

**AGENDA ITEM 8-B**  
**ACTION ITEM**

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

**FROM: DALE ZEHNER**

**DATE: NOVEMBER 20, 2009**

**RE: AUTHORIZATION TO APPROVE THE 2010 LEGISLATIVE AGENDA**

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**RECOMMENDATION:**

The VRE Operations Board is being asked to recommend that the Commissions approve the 2010 VRE Legislative Agenda and authorize the Chief Executive Officer to actively pursue its elements.

**BACKGROUND:**

The VRE legislative agenda is formulated to advocate VRE priorities in coordination with the Commissions and local jurisdictions. Additional advocacy positions related to specific federal and state legislature are also presented.

**FEDERAL**

1. **Authorization of Transportation Legislation**

Congress has begun working on the elements for the next Reauthorization legislation as a follow-up to SAFETEA-LU, which expires in 2009. As such, in March VRE submitted several capital funding requests to Congress for their consideration for inclusion in the pending legislation. As of now, Congress has yet to definitively mark-up a bill which sets forth the projects for final inclusion. VRE will continue to pursue funding for all elements of the package, listed below in priority order.

Priority List of VRE Projects

1. 5 new tier-two locomotives	\$20 Million
2. Parking Expansion	\$35 Million
3. Platform Extensions/Additions	\$25 Million
4. Expansion of commuter rail service to Gainesville-Haymarket	\$250 Million
5. 30 new railcars	\$66 Million

**TOTAL REQUEST: \$396 MILLION**

VRE will also support the advocacy efforts of APTA during the FY 2009-2010 Authorization process to better position public transportation for a larger share of funding in the new legislation.

2. 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 Norfolk Southern 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.

3. Corridor Improvements

VRE will also continue to support work toward securing funding to build critical segments of high speed rail on the Fredericksburg line. VRE supports the Commonwealth of Virginia's pending application for Tier 1 stimulus funding for high speed rail. This funding would create the first segment of high speed rail in Virginia on an 11 mile stretch from Powell's Creek to Arkendale. Under the proposal, VRE would be tasked with managing the design/build portion of this project.

In addition, several 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 total plan cost is estimated at \$20 million and 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. The effort is now supported by Congressman Wittman and VRE will support efforts to obtain funding.

## 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).

During the previous legislative session, the House passed SB 1066 but in doing so added considerable amendments to the language. Those amendments have left VRE in a position where the Commonwealth Attorney's Office will no longer handle VRE citations because of the onerous requirements. Delegate Jackson Miller and Senator Toddy Puller will advance respective bills in their chambers.

- Amend the Virginia Code to prohibit pedestrians from crossing public thoroughfares when trains are present. VRE has been working with CSX and Norfolk Southern to get legislation in the Code to match the nearly 20 other states who have similar laws. Again, this is another measure that we brought forth last year. We were able to get the bill all the way to the House floor before a procedural vote killed the bill.
- Amend the Virginia Code to allow VRE to, at its discretion, 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.

Last year, at the recommendation of Delegate May and Senator Colgan, VRE offered a budget amendment which provided permission to utilize a third party to manage the liability insurance plan. VRE would again request budget language to continue this authority and would also seek free standing legislation to codify this request in an effort to provide VRE greater standing toward a long term remedy to handle management and oversight of 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.

- Codify language before the Commonwealth Transportation Board or embed language within the Virginia Code that would mandate the Commonwealth continue its practice of funding VRE's track leases with federal funds received by the Commonwealth.

## 2. Funding Requests

VRE will continue to also advocate for state funding for the above Priority List of VRE Projects. VRE will not advocate that such funding come from existing transit sources. Additionally, as stated above, VRE is recommending continued advancement of a third mainline track in order to add capacity to the Fredericksburg line through the construction of a third main line track from Washington to Fredericksburg.

VRE will also seek relief from insurance costs via the 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. 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.

### Policy

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

- Advocate the continued growth of state funding for transit.
- 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 necessary to implement the FY 2010 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: NOVEMBER 20, 2009**  
**RE: AUTHORIZATION TO APPROVE THE 2010 LEGISLATIVE AGENDA**

**RESOLUTION  
8B-11-2009  
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 2010 Legislative Agenda and authorize the Chief Executive Officer to actively pursue its elements in coordination with the local jurisdictional and Commission staffs to accomplish the provisions set forth in the legislative agenda.