

**Northern Virginia Transportation Authority**  
**2010 Legislative Program**  
**Approved: November 12, 2009**  
**Updated: February 13, 2010**

**STATE**

***TRANSPORTATION FUNDING***

The lack of new transportation investment in the Commonwealth has reached a crisis. Over the past two years, the Commonwealth Transportation Board has cut **\$3.7 billion** from the Six Year Program and projections indicate that another cut of at least \$900 million will be necessary to further adjust the Six Year Program to match current revenue estimates. Revenues from ALL major state transportation funding sources continue to deteriorate. In addition, federal transportation funding levels remains uncertain. Secondary and urban system construction funds have essentially been eliminated, and the growth in maintenance spending in being reduced, even though costs are increasing overall. The Commonwealth is risking serious disinvestment in its existing transportation infrastructure that will be more difficult and more expensive to correct in the future. Today, approximately \$1 billion is needed to address existing deficient pavement conditions and approximately \$3.7 billion is needed to fix the Commonwealth's deficient bridges. Very shortly the Commonwealth will be out of options for ensuring the matches are available for the federal transportation funds the Commonwealth receives. Should this happen, Virginia would have to return federal transportation funds, further compounding the crisis. **Major new revenue sources for transportation must be enacted during the 2010 General Assembly session.**

NVTA continues to support additional state and regional transportation funding for highway, transit, bicycle and pedestrian improvements. In 2006, the region's TransAction 2030 Long-Range Transportation Plan estimated that Northern Virginia alone needs \$700 million per year in additional transportation funding to address the region's transportation problems. This figure has only increased since then since much of the major revenue sources included in HB 3202 have been eliminated.

NVTA seeks reinstatement of exclusive Northern Virginia revenues in the range of at least \$300 million annually, as well as Northern Virginia's portion of additional statewide revenues to address transportation needs not originally covered by the HB 3202 funding approved for Northern Virginia. Both the regional and statewide revenues should be provided from stable, reliable, proven and permanent source(s).

NVTA asks the General Assembly to adopt new statewide transportation revenue sources to bolster existing highway and transit revenue sources which are not generating sufficient funding to meet the Commonwealth's critical transportation needs or to meet the Commonwealth's statutory 95 percent share of eligible transit operating and capital costs (net of fares and federal assistance). This additional transit funding alone would require approximately \$166 million annually in new funds for the limited transit projects and eligible operating costs included in CTB's six-year program.

Any funding solutions must ensure that dedicated funding for Washington Metropolitan Area Transit Authority capital improvements and for Virginia Railway Express capital and operating expenses are addressed.

NVTA does not support diverting existing General Fund revenue streams to transportation. These General Funds are used for other important priorities of the Commonwealth; such are K-12 education, higher education and public safety. *(Updates previous position).*

General Assembly Action: *A variety of bills have been introduced. See attached matrix.*

### **BASE REALIGNMENT AND CLOSURE (BRAC) RECOMMENDATIONS**

NVTA supports the inclusion of sufficient funding in the 2010-2011 budget to ensure significant fiscal resources to address the enormous planning and transportation issues associated with the Base Realignment and Closure Commission recommendations. This is particularly critical, because the BRAC relocations will occur in 2011, and there is significant lead time required to implement needed transportation improvements. *(Updates previous position).*

General Assembly Action: *No specific bills introduced, as yet.*

### **PEDESTRIAN SAFETY**

NVTA supports revisions to Virginia's existing pedestrian legislation to clarify the responsibilities of drivers and pedestrians in order to reduce the number of pedestrian injuries and fatalities that occur each year. In particular, support legislation that would require motorists to stop for pedestrians in crosswalks at unsignalized intersections on roads where the speed is 35 mph or less. Recent events throughout the region have highlighted a growing concern for the safety of pedestrians attempting to cross streets. Many Northern Virginia jurisdictions are exploring a variety of means to effectively provide for pedestrian safety while avoiding both the potential for serious vehicular accidents and the potential for creating a false sense of security for the pedestrians. *(Reaffirms previous position).*

General Assembly Action: *Two bills were introduced: House Transportation Subcommittee #2 recommended passing by indefinitely HB 459 (Herring). SB 228 (Barker) has passed the Senate. It has been assigned to House Transportation.*

### **CHAPTER 527 TRAFFIC IMPACT ANALYSES**

NVTA supports modifications to Chapter 527 Transportation and Land Use legislation and regulations to adjust timeframes for traffic impact analyses to be more consistent with local government review times and scheduled public hearings. In addition, the Comprehensive Plan amendment/updates section of the regulations should be further developed and improved to meet the needs of the process (especially dealing with multiple amendments at same time), and Low-volume rule traffic impact analysis requirements should be revised to address situations when existing roadway capacity is obviously sufficient to meet demands of a new development even though the development might otherwise cross the threshold for a traffic impact analysis. *(Reaffirms previous position).*

General Assembly Action: *Several bill have been introduced related to 527 Traffic Impact Analyses. HB 808 (Watts)/HB 1098 (Sickles)/SB 550 (Barker) adds the Department of Rail and Public Transportation to the 527 Review. HB 1098 was incorporated into HB 808. The House*

*Transportation, Subcommittee #4 recommended carrying over HB 808 to 2011. SB 222 (Puller) exempts homeowners' associations, neighborhood associations and similar non-profit organizations from VDOT fees and from submitted Traffic Impact Analyses at the comprehensive plan stage. Amendments delete non-profit organizations; passed Senate. SB 550 was continued to 2011 by Senate Local Government.*

### **SECONDARY ROAD DEVOLUTION**

NVTA opposes any legislative or regulatory moratorium on the transfer of newly constructed secondary roads to VDOT for the purposes of ongoing maintenance. NVTA also opposes any legislation that would require the transfer of secondary road construction and maintenance responsibilities to counties. *(Reaffirms previous position).*

*General Assembly Action: No specific bills introduced, as yet.*

## **Bill Sponsored by Northern Virginia Transportation Agencies**

### Fraudulent Tickets

- HB 688 (Miller)/SB 25 (Puller) – VRE bill related to penalties for counterfeit ticket violations; [A substitute for HB 688 is on the House Floor. A substitute for SB 25 passed the Senate].

### Assaulting a Transit Operator

- SB 588 (Marsden) – WMATA bill: provides that it is a Class 6 felony to commit an assault or battery upon a mass transit operator defined as a person who operates any train, bus, trolley or van that is designed to carry six or more passengers. [A substitute passed the Senate] The substitute changes the violation to a Class 1 misdemeanor.

### Criminal Background Checks

- HB 690 (Miller) – PRTC Bill: authorizes certain transportation district commissions and their contractors and public service corporations or contractors that provide public transit services to a locality to require fingerprint checks of certain applicants and employees so that an FBI criminal background check can be conducted [A substitute for HB 690 is on the House Floor] The substitute limits background checks to individuals who have been offered employment.

### Photo Monitoring – Backtracking (MWAA Bill)

- HB 1295 (Rust)/SB 667 (Herring) Provides for the enforcement of the use of a photo-monitoring system or automatic identification system on the Dulles Access Highway. [A substitute for HB 1295 passed the House; SB 667 was amended and passed the Senate]. The substitute for HB 1295 clarified that the violation is a civil penalty rather than a criminal penalty.

### Tax Information Disclosure to NVTC

- HB 457 (Herring) Allows the Tax Commissioner to disclose to the Executive Director of NVTC for his confidential use tax information as is necessary to facilitate the collection of the motor vehicle fuel sales tax. [Passed House; referred to Senate Finance]

## **Other Bills of Interest**

### Northern Virginia Transportation Projects

- HB 779 (LeMunyon) requires VDOT to evaluate and make periodic reports on transportation improvement projects in the Northern Virginia highway construction district [House Trans passed by and referred to the Governor's Government Reform Commission]

### Statewide Transportation Plan

- HB 25 (Herring) requires that the Statewide Transportation Plan include quantifiable measures and achievable goals for greenhouse gas emissions [House Trans. Sub #1 failed to recommend reporting]

### Secondary Road Acceptance Standards

- HB 95 (Loupassi) 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 [Stricken by Patron]

- HB 197 (Ware, R.) provides that the VDOT will allow the acceptance of any street within a network addition that meets the public service requirement of three or more occupied dwelling units. [Substitute passed House] The substitute changes bonding requirement to one year.
- HB 1369 (Poindexter) 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. [House Trans Sub #4 recommended tabling]

#### Secondary Road Standards

- HB 222 (Watts) requires the Secretary of Transportation to develop new secondary system design standards to be used in urban areas. [A substitute is on the House Floor] The Substitute limits to Fairfax County.

#### Other Virginia Railway Express Related Bills

- HB 19 (Cole) allows PRTC to set higher fares for passengers from non-VRE jurisdictions; [received no motion in House Trans, Sub #1]
- HB 55 (Cole) caps VRE subsidy levels at the level of each jurisdiction's gas tax collections [received no second n House Trans, Sub #1]

#### Telecommuting and Alternative Work Schedules

- HB 1015 (Hugo) provides that the Secretary of Administration and the Secretary of Technology measure the effectiveness of the comprehensive statewide telecommuting and alternative work schedule policy. [Continued to 2011 by House Science and Technology]
- HB 1023 (Hugo) requires the head of each agency within the legislative branch of state government to adopt a telecommuting and alternative work schedule policy for eligible employees. The policy shall authorize voluntary participation in telecommuting and alternative work schedule programs for up to eight days per month, provided such participation does not diminish employee performance or service delivery. No policy adopted pursuant to this Act shall authorize participation in either program during any session or special session of the General Assembly. [On House Floor].
- HB 1144 (Scott) increases the target for eligible state employee participation in telecommuting and alternative work schedules to 40 percent in each respective program by January 1, 2012. [Continued to 2011 by House Science and Technology]

#### Hybrids on HOV Lanes

- HB 214 (Greason)/HB 320 (Plum)/HB 980 (Hugo) extends until July 1, 2011, the sunset on use of HOV lanes by clean special fuel vehicles, regardless of the number of occupants. [HB 214 passed the House; assigned to Senate Transportation].
- SB 553 (Barker) extends the "sunset" on use of HOV lanes by clean special fuel vehicles, regardless of the number of their occupants, until July 1, 2011, but only if they are not traveling on I-66, I-95, or I-395. [A substitute is on the Senate Floor]. The substitute limits new hybrids on I-66 after July 1, 2010; but allows hybrid exemption to continue until June 30, 2011, for all facilities.

#### Washington Bypass

- HB 277 (Albo) requires the Commonwealth Transportation Board to establish a Washington Bypass transportation corridor. [House Appropriations Transportation Subcommittee failed to recommend reporting (2-5)]

### Photo Red

- HB 461 (Herring) provides that the operator of a photo-monitoring system may enter into an agreement with DMV to obtain vehicle information on vehicles that fail to comply with a traffic light. Also, removes requirement that a locality must submit a list of potential intersections to DMV for final approval; [House Transportation Committee, Subcommittee #1 recommended tabling].
- HB 1292 (Tata) provides that a summons executed for violation of a photo-monitoring ordinance shall provide to the person summoned at least 30, rather than 60, business days to inspect information collected in connection with the violation. Deletes a provision prohibiting a private entity, on behalf of a locality, from obtaining records regarding the registered owners of vehicles that fail to comply with traffic light signals and allows a locality to access and use recorded images and associated information if the vehicle involved is owned, leased or rented by the locality, for employee disciplinary purposes. [Passed House]

### Composition of Commonwealth Transportation Board

- HB 818 (Surovell) 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. [House Transportation]
- HB 1131 (Keam) 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. [House Transportation]

### HOT Lanes

- HB 948 (Englin) requires VDOT to conduct a NEPA study prior to any HOT lane construction on any portion of I-95 or I-395. [House Transportation Sub #3 recommends passing by indefinitely]
- HB 968 (Englin) provides that HOT lane violations are traffic infractions. Penalties for violations are no longer civil penalties and are not payable to the HOT lane operator. [Tabled by House Transportation]
- HB 969 (Englin) 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. [Tabled by House Transportation]
- HB 1223 (Ebbin) requires that, in designating HOT lanes, lane shoulder widths are sufficient for safe operation of transit vehicles and levels of performance of existing HOV facilities do not deteriorate. The bill further mandates that local governments' concerns with congestion at points of access and egress and on parallel local streets are openly and meaningfully addressed. [Tabled by House Transportation]
- SB 365 (Barker) requires that HOT lane construction contracts contain requirements for minimum average speed for vehicles using the facility. [Senate Transportation passed by indefinitely]

### PPTA Related Bills

- HB 480 (Carrico) requires the CTB to conduct third party audits of agreements executed under the Public-Private Transportation Act. The audits will consist 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% or \$1.0 million 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. [Tabled by House Transportation]
- HB 567 (Iaquinto) raises the competitive bidding/competitive negotiation dollar threshold from \$30,000 to \$50,000 for state-aid construction projects. [Passed House; assigned to Senate General Laws]
- HB 969 (Englin) 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. [Tabled by House Transportation]
- SB 101 (Stosch) provides that the Division of Legislative Services shall provide legal and research services to the Public-Private Partnership Advisory Commission with technical assistance being provided by the staffs of the House Committee on Appropriations, the Senate Finance Committee, and the Auditor of Public Accounts. The bill also clarifies that responsible public entities required to submit copies of detailed proposals under the Public-Private Education Facilities and Infrastructure Act must submit the copies to the clerk of the Commission [Senate Rules, Studies Sub]
- SB 181 (Stosch) Authorizes state agencies and state authorities, upon the approval of the Governor, to enter into agreements with private entities under the Public-Private Transportation Act of 1995 and the Public-Private Education Facilities and Infrastructure Act of 2002 for the development of a project by the private entity, which agreements provide for the private entity to be paid grants from a portion of the growth in state taxes and fees attributable to the development of the project. [Substitute recommitted to Senate Finance and failed to report (7-7)].

### Hampton Road Bridge Tunnel

- HB 402 (Oder) directs the Virginia Department of Transportation to accept unsolicited proposals to add capacity to the Hampton Roads Bridge-Tunnel. [Substitute Passed House; Assigned to Senate Transportation]

### Norfolk/Virginia Beach Light Rail

- HB 564 (Tata) provides that funds for the Norfolk/Virginia Beach light rail project will be expended in accordance with Federal Transit Administration requirements, notwithstanding any contrary provision of law [Passed House; Assigned to Senate Transportation]

### Military on HOV Lanes (Hampton Roads)

- HB 759 (Stolle)/HB 788 (Villanueva) allows certain military personnel to use HOV lanes in Hampton Roads regardless of the number of passengers. [Substitute reported by House Transportation] Substitute requires military personnel to be in uniform and is contingent on Federal approval.

### Rest Area Closure

- HB 584 (Landes) requires VDOT to reopen closed highway rest areas and residency offices and prohibits closure of highway welcome centers [House Transportation]
- HB 1081 (Crockett-Stark) requires VDOT to reopen closed highway rest stops and prohibits closure of highway welcome centers. [House Transportation]
- HJ 126 (Nutter)/SJ 99 (Herring) direct the Joint Legislative Audit and Review Commission to study the privatization of all or portions of the Commonwealth's rest areas [Substitute for HJ 126 passed House. A substitute for SJ 99 is on the Senate floor] The substitutes direct the Virginia Transportation Research Council to be the study, rather than the Joint Legislative Accounting and Review Committee.

### State Asset Maximization Commission

- HB 1021 (Hugo) creates the State Asset Maximization Commission and sets its membership and duties. Among other things, the Commission is to review transportation assets. [House Rules, Study Sub]

### High Speed Rail

- HB 1275 (Cosgrove) establishes the Virginia High-Speed Rail Commission to promote and augment the state's competitive stance for matters related to high-speed passenger rail service in Virginia. The Commission is to study, assess, and advise the General Assembly and the Secretary of Transportation on effective and competitive design, planning, financing, construction, and operations involving high-speed rail service. The Commission is, further, to coordinate high-speed rail programs with neighboring states and federal and regional entities. [Amended and reported by House Transportation] The amendments delete references to the Virginia-North Carolina High Speed Rail Commission.
- SJ 63 (Miller) creates a 10-member joint subcommittee to study expansion of inter-city high-speed passenger rail service in Virginia and ways to pay for it. [Substitute on Senate Floor] The substitute limits the study to seeking the most efficient and beneficial way to fund high speed and intercity passenger rail operations.

### Prince William County Metrorail Improvement District

- HB 1313 (Torian) creates the Prince William County Metro Rail Improvement District to provide a means of financing an extension of commuter rail service from Fairfax County into Prince William County. [A substitute was reported by House Transportation. It was continued to 2011 by House Appropriations]

### Chief Executive Officer for Transportation

- SB 103 (McDougle) 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 DRPT. The Virginia Board of Aviation and the Rail Advisory Board are also abolished, and their functions transferred to the CTB. The composition of the CTB is changed to remove the Secretary of Transportation, the Commonwealth Transportation Commissioner, and the Director of DRPT, and to provide for election of the at-large members of the Board by the General Assembly. [Carried over by Senate Transportation]



### Air Quality

- SB 128 (McDougle) retains the authority of the Air Pollution Control Board to provide for participation in the EPA-administered cap and trade system for NOx and SO2 to the fullest extent permitted by federal law, but prohibits the Board from requiring that electric generating facilities located in a nonattainment area meet NOx and SO2 compliance obligations without the purchase of allowances from in-state or out-of-state facilities. [Amended by Senate Agriculture, Conservation and Natural Resources to remove current non-attainment areas; on Senate Floor]

### Transportation Program Audits

- SB 201 (Blevins) requires the Auditor of Public Accounts to perform a performance audit of the Commonwealth's transportation programs [A substitute is on the Senate Floor] The substitute modifies the requirements for the study and removes the limit of \$4 million of the study.
- SB 351 (Obenshain) requires the Secretary of Transportation to arrange for a performance audit of the Commonwealth's transportation programs [Passed by indefinitely by Senate Rules]

### Clean Fuel Plates – Local Governments

- SB 404 (Petersen) removes requirement that the Commissioner provide written regulations before the Department of Motor Vehicles may issue government-use license plates for clean special fuel vehicles [Senate Transportation]

### TransDominion Express Commission

- SB 435 (Edwards) establishes the TransDominion Express Commission, to be responsible, within the TransDominion Corridor, for identifying needed construction, reconstruction, improvements of or repairs to railroads and their facilities, and equipment to provide enhanced passenger rail service coordinated with freight rail opportunities within the corridor. [Continued to 2011 by Senate Rules]

### Increase Use of Transit Strategies

- SB 553 (Barker) requires the Secretary of Transportation to make an annual report to the General Assembly on actions taken to promote transit use [Senate Floor]

### Studies

- HJ 61 (Plum) – Virginia's Transportation Needs – [Tabled]
- HJ 68 (Rust) – Tolling [Failed]
- HJ 81 (Oder) – Hampton Roads Bridge Tunnel [Passed House; Assigned to Senate Rules]
- HJ 96 (May) – Commission on Virginia's Transportation Needs [Tabled by House Rules]
- HJ 119 (Surovell) – U. S. Route 1 Corridor [Tabled]
- HJ 134 (Jones) – Hampton Roads Transportation Network [Passed House; Assigned to Senate Rules]
- HJ 151 (Miller) – Norfolk Light Rail [House Rules]
- SJ 94 (Miller) – Replacement of the gas tax [Senate Rules, Studies Sub]
- SJ 98 (Barker) – Regional Rapid Transit Network – continuation of SJ122 Study [Senate Floor]