2018 Special Session I

Budget Bill - HB5002 (Introduced)

Department of Rail and Public Transportation

Item 445	First Year - FY2019	Second Year - FY2020
Financial Assistance for Public Transportation (60900)	**$443,248,455**	**$553,248,455**
Public Transportation Programs (60901)	$420,042,153	$530,042,153
Congestion Management Programs (60902)	$13,344,000	$13,344,000
Human Service Transportation Programs (60903)	$9,862,302	$9,862,302
Fund Sources:		
Special	$1,139,844	$1,139,844
Commonwealth Transportation	$442,108,611	$442,108,611
Trust and Agency	$0	$110,000,000

Authority: Titles 33.2 and 58.1, Code of Virginia.

A.1. Except as provided in Item 447, the Commonwealth Transportation Board shall allocate all monies in the Commonwealth Mass Transit Fund, as provided in § 58.1-638, Code of Virginia. The total appropriation for the Commonwealth Mass Transit Fund is estimated to be $296,027,000 the first year and $296,079,000 the second year from the Transportation Trust Fund. From these funds, the following estimated allocations shall be made:

a. $189,078,000 the first year and $189,115,000 the second year to statewide Operating Assistance as provided in § 58.1-638, Code of Virginia.

b. $95,689,000 the first year and $95,633,000 the second year from the Commonwealth Mass Transit Fund to statewide Capital Assistance.

c. Notwithstanding the provisions of paragraph A.1.a and A.1.b. of this Item, prior to the annual adoption of the Six-Year Improvement Program, the Commonwealth Transportation Board may allocate funding from the Commonwealth Mass Transit Fund to implement the transit and transportation demand management improvements identified for the I-95 corridor. Such costs shall include only direct transit capital and operating costs as well as transportation demand management activities. Costs associated with additional park and ride lots required to be funded by the Commonwealth under the provisions of the Comprehensive Agreement for the Interstate 95 High Occupancy Toll Lanes project shall be borne by the Department of Transportation as set out in Item 452 of this act.

2. Included in this Item is $1,500,000 the first year and $1,500,000 the second year from the Commonwealth Mass Transit Trust Fund. These allocations are designated for “paratransit” capital projects and enhanced transportation services for the elderly and disabled.

3. Included in this item is an amount estimated at $1,200,000 the first year and $1,200,000 the second year from

the Commonwealth Mass Transit Trust Fund. These allocations are designated for federally mandated state safety oversight of fixed rail guideway transit agencies located in the Commonwealth.

4. a. From the amounts appropriated in this Item from the Commonwealth Mass Transit Fund, $8,560,000 the first year and $8,631,000 the second year is the estimated allocation to statewide Special Programs as provided in § 58.1-638, Code of Virginia.

b. From the amounts provided for Special Programs, the Commonwealth Transportation Board shall operate a program entitled the Transportation Efficiency Improvement Fund (TEIF). The purpose of the TEIF program is to reduce traffic congestion by supporting transportation demand management programs and projects designed to reduce the movement of passengers and freight on Virginia's highway system.

5. The amount allocated for public transportation purposes according to Item 436B 5 is an amount estimated at $25,583,000 the first year and $25,583,000 the second year from federal sources for the Surface Transportation Block Grant (STBG) program.

B. 1. Funds from a stable and reliable source, as required in Public Law 96-184, as amended, are to be provided to Metro from payments authorized and allocated in this program and pursuant to §§ 58.1-1720 and 58.1-2295, Code of Virginia. Notwithstanding any other provision of law, funds allocated to Metro under this program may be disbursed by the Department of Rail and Public Transportation directly to Metro or to any other transportation entity that has an agreement to provide funding to Metro as deemed appropriate by the Department. In appointing the Virginia members of the board of directors of the Washington Metropolitan Area Transit Authority (WMATA), the Northern Virginia Transportation Commission shall include the Secretary of Transportation or his designee as a principal member on the WMATA board of directors.

C. All Commonwealth Mass Transit Funds appropriated for Financial Assistance for Public Transportation shall be used only for public transportation purposes as defined by the Federal Transit Administration or outlined in § 58.1-638 A.4. or in § 58.1-638 A.5., Code of Virginia.

D. It is the intent of the General Assembly that no transit operating assistance funding be used to support any new transit system or route at a level higher than such project would be eligible for under the allocation formula set out in § 58.1-638 A 4. e., Code of Virginia, beyond the first two years of its operation.

E.1. The Department of Rail and Public Transportation, in conjunction with the Transit Service Delivery Advisory Committee, shall complete the development of and implement a statewide project-specific prioritization process to be approved by the Commonwealth Transportation Board for the use of funds allocated pursuant to § 33.2-365, or allocated to the Commonwealth Mass Transit Fund established pursuant to subdivision A 4 of § 58.1-638.

2. Such prioritization process would be used for the development of a Six-Year Improvement Program for transit capital expenditures to be included in the Program adopted annually by the Commonwealth Transportation Board pursuant to § 33.2-241. The process should be based upon the recommendations of the Transit Capital Project Revenue Advisory Board and undertaken with input from localities, metropolitan planning organizations, transit authorities, transportation authorities, and other stakeholders. The Department of Rail and Public Transportation shall report annually to the General Assembly on the status of implementation by December 1. The implementation of such a process shall be in place no later than July 1, 2020.

F. The Director, Department of Planning and Budget, is hereby authorized, upon request by the Secretary of Transportation, to transfer an amount not to exceed $6,214,575 in the first year and $6,214,575 in the second year from the amounts appropriated in Item 450 of this act to the Department of Rail and Public Transportation. Such transfers shall be considered loans, and are intended to hold harmless transit agencies that operate in the Commonwealth that receive urbanized transit funds pursuant to 49 U.S.C 5307 whose funds have been withheld by the Federal Transit Administration until the certification of the Metro Safety Commission by the Federal Transit

Administration. The Department may disburse, subject to appropriate repayment terms, such funds to affected transit agencies in an amount not to exceed the funds withheld by the Federal Transit Administration. To the extent repayment is not made as required by the agreement between the Department and an affected transit agency, the Department is directed to withhold the payment amount due from funds provided to such transit agency pursuant to §58.1-638 A 4 b 1 (c) of the Code of Virginia in order to return such amounts to the Department of Transportation. However, no funds from such loan shall be disbursed to any transit agency until such agency has expended all funds available for their use from federal fiscal year 2016. The specific terms and structure of any loan shall be approved by the Secretary of Transportation, upon consultation with the Chairmen of the House Appropriations and Senate Finance Committees, or their designees.

G. The Commonwealth Transportation Board is hereby authorized, by and with the consent of the Governor, to issue, pursuant to the applicable provisions of the Transportation Development and Revenue Bond Act (§ 33.2-1700 et seq., Code of Virginia) as amended from time to time, revenue obligations of the Commonwealth to be designated "Commonwealth of Virginia Transportation Capital Projects Revenue Bonds, Series XXXX" at one or more times in an aggregate annual principal amount not to exceed $110,000,000 in the second year, after all costs. The net proceeds of the bonds shall be deposited to the Commonwealth Transit Capital Fund established pursuant to subdivision A.4.c of § 58.1-638, Code of Virginia. Funding appropriated by the General Assembly to the Commonwealth Transit Capital Fund shall be used to support capital expenditures involving the establishment, improvement, or expansion of public transportation services through specific projects approved by the Commonwealth Transportation Board.