

VTA Update on Transit Related Legislation: 2010

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March 5, 2010

Bill Number Patron	Bill Summary	Status
TRANSIT		
SB 28 Puller Support	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: Passed 39-0 House: Passed substitute 99-0 Senate: Agreed to House Substitute 40-0
HB 690 J. Miller Support	Public transit services; criminal background checks. Same as SB 28.	House: Passed substitute 99-0 Senate: Passed 39-0
SB 588 Marsden Support	Interference with transit operation or operator; penalty. <i>(As passed the Senate)</i> Provides that any person who obstructs, hinders, or interferes with the operation or operator of a transit vehicle engaged in the performance of a public transportation service or a person engaged in his official duties as a conductor, station agent, or station attendant of a public transportation service is guilty of a Class 1 misdemeanor. <i>Initiated by NVTC.</i>	Senate: Passed substitute 31-9 House: Continued to 2011 in Courts
HB 421 Hope Support	Allocation by CTB of funds for transit projects. <i>(As passed the House)</i> Provides that, prior to the annual adoption of the Six-Year Improvement Program, the Commonwealth Transportation Board may allocate up to 20 percent of the funds in the Commonwealth Mass Transit Fund designated for capital purposes to transit operating assistance if operating funds for the next fiscal year are estimated to be less than the current fiscal year's allocation, to attempt to maintain transit operations at approximately the same level as the previous fiscal year. <i>Initiated by NVTC.</i>	House: Passed substitute 94-3 Senate: Passed 40-0
SB 553 Barker	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: Passed 40-0 House: Passed 96-0
HB 1275 Cosgrove	Virginia High-Speed Rail Commission. <i>(As passed the House)</i> 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. This Commission shall replace the Virginia-North Carolina High Speed Rail Compact.	House: Passed w/amendment 99-0 Senate: Transportation
RAIL		
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: Passed 97-0 Senate: Reported from Rules
CTB		
HB 42 Oder	Transportation programs; performance audit by JLARC. <i>(As passed the House):</i> Requires JLARC to perform a performance audit of the Commonwealth's transportation programs.	House: Passed substitute 99-0 Senate: Passed 40-0

TAXATION/FUNDING

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 than 1 % of the projected growth in general fund revenues.	House: Passed 63-35 Senate: Continued to 2011 in Finance
HB 970 Rust	Designation of annual surplus to the TTF. Increases from 2/3 to 75 % the amount of the general fund surplus designated to the TTF 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. Companion bill defeated in Senate Finance.	House: Passed 81-18 Senate: Finance
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: Left in Appropriations
HB 457 Herring	Disclosure of tax information. <i>(As passed the House)</i> Allows the Tax Commissioner to disclose to the Executive Director of the Northern Virginia Transportation Commission for his confidential use, tax information as is necessary to facilitate the collection of the motor vehicle fuel sales tax.	House: Passed with amendment 99-0 Senate: Passed (40-0) Governor:
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 4/1/01.	Senate: Passed (31-9) House: Continued to 2011 in 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. This bill incorporates HB 176 .	House: Passed substitute 71-26 Senate: Passed 30-10 Governor: Approved
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: Passed 99-0 Senate: Passed 40-0 Governor: Approved
HB 197 Ware	Acceptance of subdivision streets into state secondary highway system. <i>(As passed the House):</i> VDOT will allow the acceptance of any street within a network addition that meets one or more of the public service requirements..	House: Passed substitute 98-0. Senate: Transportation
HB 222 Watts	Secondary highway system design standards. <i>(As passed the House)</i> Provides that for urban and urban development areas in jurisdictions using the urban county executive form of government, the Virginia Department of Transportation shall work in conjunction with the jurisdiction and the Department of Rail and Public Transportation to review new design standards for state secondary highway system components that the jurisdiction proposes.	House: Passed substitute 81-18. Senate: Passed w/amendments 40-0 House: Agreed 80-19
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. <i>Committee sub incorporates HB 320 (Plum) and HB 980 (Hugo)</i>	House: Passed substitute 78-17. Senate: Passed 40-0
HB 1158 Oder	Regional VDOT construction accounts <i>(As passed the House):</i> Provides for the establishment of regional accounts, one for each highway construction district, whereby new transportation revenues not previously in existence generated on and after July 1, 2010 shall be deposited, to be used by the CTB for allocation of funds for specific transportation projects within the region wherein the revenue is generated. This system of allocation is to be in addition to and not a replacement for other transportation construction fund allocation formulas.	House: Passed substitute 93-6. Senate: Passed by in Finance w/letter
SB 254 Miller, YB	Commonwealth Transportation Commissioner; advertising for bids; construction. The CTC 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: Passed 40-0. House: Passed 98-0

CARRIED OVER (in bill number order)

HB 259 McClellan	Transportation-disadvantaged persons. Requires the Commonwealth to develop plans and programs to assist the transportation disadvantaged. House: Carried over in Transportation
HB 808 808Watts Support	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. <i>House sub incorporates HB 1098 (Sickles).</i> House: Carried over in Transportation
SB 103 McDougle Oppose	CEO for Transportation. Abolishes the office of CTC and replaces that position with a CEO for Transportation who takes over the powers, duties, and responsibilities of the CTC, the Director of the Dept. of Aviation, and the Director of the DRPT. 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 CTC, and the Director of the DRPT, and to provide for election of the at-large members of the Board by the General Assembly. Senate: Carried over in Transportation
SB 435 Edwards	TransDominion Express Commission. Establishes the 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: Carried over in Rules
SJ 27 Obenshain Oppose	Constitutional amendment ; 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: Continued to 2011 in P & E

DEFEATED (in bill number order)

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: Left in Transportation
HB 25 Herring Support	Statewide Transportation Plan. Requires that the Plan include quantifiable measures and achievable goals for greenhouse gas emissions. House: Transportation sub #1 failed to recommend reporting
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: Left in Transportation
SB 76 Reynolds	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. Senate: Left in Finance
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.. House: Left in Finance
HB 269 Englin Support	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: Lay on the table in Finance <i>initiated by NVTC.</i>
HB 277 Albo	Washington Bypass transportation corridor. Requires the CTB to establish a Washington Bypass transportation corridor. House: Appropriations sub on Transportation failed to report.
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. House: Appropriations PBI with letter.
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. House: Transportation sub #4 recommends laying on table

HB 666 May	Commonwealth of VA Transportation Capital Projects Revenue Bonds. 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. House: <i>PBI with letter in Transportation</i>
HB 779 LeMunyon	Northern Virginia transportation projects. Requires VDOT to evaluate and make periodic reports on transportation improvement projects in the Northern Virginia highway construction district. House: <i>PBI with letter in Transportation 13-8.</i>
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: <i>Left in Transportation</i>
HB 948 Englin	HOT lanes. Requires VDOT to conduct a NEPA study prior to any HOT lane construction on any portion of I-95 or I-395. House: <i>PBI in Transportation</i>
HB 968 Englin	HOT lanes. 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. House: <i>Tabled in Transportation</i>
HB 969 Englin	PPTA; preconditions to certain comprehensive agreements. Requires that highway construction projects of \$100 million or more undertaken under the PPTA have prior approval from the General Assembly. House: <i>Tabled in Transportation 14-4.</i>
HB 1047 Kory Support	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: <i>Lay on the table in Appropriations</i>
HB 1059 Marshall	Bonds for transportation projects. Authorizes the CTB to issue bonds in an aggregate amount not to exceed \$3,963,000,000 for specific transportation projects throughout VA. The bonds will be paid for by the revenues collected for each project through tolls and other fares or fees. House: <i>Lay on the table in Appropriations</i>
HB 1061 Marshall	General obligation bonds for transportation projects. Authorizes issuance of general obligation bonds in an amount not to exceed \$3,963,000,00 to finance capital transportation projects. House: <i>Lay on the table in Appropriations</i>
HB 1131 Keam	Composition of CTB formulas for allocating primary, urban, and secondary highway system construction funds. Adds one member from the Northern Virginia highway construction district to the CTB. House: <i>Left in Transportation</i>
HB 1223 Ebbin	HOT lanes. 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. Mandates that local governments' concerns with congestion at points of access and egress and on parallel local streets are openly and meaningfully addressed. House: <i>Tabled in Transportation</i>
HJ 61 Plum	Study; Commission on VA's Transportation Needs; Establishes the Commission on VA's Transportation Needs to look at transportation needs in VA and alternatives for planning and financing VA's transportation system. House: <i>Rules sub #3 recommends laying on table</i>
HJ 67 Marshall	Constitutional amendment ; Transportation Funds. Requires the General Assembly to maintain permanent and separate Transportation Funds to include the CTF, TTF, 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: <i>Left in P & E</i>
HJ 69 Watts	Constitutional amendment ; 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: <i>Left in P & E</i>
HJ 86 Marshall	Constitutional amendment ; 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. House: <i>Left in P & E</i>
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: <i>Lay on the table in Rules</i>
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. Senate: <i>Left in Finance</i>

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 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. Senate: <i>Left in Finance</i>
SB 164 Edwards	Revenues of the VA; 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 NOVA and Hampton Roads. Eliminates the ½% sales tax on food currently going to the TTF. Senate: <i>Left in Finance</i>
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: <i>Left in Finance</i>
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: <i>Left in Finance</i>
SB 541 Newman	Commonwealth of VA Transportation Capital Projects Revenue Bonds. 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. Senate: <i>Left in Finance</i>
SB 600 Wagner	Designation of annual surplus to the TTF. Same as HB 970. Senate: <i>Defeated in Finance 6-9</i>
SB 634 Marsden	CTB; composition. Same as HB 818. Senate: <i>PBI with letter in Transportation</i>
SB 684 Miller	Transportation funding. Provides new and increased taxes, tolls, royalties from offshore natural gas and oil drilling, and general fund revenues for transportation funding.. Senate: <i>Left in Finance</i>
SB 694 McWaters	TTF; additional appropriations recommended by the Governor in cases of general fund revenue growth. Authorizes the Governor, in submitting his biennial budget bill, 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 %. Senate: <i>Defeated in Finance 6-9.</i>
SB 717 Petersen	Regional VDOT construction accounts. Establishes regional accounts to be used by the CTB for allocation of funds for specific transportation projects within the region wherein the revenue is generated. This system of allocation is to be in addition to other transportation construction fund allocation formulas. Senate: <i>Left in Finance</i>