



VDOT 2011 Legislation

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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.**

Code Clean-up Legislation

- **I-66 Economic Development Program (SB 897)**
 - Repeals § § 33.1-221.1 and 33.1-221.1:6.
 - Code sections previously created to fund Disney's America Project.
 - Sections no longer necessary since revenues have never been appropriated to construct the improvements listed in the language.
- **Turnpikes (SB 896)**
 - Repeals § § 33.1-296 – 33.1-317. Currently authorizes CTB to construct, maintain, repair and operate turnpike projects and issue turnpike revenue bonds payable solely from the toll on the turnpike and revenues pledged for their payment.
 - Repeals § 33.1-318. Currently, authorizes cities and towns to charge or collect tolls for transit over streets, roads, bridges or tunnels constructed to connect to state turnpike projects.
 - Code sections never used.

Code Clean-up Legislation Cont.

- **Capital Stock (SB 895)**
 - Repeals § 56-51.1 to remove the allowance for the donation of capital stock from turnpike or ferry corporations to the CTB or the political subdivisions in which it is located.
 - Language not needed because Virginia does not have any turnpike or ferry corporations.
- **Marine Museums (SB 894)**
 - Repeals § 33.1-220 which authorizes the CTB to cooperate with the person who may establish a marine museum in some county in this Commonwealth adjoining a city located on navigable water, with a population of 30,000 or more.
 - The marine museum referenced appears to be the Mariners' Museum, which upon its establishment was located in the City of Newport News near Warwick County, Virginia.
 - The referenced museum has long since been established.

Code Clean-up Legislation (Cont.)

- **Golf Cart (HB 2429)**
 - Amends § 46.2-916.3 to delete a semicolon to clarify exceptions for the use of golf carts on state roadways.
- **Vertical Clearance (HB 1726)**
 - Amends § 46.2-1110 to clarify that the Commissioner shall post signs of height restrictions under overhead bridges or structures having a vertical clearance of less than 14 feet for roads maintained by VDOT.
 - Legislation also includes language making local government bodies responsible for signing restricted vertical clearances on roads maintained by the locality.

Truck Restriction (HB 1946)

- Amends § 46.2-803.1 which governs the restriction of trucks from the left-most lane of interstate highways having more than two lanes in each direction, to add that this restriction only applies where daily traffic volumes do not exceed 10,000 vehicles per day per lane, except within the Eighth Planning District (Northern Virginia) and on Interstate 81, where the restriction remains for all traffic volumes.
- This proposal will affect a total of 77.67 miles of highway:
 - Route I-64 - 8.49 miles (Richmond Area)
 - Route I-95 - 64.60 miles (North of Richmond to Stafford/Prince William County Line)
 - Route I-295 - 4.58 miles (Richmond Area)

Certified Mail (HB 1947)

- **Amends § 33.1-94 to eliminate the requirement that the appraisers, surveyors, and environmental staff send notice of intent to enter upon property by certified mail. Must still notify by regular mail.**
- **The legislation also eliminates the required 15-day waiting period if the landowner wants to meet earlier.**
- **Compared with VDOT's cost to mail notices by certified mail, VDOT would achieve an annual cost savings of approximately \$46,288 (9,145 notices at the current regular mail rate of \$0.44) by using regular mail to send notices of intent to enter property.**

Use of Inmate Labor at Rest Areas (HB 2040/SB 1109)

- **Amends § 53.1-56 to authorize the use of inmate labor at rest areas along the Interstate Highway System.**
- **The legislation authorizes the CTB to make requisition for inmates of the Department of Corrections (DOC) to perform maintenance work at rest areas along the Interstate Highway System. Also as a result of this change, the use of inmate labor for such maintenance activities at the rest areas would further require the joint approval of VDOT and DOC.**
- **Federal law and regulations prohibit the use of convict labor on federally funded highway construction contracts located on Federal-aid highways (including contracts for preventive maintenance) unless it is labor performed by convicts who are on parole, supervised release, or probation.**
- **However, the federal prohibition on the use of convict labor does not prohibit the use of inmate labor for routine maintenance activities at rest areas along the Interstate Highway System—since such activities would not be eligible for federal funding.**

Stormwater Utility Fees (HB 1760)

- **Amends § 15.2-2114 to ensure that state and local agencies are not unnecessarily assessed service charge fees by localities for regulation of stormwater management for their building sites, roads and public streets or surplus properties resulting from right of way acquisition transactions.**
- **This proposal would ensure that VDOT is not charged stormwater management fees by localities and clarify that waivers apply to all property acquired through the right-of-way process.**

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.

Powers of the CTB – Omnibus Bill (HB 1957/SB 1135)

- **Amends § 33.1-12 to:**
 - clarify that any system of local roads, urban highways, and local roads in any county that has resumed full responsibility for all the secondary system of highways within its boundaries pursuant to the provisions of § 33.1-84.1 are part of the locally maintained system and not part of the state system.
 - increase the limitation on the value of contracts the VDOT Commissioner and the Director of DRPT may let from \$2 million to \$5 million.
 - explicitly state that the CTB dollar amount threshold does not apply to locally administered projects
 - explicitly state that localities, authorities and transportation districts administering projects pursuant to agreement with VDOT or DRPT are allowed to let contracts without concurrence of the VDOT Commissioner, the DRPT Director, or the CTB within their jurisdiction in accordance with those provisions of *Code* providing localities, authorities and transportation districts authority to let such contracts.
 - eliminate the provision that the CTB may regulate outdoor theaters.

Powers of the CTB – Omnibus Bill (HB 1957/SB 1135) (Cont.)

- Amends § 33.1-23.03 to provide that the Statewide Transportation Plan be updated every four years, rather than the current five year schedule.
- Repeals § 33.1-21 which provides that the CTB may designate and appoint any or all of the employees of the Board as special policemen, with the powers of a sheriff, to enforce the rules and regulations of the CTB.
 - The CTB no longer enforces traffic rules and regulations.

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.**

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.

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.

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 § 33.1-70.1 to exempt Rural Rustic Roads from any other regulation that requires additional engineering or improvements beyond those required to provide an adequate hard surface.
- Amends § 33.1-70.2 of the *Code of Virginia* 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.