

108TH CONGRESS
1ST SESSION

H. R. 2882

To reduce traffic congestion, promote economic development, and improve the quality of life in the metropolitan Washington region.

IN THE HOUSE OF REPRESENTATIVES

JULY 24, 2003

Mr. MORAN of Virginia introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To reduce traffic congestion, promote economic development, and improve the quality of life in the metropolitan Washington region.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Metropolitan Wash-
5 ington Regional Transportation Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) congestion is a serious problem in the met-
9 ropolitan Washington region, as evidenced by recent
10 studies that have found that congestion costs each

1 man, woman, and child in the region close to \$655
2 per year (or an average of \$1,595 per year for each
3 rush-hour driver) in lost time, wasted fuel, and envi-
4 ronmental damage;

5 (2) in the past, regional leaders have success-
6 fully worked together to address important transpor-
7 tation needs, through such institutions as the Metro-
8 politan Washington Airports Authority, the Wash-
9 ington Metropolitan Area Transit Authority, and the
10 National Capital Region Transportation Planning
11 Board at the Metropolitan Washington Council of
12 Governments;

13 (3) even greater regional cooperation is needed
14 to prevent congestion in the metropolitan Wash-
15 ington region from worsening, in light of predictions
16 that there will be a 31 percent increase in popu-
17 lation, a 41 percent increase in employment, and a
18 46 percent increase in vehicle miles traveled in the
19 region over the next 25 years;

20 (4) while transportation needs will grow signifi-
21 cantly over the next 25 years, spending is expected
22 to fall short of transportation needs over the same
23 period by more than \$43.5 billion, even with ex-
24 pected increases in Federal and State spending;

1 (5) none of the existing metropolitan-wide
2 transportation agencies within the metropolitan
3 Washington region has the necessary powers, au-
4 thorities, and resources to meet the current and fu-
5 ture transportation needs of the region;

6 (6) the failure to meet the transportation needs
7 of the metropolitan Washington region will under-
8 mine the quality of life of the residents of the region,
9 degrade the natural environment, and adversely af-
10 fect the ability of Federal agencies and private sec-
11 tor businesses to operate effectively and efficiently;

12 (7) the transportation challenges faced by the
13 metropolitan Washington region are unique and de-
14 serve the attention of Congress because of the pres-
15 ence of the Federal Government within the region
16 and because of the intersection of 3 jurisdictions,
17 consisting of 2 States and the District of Columbia,
18 within a single metropolitan area;

19 (8) the National Capital Region Transportation
20 Planning Board at the Metropolitan Washington
21 Council of Governments, the designated metropolitan
22 planning organization for planning and program-
23 ming Federal transit and highway funds provided to
24 the metropolitan Washington region, is updating the

1 long-range plan for the region to meet transpor-
2 tation needs in the coming decades; and

3 (9) with Federal assistance, the Board can
4 more effectively promote regional agreement on how
5 to finance and implement its long-range plan to
6 meet the transportation needs of the metropolitan
7 Washington region.

8 **SEC. 3. PURPOSES.**

9 The purposes of this Act are—

10 (1) to provide a new option to help the metro-
11 politan Washington region more effectively address
12 its transportation needs;

13 (2) to empower the National Capital Region
14 Transportation Planning Board to consult with the
15 metropolitan Washington region jurisdictions and
16 the public to achieve consensus on a list of critical
17 transportation projects and a funding mechanism
18 that are needed to address the growing congestion
19 crisis in the region but cannot be funded within the
20 current and forecasted Federal, State, and local
21 funding levels for such projects;

22 (3) to establish a Corporation with the power to
23 accept revenue and issue debt, and to accept and
24 distribute Federal grants, to provide funding for
25 projects that have been agreed to by the region;

1 (4) to grant consent to the metropolitan Wash-
2 ington region jurisdictions to enter into an interstate
3 compact or agreement that would help meet the re-
4 gion’s long-term transportation needs; and

5 (5) to supplement Federal grants to the region
6 and promote consensus on a regional funding mech-
7 anism.

8 **SEC. 4. DEFINITIONS.**

9 In this Act:

10 (1) BOARD.—The term “Board” means the Na-
11 tional Capital Region Transportation Planning
12 Board at the Metropolitan Washington Council of
13 Governments.

14 (2) CORPORATION.—The term “Corporation”
15 means the Metropolitan Washington Regional
16 Transportation Corporation established by section
17 6(a).

18 (3) METROPOLITAN WASHINGTON REGION; RE-
19 GION.—The term “metropolitan Washington region”
20 or “region” means the area that is—

21 (A) located in the area including and sur-
22 rounding Washington, District of Columbia;
23 and

24 (B) under the jurisdiction of the members
25 of the Board.

1 (4) METROPOLITAN WASHINGTON REGION JU-
2 RISDICTION.—The term “metropolitan Washington
3 region jurisdiction” means a jurisdiction represented
4 by a member of the Board.

5 (5) PROJECT.—The term “project” means any
6 effort to reduce traffic congestion or improve travel
7 options in the metropolitan Washington region, in-
8 cluding—

9 (A) the design, construction, and mainte-
10 nance of facilities or services;

11 (B) the operation of such facilities;

12 (C) the provision of services;

13 (D) the deployment of demand reduction
14 and traffic management measures; and

15 (E) any effort to improve coordination of
16 transportation planning and land use planning.

17 (6) SIGNATORY.—The term “signatory” means
18 a metropolitan Washington region jurisdiction that
19 enters into an interstate compact or agreement
20 under section 5(d).

21 **SEC. 5. DUTIES OF THE BOARD.**

22 (a) DUTIES.—

23 (1) IN GENERAL.—The Board shall—

24 (A) allocate Federal funds received by the
25 Board among projects of regional significance;

1 (B)(i) propose a list of priority transpor-
2 tation projects that—

3 (I) are needed to address the growing
4 congestion crisis in the metropolitan Wash-
5 ington region; and

6 (II) cannot be funded with Federal,
7 State, and local transportation funds that
8 are projected to be made available for the
9 metropolitan Washington region;

10 (ii) propose a regional funding mechanism
11 to fund the needed projects; and

12 (iii) manage the Corporation to provide
13 funding for regional transportation projects;

14 (C) provide notice and opportunity for
15 comment on its efforts under this Act by metro-
16 politan Washington region jurisdictions and the
17 public;

18 (D) conduct outreach and education activi-
19 ties to promote public participation;

20 (E) promote cooperative action by metro-
21 politan Washington region jurisdictions on re-
22 gional transportation issues; and

23 (F) if necessary, assist metropolitan Wash-
24 ington region jurisdictions in developing an

1 interstate compact or agreement to better meet
2 regional transportation needs.

3 (2) LIMITATIONS.—The Board shall not have
4 the power to—

5 (A) impose a tax; or

6 (B) preempt any Federal, State, or local
7 law (including a regulation).

8 (b) BOARD SUPPORT.—The Board shall use staff of
9 the Board and may employ such additional personnel and
10 agents as are necessary to carry out this Act, including
11 public outreach staff to meet the public participation re-
12 quirements of titles 23 and 49, United States Code.

13 (c) TIMETABLE.—The Board shall—

14 (1) develop and publish a first draft proposal
15 listing regional projects and regional funding mecha-
16 nisms not later than 210 days after the date of en-
17 actment of this Act;

18 (2) provide an opportunity for public comment
19 on the first draft proposal during the period begin-
20 ning on the date of publication of the first draft pro-
21 posal and ending not earlier than 90 days after that
22 date;

23 (3) not later than 2 years after the date of en-
24 actment of this Act, develop and publish a final pro-
25 posal; and

1 (4) prior to implementation of any regional
2 project or regional funding mechanism included in
3 the final proposal, obtain approval of the final pro-
4 posal from—

5 (A) the Governor of the State of Virginia;

6 (B) the Governor of the State of Maryland;

7 and

8 (C) the Mayor of the District of Columbia.

9 (d) INTERSTATE COMPACT OR AGREEMENT.—

10 (1) IN GENERAL.—Subject to paragraph (2),
11 Congress grants consent to 1 or more of the metro-
12 politan Washington region jurisdictions to enter into
13 an interstate compact or agreement to finance and
14 implement 1 or more of the priority projects from
15 the long-range plan of the Board, if consent is
16 granted by—

17 (A) the Governor of each State that enters
18 into the compact or agreement; and

19 (B) if the District of Columbia enters into
20 the compact or agreement, the Mayor of the
21 District of Columbia.

22 (2) REQUIREMENTS.—The interstate compact
23 or agreement shall—

1 (A) include a list of regional transportation
2 projects and a regional funding mechanism to
3 fund the projects; and

4 (B) include a time limit of not more than
5 2 years for approval by the metropolitan Wash-
6 ington region jurisdictions.

7 (e) PLANNING PROCESS.—In carrying out this Act,
8 the Board shall—

9 (1) comply with the planning requirements of
10 titles 23 and 49, United States Code; and

11 (2)(A) ensure that the public has a full oppor-
12 tunity to participate in the planning process; and

13 (B) work with citizen advisory committees rep-
14 resenting all points of view, including business, envi-
15 ronmental, transportation, senior citizens, youth,
16 disabled, and neighborhood associations.

17 **SEC. 6. IMPLEMENTATION OF LONG-RANGE PLAN FOR THE**
18 **METROPOLITAN WASHINGTON REGION.**

19 (a) METROPOLITAN WASHINGTON REGIONAL TRANS-
20 PORTATION CORPORATION.—

21 (1) ESTABLISHMENT.—There is established the
22 Metropolitan Washington Regional Transportation
23 Corporation.

24 (2) GENERAL POWERS.—

1 (A) IN GENERAL.—The Corporation shall
2 be a body corporate and politic, and an instru-
3 mentality of the Board, having the powers and
4 jurisdiction described in this Act and such addi-
5 tional powers as are conferred on the Corpora-
6 tion by the Board, to the extent that the addi-
7 tional powers are consistent with this Act.

8 (B) ADMINISTRATION.—The Corporation
9 shall be governed in accordance with this Act
10 and shall be subject to such other provisions as
11 the Board determines to be appropriate.

12 (3) GENERAL LIMITATIONS.—The Corporation
13 shall not have the power to—

14 (A) impose a tax; or

15 (B) preempt any Federal, State, or local
16 law (including a regulation).

17 (4) DUTIES.—The Corporation shall assist in
18 the management of any initial funding and imple-
19 mentation plan agreed to by the signatories.

20 (5) PUBLIC ACCOUNTABILITY.—

21 (A) PUBLIC NOTICE AND PARTICIPA-
22 TION.—The Corporation shall be subject to the
23 requirements of chapter 5 of title 5, United
24 States Code, concerning public notice of, and

1 participation at, all meetings of the Corpora-
2 tion.

3 (B) FREEDOM OF INFORMATION ACT.—

4 The Corporation shall be considered to be an
5 agency for the purpose of compliance with re-
6 quests under section 552 of title 5, United
7 States Code.

8 (C) COMPLIANCE WITH LAWS GOVERNING

9 TRANSPORTATION.—Projects funded by the
10 Corporation shall be considered to be federally
11 funded projects subject to—

12 (i) the National Historic Preservation
13 Act (16 U.S.C. 470 et seq.);

14 (ii) the National Environmental Policy
15 Act of 1969 (42 U.S.C. 4321 et seq.);

16 (iii) the Clean Air Act (42 U.S.C.
17 7401 et seq.); and

18 (iv) section 303 of title 49, United
19 States Code.

20 (6) EFFECTIVE ANALYSIS.—In assessing the
21 impact of projects under consideration for funding,
22 the Corporation shall use analytical tools consistent
23 with state-of-the-art practices, in accordance with
24 applicable Federal regulations and guidance.

1 (7) POWERS.—The Corporation shall have the
2 power—

3 (A) to acquire personal and real property
4 (including land lying under water and riparian
5 rights), or any easement or other interest in
6 real property, by purchase, lease, gift, transfer,
7 or exchange;

8 (B) to apply for and accept any property,
9 material, service, payment, appropriation,
10 grant, gift, loan, advance, or other fund that is
11 transferred or made available to the Corpora-
12 tion by the Federal Government or by any other
13 public or private entity or individual;

14 (C) to borrow money on a short-term basis
15 and issue notes of the Corporation for the bor-
16 rowing payable on such terms and conditions as
17 the Corporation considers advisable, and to
18 issue long-term or short-term tax-exempt bonds
19 in the discretion of the Corporation for any
20 purpose consistent with this Act, which notes
21 and bonds—

22 (i) shall not constitute—

23 (I) a debt of the United States
24 (or any political subdivision of the
25 United States); or

1 (II) a general obligation of a
2 metropolitan Washington region juris-
3 diction (or any political subdivision of
4 a metropolitan Washington region ju-
5 risdiction), unless consented to by the
6 jurisdiction (or political subdivision);
7 and

8 (ii) may be secured solely by the gen-
9 eral revenues of the Corporation or by
10 other revenues in the discretion of the Cor-
11 poration;

12 (D) to permit single-occupancy vehicles to
13 travel on high-occupancy lanes in the region,
14 if—

15 (i) the affected signatory or signato-
16 ries consent to charge tolls to single-occu-
17 pancy vehicles given access to high-occu-
18 pancy lanes;

19 (ii) the toll can be implemented in a
20 way that does not reduce the level of serv-
21 ice; and

22 (iii) the affected signatory or signato-
23 ries consent to use the toll revenues for re-
24 gional transportation projects;

1 (E) to enter into any contract or agree-
2 ment appropriate to the performance of the du-
3 ties of the Corporation;

4 (F) to enter into partnerships or grant
5 concessions between the public and private sec-
6 tors for the purpose of—

7 (i) financing, constructing, maintain-
8 ing, improving, or operating regional trans-
9 portation facilities in the metropolitan
10 Washington region; or

11 (ii) fostering development of a new
12 transportation technology;

13 (G) to obtain any necessary Federal au-
14 thorization, permit, or approval for the con-
15 struction, repair, maintenance, or operation of
16 regional transportation facilities in the metro-
17 politan Washington region;

18 (H) to adopt an official seal and alter the
19 seal, as the Corporation considers to be appro-
20 priate;

21 (I) to appoint 1 or more advisory commit-
22 tees;

23 (J) to sue and be sued in the name of the
24 Corporation;

1 (K) to contract with State or local govern-
2 ments, or other entities, to carry out such
3 maintenance of traffic activities during con-
4 struction of regional transportation facilities in
5 the metropolitan Washington region as are con-
6 sidered to be necessary by the Corporation to
7 properly manage traffic and minimize conges-
8 tion, such as—

9 (i) public information campaigns;

10 (ii) improvements designed to encour-
11 age appropriate use of alternative routes;

12 (iii) use of high occupancy vehicles
13 and transit services; and

14 (iv) deployment and operation of intel-
15 ligent transportation system technologies;

16 (L) to carry out any activity appropriate to
17 the exercise of the powers or performance of the
18 duties of the Corporation under this Act and
19 under any interstate compact or agreement re-
20 lating to the Corporation that is consistent with
21 this Act, if the activity is coordinated and con-
22 sistent with the transportation planning process
23 implemented by the metropolitan planning orga-
24 nization for the metropolitan Washington re-
25 gion under section 134 of title 23, United

1 States Code, and section 5303 of title 49,
2 United States Code; and

3 (M) to work with the metropolitan Wash-
4 ington region jurisdictions to improve coordina-
5 tion of transportation planning and land use
6 planning.

7 (b) REPORTS.—The Secretary of Transportation
8 shall submit to the Committee on Transportation and In-
9 frastructure of the House of Representatives and the Com-
10 mittee on Environment and Public Works of the Senate—

11 (1) not later than 1 year after the date of en-
12 actment of this Act, an interim report on the
13 progress of the Board in developing cooperative
14 transportation plans and regional funding mecha-
15 nisms to meet transportation needs in the metropoli-
16 tan Washington region; and

17 (2) not later than 3 years after the date of en-
18 actment of this Act, a final report on the results of
19 the actions of the Board in developing cooperative
20 transportation plans and regional funding mecha-
21 nisms to meet transportation needs in the metropoli-
22 tan Washington region.

23 **SEC. 7. MAINTENANCE OF FUNDING AND EFFORT.**

24 The funding provided under any regional transpor-
25 tation program developed under this Act shall supplement

1 (and not supplant) other Federal, State, and local trans-
2 portation funding for the metropolitan Washington region
3 jurisdictions. In using funds provided under this Act, a
4 metropolitan Washington region jurisdiction shall main-
5 tain the expenditures of the jurisdiction for transportation
6 in the metropolitan Washington region, at a level that is
7 not less than the level of the expenditures maintained by
8 the jurisdiction for the fiscal year preceding the fiscal year
9 for which the funds are received.

10 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

11 (a) IN GENERAL.—There is authorized to be appro-
12 priated to the Secretary of Transportation out of the
13 Highway Trust Fund (other than the Mass Transit Ac-
14 count)—

15 (1) for transportation projects of regional sig-
16 nificance to be selected by the Board \$100,000,000
17 for each of fiscal years 2004 through 2006; and

18 (2) for non-motorized recreational trails
19 projects to be selected by the Board \$5,000,000 for
20 each of fiscal years 2004 through 2006.

21 (b) ADMINISTRATIVE EXPENSES AND OUTREACH.—
22 Of the funds made available under this section, the Board
23 may set aside—

24 (1) not to exceed \$100,000 per fiscal year for
25 salaries and administrative expenses of experts in fi-

1 nancing and developing interstate compacts or
2 agreements; and

3 (2) not to exceed \$200,000 per fiscal year to
4 support a collaborative planning process, to dissemi-
5 nate information to the public, and to pay the sala-
6 ries and administrative expenses of public outreach
7 staff.

8 (c) CONTRACT AUTHORITY.—Funds authorized to
9 carry out this section shall be available for obligation in
10 the same manner as if the funds were apportioned under
11 chapter 1 of title 23, United States Code; except that the
12 Federal share of the cost of a project under subsection
13 (a) shall be 75 percent.

○