



VDOT 2011 Legislation - Update

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VDOT 2011 Legislation

VDOT legislative package includes:

- **16 pieces of legislation:**
 - Six Code clean-up bills
 - Five promote government efficiency and streamline processes
 - Five are Omnibus bills
- **Legislation developed based on ideas from the Governor's Commission on Government Reform.**
- **Status Update:**
 - **HB 1760 Stormwater Management – incorporated into HB 1737**
 - **HB 1946 Commercial Trucks – engrossment refused by the House (failed)**
 - **Five bills amended**

Appraisal Waiver (HB 1693)

- Amends § 25.1-417 to change the maximum limit on waiver of appraisals from \$10,000 to \$25,000, consistent with the amount allowed by federal regulations.
- Legislation also provides that whenever the value of the property being acquired is determined to be between \$10,000 and \$25,000, the owner or his designated representative may request that an appraisal be prepared and used as the basis for establishing just compensation pursuant to this section.
- VDOT anticipates saving time and money in establishing fair market values on parcels where acquisition is \$25,000 or less by using the waiver approach.
- This bill was amended to clarify when the landowner would be told that they are entitled to a full appraisal. This information will be disclosed at the time an offer is made initiating negotiations.

Funding – Omnibus Bill (HB 2233/SB 1004)

- Amends § 17.1-276 to exempt VDOT and DRPT from paying any fee for remote access to land records.
 - The potential cost savings to the agencies would be about \$160,800 per year, considerably reducing the costs to research and close right of way acquisitions.
- Amends § 33.1-41.1 to establish that VDOT recommend to the CTB an annual rate to be used by VDOT to make payments for maintenance, delete references to the statewide maintenance cost index, the base lane per mile rate and fund allocations. Also, adds language indicating that total payments shall not exceed the CTB allocation.
 - The proposal amends the Code section so that it is consistent with the Appropriation Act since 2003 and the practice of the CTB.
 - An amendment was added to state that the payments shall be computed using the base rate of growth planned for the Department's Highway Maintenance and Operations Program.

Funding – Omnibus Bill (HB 2233/SB 1004) (Cont.)

- Amends § 33.1-70.01 to ensure the payback provisions specified are available to VDOT if a locality chooses to cancel a project in the six-year plan after approval of the location and design.
 - This proposal will allow VDOT to treat counties in the same manner as cities are treated, pursuant to § 33.1-44 of the *Code*, when projects are cancelled.
- Amends § 33.1-330 to eliminate the requirement of refunding bonds anytime within three years of the date of maturity. Federal law limits bonds issued after 1986 to a one-time refunding.
 - A one-time refunding could occur at any time, when savings can be realized.

Procurement – Omnibus Bill (SB 1126)

- Amends § 2.2-4301 to:
 - increase the duration of terms for contracts concerning environmental location, design and inspection work on highways and bridges to one initial term of two years, and leave the current option to renew the contract for two additional one-year terms unchanged.
 - clarify that the sum of all projects in each one-year term is not to exceed \$5 million.
 - An enactment clause was added to state that the Commissioner shall appoint a committee to review performance and payment bonding requirements and make recommendations to the Commissioner regarding any changes by December 1, 2011.

Duties of the VDOT Commissioner – Omnibus Bill (HB 1825/SB 1005)

- Amends the necessary sections of the Code to change the Commonwealth Transportation Commissioner's title to Commissioner of Highways.
- Amends § 33.1-8 to eliminate the requirement that the Commissioner employ an assistant commissioner for the environment, transportation planning, and regulatory affairs.
- Amends § § 33.1-34, 33.1-35, 33.1-148, 33.1-150, and 33.1-155 to allow the VDOT Commissioner to transfer, abandon, and discontinue roads in and among the primary and secondary systems of state highways when such actions are recommended as appropriate by the Chief Engineer in connection with the completion of a construction or maintenance project.
- Amends § § 33.1-149 and 33.1-154 to eliminate the requirement that the CTB must declare excess right of way as surplus before VDOT may sell the land.
- Adds § 33.1-13.03 and repeals § § 33.1-13.01 and 33.1-13.02 allowing VDOT to submit one comprehensive report focusing on VDOT operations and services.
 - An amendment was added to clarify that the annual report on the condition and performance of the existing transportation infrastructure would be based on an asset management methodology and generally accepted engineering principles and business practices to identify and prioritize maintenance and operations needs and to identify performance standards to be used to determine those needs and funding required to meet those needs.

Local Roads – Omnibus Bill (HB 1758)

- Amends § 33.1-23.3 to provide that a municipality may decide to assume the responsibility for its construction program by notifying the Commonwealth Transportation Board (CTB) by December 31, for implementation the following fiscal year.
- Amends § 10.1-603.8 to provide that routine maintenance includes the paving of an existing road with a compacted or impervious surface and reestablishment of existing associated ditches and shoulders.
- Amends § 33.1-70.1 to provide that any road designated as a Rural Rustic Road shall be subject to § 10.1-603.8.

Local Roads – Omnibus Bill (HB 1758) (cont.)

- Amends § 33.1-70.2 to eliminate the requirement for a local governing body to hold a public hearing when provided notice that VDOT plans to pave a secondary road within the locality; and to require that the local governing body provide concurrence or other recommendation to the Commissioner within 72 hours of VDOT providing such notice.