



**NVTC LEGISLATIVE COMMITTEE  
MEETING SUMMARY  
NVTC Conference Room  
November 14, 2011  
4:00 P.M.**

Attendees:

Committee Members:

William Euille  
Mary Hynes  
Mary Margaret Whipple

Other NVTC Commissioners:

Jay Fisette

Staff:

Rick Taube  
Kala Quintana  
Noelle Dominguez  
Joe Swartz

Chairman Euille called the meeting to order at 4:30 p.m.

Rick Taube reviewed the attached draft legislative agenda. The committee discussed each item and proposed changes to several. The members took no formal action but asked that Mr. Taube redraft the proposed legislative agenda to reflect discussion.

Chairman Euille adjourned the meeting at 5:30 p.m.



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## **NVTC LEGISLATIVE COMMITTEE MEETING**

**NOVEMBER 14, 2011**

**NVTC Conference Room, Suite 620  
2300 Wilson Blvd.  
Arlington, VA 22201**

**4:00 P.M.**

1. Consideration of 2012 NVTC State and Federal Legislative Agenda.
2. Other Business.

### Committee Members:

Honorable William Euille, Chairman  
Honorable Kelly Burk  
Honorable Jeff Greenfield  
Honorable Cathy Hudgins  
Honorable Mary Hynes  
Honorable Dave Snyder  
Honorable Tom Rust  
Honorable Mary Margaret Whipple



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NVTC's 2012 STATE AND FEDERAL LEGISLATIVE AGENDA

DRAFT: October 27, 2011  
REVISED: November 8, 2011



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## STATE LEGISLATIVE ACTION ITEMS

### Transit Funding Crisis

Here are the essential facts:

- Transit is very well used in Northern Virginia with almost 150 million annual transit passenger trips (75% of Virginia's total transit ridership);
- 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: NVTVA's TransAction 2030 Plan);
- This leaves a gap of over \$200 million annually in Northern Virginia extending into the future;
- ~~The commonwealth has consistently failed to meet its own statutory target of covering 95% of eligible transit costs throughout the entire state. In FY 2011, the commonwealth fell \$166 million short.~~
- The federal government is threatening to decimate its transit assistance programs. The American Public Transportation Association estimates that Virginia alone could lose \$100 million annually.

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Accordingly, there is a transit funding crisis that is getting worse. The Commonwealth must enact major new revenue sources for public transit during the 2012 General Assembly session, with these sources being stable, reliable, proven and permanent.

1. **New revenue sources for public transit should be enacted that keep pace with inflation and do not decline as automobiles are driven less and become more fuel efficient.** Examples include: sales taxes (one percent yields \$1 billion statewide), indexed motor fuels taxes (10-cents generates almost \$500 million); vehicle miles traveled fees, state/regional income taxes and tolls and congestion pricing. One-time revenue sources are welcome but they are not sufficient to resolve the ongoing transit funding crisis; immediate, continuous and sustainable funding is essential.

2. **Any new 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.
3. **Existing state transit funding sources should be protected from encroachment, either through diversion of revenues from the Transportation Trust Fund to non-transportation uses or from new intercity passenger rail initiatives.** New state priorities should not be funded at the expense of local priorities contained in approved regional plans.
4. The commonwealth has a statutory responsibility to fund transportation. Therefore, **any new regional taxes and fees for public transit, including restoring previously authorized funds (HB 3202 of 2007) for the Northern Virginia Transportation Authority, should be imposed primarily by the state.**
5. **NVTC supports a proposed shift to the Department of Motor Vehicles from the Department of Taxation in administering the motor fuels tax collected in NVTC's and PRTC's districts. At the same time, NVTC's 2.1% motor fuels tax on distributors should be increased to at least 4.2%.** The expected annual yield would increase from \$35 million in FY 2011 to more than \$70 million. This tax is dedicated to WMATA in five of NVTC's jurisdictions. WMATA faces a continuing financial crisis. Its Capital Need Inventory for the next decade totals \$13.3 billion with emphasis on maintaining a state of good repair and responding to federal safety recommendations.
6. **With the increased federal emphasis on intercity passenger and high-speed rail, Virginia should establish a new funding source** to fully match federal grants, to integrate service with existing local and regional transit providers, and to ensure that existing transit funds are not diminished (including the federal funds devoted each year by the CTB to VRE's track leases). **Virginia's existing Rail Enhancement Program should be made available to fund the operating expenses of eligible regional and intercity passenger rail services that have benefits commensurate with costs. Where freight railroads are the beneficiaries of these public investments, they should be required to agree to cooperate with publicly provided passenger rail services on equitable terms.**

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 <#>At DRPT's request, extend the deadline for completing the SJR 297 study of transit assistance programs. This study can document the need for more stable and reliable state funding. Great care must be taken to avoid unintended consequences and creating winners and losers by reallocating shrinking revenues. ¶

7. **If federal transit assistance programs are cut back, the commonwealth must make up the difference** in order to preserve existing transit services, since local funding sources are dependent on property tax revenues that remain seriously depressed.
8. **Provide immediate funding to facilitate needed transit and other transportation improvements to relieve congestion at BRAC-mandated facilities.**
9. **Amend the Virginia Public Investment Act to permit transit systems to buy and sell exchange traded fuel futures contracts to generate revenue** and protect against fuel budget cost over runs.

#### WMATA Governance and Regional Coordination

10. **NVTC supports changes in the WMATA Compact developed cooperatively with Maryland, D.C. and the federal government that will enhance the improvements already implemented by the WMATA Board in a manner that does not diminish the role of local governments on the WMATA board.** Specifically, the WMATA Compact should be changed to increase the number of voting members on the WMATA Board to 12 from 8 while retaining alternates for each voting member. Thus, Virginia, Maryland, D.C. and the federal government would each have three votes and three alternates. NVTC would continue to select Virginia's WMATA Board members.
11. **NVTC opposes efforts to consolidate separate agencies facilitating Northern Virginia's successful transit services** where such consolidation would not result in significant savings and will cause serious unintended consequences.
12. **Decisions on governance of local transit systems should be determined through discussions among the parties, not by legislation.** Further, such discussions should include the need for sustainable funding and access to local decision makers by customers and tax payers.
13. **As state-mandated transit studies of various corridors are considered, established regional and local priorities should be incorporated.**

#### Safety

14. 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 Legislative Actions

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 last session changed the policy. The proceeds are now given to the Commonwealth despite the fact that the Insurance Trust Fund was established and is replenished with local funds.
18. **Amend the Virginia Code to allow the Courts to increase fines for repeat offenders travelling on VRE trans with an invalid or fraudulent 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 is set to take place in January 2012. This policy could increase the existing \$250 million liability insurance threshold imposed by the Class 1 freight railroads.

### FEDERAL LEGISLATIVE ACTION ITEMS

#### Immediate and Ongoing Funding

1. As part of the process to restructure federal transportation programs and authorize multi-year funding, **provide immediate and ongoing funding for important Northern Virginia transit projects.**
2. **Continue to appropriate new funding for WMATA of at least \$150 million annually as previously authorized by Congress.** Such appropriations are needed to justify the new federal WMATA Board members.

3. **Make available funding for Metro Access from other relevant federal programs (e.g. HUD, HHS).**
4. **Include significant funding for transit as a critical strategy in any new spending measures that seek to conserve energy, enhance clean air, mitigate climate change, provide access to jobs, stimulate the economy and respond to emergencies and disasters.**
5. **Provide immediate funding to facilitate needed transit and other transportation improvements to relieve congestion at BRAC-mandated facilities.**

#### Authorization of Improved Transportation Policies and Programs

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

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

- **The level of federal investment in U.S. transportation infrastructure, including maintenance of the existing system and expansion, must increase significantly.**
- Recognizing that federal fixed per gallon taxes on motor fuels are no longer reliable sources of funding, **new methods must be identified that will grow along with the need to maintain existing facilities and support improvements and system expansions.** Temporary transfers of General Funds or raiding the Transit Trust Fund are not worthwhile strategies to resolve this long-term structural imbalance.
- **Fees for highway use that vary with numbers of auto occupants, types of vehicle miles driven and times and places driven should be used to reduce congestion as well as providing revenues.** New technologies make such variable pricing feasible.

- **Leverage available federal funds with national infrastructure banks and bonding programs.**
- **Simplified, consolidated and streamlined federal transportation programs should be created with uniform, rigorous and comprehensive benefit/cost analyses across all modes, consideration of energy efficiency and environmental protection, inclusion of safety and security, and reduced federal review time.**
- **Urban mobility (and hence support for public transit) should be recognized as a vital federal responsibility, in cooperation with states, local governments and regional agencies through intergovernmental partnerships, with greater decision-making authority for metropolitan areas and local governments.**

Equitable Tax Incentives for Transit Users

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

Rail Related Actions

8. **Additional federal funding should be provided to commuter rail systems to meet new federal Positive Train Control unfunded mandates contained in the U.S. Rail Safety Act of 2008.**
9. **Amend the current liability cap of \$200 million to include third party claims.**

Promote Green Commuting

10. **Allow governments to leverage private capital to create and expand vanpools by making vanpool passenger fare revenue an eligible source for local match of federal grants.**
11. **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.**

### **Additional WMATA Board Related Discussion Items**

1. Which of NVTC's WMATA Board appointees will serve as Jim Dyke's alternate and what understanding will there be, if any, about that alternate's obligations to cast votes per Mr. Dyke's wishes.
2. Should NVTC establish policies describing the qualifications and balance of skill sets for its WMATA Board appointees? Does NVTC favor a Compact amendment to establish such standards?
3. Should NVTC establish a policy regarding term limits for its WMATA Board appointees? Does NVTC favor a Compact amendment to establish such a limit?
4. Does NVTC favor a Compact amendment to establish a term limit for the WMATA Board chairman?
5. Does NVTC favor retaining the current role of alternates (participate fully and vote in committees but do not vote at the full board except in the absence of their principal)?
6. Does NVTC favor eliminating the jurisdictional veto at WMATA with a Compact amendment?