

**AGENDA ITEM 9-F**  
**ACTION ITEM**

**TO: CHAIRMAN JENKINS AND THE VRE OPERATIONS BOARD**

**FROM: DALE ZEHNER**

**DATE: OCTOBER 17, 2008**

**RE: AUTHORIZATION TO APPROVE THE 2008 LEGISLATIVE AGENDA**

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**RECOMMENDATION:**

The VRE Operations Board is being asked to recommend that the Commissions approve the VRE 2008 Legislative Agenda and authorize the Chief Executive Officer to actively pursue its elements.

**BACKGROUND:**

The VRE legislative agenda is formulated to complement the work set forth in the ratified VRE Strategic Plan (2004), which includes capital needs for rolling stock, long-term capital infrastructure and security and safety. Additional advocacy positions related to specific federal and state legislature are also presented.

**FEDERAL**

1. Authorization of Transportation Legislation

Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA-LU) expires in 2009. As such, Congress has already started examining legislative alternatives for authorization of a new transportation bill for next year. Congress has set January as a beginning date for Congressional Committees to start drafting proposals and VRE intends to ensure that the Congressional delegation is aware of our needs. As such, VRE would continue to

pursue funding for all elements of our previous package, which has the support of the Governor and Northern Virginia Congressional delegation.

- 15 new tier-two locomotives \$65 Million
- Expansion of commuter rail service to Gainesville-Haymarket \$250 Million
- Parking Expansion \$35 Million
- Platform Extensions/Additions \$25 Million

**TOTAL REQUEST: \$375 MILLION**

VRE will also support the advocacy efforts of APTA during the FY 2009 Authorization process.

## 2. Federal Participation

VRE continues to work Capitol Hill to explore and expand legislative opportunities such as the \$5 million grant already received from Senator Webb for new locomotives. Additionally, VRE intends to continue discussions with the appropriate Congressional staff about issues of concern or interest to VRE, such as positive traction control mandates and increased federal mandates by the Federal Transit Administration and the Federal Railroad Administration.

VRE also plans to continue conversations with Congresswoman Eleanor Holmes Norton regarding possible inclusion in the DC appropriations legislation for economic stimulus given the growth and user demand at L'Enfant Plaza.

## 3. Federal Liability Cap

On the federal level, VRE will continue to advocate for the amendment of the United States Code to cap liability insurance for commuter rail operations. CSX and NS continue to request liability insurance of \$500 million per incident as an element of the new access agreements. VRE will promote amending the current federal liability cap of \$200 million to include third party claims.

## 4. Corridor Improvements

Over two years ago, the late Congresswoman Davis helped facilitate a working group of the Federal Railroad Administration, CSX and Amtrak to adopt a comprehensive plan for systematic corridor improvements along the Fredericksburg line. Proposed projects were required to have an immediate benefit to Fredericksburg line on-time performance. The following project, estimated to cost \$20.2 million, will be submitted for consideration in the FY 2010 appropriations and is now supported by Congressman Wittman. The project

includes construction of several 600 foot long passenger second platforms and canopies as well as associated pedestrian stairs, bridges, and elevators. Locations include Lorton, Rippon, Brooke and Leeland. These platforms would provide VRE additional flexibility and capacity by permitting passenger operations on both main lines.

## STATE

### 1. Legislative

Several important issues have been identified for advancement by VRE during the upcoming legislative session in the General Assembly:

- Enact a legislative remedy to amend the Virginia Code to allow for increased fines and penalties to an individual deliberately trying to defraud VRE when boarding VRE trains (i.e. through the use of a counterfeit ticket).
- Amend the Virginia Code to prohibit pedestrians from crossing public thoroughfares when trains are present. VRE has been working with CSX and NS to get legislation in the Code to match the nearly 20 other states who have similar laws.
- Amend the Virginia Code to allow VRE to, at its choice, utilize an independent third party or the Virginia Division of Risk Management (DRM) to manage the liability insurance plan and oversee the VRE Insurance Trust Fund.
- Amend the Virginia Code to cap liability for commuter rail operations since the existing cap enacted in a prior session excludes third party claims. VRE will also seek exemption for freight railroads and VRE from liability for terrorism.

### 2. Funding Requests

Additionally, VRE is recommending continued advancement of the following positions and/or earmark requests:

- Locomotives – VRE will continue to seek funding for the acquisition of additional locomotives. This project has been supported by Governor Kaine and the General Assembly and VRE will again seek a one-time earmark to counter the loss of dedicated funding that would have been used to purchase additional locomotives.
- Gainesville-Haymarket Extension – VRE will continue to seek funding to support the expansion of commuter rail service in Western Prince William County. This project is a top transportation project for Prince William County. VRE will also support the efforts of the City of Manassas to obtain

funding for grade-separation projects related to the Gainesville-Haymarket extension.

- Third Main Line Track – VRE will continue to seek funding to add additional capacity on the Fredericksburg line through the construction of a third main line track from Washington to Fredericksburg.
- Insurance Trust Fund - due to rapidly increasing insurance costs, VRE has been unable to fully maintain the Insurance Trust Fund to the level desired by the Virginia Division of Risk Management. Due to rising insurance costs and decreasing reserves, annual payments have risen from \$1.5 million to just under \$5 million per year. VRE will pursue a one-time request for assistance from the General Assembly to replenish the Insurance Trust Fund.

VRE will also partner with local jurisdictional staff and the Virginia Transit Association to:

- Advocate the continued growth of state funding for transit and encourage the continued payment of rail access fees for VRE.
- Encourage the Commonwealth to meet the statutory goal of funding 95 percent of eligible transit capital and operating costs from the Mass Transit Fund.
- Advocate the provision of annual funding to offset operational costs attributable to persons using VRE from non-member jurisdictions.

**FISCAL IMPACT:**

There is no funding requirement necessary to implement the FY 2008 VRE Legislative Program. Based on the success of federal and/or state appropriations, some local match may be required.

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**FROM: DALE ZEHNER**  
**DATE: OCTOBER 17, 2008**  
**RE: AUTHORIZATION TO APPROVE THE 2008 LEGISLATIVE**  
**AGENDA**

**RESOLUTION**  
**9F-10-2008**  
**OF THE**  
**VIRGINIA RAILWAY EXPRESS**  
**OPERATIONS BOARD**

**WHEREAS**, VRE is an essential part of traffic mitigation for the Northern Virginia and DC Metropolitan region; and,

**WHEREAS**, the VRE Strategic Plan has identified certain critical needs for VRE to meet projected ridership growth; and,

**WHEREAS**, the capital cost associated with these needs can best be met through obtaining additional discretionary federal and state capital funding; and,

**WHEREAS**, VRE has advocated positions with Congress and the Virginia General Assembly that are supportive of the transportation philosophy of the Northern Virginia region; and,

**WHEREAS**, VRE shall seek to promote its legislative positions during the upcoming calendar year on both the state and federal level.

**NOW, THEREFORE, BE IT RESOLVED THAT**, the VRE Operations Board recommends that the Commissions approve the VRE 2008 Legislative Agenda and authorize the Chief Executive Officer to actively pursue its elements in coordination with the local jurisdictional and Commission staffs.