transit to expand their pool of employees and customers.
- Transit/Transit Demand Management (TDM) investments attract businesses, create jobs and improve access to work while freeing space on the roads.*

Sources:
* DRPT Final Report to the General Assembly, November 1, 2012
** American Public Transportation Association

VIRGINIA TRANSIT ASSOCIATION

2013



Public Transportation: Successful and Growing

- Moving More People
- Reducing Road Congestion
- Providing Access to Jobs
- 193 Million Riders Annually

Legislative Agenda 2013

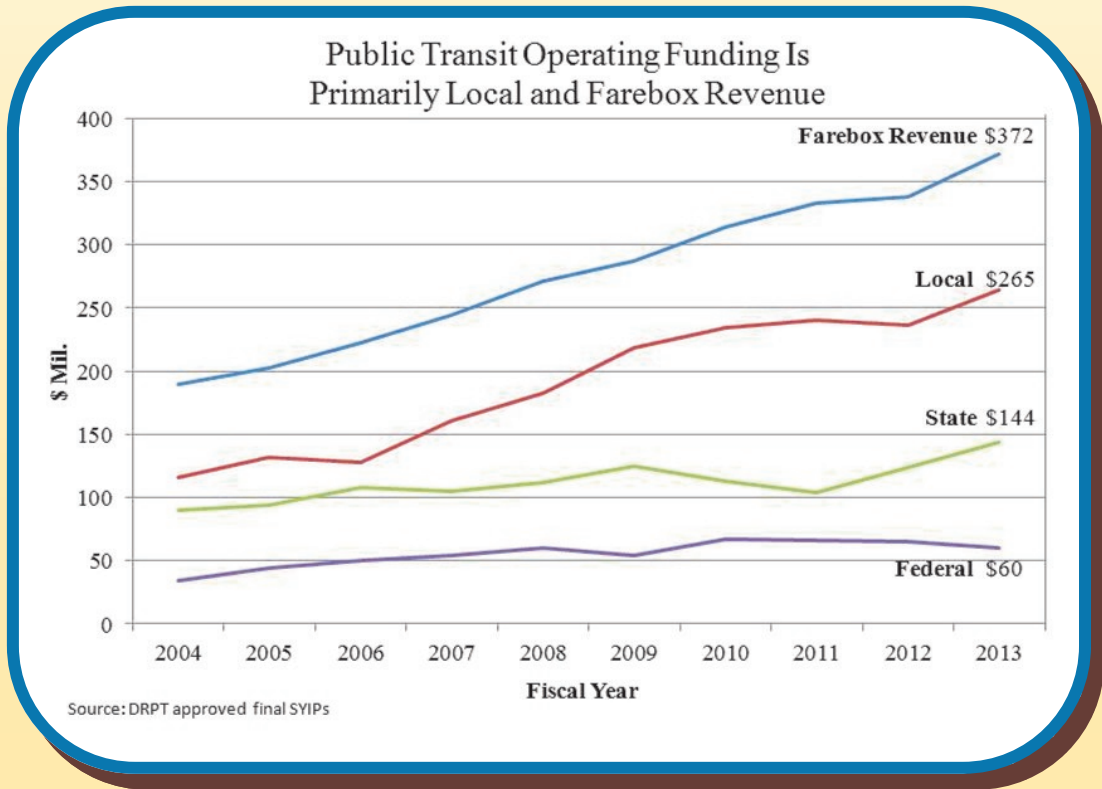
FUNDING

Increase state funds for Public Transportation to maintain existing service and accommodate new service. Public transportation should be a significant part of any new transportation revenue package.

- ◆ A 2012 DRPT needs assessment found a minimum annual funding gap of \$68 million for operations and \$19.4 million for capital.
- ◆ At least 20% of any new transportation funding should be dedicated to transit (consistent with the standard set in HB 3202, passed in 2007).
- ◆ Without additional revenues, State funds will dip below the current 20% share of state operating expenses and 56% capital. The Mass Transit fund should be maintained exclusively for public transportation as defined by Code and not capped or diverted for other transportation purposes.
- ◆ Public Transportation is an essential and increasingly important part of Virginia's transportation network adding capacity to roads and access to jobs and lifeline services.

Regional Funding: Extend the 2.1% gas tax dedicated to public transportation to any two or more agreeable localities in a region. This is now available only to NVTC and PRTC.

From 2000 transit ridership increased 31%, compared to highway vehicle miles traveled (VMT) which increased 10%.*



TRANSIT POLICY POSITIONS

SJR 297 Recommendations: The transit community opposes the proposed remake of the transit allocation process by DRPT. The proposal has serious inherent problems and would reallocate a majority of existing transit funds. DRPT/CTB would gain complete control to determine and alter, at will, the statewide transit assistance allocation which is now formula-based. The proposed "one-size-fits-all" formula would create funding instability, discourage starting new service, cut service to the elderly and rural areas and pit transit systems in different environments against each other.

"Local transit systems are generally well-coordinated and highly functional. For the most part, routes do not overlap, services are not duplicated and systems do not compete."*

Retain Code language establishing mode neutrality in the state's funding approach to transit and roads.

Transit moves people efficiently at a fraction of the cost of highway investments and maximizes the capacity of existing roads.

- ◆ In 1999 the General Assembly added Code language establishing a goal of 95% state funding for transit capital and operating to encourage a move toward mode-neutral transportation choices. This goal remains valid.
- ◆ The current significant disparity between the state share of support for roads, maintenance and construction (98-100%) and transit (20%) creates a strong incentive for localities to choose roads over transit. *It is not in the state's interest to encourage the more expensive option of road building and maintenance over public transportation.*
- ◆ VTA urges the state to retain this mode-neutral Code language.

INTERCITY PASSENGER RAIL

Support dedicated, long-term sustainable funds to maintain and expand intercity passenger rail service. Funds should not be diverted from or affect state transit programs.

The primary destination for public transit riders is work, which accounts for 60 percent of all trips.

SUPPORT PEDESTRIAN SAFETY

Transit riders are also pedestrians. Require motorists to **stop for pedestrians at marked crosswalks** where posted speed limits are 35mph or less. This promotes pedestrian safety in accessing public transportation.

TRANSIT AGENCY GOVERNANCE AND CONSOLIDATION

VTA opposes consolidating transportation agencies without:

- 1) full support of the agencies' board and local governing bodies
- 2) fully understanding the consequences
verifying that benefits to the region outweigh the costs

Source:
*Senate Finance Committee Transit and Rail presentation, 2011 committee retreat

Federal Legislative Action Items

Immediate and Ongoing Funding

1. 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 and dependence of federal employees on Metro for access to their jobs, federal appropriations should continue to ensure the safety and reliability of the region's transit system.
2. 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.
3. 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.
4. Provide immediate funding to facilitate needed transit and other transportation improvements to relieve congestion at BRAC-mandated facilities.

Equitable Tax Incentives for Transit Users

5. Increase and make permanent the existing tax-free monthly transit benefits (currently \$125 monthly) at a level at least matching the benefits currently available for parking (\$240 monthly.) Index the transit benefits to inflation. Require that this benefit be provided by all federal agencies.

Rail Related Actions

6. An extended deadline and 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.
7. Amend the current liability cap of \$200 million for rail passenger service in 49 USC 28301 to include third party claims.

Safety

8. Provide increased funding to transportation agencies in the Washington, D.C. metropolitan area to continue MATOC's operations.
9. Provide additional funding for transportation emergency preparedness to assist local transit providers to enhance safety and security.

Promote Green Commuting

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



State Legislative Action Items

The Transit Funding Crisis

- Transit is very well used in Northern Virginia with almost 150 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 \$750 million;
- ❖ 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 260 tons of volatile organic compounds, 22 tons of particulate matter and 0.5 million tons of CO₂ avoided in this region each year, with environmental savings valued at \$9.5 million annually;
- ❖ Access to jobs, with 2 million jobs (54% of all jobs) located within a half mile of Metrorail;
- ❖ Transit oriented development boosting economic values by 7-9% and hence state and local tax revenues with \$235 billion of property value within a half mile of Metrorail stations generating \$3.1 billion annually in property tax revenues ;
- ❖ Mobility for senior citizens and persons with disabilities, including 360,000 daily transit trips;
- ❖ Without Metro, 200,000 more core parking spaces would be needed , which is the equivalent of 166 blocks of 5-story parking garages;
- ❖ Metrorail enables the emergency evacuation of 120,000 people per hour.

- Currently over \$700 million annually is spent on Northern Virginia's transit for capital and operations by customers and federal, state and local governments;
 - Well over \$900 million annually is needed (source: NVTa's TransAction 2030 Plan);
- This leaves a gap of over \$200 million annually in Northern Virginia extending into the future;
 - Without immediate action by the Virginia General Assembly, Northern Virginia's local governments are unable to close that gap and this region's successful transit systems will be unable to continue their vital contributions to the economic well-being of the entire Commonwealth

As the transit funding crisis is getting worse, the Commonwealth must enact major new revenue sources for public transit during the 2013 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:

1. Meet current state transit funding obligations, including \$50 million annually to match federal and regional funding WMATA. This \$50 million recurring Virginia investment is a vital part of a \$300 million annual funding package for WMATA. Leveraging available federal funds with reliable state revenue sources is paramount. A dedicated source for this ongoing Virginia obligation is needed.
2. 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 established needs of existing transit systems.
3. New statewide revenue sources for public transit should be enacted. To the greatest extent possible they should conform to the following principles:
 - Collected statewide
 - New dedicated revenues yielding a minimum of \$1 billion annually
 - Broad-based multiple sources
 - Adjusted to keep pace with inflation
 - Revenue offsets are permissible (e.g. lower income tax rates for the lowest brackets to compensate for higher gas tax rates)
 - Proceeds used for maintenance and operation of transit and roads as well as transit growth
 - No devolution of state responsibilities

Examples include: sales taxes (1% 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.

resolve the ongoing transit funding crisis; immediate, continuous and sustainable funding is essential. The Supernova and Statewide Transit/TDM plans recently completed by the Virginia Department of Rail and Public Transportation both document significant transit operating and capital needs. They provide further documentation that action by the General Assembly is required.

4. 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.
5. Provide funding to facilitate needed transit and other transportation improvements to relieve congestion at BRAC-mandated facilities.
6. WMATA faces a continuing financial crisis to maintain a state of good repair and respond to federal safety recommendations. NVTC's 2.1% motor fuels tax on distributors should be increased to at least 4.2% or alternatively other revenue strategies should be used to generate at least \$48 million in new revenue dedicated to mass transit in Northern Virginia. The existing \$48 million currently used by five of NVTC's jurisdictions for mass transit should be retained even if a new statewide tax is levied.

State Legislative Action Items

Considerations continued:

7. 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).
8. NVTC joins the Virginia Transit Association in urging the General Assembly to retain its current effective and fair statutory method of distributing state transit assistance, while considering new funding for rewarding transit systems that meet local performance standards. DRPT is expected to request legislation that would provide that agency complete authority to alter the current statutory method of allocating statewide transit assistance. DRPT is proposing in its SJR 297 report an initial process that is highly complex, unpredictable and lacking in transparency, while pitting transit systems with different structures, goals and service territories against each other in inflexible peer groups. Northern Virginia's transit systems as a group would suffer significant financial losses in one of the very few state programs in which this region currently receives its fair share.

Regional Equality

9. The General Assembly should require the Virginia Commonwealth Transportation Board (CTB) to give priority to investments that yield significant economic benefits. CTB recently acted to provide approximately \$1.4 billion for the controversial Route 460 project in Southeastern Virginia while no new funding was identified for WMATA's economically vital Silver Line extension in the Dulles Corridor. Northern Virginia has pressing transit and transportation demand management (TDM) needs. As one example, the Virginia Department of Rail and Public Transportation, within its I-95 Transit and TDM plan, has noted \$216 million of short and long-term transit service and project needs for the corridor to enhance the effectiveness of the new I-95 Express Lanes project, but only \$22.8 million has been committed by CTB.

Regional Coordination

10. NVTC supports the findings of Northern Virginia's Efficiency and Consolidation Task Force that recommended new efficiencies but did not recommend consolidation of agencies. NVTC opposes efforts to consolidate separate agencies facilitating Northern Virginia's successful transit services because such consolidation would not result in significant savings and would cause serious unintended consequences.
11. Amend the Virginia Code to permit board members of agencies such as NVTC to participate electronically more easily in agency meetings. Currently General Assembly members can participate electronically during General Assembly sessions and other exceptions exist to the general prohibition. This is one of the efficiency measures recommended by the Efficiency and Consolidation Task Force.
12. As state-mandated transit studies are undertaken and their recommendations are implemented, the General Assembly should require that regional and local priorities are incorporated.

Safety

13. 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

14. Continue to provide funding for VRE's track lease payments from discretionary federal funds. In enacting MAP-21 (new two-year federal surface transportation funding authorization), Congress eliminated the specific program that the General Assembly had designated for VRE, but provided replacement funds. VRE depends on the almost \$10 million in such track lease funding.
15. Amend the Virginia Code to further cap liability for commuter rail operations by including third party claims and terrorism.
16. 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.
17. 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 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.
18. Amend the Virginia Code to increase maximum fines for repeat offenders travelling on VRE trains without a valid ticket.
19. 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.
20. 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 took place in January 2012. The existing statute could increase the current \$250-million liability insurance threshold imposed by the Class 1 freight railroads.



From: Rick Taube
Sent: Wednesday, January 23, 2013 9:28 AM
To: Rick Taube
Subject: FW: McDonnell Releases Proposed Transportation Project List for "Virginia's Road to the Future"



Commonwealth of Virginia
Office of Governor Bob McDonnell

FOR IMMEDIATE RELEASE

January 22, 2013

Contact: Jeff Caldwell

Phone: (804) 225-4260

Email: Jeff.Caldwell@Governor.Virginia.Gov

**McDonnell Releases Proposed Transportation Project
List for "Virginia's Road to the Future"**

*2013 transportation funding proposal would provide for 158 highway
projects statewide and \$1.07 billion for new rail and transit projects*

RICHMOND—Governor Bob McDonnell's comprehensive, long term transportation funding proposal, "Virginia's Road to the Future," would provide the Virginia Department of Transportation with approximately \$1.28 billion in new state funding that could be used for 158 highway projects providing a significant investment in improving interstate pavement, secondary system bridges, mass-transit, unpaved roads and other high priority projects. The proposal will also provide \$1.07 billion in new funds for rail and transit projects. In addition, the plan would prevent approximately \$500 million of projects in the existing six year improvement program from being delayed due to a downturn in revenue projections.

Speaking about the transportation funding plan today, Governor McDonnell said, "The recommended list of transportation infrastructure projects represents a significant down payment on Virginia's transportation

future. Every corner of the Commonwealth will reap the benefits of safer roads, quicker commutes and increased access to public transportation if this plan is adopted. A world-class transportation system is vital to both economic opportunity and to the quality of life of every Virginian. It is imperative that we act now to ensure that Virginia continues to lead the way as a top place to live, work and raise a family.”

Among the highway, passenger rail and transit projects the governor would recommend are:

- Dulles Metrorail Extension Project
- Extension of passenger rail to Roanoke
- Increased train service to and from Norfolk
- I-66/Route 28 interchange in Fairfax County
- I-95 interchange relocation in Stafford County
- I-95/I-64 overlap improvements in Richmond
- I-64 capacity improvements between Newport News and Williamsburg
- Route 606, Dulles Loop in Loudoun County
- Route 29/666 Interchange in Culpeper County
- Route 340 bridge replacement in Warren County
- I-81 bridge replacement over the New River in Montgomery County
- I-81/I-77 overlap capacity improvements
- Numerous bridge replacements statewide
- Major interstate reconstructive paving projects statewide
- Track improvements Newport News to Richmond/Richmond to Washington, DC
- Unpaved road projects, statewide

Funding for these projects are in addition to the funding in the Commonwealth Transportation Board's current Six-Year Improvement Program. The governor intends to recommend that the board advance these projects once his proposal passes the General Assembly.

The proposed highway project list can be found at:

<http://www.governor.virginia.gov/utility/docs/Illustrative%20List%20Highway%20Projects.pdf>

The proposed transit and rail project list can be found at:

<http://www.governor.virginia.gov/utility/docs/Illustrative%20List%20Rail%20and%20Transit%20Projects.pdf>

###



Department of Rail and Public Transportation
Use of MITF and IPROC Funds per Governor's Transportation Package
(In Millions)

	2014	2015	2016	2017	2018	Total
Mass Transit Trust Fund Revenue (Various)	\$ 91.1	\$ 97.5	\$ 100.8	\$ 104.5	\$ 108.1	\$ 502.0
Dulles (Increase SUT from .5% to .75%)	49.0	101.7	149.3	-	-	300.0
IPROC Revenue (Registration Fees)	54.7	54.7	54.7	54.7	54.7	273.5
Total Revenues	194.8	253.9	304.8	159.2	162.8	1,075.5

Transit Uses:

Transit Operating Program-Statewide	65.6	70.2	72.6	75.2	77.8	361.4 A
Transit Capital Program-Statewide	22.8	24.4	25.2	26.1	27.0	125.5 B
Transit Special Program-Statewide	2.7	2.9	3.0	3.1	3.2	15.1 C
Dulles Rail	49.0	101.7	149.3	-	-	300.0
Total Transit	140.1	199.2	250.1	104.5	108.1	802.0

Rail Uses:

Operating Regional Trains	4.7	6.1	6.3	6.5	6.7	30.3
Amtrak Capital Charges	1.1	3.0	3.7	3.4	3.5	14.7
Total Cost for Six PRRA Trains	5.8	9.1	10.0	9.9	10.2	45.0
Capital Costs for Passenger Service to Roanoke	25.0	35.0	35.0	7.4	-	102.4
Capital Costs for Passenger Service to Norfolk	-	20.9	31.0	18.8	8.7	79.4
Capital Costs for Passenger Service to Newport News	-	-	12.0	12.0	11.0	35.0
Capital Costs for Capacity Richmond to Washington	-	-	11.0	11.3	24.8	47.1
Total Rail Capital Costs	25.0	55.9	89.0	49.5	44.5	263.9
Total Rail Needs	\$ 30.8	\$ 65.0	\$ 99.0	\$ 59.4	\$ 54.7	\$ 308.9

Note A: This will increase the Commonwealth's operating share of transit from 20% to 29.5%.
The intent of the Recordation Tax revenue that began in 2009 was to cover 25% of operating costs, but those revenues fell well short of estimates.

Note B: This additional funding will be used to provide stability regarding the Commonwealth's match percentage and promote sound capital budgeting of the transit providers. It will also allow the establishment of different funding levels for different categories of capital items.

Note C: A portion of this along with existing revenues will be used to fund TEIF which reduces the funding needed from VDOT annually by \$4 million. The remaining amounts will be used for planning studies, demonstration projects, and technical assistance projects.

Testimony on HB 2070 and SB 1140
Alfred Harf, Executive Director
Potomac and Rappahannock Transportation Commission

My name is Alfred Harf, and I'm here on behalf of the Potomac and Rappahannock Transportation Commission (PRTC). PRTC is a transportation district encompassing six local jurisdictions in the Northern Virginia area, three of which sponsor bus services operated by PRTC. All six also sponsor VRE commuter rail service in conjunction with most of the local member jurisdictions of a neighboring transportation district, the Northern Virginia Transportation Commission (NVTC). PRTC's bus services in combination with the VRE rail service transport nearly 8 million trip makers annually, an operation that is among the Commonwealth's largest.

My testimony is about HB 2070 and SB 1140, identical bills that have been introduced on behalf of the McDonnell Administration. The bills – characterized as a set of changes to existing VDRPT-administered state transit assistance programs needed to foster improved transit system performance, are a product of a study the General Assembly directed VDRPT to do in conjunction with its stakeholders by enacting Senate Joint Resolution 297. In keeping with the General Assembly's direction, VDRPT formed an advisory group and I served as a member of that group, so I have first-hand knowledge about the study history and outcome. VDRPT Director Drake has made multiple presentations about the study, characterizing her Department's recommendations as well-founded and broadly supported by the Commonwealth's transit systems, but I'm sorry to say PRTC and many others that would be affected by these recommendations don't agree.

The balance of my testimony summarizes the reasons why PRTC and many other transit providers believe the changes being recommended are ill-advised but, at the outset, I want to be clear that no one disputes the importance of performance measurement or the desire to improve performance. Where PRTC and others part ways with VDRPT is about how performance gets measured.

VDRPT's recommendations call for changes to both the transit operating and capital assistance programs. The changes recommended for the operating assistance program are the principal area of concern, so those proposed changes are the focus of my testimony. The changes as VDRPT is recommending envision available operating assistance funds being distributed based on a set of state-prescribed performance measures, stratified by what VDRPT fashions as peer groups. The allocation model VDRPT developed -- to examine how existing operating assistance allocations would change using VDRPT's measures and peer groups and assuming prevailing levels of funding -- shows that there would be a significant shift of assistance among transit providers, which VDRPT justifies by asserting that the gains and losses are simply a reflection of which providers are performing well and which ones are not. Thus VDRPT reasons that its recommended formula changes are a way of rewarding comparatively high performers and incentivizing better performance by those that are not. For reasons I'll describe next, PRTC and others disagree, seeing these gains and losses as a product of a fundamentally flawed premise.

There are four principal reasons why the premise is flawed:

First, the performance comparisons are comparisons of transit providers, not comparisons by service type. By aggregating all the services operated by a provider and ignoring differences in the mix of services operated by providers, the recommended operating assistance formula changes end up comparing proverbial apples and oranges. For example, PRTC operates both local and commuter bus transit service, while another provider in PRTC's peer group – Loudoun Transit – operates only

commuter bus service, yet they are compared with one another as though they are comparable. While local bus service is present in portions of Loudoun Transit's service area, because that local service is operated by another transit provider (Virginia Regional Transit; VRT), assigned by VDRPT to a different peer group, PRTC ends up disadvantaged by the comparison by being allotted less assistance. Thus measurements that purportedly compare performance among providers in a common peer group are in fact measures skewed by service type differences among the providers. The same concern applies to rail services; all three rail services in the Commonwealth -- WMATA's Metrorail service, VRE commuter rail service, and the Norfolk starter line rail service ("*The TIDE*") -- are in one peer group despite the profound differences among them.

Second, the systems assigned to a common peer group operate in very different settings, which VDRPT's recommended allocation model ignores. A prime example is service area population density, which is widely recognized to be one of the primary determinants of transit usage. In PRTC's assigned peer group, service area population density varies substantially, ranging from little more than 1,000 persons per square mile to more than 9,000. Thus the peer groupings and resultant performance measurements are also flawed because they ignore major differences in service area characteristics which providers can't change, like population density.

Third, VDRPT's recommended use of uniform, state prescribed performance measures as a basis for state operating assistance allocations ignores provider-specific goals and objectives set by each provider's governing board. Since each provider relies on public assistance from state and other sources, it is essential for provider-specific goals and objectives to be fashioned collaboratively by everyone with "skin in the game", including but not limited to the state. VDRPT already has the opportunity to help shape these provider-specific goals and objectives by virtue of the transit development plans (TDPs) it requires all its grantees to produce, which are underpinned by goals and objectives adopted by the provider's governing board.

Fourth, the formula changes recommended by VDRPT would make year-to-year state operating assistance each system receives even more volatile, since the recommended allocation model has many more "moving parts". Some uncertainty is present in the existing operating assistance model because available statewide funding varies from year to year, but the recommended operating assistance model would compound that uncertainty by introducing multiple performance variables and making each year's allocations based on comparisons among providers in a peer group. Ironically, the instability of year to year funding was one of the General Assembly's cited reasons for wanting VDRPT to undertake the study, so an outcome that adds to the uncertainty is hardly what the General Assembly had in mind.

These concerns were repeatedly voiced by the stakeholders during the course of the SJR-297 study, but I'm sorry to say they did not alter VDRPT's thinking. Nor would anyone relying solely on the SJR-297 study report and VDRPT's study presentations have an appreciation for these concerns because they're hardly acknowledged, let alone addressed, by the report and presentations. While the bills themselves are less prescriptive than what VDRPT recommended in the SJR-297 report, the agency's intentions are abundantly clear and the bills as drafted would permit the changes to be implemented in exactly the manner described in the report. PRTC recognizes that the bill language is less prescriptive than the SJR-297 report about the how the allocation formula changes and also recognizes that the bill as drafted requires a public review process before changes are implemented, but these facts don't allay PRTC's and others' concerns because there's no reason to think VDRPT would be any more receptive to altering its thinking if the bill is enacted than it was during the course of the study.

I'll close with three final observations. First, PRTC and other stakeholders are mindful of the fact that the referenced bills are elements of a larger McDonnell Administration transportation funding initiative that promises increased state assistance for transit. Indeed, VDRPT Director Drake has selectively shared how the increased state assistance promised by the Administration's transportation funding plan would affect each transit provider using VDRPT's recommended operating assistance model – an obvious effort to mollify the concerns PRTC and others have expressed about reduced state funding. While increased state assistance would shrink and in some cases eliminate reductions resulting from the formula changes VDRPT envisions, increased assistance – as welcome as that would be – does not cure the concerns because the allocation model itself is based on a flawed premise.

Second, while VDRPT asserts that the changes it is recommending to the operating assistance allocation formula are necessary to bring about performance improvement, I want to assure you that performance improvement is already an integral part of PRTC's and other transit providers' operating practices. Providers are highly motivated to improve performance independent of VDRPT's operating assistance allocation formula, because we have to be. Public funding from all sources is in short supply, and so performance improvement is a continuing preoccupation. By way of illustration, PRTC has made significant strides in lessening its fuel consumption by: more concerted attention to bus idling; the installation of a new radiator cooling system; and the use of cameras aboard the buses to monitor operator driving behavior (e.g., breaking and accelerating) for mentoring purposes. PRTC has also lowered the cost of the fuel it does consume by purchasing "futures" contracts timed to take advantage of market pricing fluctuations. And PRTC adjusts its bus services at least twice yearly to account for changes in ridership patterns. There are multiple other examples I could cite were it not for the limitations of time.

Third, PRTC plea that these bills be rejected should not be interpreted to mean that VDRPT's involvement in performance improvement efforts is unwelcome. To the contrary, VDRPT's involvement has added and will continue to add value, so long as the involvement recognizes the primacy of each provider's specified goals and objectives and is done collaboratively with each provider's governing board.

I said at the outset that there is no disagreement about the importance of performance measurement or the desire to improve performance, but about how performance is measured. Rather than trying to measure performance by comparing systems that are inherently different as VDRPT proposes to do, PRTC and many other stakeholders contend that the only fair-minded way to measure performance is to use measures each provider's governing board sanctions for itself, tailored to the provider's unique circumstances. This can be done without changing the existing operating assistance model.

I would be pleased to answer any questions my testimony may have prompted, and I thank you for your attention.

Comparison of HB 2070/SB 1040 DRPT Allocation Versus Current Allocation Formula

	Current FY 13 Allocation	Current Allocation Plus \$65 Mil.	DRPT Proposed Allocation Plus \$65 Mil.	Difference From Current Plus \$65 Mil.
WMATA Bus	\$25,750,683	\$37,547,278	\$30,253,779	(\$7,293,499)
Fairfax County	\$11,405,687	\$16,630,724	\$13,470,034	(\$3,160,690)
Hampton Roads Transit - Rail	\$2,410,436	\$3,514,676	\$1,809,719	(\$1,704,958)
PRTC	\$4,726,481	\$6,891,719	\$5,214,990	(\$1,676,729)
JAUNT	\$896,604	\$1,307,346	\$876,118	(\$431,227)
Greater Lynchburg Transit Company	\$1,754,127	\$2,557,707	\$2,241,475	(\$316,232)
City of Petersburg	\$651,420	\$949,840	\$671,985	(\$277,855)
Bay Aging	\$494,168	\$720,551	\$499,968	(\$220,583)
District Three Public Transit	\$320,369	\$467,133	\$318,736	(\$148,397)
City of Radford	\$310,269	\$452,406	\$315,129	(\$137,277)
Mountain Empire Older Citizens, Inc.	\$276,120	\$402,613	\$279,878	(\$122,734)
Greater Roanoke Transit Company	\$1,591,466	\$2,320,530	\$2,209,163	(\$111,367)
Arlington County	\$1,892,430	\$2,759,367	\$2,665,542	(\$93,825)
RADAR	\$170,302	\$248,319	\$157,625	(\$90,694)
AASC / Four County Transit	\$325,211	\$474,193	\$388,983	(\$85,210)
VRT	\$1,449,233	\$2,113,139	\$2,036,946	(\$76,192)
City of Fairfax	\$535,938	\$781,455	\$713,067	(\$68,388)
City of Winchester	\$155,453	\$226,667	\$169,804	(\$56,864)
Blackstone Area Bus	\$89,805	\$130,946	\$77,638	(\$53,308)
FRED	\$761,999	\$1,111,077	\$1,065,849	(\$45,227)
Greene County Transit, Inc.	\$124,923	\$182,151	\$142,470	(\$39,681)
City of Suffolk	\$113,208	\$165,070	\$138,618	(\$26,452)
STAR Transit	\$88,043	\$128,376	\$121,765	(\$6,611)
Town of Bluefield-Graham Transit	\$44,497	\$64,881	\$59,238	(\$5,644)
Town of Altavista	\$15,717	\$22,917	\$21,740	(\$1,177)
Lake Area	\$10,418	\$15,190	\$15,275	\$85
City of Bristol Virginia	\$104,140	\$151,847	\$152,021	\$174
Town of Chincoteague	\$14,674	\$21,397	\$29,964	\$8,567
Pulaski Area Transit	\$77,084	\$112,397	\$122,851	\$10,453
Farmville Area Bus	\$122,574	\$178,726	\$195,012	\$16,286
Charlottesville Area Transit	\$1,215,001	\$1,771,603	\$1,833,911	\$62,308
Danville Transit System	\$193,235	\$281,758	\$382,965	\$101,207
Williamsburg Area Transit Authority	\$1,205,918	\$1,758,359	\$2,001,292	\$242,934
City of Alexandria Office of Transit	\$2,762,079	\$4,027,409	\$4,324,678	\$297,269
VRE	\$9,058,218	\$13,207,861	\$13,644,376	\$436,515
City of Harrisonburg Dept. of Public Transp	\$590,527	\$861,052	\$1,434,960	\$573,908
Loudoun County Office of Transportation	\$1,553,492	\$2,265,159	\$3,276,229	\$1,011,070
Blacksburg Transit	\$968,120	\$1,411,623	\$2,738,165	\$1,326,542
GRTC	\$8,843,759	\$12,895,156	\$14,377,363	\$1,482,207
Hampton Roads Transit - Bus	\$14,547,828	\$21,212,305	\$23,098,832	\$1,886,528
WMATA Rail	\$44,266,275	\$64,545,011	\$73,339,781	\$8,794,770
Total Allocation	\$141,887,934	\$206,887,934	\$206,887,934	\$0

TO: CHAIRMAN SMEDBERG AND THE VRE OPERATIONS BOARD
FROM: DOUG ALLEN
DATE: JANUARY 18, 2013
RE: OPPOSITION TO SB 1210 and HB 2152 IN THE VIRGINIA
GENERAL ASSEMBLY

RESOLUTION
06-01-2013
OF THE
VIRGINIA RAILWAY EXPRESS
OPERATIONS BOARD

WHEREAS, the Virginia Railway Express (VRE) commuter rail service was first established in 1989 under the VRE Master Agreement among the Northern Virginia Transportation Commission (NVTC) and the Potomac and Rappahannock Transportation Commission (PRTC), and the local member jurisdictions of NVTC and PRTC who agreed to pay a subsidy, subject to annual appropriations, to support VRE operations; and

WHEREAS, the VRE Master Agreement provides for a joint subcommittee of NVTC and PRTC called the VRE Operations Board comprised by the local jurisdictions that fund VRE operations and a representative of the Chairman of the Commonwealth Transportation Board; and

WHEREAS, each jurisdiction that funds VRE has a vote on the VRE Operations Board with a weight based on the number of VRE riders from the jurisdiction and the amount of annual subsidy paid by the jurisdiction; and

WHEREAS, NVTC and PRTC receive grant funding from the Commonwealth each year to support VRE operations, which funding varies from year to year and constitutes approximately 16% of the VRE budget each year; and

WHEREAS, SB 1210 and HB 2152 have been introduced in the 2013 Virginia General Assembly which bills provide the Chairman of the Commonwealth Transportation Board (CTB) with one vote on the VRE Operations Board with a weight equivalent to that of the VRE member jurisdiction paying the highest annual subsidy as determined under the VRE Master Agreement; and

WHEREAS, these bills are unnecessary given that the CTB Chairman or his designee already has a voting member on the VRE Operations Board, as well as on both NVTC and PRTC; and

WHEREAS, as proposed, the bills provide the CTB Chair with a vote on the VRE Operations Board equal to the jurisdiction paying the highest annual subsidy without any commitment by the Commonwealth that they themselves make an annual subsidy payment; and

WHEREAS, as proposed, the bills weaken the voice on the VRE Operations Board of the jurisdictions that pay the majority of the annual subsidy for VRE, and whose constituents rely upon the VRE every day to commute to work; and

WHEREAS, as proposed, the bills nullify the regional consensus among NVTC, PRTC, and the nine counties and cities who have signed the VRE Master Agreement, who currently are and other obligations as issued in reliance upon the VRE Master Agreement; and

WHEREAS, the VRE Operations Board has procedures for addressing requests for amendments to the governing documents which were not followed by the Commonwealth, and the VRE Operations Board welcomes the Commonwealth's initiation of requested changes to the Master Agreement and ByLaws.

NOW, THEREFORE, BE IT RESOLVED THAT, the VRE Operations Board does hereby oppose SB 1210 and HB 2152; and

BE IT FURTHER RESOLVED THAT, the VRE Operations Board requests that SB 1210 and HB 2152 be tabled while the Commonwealth has discussions with the VRE Operations Board about potential changes to the VRE Master Agreement to address its concerns; and

BE IT FURTHER RESOLVED THAT, the VRE Operations Board is willing to consider potential changes including those that would make the Commonwealth a part of the annual VRE subsidy formula through its commitment, subject to appropriations, to fund a portion of the VRE annual budget, including debt service, and that would make corresponding changes to the subsidy formula and voting structure on the VRE Operations Board; and,

BE IT FURTHER RESOLVED THAT, in the event the bills are not tabled, the VRE Operations Board does hereby urge the General Assembly to defeat SB 1210 and HB 2152 in favor of retaining the organizational structure provided for in the VRE Master Agreement which has proven successful for over twenty years; and,

BE IT FURTHER RESOLVED THAT, the VRE Operations Board Chairman will transmit this resolution to the Governor and General Assembly, including the President of the Senate, Speaker of the House, and Chairman of the appropriate House and Senate Committees; and,

BE IT FURTHER RESOLVED THAT, the VRE Operations Board will forward this resolution to both NVTC and PRTC for consideration and action at their next scheduled meetings.

Approved this 18th day of January, 2013



Paul Smedberg
Chairman



John Cook
Secretary