

2010 VIRGINIA GENERAL ASSEMBLY Summary of Transportation Issues

PASSED

HB42/Oder. SB201/Blevins. Transportation programs; performance audit by Joint Legislative Audit and Review Commission (JLARC). Requires the Joint Legislative Audit and Review Commission to administer an operational and performance audit of transportation programs. The Joint Legislative Audit and Review Commission must issue a request for proposals, upon approval by the Chairman of the Joint Commission on Transportation Accountability, to initiate the procurement process for a management consulting firm to conduct a performance audit of the Commonwealth's transportation programs.

HB 222/Watts. Secondary highway system design standards. Provides that for urban and urban development areas in jurisdictions using the urban county executive form of government, the Virginia Department of Transportation shall work in conjunction with the jurisdiction and the Department of Rail and Public Transportation to review new design standards for state secondary highway system components that the jurisdiction proposes.

HB418/Oder. SB255/Y.B. Miller. Commonwealth Transportation Board; rules and regulations. Provides that any rules and regulations promulgated by the Commonwealth Transportation Board shall be developed in accordance with the Administrative Process Act.

HB473/Carrico. Weight limits for trucks hauling gravel, etc. Extends "sunset" on increased weight limits applicable to trucks hauling gravel and certain other cargoes in coal-producing counties to July 1, 2011.

HB631/E.T. Scott. SB254/Y.B. Miller. Commonwealth Transportation Commissioner; advertising for bids; construction. Provides that the Commonwealth Transportation Commissioner may let projects costing below \$300,000 to contract. The bill further provides that the Commissioner may, at his discretion, build or maintain any of the roads by state or local employees as he may designate, in cases of emergency or on projects costing not more than \$600,000.

HB756/Stolle. HB805/Poindexter. Royalties from offshore drilling. Requires that all revenues and royalties paid to the Commonwealth as a result of offshore natural gas and oil drilling shall be distributed as follows: (i) 70 percent to the Transportation Trust Fund,

(ii) 20 percent to the Virginia Coastal Energy Research Consortium, and (iii) 10 percent to localities for improvements to infrastructure and transportation.

HB856/Carrico. SB537/Newman. Highway Speed Limits. Increases the general highway speed limit on Interstate highways and multi-lane, divided, limited access highways where it is presently 65 mph to 70 mph, subsequent to a traffic engineering study and analysis of available and appropriate accident and law-enforcement data. The provisions also apply to high occupancy vehicle lanes if such lanes are physically separated from the regular travel lanes. *(HB176/Morrissey is incorporated into HB856.)*

HJ126/Nutter. SJ99/Herring. Study; privatizing Commonwealth's rest areas; report. Requests that the Virginia Transportation Research Council study the privatization of all or portions of the Commonwealth's rest areas. *(The Virginia Chamber supported this legislation.)*

SJ63/Y.B. Miller. Study; expansion and funding of high-speed passenger rail service; report. Requests the Virginia Department of Rail and Public Transportation to study funding of high speed and intercity passenger rail operations in the Commonwealth.

FAILED

HB25/Herring. Statewide Transportation Plan. Requires that the Statewide Transportation Plan include quantifiable measures and achievable goals for greenhouse gas emissions. *(The Virginia Chamber opposed this bill.)*

HB95/Loupassi. Taking streets into state secondary highway system. Provides that if, on March 9, 2009, a subdivision was subject to a specific zoning requirement that prohibited a state-maintained stub road connection, such requirement will not preclude acceptance of such road into the state secondary highway system.

HB197/R.L. Ware. Acceptance of subdivision streets into state secondary highway system. Provides that any street or segment of a street within a network addition that meets one or more of the public service requirements addressed in the regulations can be accepted into the secondary system, provided that the network addition satisfies all other requirements adopted pursuant to this section. In cases where a majority of the lots along the street or street segment remain undeveloped and construction traffic is expected to utilize that street or street segment after acceptance, the bonding requirement for such street or street segment may be required by VDOT to be extended for up to one year beyond that required in the secondary street acceptance requirements.

HB224/Watts. Payments to cities and towns for maintenance. Equalizes municipal street payments to comparable amounts paid for state maintenance.

HB276/Albo. Highway maintenance funds. Provides that when allocating funds for the interstate system of highways, the primary system of state highways, and the secondary system of state highways maintained by the Commonwealth, the Commonwealth Transportation Board shall consider achieving a minimal level of disparity among highway construction districts in meeting asset performance standards. Prior to such allocation, the Board shall release for public review a comparison of the proposed allocation of funds by highway construction district with an allocation of funds based entirely on specific asset performance standards by highway construction district.

HB277/Albo. Washington Bypass transportation corridor. Requires the Commonwealth Transportation Board to establish a Washington Bypass transportation corridor.

HB404/Oder. Transportation funding and administration. Provides for transportation funding and administration in Hampton Roads, Northern Virginia, the Richmond Highway Construction District, the Staunton Highway Construction District, and the Salem Highway Construction District. The amount of funding is based on: (i) for Northern Virginia, a portion of the growth in certain state tax revenues in Northern Virginia; (ii) for Hampton Roads, a portion of the growth in certain state tax revenues generated or facilitated by the marine terminals in Hampton Roads; (iii) for the Richmond Highway Construction District, a portion of the growth in certain state tax revenues generated or facilitated by the Port of Richmond; (iv) for the Staunton Highway Construction District, a portion of the growth in certain state tax revenues generated or facilitated by the Inland Port at Front Royal; and (v) for the Salem Highway Construction District, a portion of the growth in certain state tax revenues expected to be generate or facilitated by the Elliston Intermodal Facility.

HB480/Carrico. Public-Private Transportation Act. Requires the Commonwealth Transportation Board to conduct third party audits of agreements executed under the Public-Private Transportation Act. Under the bill, the audits will consists of a review of the bidding process and certain other summary information regarding each project. The bill requires responsible public entities proceeding under the Act to advertise in the area where the project will be located to encourage participation by local small contractors. In addition, the bill (i) provides that contracts must be rebid if a change order exceeds 25 percent or one million dollars over the original contract amount, (ii) limits agreements under the act from extending more than two years past the original completing date without being rebid, and (iii) requires all agreements to include standard small, women-owned and minority-owned participation components of 30 percent as of July 1, 2010.

HB665/May. Transportation Trust Fund; additional appropriations in Governor's Budget Bill in cases of general fund revenue growth. Requires the Governor, in submitting his biennial budget bill, to provide for additional appropriations to the Transportation Trust Fund from general fund revenues in cases in which general fund revenues for a fiscal year are projected to grow by at least three percent. Any such additional appropriation to the Transportation Trust Fund recommended by the Governor would be required to be in an amount not less than one percent of the projected growth in general fund revenues for the fiscal year.

HB666/May. Commonwealth of Virginia Transportation Capital Projects Revenue Bonds. Provides that at least 50 percent of the proceeds of Commonwealth of Virginia Transportation Capital Projects Revenue Bonds would be used for new road or highway construction projects. The bill defines a new road or highway construction project as the construction of, enhancement of, or addition to a road or highway (or a portion or segment of a road or highway), which construction, enhancement, or addition did not commence prior to January 1, 2010. Commonwealth of Virginia Transportation Capital Projects Revenue Bonds were authorized for issuance in 2007 pursuant to House Bill No. 3202.

HB808/Watts. SB550/Barker. Coordination of state and local transportation planning. Provides for coordination of local transportation planning with not only the Virginia Department of Transportation, but the Virginia Department of Rail and Public Transportation as well. *(The Virginia Chamber opposed this legislation.)*

HB818/Surovell. Commonwealth Transportation Board (CTB); composition. Changes the composition of the CTB: one will be appointed from each of Virginia's 11 Congressional Districts (as they were on January 1, 2010, four more will be at-large appointees: one representing seaports, one representing aviation, one representing railroads, and one representing mass transit; the three ex-officio members remain unchanged.

HB969/Englin. PPTA; preconditions to certain comprehensive agreements. Requires that highway construction projects of \$100 million or more undertaken under the PPTA have prior approval from the General Assembly. The bill further requires that any proposed PPTA contract involving HOT lanes be subject to an explicit evaluation comparing its impact with a mass-transit-based alternative.

HB970/Rust. Designation of annual surplus to the Transportation Trust Fund. Increases from two-thirds to 75 percent the amount of the general fund surplus designated to the Transportation Trust Fund within the Comptroller's annual report following the close of each fiscal year. The governor would include in his budget bill an

amount for deposit into the Transportation Trust Fund equivalent to the amount designated by the Comptroller.

HB971/Rust. Transportation funding and administration. Provides additional funding for transportation by (i) imposing a transportation infrastructure users fee on motor fuels sold by a distributor to a retail dealer at the rate of one percent, to be used for highway maintenance in the highway construction district in which the fuel is sold; (ii) increasing the state sales and tax in Northern Virginia by 0.5 percent for transportation projects in Northern Virginia; and (iii) imposing a regional congestion relief fee on the recordation of deeds in Northern Virginia at a rate of \$0.40 per \$100. Neither the fees nor the tax increase shall become effective until the unemployment rate in the Commonwealth is equal to or lower than it was in January 2008 for six consecutive months. The bill also requires a performance audit of the Commonwealth's transportation programs.

HB1047/Kory. Commonwealth Mass Transit Fund. Increases the percentage of Transportation Trust Fund revenues flowing into the Commonwealth Mass Transit Fund from 14.7 to 19 percent.

HB1059/R.G. Marshall. HB1061/R.G. Marshall. Bonds for transportation projects. Authorizes the Commonwealth Transportation Board to issue bonds in an aggregate amount not to exceed \$3,963,000,000 for specific transportation projects throughout the Commonwealth. The bonds will be paid for by the revenues collected for each project through tolls and other fares or fees.

HB1068/Athey. Overweight vehicle penalties. Provides that, in assessing penalties for vehicles whose weight exceeds that authorized in an overweight permit issued for the vehicle, the amount of the penalty is to be based on the amount by which the weight of the vehicle exceeds that authorized by the permit, not the amount by which its weight exceeds the weight limit that would have been applicable had no overweight permit been issued.

HB1103/Sickles. Primary system highway construction funds allocation. Allocates primary system highway construction funds among the nine highway construction districts on the basis of the ratio of vehicle miles traveled on primary highways divided by the lane miles of primary highways in each highway construction district, weighted 90%, and a need factor, weighted 10%.

HB1131/Keam. Composition of Commonwealth Transportation Board (CTB); formulas for allocating primary, urban, and secondary highway system construction funds. Adds one member from the Northern Virginia highway construction district to the CTB. The bill also provides for allocation of highway construction funds within primary, urban, and secondary systems by the CTB on the basis of (i) population, (ii) traffic

congestion, (iii) ambient air quality, (iv) functional classifications of highways, and (v) other important objectives as determined by the CTB, with each such factor being given equal weight.

HB1158/Oder. SB717/Petersen. Regional VDOT construction accounts. Provides for the establishment of regional accounts, one for each highway construction district, whereby new transportation revenues not previously in existence generated on and after July 1, 2010 shall be deposited, to be used by the Commonwealth Transportation Board for allocation of funds for specific transportation projects within the region wherein the revenue is generated. This system of allocation is to be in addition to and not a replacement for other transportation construction fund allocation formulas.

HB1369/Poindexter. VDOT Secondary Street Acceptance Requirements. Requires VDOT to reconsider its Secondary Street Acceptance Requirements effective July 1, 2009, with specific focus on the connectivity index and the means by which an exception can be granted. The reconsideration is also to focus on the unique challenges in rural applications. *(The Virginia Chamber supported this bill.)*

HJ5/Oder. HJ67/R.G. Marshall. HJ69/Watts. SJ100/Newman. Constitutional amendment (first resolution); Transportation Funds. Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, Priority Transportation Fund, and other funds established by general law for transportation. All revenues dedicated to Transportation Funds on January 1, 2013, by general law, other than a general appropriation law, shall be deposited to the Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan must be repaid with reasonable interest within four years.

HJ61/Plum. HJ96/May. Study; Commission on Virginia's Transportation Needs; report. Establishes the Commission on Virginia's Transportation Needs to look at transportation needs in Virginia and alternatives for planning and financing Virginia's transportation system.

HJ68/Rust. Study; tolling of highways; report. Directs the Joint Commission on Transportation Accountability to develop a plan to toll certain highways.

HJ86/D.W. Marshall. Constitutional amendment (first resolution); Transportation Trust Fund. Provides that the Transportation Trust Fund established in 1986 will be a permanent fund and receive all revenues generated by the 1986 package of tax and fee

increases and any later enactments dedicating additional revenues to the Fund. The amendment limits the use of Trust Fund moneys to purposes of highway construction, maintenance, and improvements; public transportation; railways; seaports; and airports. The General Assembly may use fund proceeds for other purposes only by a two-thirds vote of the members in each house and, fund proceeds thus approved for other purposes must be repaid to the Fund within three years.

SB76/Reynolds. Transportation funding; the Salem Highway Construction District. Provides funds for transportation in the Salem Highway Construction District by allocating revenue attributable to a portion of economic growth due to or facilitated by the Inland Port in Montgomery County.

SB103/McDougle. Chief Executive Officer for Transportation. Abolishes the office of Commonwealth Transportation Commissioner and replaces that position with a Chief Executive Officer for Transportation who takes over the powers, duties, and responsibilities of the Commonwealth Transportation Commissioner, the Director of the Department of Aviation, and the Director of the Department of Rail and Public Transportation. The Virginia Board of Aviation and the Rail Advisory Board are also abolished, and their functions transferred to the Commonwealth Transportation Board. The composition of the Commonwealth Transportation Board is changed to remove the Secretary of Transportation, the Commonwealth Transportation Commissioner, and the Director of the Department of Rail and Public Transportation, and to provide for election of the at-large members of the Board by the General Assembly.

SB684/J.C. Miller. Transportation funding. Provides new and increased taxes, tolls, royalties from offshore natural gas and oil drilling, and general fund revenues for transportation funding. The bill would (i) decrease the motor fuels tax from \$0.175 per gallon to \$0.05 per gallon and establish a five percent tax on motor fuels sales based upon the statewide average wholesale price of a gallon of self-serve unleaded regular gasoline; (ii) subject to the amount of the additional revenues generated by the changes described in clause (i), increase the motor fuels tax rate by \$0.10 per gallon in increments of \$0.02 per gallon each year over a the five-year period beginning in 2011; (iii) beginning in 2011 increase the motor vehicle sales and use tax by 0.50 percent each year for four years; (iv) provide that of the retail sales and use tax revenues generated by the Commonwealth's four percent tax on sales of automobile parts and automobile accessories, an amount equivalent to the revenues generated by a three percent retail sales and use tax on such parts and accessories would be deposited into the Highway Maintenance and Operating Fund; (v) subject to receipt of federal authorization, authorize the Commonwealth Transportation Board to impose and collect a toll of \$1 per axle on every vehicle entering the Commonwealth from the state of North Carolina via Interstate Route 85 and Interstate Route 95; (vi) dedicate for highway maintenance purposes 10 percent of the future growth in certain state taxes that is attributable to

economic activity generated or facilitated by the public and private general cargo marine terminals and inland ports of the Commonwealth; and (vii) dedicate for transportation purposes all royalties paid to the Commonwealth as a result of offshore natural gas and oil drilling.

All amounts generated under the bill would be deposited into the Highway Maintenance and Operating Fund to be used for highway maintenance except the revenues from tolls on vehicles entering the Commonwealth from North Carolina and the revenues from royalties as a result of offshore drilling, which would be deposited into the Transportation Trust Fund.

SJ94/J.C. Miller. Study; replacement of the state motor fuel tax; report. Requests the Virginia Transportation Research Council to study the desirability and feasibility of replacing the state motor fuel tax with a mileage-based fee predicated on vehicle-miles traveled in Virginia.

SJ137/Norment. Constitutional amendment (first resolution); Transportation Funds. Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, and Priority Transportation Fund. All revenues dedicated to Transportation Funds on January 1, 2011, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment requires Funds be appropriated only for transportation systems and projects. The General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house, and the loan or reduction must be repaid with reasonable interest within three years. The amendment also limits the use of general and other nontransportation funds for transportation purposes except for certain debt service payments.