

# Northern Virginia Transportation Commission

## *2010 Legislative Agenda*

For a full copy of NVTTC's 2010 Legislative Agenda visit:  
[www.thinkoutsidethecar.org](http://www.thinkoutsidethecar.org)



Northern Virginia Transportation Commission  
4350 N. Fairfax Drive, #720  
Arlington, VA 22203



# Northern Virginia Transportation Commission

## *2010 Legislative Agenda*



# State Action Items

# Federal Action Items

## Transit Funding Crisis

Northern Virginia relies on its effective transit network with 149 million trips in FY 2009 comprising three quarters of Virginia's total transit ridership.

The Northern Virginia Transportation Authority's TransAction 2030 plan establishes a need for transit investments in Northern Virginia of \$910 million annually (about half for operations and half for capital). Currently, NVTC's jurisdictions, their funding partners and transit customers spend almost \$700 million annually for WMATA, local buses and VRE, with the Commonwealth of Virginia providing a share of less than a quarter. If the state met its 95% statutory target of funding eligible transit expenses it would require another \$120.3 million for NVTC's WMATA jurisdictions in FY 2010.

The current crisis will persist. WMATA's operating budget alone faces a FY 2011 shortfall of \$175 million.

Accordingly, major new revenue sources for public transit must be enacted statewide and regionally during the 2010 General Assembly session, with these sources being stable, reliable, proven and permanent. Existing General Fund revenue streams should not be diverted to transit from other important priorities such as education and public safety.

1. Enact new revenue sources for public transit that keep pace with inflation and do not decline as automobiles are driven less and become more fuel efficient.
2. Dedicate an appropriate portion to public transit of any new revenue measures for transportation, energy conservation, air quality or climate protection.
3. Protect existing state transit funding sources from encroachment, either through diversion of revenues from the Transportation Trust Fund to non-transportation uses, from new intercity passenger rail initiatives, or from failure to issue previously authorized bonds.
4. Require the Virginia Department of Rail and Public Transportation (DRPT) to honor signed contracts with local transit systems for state transit grants. DRPT has cut back its transit assistance to NVTC by \$8.8 million (6.5%)

in mid-FY 2009 and another \$5.4 million (4.9%) in mid-FY 2010, after contracts were signed with NVTC. The corresponding reductions for VRE were \$1.3 million (7.1%) in FY 2009 and \$1.1 million (5.7%) in FY 2010.

5. **Impose new regional fees for public transit, including restoring previously authorized funds (HB 3202 of 2007) for the Northern Virginia Transportation Authority.**
6. **Increase NVTC's 2.1% motor fuels tax on distributors to at least 4.2%.** The expected annual yield would increase from \$38.6 million in FY 2009 to about \$76 million. This tax is dedicated to WMATA, which faces a serious financial crisis.
7. **Establish a new funding source for intercity passenger and high-speed rail. Make Virginia's existing Rail Enhancement Program available to fund the operating expenses of eligible regional and intercity passenger rail services that have benefits commensurate with costs. Require freight railroads that are the beneficiaries of these public investments, to agree to cooperate with publicly provided passenger rail services on equitable terms.**
8. **Permit the Commonwealth Transportation Board to shift transit capital funds to cover eligible transit operating expenses temporarily during times of financial hardship.** Current state policy stresses the need to maintain highways, with funds for capital projects diverted to maintenance if necessary to protect past investments and current levels of service. The same approach should apply to public transit.
9. **Provide immediate funding to facilitate needed transit and other transportation improvements to relieve congestion at BRAC-mandated facilities.**
10. **Amend Section 58.1-1724.1 of the Virginia Code to permit disclosure of tax information to NVTC's senior management and board to facilitate proper auditing.**

## Safety and Law Enforcement Improvements

11. **Increase penalties for assaults on transit operators.**

12. **Require motorists to stop for pedestrians at marked crosswalks in intersections without traffic signals where posted speeds are 35 mph or less.**
13. **Amend Title 46 of the Virginia Code to specify penalties for pedestrians crossing tracks in front of commuter trains against signals.**
14. **Amend Title 56 of the Virginia Code to include third party claims in the liability cap for commuter rail operations and exempt VRE from liability for terrorist acts.**
15. **Amend the Virginia Code to permit VRE at its discretion to use an independent third party or the Virginia Division of Risk Management to manage the VRE liability insurance plan and oversee the VRE Insurance Trust Fund.**
16. **Revise penalties for avoiding VRE fares to provide fines for failure to possess a valid ticket as a Class IV misdemeanor and for fraudulently avoiding fares as a Class II misdemeanor.**
17. **Permit transit systems (that do not currently possess the statutory authority) to require finger printing of job applicants to facilitate background checks using the FBI database.**
18. **Include vital protections in state-approved public-private partnership agreements, including: requiring that lane and shoulder widths are sufficient for safe operation of transit vehicles; ensuring levels of performance of existing high occupancy vehicle facilities do not deteriorate and are allowed to accommodate growth; and mandating that local governments' concerns with congestion at points of access and egress and on parallel local streets are openly and meaningfully addressed.**

## Other Legislative Actions

19. **Enact legislation to authorize NVTC to choose to provide equal per diem payments to its board members who are elected officials.**
20. **Extend the sunset of hybrid/special fuels vehicles exemptions from HOV requirements, while emphasizing enforcement and requiring VDOT to monitor performance to ensure continued acceptable travel times for other vehicles lawfully using HOV facilities.**

## Immediate and Ongoing Funding

1. **Provide immediate and ongoing funding for important Northern Virginia transit projects.**
2. **Continue to appropriate new funding for WMATA of at least \$150 million annually.**
3. **Make available funding for Metro Access from other relevant federal programs (e.g. HUD, HHS).**
4. **Include significant funding for transit 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 disasters.**
5. **Provide immediate funding for transit improvements to relieve congestion at BRAC-mandated facilities.**

## Authorization of Improved Transportation Policies and Programs

6. The current multi-year authorization of federal surface transportation programs (SAFETEA-LU) has expired at the end of FY 2009. Many organizations have offered detailed recommendations for a major restructuring. Among the primary reasons are shortfalls in gasoline tax revenues flowing to the Highway Trust Fund, proliferation of separate programs with complex eligibility criteria and rampant earmarking, all without a unifying policy focus.

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

- **Increase significantly the level of federal investment in U.S. transportation infrastructure, including maintenance of the existing system and expansion.**
- **Identify new methods that will grow along with the need to maintain existing facilities and support improvements and system expansions.** Temporary transfers of General Funds or raiding the Transit Trust Fund are not worthwhile strategies to resolve this long-term structural imbalance.
- **Apply fees for highway use that vary with numbers of auto occupants, types of vehicle miles driven and times and places driven to reduce congestion as well as provide revenues.**
- **Leverage available federal funds with national infrastructure banks and bonding programs.**

- **Create simplified, consolidated and streamlined federal transportation programs with uniform, rigorous and comprehensive benefit/cost analyses across all modes, consideration of energy efficiency and environmental protection, inclusion of safety and security, and reduced federal review time.**
- **Recognize urban mobility (and hence support for public transit) as a vital federal responsibility, through intergovernmental partnerships, with greater decision-making authority for metropolitan areas and local governments.**

## Equitable Tax Incentives for Transit Users

7. **In order to maintain increased tax-free monthly transit benefits of at least \$230 (to match the benefits currently available for parking), remove the sunset provision that would require a reduction at the end of 2010. Index the transit benefits to inflation.**
8. **Support other measures that encourage employers to get more involved in their employees' commutes through tax provisions.** For example, increase the dollar limits on transportation fringe benefits, clarify federal employee benefits, make self-employed persons eligible, emphasize parking cashout programs, provide vanpool investment credits, encourage bicycle access with fringe benefits and removal of architectural barriers, and provide credits for teleworking.

## Rail Related Actions

9. **Broaden the federal cap on commuter rail liability at a level no greater than \$200 million per occurrence to include third party protection for freight railroads on which commuter systems operate (49 USC 28301).**
10. **Provide additional federal funding to commuter rail systems to meet new federal Positive Train Control unfunded mandates.**

## Promote Green Commuting

11. **Support grant and planning measures to encourage employers to get more involved in helping employees reduce their commutes.** For example, develop trip reduction and commuter benefit plans and encourage employer investments in such activities with federal matching grants.
12. **Enact the "Investment in Commuter Vanpooling Act" (HR 1571) which would allow governments to leverage private capital to create and expand vanpools by making vanpool passenger fare revenue an eligible source for local match of federal grants.**
13. **In addition to the above actions, provide further federal funding and other incentives to encourage alternative methods of commuting, including telework, bicycles, walking, vanpools as well as public transit.**

