

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 demonstration projects.	Passed House; Passed Senate
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 use of recreational access funds.	Passed House; Passed Senate
HB 2044: Recycled Materials in Highway Construction Advisory Committee. (Poindexter) Eliminates the Recycled Materials in Highway Construction Advisory Committee.	Passed House and Senate
HB 2105: Junkyards Policy and Definitions. (Villanueva) Makes technical amendments to conform Virginia's statutes with corresponding changes in federal nomenclature.	Passed House and Senate
HB 2106 / SB 1200: Regulation of Traffic. (Villanueva/Smith) Conforms Title 46.2 (Motor Vehicles) of the Code of Virginia to recent changes to the Manual on Uniform Traffic Control Devices.	HB 2106: Passed House w/ Amend; Passed Senate SB 1200: Passed Senate; Passed House
HB 2116 / SB 1209: 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 granting the Commissioner greater authority over administrative operations, matters involving the practice of civil engineering, and interaction with stakeholders. (Governor's Bill)	HB 2116: Passed House; Passed Senate SB 1209: Passed Senate w/ Amend; Passed House
HB 2186: Transfer of Property by VDOT. (Dudenhefer) Authorizes VDOT to exchange real property controlled by the Department in Albemarle County for private property owned by the Wachtmeister 1981 Revocable Trust.	Passed House; Passed Senate w/ Amend; House Concurs

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<p>Agency/Governor's Bills cont.</p>	<p><u>HB 2313</u>: Revenues and Appropriations of the Commonwealth. (Howell, W.) Raises the registration fees for vehicles and trailers and designates these increased revenues for the Commonwealth Mass Transit Fund and the Intercity Passenger Rail Operating and Capital Fund; increases gas tax to 22.5 cents per gallon on gasoline and gasohol, and liquid alternative fuel; reduces each gallon of diesel fuel at the rate of 1.5 cents (\$0.015) less than the rate in effect on gasoline and gasohol after yearly adjustment beginning in July 1, 2014; raises the state sales and use tax from 4% to 4.8% and designates the increased revenues for the Commonwealth Transportation Fund; establishes procedures for the collection of the state sales and use tax from remote sellers for sales, contingent upon the federal government passing legislation authorizing such collection; repeals the application of the local sales and use tax to the sale of certain fuels used for domestic consumption, and replaces the revenue for the localities that imposed the sales and use tax with a portion of the new revenues generated by the bill; the prohibition against the imposition and collection of tolls on any existing component of the Interstate Highway System within the Commonwealth shall not prohibit the imposition or collection of tolls pursuant to agreements entered into by the Commonwealth prior to July 1, 2013. Incorporates HB 1403, HB 1438, HB 1663, HB 1677, HB 1888, HB 2253. (Like SB 1355) (Governor's Bill)</p>	<p>Passed House w/ Amend; Passed Senate w/ Amend</p> <p>In Conference Committee</p>

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Bill Number/Bill Points		Status
Budget Amendments	<p><u>HB 1500 / SB 800</u>: Budget Bill. (Putney/Stosch) Amending Chapter 3, 2012 Special Session I Acts of Assembly.</p>	HB 1500 in Conference Committee
	<p><u>430 #1h</u>: Prohibits the use of state funding on Phase II of the Dulles Metro project unless the 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.</p>	
	<p><u>430 #2h / 430 #2s</u>: Restores language agreed to by the 2012 General Assembly regarding the source of transportation funding 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.</p>	
	<p><u>430 #3h</u>: Directs the Secretary of Transportation to evaluate the potential benefits of purchasing the Dulles Greenway, a private toll road, 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.</p>	
	<p><u>446 #1h</u>: Directs VDOT to examine the impacts of change in federal law and consider establishing a state funded transportation enhancement program. Changes to federal law exclude scenic or historic highway programs from what was formerly known as the Transportation Enhancements Program. Because of the wealth of historic tourism in Virginia as well as its natural scenic beauty, continuing to support enhancements and corridor management plans associated with Virginia's Civil War Trail, Virginia Wineries Trail, the Crooked Road, and other scenic byways enhances tourism throughout the Commonwealth and generates revenue. The Department shall submit finding and recommendations to the Chairmen of the House Appropriations, House Transportation, Senate Finance and Senate Transportation Committees no later than November 1, 2013.</p>	

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Budget Amendments cont.	<p><u>446 #1s:</u> Directs the Commonwealth Transportation Board to establish a state funded transportation enhancement program for Virginia Byways and dedicates \$500,000 to the Route 15 "Journey Through Hallowed Ground" project.</p>	
	<p><u>447 #1h / 447 #1s:</u> Provides additional maintenance funding based on the latest calculations for the additional 0.05 percent sales and use tax that is being redirected for transportation activities.</p>	
	<p><u>456 #1h:</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>	
	<p><u>C-35.30 #1h / C-35.30 #1s:</u> Authorizes the VDOT to exchange land parcels with an adjacent property owner in Keene to allow for a new septic system. The land parcel currently owned by VDOT is not suitable for a septic system.</p>	
	<p><u>3-5.09 #1h:</u> Stipulates that if legislation is not adopted by the 2013 Session of the General Assembly depositing an additional 0.05 percent of the general sales and use tax to the Highway Maintenance and Operating Fund, such amount, estimated at \$49.0 million would instead be utilized as an advance deposit to the Revenue Stabilization Fund.</p>	

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Bill Number/Bill Points		Status
CTB	<p><u>HB 1809</u>: Powers of the Commonwealth Transportation Board (CTB). (McQuinn) Limits the ability of the CTB to reallocate funds from certain local highway projects that are inconsistent with the CTB's Statewide Transportation Plan or the Six-Year Improvement Program.</p>	Passed House w/ Amend; Passed Senate
	<p><u>HB 2276</u> / <u>SB 1305</u>: 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, and preventing the Commonwealth and the VPA from accepting any unsolicited proposal under the 1995 PPTA or the 2002 PPEA regarding the ownership or operation of any seaport or port facility.</p>	<p>HB 2276: Passed House w/ Amend; Passed Senate w/ Amend; House Concurs</p> <p>SB 1305: Passed Senate w/ Amend; Passed House</p>

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	Bill Number/Bill Points	Status
<p>Funding/Revenue/Taxes</p>	<p><u>HB 1953:</u> U.S. Route 58 Corridor Development Program. (Poindexter) Authorizes the CTB, by and with the consent of the Governor, to issue at one time or from time to time, bonds of the Commonwealth to be designated "Commonwealth of Virginia Transportation Revenue Bonds, Series" in an aggregate principal amount not exceeding \$1.3 billion to finance the cost of the project plus an amount for the issuance costs, reserve funds, and other financing expenses. However, the additional amount of bonds that may be issued solely because of the amendments to this section by the 2013 Session of the General Assembly may be issued only if the debt service of such bonds can be met solely with the revenues provided to the Route 58 Corridor Development Fun . The provisions of this act shall not become effective unless a comprehensive, statewide transportation funding bill is passed by the 2013 Session of the General Assembly, and becomes law.</p>	<p>Passed House w/ Amend; Passed Senate w/ Amend; on House Calendar</p>
	<p><u>HJR 909:</u> Constitutional Amendment (first resolution); Transportation Funds. (Jones, S.) 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 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 Transportation 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.</p>	<p>Passed House w/ Amend; in Senate Privileges and Elections Committee</p>

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Bill Number/Bill Points	Status
Highways/Bridges/Signs HB 1508: 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; Passed Senate
HB 1633: 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.	Passed House w/ Amend; Passed Senate
HB 1885: 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.	Passed House w/ Amend; Passed Senate
HB 2029: 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.	Passed House w/ Amend; Passed Senate
HB 2215: "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; Passed Senate
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. A locality adopting an ordinance shall coordinate the enforcement and placement of any stop signs affecting a shared-use path owned and operated by a park authority with such authority.	HB 2217: Passed House w/ Amend; Passed Senate SB 959: Passed Senate w/ Amend; Passed House w/ Amend; Senate Concurs

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Bill Number/Bill Points		Status
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 cannot do so when the vehicle is being used to commute.</p>	Passed House w/ Amend; Passed Senate
	<p>HB 2052 / SB 1204: HOT Lanes. (Rust/McDougle) Allows state and law-enforcement vehicles, firefighting trucks, ambulances, and rescue squad vehicles to enter HOT lanes by crossing a barrier or buffer and not be guilty of reckless driving. That an emergency exists and this act is in force from its passage. (VSP Agency Bill)</p>	<p>HB 2052: Passed House w/ Amend; Passed Senate</p> <p>SB 1204: Passed Senate; Passed House w/ Amend; Senate Concurs</p>
Outdoor Advertising	<p>HB 2298 / SB 820: Billboards. (Anderson/Puckett) Establishes conditions under which certain billboard signs may be relocated if land on which the billboard sign is located is acquired by eminent domain in connection with a highway project.</p>	<p>HB 2298: Passed House w/ Amend; Passed Senate</p> <p>SB 820: Passed Senate w/ Amend; Passed House</p>
	<p>SB 888: Advertising Within Highway Rights-of-Way. (Deeds) Provides that penalties and costs collected as the result of an agreement between the Commissioner of Highways and a locality to enforce the prohibition on advertising within highway rights-of-way may be paid as agreed. (Like HB 1328)</p>	Passed Senate; Passed House w/ Amend; Senate Concurs

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Overweight/Weight Limits	<p>HB 1985: Vehicle Weight Limits and Overweight Permits. (May) 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 motor vehicles that utilize an auxiliary power unit or other idle reduction technology in order to promote reduction of fuel use and emissions due to engine idling and increases allowable weights for certain vehicles hauling Virginia-grown farm products. Also, increases the gross weight for vehicles hauling farm produce grown in Virginia based on the axle combination.</p>	Passed House w/ Amend; Passed Senate
	<p>HB 2228: Overweight Vehicle Permit Fees. (Morefield) Provides that the engineering analysis performed prior to issuance of an overweight vehicle permit is not to exceed three hours.</p>	Passed House; Passed Senate

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<p>PPTA</p>	<p><u>HB 1692:</u> PPTA Proposals Comprehensive Agreements. (Jones, C.) Requires that for proposals submitted the notice 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>	<p>Passed House w/ Amend; Passed Senate</p>
	<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 in cases of the procurement of commercial or financial consulting services related to a qualifying transportation facility under the 1995 PPTA or a qualifying project under the 2002 PPEA, where the commercial or financial consulting services are sought to solicit or to solicit and evaluate proposals for the qualifying transportation facility or the qualifying project. The bill defines "private entity," "qualifying transportation facility," and "qualifying project."</p>	<p>Passed House; Reported from Senate General Laws and Technology Committee</p>

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Bill Number/Bill Points	Status
<p>PPTA cont.</p>	<p>SB 977: 1995 PPTA and the Public-Private Education Facilities and Infrastructure Act of 2002. (Lucas) Requires public entities to post a notice, when they receive a proposal under the PPTA, and allow a 120-day submission period for competing proposals. The bill requires the notice to include information on the proposal and the public comment opportunities. The bill further requires, after negotiations are complete and a decision to award is made, that the public entity post the major business points of the agreement and outline how the public can submit comments. (Like HB 1814, HB 2258, SB 1081)</p>
<p>Procurement/Contracting</p>	<p>HB 2079: 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>

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Property Conveyance	<p><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.</p>	Passed House w/ Amend; Passed Senate w/ Amend; House Concur
	<p><u>HB 2306:</u> Eminent Domain Just Compensation. (Ramadan) Provides that just compensation paid for real property taken pursuant to eminent domain shall not be less than the appraisal of the fair market value of such property, if such an appraisal is required, 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, just compensation shall not be less than the appraisal of fair market value if such an appraisal is required. Nothing in this section shall make evidence of tax assessments admissible as proof of value in an eminent domain proceeding.</p>	Passed House w/ Amend; Passed Senate
	<p><u>SB 1317:</u> Property Conveyance to the Mennel Milling Company. (Smith) Modifies a 2011 enactment whereby DGS was instructed to convey certain real property to the Mennel Milling Company located in Roanoke County, Virginia. Provides that the conveyance is to be made at no cost to the Commonwealth relating to the conveyance such 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 by the Commonwealth in connection with the use of the parcel conveyed. The bill also removes the emergency clause on the 2011 enactment.</p>	Passed Senate w/ Amend; Reported from House Appropriations Committee

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Tolls	<p><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. (Like HJR 675, HR 130)</p>
Transportation Planning	<p><u>HB 1717:</u> Comprehensive Plan Transportation. (Anderson) Provides that the transportation component of a local comprehensive plan shall be consistent with various state and local transportation plans. The Department shall provide such written comments to the locality within 90 days of receipt of the plan or amendment, or such other shorter period of time as may be otherwise agreed upon by the Department and the locality.</p>
	<p><u>HB 1718 / SB 1075:</u> Transportation Planning and Projects. (Anderson / Barker, Stewart) Requires a locality to repay the Department when a locality requests termination of a project and the Department does not agree to the termination. The bill also expands the step before a locality requests alterations to a project to include the approval of project scope and final engineering by the Chief Engineer.</p>
	<p><u>HB 2239:</u> 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.</p>
	<p><u>SB 1293:</u> Comprehensive Transportation Plan. (Barker) Provides that the transportation component of a local comprehensive plan shall be consistent with various state and local transportation plans. The Department shall provide such written comments to the locality within 45 days of receipt of the plan or amendment, or by such other shorter period of time deadline as may be otherwise agreed upon by the Department and the locality.</p>