



MEMORANDUM

TO: Transportation Planning Board
FROM: Kanti Srikanth, TPB Staff Director
SUBJECT: Steering Committee Actions and Report of the Director
DATE: September 14, 2017

The attached materials include:

- Steering Committee Actions
- Letters Sent/Received
- Announcements and Updates



MEMORANDUM

TO: Transportation Planning Board
FROM: Kanti Srikanth, TPB Staff Director
SUBJECT: Steering Committee Actions
DATE: September 14, 2017

At its meeting on September 8, the TPB Steering Committee approved the following resolutions to amend the FY 2017-2022 Transportation Improvement Program (TIP):

- SR3-2018: To amend the FY 2017-2022 TIP to include \$5.5 million in Congestion Mitigation and Air Quality (CMAQ) program funding for the Rock Creek Park Trail project, as requested by the District Department of Transportation. This project is exempt from the air quality conformity requirement for the Financially Constrained Long-Range Plan (CLRP) and TIP.
- SR4-2018: To amend the FY 2017-2022 TIP to include \$4.4 million in Department of Defense – Office of Economic Development funding for the MD 185 at Jones Bridge Road and Kensington Parkway Phase 3 BRAC Intersection Improvements project; and to include \$15.2 million in state funding for the MD 254 Neale Sound Bridge Replacement project, as requested by the Maryland Department of Transportation. The first project has been determined by TPB staff to be “not regionally significant” for the purposes of the air quality conformity requirement of the CLRP and TIP and the second project is exempt from the air quality conformity requirement.
- SR5-2017: To amend the FY 2017-2022 TIP to include \$5.2 million in local funding and \$405,000 in National Highway Performance Program (NHPP) funding for the Lee Highway Widening Phase II project; and to include \$19 million in advanced construction funding and \$220,000 in NHPP funding for the Grant Anticipation Revenue Vehicle (GARVEE) debt service for that same project as a separate TIP line item, as requested by the Virginia Department of Transportation. This construction project is included in the Air Quality Conformity Analysis of the 2016 CLRP Amendment and the FY 2017-2022 TIP.

The TPB Bylaws provide that the Steering Committee “shall have the full authority to approve non-regionally significant items, and in such cases it shall advise the TPB of its action.”

Attachments

- SR3-2018
- SR4-2018
- SR5-2018

**NATIONAL CAPITAL REGION TRANSPORTATION PLANNING BOARD
777 North Capitol Street, N.E.
Washington, D.C. 20002**

**RESOLUTION ON AN AMENDMENT TO THE FY 2017-2022 TRANSPORTATION
IMPROVEMENT PROGRAM (TIP) THAT IS EXEMPT FROM THE AIR QUALITY
CONFORMITY REQUIREMENT TO INCLUDE FUNDING FOR THE ROCK CREEK PARK TRAIL
PROJECT, AS REQUESTED BY THE DISTRICT DEPARTMENT OF TRANSPORTATION (DDOT)**

WHEREAS, the National Capital Region Transportation Planning Board (TPB), which is the metropolitan planning organization (MPO) for the Washington Region, has the responsibility under the provisions of the Fixing America's Surface Transportation (FAST) Act for developing and carrying out a continuing, cooperative and comprehensive transportation planning process for the Metropolitan Area; and

WHEREAS, the TIP is required by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) as a basis and condition for all federal funding assistance to state, local and regional agencies for transportation improvements within the Washington planning area; and

WHEREAS, on November 16, 2016 the TPB adopted the FY 2017-2022 TIP; and

WHEREAS, in the attached letter of August 30, DDOT has requested that the FY 2017-2022 TIP be amended to include \$5.5 million in Congestion Mitigation and Air Quality (CMAQ) program and local match funding in FY 2017 for construction of the Rock Creek Park Trail project (TIP ID 3230), as described in the attached materials; and

WHEREAS, this project is exempt from the air quality conformity requirement, as defined in Environmental Protection Agency's (EPA) Transportation Conformity Regulations as of April 2012, or are included in the Air Quality Conformity Analysis of the 2016 CLRP Amendment and the FY 2017-2022 TIP;

NOW, THEREFORE, BE IT RESOLVED THAT the Steering Committee of the National Capital Region Transportation Planning Board amends the FY 2017-2022 TIP to include \$5.5 million in CMAQ and local match funding in FY 2017 for construction of the Rock Creek Park Trail project (TIP ID 3230), as described in the attached materials.

Adopted by the Transportation Planning Board Steering Committee at its regular meeting on September 8, 2017.

Government of the District of Columbia

Department of Transportation



d. Planning and Sustainability Division

August 30, 2017

The Honorable Bridget Newton, Chairperson
National Capital Region Transportation Planning Board
Metropolitan Washington Council of Governments
777 North Capitol Street N.E., Suite 300
Washington, DC 20002-4290

Dear Chairman Newton,

The District Department of Transportation (DDOT) requests that the National Capital Region Transportation Planning Board's (TPB) FY 2017-2022 Transportation Improvement Program (TIP) be amended to increase the funding amount for the Rock Creek Park Trail project. The TIP project listing for the project is attached.

The proposed amendment would add approximately \$5.5 million in Congestion Mitigation and Air Quality Improvement Program (CMAQ) funds for the construction cost of the project in FY 2017. The previous estimate for construction was \$5.5 million. The current estimate of the project is \$11 million. The major contributions for the increased cost estimate are as follows:

- 1) Commission of Fine Art's (CFA) revision of design and added more structure and more requirements;
- 2) Added scope - A retaining wall construction was added to the scope. This was requested by Eastern Federal Land at about 90% completion of design;
- 3) Added more lighting on trail requested by public; and
- 4) A more accurate cost estimate at end of design.

The proposed amendment does not add additional capacity for motorized vehicles and does not require conformity analysis or public review and comment. The funding sources have been identified, and the TIP will remain fiscally constrained. Therefore, DDOT requests that the TPB Steering Committee approve this amendment at its September 8, 2017 meeting.

We appreciate your cooperation in this matter. Should you have questions regarding this amendment, please contact Mark Rawlings at (202) 671-2234 or by e-mail at mark.rawlings@dc.gov. Of course, feel free to contact me directly.

Sincerely,

James Sebastian
Associate Director, Planning and Sustainability Division (PSD)

**DISTRICT OF COLUMBIA
TRANSPORTATION IMPROVEMENT PROGRAM
CAPITAL COSTS (in \$1,000)**

FY 2017 - 2022

Source	Fed/St/Loc	Previous Funding	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	Source Total
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DDOT

Bike/Ped

Rock Creek Park Trail

TIP ID: 3230	Agency ID: AF005A	Title: Rock Creek Park Trail	Complete:	Total Cost:	\$14,000
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Facility: M Street to Beach Drive	CMAQ	80/20/0	3,000 c	11,000 c					11,000
From: Piney Branch Pkwy									
To: 16th Street	DEMO	80/20/0	500 a						

Total Funds: 11,000

Description: Rehabilitate the paved trail in Rock Creek Park including selected widening, resurfacing, new connections, and a new bridge south of the Zoo tunnel. Retaining wall repair on Piney Branch.

Amendment: Add Funding **Approved on: 9/8/2017**
Add \$5.5 million in CMAQ funding for construction in FY 2017.

NATIONAL CAPITAL REGION TRANSPORTATION PLANNING BOARD
777 North Capitol Street, N.E.
Washington, D.C. 20002

RESOLUTION ON AN AMENDMENT TO THE FY 2017-2022 TRANSPORTATION IMPROVEMENT PROGRAM (TIP) THAT IS EXEMPT FROM THE AIR QUALITY CONFORMITY REQUIREMENT TO INCLUDE FUNDING FOR THE MD 185 AT JONES BRIDGE ROAD AND KENSINGTON PARKWAY PHASE 3 BASE REALIGNMENT AND CLOSURES ACT (BRAC) INTERSECTION IMPROVEMENTS AND THE MD 254 NEALE SOUND BRIDGE REPLACEMENT PROJECTS, AS REQUESTED BY THE MARYLAND DEPARTMENT OF TRANSPORTATION (MDOT)

WHEREAS, the National Capital Region Transportation Planning Board (TPB), which is the metropolitan planning organization (MPO) for the Washington Region, has the responsibility under the provisions of the Fixing America's Surface Transportation (FAST) Act for developing and carrying out a continuing, cooperative and comprehensive transportation planning process for the Metropolitan Area; and

WHEREAS, the TIP is required by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) as a basis and condition for all federal funding assistance to state, local and regional agencies for transportation improvements within the Washington planning area; and

WHEREAS, on November 16, 2016 the TPB adopted the FY 2017-2022 TIP; and

WHEREAS, in the attached letter of August 31, MDOT has requested that the FY 2017-2022 TIP be amended to reprogram and include an additional \$4.428 million in Department of Defense - Office of Economic Development (OEA) funding for right-of-way acquisition (ROW) from for ROW and construction between FY 2017 and FY 2021 for the MD 185 at Jones Bridge Road and Kensington Parkway Phase 3 BRAC Intersection Improvements project (TIP ID 6071); and to amend the MD 254 Neale Sound Bridge Replacement project (TIP ID 6603) into the TIP with \$15.224 million in state funding between FY 2017 and FY 2022 for planning and engineering (PE), ROW, and construction, as described in the attached materials; and

WHEREAS, the first project was determined by TPB staff to be "not regionally significant" for the purposes of the Air Quality Conformity Analysis of the 2016 CLRP Amendment and the FY 2017-2022 TIP (CON ID 152, BRAC NRS) and the second project is exempt from the air quality conformity requirement, as defined in Environmental Protection Agency's (EPA) Transportation Conformity Regulations as of April 2012;

NOW, THEREFORE, BE IT RESOLVED THAT the Steering Committee of the National Capital Region Transportation Planning Board amends the FY 2017-2022 TIP to reprogram and include an additional \$4.428 million in OEA funding for right-of-way acquisition (ROW) from for ROW and construction between FY 2017 and FY 2021 for the MD 185 at Jones Bridge Road and Kensington Parkway Phase 3 BRAC Intersection Improvements project (TIP ID 6071); and to amend the MD 254 Neale Sound Bridge Replacement project (TIP ID 6603) into the TIP with \$15.224 million in state funding between FY 2017 and FY 2022 for PE, ROW, and construction, as described in the attached materials.

Adopted by the Transportation Planning Board Steering Committee at its regular meeting on September 8, 2017



Maryland Department of Transportation
The Secretary's Office

Larry Hogan
 Governor

Boyd K. Rutherford
 Lt. Governor

Pete K. Rahn
 Secretary

August 31, 2017

The Honorable Bridget Donnell Newton, Chair
 National Capital Region Transportation Planning Board
 Metropolitan Washington Council of Governments
 777 North Capitol Street, N.E., Suite 300
 Washington DC 20002

Dear Chairman Newton:

The Maryland Department of Transportation (MDOT) requests to amend the State Highway Administration (SHA) portion of the National Capital Region Transportation Planning Board's (TPB) Fiscal Year (FY) 2017-2022 Transportation Improvement Program (TIP) for two existing projects as described below and in the attached memo. The change for both projects reflects MDOT's updated programmed expenditures from FY 2017 to FY 2022. As neither of these projects increases capacity, this action does not impact air quality conformity.

TIP ID#	Project	Phase	Amount of New Funding	Comment
6071	MD 185 at Jones Bridge Road and Kensington Parkway Phase 3 BRAC Intersection Improvements	ROW CO	(\$267,000) \$4,428,000	Add funding for right-of-way and construction.
6603	MD 254 Neale Sound Bridge Replacement	PE ROW CO	\$1,400,000 \$118,000 \$13,706,000	Add funding for planning/design, right-of-way, and construction.

MDOT requests that these amendments be approved by the TPB Steering Committee at its September 8, 2017 meeting.

The revised funding status will not impact scheduling or funding availability for other projects in the current TIP, which continues to be fiscally constrained. The cost does not affect the portion of the federal funding which was programmed for transit, or any allocations of state aid in lieu of federal aid to local jurisdictions.

My telephone number is _____
 Toll Free Number 1-888-713-1414 TTY Users Call Via MD Relay
 7201 Corporate Center Drive, Hanover, Maryland 21076

The Honorable Bridget Donnell Newton
Page Two

We appreciate your cooperation in this matter. Should you have additional questions or concerns, please contact Ms. Kari Snyder at 410-865-1305, toll free 888-713-1414 or via e-mail at ksnyder3@mdot.state.md.us. Of course, please feel free to contact me directly.

Sincerely,

A handwritten signature in blue ink that reads "Tyson Byrne". The signature is fluid and cursive, with the first name "Tyson" and the last name "Byrne" clearly legible.

Tyson Byrne
Manager, Regional Planning
Office of Planning and Capital Programming

Attachment

cc: Ms. Kari Snyder, Regional Planner, Office of Planning and Capital Programming,
MDOT

MEMORANDUM

TO: DIRECTOR HEATHER MURPHY
 OFFICE OF PLANNING AND CAPITAL PROGRAMMING
 MARYLAND DEPARTMENT OF TRANSPORTATION (MDOT)

ATTN: REGIONAL PLANNING MANAGER TYSON BYRNE
 REGIONAL PLANNER KARI SNYDER

FROM: CHIEF ERIC BECKETT *E. Beckett*
 REGIONAL AND INTERMODAL PLANNING DIVISION

SUBJECT: REQUEST TO AMEND THE FY 2017-2022 NATIONAL CAPITAL REGION
 TRANSPORTATION PLANNING BOARD (TPB) TRANSPORTATION IMPROVEMENT
 PROGRAM (TIP)

DATE: AUGUST 25, 2017

RESPONSE
REQUESTED BY: N/A

PURPOSE OF MEMORANDUM

To request the MDOT Office of Planning and Capital Programming approve and forward to TPB for its approval the following two TIP amendments.

SUMMARY

The MDOT State Highway Administration (SHA) hereby requests amendment of the FY 2017-2022 TPB TIP to reflect the following two actions.

TIP	Project	Phase	New Funding
6071 MC #17-17 03/06/2017	MD 185 at Jones Bridge Road and Kensington Parkway Phase 3 BRAC Intersection Improvements, Chevy Chase/North Chevy Chase	RW CO	(\$267,000) \$4,428,000
6603	MD 254 Neale Sound Bridge Replacement, Cobb Island	PE RW CO	\$1,400,000 \$118,000 \$13,706,000

ANALYSIS

MD 185 at Jones Bridge Road and Kensington Parkway Phase 3 BRAC Intersection Improvements (TPB 6071 MC #17-17 03/06/2017) – This requested amendment reflects the subtraction of \$267,000 from FY 2017-2022 TPB TIP right-of-way acquisition funding and addition of \$4,428,000 to FY 2017-2022 TPB TIP construction funding for TPB 6071 MC #17-17 03/06/2017. MDOT SHA requests this amendment in order that the FY 2017-2022 TPB TIP reflect MDOT SHA’s updated programmed expenditures and project schedule in FY 2017-2022. MDOT SHA anticipates advertising this project for construction in the Summer of 2018 and opening improvements to traffic in 2020.

MD 254 Neale Sound Bridge Replacement (TPB 6603) – This requested amendment reflects the addition of a new regionally significant project to and the addition of \$1,400,000, \$118,000, and \$13,706,000 to planning/design, right-of-way acquisition, and construction funding, respectively, in the FY 2017-2022 TPB TIP for TPB 6033. MDOT requests this amendment in order that the FY 2017-2022 TPB TIP reflect MDOT's updated programmed expenditures in FY 2017-2022. MDOT anticipates advertising this project in the Fall of 2017 and opening improvements to traffic in 2019.

The attached Statewide TIP (STIP) reports document MDOT's requested amendment with respect to funding for the above projects. These requested actions will not impact scheduling or funding availability for other projects in the current STIP, which remains fiscally constrained. The amended funding does not affect the portion of federal funding programmed for transit or allocations of state aid to local jurisdictions in lieu of federal aid.

In addition, the Maryland Transportation Trust Fund (TTF) remains fiscally constrained. The TTF supports State transportation system operation and maintenance, MDOT administration, debt service, and capital projects. Semiannually, MDOT updates revenues and expenditures using two national forecasting companies' latest economic estimates. MDOT published funding details in the FY 2017-2022 Consolidated Transportation Program (http://www.mdot.maryland.gov/Office_of_Planning_and_Capital_Programming/CTP/Index.html) and FY 2017-2020 Maryland STIP (http://www.mdot.maryland.gov/newMDOT/Planning/STIP_TIP/Documents/2017_STIP_Draft_053116.pdf).

Please amend the FY 2017-2022 TPB TIP and FY 2017-2020 Maryland STIP to reflect the funding information provided in the attachments. If you have any questions about MD 185 at Jones Bridge Road and Kensington Parkway Phase 3 BRAC Intersection Improvements, please contact Mr. Matt Baker, MDOT SHA Regional Planner, at 410-545-5668 or via email at mbaker4@sha.state.md.us. If you have any questions about MD 254 Neale Sound Bridge Replacement, please contact Mr. David Rodgers, MDOT SHA Regional Planner, at 410-545-5670 or via email at drodgers1@sha.state.md.us.

ATTACHMENTS

- FY 2017-2022 TPB TIP project 6071 MC #17-17 03/06/2017 report
- FY 2017-2020 Maryland STIP project 6071 MC #17-17 03/06/2017 report
- FY 2017-2022 TPB TIP project 6603 report
- FY 2017-2020 Maryland STIP project 6603 report

cc: Maurice Agostino, P.E., Chief, Structures Engineering Section, MDOT SHA
Mr. Matt Baker, Regional Planner, MDOT SHA
Mr. Cornelius Barmer, Assistant Chief, Highway Design Division, MDOT SHA
Ms. Kandese Holford, Assistant Regional Planner, MDOT SHA
Mr. Corren Johnson, District 5 Engineer, MDOT SHA
Ms. Tara Penders, Assistant Chief, Regional and Intermodal Planning Division, MDOT SHA
Mr. David Rodgers, Regional Planner, MDOT SHA
Mr. Nicholas Saavedra, Transportation Engineer, MDOT SHA
Mr. Prasoon Shrestha, Design Engineer, MDOT SHA
Mr. Brian Young, District 3 Engineer, MDOT SHA

**SUBURBAN MARYLAND
TRANSPORTATION IMPROVEMENT PROGRAM
CAPITAL COSTS (in \$1,000)**

FY 2017 - 2022

Source	Fed/St/Loc	Previous Funding	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	Source Total
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MDOT/State Highway Administration

Secondary

Naval Support Activity Bethesda BRAC Improvements

TIP ID: 6071	Agency ID: MO5938	Title: MD 185 at Jones Bridge Road and Kensington Parkway Phase 3 BRA				Complete: 2020	Total Cost: \$17,300	
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Facility: MD 185 at Jones Bridge Road and Kensington	OEA	100/0/0	3,938 b	145 b	3,108 b	270 b	4,959 c	3,207 c	13,391
From:						1,702 c			
To:									
Total Funds:									13,391

Description: Construction of MD 185 Phase 3 intersection improvements at Jones Bridge Road and Kensington Parkway to improve access to Naval Support Activity Bethesda.

Amendment: Subtracting Right-of-way Acquisition Funding and Adding Construction Funding **Requested on: 9/8/2017**
 Subtracting \$2,278,000 (OEA) from FY17 RW, adding \$1,741,000 (OEA) to FY18 RW, and adding \$270,000 (OEA) to FY19 RW. Adding \$764,000 (OEA) to FY19 CO, \$2,225,000 (OEA) to FY20 CO, and \$1,439,000 (OEA) to FY21 CO.

Other

System Preservation Projects

TIP ID: 6603	Agency ID: CH2261	Title: MD 254 Neale Sound Bridge Replacement				Complete: 2020	Total Cost: \$15,800	
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Facility: MD 254 at Neale Sound	State	0/100/0	600 a	1,205 a	195 a	24 b	24 b	24 b	14 b	15,224
From:				9 b	23 b	5,706 c	1,000 c			
To:						7,000 c				
Total Funds:									15,224	

Description: Replace bridge 08038 over Neale Sound.

Amendment: Adding Planning/Design, Right-of-Way Acquisition, and Construction Funding **Requested on: 9/8/2017**
 Adding \$1,205,000 (State) to FY17 PP/PE and \$195,000 (State) to FY18 PP/PE. Adding \$9,000 (State) to FY17 RW, \$23,000 (State) to FY18 RW, \$24,000 (State) to FY19 RW, \$24,000 (State) to FY20 RW, \$24,000 (State) to FY21 RW, and \$14,000 (State) to FY22 RW. Adding \$7,000,000 (State) to FY18 CO, \$5,706,000 (State) to FY19 CO, and \$1,000,000 (State) to FY20 CO.

NATIONAL CAPITAL REGION TRANSPORTATION PLANNING BOARD
777 North Capitol Street, N.E.
Washington, D.C. 20002

RESOLUTION ON AN AMENDMENT TO THE FY 2017-2022 TRANSPORTATION IMPROVEMENT PROGRAM (TIP) THAT IS EXEMPT FROM THE AIR QUALITY CONFORMITY REQUIREMENT TO INCLUDE FUNDING FOR THE LEE HIGHWAY WIDENING PHASE II PROJECT AND GARVEE DEBT SERVICE, AS REQUESTED BY THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT)

WHEREAS, the National Capital Region Transportation Planning Board (TPB), which is the metropolitan planning organization (MPO) for the Washington Region, has the responsibility under the provisions of the Fixing America's Surface Transportation (FAST) Act for developing and carrying out a continuing, cooperative and comprehensive transportation planning process for the Metropolitan Area; and

WHEREAS, the TIP is required by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) as a basis and condition for all federal funding assistance to state, local and regional agencies for transportation improvements within the Washington planning area; and

WHEREAS, on November 16, 2016 the TPB adopted the FY 2017-2022 TIP; and

WHEREAS, in the attached letter of August 29, VDOT has requested that the FY 2017-2022 TIP be amended to include \$5.247 million in local funding and \$405,000 in National Highway Performance Program (NHPP) funding for planning and engineering in FY 2017 for the Lee Highway Widening Phase II project (TIP ID 6604), and to include \$18.966 million in advanced construction funding and \$222,000 in NHPP funding in FY 2018 for the GARVEE Debt Service for this project (TIP ID 6605), as described in the attached materials; and

WHEREAS, this project is included in the Air Quality Conformity Analysis of the 2016 CLRP Amendment and the FY 2017-2022 TIP (CON ID 731, VP7T);

NOW, THEREFORE, BE IT RESOLVED THAT the Steering Committee of the National Capital Region Transportation Planning Board amends the FY 2017-2022 TIP to include \$5.247 million in local funding and \$405,000 in NHPP funding for planning and engineering in FY 2017 for the Lee Highway Widening Phase II project (TIP ID 6604), and to include \$18.966 million in advanced construction funding and \$222,000 in NHPP funding in FY 2018 for the GARVEE Debt Service for this project (TIP ID 6605), as described in the attached materials.

Adopted by the Transportation Planning Board Steering Committee at its regular meeting on September 8, 2017



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

4975 Alliance Drive
Fairfax, VA 22030

CHARLES A. KILPATRICK, P.E.
COMMISSIONER

August 29, 2017

The Honorable Bridget Newton, Chair
National Capital Region Transportation Planning Board
Metropolitan Washington Council of Governments
777 North Capitol Street, N.E., Suite 300
Washington, DC 20002-4201

RE: National Capital Region FY 2017-2022 Transportation Improvement Program Amendment for US 29 Widening, Fairfax County, VA (UPCs 110329 & 111986)

Dear Ms. Newton:

The Virginia Department of Transportation (VDOT) requests amendments to the FY 2017-2022 Transportation Improvement Program (TIP) to add funding for the widening of US 29 between Union Mill Road and Buckley's Gate Drive in Fairfax County, Virginia. This roadway widening with a six-lane cross section includes bicycle and pedestrian facilities. The amendments reflect the Virginia Commonwealth Transportation Board's latest estimates and planned obligations. Garvee bonds are being used as part of the funding for this project. TIP Amendment # 6604 (UPC # 110329) addresses funding for design and construction of the Route 29 Widening project, while TIP Amendment # 6605 (UPC # 111986) is being used to program Garvee bond debt service.

VDOT is adding \$405,085 in Federal National Highway Performance Program (NHS-NHPP) funding and approximately \$5.247 million in Local funding for planning and preliminary engineering (PE) to the TIP for UPC # 110329 in FY 18. Total project costs are estimated at approximately \$66,974,000. Construction funding will be programmed at a later date.

In addition, VDOT is adding \$222,014 in National Highway Performance Program (NHPP) funding and \$18.966 million in Advance Construction/National Highway Performance Program (AC-NHPP) to UPC 111986 in FY18. These funds, classified as PE, are for debt service on Garvee bonds associated with this project. The funds are being obligated in FY 2018 but will be applied to the Garvee debt in the form of periodic payments over the life of the bond issue.

The project funding is consistent with the revenue projections VDOT provided for the 2014 CLRP Financial Element. This project is listed in the 2016 CLRP and the 2016 Air Quality Conformity Analysis.

VDOT requests that this amendment be placed on the agenda of the Transportation Planning Board's Steering Committee at its meeting on September 8th, 2017. VDOT's representative will attend the meeting and will be available to answer any questions.

Thank you for your consideration of this request.

Sincerely,



Helen Cuervo, P.E.
District Administrator
Northern Virginia District

cc:

Ms. Ms. Rene'e Hamilton, VDOT-NoVA
Ms. Allison Richter, VDOT- NoVA
Ms. Maria Sinner, P.E., VDOT-NoVA
Mr. Norman Whitaker, AICP, VDOT-NoVA

**NORTHERN VIRGINIA
TRANSPORTATION IMPROVEMENT PROGRAM
CAPITAL COSTS (in \$1,000)**

FY 2017 - 2022

	Source	Fed/St/Loc	Previous Funding	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	Source Total
Lee Highway Widening										
TIP ID: 6604 Agency ID: 110329		Title: Lee Highway Widening Phase II					Project Cost: \$66,974 Complete: 2024			
Facility: US 29 Lee Highway	Local	0/0/100		5,247	a					5,247
From: VA 659 Union Mill Road										
To: Buckleys Gate Drive	NHPP	100/0/0		405	a					405
Total Funds:										5,652

Description: Widen Route 29 from 4 lanes to 6 lanes from Union Mill Road to Buckley's Gate Drive, with added capacity, improved geometrics and pedestrian/bicycle facilities. Corresponding Debt Service UPC is 111986.

Amendment: Add New Project **Approved on: 9/8/2017**
 Amend project into the FY 2017-2022 TIP with \$5.652 million in local and NHPP funding in FY 2018 for PE.

Lee Highway Widening										
TIP ID: 6605 Agency ID: 111986		Title: Lee Highway Widening Phase II -- GARVEE DEBT SERVICE					Project Cost: \$19,188 Complete: 2037			
Facility: US 29 Lee Highway	AC	100/0/0		18,966	a					18,966
From: VA 659 Union Mill Road										
To: Buckleys Gate Drive	NHPP	100/0/0		222	a					222
Total Funds:										19,188

Description: Debt Service Required for construction of UPC 110329

Amendment: Add New Project **Approved on: 9/8/2017**
 Amend project into the FY 2017-2022 TIP with \$19.2 million in advanced construction and NHPP funding for PE in FY 2018.



MEMORANDUM

TO: Transportation Planning Board
FROM: Kanti Srikanth, TPB Staff Director
SUBJECT: Letters Sent/Received
DATE: September 14, 2017

The attached letters were sent/received since the last TPB meeting.



August 25, 2017



Bridget Donnell Newton
Chair
National Capital Region Transportation Planning Board
777 North Capitol Street, NE, Suite 300
Washington, DC 20002

Dear Chairperson Newton:

Thank you for your July 19, 2017 letter requesting funding support for the Transportation Planning Board's (TPB) FY 2018 Street Smart Pedestrian and Bicycle Safety Campaign.

I am pleased to inform you that Metro will again provide \$150,000 in funding for the 2018 campaign, and this letter reflects that commitment. At some point in every Metro trip, each of our customers is a pedestrian. With this in mind, Metro views the Street Smart campaign as integral to its pedestrian and bicyclist safety program. We look forward to participating fully in this effort with the TPB and our regional partners.

As you directed, we are notifying Mr. Kanti Srikanth, Director of Transportation Planning, of our commitment by sending him a copy of this letter.

Again, Metro is pleased to be a partner in your Street Smart program, and we wish you continued success.

Sincerely,

Paul J. Wiedefeld
General Manager and
Chief Executive Officer

cc: Kanti Srikanth, Director of Transportation, MWCOG

Washington
Metropolitan Area
Transit Authority

600 Fifth Street, NW
Washington, DC 20001
202/962-1234

www.wmata.com

A District of Columbia,
Maryland and Virginia
Transit Partnership



**National Capital Region
Transportation Planning Board**

July 19, 2017

Paul J. Wiedefeld
General Manager
Washington Metropolitan Area Transit Authority
600 Fifth Street, NW
Washington, D.C. 20001-2693

Re: Street Smart FY 2018 funding

Dear Mr. Wiedefeld:

On behalf of the Transportation Planning Board (TPB) I am happy to inform you that the TPB will be launching its "Street Smart" Pedestrian and Bicycle Safety Campaign in FY 2018. This region-wide campaign promotes safety for Pedestrians and Bicyclists including WMATA's transit riders as they walk or bike to and from bus stops and Metrorail stations. The campaign is funded by DDOT, the Maryland Highway Safety Office, the Virginia Highway Safety Office, and by WMATA. I am now asking that you consider renewing WMATA's contribution of \$150,000 for FY 2018.

The Street Smart campaign cautions drivers to slow down and watch out for people walking and biking. Messages are delivered in both English and Spanish via TV commercials, online media, news stories, on-the-ground outreach, and outdoor media, including transit ads.

WMATA is a valued partner and funder of campaign. WMATA's financial contribution of \$150,000 accounted for one fifth of the FY 2017 budget of \$760,000. WMATA also ran pro bono transit advertising when space was available. WMATA staff serve on the advisory group, and have helped shape the FY 2018 campaign ads currently under development.

The Street Smart campaign benefits to WMATA include: passenger safety messaging, advertising revenue, and partnership in a major public service program. Street Smart campaign deployed outreach teams at Metrorail stations, as well as on bus corridors with heavy pedestrian traffic, and placed advertising on WMATA buses. See the attached FY 2017 WMATA Summary and FY 2016 Annual Report for more details.

The Street Smart campaign has been successful in terms of increasing public awareness of the consequences of unsafe behaviors, changing reported pedestrian and motorist behavior, and leveraging earned media and local law enforcement. The transit advertising has been particularly effective. In our 2016 post-campaign survey, 79% of the pedestrians in the Washington region could recall at least one of the Street Smart ads, versus 68% of the motorists.

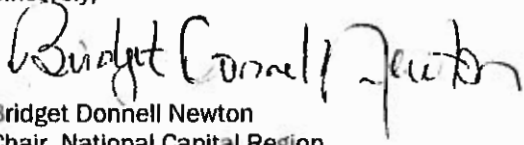
As a unified regional campaign, Street Smart benefits from economies of scale in production and purchase of advertising, greater leveraging of federal funding from multiple recipients, and greater media attention than would be possible for an individual agency safety campaign.

For funds to be available for the Fall 2017 campaign, funding commitment letters should be sent to Director of Transportation Planning, Kanti Srikanth, at the address below by August 31st, 2017.

Should you have any questions about the campaign or the requested voluntary contribution, please contact Kanti Srikanth at (202) 962-3257. Thank you for your participation in this program that addresses one of our region's most critical needs: pedestrian and bicyclist safety.

Paul J. Wiedefeld
July 19, 2017

Sincerely,



Bridget Donnell Newton
Chair, National Capital Region
Transportation Planning Board

cc: Kanti Srikanth, Director of Transportation Planning, MWC0G
Patrick Lavin, Chief Safety Officer, WMATA
Shyam Kannan, Managing Director, Office of Planning, WMATA



National Capital Region
Transportation Planning Board

September 7, 2017

K. Jane Williams
Acting Administrator
Federal Transit Administration
1200 New Jersey Ave, SE
Washington, D.C. 20590

Dear Ms. Williams:

I am writing to express the support of the National Capital Region Transportation Planning Board (TPB), the metropolitan planning organization (MPO) for the national capital region, for the application by Montgomery County for \$4,169,500 in federal funds under the Grants for Buses and Bus Facilities Infrastructure Investment Program to support the purchase of 10 Proterra 35' E2 battery electric buses and 9 depot chargers. The buses would be Montgomery County's first zero-emission buses and would be a component of green and sustainable initiatives underway in the county. The federal funds would have an equal local match for a total cost of \$8,339,000.

The TPB's FY 2017-2022 Transportation Improvement Program (TIP) for the National Capital Region includes the Ride On bus replacement program: TIP ID 3072 on page 87. These 10 buses are included in FY2019. The proposed use of the electric buses is also being documented in the Ride On Bus Fleet Management Plan (BFMP) which will be completed in September 2017.

The TPB has long supported increased investment of transportation dollars to support improvements in the environment and the region's bus system. New buses using zero emissions systems will provide benefits to the region's citizens through cleaner and higher quality transportation service. The support and promotion of electric vehicles is one of the near-term strategies of our adopted Regional Transportation Priorities Plan.

We urge your favorable consideration of Montgomery County's request, as it directly responds to regional transportation goals and priorities adopted by the Transportation Planning Board and identified in the Washington region's long-range transportation plan. I anticipate that upon a successful grant award, subject to the availability of the required matching funding, the region's transportation improvement program (TIP) will be amended to include the grant funding for this project.

Sincerely,

A handwritten signature in blue ink that reads "Bridget Donnell Newton".

Bridget Donnell Newton
Chair, National Capital Region
Transportation Planning Board

cc: Mr. Al Roshdieh, Director, Montgomery County Department of Transportation



MEMORANDUM

TO: Transportation Planning Board
FROM: Kanti Srikanth, TPB Staff Director
SUBJECT: Announcements and Updates
DATE: September 14, 2017

The attached documents provide updates on activities that are not included as separate items on the TPB agenda.



MEMORANDUM

TO: Transportation Planning Board
FROM: Kanti Srikanth, TPB Staff Director
SUBJECT: COG Metro Strategy Group Update and WMATA
DATE: September 14, 2017

Sustained funding for the Washington Metropolitan Area Transportation Authority (WMATA) to achieve a safe and reliable Metro system in a state of good repair is a priority of the Metropolitan Washington Council of Governments (COG) Board of Directors. The Transportation Planning Board (TPB) has partnered with COG on a comprehensive effort to secure sustained, predictable and dedicated funding for WMATA since late 2015 when it conducted a detailed review of WMATA's funding needs.

In June 2016, the COG Board created the Chief Administrative Officers (CAOs) Technical Panel to assess WMATA's long-term funding needs, explore revenue options, determine the economic value of Metro to the region, and identify performance metrics for safety, reliability and financial management. The Technical Panel's interim report was presented to the COG Board in October 2016 and the TPB was briefed on the report in November 2016. On April 26, 2017, the Technical Panel issued its Final Report to the COG Board focused on WMATA's ten year capital and maintenance funding needs and sources of dedicated revenue options. The TPB was briefed on the final report at its May 2017 meeting.

On June 14, 2017 the COG Board unanimously adopted Resolution R36-2017 supporting General Manager Wiedefeld's plan to keep Metro Safe, Reliable, and Affordable. The COG Board also unanimously adopted Resolution R37-2017 adopting the Metro Strategy Group's "Statement of Principles on Metro" to guide work to develop a regional strategy to secure funding to meet Metrorail's needs. In June the TPB endorsed both COG resolutions R36-2017 and R37-2017.

COG METRO STRATEGY GROUP

In January of 2017 COG Board Chairman Kenyan McDuffie convened a Metro Strategy Group (MSG) chaired by Fairfax County Board of Supervisors Chairman Sharon Bulova to develop strategies for securing dedicated funding for WMATA. Members were drawn from the COG Board Executive Committee and the TPB Executive Committee along with additional local elected officials and senior state officials. TPB Chairman Bridget Newton, second Vice Chairman Jay Fisette and TPB members Phil Mendelson and Martin Nohe serve on the Metro Strategy Group. The Metro Strategy Group is coordinating with the business community, the District of Columbia, Maryland, Virginia, DOTs, the region's congressional delegation, WMATA, NVTC, NVTA, representatives from state legislatures and other stakeholders on a path forward for dedicated funding for Metro funding. The overall goal is to support introduction of funding legislation in the 2018 legislative sessions. The TPB Staff Director and TPB staff have been assisting COG's Executive Director and Deputy Executive Director in support for the Metro Strategy Group.

On August 24, 2017, COG Board Chairman McDuffie and MSG Chairman Bulova, sent the attached letter to Mayor Bowser, Governor Hogan and Governor McAuliffe regarding the importance of sustained funding for Metro.

The Metro Strategy Group Chairman Bulova noted the status of the group's activities in a report to the COG Board on September 14, 2017. The MSG has reached considerable agreement on:

- The amount of new funds to be raised to meet WMATA's funding needs to ensure its safety, reliability and state of good repair - \$500M annually is the consensus target that provides for state of good repair plus additional critical capital projects that have been identified in WMATA's Capital Needs Inventory. The \$500M in additional annual funding is also consistent with WMATA General Manager/CEO Wiedefeld's April 2017 Plan and recent supporting financial analyses.
- The new funds could be raised from any source that works best for the jurisdictions as long as the funding is predictable, recurring and bondable.
- The additional funds will be for WMATA's capital needs only. Contributions towards any need for additional operational funds will be through a three percent increase in local subsidies.

Chairman Bulova noted that based on reports from the August 28 meeting of the Maryland and Virginia Governors and the District's Mayor there is general agreement that all three jurisdictions would contribute towards the additional funding to be raised for WMATA. The MSG is continuing to work on the details including a process to determine each jurisdiction's share of the new funding amount.

On September 11, 2017, Maryland Governor Larry Hogan wrote the attached letter to Virginia Governor Terry McAuliffe and the District's Mayor Muriel Bowser proposing a short term arrangement to provide \$500M in annual funding. The proposal would have the three jurisdictions and the federal government provide equal share (\$125M each) of the funds annually for four years. In her report to the COG Board, Ms. Bulova and few other members of the MSG noted this proposal as promising and that it would provide the time needed for the region to complete its work of putting in place a long term solution of providing predictable, recurring and bondable funds to WMATA.

August 24, 2017

The Honorable Muriel Bowser
Mayor
District of Columbia
1350 Pennsylvania Avenue, Suite 600
Washington, DC 20004

The Honorable Terry McAuliffe
Governor
Commonwealth of Virginia
P.O. Box 1475
Richmond, VA 23218

The Honorable Larry Hogan
Governor
State of Maryland
100 State Circle
Annapolis, MD 21401

Dear Mayor Bowser, Governor Hogan, and Governor McAuliffe:

As you are all aware, our Metro system is currently facing a large funding deficit needed to perform a backlog of capital projects and improvements to return the system to a state of good repair. Addressing WMATA's long-term capital funding needs is a top priority for the Metropolitan Washington Council of Governments (COG) and the jurisdictions in Metro's Compact. For the past several months, our COG Metro Strategy Group has been working to identify the funding need and potential solutions.

After analyzing Metro's long-term capital needs, the COG Metro Strategy Group agrees that the system requires \$15.5 billion over the next ten years to ensure a state of good repair and that it has a capital funding gap of \$6.1 billion over this time span. To fund the state of good repair and to advance critical capital needs, our group recommends an additional funding investment of \$500 million a year. This will be proposed to the COG Board of Directors in the next month. Your help and support on bridging this gap is essential to moving this pressing issue forward.

In June, the COG Board of Directors adopted a "Statement of Principles on Metro" to guide our approach to securing this additional funding (enclosed). In sum, the optimal way to address Metro's capital funding gap for a state of good repair and critical capital needs is through a dedicated funding source(s) that is earmarked to Metro and fully bondable at the highest rating.

We look forward to sharing additional information as we continue our effort over the next few months. We are committed to working with stakeholders at the local, state, and federal level in addition to the business community throughout our region. We urge you to work together and with us in leading our region forward to solve this urgent problem and restore our system. We appreciate your leadership on this essential initiative.

Sincerely,



Sharon Bulova
Chairman, COG Metro Strategy Group



Kenyan McDuffie
Chairman, COG Board of Directors

The Honorable Muriel Bowser, The Honorable Larry Hogan, and The Honorable Terry McAulliffe
August 24, 2017

cc: COG Board of Directors
Paul Wiedefeld, General Manager, WMATA

Enclosed: COG Board of Directors Statement of Principles on Metro
COG Metro Strategy Group Roster

**COG Board of Directors
Statement of Principles on Metro**

Adopted on June 14, 2017

1. The region adopts the goal of a fully restored, world class Metro system that is safe, efficiently managed in a fiscally responsible manner, and maintained in a state of good repair.
2. Bridging the gap in WMATA's long-term capital needs is the funding priority.
3. The optimal way to address WMATA's capital funding gap for state of good repair and critical capital needs is through a dedicated funding source or sources that are earmarked to WMATA, fully bondable at the highest possible financial rating, and enhances WMATA's overall financial standing.
4. WMATA's operating and maintenance funding needs should be addressed through application of management best practices and reforms, as well as funds derived from increased ridership, before determining if there is a need for additional funding to fill any remaining gap in operating and maintenance funding needs.
5. Local and state contributions for capital subsidies, as well as operating and maintenance subsidies, should be predictable with an annual growth rate of not more than three percent.
6. The local jurisdictions, the states, the business community and additional stakeholders will collaborate to accomplish these goals by the start of WMATA's Fiscal Year 2019.
7. Enhancement and reform of WMATA's governance and operations may be accomplished through agreements, policies, and legislative actions that optimally would be accomplished without reopening the WMATA compact at this time.
8. We call on the federal government to recognize its fiscal responsibility to America's transit system and the federal workforce utilizing the Metrorail system.

COG Metro Strategy Group

Sharon Bulova, Chairman, Fairfax County Board of Supervisors (Chairman)
George Barker, Senator, Commonwealth of Virginia
Roger Berliner, President, Montgomery County Council
Brian Feldman, Senator, State of Maryland
Derrick Davis, Chairman, Prince George's County Council
Jay Fisette, Chairman, Arlington County Board
Matt Letourneau, Supervisor, Loudoun County Board of Supervisors
Kenyan McDuffie, Councilmember, District of Columbia Council
Phil Mendelson, Chairman, District of Columbia Council
Bridget Newton, Mayor, City of Rockville
Marty Nohe, Supervisor, Prince William County Board of Supervisors



**STATE OF MARYLAND
OFFICE OF THE GOVERNOR**

**LARRY HOGAN
GOVERNOR**

Monday, September 11, 2017

The Honorable Terry McAuliffe
Governor of Virginia
1111 East Broad Street
Richmond, VA 23219

The Honorable Muriel Bowser
Mayor of the District of Columbia
1350 Penn Ave NW
Washington, DC 20004

Re: Washington Metropolitan Area Transit Authority (WMATA)

Dear Governor McAuliffe and Mayor Bowser,

Following the most recent proposals at our regional meeting on August 28, I wanted to follow up with you in an effort to continue and to further our discussions regarding the future of Metro.

As I have stated repeatedly, both publicly and in our private deliberations, I fully support Metro and recognize its role as a vital economic driver for Maryland and our region. Despite its long-standing financial mismanagement and safety and reliability issues, Metro nonetheless continues to play an incredibly important and vital role in the region.

Our administration has consistently supported Metro through substantial investments to both its capital and operating budgets. Over the past three budgets, our administration has increased Maryland's contributions by more than 12.5 percent, an addition of over \$55 million.

In total, our administration has invested \$1.4 billion into the system, and we continue to provide this strong level of financial support. For example, in fiscal year 2018 alone, Maryland is investing half a billion dollars.

As you are likely aware, 21 percent of Metro's ridership comes from Maryland, with 23 percent coming from Virginia, and 55 percent from Washington, D.C. When comparing each jurisdiction's investments over the past three years, and by any logical measure, Maryland has been paying not only our fair share, but actually more than our fair share.

However, the debate we are having now is not about the past, but rather what we can all do now to ensure that Metro not only survives, but dramatically improves.

The long-standing safety, performance, and fiscal integrity issues that have plagued Metro for years are well known. The fact is they predate all of our terms in office by decades, but that does not absolve us of the responsibility to solve them.

According to WMATA, a commitment of \$500 million in additional funding is needed, in short order, to continue safety and reliability improvements and to prevent further deterioration of the system. There is absolutely no separation between us on how critical Metro is and that action needs to be taken to guarantee its short-term and long-term future. However, there is very clear separation between us on how we collectively meet this \$500 million funding challenge.

Since I became governor of Maryland, I have continually advocated for increased federal contributions to Metro – repeatedly and forcefully making that point to officials in both the previous and the current administration, including Transportation Secretaries Elaine Chao and Anthony Foxx.

The metro system in Washington, D.C. was built to accommodate the needs of our nation’s capital, the Federal City. Forty-two percent of Metro riders are federal employees, and yet the federal government’s investment does not reflect this fact. At our most recent regional meeting, I once again made the case for this increased federal support, and I was thrilled that you both now agree to join with Maryland in that effort.

I was also encouraged that there was unanimous agreement among us to support the initial report presented by former Transportation Secretary Ray LaHood, and proposed by Virginia, to dramatically change the structure of the WMATA Board and to replace it with a new governing structure. However, no real roadmap was proposed explaining how this change would take place, and we have still not seen any details of this report.

You will recall that I expressed concern that we could not achieve a new governing structure without revisiting the WMATA Compact, which legally requires its current structure. You both stated your opposition to revisiting the Compact. Going forward, I believe it would be helpful to avoid proposing ideas to reform WMATA without also proposing how we are actually going to accomplish them.

Most concerning to me was the proposal from the District of Columbia to institute a massive regional sales tax. This is obviously not a viable proposal, and as I pointed out, it has no real chance of being implemented anytime in the foreseeable future. The sales tax is a regressive tax, which disproportionately hurts the poorest of our citizens, and I again expressed my strong opposition to this idea.

Governor McAuliffe, you and I both expressed doubt about this proposal. You suggested that it would be very unlikely for you to get a sales tax increase passed by Virginia’s legislature.

Prior to my election as governor, Maryland increased the sales tax by 20 percent, the largest and most regressive tax hike in state history. The people of Maryland elected me to end the practice of simply raising taxes, over and over again, to solve problems that could otherwise be solved by effective governance and prudent fiscal management.

In my experience, providing real leadership and serving the public successfully often requires making the tough decisions that those before you, or others, either failed or refused to make. It is in that spirit that I am writing to propose a new solution in addition to my previous proposal of increased federal contributions:

The region can no longer avoid taking action, and the needs of the Metro system are immediate and overwhelming. Given the current crisis, the State of Maryland is prepared to invest an additional \$500 million in increased Metro funding over the next four years if the Commonwealth of Virginia, the District of Columbia, and the federal government all commit to do the same.

This would be an additional \$125 million in increased annual Metro funding from Maryland over the next four years if the other three partners commit to the same level of increased funding. If Washington, D.C. wants to fulfill their obligation by taxing the poorest of its citizens, they could certainly move forward with a sales tax increase. Our proposal would give the region and the jurisdictions who are party to the Compact four years to formulate a long-term, more permanent solution to WMATA's fiscal challenges.

During the course of our many discussions, you have both stated your skepticism of the potential for increased federal investment. However, we have yet to join in a unified lobbying effort, with all three jurisdictions proactively committing to our own proposed additional funding. I am confident that if Maryland, Virginia, and Washington, D.C., in addition to our congressional delegations, collectively bring this proposal to the federal government, our chance of success will be higher.

Maryland's recent success in securing a Full Funding Grant Agreement, the morning of our last regional meeting, for nearly a billion dollars to build the Purple Line offers proof that the current administration is more than willing to make prudent investments in transit projects with partners that are equally invested and willing to pull their weight.

As long as I am governor, Maryland will continue to provide leadership and will work with all our partners toward potential solutions to Metro's serious problems. We can not go it alone, but we are prepared to make an unprecedented additional investment into the Metro system if our other partners are willing do the same.

Ultimately, the choice is yours – we can continue to talk about solutions that have little or no chance of success, or we can step up now, make the hard decisions, and invest in our region's most important and essential transit system.

Maryland is ready to take the latter path forward, and I am respectfully asking you to join me in this effort. By working toward bipartisan, common sense solutions, together we can secure Metro's future – our citizens deserve nothing less.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Hogan". The signature is fluid and cursive, with the first name "Larry" and the last name "Hogan" clearly distinguishable.

Larry Hogan
Governor

CC: Paul Wiedefeld, General Manager and Chief Executive Officer, WMATA
Jack Evans, Chair, WMATA Board of Directors
Keturah D. Harley, First Vice Chair, WMATA Board of Directors
Jim Corcoran, Second Vice Chair, WMATA Board of Directors
Steve McMillin, Federal Government, WMATA Board of Directors
Corbett A. Price, District of Columbia, WMATA Board of Directors
Michael Goldman, Maryland, WMATA Board of Directors
Catherine Hudgins, Virginia, WMATA Board of Directors
David Horner, Federal Government, WMATA Board of Directors



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

4975 Alliance Drive
Fairfax, VA 22030

CHARLES A. KILPATRICK, P.E.
COMMISSIONER

August 25, 2017

Ms. Monica Backmon, Executive Director
Northern Virginia Transportation Authority
3040 Williams Drive, Suite 200
Fairfax, VA 22031

Mr. Kanathur Srikanth, Director
Department of Transportation Planning, MWCOG
777 North Capitol Street NE, Suite 300
Washington, DC 20002

Mr. Robert W. Lazaro, Executive Director
Northern Virginia Regional Commission
3040 Williams Drive, Suite 200
Fairfax, VA 22031

Dear Regional Planning Partners:

Subject: *2017 VDOT Northern Virginia Fall Transportation Meeting, September 18*

This fall, the Commonwealth Transportation Board will again conduct public meetings across Virginia to give stakeholders the opportunity to review planning materials and to discuss specific projects or issues. Additionally, information will be provided on proposed changes to the SMART SCALE prioritization process. I will co-host the Northern Virginia meeting with our local CTB representatives and Secretary of Transportation, Aubrey Layne. The Northern Virginia meeting will start at 4:00 PM on Monday, September 18 at VDOT Northern Virginia Headquarters, 4975 Alliance Drive, Fairfax, VA.

Your agency is invited to participate. Space will be reserved for TPB, NVTA and NVRC staffs to display presentation materials regarding regional initiatives and priorities. Each agency will be provided one table for materials. Please provide your own easels if needed, and send appropriate staff members who can answer questions during the informal Open House. Regional transit agencies are also being invited.

As you may be aware, we are transitioning to a biennial cycle for the SMART SCALE program and will not be presenting candidate projects this year. Applications are currently being accepted

Regional Planning Partners

August 25, 2017

Page Two

for other grant programs, however, and your feedback on projects and programs that may be included in the Fiscal Year 2019-2024 Six-Year Improvement Program are welcome.

Our meeting will begin at 4:00 PM with an informal Open House where attendees can review and provide feedback on various transportation initiatives including proposed changes to Virginia's project prioritization process (SMART SCALE), recently funded projects in the Six-Year Improvement Program, Virginia's Statewide Transportation Improvement Program, Virginia's Multimodal Transportation Plan, and Scenario Planning and Freight Plans. Following the Open House, an opportunity to engage with the Secretary will be provided in a town hall style format for the public and transportation stakeholders. These meetings are intended to be interactive; there will be no formal public comment. Meeting materials will be available on the web at <http://www.ctb.virginia.gov/planning/fallmeetings/> starting August 29, 2017.

I encourage you to participate in the Fall Planning Meeting and interact with other regional transportation leaders. Please let us know if you will be attending and plan to display information for your agency. Please also provide a point of contact so that we can coordinate meeting logistics. If you cannot attend the meetings, you may send your comments to: Infrastructure Investment Director at 1401 E. Broad Street, Richmond, VA 23219 or e-mail them to Six-YearProgram@vdot.virginia.gov by October 20, 2017. Comments on rail and public transportation may be sent to DRPT Public Information Officer at 600 East Main Street, Suite 2102, Richmond, VA 23219 or e-mail them to drptpr@drpt.virginia.gov.

I truly appreciate your attendance at this session. If you have any questions prior to the meeting, please contact Maria Sinner, P.E. at (703) 259-2342.

Sincerely,



Helen L. Cuervo, P.E.

District Administrator, VDOT Northern Virginia

**2017 SCHEDULE
MDOT ANNUAL CONSULTATION MEETINGS**

Day	Date	County	Time	Location
M	September 25	Queen Anne	2:00 p.m.	Commissioners Hearing Room, 2 nd Floor, Liberty Building, 107 North Liberty Street, Centreville, MD 21617
T	September 26	Kent	6:00 p.m.	County Government Center, 400 High Street, Chestertown, MD 21620
M	October 2	Frederick	7:00 p.m.	1 st Floor Hearing Room, Winchester Hall, 12 East Church Street, Frederick, MD 21701
Th	October 5	Washington	10:00 a.m.	Washington County Free Library, 100 South Potomac Street, Hagerstown, MD 21740 (Location confirmed via email 7/14/17)
		Allegany	3:00 p.m.	Room 100, County Office Complex, 701 Kelly Road, Cumberland, MD 21502
F	October 6	Garrett	11:00 a.m.	Commissioner's Meeting Room, Room 209, 203 4 th Street, Oakland, MD 21550 (<i>Enter on Alder Street</i>)
T	October 10	Worcester	10:00 a.m.	Commissioners Meeting Room, County Government Center, 1 West Market Street, Room 1101, Snow Hill, MD 21863
		Somerset	2:00 p.m.	Room 111, County Office Complex, 11916 Somerset Avenue, Princess Anne, MD 21853
		Wicomico	7:00 p.m.	Flanders Conference Room, Youth and Civic Center, 500 Glen Avenue, Salisbury, MD 21804 Dinner at 5:30
Th	October 12	Carroll	2:00 p.m.	Reagan Room (Room 003), County Office Building, 225 North Center Street, Westminster, MD 21157
F	October 13	Cecil	10:30 a.m.	Elk Room, Cecil County Administrative Building, 200 Chesapeake Blvd., Elkton, MD 21921 Brunch
T	October 24	Calvert	10:30 a.m.	Commissioners Hearing Room, County Courthouse, 2 nd Floor, 175 Main Street, Prince Frederick, MD 20678
		St Mary's	1:30 p.m.	Commissioners Meeting Room, 1 st Floor, Chesapeake Building, 41770 Baldrige Street, Leonardtown, MD 20650
		Charles	6:00 p.m.	Conference Room, Charles County Government Building, 200 Baltimore Street, LaPlata, MD 20646
Th	October 26	Baltimore	2:00 p.m.	Council Chambers, Historic Courthouse, 400 Washington Avenue, Towson, MD 21204
Th	November 2	Prince George's	2:00 p.m.	County Council Conference, Room #2027, County Administration Building, 2 nd Floor, 14741 Gov. Oden Bowie Drive, Upper Marlboro, MD 20772
		Montgomery	7:00 p.m.	3 rd Floor Hearing Room, County Office Building, 100 Maryland Avenue, Rockville, MD 20850
F	November 3	Baltimore City	10:00 a.m.	Curran Conference Room, 4 th floor, City Hall, 100 North Holiday Street, Baltimore, MD 21202 (<i>Parking Garage is available at East Fayette Street and Guilford Avenue</i>)
M	November 6	Anne Arundel	3:00 p.m.	Council Hearing Room, The Arundel Center, 44 Calvert Street, Annapolis, MD 21401
T	November 7	Caroline	10:30 a.m.	Board of Education Building, 204 Franklin Street, Denton, MD 21629
		Talbot	3:00 p.m.	Bradley Meeting Room, South Wing, Courthouse, 11 North Washington Street, Easton, MD
		Dorchester	7:00 p.m.	Room 110, County Office Building, 501 Court Lane, Cambridge MD 21613
Th	November 9	Howard	7:00 p.m.	George Howard Building, Banneker Room, 3430 Court House Drive, Ellicott City, MD 21043
M	November 13	Harford	10:00 a.m.	Harford County Council Chambers, 212 South Bond Street, Bel Air, MD 21014

7/28/17– Locations in **red** are changes from earlier schedules. Locations in **bold** are new for this year.



U.S Department of Transportation
Office of Public Affairs
1200 New Jersey Avenue, SE
Washington, DC 20590
www.transportation.gov/briefingroom

News

DOT 69-17
Wednesday, September 6, 2017
Contact: pressoffice@dot.gov

U.S. Department of Transportation Announces \$500 Million Funding Opportunity through TIGER Program

WASHINGTON – The U.S. Department of Transportation today announced the opportunity for state and local stakeholders to apply for \$500 million in discretionary grant funding through the Transportation Investment Generating Economic Recovery (TIGER) program.

“The TIGER grant program is a highly competitive program whose winners will be awarded with the funding they need to rebuild the infrastructure of their communities,” said Secretary Elaine L. Chao. “TIGER grants will continue to fund innovative projects that will improve the safety of America’s passengers and goods.”

The Consolidated Appropriations Act, 2017 appropriated \$500 million, available through September 30, 2020, for National Infrastructure Investments otherwise known as TIGER grants. As with previous rounds of TIGER, funds for the fiscal year (FY) 2017 TIGER grants program are to be awarded on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area, or a region. The FY 2017 Appropriations Act specifies that TIGER Discretionary Grants may not be less than \$5 million and not greater than \$25 million, except that for projects located in rural areas the minimum TIGER Discretionary Grant size is \$1 million.

The selection criteria remain fundamentally the same as previous rounds of the TIGER grants program, but the description of each criterion was updated. Additionally, the FY 2017 TIGER program will give special consideration to projects which emphasize improved access to reliable, safe, and affordable transportation for communities in rural areas, such as projects that improve

infrastructure condition, address public health and safety, promote regional connectivity, or facilitate economic growth or competitiveness.

To provide technical assistance to a broad array of stakeholders, USDOT is hosting a series of webinars during the FY 2017 TIGER grant application process. Webinars on How to Compete for TIGER Discretionary Grants will be held from 2:00 to 4:00 PM EDT on Wednesday, September 13th and Tuesday, September 19th. To register, please visit the [TIGER Webinar Series](#) webpage. Additional webinars will be scheduled and more information posted online.

The deadline to submit an application for the FY 2017 TIGER grant program is Monday, October 16.

Since the TIGER grant program was first created, \$5.1 billion has been awarded for capital investments in surface transportation infrastructure over eight rounds of competitive grants. Throughout the TIGER program, these grants have supported projects that have a significant impact on the Nation, a metropolitan area, or a region. TIGER grants have historically achieved, on average, co-investment of 3.6 dollars (including other Federal, State, local, private and philanthropic funds) for every TIGER dollar invested.

For more information, please visit www.transportation.gov/TIGER.

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MEMORANDUM

TO: Transportation Planning Board
FROM: Nicholas Ramfos, Director, Transportation Operations Program
SUBJECT: Metrorail Safety Commission Status Update
DATE: September 20, 2017

SUMMARY

This is a status update to the establishment of the Metrorail Safety Commission (MSC). Work activities to establish the MSC are based on the FAST Act requirements and are being conducted by the administrative staffs of the District of Columbia, Maryland and Virginia with decision support assistance of COG and TPB staffs.

The District of Columbia City Council, and the Maryland and Commonwealth of Virginia state legislatures all passed uniform legislation for the creation of an interstate compact which would enable formulation of the MSC, earlier this year that has been signed by the Mayor and the two Governors. The US Senate passed SJ Resolution 22 on May 16th and the House passed HJ Resolution 76 on July 17th. Corrections were then made to reconcile both Resolutions on August 4th and the final Resolution was sent to the White House. President Trump signed the MSC Compact on August 22, 2017 (Public Law 115-54). Through this statute, the District of Columbia, the Maryland and Commonwealth of Virginia designates, per the requirement of federal regulations, the MSC as the State Safety Oversight Agency responsible for overseeing WMATA's rail system. Once certified, the MSC will assume safety oversight of Metrorail from the Federal Transit Administration. The MSC will have the power to order immediate corrective safety actions, conduct its own investigations into accidents, allegations of non-compliance and hazards, and issue fines.

This team of administrative officials from the District, Maryland, and Commonwealth of Virginia have been working on parallel efforts in addition to drafting the compact legislation. These efforts have included selecting and appointing commissioners per their respective processes, providing the necessary guidance and input in determining appropriate staffing and staffing qualifications; setting up mechanisms for searching for an Executive Director, procuring administrative, management and legal services, and securing office space. On-going regular meetings are also being held with the FTA to fully develop the documents needed as part of the State Safety Oversight certification process for the MSC and to hold discussions on a transition plan from the FTA to the MSC for day to day oversight activities. COG and TPB staff members have supported the three jurisdictions throughout the process.



H.J.Res. 76 - Joint Resolution granting the consent and approval of Congress for the Commonwealth of Virginia, the State of Maryland, and the District of Columbia to a enter into a compact relating to the establishment of the Washington Metrorail...

One Hundred Fifteenth Congress
of the
United States of America

AT THE FIRST SESSION
*Begun and held at the City of Washington on Tuesday,
the third day of January, two thousand and seventeen*

Joint Resolution

Granting the consent and approval of Congress for the Commonwealth of Virginia, the State of Maryland, and the District of Columbia to enter into a compact relating to the establishment of the Washington Metrorail Safety Commission.

Whereas the Washington Metropolitan Area Transit Authority, an interstate compact agency of the District of Columbia, the Commonwealth of Virginia, and the State of Maryland, provides transportation services to millions of people each year, the safety of whom is paramount;

Whereas an effective and safe Washington Metropolitan Area Transit Authority system is essential to the commerce and prosperity of the National Capital region;

Whereas the Tri-State Oversight Committee, created by a memorandum of understanding amongst these 3 jurisdictions, has provided safety oversight of the Washington Metropolitan Area Transit Authority;

Whereas [49 U.S.C. 5329](#) requires the creation of a legally and financially independent state authority for safety oversight of all fixed rail transit facilities;

Whereas the District of Columbia, the Commonwealth of Virginia, and the State of Maryland intend to create a Washington Metrorail Safety Commission to act as the state safety oversight authority for the Washington Metropolitan Area Transit Authority system under [49 U.S.C. 5329](#); and

Whereas this compact is created for the benefit of the people of the District of Columbia, the Commonwealth of Virginia, and the State of Maryland and for the increase of their safety, commerce, and prosperity: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

CONSENT AND APPROVAL OF CONGRESS

Section 1. The consent and approval of Congress is hereby given for the Commonwealth of Virginia, the State of Maryland, and the District of Columbia to enter into a compact for the safety oversight of the Washington Metropolitan Area Transit Authority Metrorail system (known as the Metrorail Safety Commission Interstate Compact), which has been negotiated by representatives of the State, the Commonwealth, and the District, substantially as follows:

ARTICLE I

Definitions

“1. As used in this MSC Compact, the following words and terms shall have the meanings set forth below, unless the context clearly requires a different meaning. Capitalized terms used herein, but not otherwise defined in this MSC Compact, shall have the definition set forth in regulations issued under 49 U.S.C. § 5329, as they may be revised from time to time.

“(a) ‘Alternate Member’ means an alternate member of the Board;

“(b) ‘Board’ means the board of directors of the Commission;

“(c) ‘Commission’ means the Washington Metrorail Safety Commission;

“(d) ‘Member’ means a member of the Board;

“(e) ‘MSC Compact’ means this Washington Metrorail Safety Commission Interstate Compact;

“(f) ‘Public Transportation Agency Safety Plan’ means the comprehensive agency safety plan for a rail transit agency required by 49 U.S.C. § 5329 and the regulations issued thereunder, as may be amended or revised from time to time;

“(g) ‘Public Transportation Safety Certification Training Program’ means the federal certification training program, as established and amended from time to time by applicable federal laws and regulations, for federal and state employees, or other designated personnel, who conduct safety audits and examinations of public transportation systems, and employees of public transportation agencies directly responsible for safety oversight;

“(h) ‘Safety Sensitive Position’ means any position held by a WMATA employee or contractor designated in the Public Transportation Agency Safety Plan for the WMATA Rail System and approved by the Commission as directly or indirectly affecting the safety of the passengers or employees of the WMATA Rail System;

“(i) ‘Signatory’ means the State of Maryland, the Commonwealth of Virginia, and the District of Columbia;

“(j) ‘State’, ‘state’, or ‘jurisdiction’ means the District of Columbia, the State of Maryland, or the Commonwealth of Virginia;

“(k) ‘Washington Metropolitan Area Transit Authority’ or ‘WMATA’ is the entity created by the WMATA Compact, which entity is responsible for providing certain rail fixed guideway public transportation system services;

“(l) ‘WMATA Compact’ means the Washington Metropolitan Area Transit Authority Compact, approved November 6, 1966 (80 Stat. 1324; D.C. Official Code § 9–1107.01 et seq.); and

“(m) ‘WMATA Rail System’ or ‘Metrorail’ means the rail fixed guideway public transportation system and all other real and personal property owned, leased, operated, or otherwise used by WMATA rail services and shall include WMATA rail projects under design or construction by owners other than WMATA.

ARTICLE II

Purpose And Functions

“2. The Signatories to the WMATA Compact hereby adopt this MSC Compact pursuant to 49 U.S.C. § 5329. The Commission created hereunder shall have safety regulatory and enforcement authority over the WMATA Rail System and shall act as the state safety oversight authority for WMATA under 49 U.S.C. § 5329, as may be amended from time to time. WMATA shall be subject to the Commission’s rules, regulations, actions, and orders.

“3. The purpose of this MSC Compact is to create a state safety oversight authority for the WMATA Rail System, pursuant to the mandate of federal law, as a common agency of each Signatory, empowered in the manner hereinafter set forth to review, approve, oversee, and enforce the safety of the WMATA Rail System, including, without limitation, to:

“(a) Have exclusive safety oversight authority and responsibility over the WMATA Rail System pursuant to federal law, including, without limitation, the power to restrict, suspend, or prohibit rail service on all or part of the WMATA Rail System as set forth in this MSC Compact;

“(b) Develop and adopt a written state safety oversight program standard;

“(c) Review and approve the WMATA Public Transportation Agency Safety Plan;

“(d) Investigate hazards, incidents, and accidents on the WMATA Rail System;

“(e) Require, review, approve, oversee, and enforce Corrective Action Plans developed by WMATA; and

“(f) Meet other requirements of federal and State law relating to safety oversight of the WMATA Rail System.

ARTICLE III

Establishment And Organization

“A. Washington Metrorail Safety Commission

“4. The Commission is hereby created as an instrumentality of each Signatory, which shall be a public body corporate and politic, and which shall have the powers and duties set forth in this MSC Compact.

“5. The Commission shall be financially and legally independent from WMATA.

“B. Board Membership

“6. The Commission shall be governed by a Board of 6 Members with 2 Members appointed or reappointed (including to fill an unexpired term) by each Signatory pursuant to the Signatory’s applicable laws.

“7. Each Signatory shall also appoint or reappoint (including to fill an unexpired term) one Alternate Member pursuant to the Signatory’s applicable laws.

“8. An Alternate Member shall participate and take action as a Member only in the absence of one or both Members appointed from the same jurisdiction as the Alternate Member’s appointing jurisdiction and, in such instances, may cast a single vote.

“9. Members and Alternate Members shall have backgrounds in transit safety, transportation, relevant engineering disciplines, or public finance.

“10. No Member or Alternate Member shall simultaneously hold an elected public office, serve on the WMATA board of directors, be employed by WMATA, or be a contractor to WMATA.

“11. Each Member and Alternate Member shall serve a 4-year term and may be reappointed for additional terms; except that, each Signatory shall make its initial appointments as follows:

“(a) One Member shall be appointed for a 4-year term;

“(b) One Member shall be appointed for a 2-year term; and

“(c) The Alternate Member shall be appointed for a 3-year term.

“12. Any person appointed to fill a vacancy shall serve for the unexpired term.

“13. Members and Alternate Members shall be entitled to reimbursement for reasonable and necessary expenses and shall be compensated for each day spent meeting on the business of the Commission at a rate of \$200 per day or at such other

"14. A Member or an Alternate Member may be removed or suspended from office only for cause in accordance with the laws of such Member's or Alternate Member's appointing jurisdiction.

"C. Quorum and Actions of the Board

"15. Four Members shall constitute a quorum, and the affirmative vote of 4 Members is required for action of the Board. Quorum and voting requirements under this paragraph may be met with one or more Alternate Members pursuant to section 8.

"16. The Commission action shall become effective upon enactment unless otherwise provided for by the Commission.

"D. Oath of Office

"17. Before entering office, each Member and Alternate Member shall take and subscribe to the following oath (or affirmation) of office or any such other oath or affirmation as the constitution or laws of the Signatory he or she represents shall provide:

- "I, _____, hereby solemnly swear (or affirm) that I will support and defend the Constitution and the laws of the United States as a Member (or Alternate Member) of the Board of the Washington Metrorail Safety Commission and will faithfully discharge the duties of the office upon which I am about to enter.

"E. Organization and Procedure

"18. The Board shall provide for its own organization and procedure. Meetings of the Board shall be held as frequently as the Board determines, but in no event less than quarterly. The Board shall keep minutes of its meetings and establish rules and regulations governing its transactions and internal affairs, including, without limitation, policies regarding records retention that are not in conflict with applicable federal record retention laws.

"19. The Commission shall keep commercially reasonable records of its financial transactions in accordance with accounting principles generally accepted in the United States of America.

"20. The Commission shall establish an office for the conduct of its affairs at a location to be determined by the Commission.

"21. The Commission shall adopt 5 U.S.C. § 552(a)–(d) and (g), and 5 U.S.C. § 552b, as both may be amended from time to time, as its freedom-of-information policy and open-meeting policy, respectively, and shall not be subject to the comparable laws or policies of any Signatory.

"22. Reports of investigations or inquiries adopted by the Board shall be made publicly available.

"23. The Commission shall adopt a policy on conflict of interest that shall be consistent with the regulations issued under 49 U.S.C. § 5329, as they may be revised from time to time, which, among other things, places appropriate separation between Members, officers, employees, contractors, and agents of the Commission and WMATA.

"24. The Commission shall adopt and utilize its own administrative procedure and procurement policies in conformance with applicable federal regulations and shall not be subject to the administrative procedure or procurement laws of any Signatory.

"F. Officers and Employees

"25. The Board shall elect a Chairman, Vice Chairman, Secretary, and Treasurer from among its Members, each for a 2-year term and shall prescribe their powers and duties.

"26. The Board shall appoint and fix the compensation and benefits of a chief executive officer who shall be the chief administrative officer of the Commission and who shall have expertise in transportation safety and one or more industry-recognized transportation safety certifications.

"27. Consistent with 49 U.S.C. § 5329, as may be amended from time to time, the Commission may employ, under the direction of the chief executive officer, such other technical, legal, clerical, and other employees on a regular, part-time, or as-

"28. The Commission shall not be bound by any statute or regulation of any Signatory in the employment or discharge of any officer or employee of the Commission, but shall develop its own policies in compliance with federal law. The MSC shall, however, consider the laws of the Signatories in devising its employment and discharge policies, and when it deems it practical, devise policies consistent with the laws of the Signatories.

"29. The Board may fix and provide policies for the qualification, appointment, removal, term, tenure, compensation benefits, worker's compensation, pension, and retirement rights of its employees subject to federal law. The Board may also establish a personnel system based on merit and fitness and, subject to eligibility, participate in the pension, retirement, and worker's compensation plans of any Signatory or agency or political subdivision thereof.

ARTICLE IV

Powers

"A. Safety Oversight Powers

"30. In carrying out its purposes, the Commission, through its Board or designated employees or agents, shall, consistent with federal law:

"(a) Adopt, revise, and distribute a written State Safety Oversight Program;

"(b) Review, approve, oversee, and enforce the adoption and implementation of WMATA's Public Transportation Agency Safety Plan;

"(c) Require, review, approve, oversee, and enforce the adoption and implementation of any Corrective Action Plans that the Commission deems appropriate;

"(d) Implement and enforce relevant federal and State laws and regulations relating to safety of the WMATA Rail System; and

"(e) Audit every 3 years the compliance of WMATA with WMATA's Public Transportation Agency Safety Plan or conduct such an audit on an ongoing basis over a 3-year time frame.

"31. In performing its duties, the Commission, through its Board or designated employees or agents, may:

"(a) Conduct, or cause to be conducted, inspections, investigations, examinations, and testing of WMATA personnel and contractors, property, equipment, facilities, rolling stock, and operations of the WMATA Rail System, including, without limitation, electronic information and databases through reasonable means, which may include issuance of subpoenas;

"(b) Enter upon the WMATA Rail System and, upon reasonable notice and a finding by the chief executive officer that a need exists, upon any lands, waters, and premises adjacent to the WMATA Rail System, including, without limitation, property owned or occupied by the federal government, for the purpose of making inspections, investigations, examinations, and testing as the Commission may deem necessary to carry out the purposes of this MSC Compact, and such entry shall not be deemed a trespass. The Commission shall make reasonable reimbursement for any actual damage resulting to any such adjacent lands, waters, and premises as a result of such activities;

"(c) Compel WMATA's compliance with any Corrective Action Plan or order of the Commission by such means as the Commission deems appropriate, including, without limitation, by:

"(1) Taking legal action in a court of competent jurisdiction;

"(2) Issuing citations or fines with funds going into an escrow account for spending by WMATA on Commission-directed safety measures;

"(3) Directing WMATA to prioritize spending on safety-critical items;

“(4) Removing a specific vehicle, infrastructure element, or hazard from the WMATA Rail System; and

“(5) Compelling WMATA to restrict, suspend, or prohibit rail service on all or part of the WMATA Rail System with an appropriate notice period dictated by the circumstances;

“(d) Direct WMATA to suspend or disqualify from performing in any Safety Sensitive Position an individual who is alleged to or has violated safety rules, regulations, policies, or laws;

“(e) Compel WMATA’s Office of the Inspector General, created under WMATA Board Resolution 2006–18, or any successor WMATA office or organization having similar duties, to conduct safety-related audits or investigations and to provide its findings to the Commission; and

“(f) Take such other actions as the Commission may deem appropriate consistent with its purpose and powers.

“32. Action by the Board under section 31(c)(5) shall require the unanimous vote of all Members present and voting. The Commission shall coordinate its enforcement activities with appropriate federal and State governmental authorities.

“B. General Powers

“33. In addition to the powers and duties set forth above, the Commission may:

“(a) Sue and be sued;

“(b) Adopt, amend, and repeal rules and regulations respecting the exercise of the powers conferred by this MSC Compact;

“(c) Create and abolish offices, employments, and positions (other than those specifically provided for in this MSC Compact) necessary or desirable for the purposes of the Commission;

“(d) Determine a staffing level for the Commission that is commensurate with the size and complexity of the WMATA Rail System, and require that employees and other designated personnel of the Commission, who are responsible for safety oversight, be qualified to perform such functions through appropriate training, including, without limitation, successful completion of the Public Transportation Safety Certification Training Program;

“(e) Contract for or employ consulting attorneys, inspectors, engineers, and such other experts necessary or desirable and, within the limitations prescribed in this MSC Compact, prescribe their powers and duties and fix their compensation;

“(f) Enter into and perform contracts, leases, and agreements necessary or desirable in the performance of its duties and in the execution of the powers granted under this MSC Compact;

“(g) Apply for, receive, and accept such payments, appropriations, grants, gifts, loans, advances, and other funds, properties, and services as may be transferred or made available to it by the United States government or any other public or private entity or individual, subject to the limitations specified in section 42;

“(h) Adopt an official seal and alter the same at its pleasure;

“(i) Adopt and amend by-laws, policies, and procedures governing the regulation of its affairs;

“(j) Appoint one or more advisory committees; and

“(k) Do such other acts necessary or desirable for the performance of its duties and the execution of its powers under this MSC Compact.

“34. Consistent with this MSC Compact, the Commission shall promulgate rules and regulations to carry out the purposes of this MSC Compact.

ARTICLE V

General Provisions

“A. Annual Safety Report

“35. The Commission shall make and publish annually a status report on the safety of the WMATA Rail System, which shall include, among other requirements established by the Commission and federal law, status updates of outstanding Corrective Action Plans, Commission directives, and on-going investigations. A copy of each such report shall be provided to:

“(a) The Administrator of the Federal Transit Administration;

“(b) The Governor of Virginia, the Governor of Maryland, and the Mayor of the District of Columbia;

“(c) The Chairman of the Council of the District of Columbia;

“(d) The President of the Maryland Senate and the Speaker of the Maryland House of Delegates;

“(e) The President of the Virginia Senate and the Speaker of the Virginia House of Delegates; and

“(f) The General Manager and each member of the board of directors of WMATA.

“36. The Commission may prepare, publish, and distribute such other safety reports that it deems necessary or desirable.

“B. Annual Report of Operations

“37. The Commission shall make and publish an annual report on its programs, operations, and finances, which shall be distributed in the same manner provided by section 35.

“38. The Commission may also prepare, publish, and distribute such other public reports and informational materials as it deems necessary or desirable.

“C. Annual Independent Audit

“39. An independent annual audit shall be made of the financial accounts of the Commission. The audit shall be made by qualified certified public accountants selected by the Board, who shall have no personal interest, direct or indirect, in the financial affairs of the Commission or any of its officers or employees. The report of audit shall be prepared in accordance with generally accepted auditing principles and shall be distributed in the same manner provided by section 35. Members, employees, agents, and contractors of the Commission shall provide access to information necessary or desirable for the conduct of the annual audit.

“D. Financing

“40. The Commission’s operations shall be funded, independently of WMATA, by the Signatory jurisdictions and, when available, by federal funds. The Commission shall have no authority to levy taxes.

“41. The Signatories shall unanimously agree on adequate funding levels for the Commission and make equal contributions of such funding, subject to annual appropriation, to cover the portion of Commission operations not funded by federal funds.

“42. The Commission may borrow up to 5% of its last annual appropriations budget in anticipation of receipts, or as otherwise set forth in the appropriations budget approved by all of the Signatories, from any lawful lending institution for any purpose of this MSC Compact, including, without limitation, for administrative expenses. Such loans shall be for a term not to exceed 2 years, or at such longer term approved by each Signatory pursuant to its laws as evidenced by the written authorization by the Mayor of the District of Columbia and the Governors of Maryland and Virginia, and at such rates of interest as shall be acceptable to the Commission.

“43. With respect to the District of Columbia, the commitment or obligation to render financial assistance to the Commission shall be created, by appropriation or in such other manner, or by such other legislation, as the District of Columbia shall determine; provided, that any such commitment or obligation shall be approved by Congress pursuant to the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1–201.01 et seq.).

“44. Pursuant to the requirements of 31 U.S.C. §§ 1341, 1342, 1349 to 1351, and 1511 to 1519, and D.C. Official Code §§ 47–105 and 47–355.01 to 355.08 (collectively, the ‘Anti-Deficiency Acts’), the District cannot obligate itself to any financial

commitment in any present or future year unless the necessary funds to pay that commitment have been appropriated and are lawfully available for the purpose committed. Thus, pursuant to the Anti-Deficiency Acts, nothing in the MSC Compact creates an obligation of the District in anticipation of an appropriation for such purpose, and the District's legal liability for the payment of any amount under this MSC Compact does not and may not arise or obtain in advance of the lawful availability of appropriated funds for the applicable fiscal year.

"E. Tax Exemption

"45. The exercise of the powers granted by this MSC Compact shall in all respects be for the benefit of the people of the District of Columbia, the Commonwealth of Virginia, and the State of Maryland and for the increase of their safety, commerce, and prosperity, and as the activities associated with this MSC Compact shall constitute the performance of essential governmental functions, the Commission shall not be required to pay any taxes or assessments upon the services or any property acquired or used by the Commission under the provisions of this MSC Compact or upon the income therefrom, and shall at all times be free from taxation within the District of Columbia, the Commonwealth of Virginia, and the State of Maryland.

"F. Reconsideration of Commission Orders

"46. WMATA shall have the right to petition the Commission for reconsideration of an order based on rules and procedures developed by the Commission.

"47. Consistent with section 16, the filing of a petition for reconsideration shall not act as a stay upon the execution of a Commission order, or any part of it, unless the Commission orders otherwise. WMATA may appeal any adverse action on a petition for reconsideration as set forth in section 48.

"G. Judicial Matters

"48. The United States District Court for the Eastern District of Virginia, Alexandria Division, the United States District Court for the District of Maryland, Southern Division, and the United States District Court for the District of Columbia shall have exclusive and original jurisdiction of all actions brought by or against the Commission and to enforce subpoenas under this MSC Compact.

"49. The commencement of a judicial proceeding shall not operate as a stay of a Commission order unless specifically ordered by the court.

"H. Liability and Indemnification

"50. The Commission and its Members, Alternate Members, officers, agents, employees, or representatives shall not be liable for suit or action or for any judgment or decree for damages, loss, or injury resulting from action taken within the scope of their employment or duties under this MSC Compact, nor required in any case arising or any appeal taken under this MSC Compact to give a supersedeas bond or security for damages. Nothing in this paragraph shall be construed to protect such person from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

"51. The Commission shall be liable for its contracts and for its torts and those of its Members, Alternate Members, officers, agents, employees, and representatives committed in the conduct of any proprietary function, in accordance with the law of the applicable Signatory (including, without limitation, rules on conflict of laws) but shall not be liable for any torts occurring in the performance of a governmental function. The exclusive remedy for such breach of contract or tort for which the Commission shall be liable, as herein provided, shall be by suit against the Commission. Nothing contained in this MSC Compact shall be construed as a waiver by the District of Columbia, the Commonwealth of Virginia, or the State of Maryland of any immunity from suit.

"I. Commitment of Parties

"52. Each of the Signatories pledges to each other faithful cooperation in providing safety oversight for the WMATA Rail System, and, to affect such purposes, agrees to consider in good faith and request any necessary legislation to achieve the objectives of this MSC Compact.

“J. Amendments and Supplements

“53. Amendments and supplements to this MSC Compact shall be adopted by legislative action of each of the Signatories and the consent of Congress. When one Signatory adopts an amendment or supplement to an existing section of this MSC Compact, that amendment or supplement shall not be immediately effective, and the previously enacted provision or provisions shall remain in effect in each jurisdiction until the amendment or supplement is approved by the other Signatories and is consented to by Congress.

“K. Withdrawal and Termination

“54. Any Signatory may withdraw from this MSC Compact, which action shall constitute a termination of this MSC Compact.

“55. Withdrawal from this MSC Compact shall be by a Signatory’s repeal of this MSC Compact from its laws, but such repeal shall not take effect until 2 years after the effective date of the repealed statute and written notice of the withdrawal being given by the withdrawing Signatory to the governors or mayor, as appropriate, of the other Signatories.

“56. Prior to termination of this MSC Compact, the Commission shall provide each Signatory:

“(a) A mechanism for concluding the operations of the Commission;

“(b) A proposal to maintain state safety oversight of the WMATA Rail System in compliance with applicable federal law;

“(c) A plan to hold surplus funds in a trust for a successor regulatory entity for 4 years after the termination of this MSC Compact; and

“(d) A plan to return any surplus funds that remain 4 years after the creation of the trust.

“L. Construction and Severability

“57. This MSC Compact shall be liberally construed to effectuate the purposes for which it is created.

“58. If any part or provision of this MSC Compact or the application thereof to any person or circumstances be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this MSC Compact or the application thereof to other persons or circumstances, and the Signatories hereby declare that they would have entered into this MSC Compact or the remainder thereof had the invalidity of such provision or application thereof been apparent.

“M. Adoption; Effective Date

“59. This MSC Compact shall be adopted by the Signatories in the manner provided by law therefor and shall be signed and sealed in 4 duplicate original copies. One such copy shall be filed with the Secretary of State of the State of Maryland, the Secretary of the Commonwealth of Virginia, and the Secretary of the District of Columbia in accordance with the laws of each jurisdiction. One copy shall be filed and retained in the archives of the Commission upon its organization. This MSC Compact shall become effective upon the enactment of concurring legislation by the District of Columbia, the Commonwealth of Virginia, and the State of Maryland, and consent thereto by Congress and when all other acts or actions have been taken, including, without limitation, the signing and execution of this MSC Compact by the Governors of Maryland and Virginia and the Mayor of the District of Columbia.

“N. Conflict of Laws

“60. Any conflict between any authority granted herein, or the exercise of such authority, and the provisions of the WMATA Compact shall be resolved in favor of the exercise of such authority by the Commission.

“61. All other general or special laws inconsistent with this MSC Compact are hereby declared to be inapplicable to the Commission or its activities.”.

RIGHT TO ALTER, AMEND, OR REPEAL

Sec. 2. The right to alter, amend, or repeal this joint resolution is expressly reserved. The consent granted by this joint resolution shall not be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region that forms the subject of the Compact.

CONSTRUCTION AND SEVERABILITY

Sec. 3. It is intended that the provisions of this Compact shall be reasonably and liberally construed to effectuate the purposes thereof. If any part or application of this Compact, or legislation enabling the Compact, is held invalid, the remainder of the Compact or its application to other situations or persons shall not be affected.

INCONSISTENCY OF LANGUAGE

Sec. 4. The validity of this Compact shall not be affected by any insubstantial differences in its form or language as adopted by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia.

EFFECTIVE DATE

Sec. 5. This joint resolution shall take effect on the date of enactment of this joint resolution.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

More Information:

[H.J.Res. 76 - Joint Resolution granting the consent and approval of Congress for the Commonwealth of Virginia, the State...](#)



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