

Northern Virginia Transportation Authority
2010 Legislative Program
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STATE

TRANSPORTATION FUNDING

What was once a crisis in Northern Virginia and Hampton Roads has become a catastrophe for nearly the entire Commonwealth. There is no viable transportation solution that does not include long-term, dedicated, sustainable, new multimodal revenues.

Over the past three years, the Commonwealth Transportation Board has cut **\$4.6 billion** from the Six Year Program. Secondary and urban system construction funds have essentially been eliminated, despite the fact that the secondary roads are a Commonwealth responsibility. Six-year secondary road allocations to counties in Northern Virginia are now less than **\$2,000** each and localities are being allocated no urban construction funds. In addition, the growth in maintenance spending has been reduced from four percent to three percent, even though maintenance costs are increasing overall. The Commonwealth is risking serious disinvestment in its existing transportation infrastructure that will be more difficult and more expensive to correct in the future. Today, approximately \$1 billion is needed to address existing deficient pavement conditions, and approximately \$3.7 billion is needed to fix the Commonwealth's deficient bridges. Very shortly the Commonwealth will be unable to ensure that the required matches are available for the federal transportation funds the Commonwealth receives. Should this happen, Virginia would have to return these federal funds, further compounding the crisis.

NVTA continues to support additional state and regional transportation funding for highway, transit, bicycle and pedestrian improvements, and have taken actions to increase funding locally. In 2006, the region's TransAction 2030 Long-Range Transportation Plan estimated that Northern Virginia alone needs \$700 million per year in new transportation funding to address the region's transportation problems. This figure has increased since then, because most of the major HB 3202 revenue sources have been eliminated.

NVTA seeks reinstatement of exclusive Northern Virginia revenues in the range of at least \$300 million annually, as well as 100 percent of Northern Virginia's contribution of additional statewide revenues, to address transportation needs not originally covered by the HB 3202 funding approved for Northern Virginia. Both the regional and statewide revenues should be provided from stable, reliable, proven and permanent source(s).

The General Assembly must adopt new statewide transportation revenue sources to bolster existing highway and transit revenue sources that are not generating sufficient funding to meet the Commonwealth's critical highway needs or meet the Commonwealth's statutory 95 percent share of eligible transit operating and capital costs (net of fares and federal assistance). This additional transit funding alone would require approximately \$166 million annually in new funds for the limited transit projects and eligible operating costs

included in the Six Year Program. Additional funds to dramatically increase Secondary Road investments are also needed.

Any funding solution must ensure that dedicated funding for Washington Metropolitan Area Transit Authority capital improvements and for Virginia Railway Express capital and operating expenses are addressed.

Existing state General Fund revenue streams (almost half of which now go to localities) are required and used for core services of the Commonwealth, such as education and public safety. These historically underfunded, locally provided, core services have already experienced significant cuts, due to reduced General Fund revenues, and shifting the state's transportation funding responsibility to localities by using the General Fund increases local budget pressures without providing a true transportation solution. *(Revises and updates previous transportation funding position.)*

General Assembly Action: *A variety of bills have been introduced. See attached matrix.*

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.

General Assembly Action: *No comprehensive bill introduced. See attached matrix.*

BASE REALIGNMENT AND CLOSURE (BRAC) RECOMMENDATIONS

NVTA supports the inclusion of sufficient funding in the 2010-2011 budget 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 will occur in 2011, and there is significant lead time required to implement needed transportation improvements. *(Updates previous position).*

General Assembly Action: *No specific bills introduced.*

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.)*

General Assembly Action: *No specific bills introduced.*

CHAPTER 527 TRAFFIC IMPACT ANALYSES

NVTA supports modifications to Chapter 527 Transportation and Land Use legislation and regulations to adjust timeframes for traffic impact analyses to be more consistent with local government review times and scheduled public hearings. In addition, the Comprehensive Plan amendment/updates section of the regulations should be further developed and improved to meet the needs of the process (especially dealing with multiple amendments at same time), and Low-volume rule traffic impact analysis requirements should be revised to address situations when existing roadway capacity is obviously sufficient to meet demands of a new development even though the development might otherwise cross the threshold for a traffic impact analysis. *(Reaffirms previous position).*

General Assembly Action: *Two bills regarding the traffic impact analyses were introduced, although neither specifically addresses NVTA's concerns. **SB 1206 (Obenshain)** removes the requirement that a supplemental traffic analysis (TIA) accompany a plat or plan submitted to VDOT if such plat or plan is permissible by right under the local zoning ordinance. However, if a supplemental traffic analysis is required by a local ordinance, that requirement must be met. A substitute that is not as far reaching, but still eliminates the TIA requirement for by right development, passed the Senate (38-0) and has been reported by the House Counties, Cities and Towns Committee (22-0). **SB 1221 (Barker)** requires VDOT to have a more limited review of traffic impact analyses at the rezoning stage, if VDOT has reviewed a traffic impact analysis at the comprehensive plan stage. **SB 1221** passed the Senate (40-0) and was reported by reported by the House Counties, Cities and Towns Committee (22-0).*

SECONDARY ROAD DEVOLUTION

NVTA opposes any legislative or regulatory moratorium on the transfer of newly constructed secondary roads to VDOT for the purposes of ongoing maintenance. NVTA also opposes any legislation that would require the transfer of secondary road construction and maintenance responsibilities to counties. *(Reaffirms previous position).*

General Assembly Action: *No specific bills introduced*

REVENUE SHARING

NVTA supports legislation to remove the project tiers and restore the program to the way it existed before 2006, but continue to allow cities and towns to participate. The revenue sharing program is a way to leverage scarce state transportation funds. *(New position).*

General Assembly Action: *Four bills have been introduced. Each makes similar, but not identical, changes to the criteria for allocating funds. **HB 2203 (Comstock)** has been incorporated into **HB 2021 (May)**. **HB 2021** eliminates the tiers and the total program cap, but keeps the \$1 million maximum per jurisdiction. **HB 2021** has been incorporated into **HB 2527**. **HB 2527 (Howell, W.)**/**SB 1446 (Wampler)** includes*

provisions to eliminate the tiers, as well as the per jurisdiction and total program caps. A substitute for **HB 2527** passed the House (65-33). **SB 1329** (Herring) has been assigned to Senate Finance. **SB1329** was incorporated into **SB 1446**. A substitute for **SB 1446** passed the Senate (34-6).

URBAN DEVELOPMENT AREAS

NVTA recommends changes to several aspects of the Code related to Urban Development Areas. These changes are summarized below:

Density – recommend changes to the density requirements to allow Northern Virginia Jurisdictions to comply with more appropriate density requirements, since current density requirements for jurisdictions with a population over 130,000 will not attract new development in several of the affected communities.

General Assembly Action: *No specific bills introduced*

Size of UDAs / Regional Coordination – recommend changes to allow population estimates developed by the local Metropolitan Planning Organization, rather than restricting only the Weldon Cooper Center, the Virginia Employment Commission or the U.S. Census Bureau.

General Assembly Action: **SB 1339 (Puller)** allows population projections to be based on official government projections required for federal transportation planning purposes. **SB 1339** passed the Senate and was assigned to House Counties, Cities and Towns Subcommittee #2.

Date of Compliance – Change the date of compliance from July 1, 2012, to July 1, 2013, to give jurisdictions adequate time to consider appropriate amendments to its plans and regulations. *(New position)*

General Assembly Action: *No specific bills introduced*

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. *(New position)*

General Assembly Action: *No specific bills introduced*

Other Bills of Interest to Northern Virginia
Revised: February 13, 2011

Transportation Agencies

HB 2016 (Albo): expands the duties of NVTA to include the assumption and oversight of the NVTC and PRTC administrative activities, bus and commuter rail transit planning, programming, funding, and operation activities that occur in the areas embraced by NVTA. Upon enactment, the NVTC and PRTC will be dissolved. This bill has a delayed enactment of July 1, 2012. *House Transportation Committee Subcommittee #4 recommends passing by with a letter to the Joint Commission on Transportation Accountability.*

HB 1648 (Cosgrove): eliminates the Rail Advisory Board; creating additional flexibility in the Rail Enhancement Fund. *A substitute for HB 1648 passed the House (70-29). It has been assigned to Senate Transportation.*

Use of Revenues by NVTA

HB 1999 (LeMunyon): revises criteria for allocating regional transportation revenues as follows: after returning 40% of the funding to jurisdictions in which it is raised and allocating \$50 million to Metro and \$25 million to VRE (current law), NVTA must allocate the remainder of its funds to “(i) reduce traffic congestion as quickly as possible and (ii) maximize regional mobility and minimize the loss of life in the event of a homeland security emergency in the national capital area.” Also puts the same restrictions on the NVTD bond program. *The House Appropriations Committee reported bill with an amendment that provides a little more flexibility. The amendment says that NVTA must “give priority to” projects that reduce congestion and assist with emergency evacuation. HB 1999 passed the House (86-12). It has been assigned to Senate Transportation.*

Appointments to NVTC and the WMATA Board

HB 2000 (LeMunyon): provides that the Governor shall appoint an additional member to NVTC and that appointees have significant experience in mass transit planning, finance, engineering, construction, or management. Also directs that NVTC appoint one of the Governor appointee as a principal member of the WMATA Board and the other as alternate member to the WMATA Board. *The House Appropriations Committee reported a bill that requires NVTC to appoint the Secretary’s representative to the WMATA Board. HB 2000 passed that House (72-27). It has been assigned to Senate Local Government.*

Budget Amendment, 447#1g: requires NVTA to appoint one representative of the Commonwealth to the WMATA Board as a principal. *The House amendment was included in the House budget. The Senate amendment was not included in the Senate budget.*

Northern Virginia Long Range Transportation Planning

HB 1998 (LeMunyon): establishes responsibilities for various entities for long-range transportation planning for VDOT in the Northern Virginia Transportation District. Creates requirements for NVTA to report annually on funding allocated from NVTA’s Special Revenue Account related to reducing traffic congestion and improving air quality. *HB 1998 was amended to change the frequency of the analyses from three years to five year. It passed the House (85-13). It has been assigned to Senate Trans.*

Toll Road Bill

HB 1539 (LeMunyon): requires advance approval of any tolls for use of the Dulles Toll Road or Dulles Greenway by every local governing body of every county, city, and town through which the facility passes. *House Transportation Committee Subcommittee #4 recommends passing by indefinitely.*

Transportation Infrastructure Bank

HB 1582 (Cosgrove): Provides loans and grants to public and private entities to fund transportation projects. The special fund shall consist of revenues generated through the privatization of the Commonwealth's ABC stores and revenues generated through a one-time drawing down of construction cash reserves by the Virginia Department of Transportation. VTIB is authorized to issue bonds in an amount not to exceed \$4 billion.

HB 1582 was incorporated into HB 2527.

HB 2527 (Howell)/**SB 1446** (Wampler) also contain language implementing the transportation infrastructure bank. *A substitute for HB 2527 passed the House (65-33). A substitute for SB 1446 passed the Senate (34-6).*

HOV Bills

HB 1432 (Greason)/**HB 1754** (Plum)/**SB 1034** (Barker): extends until July 1, 2012, the sunset on use of HOV lanes by clean special fuel vehicles, regardless of the number of occupants. *HB 1754 was incorporated into HB 1432. HB 1432 passed the House. SB 1034 was assigned to Senate Transportation.*

SB 1048 (Barker): requires that HOT lane construction contracts contain requirements for minimum average speed for vehicles using the facility. *SB 1048 was left in Senate Transportation.*

Metropolitan Planning Organizations

SB 1112 (Miller, Y): specifies the role of MPOs in the Commonwealth's transportation decision-making process, including an examination of the structure and cost of transit operations; the endorsement of long-range plans assuring maximum utilization and integration of mass transportation facilities throughout the Commonwealth; and the study of long-range financial needs for improving public transportation systems. *SB 1112 passed the Senate. It was amended in House Transportation Committee Subcommittee #4 to clarify Federal requirement sfor MPOs.*

Commonwealth Transportation Board

HB 1801 (Surovell): changes the composition of the CTB. One member will be appointed from each of Virginia's 11 congressional districts (as they were on January 1, 2011) and four more will be at-large appointees: one representing seaports, one representing aviation, one representing railroads, and one representing mass transit. The three ex-officio members remain unchanged. *SB 1801 was passed by indefinitely by House Transportation with a letter to the Joint Commission on Transportation Accountability.*

Metrorail Extension to Prince William County

HB 2238 (Torian): creates the Prince William County Metrorail Improvement District to provide a means of financing an extension of commuter rail service from Fairfax County into Prince William County. *HB 2238 was stricken by the patron.*

Bicycles

HB 1683(Toscano)/**HB 2194** (Ebbin)/**SB 928** (McDougle): adds bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, and mopeds to the list of vehicles that the driver of a motor vehicle shall not follow more closely than is reasonable. In addition, the bill increases passing distance for passing bicycles from two to three feet. **HB 2194** was incorporated into **HB 1683**. **HB 1683** was left in the House Transportation Committee.

Photo Red Bills

SB 898 (Miller, Y.B.) repeals the requirement that localities submit the list of intersections approved for installation of photo-monitoring systems to the Virginia Department of Transportation for final approval if the locality has a population of 149,500 or more. **SB 898** passed the Senate. It was assigned to the House Militia, Police and Public Safety Committee.

HB 2327 (Lingamfelter) limits the operation of a traffic signal enforcement program, commonly referred to as a "photo red program," to those localities that have adopted ordinances establishing the program prior to July 1, 2011. In addition, localities that have adopted such ordinances are prohibited from implementing or expanding a photo red program after July 1, 2011. **HB 2327** failed to report in the House Militia, Police and Public Safety Committee (9-12).

Studies

HJ 603 (Surovell)/**SJ 292** (Puller): requests DRPT to conduct a study for improved public transportation services to Fort Belvoir and the Marine Corps Base at Quantico. DRPT shall conduct the study in consultation with Fort Belvoir, the Marine Corps Base at Quantico, the Washington Metropolitan Area Transit Authority, the NVTC, PRTC, VRE, the Counties of Fairfax, Prince William, and Stafford and affected federal agencies. **HB 603** was referred to the House Rules Committee Study Subcommittee.

SJ 292 passed the Senate. It has been assigned to House Rules Subcommittee #3.

SJ 297 (Miller, Y.B.): requests the Department of Rail and Public Transportation (DRPT) to make a one-year study of transit programs in the Commonwealth, including but not limited to the funding of such programs. **SJ 297** passed the Senate. It has been assigned to House Rules Subcommittee #3.

Other

HB 2248 (Torian) provides that any person who obstructs, hinders, or interferes with the operation or operator of a transit vehicle engaged in the performance of a public transportation service or a person engaged in his official duties as a conductor, station agent, or station attendant of a public transportation service is guilty of a Class 1 misdemeanor. **HB 2248** was left in the House Courts Committee.

HB 1865 (Cole) provides for membership in local transportation districts not only by whole counties and cities, but also by portions of counties and cities. The bill also allows members of local transportation districts to set terms upon which their memberships will cease, and allows members to determine whether the local motor fuel tax provided for in such districts will be collected, and, if so, in what amount (up to the maximum provided in statute). **HB 1865** passed the House. It has been assigned to Senate Local Government.