

NVTC LEGISLATIVE AND POLICY COMMITTEE MEETING
WEDNESDAY, MAY 25, 2022
NVTC Conference Room, Suite #230
2300 Wilson Blvd., Arlington, VA 22201
Public Streaming Via YouTube
8:30 a.m.

AGENDA

Masks are no longer required at NVTC. Attendees may choose to wear a mask based on their own personal preference. The meeting can be viewed via the [NVTC YouTube Link](#).

1. Meeting Summary of the February 17, 2021, Legislative and Policy Committee Meeting
2. General Assembly Update – NVTC Legislative Liaison Aimee Perron Seibert
3. Transit Service Delivery Advisory Committee (TSDAC) Update
4. Federal Update

Members:

David Meyer, Chair
Canek Aguirre
Adam Ebbin
Libby Garvey
Matt Letourneau
Dave Snyder
James Walkinshaw

MEETING SUMMARY
NVTC LEGISLATIVE AND POLICY COMMITTEE
NVTC Suite #230 Conference Room
2300 Wilson Blvd., Arlington, Virginia
Public Streaming via YouTube
February 17, 2022

NVTC Legislative and Policy Committee Members Present:

David Meyer, Chair
Canek Aguirre
Adam Ebbin (*via electronic participation*)
Libby Garvey
David Snyder
James Walkinshaw

NVTC Legislative and Policy Committee Members Absent:

Matt Letourneau

NVTC Staff and Others Present:

Kate Mattice, Executive Director
Allan Fye
Tenley O'Hara
Aimee Perron Seibert (*via electronic participation*)

Chair Meyer called the meeting to order at 5:02 p.m. He stated that NVTC is continuing COVID-19 safety protocols and the meeting is being livestreamed on YouTube for the public and staff. He noted that Senator Ebbin is participating electronically because the General Assembly is still in Session.

Chair Meyer asked for any changes to the November 12, 2021 Legislative and Policy Committee Meeting Summary. Committee members accepted the meeting summary with no changes.

General Assembly Update

Chair Meyer stated that the General Assembly had crossover on February 15, which was the last day for each house to act on its own legislation, except budget bills. He asked NVTC's Legislative Liaison Aimee Perron Siebert to give an update.

Ms. Seibert provided an overview of the bills NVTC has been tracking in the 2022 Session. She noted that the only bill that that did not have a hearing was HB 297 (McNamara) regarding the regional fuels tax, which means it was left in committee and is dead for the year. However, several bills that impact transit funding through the grocery tax and the state fuel tax are still in

play. HB 1144 (Webert), which aims to pause the five-cent increase on the state tax on gasoline and diesel fuel, will likely be defeated in the Senate as its equivalent SB 541 (Peake) was already killed. She also underscored the concern regarding HB 90 (McNamara) and SB 451 (Boysko) that would eliminate the grocery tax resulting in a loss of \$250 million over two years for transportation funds. Part of the concern is that there is no current plan to replace this revenue source for transportation. Chair Meyer voiced additional concern regarding this legislation as did several other committee members especially regarding the lack of a plan to backfill lost funds. The committee then discussed potential plans for future legislative sessions to call attention to this issue.

Ms. Perron Siebert stated that monitoring of these bills and budget amendments continue as the General Assembly heads into Budget Sunday, when committees responsible for the budget bill(s) are to complete work before they head into the amendment process.

After further discussion, the committee directed staff to work with Chair Meyer to prepare a letter to Senators Saslaw, Howell and Barker urging them to identify a replacement source for revenues lost with the enactment of SB 451. Since the message of the letter is consistent with NVTC's approved 2022 Legislative and Policy Agenda's "Protect Existing Transit Programs and Funding" priority, following review by committee members and NVTC Chair Aguirre, staff will send the letter as soon as it is finalized.

Federal Update

Ms. Mattice provided a federal outlook, including a written update compiled by Cardinal Infrastructure, VRE's federal legislative liaison. The House passed a Continuing Resolution (CR) to fund the government through March 11, 2022. Majority Leader Schumer has stated that the Senate will take up the measure before the current CR expires. House and Senate Appropriations leaders last week agreed to a spending framework for FY 2022, although the details are not yet available. Ms. Mattice reported that according to USDOT Undersecretary for Policy Carlos Monje the federal government is still operating under FY 2021 funding levels in the current CR, and therefore, the increased program authorization levels cannot yet be fully realized until a full year appropriations bill is enacted.

Ms. Mattice also noted that the White House appears to be in discussions for a new version of the Build Back Better Act. In addition, the Federal Highway Administration (FHWA) announced \$615 million in FY 2022 funding for the new National Electric Vehicle Infrastructure (NEVI) Formula Program authorized by the Infrastructure Investment and Jobs Act (IIJA). Finally, there is proposal for a gas tax holiday through the end of the year by several Senate Democrats, but it does not appear to have bipartisan support.

Chairman Meyer adjourned the meeting at 6:00 p.m.



TSDAC Update May 2022

DRPT proposed updates to Capital and Operating funding allocations.

TSDAC Overview

Transit Service Delivery Advisory Committee

- **2018 statute requires DRPT to meet and reevaluate MERIT and Operating assistance every three years**
 - The law requires DRPT to consult with the Transit Service Delivery Advisory Board on these changes
- **TSDAC members represent all corners of the Commonwealth and serve to advise DRPT on funding allocation**
 - Kate serves as representative of the Virginia Transit Association
 - Cindy Mester from the City of Falls Church represents Virginia Municipal League
- **DRPT provides funding assistance to all Northern Virginia transit agencies; TSDAC focus excludes WMATA**



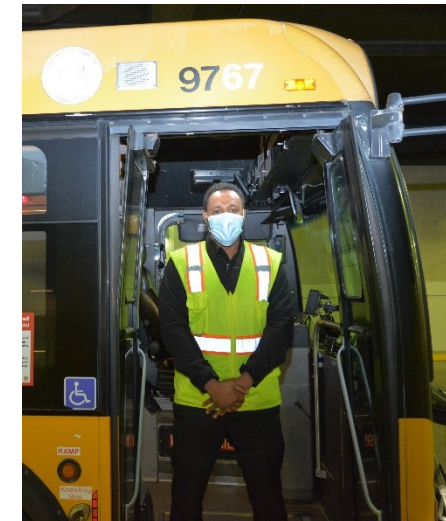
DRPT Proposed Changes

- 1. Transit Strategic Plans**
- 2. Capital Assistance**
- 3. Operating Assistance**

Proposed Changes

Transit Strategic Plans

1. Modify Annual Update process from a letter submission to a joint quarterly meeting
2. Modify five-year review from a major update to a minor update







Proposed Changes

Capital Assistance

1. Update MERIT Category Definitions
2. Edit Local Match Requirements
 - a) Add a provision to lower the local match rate for projects that receive federal discretionary funding
3. Create a Capital Discretionary Set-Aside for Federal awards
4. Update Asset Condition Scoring
 - a) Lower the floor for earning points to 80% of estimated service life
5. Update Service Impact Scoring
 - a) Update service impact score schedule to include more project types
 - b) Replace "additional considerations" with "incentive scoring"
6. Update Major Capital Projects Accessibility Metrics
 - a) Update descriptions of accessibility factors to "disadvantaged populations"
7. Remove Major Capital Projects Area Based Weights
 - a) All factors will be instead equally weighted regardless of geographic location

1. Edit MERIT Category Definitions

- **Proposed Category Definitions –**
 - **State of Good Repair (SGR):**
 - Capital projects or programs to replace or rehabilitate an existing asset,  excluding major capital construction projects with a total cost over \$3 million.
 - **Minor Enhancements (MIN):**
 - Capital projects or programs that add capacity or include the purchase of new assets meeting the following criteria: 
 - Total project cost of less than \$3 million, or
 - For expansion vehicles, an increase of less than 5 vehicles or less than 5% of the fleet size, whichever is greater, or
 - *All projects for engineering and design.*
 - **Major Expansion (MAJ):**
 - Refers to capital projects or programs to add, expand, or improve service,  or the replacement of an entire existing facility with:
 - Total cost exceeding \$3 million,  or
 - For expansion vehicles, an increase of greater than 5 vehicles or 5% of fleet size, whichever is greater, or
- ➔ • ***Add language: “In rare instances, projects submitted for DRPT funding have fit the definition of a Major Expansion project based solely on total project cost, but do not expand the provision of transit services or have an impact on ridership. In those instances, the DRPT Director shall reserve the right to determine the project category for projects that do not conform to the project category definitions.”***

2. Edit Local Match Requirement (New Slide)

How Increased Discretionary Funding Impacts the Capital Program:

FY22 – 3 Approved Heavy Duty Vehicle Replacement Projects – w/out Discretionary Funding

Agency	Total Cost	Federal Cost	Federal %	Federal Program	State Cost	State %	Local Cost	Local %
GLTC (Lynchburg) - 15 Buses	\$ 8,250,000	\$ 2,310,000	28%	FTA 5339 (State)	\$ 5,610,000	68%	\$ 330,000	4%
GRTC (Richmond) - 30 Buses	\$ 17,711,927	\$ 4,959,340	28%	FTA 5307	\$ 12,044,110	68%	\$ 708,477	4%
HRT - 12 Buses	\$ 7,142,808	\$ 1,999,986	28%	FTA 5307	\$ 4,857,109	68%	\$ 285,712	4%
Total	\$ 33,104,735	\$ 9,269,326	-	-	\$ 22,511,220	-	\$1,324,189	-

FY22 – 3 Approved Heavy Duty Vehicle Replacement Projects – w/ Discretionary Funding

Agency	Total Cost	Federal Cost	Federal %	Federal Program	State Cost	State %	Local Cost	Local %
GLTC (Lynchburg) - 15 Buses	\$ 8,250,000	\$ 6,187,500	75%	FTA 5339b	\$ 1,897,500	23%	\$ 165,000	2%
GRTC (Richmond) - 30 Buses	\$ 17,711,927	\$ 13,283,945	75%	FTA 5339b	\$ 4,073,743	23%	\$ 354,239	2%
HRT - 12 Buses	\$ 7,142,808	\$ 5,357,106	75%	FTA 5339b	\$ 1,642,846	23%	\$ 142,856	2%
Total	\$ 33,104,735	\$ 24,828,551	-	-	\$ 7,614,089	-	\$ 662,095	-

3. Create a Capital Discretionary Set-Aside

- **Recommendation:** In order to overcome administrative challenges and better support agencies seeking discretionary funding opportunities, DRPT will create a annual capital set-aside allocation that can be distributed to projects seeking funding through federal discretionary grant programs throughout the fiscal year. When a discretionary opportunity arises, projects will be evaluated as part of previously approved Fiscal Year's MERIT – Capital Assistance program, and funds can be distributed from this set-aside.
- **Rationale:**
 - For projects seeking federal discretionary program funding, DRPT cannot currently provide a guarantee of future funding for a capital project because state funding determinations are made based on the pool of applicant projects each year.
 - In addition, the fact that federal and state funding cycles are not aligned creates additional administrative obstacles. These issues combined create obstacles to applying for additional federal funding available.

4. Update Asset Condition Scoring

Age of Asset Relative to Service Life	Points	Mileage of Vehicle Relative to Service Life	Points
< 95% of ESL Age	0	< 95% of ESL Mileage	0
+/- 4.9% ESL Age	30	+/- 4.9% ESL Mileage	30
5-9.9% > ESL Age	35	5-9.9% > ESL Mileage	35
10-19.9% > ESL Age	40	10-19.9% > ESL Mileage	40
20-29.9% > ESL Age	45	20-29.9% > ESL Mileage	45
30-39.9% > ESL Age	50	30-39.9% > ESL Mileage	50
40-49.9% > ESL Age	55	40-49.9% > ESL Mileage	55
50% or more > ESL Age	60	50% or more > ESL Mileage	60

- Proposed Asset Condition Score Schedule:**

Age of Asset Relative to Service Life	Points	Mileage of Vehicle Relative to Service Life	Points
< 80% of ESL Age	0	< 80% of ESL Mileage	0
80-89.9% of ESL Age	25	80-89.9% of ESL Mileage	25
90-99.9% of ESL Age	30	90-99.9% of ESL Mileage	30
0-9.9% > ESL Age	35	0-9.9% > ESL Age	35
10-19.9% > ESL Age	40	10-19.9% > ESL Mileage	40
20-29.9% > ESL Age	45	20-29.9% > ESL Mileage	45
30-39.9% > ESL Age	50	30-39.9% > ESL Mileage	50
40-49.9% > ESL Age	55	40-49.9% > ESL Mileage	55
50% or more > ESL Age	60	50% or more > ESL Mileage	60

- Minimum Age When a Vehicle Can Be Taken out of Service**

		Current Policy			Proposed Policy		
Vehicle ESL Category	Min Service Life (years)	Min Age – Earn Asset Condition Points	Min Age – Taken out of Service (2 year delivery)	Min Age – Taken out of Service (3 year delivery)	Min Age – Earn Asset Condition Points	Min Age – Taken out of Service (2 year delivery)	Min Age – Taken out of Service (3 year delivery)
4 year/ 100,000mi Vehicles (Light Duty, Small BOC; Vans)	4	3.8	6.2	7.2	3.2	5.6	6.6
7 year/ 200,000mi Vehicles (Medium Duty, Medium BOC)	7	6.7	8.7	9.7	5.6	8	9
10 year/ 350,000mi Vehicles (Medium Duty, Large BOC)	10	9.5	11.5	12.5	8	10.4	11.4
12 year/ 500,000mi Vehicles (Heavy Duty, Small/Large Bus)	12	11.4	13.4	14.4	9.6	12.1	13.1
			↑	↑		↑	↑

- Note:** This table has been updated to reflect the 5 month period between when a transit agency applies for vehicle replacement funding and when an order can be placed. Each year applications are submitted for capital funding on February 1, but those funds are not available for use until July 1.

5. Update Service Impact Scoring

- Proposed Service Impact Score Schedule – by category

High Impact: 10 pts
 Medium Impact: 6 pts
 Low Impact: 3 pts
 No Impact: 0 pts

Primary Project Types	Secondary Project Types	Operating Efficiency	Frequency, Travel Time and/or Reliability	Accessibility and/or Customer Experience	Safety and Security	Total Default Score
Admin/Maintenance Facilities	Supports Operations	High Impact	Medium Impact	Low Impact	Medium Impact	25
Admin/Maintenance Facilities	Non-Operational	Low Impact	Low Impact	Low Impact	Medium Impact	15
Customer Facilities	Transit Centers/Stations	Medium Impact	Medium Impact	High Impact	Medium Impact	28
Customer Facilities	Bus Stop/ Shelter Improvements	Low Impact	➔ No Impact	High Impact	High Impact	23
Capital Finance Strategies	All	High Impact	High Impact	High Impact	Medium Impact	36
Maintenance Equipment & Parts	Vehicle and Vehicle Support Equipment	High Impact	High Impact	Medium Impact	Medium Impact	32
Maintenance Equipment & Parts	Property and Facilities	Medium Impact	Low Impact	Low Impact	High Impact	22
System Infrastructure	All	High Impact	Medium Impact	Medium Impact	Medium Impact	28
Technology/Equipment	Onboard Systems—ITS/Communications	Medium Impact	Medium Impact	High Impact	Medium Impact	28
Technology/Equipment	Operations Support	Medium Impact	Medium Impact	Medium Impact	Medium Impact	24
Technology/Equipment	Onboard Systems—Safety	No Impact	No Impact	Medium Impact	High Impact	16
Technology/Equipment	Administrative	Low Impact	Low Impact	Low Impact	Low Impact	12
Vehicles	Revenue Vehicles	High Impact	High Impact	High Impact	High Impact	40
Vehicles	Overhaul/Engine Replacement	High Impact	High Impact	Medium Impact	High Impact	36
Vehicles	Support Vehicles	Medium Impact	Medium Impact	Low Impact	Low Impact	18

5. Update Service Impact Scoring

- Proposed Service Impact Score Schedule – by score

High Impact: 10 pts
 Medium Impact: 6 pts
 Low Impact: 3 pts
 No Impact: 0 pts

Primary Project Types	Secondary Project Types	Operating Efficiency	Frequency, Travel Time and/or Reliability	Accessibility and/or Customer Experience	Safety and Security	Total Default Score
Vehicles	Revenue Vehicles	High Impact	High Impact	High Impact	High Impact	40
Capital Finance Strategies	All	High Impact	High Impact	High Impact	Medium Impact	36
Vehicles	Overhaul/Engine Replacement	High Impact	High Impact	Medium Impact	High Impact	36
Maintenance Equipment & Parts	Vehicle and Vehicle Support Equipment	High Impact	High Impact	Medium Impact	Medium Impact	32
Customer Facilities	Transit Centers/Stations	Medium Impact	Medium Impact	High Impact	Medium Impact	28
System Infrastructure	All	High Impact	Medium Impact	Medium Impact	Medium Impact	28
Technology/Equipment	Onboard Systems—ITS/Communications	Medium Impact	Medium Impact	High Impact	Medium Impact	28
Admin/Maintenance Facilities	Supports Operations	High Impact	Medium Impact	Low Impact	Medium Impact	25
Technology/Equipment	Operations Support	Medium Impact	Medium Impact	Medium Impact	Medium Impact	24
Customer Facilities	Bus Stop/ Shelter Improvements	Low Impact	➡ No Impact	High Impact	High Impact*	23
Maintenance Equipment & Parts	Property and Facilities	Medium Impact	Low Impact	Low Impact	High Impact	22
Vehicles	Support Vehicles	Medium Impact	Medium Impact	Low Impact	Low Impact	18
Technology/Equipment	Onboard Systems—Safety	No Impact	No Impact	Medium Impact	High Impact	16
Admin/Maintenance Facilities	Non-Operational	Low Impact	Low Impact	Low Impact	Medium Impact	15
Technology/Equipment	Administrative	Low Impact	Low Impact	Low Impact	Low Impact	12

5. Update Service Impact Scoring

- Proposed Incentive Scoring Schedule**

Criteria	Points	DRPT Incentive Points: SGR and MIN Projects
		<i>Incentives for projects that satisfy DRPT Goals (Not to exceed 10 points total per project)</i>
Zero - Emissions Technology	5 Points, if project includes one of the following:	<ul style="list-style-type: none"> Procurement of Zero-Emissions Vehicles, or Installation of Zero-Emissions Infrastructure
Innovation	5 Points, if project includes one of the following:	<ul style="list-style-type: none"> Installation of Real-Time Departure/ Arrival Information, or Automated Data Collection, Scheduling and Dispatch technology acquisition, or Utilization of Transit Signal Priority, or Installation of safety technology, or Mobile Ticketing
Safety and Comfort Around Customer Facilities	5 Points, if project includes one of the following:	<ul style="list-style-type: none"> Enhanced Lighting at Transit Stations or Stops, or Enhancements for Pedestrians/ Accessibility connecting passengers to Transit, or Projects that include benches or shelters
Agency Accountability	5 point, if all requirements are met:	<ul style="list-style-type: none"> Compliance with State Asset Management Requirements (TransAM Updates) Compliance with State Strategic Planning Requirements (TSP/TDP Update Letters) Compliance with State Capital Planning Requirements (5-year Capital Budgets) Compliance with State Performance Reporting (On-time reporting in OLGA)

6. Update MAJ Accessibility Metrics

- Recommended Text Changes:

Factor	Measure	Measure Weight
Congestion Mitigation	Change in peak-period transit ridership attributed to the project	100%
Economic Development	Project consistency with regional and local economic development plans and policies, and support for local development activity	100%
Accessibility	Project improvement in accessibility to jobs, workforce development, and select non-work destinations	50%
	→ Disadvantaged population (<u>low-income, minority, or limited English proficiency</u>) within walking distance of project	50%
Safety	Project contribution to improving safety and security, reducing risk of fatalities or injuries	100%
Environmental Quality	Reduction in daily vehicle miles traveled resulting from project	100%
Land Use	Transit supportive land use served by the project	100%

Proposed Changes

Operating Assistance

Early stages of development:

DRPT staff presented one possible operating assistance allocation change for FY 2024

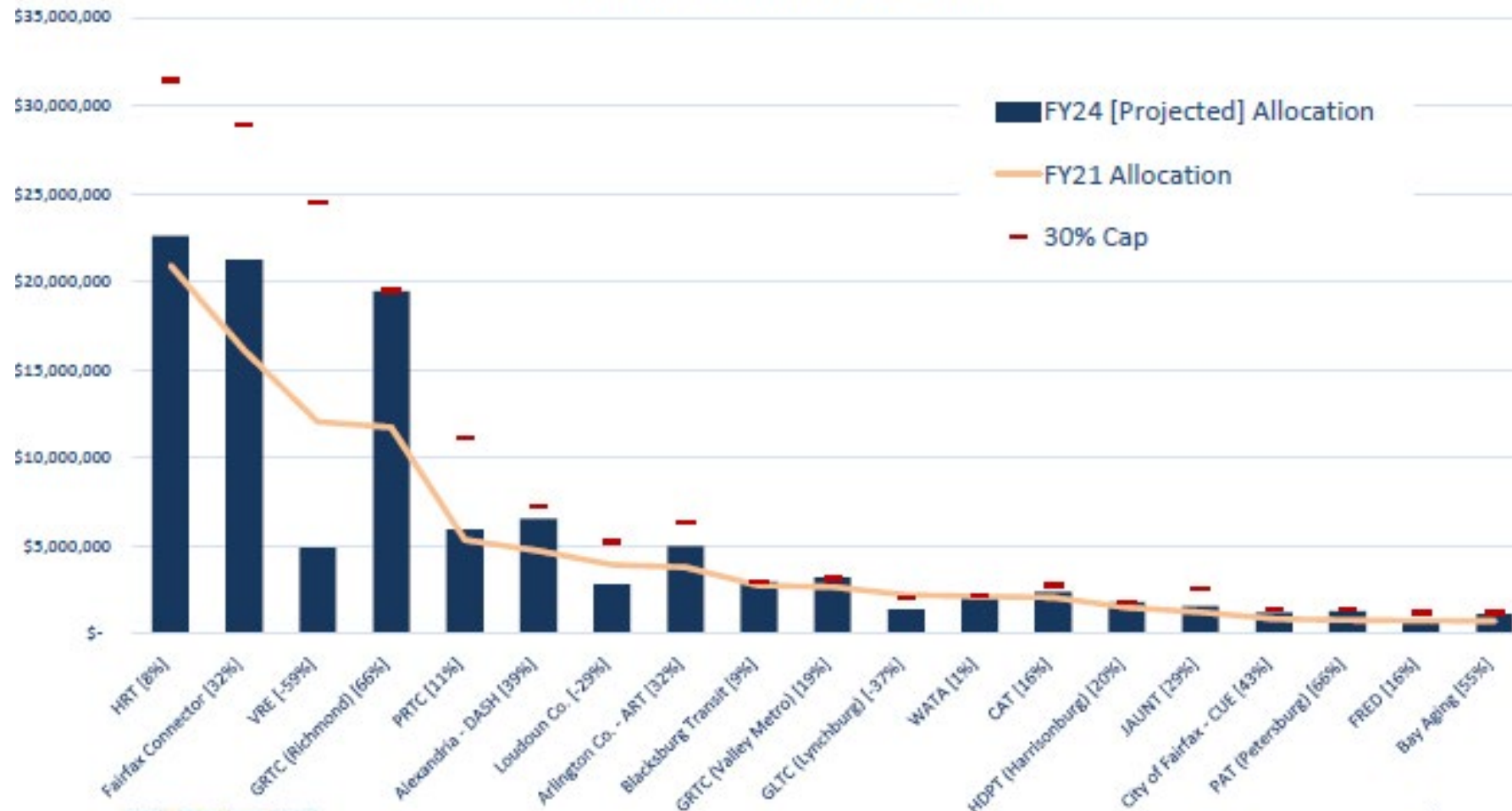
Scenario 1: FY24 [Projected]

- **FY24 [Projected] Data Used:**
 - Cost for Sizing and Performance: **FY21**
 - Ridership/ VRH/VRM: **FY19, FY20, FY21, FY22 [Projected]**
 - PMT for Commuter Rail Sizing: **FY22 [Synthesized – all agencies]**

Scenario 1: FY24 [Projected]

FY21 vs. FY24 Projected Operating Assistance Allocation [Upper 2 Quartiles]

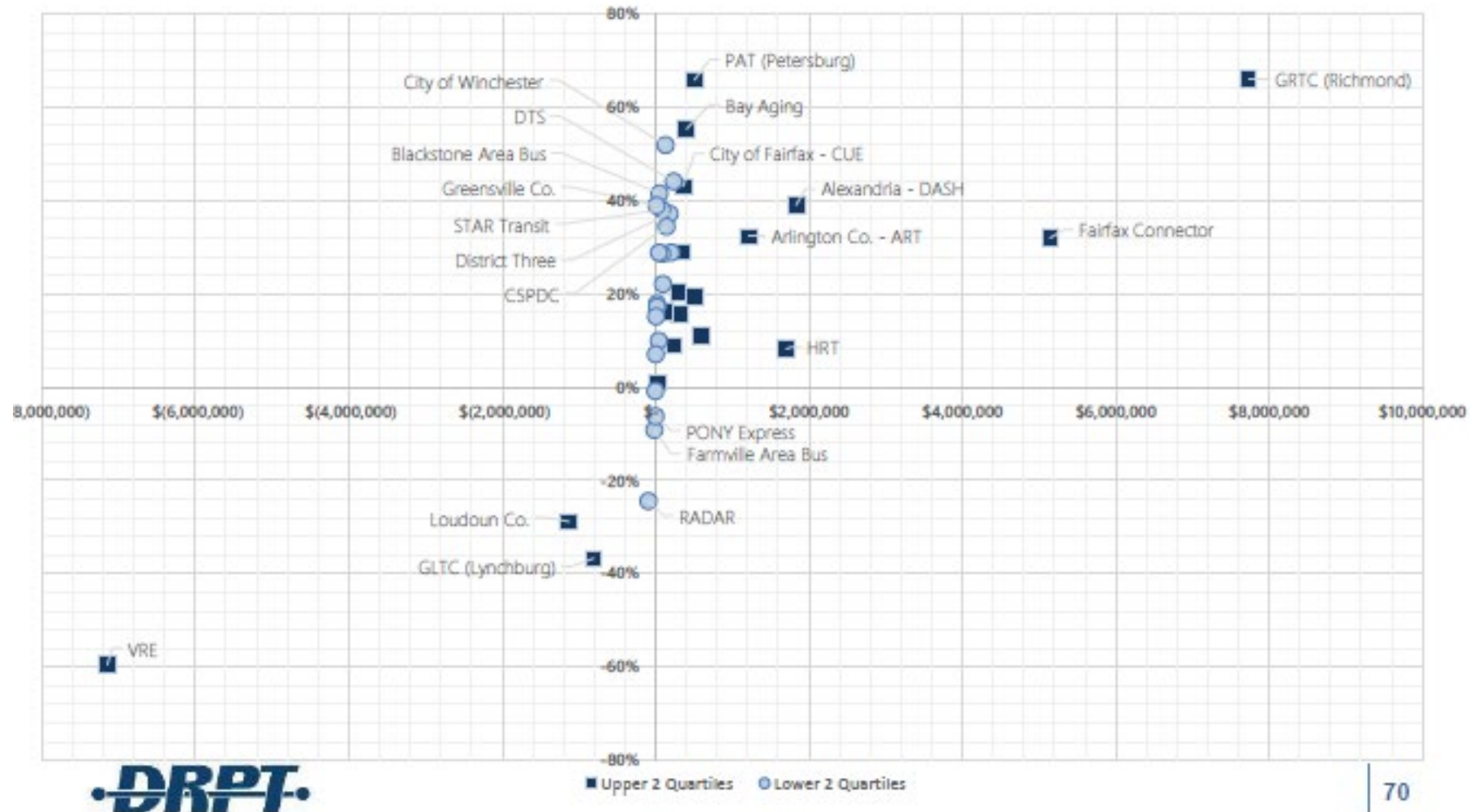
FY24 Total Available: \$114,793,919



Scenario 1: FY24 [Projected] Allocation

FY21 vs. FY24 [Projected] Operating Assistance Allocation

X-Axis: Total Change (Dollars), Y-Axis: Percentage Change





Next Steps

- DRPT staff will return with additional proposed operating assistance scenarios at June 10th meeting
- NVTC may seek to provide formal comments in July
- Final TSDAC proposed changes to CTB in September

Thank You.

Kate Mattice

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