

Legislative Report – 2013 General Assembly

Bill Number/Bill Points	Status
Agency/Governor's Bills HB 2040: Noise Abatement Practices and Technologies. (Comstock) Extends for two additional years (until June 30, 2015) VDOT's evaluation of noise abatement practices and technologies (quiet pavement) by means of demonstration projects and provides for a second interim report by June 30, 2013.	Passed House and Senate; Enrolled
HB 2041: Fund for Access Roads and Bikeways to Public Recreational Areas and Historical Sites. (Filler-Corn) Authorizes the CTB to establish guidelines, instead of regulations, in connection with administration and use of recreational access funds.	Passed House and Senate; Enrolled
HB 2044: Recycled Materials in Highway Construction Advisory Committee. (Poindexter) Eliminates the Recycled Materials in Highway Construction Advisory Committee.	Passed House and Senate; Enrolled
HB 2105: Junkyards Policy and Definitions. (Villanueva) Makes technical amendments to conform Virginia's statutes with corresponding changes in federal law (as a result of MAP-21) regarding the National Highway System.	Passed House and Senate; Enrolled
HB 2106 / SB 1200: Regulation of Traffic. (Villanueva/Smith) Conforms Title 46.2 (Motor Vehicles) of the Code of Virginia to the most recent version of the Manual on Uniform Traffic Control Devices (adopted by the CTB in December, 2011).	HB 2106: Amended, Passed House and Senate; Enrolled SB 1200: Amended, Passed Senate and House; Enrolled

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Agency/Governor's Bills cont.	<p><u>HB 2116 / SB 1209</u>: Powers and Duties of the VDOT Commissioner and the CTB. (Garrett) Amends the powers and duties of the VDOT Commissioner and the CTB to create new efficiencies and streamline procedures by assigning the Commissioner authority/responsibility for specified administrative operations and engineering functions while continuing to reserve with the CTB authority over duties and functions consistent with those of a Policy Board. Also makes technical amendments in recognition of the fact that the CTB does not employ personnel/staff. (Governor's Bill)</p>	<p>HB 2116: Substitute Passed House and Senate; Enrolled</p> <p>SB 1209: Substitute Passed Senate and House; Enrolled</p>
	<p><u>HB 2186</u>: Transfer of Property by VDOT. (Dudenhefer) Authorizes VDOT to exchange a portion of VDOT's Keene Area Headquarters property in Albemarle County(that will not perk) for private property adjacent to VDOT's property (that will perk), for purposes of installing a drain field for the Keene Area Headquarters.</p>	<p>Substitute Passed House and Senate; Enrolled</p>

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<p>Agency/Governor's Bills cont.</p>	<p><u>HB 2313</u>: Revenues and Appropriations of the Commonwealth. (Howell, W.) Creates the Northern Virginia Transportation Authority Fund and the Hampton Roads Transportation Fund; replaces the 17.5 cent per gallon tax on gasoline with a 3.5 percent tax on gasoline and 6 percent tax on diesel fuel at the wholesale level; raises the state sales tax from 5 percent to 5.3 percent; increases the motor vehicle sales tax over time, from 3 percent to 4.3 percent; establishes a new base rate beginning fiscal year 2014 for annual maintenance payments to Henrico and Arlington; increases the amount of general fund revenue paid to transportation over time, from 0.5 percent to 0.675 percent; provides a 0.7 percent sales tax increase in Hampton Roads and Northern Virginia and imposes several other measures in jurisdictions embraced by the Hampton Roads Region and/or Northern Virginia Transportation Authority to fund local and regional road improvements; prohibits tolling on I-95 south of Fredericksburg pursuant to the Interstate System Reconstruction and Rehabilitation Pilot Program without General Assembly approval; imposes a \$100 annual registration fee on alternative fuel vehicles and hybrids; draws funds for transportation from future internet sales tax proceeds if Congress passes the Marketplace Equity Act. If the Act fails, the revenue would be replaced through an additional 1.6 percent tax applied to the wholesale gasoline tax. (Introduced as Governor's Bill)</p>	<p>Substitute Passed House and Senate; Enrolled</p>

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Budget Amendments	HB 1500: Budget Bill. (Putney) Amending Chapter 3, 2012 Special Session I Acts of Assembly.	Amended, Passed House and Senate
	<u>HB 1500, Item 430 #1c:</u> Prohibits the use of state funding on Phase II of the Dulles Metro project unless the funding agreement includes provisions stating that the recommendations identified by U.S. Inspector General report have been addressed or the Governor notifies the General Assembly as to why a certain recommendation has not yet been implemented.	
	<u>HB 1500, Item 430 #2c:</u> Restores language agreed to by the 2012 General Assembly regarding the source of transportation funding (HMOF) used to fulfill commitments related to payment to Orbital Sciences for repayment of amounts associated with Launch Pad 0-A and liquid fueling facility improvements at the Mid-Atlantic Regional Spaceport.	
	<u>HB 1500, Item 430 #3c:</u> Directs the Secretary of Transportation to evaluate whether it would be in the best interest of the public to enter into an agreement to purchase the Dulles Greenway to ensure reasonable toll rates to the traveling public. The Secretary shall submit findings to the Chairmen of the House Appropriations and Senate Finance Committees by August 1, 2013.	
	<u>HB 1500, Item 446 #1c:</u> Directs the CTB, prior to adopting the SYIP for FY 2014, to establish a state funded transportation enhancement program for Virginia assets such as Virginia Byways, to be funded at amounts of not less than \$500,000 and not more than \$2,500,000 and dedicates \$500,000 to the Route 15 "Journey Through Hallowed Ground" program in the second year.	

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Budget Amendments cont.	<p><u>HB 1500, Item 456 #1c:</u> Directs the Virginia Port Authority to undertake a study to further investigate the improvements identified in a 2010 study conducted for the Virginia Port Authority related to the Commonwealth Railway Mainline Safety Relocation in the City of Suffolk. State funds previously were provided to relocate the rail line through the Cities of Portsmouth and Chesapeake, but no such relocation was undertaken in Suffolk. Currently there are 51 public at-grade crossings in Suffolk, traversed by 167,046 vehicles per day, and resulting in 227 daily hours of vehicle delay. The Authority shall submit a report to the Chairmen of the House Appropriations and Transportation Committees and the Senate Finance and Transportation Committees by November 15, 2013 outlining the potential funding sources and a proposed schedule of completion for the detailed study.</p>

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<p>CTB</p> <p>HB 1809: Powers of the Commonwealth Transportation Board (CTB). (McQuinn) Limits the types of funds that are subject to reallocation by the CTB when local highway transportation plans are determined to be inconsistent with the CTB's Statewide Transportation Plan or the Six-Year Improvement Program, by prohibiting the CTB from reallocating certain types of funds.</p>	<p>Amended, Passed House and Senate; Enrolled</p>
<p>HB 2276 / SB 1305: Virginia Economic Development Partnership, VPA and CTB. (Jones/Wagner) Implements reforms of the VPA by adding the Chief Executive Officer of the Virginia Economic Development Partnership to the Board of Commissioners, adding the VPA Executive Director to the CTB as a non-voting member, and preventing the Commonwealth and the VPA from accepting any unsolicited proposal under the 1995 PPTA or the PPEA regarding the ownership or operation of any seaport or port facility.</p>	<p>HB 2276: Substitute Amended, Passed House and Senate; Enrolled</p> <p>SB 1305: Substitute Amended, Passed Senate and House; Enrolled</p>
<p>Funding/Revenue/Taxes</p> <p>HB 1953: U.S. Route 58 Corridor Development Program. (Poindexter) Changes the maximum amount of bonds that the Commonwealth Transportation Board may issue from an aggregate principal amount not exceeding \$704,300,000 to an aggregate principal amount not exceeding \$1,300,000,000, provided that the debt service on the additional bonds that may be issued pursuant to the bill shall be paid solely by the recordation tax revenue dedicated for the development of the U.S. 58 Corridor and other funds as may be appropriated by the General Assembly. The bill is contingent upon a comprehensive, statewide transportation funding bill being passed by the 2013 Session of the General Assembly.</p>	<p>Substitute Amended, Passed House and Senate; Enrolled</p>

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Bill Number/Bill Points	Status
Highways/Bridges/Signs <u>HB 1508:</u> Congressman William Wampler, Sr., Memorial Highway. (O'Quinn) Designates I-81 between the Virginia/Tennessee line and Exit 118 the "Congressman William Wampler, Sr., Memorial Highway."	Passed House and Senate; Enrolled
<u>HB 1633:</u> Local Beautification Projects. (Cosgrove) Requires localities to provide a 30-day written notice to the Commissioner prior to installation of a local beautification project in the public right-of-way that may obstruct the motorists' view of signs displayed on outdoor advertising structures. Such notice shall include a description of the plant materials to be used in, and a copy of the plans for, such beautification project.	Substitute Passed House and Senate; Enrolled
<u>HB 1885:</u> Quantitative Rating of Pavement Condition and Ride Quality of Highways. (LeMunyon) Requires VDOT to determine a quantitative rating on the pavement condition and ride quality of every highway in the primary and secondary state highway systems at least every five years and to post the ratings on its website.	Amended, Passed House and Senate; Enrolled
<u>HB 2029:</u> Speed Limits. (Dudenhefer) Allows the governing body of any town located entirely within the confines of a United States military base to reduce the speed limit to less than 25 miles per hour on any highway within its boundaries, by ordinance, provided such reduced speed limit is indicated by lawfully placed signs.	Substitute Passed House and Senate; Enrolled
<u>HB 2215:</u> "Charles K. 'Pete' Estes Memorial Bridge." (Webert) Designates the newly replaced U.S. Route 522 bridge in Sperryville as the "Charles K. 'Pete' Estes Memorial Bridge."	Passed House and Senate; Enrolled

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Bill Number/Bill Points	Status	
Highways/Bridges/Signs cont.	<p>HB 2217 / SB 959: Crossing Highways. (Greason/Favola) Allows local governing bodies to adopt ordinances requiring users of shared-use paths to stop before crossing highways at marked crosswalks where there are no traffic control signals at the crossing. A locality adopting such an ordinance shall install and maintain stop signs at the crossing in a manner that is consistent with CTB standards and in coordination with VDOT when necessary. For shared-use paths owned and operated by a park authority, placement and enforcement of stop-signs shall be coordinated with the authority.</p>	<p>HB 2217: Substitute Passed House and Senate; Enrolled</p> <p>SB 959: Substitute Passed Senate and House; Enrolled</p>
HOV/HOT Lanes	<p>HB 1526: HOT Lanes. (Rust) Provides that emergency vehicles and law-enforcement vehicles that otherwise would be allowed free use of HOT lanes in the performance of their duties are not authorized to such fee use when the vehicle is being used to commute.</p>	<p>Amended, Passed House and Senate; Enrolled</p>
	<p>HB 2052 / SB 1204: HOT Lanes. (Rust/McDougle) Provides that drivers of state and local law enforcement vehicles, firefighting trucks, ambulances, and rescue squad vehicles that enter HOT lanes by crossing a barrier or buffer while performing official duties are not guilty of reckless driving. The bill contains an emergency enactment clause. (VSP Agency Bill)</p>	<p>HB 2052: Amended, Passed House and Senate; Enrolled</p> <p>SB 1204: Amended, Passed Senate and House; Enrolled</p>

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Outdoor Advertising	<p>HB 2298 / SB 820: Billboards. (Anderson/Puckett)</p> <p>Establishes that a non-conforming billboard may be relocated if land on which the billboard is located is acquired by eminent domain in connection with a highway project, provided that (1) the only reason the billboard is non-conforming is due to a local ordinance and (2) upon relocation the billboard will be in compliance with applicable outdoor advertising laws and regulations .</p>	<p>HB 2298: Substitute Passed House and Senate; Enrolled</p> <p>SB 820: Substitute Passed Senate and House; Enrolled</p>
	<p>SB 888: Advertising Within Highway Rights-of-Way. (Deeds)</p> <p>Provides that penalties and costs collected as the result of an agreement between the Commissioner of Highways and a locality for enforcement of illegal signs on highway rights-of-way may be paid as agreed to in the agreement. Existing law would allow localities to only receive costs.</p>	<p>Amended, Passed Senate and House; Enrolled</p>
Overweight/Weight Limits	<p>HB 1985: Vehicle Weight Limits and Overweight Permits. (May)</p> <p>Clarifies 2012 passed legislation dealing with vehicle weight limits and overweight permits. Specifically, the bill increases from 400 pounds to 550 pounds the amount of additional weight allowed for motor vehicles that utilize an auxiliary power unit or other idle reduction technology to reduce fuel use/emissions. Also increases allowable weights for certain vehicles hauling Virginia-grown farm products</p>	<p>Substitute Amended, Passed House and Senate; Enrolled</p>
	<p>HB 2228: Overweight Vehicle Permit Fees. (Morefield)</p> <p>Provides that the engineering analysis performed prior to issuance of an overweight vehicle permit is not to exceed three hours for purposes of calculating and assessing the cost-based permit fee.</p>	<p>Passed House and Senate; Enrolled</p>

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PPTA	<p><u>HB 1692/SB977</u>: PPTA Proposals Comprehensive Agreements. (Jones, C/Lucas.) Requires that for unsolicited proposals submitted pursuant to the PPTA, the notice that must be posted shall provide for a period of 120 days for the submission of competing proposals; include specific information regarding the proposed nature, timing, and scope of the qualifying transportation facility; and outline the opportunities that will be provided for public comment during the review process. Once the negotiation phase for the development of an interim or a comprehensive agreement is complete and a decision to award has been made by a responsible public entity, the responsible public entity shall post the major business points of the interim or comprehensive agreement, including the projected use of any public funds, on DGSs central electronic procurement website and outline how the public can submit comments on those major business points. Incorporates HB 2258.</p>	Substitute Passed House and Senate; Enrolled
	<p><u>HB 1994</u>: Virginia Public Procurement Act Contract Pricing Arrangements. (Massie) Provides that the award of a public contract may be made on the basis of cost plus a percentage of the private investment made by a private entity when procuring commercial or financial consulting services to solicit or to solicit and evaluate proposals for a qualifying transportation facility under the PPTA or a qualifying project under the PPEA.</p>	Passed House and Senate; Enrolled
Procurement/Contracting	<p><u>HB 2079</u>: Virginia Public Procurement Act Methods of Procurement. (Jones) Reorganizes the definitions of competitive sealed bidding and competitive negotiation. The bill also adds a definition of job order contracting. (Governor's Bill)</p>	Amended, Passed House and Senate

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Property and Conveyances <u>HB 1627:</u> Transfer of Property by VDOT. (Webert) Authorizes VDOT to convey certain real property in Fauquier County controlled by the Department in exchange for other real property in Fauquier County to be used for a park-and-ride.	Substitute Passed House and Senate; Enrolled
<u>HB 2306:</u> Eminent Domain Just Compensation. (Ramadan) Provides that offers made and certificates of deposit filed for real property to be taken pursuant to eminent domain shall not be less than the appraisal of the fair market value of such property, or the current assessed value of such property for real estate tax purposes when the entire parcel for which the assessment has been made is to be acquired, whichever is greater. Under current law, such offers and certificates of deposit shall not be less than the appraisal of fair market value. Language in the bill provides that nothing in the affected sections shall make evidence of tax assessments admissible as proof of value in an eminent domain proceeding.	Substitute Passed House and Senate; Enrolled
<u>SB 1317:</u> Property Conveyance to the Mennel Milling Company. (Smith) Modifies a 2011 enactment whereby DGS was authorized to swap certain real property owned by VDOT to the Mennel Milling Company in Roanoke County, in exchange for property owned by Mennel Milling. Provides that the swap is to be made at no cost to the Commonwealth relating to such items as title insurance fees and premiums, environmental investigations, and survey costs, but expressly excluding any potential costs expended by the Commonwealth related to the improvement and use of the property exchanged or for costs expended in connection with the use of the parcel conveyed. (The VDOT parcel subject to conveyance is property VDOT intended to use for an area maintenance headquarters for southwestern Roanoke.) The bill also removes the emergency clause on the 2011 enactment.	Amended, Passed Senate and House; Enrolled

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Tolls	<u>SR 30:</u> Toll Mitigation Measures Report. (Lucas) Directs the Senate Committee on Finance to study how the impact of tolls on Virginia's disadvantaged citizens can be mitigated. Incorporates SJR 312 and SJR 317.	Substitute Agreed to by Senate

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Transportation Planning	<p>HB 1717 / SB 1293: Comprehensive Plan Transportation. (Anderson / Barker) Provides that VDOT must, in performing reviews of local transportation/comprehensive plans for consistency with the CTB's Statewide Transportation Plan, the Six-Year Improvement Program, and the location of routes for roads comprising systems of state highways, provide written comments to the locality within 90 days of receipt of the plan, or such other shorter period of time as may be agreed upon by the Department and the locality.</p>	<p>HB 1717: Amended, Passed House and Senate; Enrolled</p> <p>SB 1293: Amended, Passed Senate and House</p>
	<p>HB 1718 / SB 1075: Transportation Planning and Projects. (Anderson / Barker, Stewart) Amends legislation enacted last year providing for localities and MPOs to reimburse VDOT when the locality or MPO requests termination of a project for which state or federal funds have been expended—this legislation provides that reimbursement may be required only if VDOT does not agree to the termination. The bill also provides that if, after design approval by the Chief Engineer, a locality or MPO requests alterations to a project that result in increased project costs in excess of 10 percent of the original cost, the locality or MPO may be required to pay the additional costs.</p>	<p>HB 1718: Amended, Passed House and Senate; Enrolled</p> <p>SB 1075: Amended, Passed Senate and House; Enrolled</p>
	<p>HB 2239: Cash Proffers. (Marshall, D.) Provides that no cash payment proffered shall be used for any capital improvement to an existing facility, such as a renovation or technology upgrade, that does not expand the capacity of such facility or for any operating expense of any existing facility such as ordinary maintenance or repair. The legislation is not intended to impact cash proffers offered for road and/or transportation improvements.</p>	<p>Substitute Passed House and Senate; Enrolled</p>

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