

CTB – 2023 Legislation

Bill Number/Bill Points	Status
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Secretariat-Related BILLS	
<p><u>HB 2302 / SB 1106: TPOF. (Adams, L. / Newman, S.)</u> Adds to the purposes of the Transportation Partnership Opportunity Fund (TPOF), enhancement of economic development opportunities of the Commonwealth’s Transportation Program. Authorizes the Governor to direct funds from the Transportation Partnership Opportunity Fund to the Commonwealth Transportation Board (the Board) for transportation projects determined to be necessary to support major economic development initiatives or to enhance the economic development opportunities of the Commonwealth's transportation programs when recommended by the Secretary of Transportation and Secretary of Commerce and Trade. These directed funds do not have a specified limit, however, the bill provides that when funds are directed in excess of \$5 million, the Secretary of Transportation shall submit a report, content designated in the bill, to the Chairmen and staff directors of Senate Finance and Appropriations and House Appropriations within 30 days of such direction of funds. The bill provides that any transfer of funds of a cumulative amount in excess of \$35 million on any one project shall be submitted for review to the MEI Project Approval Commission (the Commission). The Commission shall complete the review within 14 days. If such transfer is not recommended by the Commission the transfer is prohibited unless authorized by the General Assembly. Absent a recommendation that the funds should not be directed or if the MEI makes no recommendation within the 14 days, the funds may be directed. The bill authorizes the use of grants, funds directed to the Board, or revolving loans for purposes currently authorized under the statute and adds as permissible uses, property acquisition and new or improved infrastructure to support economic development opportunities of the Commonwealth's transportation programs. However, the bill clarifies that it is not intended to authorize use of eminent domain for any purpose otherwise prohibited by law (section 1-219.1 or the Virginia Constitution). Includes an enactment clause to state that the Board shall ensure that no project shall be undertaken exclusively for economic development purposes. (Governor's Bill)</p>	<p>HB 2302: Substitute, Passed House; Substitute Amended, Passed Senate; Senate Substitute with amendments rejected by House; Conference Substitute agreed to by House and Senate; Enrolled; Approved by Governor – Chapter 546 (effective 7/1/23)</p> <p>SB1106: Substitute Passed Senate; Substitute Passed House; House Substitute rejected by Senate; Conference substitute agreed to by Senate and House; Enrolled; Approved by Governor – Chapter 547 (effective 7/1/23)</p>

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VDOT-Related BILLS	
<p><u>SB 1035:</u> Bridges; state of good repair; allocation of funds. (McPike, J.) Designates bridges with a general condition rating, defined in the bill, of no more than five for at least one major bridge component (which would include structurally deficient and “cusp” bridges) as eligible for state of good repair (SGR) funds. Currently, only structurally deficient bridges are eligible for SGR funding. The bill authorizes the use of SGR funds not only for bridge reconstruction or replacement but also for the implementation of improvements anticipated to extend the useful life of a bridge by at least 10 years. The bill changes the funding distribution standard from an equitable needs-based distribution, with minimum and maximum percentage limits for a given district and a process to exceed such limits when necessary, to a strictly needs-based distribution of funding among the highway construction districts, with no distribution limitations. The provisions of the bill shall apply to new project allocations made by the Board after June 1, 2024.</p>	<p>Substitute Passed Senate and House; Enrolled; Governor’s Recommendation received by Senate</p>
<p><u>HB 2034:</u> Joint meeting; National Capital Region Transportation Planning Board. (Sewell, B.) Directs the CTB to invite a VA representative of the National Capital Region Transportation Planning Board (NCRTPB) Steering Committee to participate in and present information at the annual joint transportation meeting of the NVTA, NVTC, VRE and the CTB concerning projects in Planning District 8. The bill clarifies that the NCRTPB is not required to participate in the meeting. The bill requires the meeting to be made available online in a manner that allows the public to contemporaneously view and hear the meeting. In the event that online transmission of the meeting to the public fails, the meeting is not required to recess until public access is restored online.</p>	<p>Substitute Passed House and Senate; Enrolled; Approved by Governor – Chapter 316 (effective 7/1/23)</p>
<p><u>HB 2104:</u> School crossing zones. (Bourne, J.) The bill increases the maximum boundaries of a school crossing zone from 600 feet to 750 feet from the limits of school property.</p>	<p>Substitute Passed House and Senate; Enrolled; Approved by Governor – Chapter 84 (effective 7/1/23)</p>

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<p><u>SB 1069:</u> Drivers stopping for pedestrians; certain signs; stops. (Saslaw, R.) Requires the driver of a vehicle on a highway approaching a pedestrian who is crossing such highway to stop when such pedestrian is within the driver's lane or within an adjacent lane and approaching the driver's lane. Currently, a driver is required to yield the right-of-way to such pedestrian by stopping and remaining stopped. The bill also provides that localities that are already authorized to install signs directing motor vehicles to yield the right-of-way to pedestrians crossing or attempting to cross a highway may also install signs directing motor vehicles to stop for such pedestrians.</p>	<p>Amended, Passed Senate and House; Enrolled; Approved by Governor – Chapter 117 (effective 7/1/23)</p>
<p><u>SB 861:</u> Traffic control device violation monitoring systems. (Locke, M.) Authorizes localities in Planning District 23, after completing an engineering safety analysis that addresses congestion, accident rates, and driver disregard for traffic control devices, to establish traffic control device violation monitoring systems, defined in the bill, imposing monetary liability on the operator of a motor vehicle for failure to comply with traffic control devices at any intersection deemed by the local governing body to be negatively impacted by traffic due to the Hampton Roads Bridge-Tunnel Express Lanes Hampton Segment (4C) Project. Before implementing such system, the governing body of the implementing locality shall complete an engineering safety analysis that addresses the impact of the HREL-P on congestion, accident rates, and driver disregard for traffic control devices. The bill expires on July 1, 2027, or upon certification by the Secretary of Transportation that the Hampton Roads Bridge-Tunnel Express Lanes Hampton Segment (4C) Project is complete, whichever occurs earlier.</p>	<p>Substitute Passed Senate; Substitute Passed House; House Substitute agreed to by Senate; Enrolled; Approved by Governor – Chapter 738 (effective 7/1/23)</p>

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<p><u>HB 1807 / SB 1392:</u> State agency compliance with flood plain management regulations. (Bloxom, R. / Lewis, L.) Directs DCR, no later than September 30, 2023, and in cooperation with numerous Secretariats and the Special Assistant to the Governor for Coastal Adaptation and Protection, to establish standards for development in a flood plain for all state agencies and departments. Such standards shall require at least compliance with the National Flood Insurance Program and shall require that any development undertaken by an agency or department on state-owned land located in a Special Flood Hazard Area be protected or flood-proofed against flooding and flood damage. The bill also requires any state agency or department, when developing a facility on state-owned property located in a flood plain, to either adhere to all local flood plain management regulations or receive DCR approval of compliance with the applicable state standard for development in a flood plain, provided that such standard does not jeopardize a locality's participation in the National Flood Insurance Program. Such compliance shall be documented and provided by DCR to the applicant prior to preliminary design approval of a project by DGS. The bill allows DCR to issue a variance if no feasible alternative to developing a facility in the flood plain exists and if one of several other conditions provided in the bill is met. (DCR Agency Bill)</p>	<p>HB 1807: Passed House; Substitute Passed Senate; Senate Substitute agreed to by House; Enrolled; Governor's Recommendation received by House</p> <p>SB1392: Substitute Passed Senate; Amended, Passed House; House Amendment agreed to by Senate; Enrolled; Governor's Recommendation received by Senate</p>
<p><u>HB 2393:</u> Coastal resilience policy; research university collaborative. (Hodges, M.) Authorizes the Secretary of Natural and Historic Resources and all relevant agencies, when setting coastal resilience policies, to seek input and consultation from the Commonwealth's research university collaborative, including the Virginia Coastal Policy Center, Virginia Sea Grant, Virginia Cooperative Extension, and the Institute for Coastal Adaptation and Resilience. The bill authorizes the Secretary and all relevant agencies to utilize such research university collaborative's expertise, research, and data analysis for the implementation of water management techniques and coastal resilience strategies.</p>	<p>Amended, Passed House and Senate; Enrolled; Governor's Recommendation received by House</p>

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Bill Number/Bill Points	Status
<p>HB 2401 / SB 1468: Local gas road improvement and Virginia Coalfield Economic Development Authority tax. (Morefield, J. / Hackworth, T.) Provides that funds in the Coal and Gas Road Improvement Fund may be used to construct flood mitigation measures that would reduce or prevent flooding of allowable infrastructure and extends from January 1, 2024, to January 1, 2026, the expiration of the local gas road improvement and Virginia Coalfield Economic Development Authority tax.</p>	<p>HB 2401: Passed House; Substitute Passed Senate; Senate Substitute agreed to by House; Enrolled; Approved by Governor – Chapter 224 (effective 7/1/23)</p> <p>SB 1468: Amended, Passed Senate; Substitute Passed House; House Substitute agreed to by Senate; Enrolled; Approved by Governor – Chapter 225 (effective 7/1/23)</p>
<p>HB 1968: Department of Historic Resources; Green Book historic site designations. (Mullin, M.) Directs the Department of Historic Resources, in partnership with the Virginia Tourism Corporation and VDOT, to designate or approve supplementary signs for historic site signs identifying Green Book locations and businesses in the Commonwealth. The bill defines "Green Book" as The Negro Motorist Green Book published by Victor Hugo Green, which provided a list of hotels, guest houses, service stations, drug stores, taverns, barber shops, and restaurants known to be safe for traveling Black Americans during the Jim Crow era.</p>	<p>Amended, Passed house and Senate; Enrolled; Approved by Governor – Chapter 179 (effective 7/1/23)</p>

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DRPT-Related BILLS	
<p><u>HB 1496 / SB 1079:</u> Commonwealth Mass Transit Fund. (Austin, T. / Cosgrove, J.) Allocates 3.5 percent of the Commonwealth Mass Transit Fund (the Fund) to commuter rail systems jointly operated by the Northern Virginia Transportation Commission and the Potomac and Rappahannock Transportation Commission and excludes such commuter rail systems from receiving allocations pursuant to other distributions of the Fund. The bill requires such commuter rail systems to submit reports to the Commonwealth Transportation Board. The bill limits allocations by the Northern Virginia Transportation Commission (NVTC) for distribution to the Washington Metropolitan Area Transit Authority (WMATA) to 50 percent of the total operating and capital assistance required to be provided by NVTC or other Virginia entities in the approved WMATA budget and establishes reporting requirements for WMATA. The bill codifies requirements for WMATA to adopt and submit certain planning documents first required pursuant to the eighth enactment of Chapter 854 and the eighth enactment of Chapter 856 of the Acts of Assembly of 2018 and repeals the original requirements. (Secretary of Transportation bill)</p>	<p>HB 1496: Substitute Passed House and Senate; Enrolled; Approved by Governor – Chapter 362 (effective 7/1/23)</p> <p>SB 1079: Passed Senate; Substitute Passed House; House Substitute agreed to by Senate; Enrolled; Approved by Governor – Chapter 363 (effective 7/1/23)</p>
<p><u>HB 2338 / SB 1326:</u> Transit Ridership Incentive Program. (McQuinn, D. / McClellan, J.) Directs the Commonwealth Transportation Board to use up to 30 percent of available funds in the Transit Ridership Incentive Program to support local, regional, and state entities in improving the accessibility of transit bus passenger facilities and transitioning public transit bus fleets and infrastructure to zero-emission bus fleets and infrastructure. The bill directs the Board to develop guidelines for applications for grants to any local, regional, or state public entity that supports a transit system</p>	<p>HB 2338: Amended, Passed House and Senate; Enrolled; Governor’s Recommendation received by House</p> <p>SB 1326: Amended, Passed Senate and House; Enrolled; Governor’s Recommendation received by Senate</p>

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<p>HB 2330: Assault and battery; public transportation service vehicle operators, penalty. (McQuinn, D.) Makes it a Class 1 misdemeanor for a person to commit a battery against another knowing or having reason to know that such individual is an operator of a vehicle operated by a public transportation service who is engaged in the performance of his duties.</p>	Passed House; Substitute Passed Senate; Senate Substitute Rejected by House; Conference Substitute agreed to by House and Senate; Enrolled; Approved by Governor – Chapter 549 (effective 7/1/23)

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<p>HB 1752 / SB 1029: Public utilities; fiber optic broadband lines crossing railroads. (Head, C. / Stanley, W.)</p> <p>Provides that if a broadband service provider, in the construction of its works, deems it necessary to cross the works of a railroad company, the broadband service provider is required to submit an application to the railroad company. The bill requires the application to include (i) a license fee; (ii) engineering design plans, construction plans, bore plans, fraction mitigation plans, dewatering plans, rigging and lifting plans, and any other pertinent plans deemed necessary and prepared by a registered professional engineer; (iii) the location of the crossing, including whether it is located in a public right-of-way; (iv) the proposed date of commencement of work; (v) the anticipated duration of the work in the crossing; (vi) the areas in which the project personnel will work; and (vii) the contact information of the broadband service provider's point of contact. The bill requires a railroad company to acknowledge receipt of the application, to request any additional information within 15 days, and to approve the application within 35 days unless the railroad company petitions the State Corporation Commission.</p> <p>The bill requires the broadband service provider to bear the cost of any such crossing, including a license fee of \$2,000 for each crossing, except that for a crossing over an abandoned section of track the license fee shall not exceed \$1,000 and for a crossing of a railroad company's works within a public right-of-way there is not a license fee. Under the bill, the Commonwealth shall grant a right-of-way to any broadband service provider seeking to use the right-of-way for broadband deployment to the extent that the Commonwealth owns any interest in any real property crossed by a railroad or manages any real property not owned by the Commonwealth that is crossed by a railroad. The bill requires the broadband service provider to maintain a general liability insurance policy or railroad protective liability insurance policy that meets certain requirements. The bill also requires a broadband service provider to reimburse the railroad company for direct expenses, not to exceed \$5,000, in addition to the license fee.</p> <p>The bill provides that a railroad company may petition the State Corporation Commission within 35 days of receiving an application if it asserts (a) the license fee is not adequate compensation for the specified crossing, (b) the proposed crossing will cause undue hardship on the railroad company, or (c) the proposed crossing will create the imminent likelihood of danger to public health or safety. Under the bill, a broadband service provider may petition the Commission if a railroad company is not in compliance with the requirements of the bill. The bill requires the Commission to adjudicate any such petition within 90 days.</p>	<p>HB 1752: Substitute Passed House; Substitute Passed Senate; Senate Substitute agreed to by House; Enrolled; Approved by Governor – Chapter 713 (effective 7/1/23)</p> <p>SB 1029: Substitute Passed Senate; Substitute Passed House; House Substitute agreed to by Senate; Enrolled; Approved by Governor – Chapter 714 (effective 7/1/23)</p>

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<p><u>SB 1018</u>: Railroad companies; notice of certain action. (Edwards, J.) Requires a railroad company operating in the Commonwealth that submits an application to the federal government for consolidation, merger, abandonment, or discontinuance to notify, in addition to the State Corporation Commission and the Governor, the Secretary of Transportation, the Secretary of Natural Resources, the Director of the Department of Rail and Public Transportation, and the Executive Director of the Virginia Passenger Rail Authority of such action.</p>	Substitute Passed Senate and House; Enrolled; Approved by Governor – Chapter 318 (effective 7/1/23)