

AGENDA ITEM #6: DRAFT 2016 HRTPO LEGISLATIVE AGENDA

Based on the responses by HRTPO staff to the concerns addressed by HRTPO Board members at its last meeting, attached is the revised draft 2016 HRTPO Legislative Agenda for the Committee's review.

Attachment 6

RECOMMENDED ACTION:

Recommend an HRTPO 2016 Legislative Agenda for approval by the HRTPO Board at its November 19, 2015.



**HAMPTON ROADS TRANSPORTATION PLANNING ORGANIZATION
BOARD RESOLUTION 2015-11**

**A RESOLUTION OF THE HAMPTON ROADS TRANSPORTATION PLANNING ORGANIZATION
ENDORING THE HRTPO 2016 LEGISLATIVE AGENDA.**

WHEREAS, the Hampton Roads Transportation Planning Organization (HRTPO), designated by the Governor of the Commonwealth of Virginia in accordance with Section 134, Title 23, United States Code (23 USC 134) and applicable federal and state regulations, is the policy body responsible for the urban transportation planning and programming process of the Hampton Roads metropolitan planning area;

WHEREAS, the Hampton Roads metropolitan planning area includes the cities of Chesapeake, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg; the counties of Isle of Wight, James City, and York; and a portion of Gloucester County;

WHEREAS, the HRTPO Board is comprised primarily of local elected officials and General Assembly members, representatives from the regional transit authorities as well as from state agencies such as the Virginia Department of Transportation, Department of Rail and Public Transportation, Virginia Port Authority, and Virginia Department of Aviation, and federal agencies such as the Federal Highway Administration, Federal Transit Administration, and Federal Aviation Administration;

WHEREAS, upon approval, this resolution will be transmitted to local governments, the Hampton Roads Caucus of the General Assembly, and the Hampton Roads Congressional Delegation.

NOW, THEREFORE, BE IT RESOLVED that the Hampton Roads Transportation Planning Organization hereby endorses the following HRTPO 2016 Legislative Agenda:

State:

- Pursuit of federal/state funding (**rail enhancement funds**) for Tier II EIS for higher-speed passenger rail between Hampton Roads and Richmond.
- Pursuit of federal/state funding by the Commonwealth of Virginia for the widening of I-64 between the Hampton Roads Region and the Richmond Region.
- Identification of a dedicated source of funding for public transportation for the Hampton Roads region.
- Amendment of HRTAC enabling legislation to allow the use of HRTF monies for HRTAC staff and administration expenses.
- Amendment of HRTAC enabling legislation to allow the CEO of a locality to designate another **elected** member of the council or board of supervisors to cast votes for the CEO on behalf of the locality at HRTAC meetings in the event of an ~~emergency~~ **unforeseen circumstances** that prevents the CEO of a locality from attending an HRTAC meeting.
- Pursuit of federal/state funding for Trains 2 & 3 to Norfolk.
- Amendment of HB 1402 (Highway maintenance: payments to City of Richmond for moving-lanes converted to bicycle lanes) to include any local government.

Federal:

- Support Congressional approval for a long-term surface transportation funding authorization act.
- ~~Support Congressional approval for the Marketplace Fairness Act (MFA).~~
- Support Congressional recognition of regions that increased local taxes to bridge the gap between federal transportation funding and regional transportation infrastructure needs by providing bonus funding to these metropolitan regions.

APPROVED and ADOPTED by the Hampton Roads Transportation Planning Organization Board at its meeting on the 19th day of November, 2015.

Linda T. Johnson
Chair
Hampton Roads
Transportation
Planning Organization

Robert A. Crum Jr.
Executive Director/Secretary
Hampton Roads
Transportation
Planning Organization

BACKGROUND INFORMATION

Below is background information on the legislative priorities of the HRTPO 2016 Legislative Agenda:

- The HRTPO supports pursuit of federal/state (rail enhancement funds) funding by the Commonwealth of Virginia for preparation of a Tier II Environmental Impact Statement (EIS) for the continuation and expansion of intercity and higher-speed passenger rail service from Richmond to Hampton Roads. The estimated cost for the Tier II EIS is \$25 million.
 - Background: This project provides a higher-speed passenger rail link from Hampton Roads to the proposed Southeast High-speed Rail Corridor and existing Amtrak Northeast Corridor via Richmond Main Street Station. A TIER I EIS Record of Decision (ROD) was issued and became effective on December 7, 2012. A TIER II analysis would include site specific planning and detailed evaluations of the selected alternative; determine capital improvements for tracks, structures, station locations, routing within existing right-of-way, and bypasses. Upon completion of the study and permitting process, construction could proceed. The TIER II EIS for the Richmond to D.C. project is funded through a \$55 million cooperative agreement between the Virginia Department of Rail and Public Transportation (DRPT) and the Federal Railroad Administration (FRA). The Raleigh to Richmond Southeast High Speed Rail Corridor project TIER II EIS is funded with \$3,845,250 DRPT, \$3,129,750 NCDOT, and \$4,000,000 FRA monies for a total of \$10,975,000.
- The HRTPO supports pursuit of federal/state funding by the Commonwealth of Virginia for the widening of I-64 between the Hampton Roads Region and the Richmond Region.
 - According to the Governor, the I-64 Corridor between the Peninsula and Richmond is one of the two high priority corridors in the State. This is a critical transportation corridor between Hampton Roads and Richmond for the movement of people and goods. Segment I of this corridor from Jefferson to Lee Hall/Yorktown is currently under construction. The I-64 Peninsula Segments 1-3 from Jefferson to Route 199 West of Williamsburg (21 miles) is one of the three HB2 applications (#1 ranking) submitted by HRTPO. The Richmond Regional TPO has submitted as an HB2 project the segment between I-295 and Bottoms Bridge, about 5 miles (#6 ranking). The middle section from Bottoms Bridge to Route 199 West in Williamsburg (more than 30 miles) is not funded and no HB2 application has been submitted thus far. The Richmond Regional Transportation Planning Organization (RRTPO) and the Hampton Roads Transportation Planning Organization are collaborating to address the gap in the I-64 corridor.

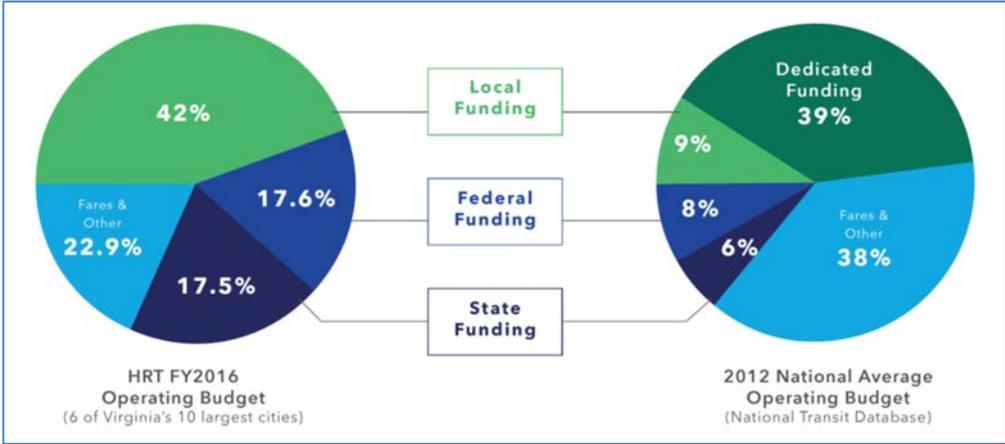
- The HRTPO supports pursuit of federal/state funding by the Commonwealth of Virginia and the Department of Rail and Public Transportation (DRPT) for trains 2 and 3 from Norfolk to Washington D.C.
 - Background: DRPT's Rail Division supports both freight and passenger rail initiatives in Virginia through funding and advocacy for railroad network improvements. Improvements are implemented through four grant programs, with funds from other sources, such as the federal government, leveraged when possible. Passenger Rail funding includes operation of intercity passenger rail services. Currently, there is one daily round trip from Norfolk to Washington D.C. and the Northeast Corridor (Route 50). The addition of Train 2 from Norfolk to Washington D.C. is in the DRPT's FY 2016-2021 Six-Year Improvement Program (SYIP). State funding has been allocated for operating costs (\$2 million FY-20, \$2.06 million FY-21) for train two; capital equipment contribution for the second train of (\$4 million FY-16, \$8 million FY-17, and \$7 million FY-18); and capacity and speed improvement for a two train extension to Norfolk of (\$12 million FY-16, \$32.8 million FY-17, \$42.1 million FY-18, and \$20.1 million FY-19).

- The HRTPO supports amending the enabling legislation for HB 1402 (Highway maintenance: payments to City of Richmond for moving-lanes converted to bicycle lanes) to include any local government.
 - Background: The current enabling legislation for HB 1402 provides that cities and towns that receive highway maintenance payments from the Commonwealth based on moving-lane-miles of highway will not have such payments reduced if moving-lane-miles of highway are converted to transit-only lanes and allows the City of Richmond to convert 20 moving-lanes to bicycle lanes and not lose its maintenance payment. The bill also directed the Secretary of Transportation to report by December 1, 2015, on an appropriate maintenance formula for bicycle lanes. The appropriate formula recommendations or allocation for the maintenance of bicycle-only lanes has not been released.

- The HRTPO supports the identification of a dedicated source of funds to support public transportation for the Hampton Roads region. As transit services continue to grow statewide, funding from all sources continues to decline.
 - Background: As shown below, the region's existing transit funding structure relies overwhelmingly on local general funds. Approximately 42% of the Hampton Roads Transit (HRT) operating budget is derived from local general funds totaling nearly \$40 million. This hinders the planning and delivery of a robust regional transit system to support regional economic competitiveness and mobility. Relying heavily on local general funds for regional transit infrastructure and services results in numerous negative impacts. This includes Hampton Roads not competing effectively to attract federal discretionary capital investments and to leverage available state transit funding. Under current policy, for dedicated transit funding there is no parity between Hampton Roads and Northern Virginia or other regions that are implementing multimodal transportation improvements. As a result of

transit expansion in other parts of the state, the Hampton Roads region is receiving less state formula-based transit operating funding than in past years. Meanwhile, transit is excluded as an eligible expense category from revenue sources currently deposited into the Hampton Roads Transportation Fund. The current transit funding mix in Hampton Roads is inadequate to meet regional transit needs.

TRANSIT FUNDING MIX



- The HRTPO supports amending the enabling legislation for the Hampton Roads Transportation Accountability Commission (HRTAC) and the Hampton Roads Transportation Fund (HRTF) to allow for the use of HRTF moneys to fund HRTAC staff and administration. These funds are included in the 2015-2016 Biennial Budget. The General Assembly would need to modify the language in the HRTF enabling legislation and code to allow for a change in the way that the HRTF monies are utilized.
 - Background: The legislation that established the Hampton Roads Transportation Accountability Commission (HRTAC) states that the “Commission may employ a chief executive officer and such staff as it shall determine to be necessary to carry out its duties and responsibilities under this chapter”, however, neither this legislation nor the legislation that created the Hampton Roads Transportation Fund (HRTF) allows for the use of HRTF revenues to be used to pay for HRTAC staff and administration. Several General Assembly members serving on the HRTPO and/or HRTAC Boards, as well as the Secretary of Transportation, have expressed support for the use of HRTF moneys to fund HRTAC staff and administration.
- The HRTPO supports amending the enabling legislation for the HRTAC to allow the Chief Elected Officer (CEO) of a locality to designate another **elected** member of the council or board of supervisors to cast votes for the CEO on behalf of the locality at HRTAC meetings in the event of an emergency **unforeseen circumstances** that prevents the CEO of a locality from attending an HRTAC meeting. The Chair of the HRTAC shall be notified of such a designation, in writing or electronically, and such a designation shall only be for the upcoming meeting that the CEO is unable to attend.

- Background: The enabling legislation that established the Hampton Roads Transportation Accountability Commission (HRTAC) specifies that the voting member for each of the cities and counties embraced by the Commission shall be the Chief Elected Officer (CEO) of the city or county. The legislation for the HRTAC requires that decisions made by the commission must be by a majority of elected officials, a two-thirds vote of the members present, and two-thirds of the CEO's present and voting. The current enabling legislation has no provisions to address necessary or untimely absences by local CEO's such as those caused by accident or illness. Most CEOs have careers that require their attention and it is reasonable that full-time employment requirements may occasionally take priority over attendance at an HRTAC meeting. Furthermore, in the event a CEO was incapacitated for many months, the CEO's locality would not be represented at HRTAC meetings and could be disenfranchised. It is important that Commission decisions reflect the majority of the citizens served by HRTAC so an accommodation is needed to guarantee representation even if the Mayor or Chair is unable to attend. Requiring that the designee be another elected member of the local governing body maintains accountability to the citizens. For cities, the Mayor would appoint a designee that is an elected member of the local governing body. For counties, the Board of Supervisors would elect a member of the Board as the designee. This would create a process similar to that used by the NVTa for another elected member of the local governing body to represent that locality for a single meeting if the Mayor or Board of Supervisors Chair is unable to attend.
- The HRTPO supports Congressional approval for a long-term surface transportation funding authorization act.
 - Background: Federal transportation funding is being maintained through the use of short term extensions to the *Moving ahead for progress in the 21st Century Act (MAP 21)*. The Highway Trust Fund is becoming insolvent and is no longer a viable option as the major source of funding for maintaining and building our national transportation infrastructure. Short-term authorization extensions do not provide the dependable funding stream necessary for making significant improvements to a regional transportation system. Hampton Roads is a region of national importance and a significant economic engine for Virginia that relies on a robust and reliable transportation system. Building and operating an intermodal transportation system that provides reliable and safe mobility for individuals, as well as the efficient movement of goods and delivery of services, requires a dependable, stable, and long-term source of funding.

- The HRTPO supports Congressional approval of the Marketplace Fairness Act (MFA) and that the revenues from the passage of the act are allocated in accordance with HB 2313.
 - Background: To date, Congress has not passed the Marketplace Fairness Act which triggered an increase from 3.5 percent to 5.1 percent in Virginia's wholesale gas tax on January 1, 2015. Revenues from the passage of the MFA would accrue to the Transportation Trust Fund and be allocated by existing formula, in addition to providing funding to support ~~K-12 public education, local transportation, and other local needs.~~ This is not a new tax since consumers are required under existing state law to pay sales and use taxes on the goods they purchase. Online sellers are not required to collect taxes the same as local businesses which puts the local businesses at a disadvantage. Consumers can be audited and penalized for failing to pay sales and use tax, but states are often not able to enforce the requirement. The MFA allows states to collect sales and use taxes through the Streamlined Sales and Use Tax Agreement (SSUTA) or with the adoption of minimum simplification requirements.
- The HRTPO requests that the U.S. Congress reward regions that have increased local taxes to begin bridging the gap between federal transportation funding and transportation infrastructure needs by providing bonus funding to these metropolitan regions.
 - Background: The Hampton Roads Planning District (PD23) has generated additional revenues, primarily through HB 2313 legislation (HRTF), which were approved by the General Assembly in 2013. The revenues raised are solely for new construction projects on new or existing highways, bridges, and tunnels in the localities comprising Planning District 23. Priority is given to projects that provide the greatest reduction in congestion for the greatest number of citizens. The additional revenues raised at the regional level are substantial and worthy of recognition and consideration during the Federal transportation funding allocation process.