

POTOMAC AND RAPPAHANNOCK  
TRANSPORTATION COMMISSION

RESOLUTION

MOTION: \_\_\_\_\_

RESOLUTION NO. 08-02-\_\_\_\_\_  
OFFICIAL COMMISSION MEETING  
FEBRUARY 14, 2008

SECOND: \_\_\_\_\_

RE: ENDORSEMENT OF FY 2009 FEDERAL LEGISLATIVE AGENDA

**WHEREAS**, each year management proposes a federal legislative agenda prior to the Congress's appropriation deliberations; and

**WHEREAS**, management has sized its capital funding needs for the purpose of defining how much FY 2009 federal discretionary funding should be sought, namely \$4.9 million (federal share); and

**WHEREAS**, other federal legislative matters of interest to PRTC are under consideration by the Congress; and

**WHEREAS**, the Commission strongly supports the FY 2009 federal legislative agenda prepared by PRTC management and attached here.

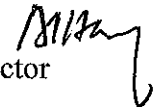
**NOW, THEREFORE, BE IT RESOLVED** that the Potomac and Rappahannock Transportation Commission does hereby endorse the attached FY 2009 federal legislative agenda.

**BE IT FURTHER RESOLVED** that the Commission authorizes the transmittal of this agenda and associated discretionary funding request forms to the Northern Virginia Congressional Delegation and others as might be appropriate in the furtherance of this agenda.

**BE IT FURTHER RESOLVED** that the Commission authorizes its Executive Director to make use of this agenda in taking steps as may be required to promote it.

February 14, 2008

TO: Chairman Jones and Commissioners

FROM: Alfred H. Harf   
Executive Director

RE: Federal Legislative Agenda

Recommendation:

Adopt the annual federal legislative agenda proposed by PRTC management for transmittal to the Northern Virginia Legislative Delegation and to guide management's "discretionary funding request" submissions and ensuing advocacy efforts (Attachment 1).

Background:

- FY 2009 Appropriation

Each year the Commission adopts a federal legislative agenda to support its services and constituents. The adopted agenda is used to promote Congressional support for funding and legislative policy aims of the Commission, and is timed to precede the annual appropriations process. The next appropriation is for FY 2009 (the last year of the SAFETEA-LU authorization), so this year's agenda identifies PRTC's discretionary funding aims for FY 2009.

In preparing the FY 2009 discretionary funding request, management has taken into account changes that have occurred since the last year's (FY 2008) discretionary funding request was made. Last year's discretionary funding request was confined to one project – the westerly bus maintenance facility – we sought \$5.52 million (federal share) to fully fund design and partially fund construction. The FY 2008 amount sought for construction (i.e., \$4.4 million federal share) was sized based on an admittedly ambitious assumption that a comparable amount would be sought and secured in FY 2009 (the last year of the SAFETEA-LU authorization), such that 100% of the cost to construct (based on the estimate at the time) would be funded by discretionary earmarks during the SAFETEA-LU period. The FY 2008 earmark turned out to be only \$0.98 million

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(federal share) or \$4.5 million less than the amount sought, but there was also a favorable development that offset this shortfall to a small degree -- another CMAQ funding pledge by the NVTA a few months ago that was not known this time last year, amounting to \$0.72 million (federal share) from the prospective FY 2009 appropriation.

In preparing this year's proposed federal legislative agenda, management has revisited its cost estimates for design, land acquisition, and construction, amending them upward slightly to account for construction cost price increases plaguing all forms of construction. Comparing funding already in-hand or pledged with the total estimated cost of the project, the unfunded amount totals \$13.125 million -- \$12 million for construction and the balance needed to fully fund property acquisition. The unfunded amount is much more than we can realistically even hope for in one year, and since we don't envision being ready to award a contract for construction until FY 2011, there will be several opportunities to assemble funding as required, including CMAQ requests in FY 2010 and FY 2011 via the NVTA, state assistance made available by virtue of HB3202, and federal discretionary pursuits like this one in FY 2010 in addition to the present FY 2009 pursuit.

All this said, management is recommending that PRTC confine its FY 2009 federal discretionary funding request to the same single project -- the westerly bus maintenance facility -- sized to fully fund property acquisition and provide approximately half of what is required for construction. The requested amount -- \$4.9 million (federal share) -- is ambitious for sure, but aiming high in the last year of the SAFETEA-LU authorization is a sensible thing to do in management's judgment.

A brief further elaboration of management's thinking about the advancement of the "westerly bus maintenance facility" project would be apt here. In the next several months, the Commission will be asked to authorize the award of a contract for environmental analysis and design of this facility, and those efforts are expected to take two years at most. Thus construction could commence in early FY 2011, by which time we will have had several more opportunities to secure discretionary funds from federal, state, and local (NVTA) sources as noted earlier. If the assembled funding for construction at that time is less than the estimated cost of construction, there are two plausible courses of action: (1) postpone the start of construction until sufficient funds have been assembled to fully fund the project on a "pay-as-you-go" basis; or (2) pursue the project without delay on a debt-funded basis. This is not a decision that needs to be (or could be) made at this time, but management wants the Commission to know that a decision of this sort is likely to be necessary in two years time.

- Commuter Benefit.

The current tax-free, commuter benefit for transit allowed under federal law amounts to \$115 per month, substantially less than the tax-free commuter benefit allowed under federal law for parking (i.e., presently \$220 per month). This disparity in tax-free commuter benefit allowances is an “unlevel playing field” that runs counter to the public policy aims driving the need for increased transit use. Accordingly, PRTC management recommends that the Commission call for a federal statutory change that increases the allowable commuter benefit maximum for transit so it mirrors the parking benefit at a minimum.

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A “federal legislative agenda” letter embodying these recommendations has been prepared for transmittal to the NOVA Congressional Delegation and for management’s use in ensuing advocacy efforts (Attachment 2).

Fiscal Impact:

Funding to match the federal funds management proposes to seek is being incorporated as required in the proposed FY 2009 PRTC budget and its related five year plan.

Attachments: As stated

ATTACHMENT 1

Potomac and Rappahannock Transportation Commission (PRTC)

Federal Legislative Agenda – February 2008

1. FY 2009 Appropriation. Seek a “bus discretionary funding” earmark amounting to \$4.9 million (federal share) to complete the assembly of construction funding for a second maintenance facility PRTC is aiming to implement on the western side of its service area.
2. Commuter Benefit. Seek a statutory change to equate the maximum allowable tax-free commuter benefit for transit to the maximum allowable benefit for parking. The current maximum allowable tax-free commuter benefit for transit is \$115 and the current maximum allowable benefit for parking is \$215. The disparity is a detriment to transit use and is contrary to public policy aims driving the need for increased transit use.

ATTACHMENT 2

Dear

I am writing on behalf of the Potomac and Rappahannock Transportation Commission (PRTC) to seek your support for the PRTC federal legislative agenda described in the enclosed summary.

A primary element of this legislative agenda is the bus discretionary funding PRTC hopes to secure. The FY 2009 earmark PRTC seeks has been sized to fully fund a second bus maintenance facility PRTC is aiming to implement on the western side of its service area. All told, PRTC's FY 2009 earmark request amounts to \$4.9 million (federal share). Forms seeking this discretionary funding will be prepared and transmitted to prospective Senate and House sponsors as soon as the forms become available.

Finally, the enclosed summary seeks federal legislative actions related to "commuter benefit" issue under consideration by the Congress.

The Commission appreciates your long-standing support for public transportation, and hopes that you will continue to do so by embracing these actions.

Sincerely,

Francis C. Jones  
Chairman

Enclosure: As stated

ENCLOSURE

Potomac and Rappahannock Transportation Commission (PRTC)

Federal Legislative Agenda – February 2008

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