

# **National Capital Region Transportation Planning Board**

777 North Capitol Street, N.E., Suite 300, Washington, D.C. 20002-4290 (202) 962-3310 Fax: (202) 962-3202 TDD: (202) 962-3213

**Item #5**

## **MEMORANDUM**

**October 9, 2008**

**TO:** Transportation Planning Board

**FROM:** Ronald F. Kirby  
Director, Department of  
Transportation Planning

**RE:** Letters Sent/Received Since the September 17<sup>th</sup> TPB Meeting

The attached letters were sent/received since the September 17<sup>th</sup> TPB meeting. The letters will be reviewed under Agenda #5 of the October 15<sup>th</sup> TPB agenda.

Attachments



The Authority  
for Transportation in Northern Virginia

## The Northern Virginia Transportation Authority

4031 UNIVERSITY DRIVE ♦ SUITE 200 ♦ FAIRFAX, VA 2203

PH: 703-766-4650 ♦ FAX: 703-766-4654

WWW.THENOVAAUTHORITY.ORG

September 15, 2008

The Honorable Phil Mendelson  
Chairman  
National Capital Region Transportation Planning Board  
777 North Capitol Street, NE (Ste 300)  
Washington, DC 20002-4239

Dear Chairman Mendelson:

At its meeting of September 11, 2008, the Northern Virginia Transportation Authority approved the attached resolution expressing its appreciation for the outstanding staff support by the Northern Virginia jurisdictions, regional agencies and state agencies over the last six years as NVTA worked without a dedicated staff and this year with a limited dedicated staff. The NVTA is particularly grateful for the increased level of support it received as it worked to implement HB 3202 after the General Assembly approved the bill in April 2007.

Also enclosed is a list of the Transportation Planning Board (TPB) staff members who are recognized as having been involved in the various committee and working group activities of the NVTA over the last several years. I would appreciate your passing along the Authority's gratitude and recognition of this service.

Sincerely,

Christopher Zimmerman  
Chairman

Enclosures:

NVTA Resolution 09-03  
List of TPB Staff Members

# NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

## - RESOLUTION 09-03 -

### APPRECIATION FOR JURISDICTIONAL AND AGENCY SUPPORT

**WHEREAS**, the Northern Virginia Transportation Authority (“NVTA”) was created by the General Assembly in 2002, to among other things, prepare a regional transportation plan for Northern Virginia; construct or acquire the transportation facilities included in the transportation plan; set regional transportation policies and priorities for regional transportation projects; provide general oversight of regional mass transit and congestion mitigation programs and regional transportation issues; develop regional transportation priorities and policies to improve air quality; advocate for the transportation needs of Northern Virginia; and collect taxes and fees authorized by law; and,

**WHEREAS**, from 2002 to 2007, there was limited funding authorized to support the activities that NVTA was directed to accomplish and therefore the local jurisdictions and regional transportation planning and operating agencies of Northern Virginia, along with state transportation agencies, agreed to support the activities of the NVTA by contributing staff resources from their jurisdictions and agencies; and,

**WHEREAS**, the significant progress made by NVTA from 2002 to 2007 was underpinned by the extraordinary professional support from jurisdictional and agency staffs that resulted in annual coordination of regional transportation priorities and recommendations to the National Capital Region Transportation Planning Board, the Commonwealth Transportation Board and the General Assembly; completion of *TransAction 2030* – a long range transportation plan for Northern Virginia; coordination of allocations for discretionary funding; coordination of legislative and advocacy issues; coordination of comments and action on major transportation projects affecting Northern Virginia ;and many other routine NVTA activities and actions; and,

**WHEREAS**, with the authorization of dedicated funding for NVTA by the General Assembly in 2007, the jurisdictional and agency staffs increased their contributed support to plan the plethora of actions necessary to establish an operating organization and immediately implement the authorized regional taxes and fees, coordinate an initial package of projects within a Six Year Plan, and design a major bond initiative;

**WHEREAS**, this increased effort involved staff from many non-transportation related disciplines, including law, finance, accounting, tax administration, debt management, public works, public affairs, legislative, purchasing and human resources; and

**WHEREAS**, on February 29, 2008, the Virginia Supreme Court ruled that the General Assembly did not have the authority under the Virginia Constitution to delegate its taxing powers to the NVTA; and,



WHEREAS, this staff continued to provide assistance to NVTVA with refund activities and other on-going activities after the Court decision, including efforts to restore NVTVA's funding;

WHEREAS, the Authority recognizes that, without the extraordinary support from jurisdictional and agency staffs, guided by outstanding staff leadership, it would have been impossible for the Authority to have achieved the progress it has to date;

**NOW, THEREFORE, BE IT RESOLVED, THAT** the Northern Virginia Transportation Authority extends its appreciation to the counties of Arlington, Fairfax, Loudoun, and Prince William, and to the cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park, and to the the towns of Dumfries, Herndon, Leesburg, Purcellville, and Vienna as well as to the Northern Virginia Transportation Commission, the Northern Virginia Regional Commission, the Potomac and Rappahannock Transportation Commission, the Washington Metropolitan Area Transit Authority, the Virginia Railway Express, the Virginia Department of Transportation, the Virginia Department of Rail and Public Transportation, Department of Motor Vehicles, Department of Taxation, State Police, Clerks of the Court, the Motor Vehicle Dealer Board, and the staffs of the Secretary of Finance and Transportation, for their extraordinary support to the Authority over the past six years;

**BE IT FURTHER RESOLVED THAT** this expression of NVTVA's appreciation be sent to the chief administrative officer in each of Northern Virginia's jurisdictions and to the executive directors of the Northern Virginia Transportation Commission, the Potomac and Rappahannock Transportation Commission, the Northern Virginia Regional Commission, the Washington Metropolitan Area Transit Authority, the Virginia Railway Express, and the Northern Virginia Regional Commission; the Virginia Department of Transportation Commissioner; and the Directors of the Virginia Department of Rail and Public Transportation; the Virginia Tax Commissioner and the Virginia Department of Motor Vehicles Commissioner; the Clerks of the Court; Town Managers; State Police; Motor Vehicle Dealer Board; and the Secretaries of Transportation and Finance;

**BE IT FURTHER RESOLVED THAT** letters of appreciation signed by the chairman be forwarded to the key staff members who have provided the leadership that ensured the achievement of the Authority's progress to date.

Approved by the Northern Virginia Transportation Authority on this 11<sup>th</sup> day of September 2008.

By: \_\_\_\_\_

Chairman

Attest: \_\_\_\_\_

Vice Chairman

# NORTHERN VIRGINIA TRANSPORTATION AUTHORITY

## National Capital Region Transportation Planning Board

- Andrew Austin
- Ron Kirby
- Gerry Miller



## **National Capital Region Transportation Planning Board**

777 North Capitol Street, N.E., Suite 300, Washington, D.C. 20002-4290 (202) 962-3310 Fax: (202) 962-3202

September 17, 2008

Honorable Michael Knapp  
Chairman, Board of Directors  
Metropolitan Washington Council of Governments  
777 North Capitol Street, NE, Suite 300  
Washington, DC 20002-4290

Dear Chairman Knapp:

The National Capital Region Transportation Planning Board (TPB) appreciates the opportunity to participate in the timely climate change discussion that has been initiated by the Metropolitan Washington Council of Governments (COG) Climate Change Steering Committee. TPB staff was pleased to provide quantitative forecasts of greenhouse gas emissions from the transportation sector for inclusion in the draft National Capital Region Climate Change Report, released for public comment by the COG Board of Directors on July 9, 2008. The July 9 draft report provides a much needed introduction to climate change issues that previously was unavailable to citizens and decision-makers in the region. It also builds an important foundation for the region to identify and eventually implement strategies that address greenhouse gas (GHG) emissions. It provides a comprehensive list of such strategies across sectors that can help planners and policymakers to develop an appropriate course of action for the region.

In response to the request by the COG Board of Directors for comment on the July 9 draft of the Climate Change Report, the TPB is pleased to provide comment on the following five points regarding GHG emission reduction strategies:

- Timeframe for implementation
- Relevance of the current regional conformity process
- Implementation costs, cost effectiveness, and cost/benefit relationships
- Ongoing analysis of transportation strategies in the TPB's "What Would It Take?" Scenario Study
- Proposed governance structure for ongoing COG Climate Change Initiative

A key consideration for further study is the timeframe for implementation for the strategies listed in the Climate Change Report. Experts have asserted that because greenhouse gases remain in the atmosphere for many decades, early GHG emissions

reductions will be necessary in order to effectively stabilize GHG emissions and avoid the most severe impacts of climate change. This will become increasingly apparent if emissions are examined cumulatively across the 50 year horizon rather than on an annual basis, since early emissions reductions will have a compounding effect upon future emissions levels. Further work should look into the implications of measuring cumulative emissions with regard to reductions targets and assessment of emissions reduction measures.

The July 9 draft report recommends that the Climate Change Steering Committee “collaborate with TPB to evaluate how a regional process modeled after the current regional conformity process for air quality planning might be adapted to address greenhouse gas emissions.” This conformity process is the required means of implementing the Clean Air Act within the transportation sector. On July 30, 2008 the EPA released its Advance Notice of Proposed Rulemaking (ANPR) regarding the potential application of the Clean Air Act to GHG regulation. The ANPR and accompanying interagency communications outline various considerations and issues which demonstrate that there are still significant concerns and uncertainty over whether the 1990 Clean Air Act provides an appropriate mechanism for GHG regulation. (The attached letter of July 9 from the United States Departments of Agriculture, Commerce, Transportation, and Energy is one of several interagency communications raising such concerns.) The TPB therefore does not support pursuing a regional conformity process for greenhouse gas emissions at this time, but is open to further discussion and examination of the issue as more information becomes available about the applicability of Clean Air Act provisions for GHG regulation. In the meantime, the TPB believes that the transportation sector in this region can be proactive in pursuing GHG reductions through the evaluation of alternative reduction strategies with cost-effectiveness and cost/benefit approaches which do not rely upon a regional conformity process.

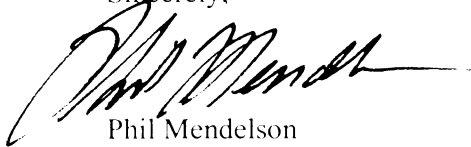
The July 9 draft report clearly states the need for “further economic benefit analysis,” pointing to the next step of assessing implementation costs, cost-effectiveness, and cost/benefit relationships by categorizing the comprehensive list of strategies provided according to their emissions reduction potential and implementation cost. The report references the 2007 McKinsey & Company study, which identifies a price threshold of \$50 per ton of carbon dioxide abated. This threshold signals the point at which McKinsey & Company believe that the nation’s emissions reduction goals can be met, and suggests that strategies with cost-effectiveness values far above this point would incur unnecessarily high costs unless they generate significant other benefits. While this cost effectiveness threshold developed by McKinsey & Company may well be revised as further information becomes available, it provides a useful initial “value per ton of carbon dioxide reductions” for use in cost-effectiveness and cost/benefit analyses. In addition, the ultimate selection of strategies should recognize that some strategies are easier for the region’s local governments to control than others.

The TPB plans to support future work of the Climate Change Steering Committee through ongoing analysis of the transportation strategies in the TPB's "What Would It Take?" Scenario Study. This scenario will examine the different scale and combinations of transportation strategies that would be needed to meet the GHG goals outlined in the draft Climate Change Report. It will also analyze measures for cost-effectiveness, cost/benefit and timeframe for implementation. For example, initial analysis by the TPB staff has shown that the TPB Commuter Connections program, which promotes car pooling, transit, telecommuting, and other alternatives to single occupancy automobile commuting, is highly cost-effective at around \$20 per ton of carbon dioxide abated.

With regard to the proposed governance structure for an ongoing COG Climate Change Initiative discussed in the July 9 draft report, the TPB recommends that any new committee established to address climate change should include at a minimum all of the member agencies and jurisdictions of the Metropolitan Washington Air Quality Committee (MWAQC). Coordination between TPB and MWAQC has been accomplished effectively over several years in part because of the inclusive membership structure of MWAQC in which all of the state air agencies and state departments of transportation are members. A similarly inclusive structure should provide for good ongoing coordination in addressing GHG emissions.

The TPB appreciates the opportunity to comment on this important report, and looks forward to continued collaboration with the COG Climate Change Steering Committee in addressing greenhouse gas emissions reduction strategies for the Washington region.

Sincerely,

A handwritten signature in black ink, appearing to read "Phil Mendelson", with a long horizontal flourish extending to the right.

Phil Mendelson  
Chairman  
National Capital Region Transportation Planning Board



United States  
Department of AgricultureUnited States  
Department of CommerceUnited States  
Department of TransportationUnited States  
Department of Energy

July 9, 2008

The Honorable Susan E. Dudley  
Administrator  
Office of Information and Regulatory Affairs  
Office of Management and Budget  
Washington, D.C. 20503

Dear Administrator Dudley:

The Departments of Agriculture, Commerce, Transportation, and Energy have serious concerns with the draft Advance Notice of Proposed Rulemaking "Regulating Greenhouse Gas Emissions under the Clean Air Act" ("draft") submitted by the Environmental Protection Agency to the Office of Management and Budget on June 17, 2008.

Climate change is a significant issue for both our environment and our economy, and the nations of the world must act together to address greenhouse gas ("GHG") emissions. The United States currently is working with the world's major emitting economies to devise a new international framework to replace the one that expires in 2012. In addition, since 2001 our agencies have committed billions of dollars and have taken other actions to confront climate change through the development and deployment of new technologies; through rulemakings to increase fuel economy, energy efficiency, and the production and use of alternative fuels; and through significantly increased investment in new climate science research. These and other serious efforts to address climate change must continue.

The EPA staff now has prepared a draft suggesting that the Clean Air Act can be both workable and effective for addressing global climate change by regulating GHG emissions from stationary and mobile sources of virtually every kind. Our agencies have serious concerns with this suggestion because it does not fairly recognize the enormous—and, we believe, insurmountable—burdens, difficulties, and costs, and likely limited benefits, of using the Clean Air Act to regulate GHG emissions.

First, the Clean Air Act is fundamentally ill-suited to the effective regulation of GHG emissions. Indeed, the draft acknowledges that "the [Clean Air Act] was not specifically designed to address GHGs." Instead, the Clean Air Act is premised on the idea that controlling emissions in the United States will improve air quality in the United States, and that a State or region can improve its air quality by controlling emissions in that area. This is not true in the case of GHGs. Controlling GHG emissions in the United States will reduce atmospheric concentrations of those gases only if our emissions reductions are not simply replaced with emissions increases elsewhere in the world. Moreover, under the Clean Air Act, emissions requirements generally are related to a health-based or public-welfare-based air quality standard. Yet there is no such



The Honorable Susan E. Dudley

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standard for GHGs in the Act or elsewhere, and thus the draft seems to take the approach of seeking emissions reductions with no precise idea of exactly what goal is being pursued or what GHG concentration-level objective is to be achieved.

Second, the use of the Clean Air Act to regulate GHG emissions unilaterally as envisioned in the draft would harm America's international competitiveness. Applying Clean Air Act regulations to U.S. businesses in order to address global climate change—outside of any international framework that brings together all of the world's major economies, both developed and developing—would simply export economic activity and emissions to less-regulated countries and might not generate any net reduction in worldwide GHG emissions. According to the Energy Information Administration, carbon dioxide emissions in non-OECD (Organization for Economic Cooperation and Development) nations already surpass those of OECD nations and are estimated to exceed them by 72 percent in 2030. The draft does not take account of these realities, and instead builds a regime that would impose enormous costs on U.S. consumers, workers, and businesses without addressing the fundamental shift in emissions growth from the developed world to the developing world.

Third, while acknowledging that “the complexity and interconnections inherent in [Clean Air Act] regulation of GHGs” has caused EPA staff to “not believe that all aspects of the Act are well designed for establishing the kind of comprehensive GHG regulatory program that could most effectively achieve the GHG emission reductions that may be needed over the next several decades,” the draft nevertheless suggests that regulating GHGs under the Clean Air Act would be workable. We disagree. The draft offers a number of legal constructs to support its position, but there is no certainty of how those theories will work in actuality, or whether they would be upheld by the courts. Such legal uncertainty simply emphasizes the risk to the Nation's energy, economic, and environmental security of seeking to shoehorn a GHG regulatory program into the Clean Air Act. Moreover, some might read the draft's discussion of an array of GHG regulatory constructs to prejudge the question of endangerment, even though there are critical open issues that must be addressed and resolved in making that legal determination and which must be decided before GHG emissions can be regulated under the Clean Air Act.

Even if the Act could support all of the legal theories outlined in the draft, the suggested permitting regimes would be extraordinarily intrusive and burdensome. In fact, the draft recognizes that regulation of GHG emissions under the Clean Air Act would likely extend permitting requirements and emissions controls to many sources not previously subject to Clean Air Act regulation, such as large buildings heated by natural gas. This could lead to EPA exercising de facto zoning authority through control over thousands of what formerly were local or private decisions, impacting the construction of schools, hospitals, and commercial and residential development.

Fourth, although the draft sets forth data and analysis that could be useful in the overall debate about GHGs, our agencies disagree with many of the assumptions in the draft about the costs of controlling GHGs, the technologies currently available and potentially available in the future, the timeline for the development of some of those technologies, and the potential harm from and benefits of controlling GHG emissions from specific sources. Moreover, there are important



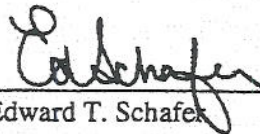
The Honorable Susan E. Dudley  
Page 3

differences between the draft and the peer-reviewed reports recently issued by the U.S. Climate Change Science Program—an interagency program in which EPA has been a key participant.

Finally, the draft suggests approaches to control GHG emissions that would needlessly duplicate newly passed laws and effectively ignore regulatory initiatives currently underway. For example, the Department of Transportation is already conducting a rulemaking to update fuel economy standards for light trucks and automobiles, pursuant to the recently enacted Energy Independence and Security Act of 2007. The draft suggests the possibility of an overlapping regulatory mandate using the Clean Air Act, potentially creating inconsistent regulatory mandates and uncertainty for U.S. industries and consumers, with minimal if any improvements in U.S. greenhouse gas emissions.

In sum, global climate change presents a serious challenge, and a workable and meaningful approach must be crafted to address that challenge. Unfortunately, using the Clean Air Act is not such an approach, as the draft sometimes acknowledges, but does not realistically address. In the enclosures with this letter, our respective agencies have provided brief analyses of some of the key technical, economic, and analytical difficulties with the draft, and our agencies may supplement these comments at a later date.

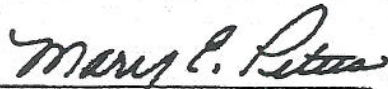
Sincerely,



Edward T. Schafek  
Secretary  
U.S. Department of Agriculture



Carlos M. Gutierrez  
Secretary  
U.S. Department of Commerce



Mary E. Peters  
Secretary  
U.S. Department of Transportation



Samuel W. Bodman  
Secretary  
U.S. Department of Energy

Enclosures

U.S. Department of Transportation  
U.S. Department of Energy  
U.S. Department of Commerce  
U.S. Department of Agriculture

TPB R6-2009  
September 17, 2008

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

**RESOLUTION TO APPROVE**  
**POLICY PRINCIPLES FOR THE 2009 AUTHORIZATION OF**  
**FEDERAL SURFACE TRANSPORTATION PROGRAMS**

**WHEREAS**, the National Capital Region Transportation Planning Board (TPB), which is the metropolitan planning organization (MPO) for the Washington Region, has the responsibility under provisions of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act - A Legacy for Users (SAFETEA-LU) for developing and carrying out a continuing, cooperative and comprehensive transportation planning process for the Metropolitan Area; and

**WHEREAS**, since 2000 the TPB has been calling attention to the region's long-term transportation funding shortfall, and has documented its unmet preservation, rehabilitation and capacity expansion needs for the region's highway and transit systems; and

**WHEREAS**, while the federal SAFETEA-LU legislation in 2005 provided a significant increase in funding for the region's highway and transit systems, these funding increases have been partly offset by rapid inflation in construction and energy costs; and

**WHEREAS**, the Washington region continues to face the challenges of accommodating growth in people and employment, more pervasive congestion on highways and transit systems, and delays in completing critical rehabilitation needs and key expansion projects; and

**WHEREAS**, the SAFETEA-LU legislation expires on September 30, 2009, and a number of current study and legislative proposals are providing recommendations for the program structure and funding for a new 2009 authorization of the federal surface transportation programs; and

**WHEREAS**, on July 16, 2008, the TPB was briefed on the report of the most prominent of these study and legislative efforts, the National Surface Transportation Policy and Revenue Study Commission, and on a number of common themes concerning the restructuring of federal transportation programs in the Policy and Revenue Study Commission report and several other proposals including:

- Interim Report of the National Surface Transportation Infrastructure Financing Commission,
- Proposed Infrastructure Banking Legislation,

- Proposed Climate Change Legislation.
- U.S. Department of Transportation Proposals,
- TPB staff Testimony of April 9, 2008 to House Transportation and Infrastructure Committee, Panel on Transportation Challenges in Metropolitan Areas,
- Metropolitan Mobility Caucus announced on July 8, 2008; and

**WHEREAS**, at the July 17 meeting, the TPB asked staff to develop a set of potential responses to these various proposals that Board members might use as they participate in the extensive discussions and debate over the 2009 authorization that will take place over the coming year; and

**WHEREAS**, on September 5, 2008 the TPB Technical Committee received a briefing and commented on draft proposed policy principles based on the common themes identified in the July 16 briefing to the TPB; and

**WHEREAS**, at the September 17, 2008 meeting, the TPB received an update on current study and legislative proposals for the 2009 authorization of the federal surface transportation programs;

**NOW, THEREFORE, BE IT RESOLVED THAT THE NATIONAL CAPITAL REGION TRANSPORTATION PLANNING BOARD** approves the attached Policy Principles for the 2009 Authorization of Federal Surface Transportation Programs.

**Adopted by the Transportation Planning Board at its regular meeting on September 17, 2008**



## **NATIONAL CAPITAL REGION TRANSPORTATION PLANNING BOARD**

### **Policy Principles for the 2009 Authorization of Federal Surface Transportation Programs**

1. Fundamental changes are needed in the current structure and funding of federal surface transportation programs: current planning, programming, and environmental processes are overly cumbersome and inefficient, and inadequate funding levels are resulting in serious under-investment in transportation.
2. An explicit program focus is needed to put and keep the nation's transportation infrastructure in a state of good repair, and to ensure that it is operated efficiently and safely.
3. Decisions on investment in new transportation capacity should be based on a rigorous and comprehensive analysis of economic, social and environmental benefits and costs, which assesses all modal and intermodal options with uniform evaluation procedures and criteria.
4. Federal transportation policy should provide for increased federal funding focused on metropolitan congestion and other metropolitan transportation challenges, with stronger partnerships between federal, state, regional and local transportation officials.
5. A substantial increase in federal transportation funding will be needed to address the current under-investment in the nation's transportation system, and should be sought from:
  - Increases in federal fuel taxes or other user-based taxes and fees;
  - Pricing strategies enabled by emerging technology for all modes of travel, including rates that vary by time of day, type of vehicle, level of emissions, and specific infrastructure segments used;
  - Inclusion of major transportation investments in legislation to create national infrastructure banks or bonding programs; and
  - Auction of pollution emissions allowances.

*Approved September 17, 2008*



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**METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS**

777 North Capitol Street, N.E., Suite 300 Washington, D.C. 20002-4239

Telephone (202) 962-3200 TDD (202) 962-3213 Fax (202) 962-3201 Internet: [www.mwcog.org](http://www.mwcog.org)FOR IMMEDIATE RELEASE  
October 1, 2008

Contact: Steven Kania, 202.962.3249

**COG Applauds Passage of Metro Dedicated Funding Measure by the U.S. Senate**

Washington, D.C. – The Metropolitan Washington Council of Governments today applauded the passage of legislation in the U.S. Senate that would authorize \$1.5 billion over 10 years in matching funding for improvements needed by the Washington Metropolitan Area Transit Authority. The funding measure is part of the Railroad Safety Enhancement Act of 2008, which was approved by the U.S. House last week and must be signed by President Bush to be enacted.

Today's passage is the result of a multi-year effort by the region's congressional delegation to authorize \$1.5 billion to finance capital improvements to Metro in conjunction with matching funds from the District, Maryland and Virginia. U.S. Congressman Tom Davis (R-VA) first proposed the \$1.5 billion measure, which was approved by the U.S. House but did not pass the U.S. Senate in 2006.

“The Senate's passage of this bill is a key step forward in the regional effort to secure vital funding for Metro, and COG applauds the region's congressional delegation for their steadfast support and hard work,” said COG Board Chair Michael Knapp, who is also President of the Montgomery County Council. “We look forward to working with area leaders to ensure that Metro receives a sustainable, long-term source of funding.”

COG first called attention to Metro's funding shortfalls in 2005 when it worked with the Greater Washington Board of Trade and Federal City Council to sponsor a blue ribbon panel of transportation funding experts to examine the issue. The panel called on federal, state and local funding partners to devise new, more reliable funding strategies for Metro. WMATA recently announced the system needs \$11 billion over the next decade for maintenance and improvements. It is the largest transit system in the nation without a dedicated source of funding.

*COG is the association of 21 local governments working together for a better metropolitan region.*

#



**FOR IMMEDIATE RELEASE  
OCTOBER 1, 2008**

Sue Walitsky (Cardin) 202-224-4524  
Bronwyn Lance Chester (Warner) 202-224-6290  
Cassie Harvey (Mikulski), 202-228-1122

Jessica Smith (Webb) 202-228-5185  
Stephanie Lundberg (Hoyer) 202-225-3130  
Brian McNicoll (Davis) 202-225-5074

## **CARDIN, MIKULSKI, WARNER AND WEBB VOTE TO SEND METRO FUNDING BILL TO THE PRESIDENT FOR SIGNATURE**

*Regional Senate and House Leaders United in Support for Washington Metro System*

WASHINGTON, DC – U.S. Senators **Benjamin L. Cardin** and **Barbara A. Mikulski (Both D-MD)**, and Senators **John Warner (R-VA)** and **Jim Webb (D-VA)**, today applauded their Senate colleagues for passing legislation that creates – for the first time – a dedicated, federal funding source for the Washington Metropolitan Area Transit Authority (WMATA). The authorization is included in a House-Senate agreement (H.R. 2095) that packages together a number of rail transportation and security priorities including Amtrak. The bipartisan bill overwhelmingly passed the Senate 74-24. Led by **Representatives Steny Hoyer (MD-5)** and **Tom Davis (VA-11)**, it passed the House of Representatives last week. It now heads to President Bush for his signature.

“Metro is back on track. Today we have taken a giant leap forward in securing dedicated funding for Metro so that it can meet the needs of the federal government, the millions of tourists who visit our Nation’s Capital, and the businesses that rely on the country’s second-busiest rapid transit system. This is good for our region and good for our nation,” said **Senator Cardin**. “Metro has been integral to the daily movements of the federal workforce and the economic health of our region. But it has been the only major public transportation system in the country without a dedicated source of funding. I am pleased that we were able to put ideology aside to renew and maintain such a vital source of strength for our region.”

“Not only has WMATA been one of the Washington D.C. metro area’s most-successful partnerships with the federal government, but more than half of Metro’s riders at peak times are federally affiliated employees. A large percentage of those are Virginia residents,” said **Senator Warner**. “I applaud Congress’ approval of this critical investment, which will help provide much-needed improvements to our stressed transit system while recognizing how vital Metro is to the region and the federal government.”

“Metro means more than just transportation - it means residents and visitors to our nation's capital can live, work, worship and play throughout the metro area without ever getting in their cars. As commuters brace themselves against high gas prices and a struggling economy, riders need our help,” said **Senator Mikulski**, a member of the Transportation, Housing and Urban Development Appropriations Subcommittee. “I am proud the Senate came together on a bipartisan basis to pass

this bill. I will keep fighting in the U.S. Senate to keep people on the go in Maryland and the entire National Capitol Region.”

“For the past two years, my colleagues and I have worked diligently to secure this vital funding for the Washington-area Metro system, which services an average of one million riders each workday,” said **Senator Webb**. “New funding authorized in this legislation will provide necessary resources to increase bus and rail capacity and meet forecasted ridership demands, before the system and region become mired in congestion.”

“The Washington Area Metro system is a critical national and regional asset that serves area residents, employees of the federal government and millions of annual visitors to the Nation’s Capital,” **stated Representative Hoyer**. “Securing a federal investment to ensure the safety and efficiency of this system is long overdue. This is a significant victory for the region and the nation.”

“This could not come at a better time,” said **Representative Davis**, who will retire from Congress at the end of this term. “As we have learned in recent weeks, Metro is in dire need of both an infusion of funding and adult oversight. Train cars and buses must be replaced. Platforms are crumbling. Other facilities need immediate attention. We need to stabilize the future of Metro, and this goes a long way toward addressing its long-term needs.”

The Washington Metrorail system is the second busiest rapid transit system in the nation, carrying the equivalent of the combined subway ridership of BART in San Francisco, MARTA in Atlanta and SEPTA in Philadelphia. Metrobus is the fifth most heavily used bus system in the nation. In all, the Metro system moves 1.2 million passengers a day. In the fiscal year (FY) which ended just three months ago, customers took 215 million trips on Metrorail. That is 7 million more than in FY07. And 133 million customers rode Metrobus in FY08, which is the highest yearly total ever, an increase of 1.4 million relative to FY07. Nearly half of Metrorail’s rush hour passengers are federal employees.

The legislation adopted today will help put WMATA on firm financial footing. It authorizes \$1.5 billion in federal funds over 10 years. For every Federal dollar, Metro’s funding partners in Maryland, Virginia and the District of Columbia will put up an equal match from dedicated funding sources. The bill also contains important financial safeguards. It establishes an Office of the Inspector General for WMATA and expands the Board of Directors to include federal government appointees. Also included in the bill is a provision that will improve cell phone coverage within the Metro subway system. Within one year, the 20 busiest underground rail station platforms will be required to have cell phone access. That requirement will go system-wide within four years.

###

# H.R.2095

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 2095) entitled `An Act to amend title 49, United States Code, to prevent railroad fatalities, injuries,... (Engrossed Amendment as Agreed to by House)

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## **TITLE VI--CAPITAL AND PREVENTIVE MAINTENANCE PROJECTS FOR WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY**

### **SEC. 601. AUTHORIZATION FOR CAPITAL AND PREVENTIVE MAINTENANCE PROJECTS FOR WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY.**

*(a) Authorization-*

*(1) IN GENERAL-* Subject to the succeeding provisions of this section, the Secretary of Transportation is authorized to make grants to the Transit Authority, in addition to the contributions authorized under sections 3, 14, and 17 of the National Capital Transportation Act of 1969 (sec. 9-1101.01 et seq., D.C. Official Code), for the purpose of financing in part the capital and preventive maintenance projects included in the Capital Improvement Program approved by the Board of Directors of the Transit Authority.

*(2) DEFINITIONS-* In this section--

- (A) the term `Transit Authority' means the Washington Metropolitan Area Transit Authority established under Article III of the Compact; and*  
*(B) the term `Compact' means the Washington Metropolitan Area Transit Authority Compact (80 Stat. 1324; Public Law 89-774).*

*(b) Use of Funds-* The Federal grants made pursuant to the authorization under this section shall be subject to the following limitations and conditions:

*(1) The work for which such Federal grants are authorized shall be subject to the provisions of the Compact (consistent with the amendments to the Compact described in subsection (d)).*

*(2) Each such Federal grant shall be for 50 percent of the net project cost of the project involved, and shall be provided in cash from sources other than Federal funds or revenues from the operation of public mass transportation systems. Consistent with the terms of the amendment to the Compact described in subsection (d)(1), any funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital.*

*(3) Such Federal grants may be used only for the maintenance and upkeep of the systems of the Transit Authority as of the date of the enactment of this Act and may not be used to increase the mileage of the rail system.*

*(c) Applicability of Requirements For Mass Transportation Capital Projects Receiving Funds Under Federal Transportation Law-* Except as specifically provided in this section, the use of any amounts appropriated pursuant to the authorization under this section shall be subject to the requirements applicable to capital projects for which funds



are provided under chapter 53 of title 49, United States Code, except to the extent that the Secretary of Transportation determines that the requirements are inconsistent with the purposes of this section.

(d) *Amendments to Compact-* No amounts may be provided to the Transit Authority pursuant to the authorization under this section until the Transit Authority notifies the Secretary of Transportation that each of the following amendments to the Compact (and any further amendments which may be required to implement such amendments) have taken effect:

(1)(A) *An amendment requiring that all payments by the local signatory governments for the Transit Authority for the purpose of matching any Federal funds appropriated in any given year authorized under subsection (a) for the cost of operating and maintaining the adopted regional system are made from amounts derived from dedicated funding sources.*

(B) *For purposes of this paragraph, the term `dedicated funding source' means any source of funding which is earmarked or required under State or local law to be used to match Federal appropriations authorized under this division for payments to the Transit Authority.*

(2) *An amendment establishing an Office of the Inspector General of the Transit Authority.*

(3) *An amendment expanding the Board of Directors of the Transit Authority to include 4 additional Directors appointed by the Administrator of General Services, of whom 2 shall be nonvoting and 2 shall be voting, and requiring one of the voting members so appointed to be a regular passenger and customer of the bus or rail service of the Transit Authority.*

(e) *Access to Wireless Service in Metrorail System-*

(1) **REQUIRING TRANSIT AUTHORITY TO PROVIDE ACCESS TO SERVICE-** *No amounts may be provided to the Transit Authority pursuant to the authorization under this section unless the Transit Authority ensures that customers of the rail service of the Transit Authority have access within the rail system to services provided by any licensed wireless provider that notifies the Transit Authority (in accordance with such procedures as the Transit Authority may adopt) of its intent to offer service to the public, in accordance with the following timetable:*

(A) *Not later than 1 year after the date of the enactment of this Act, in the 20 underground rail station platforms with the highest volume of passenger traffic.*

(B) *Not later than 4 years after such date, throughout the rail system.*

(2) **ACCESS OF WIRELESS PROVIDERS TO SYSTEM FOR UPGRADES AND MAINTENANCE-** *No amounts may be provided to the Transit Authority pursuant to the authorization under this section unless the Transit Authority ensures that each licensed wireless provider who provides service to the public within the rail system pursuant to paragraph (1) has access to the system on an ongoing basis (subject to such restrictions as the Transit Authority may impose to ensure that such access will not unduly impact rail operations or threaten the safety of customers or employees of the rail system) to carry out emergency repairs, routine maintenance, and upgrades to the service.*

*(3) PERMITTING REASONABLE AND CUSTOMARY CHARGES- Nothing in this subsection may be construed to prohibit the Transit Authority from requiring a licensed wireless provider to pay reasonable and customary charges for access granted under this subsection.*

*(4) REPORTS- Not later than 1 year after the date of the enactment of this Act, and each of the 3 years thereafter, the Transit Authority shall submit to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the implementation of this subsection.*

*(5) DEFINITION- In this subsection, the term 'licensed wireless provider' means any provider of wireless services who is operating pursuant to a Federal license to offer such services to the public for profit.*

*(f) Amount- There are authorized to be appropriated to the Secretary of Transportation for grants under this section an aggregate amount not to exceed \$1,500,000,000 to be available in increments over 10 fiscal years beginning in fiscal year 2009, or until expended.*

*(g) Availability- Amounts appropriated pursuant to the authorization under this section shall remain available until expended.*