



**NVTC LEGISLATIVE AND POLICY COMMITTEE MEETING  
THURSDAY, FEBRUARY 7, 2019**

**Please Note Location: NVTC Office Suite #620  
2300 Wilson Blvd, Arlington, VA 22201**

**7:30 P.M.**

**AGENDA**

1. Summary of the January 3, 2019 Legislative and Policy Committee Meeting
2. Overview of Committee Structure, Scope and Proposed Schedule
3. Update on 2019 General Assembly Session Actions
4. Update on PRIIA Reauthorization
5. Discussion of Priorities for 2019 Legislation and Policy Committee

**Members:**

David Meyer, Chair  
Canek Aguirre  
Adam Ebbin  
Libby Garvey  
Matt Letourneau  
Jeff McKay  
Dave Snyder

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**NVTC LEGISLATIVE AND POLICY COMMITTEE  
MEETING SUMMARY  
NVTC Conference Room, Suite #620  
Navy League Building – Arlington, Virginia  
January 3, 2019**

**NVTC Legislative and Policy Committee Members Present:**

Katie Cristol, Chair  
David Meyer  
Matt Letourneau  
Paul Smedberg  
Dave Snyder

**NVTC Legislative and Policy Committee Members Absent:**

Cathy Hudgins

**Other NVTC Commissioners Present:**

Canek Aguirre  
Elizabeth Bennett-Parker

**Staff and Others Present:**

Kate Mattice	Penny Newquist
Karen Finucan Clarkson	Greg Potts
Joey de St. Aubin	Noelle Dominguez
Matt Cheng	Pat Carroll
Aimee Perron Seibert	Joe Swartz
Bob Brown	Deb Wake
Chloe Ritter	

Committee Chair Katie Cristol called the meeting to order at 5:39 P.M.

Ms. Perron Seibert and Ms. Mattice provided a preview of the upcoming 2019 Virginia General Assembly Legislative Session. The committee discussed the format of the shortened legislative session, bill limits and potential pre-filed bills relating to transit.

Ms. Cristol inquired about the status of marketplace fairness and gas tax legislation relating to transportation funding. There was further discussion on studies the General Assembly may enact relating to the I-95 and I-81 corridors.

Mr. Letourneau arrived at 5:47 P.M.

Mr. Letourneau inquired about NVTC's February 7<sup>th</sup> Commission meeting in Richmond, Virginia. Members of the committee discussed the format of the meeting as well as potential

Commissioner engagement with the Virginia Transit Association (VTA) Transit Advocacy Day on January 28, 2019.

Mr. Potts provided an update on WMATA's legislative efforts on the reauthorization of the Passenger Rail Investment and Improvement Act (PRIIA). Committee members emphasized the importance of engaging with the local congressional delegation and other members in the federal space.

Ms. Mattice detailed early planning for a General Assembly transit tour in the spring that would include several options such as the new National Landing area as well as the Silver Line extension. NVTC staff will work closely with jurisdictional staff and General Assembly aides to identify possible dates, tour logistics and opportunities for elected official engagement.

The meeting adjourned at 6:09 P.M.

**Legislative and Policy Committee**  
**Excerpt from NVTC By-Laws (October 2018)**

**10. COMMITTEES**

**A. General Provisions**

- (1) The Commission shall, at its January annual organizational meeting, or thereafter, establish such committees as it deems appropriate. Such committees shall continue throughout the calendar year unless dissolved. The Commission shall designate the chairman and membership of each such committee unless expressly provided for elsewhere in these By-Laws.
- (2) Excluding the Executive Committee, the Commission chairman shall not also serve as the chairman of a committee unless determined otherwise by an affirmative vote that includes (a) not less than two-thirds of the Commission members present and voting and (b) Commission members from not less than two thirds of the member jurisdictions.
- (3) To encourage participation by all member jurisdictions, the Commission shall strive to distribute Commission leadership and committee leadership and membership among all members from the member jurisdictions.
- (4) All committees shall adhere to all open meeting requirements contained in the Virginia Code including those pertaining to notice, minutes, and public attendance. All members of NVTC are eligible to attend meetings of all NVTC's committees and subcommittees, including closed meetings, but only committee members shall be eligible to vote at committee meetings.

**D. Legislative and Policy Committee**

- (1) Membership: There shall be a Legislative and Policy Committee consisting of a chairman and Commission members drawn from member jurisdictions in a representative manner. One Commission member from the General Assembly shall serve as a non-voting member of the Legislative and Policy Committee.
- (2) Charge: The Legislative and Policy Committee shall:
  - (a) Develop the Commission's annual legislative and policy agenda.
  - (b) Serve as a venue for discussion of legislative and policy matters that directly affect the NVTC region and transit in Northern Virginia.
  - (c) Meet with appropriate state and federal entities, as needed.
- (3) Meetings: The Legislative and Policy Committee shall meet regularly from October through March and as necessary in other months and shall be available to meet on short notice during the state and federal legislative sessions.

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Northern Virginia's economic growth and global competitiveness are directly tied to the region's transit network. With nearly 60 percent of jobs within a quarter-mile of a rail station or bus stop, Northern Virginia is among the nation's most transit-accessible areas.

High-quality transit not only brings economic benefits to Northern Virginia but to the entire Commonwealth. The high-capacity service offered by the Washington Metropolitan Area Transit

Authority's (WMATA) Metrorail and the Virginia Railway Express (VRE) provides more than \$600 million per year to the Commonwealth of Virginia in sales and income tax revenues<sup>1</sup>. This reflects a more than 250 percent return on investment to the Commonwealth for its support of these transit systems.



Each work day, 550,000 Northern Virginians commute via transit, saving the region 35.5 million hours of congestion-related traffic delays annually. VRE riders, nearly 19,000 daily, take the equivalent of two lanes of traffic – one each on I-66 and I-95 – off the highways during rush hour. With six bus systems extending from Loudoun

County to the City of Alexandria and commuter- and fixed-rail systems, Northern Virginia continues to explore ways to better connect businesses, residents and visitors.

**\$600 M**  
in revenues to Virginia

### Transit Systems that Serve NVTC's Communities



#### State Legislative Priorities:

- ✓ Identify Future Revenues to Address Statewide Transit Capital Shortfall
- ✓ Restore Regional Transportation Revenues
- ✓ Preserve the Dedicated Funding for WMATA and VRE

#### Federal Legislative Priorities:

- ✓ Reauthorize Federal Funding for WMATA
- ✓ Ensure Labor Arbitration Commitments Reflect Budget Realities
- ✓ Incorporate Transit in a Federal Infrastructure Package
- ✓ Reauthorize the Federal Transit Program and Fully Fund the Mass Transit Account
- ✓ Continue the Commitment to Commuter Tax Benefits

<sup>1</sup> NVTC, The Value of Metrorail and the Virginia Railway Express to the Commonwealth of Virginia, September 2017

### 1. Identify Future Revenues to Address Statewide Transit Capital Shortfall

NVTC supports a statewide solution to stem the future loss in revenues that fund transit capital statewide. An urgent and immediate threat to transit systems across the state will begin when the Commonwealth Transportation Board allocates the last revenues received from the 2007 Transportation Capital Project Revenue Bonds. These bond proceeds have been a key element in Virginia's funding for transit capital, representing 40 percent of the available revenue for transit capital investments across the state.

This loss of funding will be disastrous for Northern Virginia transit providers, affecting the reliability and service performance of our transit systems. With less state financial support, funding for transit will need to compete with core local services. The loss of state funds will affect all transit providers in Northern Virginia, including the six local bus systems and VRE commuter rail.

The transit shortfall will affect systems throughout the Commonwealth. More than 41 transit agencies across the state rely on these funds to maintain safe and reliable transit operations. In areas with limited local resources, a loss of more than 20 percent in state transit capital funding will be devastating.

This year, NVTC will work with fellow stakeholders to identify options for long-term, sustainable funding for the Commonwealth's transportation needs. These are imperative if we are to avoid the collapse of Virginia's transit capital program and, with it, transit operations.

### 2. Restore Regional Transportation Revenues

NVTC supports efforts in the future to restore regional (70%) revenues and local (30%) distribution revenues available to the Northern Virginia Transportation Authority (NVTA) repealed as a result of HB 1539/SB 856 (2018). NVTA is the entity in Northern Virginia responsible for allocating regional revenues for transportation projects – including transit projects - that reduce congestion. Due to the loss of 70% revenue funds, several regional transit projects or projects that increase improve access to transit received partial or no funding in NVTA's FY2018-2023 Six Year Program, including the City of Alexandria's West End Transitway, Fairfax County's Frontier Drive Extension, and Arlington County's Ballston Metrorail Station West Entrance and improvements to the Crystal City Metro Station. In addition, NVTC jurisdictions saw a marked reduction in their 30% revenues, which, in many cases, support transit operations. NVTC supports restoration of these funds as they are instrumental for multimodal regional and local transportation projects across Northern Virginia.

#### ***Internet Sales Revenue for Transit?***

*A critical factor this session could be changes in tax law and how Virginia could collect taxes on internet sales after the US Supreme Court's decision in the Wayfair case.*

*In 2013, the General Assembly had explicitly earmarked funds stemming from the passage of any federal Marketplace Fairness Act for transportation and transit.*

*While that is not what has happened, if the spirit of the intent remains, a portion of the new funds coming to Virginia should still be dedicated to transportation, including statewide transit capital.*

### 3. Preserve the Dedicated Funding for WMATA and VRE

**WMATA:** In 2018, the General Assembly, the Governor and the Northern Virginia region collaborated on a dedicated funding and reform package to ensure that WMATA's transit service would continue to serve as the backbone of the Washington, D.C. region's transportation network. All three jurisdictions – Virginia, Maryland and the District of Columbia – were able to dedicate the revenues that WMATA identified as essential for it to begin chipping away at decades of the aging system's unfunded capital needs. NVTC, in its expanded oversight



role, will continue to work with its local jurisdictions, the Governor and the General Assembly as funds become available to ensure strong stewardship, appropriate oversight, annual reporting, and future cost-saving strategies.

**VRE:** A second, critical part of the 2018 transit funding bill was regional dedicated funding for VRE. A new fund, the Commuter Rail Operating and Capital Fund (C-ROC), was created and \$15 million dollars annually will be deposited into the Fund from the new floor on the regional gas tax.

The C-ROC was modeled after Virginia's Intercity Passenger Rail Operating and Capital fund (IPROC) and designed to meet the financial needs that VRE identified in its long-term financial plan. In creating the C-ROC and dedicating funds, the legislature acknowledged that VRE is a critical piece of the Northern Virginia transportation system.



## 2019 FEDERAL LEGISLATIVE PROGRAM

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Facilitating efficient surface transportation, including public transportation, has long been recognized as a federal responsibility and is critical to U.S. global economic competitiveness. According to the American Public Transportation Association, 87 percent of the 35 million public transportation trips taken each day directly impacts the U.S. economy because Americans ride public transit to work or spend money at retail businesses and entertainment venues.

In Northern Virginia, federal funding for public transportation supports capital investments in WMATA and VRE, as do allocations made by the Commonwealth and local jurisdictions. Also, the tax benefits provided to large employers – most notably the federal government – play a key role in supporting commuters who utilize transit, which benefits all the transit providers in our region.

### 1. Reauthorize Dedicated Federal Funding for WMATA

NVTC strongly supports continued dedicated federal funding of WMATA, to support critical safety and state of good repair projects, that matches or exceeds the current 10-year commitment under the Passenger Rail Investment and Improvement Act of 2008 (PRIIA).

WMATA is critical to the federal government. More than half of Metrorail stations serve federal facilities and approximately 40 percent of morning peak-period customers are federal employees. Further, WMATA enables special events in the Washington metropolitan region, such as festivals, sporting events, and inaugurations. Metrorail also allows for the evacuation of more than 120,000 people per hour during an emergency.

In 2008, Congress authorized a total of \$1.5 billion over 10 years to WMATA under PRIIA, leveraged by an equal match of funds from Virginia, Maryland and the District of Columbia. These funds have been crucial in supporting the major maintenance and capital rehabilitation activities that were necessary to restore the safety and reliability of the aging transit system.

### 2. Ensure Labor Arbitration Commitments Reflect Budget Realities

To control costs at WMATA, NVTC endorses an amendment to the federal Wolf Act (National Capital Area Interest Arbitration Standards Act of 1995, Pub L. 104-50) to require arbitrators in WMATA contract mediations to consider fiscal restrictions, such as the three percent cap in growth of annual operating subsidies, in all cases. Currently, the Wolf Act permits but does not mandate arbitration awards based upon financial condition.

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Strengthening this language would allow management to keep labor costs aligned with the financial condition of the transit agency and its funding jurisdictions.

### **3. Incorporate Transit in Federal Infrastructure Package**

Since 2017, the President and Congress have discussed a \$1 trillion package to restore and renew infrastructure across the nation. Should Congress take up consideration of an infrastructure package, NVTC supports a strong transit component.

### **4. Reauthorize the Federal Transit Program and Fully Fund the Mass Transit Account**

The Fixing America's Surface Transportation (FAST) Act of 2015 provides \$61.1 billion over five fiscal years for programs administered by the Federal Transit Administration (FTA) and is authorized through 2020. NVTC supports Congressional reauthorization of the FAST Act in a timely manner to provide certainty and stability of federal funds to transit agencies in Northern Virginia, including WMATA and VRE.

The law, which will expire at the end of FY2020, currently authorizes up to \$12.6 billion nationwide per year for federal transit programs. It funds important transit programs that are used by systems in Northern Virginia, including Urbanized Area Formula Grants, grants for the Enhanced Mobility of Seniors & Individuals with Disabilities, Bus and Bus Facilities Grants Program, discretionary grant programs, and State of Good Repair Formula Grants. It also authorizes the Capital Investment Grants program, which supports new major transit expansion activities such as future bus rapid transit routes within Northern Virginia.

The legislation also authorizes the Transportation Infrastructure Finance and Innovation Act (TIFIA) and the Railroad Rehabilitation and Improvement Financing programs, as well as the multimodal Surface Transportation Program (STP) and Congestion Mitigation and Air Quality Program (CMAQ), all used on programs and projects currently active in Northern Virginia.

Close to 80 percent of the FTA's funds comes from the Mass Transit Account of the Highway Trust Fund, with resources derived primarily from federal gas tax revenues. Congress has not increased the federal gas tax since 1993, leading to a projected shortfall of the Highway Trust Fund (HTF) in the coming years. As solvency of the HTF is critical to funding a federal transportation authorization bill, NVTC supports Congressional efforts to address the long-term sustainability of the HTF.

### **5. Continue Commitment to Commuter Tax Benefits**

Nearly 90 percent of VRE passengers and 65 percent of Metro's Virginia riders rely on the commuter tax benefit, the tax relief program that was restored in 2015 to serve employees of federal agencies and private sector companies across the country. NVTC supports continuation of transit commuter benefits that are on par with the tax incentive provided for parking. Commuter tax benefits make transit service more attractive to commuters who currently drive alone. Further, NVTC encourages federal programs that support the use of carpools, vanpools, rideshare, bike share, and transportation demand management (TDM) as effective tools to eliminate traffic congestion.



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Adopted 11-06-14

## **POLICY GOVERNING ELECTRONIC PARTICIPATION IN NVTC COMMITTEE MEETINGS**

Occasions may arise when a Commissioner of the Northern Virginia Transportation Commission (NVTC) is unable to be physically present at a committee meeting. Under certain circumstances, Virginia law permits members to participate in meetings through electronic means such as telephone and video conferencing. The law limits the instances in which this may occur, prescribes procedures that must be followed when a member participates in a meeting through electronic means, and requires that a written policy governing such participation be adopted. This Policy, as hereafter set forth, sets forth the instances when a Commissioner may participate in a NVTC committee meeting electronically and the procedures that apply.

### **Circumstances When Electronic Participation Is Permitted**

A Commissioner may participate in a NVTC committee meeting through electronic means from a remote location not open to the public under the following circumstances:

1. A Commissioner shall notify the Chair on or before the day of the meeting that such Commissioner is unable to attend the committee meeting due to an emergency or personal matter, and shall identify with specificity the nature of the emergency or personal matter. NVTC shall record the specific nature of the emergency or personal matter and the remote location from which the Commissioner participated. If the Commissioner's participation from a remote location is disapproved because such participation would violate the provisions of this Policy, such disapproval shall be recorded.
2. Such participation by the Commissioner shall be limited each calendar year to two committee meetings or 25 percent of the meetings, whichever is fewer.
3. A Commissioner may notify the Chair that such Commissioner is unable to attend a committee meeting due to a temporary or permanent disability or other medical condition that prevents the Commissioner's physical attendance. NVTC shall record this fact and the remote location from which the Commissioner participated.

## **Procedural Requirements**

Participation by a Commissioner of NVTC as authorized above shall be only under the following conditions:

1. A quorum of NVTC is physically assembled at the primary or central meeting location.
2. NVTC is able to make arrangements for the voice of the committee member who is participating remotely to be heard by all persons at the primary or central meeting location.
3. This Policy shall be applied strictly and uniformly, without exception, to all Commissioners and without regard to the identity of the Commissioner requesting to participate remotely or the matters that will be considered at the committee meeting.



Adopted 11-06-14

## **GUIDELINES FOR NVTC's POLICY GOVERNING ELECTRONIC PARTICIPATION IN COMMITTEE MEETINGS**

The determination of whether requests by Commissioners to participate in NVTC committee meetings from remote locations complies with NVTC's Policy Governing Electronic Participation in Meetings ("Policy") shall be made by the NVTC Chair subject to final approval by the Commission. The following guidelines shall be used by the Chair and NVTC in considering and acting upon requests:

1. The policy applies only to NVTC committee meetings when the technology is available to accommodate remote participation, which includes NVTC's conference room (Suite #620, 2300 Wilson Blvd., Arlington VA).
2. Notification of the request to participate electronically shall be provided by the Commissioner seeking to participate remotely to the Chair at the earliest practicable time not later than eight hours before the meeting start time. It may be provided verbally but should be followed up in writing as soon as possible.
3. The Commissioner may participate in the committee meeting, including work sessions and closed sessions, using all available electronic means including telephone and video conferencing provided the Commissioner participating remotely can be heard by all those in attendance at the location of the meeting. In the event that the means used for participation in the meeting, or other circumstances at the remote location, are disruptive to the meeting, the Chair, subject to Commission approval, may deny or withdraw the approval to participate remotely, including during the meeting. While not required, the Commissioner participating remotely is encouraged to view the meeting via television or the internet to the extent it is available.
4. For purposes of the Policy, the term "emergency" shall have its common meaning including dictionary definitions defining the term as: "a dangerous or serious situation, such as an accident, that happens suddenly or unexpectedly and needs immediate action." (Cambridge online dictionary).
5. For purposes of the Policy, a personal matter includes circumstances that prevent a member from physically attending a meeting including personal and business travel.

6. For purposes of the Policy, a temporary or permanent disability and a medical condition that prevents physical attendance at the meeting should be evident based on the nature of the disability or the condition.
7. The Commissioner requesting to participate electronically shall provide sufficient specificity as to the nature of the emergency or personal matter as is necessary for the Chair, and the Commission, to determine whether the circumstances warrant remote participation.
8. Medical verification of a medical condition or physical disability shall not be required.
9. More than one Commissioner may participate electronically at the same meeting.
10. Remote participation shall be permitted only under circumstances where all attendees at the regular meeting location, including the public, can, at a minimum, hear and possibly see the remote member.
11. NVTC's Commission Secretary shall be responsible for documenting the request to participate electronically, the reasons why it is necessary, the remote location from which the Commissioner participated electronically, and the Commission's approval or disapproval.
12. NVTC's Commission Secretary shall be responsible for ensuring a Commissioner does not participate electronically for emergency or personal reasons more than two times per calendar year.