

Northern Virginia Transportation Authority
2010 Legislative Program
Approved: November 12, 2009
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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.*

DISCUSSION

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. **RECOMMEND SUPPORT***

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 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; bill on Senate floor.

DISCUSSION

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; House Courts of Justice, Criminal Sub recommended reporting a substitute for HB 688. A substitute for SB 25 is on the Senate Floor. **RECOMMEND SUPPORT**

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. [Reported by Senate Courts of Justice; referred to Senate Finance] **RECOMMEND SUPPORT**

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 [House Counties, Cities and Towns, Sub #1] **RECOMMEND SUPPORT**

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. [House Trans reported with amendments HB 1295; SB 667 has passed the Senate] **RECOMMEND SUPPORT**

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]

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 Sub #4 recommend reporting] **DISCUSSION**

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 on House Floor]
- 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. [House Trans Sub #4 recommended reporting a substitute]

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. [House Science and Technology, Sub #1]

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].

Washington Bypass

- HB 277 (Albo) requires the Commonwealth Transportation Board to establish a Washington Bypass transportation corridor. [Substitute reported by House Transportation, referred to House Appropriations]

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. [House Transportation amended and reported]

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 (Kearm) 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]

- 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].

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]

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 [House Floor]

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]

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) Directs 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; SJ 99 in Senate Rules Studies Sub]

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. [House Transportation, Sub #4]
- 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. [Senate Rules Study Sub]

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. [House Transportation, Sub #4 recommended reporting a substitute]

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 NO_x 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 NO_x and SO₂ compliance obligations without the purchase of allowances from in-state or out-of-state facilities. [Amended by House Agriculture, Conservation and Natural Resources, Sub #2 to remove current non-attainment areas]

Transportation Program Audits

- SB 201 (Blevins) requires the Auditor of Public Accounts to perform a performance audit of the Commonwealth's transportation programs [Senate Rules #1]
- SB 351 (Obenshain) requires the Secretary of Transportation to arrange for a performance audit of the Commonwealth's transportation programs [Senate Rules #1]

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. [Senate Rules #1]

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 Rules #1]

Studies

- HJ 61 (Plum) – Virginia's Transportation Needs – [Tabled]
- HJ 68 (Rust) – Tolling [Failed]
- HJ 81 (Oder) – Hampton Roads Bridge Tunnel [Passed House]
- HJ 96 (May) – Commission on Virginia's Transportation Needs [House Rules #3]
- HJ 119 (Surovell) – U. S. Route 1 Corridor [Tabled]
- HJ 134 (Jones) – Hampton Roads Transportation Network [Passed House]
- 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 Rules, Studies Sub]

Summary of HB 971 (Rust) – Substitute
February 1, 2010

Northern Virginia Revenues

- ½% sales and use tax
- \$0.40 per \$100 valuation congestion relief fee (grantor's tax)

Northern Virginia Restriction

- In order to benefit from the two regional revenue sources, a jurisdiction must adopt the commercial and industrial real estate tax for transportation at a rate of \$0.125 per \$100 valuation.

Northern Virginia Allocation

- 40% of regional revenues returned to local government where funds are raised to be used for:
 - 50% for urban and secondary roads (except for Alexandria, Arlington, Fairfax City and Falls Church)
 - Alexandria, Arlington, Fairfax City and Falls Church may use first 50% for urban or secondary roads or public transportation
 - Remainder for urban and secondary roads; other transportation capital improvement in the regional long range transportation plan; or public transportation purposes.
 - (These provisions are in current code and not being amended)
- The remaining 60% will be allocated by NVT A for transportation projects and services benefiting the counties and cities embraced by the Authority with each locality's long-term benefits being approximately equal to the revenue collected in the locality. (Current code)
- In addition, NVT A will allocation funds first to debt service on any outstanding bonds, then allocate \$75 million annually to transit projects and services of WMATA, VRE and local transit providers within the counties and cities embraced by the Authority.

Statewide Revenues

- The bill would approve a Transportation Infrastructure User Fee of 1% on distributors' sale price of motor fuels. Increased 1% per year for four subsequent years.
- Revenue will be deposited into the Highway Maintenance and Operations Fund and be allocated to highway construction districts based on where the fuel was delivered.

Trigger

- Provisions of the act would go into effect on the first day of the third month following six months in which the unemployment rate in the Commonwealth is less than January 2008.

2010 General Assembly Session Transportation Funding/Allocation Bills

Bills	Patron	Description	Committee	Status	Position	Notes
Transportation Funding Bills						
HOUSE						
HB 230	Watts	Motor fuels tax rate increase; allocation of construction funds for primary highway system	H Finance			Increases motor fuels tax by \$0.10 per gallon, minus \$0.01 for each \$0.20 that the average price of gasoline exceeds \$3.00. The tax will be indexed every 2 years beginning July 1, 2011, by an amount equal to the percentage change in the U.S. Department of Labor's Producer Price Index for Highway and Street Construction. Revenue generated is used for transportation purposes as required by existing law, and allocates primary system highway construction funds among the 9 highway construction districts on the basis of the ratio of vehicle miles traveled on primary highways divided by the lane miles of primary highways in each highway construction district, weighted 90%, and a need factor, weighted 10%.
HB 269	Englin	Retail Sales and Use Tax; increases rate on motor fuels in Northern Virginia.	H Finance, Sub. #1	Subcommittee recommended tabling		NVTC Bill. Increases the rate of the state sales tax on motor fuels in Northern Virginia from 2.1 percent to 4.2 percent.
HB 342	Marshall, R.	Alcoholic beverage control; privatization of ABC stores	H Gen Laws			Provides for the issuance of a "package store" license to authorize the retail sale of alcoholic beverages for off-premises consumption. Bill also requires the ABC Board to sell at auction all real estate used as ABC stores, and to terminate leased property upon which the ABC Board has operated a government store. Bill requires the ABC Board to complete an implementation study by December 31, 2010, on how it will privatize government stores. Bill has a delayed effective date of January 1, 2011, to achieve full retail privatization of government stores. Bill provides that any monetary savings realized by the ABC Board from the implementation of the bill shall be applied to the Transportation Trust Fund.
HB 344	Marshall, R.	Efficiency in Government Advisory Councils; established	H Rules; Sub #3			Establishes an Efficiency in Government Advisory Council for each secretariat of state government to review the operations of the agencies within the assigned secretariat for the purposes of identifying efficiencies and determining specific operational areas where savings may be realized. All recommendations that result in identifiable monetary savings among agencies within the assigned secretariat shall be presented in the form of a bill or budget amendment. Savings resulting from implementation of the recommendations will go to the Transportation Efficiency Fund to be used to (i) supplement transportation projects that are aimed at reducing congestion, increasing the efficiency of mass transit, or reducing harmful emissions associated with vehicle traffic, and (ii) facilitate economic development associated with transportation projects.
HB 404	Oder	Transportation funding and administration; provides funding in certain localities	H Trans	Substitute reported; Referred to H Approp. Trans Sub		Provides for transportation funding and administration in Hampton Roads, Northern Virginia, the Richmond Highway Construction District, the Staunton Highway Construction District, and the Salem Highway Construction District. The amount of funding is based on: (i) for No. Va., a portion of the growth in certain state tax revenues in No. Va.; (ii) for Hampton Roads, a portion of the growth in certain state tax revenues generated or facilitated by the marine terminals in Hampton Roads; (iii) for the Richmond Highway Construction District, a portion of the growth in certain state tax revenues generated or facilitated by the Port of Richmond; (iv) for the Staunton Highway Construction District, a portion of the growth in certain state tax revenues generated or facilitated by the Inland Port at Front Royal; and (v) for the Salem Highway Construction District, a portion of the growth in certain state tax revenues expected to be generate or facilitated by the Elliston Intermodal Facility. Substitute changes projects in the Salem District and removes language requiring VDOT to develop requests for PPTA proposals for projects in Hampton Roads
HB 540	Marshall, D.	Salem Highway Construction District; transportation funding	H Trans	Amended; reported; referred to H Approp. Trans Sub		Provides funds for transportation in the Salem Highway Construction District by allocating revenue attributable to a portion of economic growth due to or facilitated by the Inland Port in Montgomery County. Substitute allocates 25% of the growth in tax revenue from Inland Port to the Bristol Highway Construction District.
HB 665	May	Budget bill; Governor to provide for additional appropriations to Transportation Trust Fund	H Appr. Trans. Sub			Governor's Bill. Requires Governor, in submitting his biennial budget bill, to provide for additional appropriations to the Transportation Trust Fund from general fund revenues in cases in which general fund revenues for a fiscal year are projected to grow by at least 3%. Any such additional appropriation to the TTF recommended by the Governor would be required to be in an amount not less than 1% of the projected growth in general fund revenues for the fiscal year
HB 756	Stolle	Offshore drilling; royalties to be deposited in Transportation Trust Fund	H Floor	Second Reading		Governor's Bill. Substitute requires that 70% of any revenues and royalties paid to the Commonwealth as a result of offshore natural gas and oil drilling shall be deposited to the Transportation Trust Fund; 20% to Virginia Coastal...; 10% to affected localities for infrastructure and transportation.
HB 782	LeMunyon	Surplus real property; DGS to inventory all real property owned and update at least annually	H Gen Laws; FOIA Sub			Provides for the Department of General Services to inventory all real property owned by the Commonwealth by October 30, 2010, and update the inventory at least annually thereafter. The bill also provides for the Department to submit an annual report to the Governor and the General Assembly containing the full inventory of real property owned by the Commonwealth and recommendations regarding property that may be disposed of as surplus property. The bill also changes the portion of the proceeds from sales or leases of, or from the conveyance of any interest in, surplus property by the Commonwealth from the Conservation Resources Fund to the Transportation Trust Fund.
HB 970	Rust	Transportation Trust Fund; designation of annual surplus	H Floor	Reported by H Approp.		Governor's Bill. Increases from 2/3 to 75% the amount of the general fund surplus designated to the Transportation Trust Fund within the Comptroller's annual report following the close of each fiscal year. The governor would include in his budget bill an amount for deposit into the TTF equivalent to the amount designated by the Comptroller
HB 971	Rust	Northern Virginia Transportation Authority Sales and Use Tax Fund; established	H Finance; Sub #1	Subcommittee recommended continuing to 2011.		Potential Northern Virginia Vehicle. Provides additional funding for transportation by (i) imposing a transportation infrastructure users fee of 1% on motor fuels to be used for highway maintenance in the highway construction district in which the fuel is sold; (ii) increasing the state sales tax in No. Va. by 0.5 % for transportation projects in No. Va.; and (iii) imposing a regional congestion relief fee in No. Va. at a rate of \$0.40 per \$100. Neither the fees nor the tax increase shall become effective until the unemployment rate in the Commonwealth is equal to or lower than it was in January 2008 for six consecutive months. Substitute (yet to be introduced) will require No. Va. local government to impose a commercial and industrial property tax of \$0.125 per \$100 valuation to benefit from the sales tax and congestion relief fee.
HB 1059	Marshall, R.	Transportation Capital Projects Bond Act of 2010; created	H Appr. Trans. Sub	Subcommittee recommended tabling		Authorizes the CTB to issue bonds in an aggregate amount not to exceed \$3,963,000,000 for specific transportation projects throughout the Commonwealth. The bonds will be paid for by the revenues collected for each project through tolls and other fares or fees
HB 1061	Marshall, R.	Transportation Bond Act of 2010; created	H Appr. Trans. Sub	Subcommittee recommended tabling		Authorizes issuance of general obligation bonds in an amount not to exceed \$3,963,000,00 to finance capital transportation projects

2010 General Assembly Session Transportation Funding/Allocation Bills

HB 1153	Scott, J.	Motor fuels tax	H Finance; Sub #2	Subcommittee recommended tabling		Converts the rates of taxation on motor fuels from cents per gallon to percentage rates. Percentage rates shall be calculated by the Commissioner of the DMV in an amount that will most closely yield the amount of cents per gallon being charged on the applicable motor fuel prior to the effective date of the bill. Thereafter, percentage rates would not change, but would be applied against the average price per gallon of the fuel, less federal and state taxes, as determined by the Commissioner of the DMV over rolling six-month periods, to determine the cents to be charged.
HB 1323	May	Tolls; provided at Monitor Merrimac Memorial Bridge-Tunnel & Hampton Roads Bridge-Tunnel	H Trans; Sub #4			Provides for tolls at the Monitor Merrimac Memorial Bridge-Tunnel and the Hampton Roads Bridge-Tunnel.
HB 1329	Lingamfelter	Motor fuels sales tax; defines gross sales and sales price for purposes of tax in Northern Virginia	H Finance; Sub #1	Subcommittee recommended tabling		Defines "gross sales" and "sales price" for purposes of the state motor fuels sales tax in Northern Virginia. "Gross sales" means the same as its definition in provisions of the Retail Sales and Use Tax and would exclude separately stated federal diesel excise taxes. "Sales price" means the same as its definition in provisions of the Retail Sales and Use Tax but would include all transportation and delivery charges, even if separately stated.
SENATE						
SB 76	Reynolds	Salem Highway Construction District; transportation funding	S Finance			Provides funds for transportation in the Salem Highway Construction District by allocating revenue attributable to a portion of economic growth due to or facilitated by the Inland Port in Montgomery County.
SB 114	Petersen	Motor fuels taxes; rate increase or decrease each year using fuel efficiency index	S Finance			Increases or decreases each year the rates of Virginia's fuels taxes using a fuel efficiency index. The bill would define the fuel efficiency index as the quotient that is obtained when using as the numerator the total annual vehicle miles traveled in the Commonwealth for the relevant year and using as the denominator the total gallons of motor fuel consumed for highway use in the Commonwealth for the relevant year. The numerator and denominator would be the corresponding amounts as published by the FHWA. Establishes 2007 as the base year for the fuel efficiency index. Thus, the percentage change in the fuel efficiency index between the current year and 2007, the base year, would determine the annual percentage increase or decrease in the rates of Virginia's fuels taxes.
SB 115	Petersen	Surcharge on fuels sales; locality to impose a one percent surcharge	S Finance			Authorizes each city and county to impose a 1% surcharge on the retail price of motor fuels sold at retail in the city or county. The Tax Commissioner would collect the surcharge in the same manner that he collects the retail sales and use tax. Revenues from the surcharge would be used solely for funding of roads or highways in the urban or the secondary system of state highways
SB 132	Obenshain	Retail Sales and Use Tax; increases distribution to Transportation Trust Fund	S Local Govt			Increases the distribution to the Transportation Trust Fund from the sales and use tax revenue generated by a 1/2% sales and use tax to the sales and use tax revenue generated by a 1% sales and use tax upon the Comptroller determining in any fiscal year that (i) the growth in general fund revenues for the most recently completed fiscal year was at least 3%, and (ii) the actual dollar increase in general fund revenues for the most recently completed fiscal year was at least equal to the sales and use tax revenue generated by a 1/2% sales and use tax.
SB 164	Edwards	Transportation; source of revenue by increase of motor vehicle sales and use tax	S Finance			Creates additional sources of revenue for transportation by increasing the motor vehicle sales and use tax by 1/2% and the motor vehicle rental tax by 1%, and by imposing a five percent tax on the wholesale price of gasoline. The new revenue sources will be directed to the Rail Enhancement Fund, the Transportation Trust Fund, the Highway Maintenance and Operating Fund for transportation projects and needs of the Commonwealth, and certain priority transportation projects, as designated by the Commonwealth Transportation Board, in No. Va. and Hampton Roads. The bill would also eliminate the 1/2% sales tax on food currently going to the Transportation Trust Fund, and would raise the allowed credit for low-income taxpayers
SB 223	Barker	Motor fuels tax; converts rates of taxation from cents per gallon to percentage rates	S Finance			Replaces current fuels tax on gasoline, gasohol, and diesel fuel with a tax that is a percentage of the wholesale price of a gallon of self-serve unleaded regular gasoline. Percentage shall be established by the Commissioner by determining the percentage that would most closely yield 17.5 cents per gallon, based on the average wholesale price of a gallon of self-serve unleaded regular gasoline for the period beginning October 1, 2009, and ending March 31, 2010.
SB 343	Hanger	Fuels taxes; annually adjusted	S Finance			Adjusts fuels taxes each year on April 1 by the percentage increase in the Corporate Average Fuel Economy (sales volume weighted), Total Fleet (the CAFE) for the immediately preceding calendar year over the CAFE for calendar year 2009. The first adjustment would occur on April 1, 2011
SB 418	Vogel	Infrastructure in Urban Development Areas Loan Fund; created	S Local Govt			Creates the Virginia Infrastructure in Urban Development Areas Loan Fund. Fund would be administered by the Virginia Resources Authority. Money in the Fund would be used exclusively for the financing of road, small water facility, and wastewater treatment facility projects located or to be located within an urban development area and undertaken by a local government. Priority for loans would be given to projects that will serve two or more local governments to encourage regional cooperation
SB 513	Norment	Racing Commission; allocations from simulcast horse racing	S Gen Laws and Tech			Authorizes wagering on historical horse racing. The bill also allocates the proceeds from such racing with fifty percent of the proceeds distributed to the Commonwealth Transportation Trust Fund and the remaining fifty percent distributed to other entities. In addition, the bill (i) requires the existing race track to provide gambling educational programs including information on the availability of gambling addiction counseling and (ii) requires the promulgation of emergency regulations.
SB 541	Newman	Transportation Capital Projects Revenue Bonds; used for new road or highway construction projects	S Finance			Governor's Bill. Provides that at least 50% of the proceeds of Commonwealth of Virginia Transportation Capital Projects Revenue Bonds would be used for new road or highway construction projects. Bill defines a new road or highway construction project as the construction of, enhancement of, or addition to a road or highway (or a portion or segment of a road or highway), which construction, enhancement, or addition did not commence prior to January 1, 2010. Commonwealth of Virginia Transportation Capital Projects Revenue Bonds were authorized for issuance in 2007 pursuant to HB 3202 (2007)
SB 601	Wagner	Offshore drilling; royalties to be deposited in Transportation Trust Fund.	S Floor	Substitute on Second Reading		Governor's Bill. Requires that at least 80% of any revenues and royalties paid to the Commonwealth as a result of offshore natural gas and oil drilling shall be deposited to the Transportation Trust Fund. Substitute allocates 70% of any revenues to the state General Fund, 10% to localities for infrastructure and transportation; and 20% to Virginia Coastal Energy Research Consortium.
SB 607	Stosch	Comptroller; changes description in annual report of allocation of surplus general funds	S Floor	Passed Senate		Changes the description in the Comptroller's annual report of the allocation of certain surplus general fund balances for nonrecurring expenditures, and for the Transportation Trust Fund, from "designates" to "assigns." The bill also changes the description of such surplus funds from fund balance not otherwise "reserved or designated," to fund balance not otherwise "restricted, committed, or assigned."

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SB 684	Miller, J.	Transportation funding.	S Finance			(i) decreases fuels tax from \$0.175 to \$0.05/gallon & establish a 5% tax on fuel based on state average ws price of gas; (ii) subject to the additional revenues generated in (i), increases fuels tax by \$0.10/gallon in increments of \$0.02/gallon per yr for 5 yrs starting in 2011; (iii) starting in 2011 increases vehicle sales/use tax by 1/2% each yr for 4 yrs; (iv) provide that of the retail sales/use tax revenues generated by the 4% tax on auto parts/accessories, an amount equivalent to the revenues generated by a 3% retail sales/use tax on such parts/accessories would be sent to the HMOF; (v) subject to federal approval, authorize CTB to impose a \$1 per axle toll on vehicles entering VA from NC on I-85 & I-95; (vi) dedicate for hwy maintenance 10% of future growth in certain state taxes attributable to economic activity generated/facilitated by cargo marine terminals & inland ports; and (vii) dedicate for trans purposes royalties paid to the Commonwealth from offshore drilling. Amounts generated would be deposited into the HMOF, except revenues from tolls on vehicles entering VA from NC & revenues from royalties as a result of offshore drilling, which would be deposited into the TTF.
SB 694	McWaters	Budget bill; Governor to provide for additional appropriations to Transportation Trust Fund	S Finance			Authorizes the Governor, in submitting his biennial budget bill, to provide for additional appropriations to the Transportation Trust Fund from general fund revenues in cases in which general fund revenues for a fiscal year are projected to grow by at least 3%. Any such additional appropriation to the Transportation Trust Fund recommended by the Governor would be required to be in an amount not less than 1% of the projected growth in general fund revenues for the fiscal year.
Transportation Allocation Formula Bills						
HOUSE						
HB 276	Albo	Highway maintenance funds; requires CTB to allocate funds on basis of achieving level of disparity	H Trans	Substitute Reported by H Trans		Requires the CTB, when allocating funds for highway maintenance, to do so on the basis of achieving a minimal level of disparity among highway construction districts in meeting asset performance standards in § 33.1-13.02. Substitute directs the CTB to prepare a comparison of proposed funding allocations with funding allocations that would be based entire on asset performance standards.
HB 421	Hope	Transportation Board; allocating funds for transit projects	H Trans	Substitute Reported by H Trans		NVTC Bill. Substitute allows the Commonwealth Transportation Board (CTB) to allocate up to 20% of transit capital funds to operating in any year in which transit operating funds are projected to be less than the current year.
HB 1047	Kory	Mass Transit Fund; increases percentage of Transportation Trust Fund revenues in.	H Appr. Trans. Sub	H Approp, Trans Sub recommended tabling		Increases the percentage of Transportation Trust Fund revenues flowing into the Commonwealth Mass Transit Fund from 14.7 to 19 %
HB 1103	Sickles	Primary system highway construction funds; allocation.	H Trans Sub # 4	Subcommittee recommended passing by with a letter to JCTA.		Allocates primary system highway construction funds among the nine highway construction districts on the basis of the ratio of vehicle miles traveled on primary highways divided by the lane miles of primary highways in each highway construction district, weighted 90%, and a need factor, weighted 10%.
HB 1131	Keam	Transportation Board; formulas for allocating funds				Adds one member from the Northern Virginia highway construction district to the CTB. 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.
SENATE						
Protecting the Transportation Trust Fund						
House						
HJ 5	Oder	Constitutional amendment; Transportation Funds	H Priv. & Elections			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, 2011, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly 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 2/3 + 1 of the members voting in each house, and the loan must be repaid with interest by the end of the 4th fiscal year following the date of the borrowing.
HJ 67	Marshall, R.	Constitutional amendment; Transportation Funds	H Priv. & Elections			Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, and Highway Maintenance and Operating Fund. All revenues dedicated to Transportation Funds on January 1, 2009, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly alters the revenues dedicated to the Funds. The amendment limits use of moneys to transportation and related purposes. The General Assembly may borrow from the Funds for other purposes only by a vote of 2/3 + 1 of the members voting in each house, and the loan or reduction must be repaid with interest within 4 years.
HJ 69	Watts	Constitutional amendment; Transportation Funds	H Priv. & Elections			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, 2011, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds. The General Assembly may alter 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 2/3 + 1 of the members voting in each house, and the loan must be repaid with interest within 4 years. Moneys designated for deposit into funds other than Transportation Funds shall not be used for any transportation-related purpose except for making certain debt service payments on transportation-related bonds and notes.

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HJ 86	Marshall, D.	Constitutional amendment; Transportation Trust Fund	H Priv. & Elections			Provides that the Transportation Trust Fund established in 1986 will be a permanent fund & receive all revenues generated by the 1986 package of tax and fee increases and any later enactments dedicating additional revenues to the Fund. Amendment limits the use of Trust Fund moneys to purposes of highway construction, maintenance, and improvements; public transportation; railways; seaports; and airports. The General Assembly may use fund proceeds for other purposes only by a 2/3 vote of the members in each house and, fund proceeds thus approved for other purposes must be repaid to the Fund within 3 years
Senate						
Other Transportation Bills						
House						
Senate						
House						
Senate						
Legislation No Longer Under Consideration						
Transportation Funding Bills						
HOUSE						
HB 37	Marshall, R.	Overload and overweight permits; fees established by Commissioner	H Trans	Passed by with a letter to JCTA		Revises the fees for vehicle overload and overweight permits to conform to recommendations of the Virginia Transportation Research Council
HB 666	May	Transportation Capital Projects Revenue Bonds; used for new road or highway construction projects	H Trans	Passed by with the letter to the Joint Comm on Trans Account.		Governor's Bill. Provides that at least 50% of the proceeds of Commonwealth of Virginia Transportation Capital Projects Revenue Bonds would be used for new road or highway construction projects. The bill defines a new road or highway construction project as the construction of, enhancement of, or addition to a road or highway (or a portion or segment of a road or highway), which construction, enhancement, or addition did not commence prior to January 1, 2010. Commonwealth of Virginia Transportation Capital Projects Revenue Bonds were authorized for issuance in 2007 pursuant to HB 3202 (2007)
HB 805	Poindexter	Offshore drilling; portion of royalties to be deposited in Transportation Trust Fund	H Appr. Trans. Sub	Incorporated into HB 756		Requires that 80% of any revenues and royalties paid to the Commonwealth as a result of offshore natural gas and oil drilling shall be deposited to the Transportation Trust Fund. The remaining 20% shall be used to encourage and incentivize non-petroleum based transportation fuels.
HB 900	Comstock	Offshore drilling; portion of royalties to be deposited in Transportation Trust Fund	H Appr. Trans. Sub	Incorporated into HB 756		Apportions 80% of any royalties that the Commonwealth might receive from offshore drilling for natural gas and oil to the Transportation Trust Fund, and 20% to programs developed by the Secretary of Natural Resources to clean up the Chesapeake Bay
SENATE						
SB 600	Wagner	Transportation Trust Fund; increases amount of general fund surplus.	S Finance	Failed to Report		Governor's Bill. Increases from 2/3 to 75% the amount of the general fund surplus designated to the Transportation Trust Fund within the Comptroller's annual report following the close of each fiscal year. Governor would include in his budget bill an amount for deposit into the Transportation Trust Fund equivalent to the amount designated by the Comptroller
Transportation Allocation Formula Bills						
HOUSE						
HB 224	Watts	Highways; payments to cities and towns for maintenance	H Trans	Tabled by H Trans Sub #4		Equalizes municipal street payments to comparable amounts paid for state maintenance
HB 1124	Keam	Street maintenance payments; provides for increased payments where traffic volumes exceed average	H Trans	Tabled by H Trans		Provides for increased payments where traffic volumes exceed the statewide average by more than 20%.
SENATE						
Transportation Trust Fund Bills						
HJR						
SJR						

2010 General Assembly Session Transportation Funding/Allocation Bills

SJ 100	Newman	Constitutional amendment; Transportation Funds	H Priv. & Elections	Continued to 2011 by H Priv. & Elections	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, Priority Transportation 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 Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. 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 2/3s + 1 of the members voting in each house, and the loan must be repaid with reasonable interest within 4 years.
SJ 137	Norment	Constitutional amendment; Transportation Funds	H Priv. & Elections	Continued to 2011 by H Priv & Elections	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 Priority Transportation Fund. All revenues dedicated to Transportation Funds on January 1, 2011, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly alters the revenues dedicated to the Funds. The amendment requires Funds be appropriated only for transportation systems and projects. The General Assembly may borrow from the Funds for other purposes only by a vote of 2/3 + 1 of the members voting in each house, and the loan or reduction must be repaid with interest within 3 years. The amendment also limits the use of general and other nontransportation funds for transportation purposes except for certain debt service payments.
Other Transportation Bills					
House					
Senate					