



# **Legislative Briefing for the Commonwealth Transportation Board**

**February 20, 2008**

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During the 2008 legislative session, 2969 bills have been introduced in the General Assembly; currently 1268 bills are pending in both houses. We are currently tracking around 101 bills that relate to transportation. The General Assembly is scheduled to adjourn on March 8<sup>th</sup> and reconvene on April 16<sup>th</sup> to consider the Governor's amendments and vetoes. Provided below are some highlights from this session.

### **Abusive Driver Fees**

- Two bills propose to repeal § 46.2-206.1 relating to the imposition of civil remedial fees on certain drivers. (HB 1243 and SB 1)

### **Access Management Regulations**

- Two bills propose to promulgate the access management standards in phases. Standards relating to principal arterial roads shall become effective on July 1, 2008 and are not subject to APA. Standards relating to minor arterial roads and collector roads shall become effective on October 1, 2009 and are subject to the requirements of APA. These bills have an emergency clause. (HB 1572 and SB 370)

### **Impact Fees**

- A bill proposes to limit proffers for residential rezonings to non-cash proffers starting July 1, 2009. The bill expands the number of localities authorized to assess impact fees. In addition to roads, the bill allows for impact fees to be assessed for schools, public safety facilities, and on all new development. Sets maximum impact fees and requires reporting to the Commission on Local Government. (SB 768)

### **Incident Management**

- A bill proposes to improve the Commonwealth's incident management response by allowing law enforcement to move vehicles involved in accidents to the nearest exit ramp or public parking area to conduct an accident investigation. (HB 1302)

### **Overweight Vehicles**

- A bill proposes to eliminate the 85-mile distance limit for coal truck permits. (HB 144)
- A bill proposes to require VDOT to work with DMV and representatives of other industries that own and/or operate overload and overweight vehicles, to review the current fee structure applied to these vehicles to determine if additional fees are needed. Based on this review, legislation regarding the fee structure shall be provided to the Governor and members of the Senate Finance and Transportation Committees and House Appropriations and Transportation Committees no later than December 1, 2008. These vehicles will be required to pay an annual overweight fee of \$265 from July 1, 2008 to June 30, 2009. (HB 1551)

### **Revenue Sharing**

- Two bills propose to eliminate maintenance as an allowable activity for the use of revenue sharing funds and remove the limitation on the use of proffer funds being used for local matching funds. Clarifies minimum program funding as not less than \$15 million each fiscal year. (HB 111 and SB 99)

### **Tolls**

- Two bills that are proposed prohibit the CTB from imposing or collecting tolls on any component of the Interstate Highway System that includes all or any portion of I-81 without prior approval from the General Assembly. Also, a private entity is prohibited from imposing tolls or users fees on any existing rural portion of I-81 without approval from the General Assembly. (HB 1516 and SB 754)



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Category	Bill Number/Bill Points	Status
<b>Abusive Driver Fees</b>	<b>HB 161: Mandatory Minimum Fines for Traffic Fines. (Albo, D.)</b> Amends several sections of the Code relating to mandatory minimum fines for traffic fines.	Substitute Passed House; in Senate Transportation Committee
	<b>HB 1243: Civil Remedial Fees. (Hugo, T.)</b> Repeals § 46.2-206.1, which provides for the imposition of civil remedial fees on certain drivers. The bill contains an emergency clause.	Amended, Passed House; Rereferred from Senate Transportation Committee to Senate Courts of Justice Committee
	<b>SB 1: Civil Remedial Fees. (Houck, R.)</b> Repeals § 46.2-206.1, which provides for the imposition of civil remedial fees on certain drivers. The bill contains an emergency clause.	Substitute Amended, Passed Senate; Rereferred from House Transportation Committee to House Courts of Justice Civil Subcommittee



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Category	Bill Number/Bill Points	Status
<b>Access Management Regulations</b>	<b>HB 1572: Comprehensive Highway Access Management Standards. (Hull, R.)</b> Provides that comprehensive access management standards shall be promulgated in phases. Such standards as they relate to principal arterial roads shall become effective on July 1, 2008 and shall not be subject to the APA. Standards that relate to minor arterial roads and collector roads shall become effective on October 1, 2009 and shall be subject to the requirements of APA. The legislation includes an emergency clause.	Substitute Passed House; in Senate Transportation Committee
	<b>SB 370: Highway Access Management Standards. (Watkins, J.)</b> Provides that, until July 1, 2008, the Commissioner shall not be subject to the requirements of the Administrative Process Act (APA) as may be necessary to promulgate the first phase of the comprehensive highway access management standards that shall become effective on that date. However, the Commissioner, in consultation with the CTB, shall promulgate additional phases of the comprehensive highway access management standards, subject to the requirements of the APA that shall become effective no later than October 1, 2009. This legislation includes an emergency clause.	Substitute Passed Senate; Substitute Passed House



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Category	Bill Number/Bill Points	Status
Authorities Bills	<b>HB 361: Sales and Use Tax on Motor Vehicle Repairs. (Purkey, H.)</b> Provides that the sales and use tax on motor vehicle repairs in the localities embraced by the Northern Virginia and the Hampton Roads Transportation Authorities does not include charges for towing of motor vehicles or to the provision of emergency road services on any highway of the Commonwealth, as defined in § 46.2-100.	Amended, Passed House; in Senate Finance Committee
	<b>HB 451: Composition of the Northern Virginia Transportation Authority Membership. (Rust, T.)</b> Increases the membership from 16 to 17 by adding a town representative.	Amended, Passed House; in Senate Local Government Committee
	<b>HB 649/SB 728: Collection of Annual License and Registration Fees and Civil Remedial Fees. (Hogan, C./Saslaw, R.)</b> Prohibits licensed motor vehicle dealers from collecting any additional license and registration fees imposed by the Hampton Roads Transportation Authority and/or the Northern Virginia Transportation Authority.	HB 649: Passed House; Substitute Reported from Senate Transportation Committee  SB 728: Amended, Passed Senate; in House Transportation Committee
	<b>SB 729: Northern Virginia Transportation Authority. (Saslaw, R.)</b> Authorizes the Authority to impose a 0.50 percent retail sales and use tax in the counties and cities embraced by the Authority with the revenues there from dedicated to the Authority. The bill provides that if the Authority imposes the retail sales and use tax, then, beginning at such time that the tax is first imposed, the Authority shall no longer be authorized to impose the (i) additional, one-time vehicle registration fee of one percent of the value of the vehicle for vehicles registered in a county or city embraced by the Authority; (ii) five percent sales tax on labor or services charged in the repair of motor vehicles occurring within a county or city embraced by the Authority; or (iii) additional annual \$10 vehicle inspection fee for vehicles inspected in a county or city embraced by the Authority.	Amended, Passed Senate; in House Finance Subcommittee #1



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Highways/Bridges	<b>HB 326: Speed Limits on Rural Rustic Roads. (Saxman, C.)</b> The maximum speed limit on any highway designated a rural rustic road pursuant to § 33.1-70.1 shall be 35 miles per hour; however, all speed limits on rural rustic roads in effect on July 1, 2008, shall remain in effect unless and until changed subsequent to a traffic engineering study.	Substitute Passed House; Reported from Senate Transportation Committee
	<b>HB 453: School Bus Stop Indicators. (Rust, T.)</b> Allows any local school board to install signs or other devices to indicate school bus stops. Installation of school bus stop signs or other devices on any state-maintained highway shall be approved by the Department prior to installation. Maintenance, repair, and replacement of school bus stop signs shall be the responsibility of the local school board. The Department, in conformance with the Department's current policies for emergency snow removal operations, shall use its best efforts to ensure that signed school bus stop areas shall not be obstructed by snow removal operations.	Substitute Passed House; Amended, Reported from Senate Transportation Committee
	<b>HB 788: Highway Maintenance Payments to Counties. (Ingram, R.)</b> Allows counties that maintain their own secondary highways (Henrico and Arlington) to receive the same per-lane-mile maintenance payments provided for roads within urban transportation service districts in other counties.	Amended, Passed House; in Senate Transportation Committee
	<b>HB 1406: Rural Rustic Road Program. (May, J.)</b> Increases from 1,000 to 1,500 vehicles per day the maximum average daily traffic volume for roads to be eligible to participate in the rural rustic road program.	Amended, Passed House; Reported from Senate Transportation Committee
	<b>SB 153: VDOT Maintenance Community Service Program. (Stuart, R.)</b> Requires the Commissioner to establish a program whereby nonviolent misdemeanants who have a suspended sentence or who are on probation will mow rights-of-way or perform other landscaping tasks VDOT is responsible for. The bill provides civil immunity for officials who participate.	Passed Senate; in House Courts of Justice Subcommittee: Criminal



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<b>HOV/HOT Lanes</b>	<b>HB 454/SB 570: HOT Lanes. (Rust, T./Saslaw, R.)</b> Revises procedures for enforcement of HOT lanes violations.	HB 454: Amended, Passed House SB 570: Amended, Passed Senate
	<b>HB 1014: HOV Lanes. (Hugo, T.)</b> Extends until July 1, 2010, the "sunset" the provision allowing vehicles bearing clean special fuel license plates to use HOV lanes regardless of the number of their passengers.	Substitute Amended, Passed House; in Senate Transportation Committee
<b>Impact Fees/Proffers</b>	<b>SB 768: Conditional Zoning Impact Fees. (Watkins, J.)</b> Limits proffers for residential rezonings to non-cash proffers starting July 1, 2009. Cash proffers may be accepted for developments composed of five acres or five parcels or less. Expands the number of localities authorized to assess impact fees. Allows for impact fees to be assessed for schools and public safety facilities, in addition to roads, and to be assessed on all new development. Sets maximum impact fees and requires reporting to the Commission on Local Government.	Substitute Amended, Passed Senate; in House Rules Committee
	<b>HB 1084: Approval of Certain Proffered Conditions. (Englin, D.)</b> Provides that in any instance in which a locality has accepted proffered conditions that include pedestrian improvements and VDOT has reviewed and not objected to the proposed improvements during the processing of the rezoning, VDOT shall allow the proffered improvements to be constructed, except when such improvements will violate local, state, or federal laws, regulations, or mandated engineering and safety standards in a "transit station area," as defined by a locality. VDOT may review such improvements, but any final approval of the improvements shall rest with the governing body.	Amended, Passed House; in Senate Local Government Committee



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<b>Land Use and Environment</b>	<b>SB 447: LEED Standards. (Petersen, J.)</b> Requires any state agency authorized by the General Assembly to undertake a major facility project located on state-owned land, to build to Green Building design standards, unless granted an exemption by the DGS Director. Such projects shall not be required to obtain official Green Building design certification. DGS shall promulgate such regulations as are necessary to enforce this article and shall include criteria for determining when a project qualifies for an exemption from the Green Building design standard and the building standards that may be imposed on projects that are granted exemptions.	Substitute Passed Senate; in House General Laws Subcommittee: FOIA
<b>Miscellaneous</b>	<b>SB 189: Highway Construction by State or Local Employees. (Herring, M.)</b> Increases the maximum cost of project that may be undertaken using state or local employees to \$1 million.	Passed Senate; in House Transportation Committee
<b>Natural Resources Bill</b>	<b>SB 234: Greenhouse Gas Emissions. (Whipple, M.)</b> Requires that the State Air Pollution Control Board adopt regulations requiring the annual reporting and self-certification of direct greenhouse gas emissions from stationary sources. The regulations would apply only to those sources that emit more than a de minimis amount of greenhouse gas and that are already required to report emissions of other air pollutants. Beginning in 2009, VDOT shall annually provide DEQ with information to maintain a greenhouse gas emissions inventory for roads throughout the Commonwealth, including information regarding annual vehicle miles traveled, traffic trends, and characteristics of vehicles.	Substitute Amended, Passed Senate; in House Commerce and Labor Committee



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<b>Overweight Vehicles</b>	<b>HB 144: Overweight Coal Trucks. (Kilgore, T.)</b> Eliminates the 85-mile distance limit for coal truck permits.	Passed House; in Senate Transportation Committee
	<b>SB 55: Overweight Permits for Tank Wagons. (Houck, R.)</b> Increases total gross weight from 36,000 to 40,000 pounds for overweight permits for tank wagons.	Passed Senate and House
<b>Pedestrian Safety</b>	<b>HB 1478: Pedestrian Control Signals. (Toscano, D.)</b> Clarifies the criteria for special pedestrian control signals exhibiting the words, numbers, or symbols meaning "Walk" or "Don't Walk".	Amended, Passed House; in Senate Transportation Committee
	<b>SB 644: Pedestrians and Drivers. (Ticer, P.)</b> Sets out the responsibilities of pedestrians and drivers at marked and unmarked crosswalks.	Passed Senate; in House Transportation Committee
<b>PPTA</b>	<b>HB 627: PPTA. (May, J.)</b> Allows the responsible public entity, for any project with an estimated construction cost of \$50 million, to require the private entity to pay the costs for an independent audit of any and all traffic and cost estimates associated with the private entity's proposal, as well as a review of all public costs and potential liabilities to which taxpayers could be exposed (including improvements to other transportation facilities that may be needed as a result of the proposal, failure by the private entity to reimburse the responsible public entity for services provided, and potential risk and liability in the event the private entity defaults on the comprehensive agreement or on bonds issued for the project). This independent audit shall be conducted by an independent consultant selected by the responsible public entity, and all such information from such review shall be fully disclosed.	Substitute Passed House; Amended, Reported from Senate Transportation Committee



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<b>Revenue Sharing</b>	<p><b>HB 111: Revenue-Sharing Funds. (Scott, E.)</b> Modifies the current prioritization criteria by eliminating criteria (i) and modifying criteria (ii). Eliminates maintenance as an allowable activity for the use of revenue sharing funds and removes the limitation on the use of proffer funds being used for local matching funds. Clarifies minimum program funding as not less than \$15 million each fiscal year. Adds improvement and reconstruction as eligible activities. The changes identified in clause (i) of paragraph B would become effective on July 1, 2009 (FY2010).</p> <p><b>SB 99: Revenue Sharing Funds. (Ruff, F.)</b> Modifies the current prioritization criteria by eliminating criteria (i) and modifying criteria (ii). Eliminates maintenance as an allowable activity for the use of revenue sharing funds and removes the limitation on the use of proffer funds being used for local matching funds. Clarifies minimum program funding as not less than \$15 million each fiscal year. Adds improvement and reconstruction as eligible activities. The changes identified in clause (i) of paragraph B would become effective on July 1, 2009 (FY2010).</p>	<p>Substitute Passed House; in Senate Transportation Committee</p> <p>Substitute Passed Senate; in House Transportation Subcommittee #4</p>



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Studies/Reports	<b>HB 1116: Environmental Impact Reports. (Abbitt, W.)</b> Requires an environmental impact report be done for any major state construction project that will cost \$500,000 or more. The current threshold amount requiring such a report is \$100,000.	Amended, Passed House; Reported from Senate Agriculture, Conservation, and Natural Resources Committee
	<b>HB 1259: Environmental Impact Reports on Highway Projects. (O'Bannon, J.)</b> Requires any county, city, or town to submit an environmental impact report in connection with a highway construction, reconstruction, or improvement project only when such project costs more than \$1 million.	Substitute Passed House and Senate
	<b>HJR 159: U.S. Route 460 Communications Committee Report. (Jones, S.)</b> Continues the U.S. Route 460 Communications Committee until commencement of construction of the U.S. 460 project as approved by the CTB in November 2005. Report.	Substitute Agreed to by House; in Senate Rules Committee
	<b>HJR 178: Urban Development Areas Report. (Athey, C.)</b> Establishes a joint subcommittee to study development and land use tools in Virginia's localities. The joint subcommittee shall examine and monitor the transition to channeling development into Urban Development Areas, and determine if additional legislation is needed to help localities as they transition to Urban Development Areas. The joint subcommittee shall also make a comprehensive evaluation of all existing land use planning tools and infrastructure financing options and make any recommendations deemed appropriate.	Substitute Agreed to by House; in Senate Rules Committee
	<b>HJR 194: Study Transportation Network of Hampton Roads. (Jones, S.)</b> Establishes a 10-member joint subcommittee to conduct a one-year study of the transportation network of Hampton Roads.	Agreed to by House; in Senate Rules Committee



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Category	Bill Number/Bill Points	Status
Studies/Reports (cont.)	<b>SB 43: Environmental Impact Reports on Highway Projects. (O’Bannon, J.)</b> Requires any county, city, or town to submit an environmental impact report in connection with a highway construction, reconstruction, or improvement project only when such project costs more than \$1 million.	Amended, Passed Senate; in House Agriculture, Chesapeake, and Natural Resources Committee
	<b>SJR 32: Energy Efficient Office and Public Buildings. (Puller, L.)</b> Establishes a joint subcommittee to study options for energy efficient office and public buildings. The joint subcommittee is to propose amendments to the Statewide Building Code and to public building procurement requirements.	Substitute Agreed to by Senate; in House Rules Committee
	<b>SJR 70: Urban Development Areas Report. (Vogel, J.)</b> Establishes a Senate joint subcommittee to study the required and voluntary incorporation of urban development areas into localities' comprehensive plans. The Secretaries of Commerce and Trade and Transportation shall serve ex officio with voting privileges.	Amended, Agreed to by Senate; in House Rules Committee
	<b>SJR 92: Entities with Transportation Responsibilities Report. (Stolle, K.)</b> Establishes a 5-member joint subcommittee to study the functions and authorities of entities with transportation responsibilities, initially focusing its efforts on the Hampton Roads region. It shall also review the statutory functions and authorities of the federally mandated MPOs, the PDCs and transportation authorities.	Substitute Agreed to by Senate; in House Rules Committee
	<b>SJR 119: Retroreflective Material on Stop Sign Posts Report. (Barker, G.)</b> Requests VDOT to study the feasibility, costs, and benefits of applying retroreflective material to stop and yield sign posts statewide.	Amended, Agreed to by Senate; in House Rules Committee



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Category	Bill Number/Bill Points	Status
<b>Studies/Reports (cont.)</b>	<b>SJR 122: Enhancing Rapid Transit Service in Northern Virginia Report. (Colgan, C.)</b> Establishes a joint subcommittee to study enhancing rapid transit service in Northern Virginia.	Substitute Agreed to by Senate; in House Rules Committee



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<b>Taxes</b>	<b>HB 579: Sales and Use Tax. (Cosgrove, J.)</b> Modifies the current formula that compensates dealers with a percentage of the sales and use tax they collect by including the local sales and use tax collected in the Northern Virginia Transportation District and the Hampton Roads Transportation District on motor vehicle repair services.	Substitute Passed House; in Senate Finance Committee
	<b>SB 713: Motor Fuels Taxes. (Saslaw, R.)</b> Increases the state motor fuels tax rate by \$0.05 per gallon in increments of \$0.01 per gallon in each of the next five fiscal years with the revenues deposited to the HMOF.	Passed Senate; in House



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<b>Tolls</b>	<b>HB 1140: Tolls. (May, J.)</b> Provides for a method of toll adjustments, a method of financial oversight of roadway operators, and a method of assessment of the property of roadway operators by the SCC under the Virginia Highway Corporation Act and to provide for the establishment of the rate of taxation of such roadway property under the Tax Code of Virginia.	Substitute Passed House; in Senate Commerce and Labor Committee
	<b>HB 1516: PPTA Tolls on Interstate Highways. (Gilbert, C.)</b> Prohibits a private entity from imposing tolls or user fees on any existing rural interstate highway without the prior approval of the General Assembly if the affected interstate system component is I-81.	Substitute Passed House; in Senate Transportation Committee
	<b>SB 754: PPTA Tolls on Interstate Highways. (Obenshain, M.)</b> Prohibits a private entity from imposing tolls or user fees under the PPTA on any existing rural interstate highway without the prior approval of the General Assembly if such component is I-81.	Substitute Passed Senate; in House Transportation Subcommittee #4
	<b>SB 778: Virginia Highway Corporation Act of 1988 Tolls on the Dulles Greenway. (Herring, M.)</b> Authorizes the SCC in any toll rate case under the 1988 Virginia Highway Corporation Act to exclude from the accounts of the operator any payment to an affiliated interest for any services rendered or property or service furnished, if it is not consistent with the public interest.	Substitute Passed Senate; in House Commerce and Labor Committee



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<b>Transportation Funding</b>	<b>HB 29: Budget Bill.</b> Amends Chapter 847 of the 2007 Acts of Assembly, which appropriated revenues for the two years ending, respectively, on the thirtieth day of June, 2007, and the thirtieth day of June, 2008.	Amended, Reported from House Appropriations Committee
	<b>HB 30: Budget Bill.</b> Provides a portion of revenues for the two years ending respectively on the thirtieth day of June, 2009, and the thirtieth day of June, 2010.	Amended, Reported from House Appropriations Committee
	<b>SB 29: Budget Bill.</b> Amends Chapter 847 of the 2007 Acts of Assembly, which appropriated revenues for the two years ending, respectively, on the thirtieth day of June, 2007, and the thirtieth day of June, 2008.	Amended, Reported from Senate Finance Committee
	<b>SB 30: Budget Bill.</b> Provides a portion of revenues for the two years ending respectively on the thirtieth day of June, 2009, and the thirtieth day of June, 2010.	Amended, Reported from Senate Finance Committee
	<b>SB 597: Virginia Racing Commission Simulcast Horse Racing. (Norment, T.)</b> Authorizes wagering on historical horse racing and allocates the proceeds.	Amended, Passed Senate; in House Finance Committee



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<b>Transportation Planning</b>	<b>HB 147: Office of Intermodal Planning and Investment of the Secretary of Transportation and the Statewide Transportation Plan. (Fralin, W.)</b> Requires, in conjunction with the update of the Statewide Transportation Plan, but not more than once every five years, the Office of Intermodal Planning and Investment, in coordination with VDOT, DPRT and the respective metropolitan planning organization or transportation authority, to collect and report data regarding the modal share of trips for driving, transit, carpooling, telecommuting, walking, and bicycling for the Northern Virginia and Hampton Roads Transportation Authorities and the Fredericksburg and Richmond MPOs.	Substitute Passed House; in Senate Transportation Committee
	<b>SB 233: Statewide Transportation Plan. (Whipple, M.)</b> Requires that the Statewide Transportation Plan shall include quantifiable measures and achievable goals relating to, but not limited to, congestion reduction and safety, transit and high-occupancy vehicle facility use, job-to-housing ratios, job and housing access to transit and pedestrian facilities, air quality (including greenhouse gas emissions), and per capita vehicle miles traveled.	Amended, Passed Senate; in House Transportation Committee



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VDOT Bills	<b>HB 1302: Incident Management. (Nichols, P.)</b> Improves the Commonwealth’s incident management response by allowing law enforcement to move vehicles involved in accidents to the nearest exit ramp or public parking area to conduct an accident investigation.	Amended, Passed House; Rereferred from Senate Transportation Committee to Senate Courts of Justice Committee
	<b>HB 1551: Vehicle Overweight and Overload Permits. (Bowling, D.)</b> Requires VDOT, in consultation with DMV and representatives of the industries that own and/or operate overload and overweight vehicles, to review the current fee structure applied to overload and overweight vehicles operating on the highways to determine what, if any, additional fees should be associated with damage and additional maintenance costs caused by such vehicles and what mechanism is best suited for the collection of such additional fees. Based on this review, the VDOT Commissioner, in consultation with DMV and affected industry representatives, shall recommend legislation regarding the fee structure applied to overload and overweight vehicles operating on the highways to the Governor and the members of the Senate Finance and Transportation Committees and the House Appropriations and Transportation Committees no later than December 1, 2008. These vehicles will be required to pay an annual overweight fee of \$265 from July 1, 2008 to June 30, 2009.	Substitute Passed House; in Senate Transportation Committee
	<b>SB 210: FOIA Audit Records of VDOT. (Stosch, W.)</b> Creates a FOIA exemption for trade secrets; including but not limited to financial records, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; and revenue and cost projections supplied by a private or nongovernmental entity to the Inspector General of VDOT for the purpose of an audit, special investigation, or any study requested by the Inspector General's Office.	Amended, Passed Senate; Reported from House General Laws Committee