

VTA Preliminary Update on Transit Related Legislation: 2010

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January 19, 2010

Bill Number Patron	Bill Summary	Status
CTB		
SB 103 McDougle Oppose	Chief Executive Officer for Transportation. 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 the Department of Rail and Public Transportation. The VA 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 the DRPT, and to provide for election of the at-large members of the Board by the General Assembly.	Senate: General Laws Oppose
HB 818 Suroveil	CTB; composition. Changes the composition of the CTB: one will be appointed from each of Virginia's 11 Congressional Districts (as they were on 1/1/10, 4 more will be at-large appointees: 1 representing seaports, 1 representing aviation, 1 representing railroads, and 1 representing mass transit; the 3 ex-officio members remain unchanged.	House: Transportation
HB 42 Oder	Transportation programs; performance audit by Auditor of Public Accounts. Requires the Auditor of Public Accounts to perform a performance audit of the Commonwealth's transportation programs.	House: Transportation
HB 480 Carrico	Public-Private Transportation Act. Requires the CTB to conduct third party audits of agreements executed under the PPTA. The audits will consists of a review of the bidding process and certain other summary information regarding each project.	
HB 808 Watts	Coordination of state and local transportation planning. Provides for coordination of local transportation planning with not only the Virginia Department of Transportation, but the Virginia Department of Rail and Public Transportation as well.	House: Transportation
TRANSIT		
SB 28 Puller	Public transit services; criminal background checks. 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.	Senate: Local Government Support
HB 690 J. Miller	Same as Above.	House: CCT Support
SB 588 Marsden	Felony assault and battery against a mass transit operator. 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.	Senate: Courts of Justice Support
HB 259 McClellan	Transportation-disadvantaged persons. Requires the Commonwealth to develop plans and programs to assist the transportation disadvantaged. Introduced at the Request of AARP.	House: Transportation

HB 1047 Kory	Commonwealth Mass Transit Fund. Increases the percentage of Transportation Trust Fund revenues flowing into the Commonwealth Mass Transit Fund from 14.7 to 19 percent.	House: Appropriations Support
HB 1059 Marshall	Bonds for transportation projects. Authorizes the Commonwealth Transportation Board 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.	House: Appropriations
HB 421 Hope	Allocation by CTB of funds for transit projects. Requires the CTB in allocating funds for transit, to give first priority to transit operating costs rather than transit capital projects.	House: Transportation Oppose this approach
SB 553	Increase transit use strategies. Requires the Secretary of Transportation to make an annual report to the General Assembly on actions taken to promote transit use, etc.	Senate: Transportation

RAIL

HB 19 Cole	VRE fares. Allows the Potomac-Rappahannock Transportation Commission to charge higher fares for VRE passengers who are not residents of localities represented on the Commission.	House: Transportation
HB 55 Cole	Local assessments for VRE service. Prohibits assessment of localities, for VRE service, of more than they collect in motor vehicle fuel sales taxes.	House: Transportation
SB 435 Edwards	TransDominion Express Commission. 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: Transportation
HJ 25 Putney	Designating the VA Rail Heritage Region. Designates the VA Rail Heritage Region in the Commonwealth, consisting of the Counties of Allegheny, Amherst, Bedford, Botetourt, Campbell, and Roanoke, and the Cities of Bedford, Covington, Lynchburg, Roanoke, and Salem, as well as the Towns of Buchanan, Clifton Forge, Troutville, Amherst, Iron Gate, and Vinton.	House: Rules

TAXATION/FUNDING

HB 404 Oder	Transportation funding and administration. Provides for transportation funding and administration in Hampton Roads, Northern VA, 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 Northern VA, a portion of the growth in certain state tax revenues in Northern 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.	House: Transportation
HB 665 May	Transportation Trust Fund; additional appropriations in Governor's Budget Bill in cases of general fund revenue growth. Requires the Governor, to provide for additional appropriations to the TTF 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	House: Appropriations

	than 1 % of the projected growth in general fund revenues for the fiscal year.	
HB 666 May	Commonwealth of VA Transportation Capital Projects Revenue Bonds. Provides that at least 50 % of the proceeds of Commonwealth of VA Transportation Capital Projects Revenue Bonds would be used for new road or highway construction projects. 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 1/1/10. Commonwealth of VA Transportation Capital Projects Revenue Bonds were authorized for issuance in 2007 pursuant to House Bill No. 3202.	House: Transportation
HB 540 Marshall	Transportation funding; the Salem Highway Construction District. 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.	House: Transportation
SB 76 Reynolds	Transportation funding; the Salem Highway Construction District. Same as HB 540	Senate: Transportation
HJ 67 Marshall	Constitutional amendment (1st resolution); Transportation Funds. 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 1/1/09, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated.	House: P & E
HJ 69 Watts	Constitutional amendment (1st resolution); Transportation Funds. 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.	House: P & E
HJ 86 Marshall	Constitutional amendment (1st resolution); TTF. The TTF established in 1986 will be a permanent fund and receive all revenues generated by the 1986 package of tax and fee increases and any later enactments dedicating additional revenues to the Fund. The 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.	House: P & E
SB 443 Obenshain	Alcoholic beverage control; privatization of ABC stores. Provides for the auction of "package store" licenses to authorize the retail sale of alcoholic beverages for off-premises consumption.	Senate: Rehabilitation and Social Services
HB 230 Watts	Motor fuels tax; rate increase; allocation of construction funds for primary highway system. Increases the 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 7/1/11. The 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 %.	House: Finance
HB 269 Englin	Sales tax on motor fuels in Northern Virginia; increase in rate. Increases the rate of the state sales tax on motor fuels in Northern Virginia from 2.1 % to 4.2 %.	House: Finance
SB 132 Obenshain	Retail sales and use tax; distribution to TTF. Increases the distribution to the TTF from the sales and use tax revenue generated by a ½ % 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	Senate: Finance

	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 ½ % sales and use tax.	
SB 164 Edwards	Revenues of the Commonwealth; transportation funding. Creates additional sources of revenue for transportation by increasing the motor vehicle sales and use tax by ½% and the motor vehicle rental tax by 1%, and by imposing a 5% tax on the wholesale price of gasoline. The new revenue sources will be directed to the Rail Enhancement Fund, the TTF, the Highway Maintenance and Operating Fund for transportation projects and needs, and certain priority transportation projects, as designated by the CTB, in Northern VA and Hampton Roads. Eliminates the ½% sales tax on food currently going to the TTF, and would raise the allowed credit for low-income taxpayer	Senate: Finance
SB 114 Petersen	Fuels taxes; indexing of tax rates. Increases or decreases each year the rates of VA's fuels taxes using a fuel efficiency index. Defines the fuel efficiency index as the quotient that is obtained when using as the numerator the total annual vehicle miles traveled in VA for the relevant year and using as the denominator the total gallons of motor fuel consumed for highway use in VA for the relevant year. The numerator and denominator would be the corresponding amounts as published by the FHA of the US Department of Transportation.	Senate: Finance
SB 223 Baker	Fuels taxes; percentage of wholesale cost. Replaces the 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. The percentage shall be established by the Commissioner by determining the percentage that would most closely yield 17 ½% per gallon, based on the average wholesale price of a gallon of self-serve unleaded regular gasoline for the period beginning 10/1/09, and ending 3/31/10.	Senate: Finance
SB 343 Hanger	Fuels taxes; annually adjusted. 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.	Senate: Finance

HIGHWAYS

HB 856 Carrico	Highway speed limits. Increases the general highway speed limit on highways where it is presently 65 mph to 70 mph.	House: Transportation
HB 516 Rust	Condemnations; highway construction. Changes VDOT to the party responsible for compiling interest accrued when the amount of an award in a highway construction-related condemnation proceeding is greater than that deposited with the court or through a certificate of deposit.	House: Transportation
HB 197 Ware	Acceptance of subdivision streets into state secondary highway system. Provides that VDOT may request the CTB to allow the acceptance of any street within a network addition that meets the public service requirement of 3 or more occupied dwelling units.	House: Transportation
HB 214 Greason	HOV lanes; use by vehicle with clean special fuel license plates. Extends until 7/1/11, the sunset on use of HOV lanes by clean special fuel vehicles, regardless of the number of occupants.	House: Transportation
HB 320 Plum	HOV lanes; use by vehicle with clean special fuel license plates. Extends until July 1, 2011, the sunset on use of HOV lanes by clean special fuel vehicles, regardless of the number of occupants.	House: Transportation
HB 224	Payments to cities and towns for maintenance. Equalizes municipal street payments to comparable amounts	House: Transportation

Watts	paid for state maintenance.	
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OTHER BILLS OF INTEREST

HJ 96 May	Commission on VA's Transportation Needs. Establishes the Commission on VA's Transportation Needs to look at transportation needs and alternatives for planning and financing.	House: Rules
HJ 61 Plus	Study; Commission on Virginia's Transportation Needs; report. Establishes the Commission on Virginia's Transportation Needs to look at transportation needs in Virginia and alternatives for planning and financing Virginia's transportation system.	House: Rules
HB 277 Albo	Washington Bypass transportation corridor. Requires the CTB to establish a Washington Bypass transportation corridor.	House: Transportation
HB 25 Herring	Statewide Transportation Plan. Requires that the Plan include quantifiable measures and achievable goals for greenhouse gas emissions.	House: Transportation Support
SB 254 Miller, YB	Commonwealth Transportation Commissioner; advertising for bids; construction. The Commonwealth Transportation Commissioner may let projects costing below \$300,000 to contract. Also provides that the Commissioner may, at his discretion, build or maintain any of the roads by state or local employees as he may designate, in cases of emergency or on projects costing not more than \$600,000.	Senate: Transportation
SJ 27 Obenshain	Constitutional amendment (1st resolution); taking of private property for public uses. Limits the exercise of eminent domain for the purpose of public use and specifies that, with the exception of property taken for public service corporations, public service companies, or railroads, property may not be taken if the primary purpose of the taking is private financial gain, private benefit, an increase in tax base or tax revenues, or an increase in employment. No more property shall be taken than is necessary to achieve the stated public use.	Senate: P & E

Additional information on legislation can be obtained from to the General Assembly Legislative Information web site (<http://legis.state.va.us>). From the home page, go to Legislative Information Systems – Session Tracking – 2010 Session – Bills and Resolutions.