

SENATE OF VIRGINIA

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August 4, 2016

The Honorable Terry McAuliffe
Governor of Virginia
Capitol Square
Richmond, VA 23219

Re: Retention of Clean Fuel Vehicle Program on Interstate 66, CFV Policy Changes in the 2015 Federal Highway Bill, and "Renewal" of Virginia CFV Program

Dear Governor McAuliffe:

We write to you collectively to urge you to take one near-term action and to provide leadership on a second longer-term policy initiative with respect to green energy and green technology in Virginia.

First, without executive action by you, the Clean Fuel Vehicle (CFV) program on Interstate 66 will sunset on January 1, 2017. This highly successful program, and similar Northern Virginia programs on Interstates 95 and 395, permits a limited number of CFVs to use the High Occupancy Vehicle (HOV) lanes of I-66 with one occupant during weekday "rush" hours. The CFV programs in Northern Virginia can rightly be credited with promoting the spread of fuel-efficient and low-emission alternative fuel vehicles, such as gasoline/electric hybrids and all-electric vehicles, over the past two decades.

The Virginia Department of Transportation has stated in the past that the sunset of the CFV program on I-66 is necessary – and perhaps even mandatory -- due to the fact that small portions of I-66 are classified as "degraded" (congested) under federal law. However, Congress adopted significant revisions to the federal HOV statute (23 U.S.C. 166) as part of the "Fixing America's Surface Transportation Act of 2015" (Section 1411 of the "FAST" Act, or the 2015 federal highway bill) that makes the sunset of the CFV program on I-66 entirely optional. Among the changes to Section 166 adopted by Congress are the following:

- Extension of the sunset date for the federal authorization of CFVs in HOV lanes from 2017 to 2019;
- Revision of the procedures for VDOT and other public authorities to cure HOV lane degradation to permit, but certainly not mandate, the exclusion of CFVs from HOV lanes;
- Affirmation of the federal policy that VDOT need not impose tolls on CFVs using HOV lanes that also allow toll on certain vehicles; and,
- Modernization of the federal CFV program authorization by limiting future CFV programs to vehicles with "next generation" vehicle propulsion technologies, such as vehicles that run only on electricity, compressed natural gas or hydrogen.

These updates of federal CFV policies for HOV lanes provide ample justification for the extension of the CFV program on I-66 past January 1, 2017. However, there are other reasons to revisit the decision to sunset the CFV program on 66. On January 1, 2017, without action by you, thousands of current 66

commuters in CFVs will abandon I-66 for surface streets in Fairfax and Arlington Counties due to the end of the CFV program and the advent of tolling on 66 inside the Beltway. Add this early 2017 shift in traffic and commuting patterns to the ongoing traffic disruptions caused by Metro's SafeTrack program, which is scheduled to last through 2017, and there is the likely prospect of traffic gridlock across a significant segment of Northern Virginia starting early next year.

I-66 is not classified as "degraded" inside the Beltway, so there is no reason to sunset the CFV program in the HOV lanes inside the Beltway next year. Congestion on 66 inside the Beltway can be managed through VDOT's planned variable tolling plan, which also will ensure that there is no projected revenue shortfall caused by allowing CFVs to continue to use 66 inside the Beltway. VDOT has already delayed moving from HOV-2 to HOV-3 on I-66 until 2020, when the outside the Beltway 66 expansion and toll lanes are completed. We urge you to do the same for the CFV program by extending it until 2020.

Second, we urge you to take up the challenge presented by Congress to "update" and "renew" the Commonwealth's CFV program. Promotion of new, advanced technologies vehicles across the Commonwealth will solidify Virginia's role as a leader in green energy and technologies.

We encourage your administration to work with the 2017 General Assembly to adopt a new CFV program to promote these advanced technology vehicles along the lines outlined by Congress in its revisions to Section 166. The transition to this new CFV program for all interstate highways across the Commonwealth -- not just those in Northern Virginia -- could take place prior to 2020 if adequate supplies of diverse models of advanced technology vehicles are available for the citizens on Virginia to purchase at affordable prices.

Thank you for considering our views on these matters. We look forward to working with you to avoid unnecessary traffic disruptions in Northern Virginia in the coming months and years, to the renewal of Virginia's CFV program, and to the maintenance and expansion of Virginia's status as a leader in green energy and green technology.

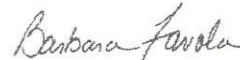
Sincerely yours,



Sen. Richard Black
13th Senate District



Sen. Adam Ebbin
30th Senate District



Sen. Barbara Favola
31st Senate District



Sen. Jeremy McPike
29th Senate District



Sen. J. Chapman Petersen
34th Senate District



Sen. Jill Holtzman Vogel
27th Senate District



Sen. Jennifer Wexton
33rd Senate District

cc: Secretary Aubrey Layne
Greg Scott