

# *Virginia Department of Transportation*

## Commonwealth Transportation Board - General Assembly Update

<b>Pending Legislation</b>		
<b>Bill Number</b>	<b>Description</b>	<b>Status</b>
HB 5  Bell, Robt.	<b>Taking or Damaging of Private Property Public Use Constitutional Amendment (Voter Referendum).</b> Provides for a referendum at the November 6, 2012, election to approve or reject an amendment eliminating the General Assembly's authority to define a public use for which private property may be taken or damaged and providing that no private property shall be taken or damaged for a public use without just compensation to the property owner and that only so much of the property as is necessary to achieve the public use is taken or damaged. (Like HJR 3, SB 240, SJR 3, SJR 67, SJR 117)	Amended, Passed House and Senate
HB 34  Albo	<b>Advertising Within Highway Limits.</b> Allows the Commissioner of Highways to enter into agreements with any local governing body authorizing local law-enforcement agencies or other local governmental entities to act as agents of the Commissioner regarding unlawful advertising on highways and collection of penalties and costs. Provides that signs and advertising promoting and/or providing directions to a special event erected from Saturday through the following Monday shall not be subject to such an agreement between the Commissioner of Highways and the local governing body of Fairfax County. Under the bill, signs and advertising supporting an individual's candidacy for elected public office or other ballot issues may be subject to such an agreement between the Commissioner of Highways and the local governing body of Fairfax County. (Like HB 616)	Substitute Passed House and Senate
HB 72  Bell, Richard	<b>Highway Work Zones.</b> Requires highway work zones to be marked by appropriate warning signs and, for projects covered by contracts entered into on or after July 1, 2012, with attached flashing lights or other traffic control devices indicating that work is in progress.	Amended, Passed House and Senate
HB 85  Greason	<b>HOV Lanes.</b> Removes the July 1, 2012 sunset on use of HOV lanes by vehicles bearing clean special fuel license plates, regardless of the number of occupants. Requires the Commissioner of Highways to provide annually to the Chairmen of the Senate and House of Delegates Committees on Transportation traffic volumes on the HOV facilities that result in a degraded condition as identified in SAFETEA-LU or other applicable federal law and reported to the FHWA. This report shall be used by the Chairmen of their respective committees to recommend further restriction on use of HOV facilities by clean special fuel vehicles. (Also SB 209) (Like HB 256, HB 693)	Substitute Passed House and Senate

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Bill Number	Description	Status
HB 119 Hodges	<b>Operation of Golf Carts on Highways.</b> Allows the governing body of the Town of Urbanna to authorize the operation of golf carts on the highways of the Town, subject to the limits of general law.	Passed House and Senate; Chapter 9
HB 324 Massie	<b>Tax-Supported Debt of the Commonwealth.</b> Establishes the method of calculating the total principal amount of debt issued by any state agency, institution, board, or authority when the authority to issue the debt restricts the maximum principal amount of debt that may be issued.	Passed House and Senate
HB 466 Albo	<b>Alcoholic Beverage Control Outdoor Advertising.</b> Provides that all outdoor alcoholic beverage signs and advertising by ABC licensees shall comply with the provisions of outdoor advertising in sight of highways, laws and regulations adopted by the CTB pursuant thereto, and the Integrated Directional Sign Program administered by VDOT or its agents. Agency Bill (Also SB 408) (Like HB 471, SB 398)	Substitute, Amended Passed House and Senate
HB 471 Albo	<b>Alcoholic Beverage Control Outdoor Advertising.</b> Resolves conflicts between ABC statute and Chapter 7 Title 33.1 and the Integrated Directional Sign Program. The bill adds language concerning location and zoning of outdoor alcoholic beverage advertising and other limitations. The bill adds penalties for violators of the outdoor advertising statutes. That an emergency exists and this act is in force from its passage. (Also SB 398) (Like HB 466, SB 408)	Substitute Passed House and Senate
HB 545 Comstock	<b>VDOT Incident Management.</b> Allows VDOT to drive on a portion of the highway other than a roadway at, en route to, or from the scene of a traffic accident, without direction from law-enforcement officers. Agency Bill. (Also SB 315)	Passed House and Senate; Chapter 27

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Bill Number	Description	Status
HB 599  LeMunyon	<p><b>Northern Virginia Transportation District.</b>            Requires VDOT, in coordination with the CTB, DRPT, and the NOVA Transportation Authority, to evaluate all significant transportation projects, including highway, mass transit, and technology projects, in and near the Northern Virginia Transportation District, to the extent that funds are available for such purpose. The evaluation shall provide an objective, quantitative rating for each project according to the degree that congestion is expected to be reduced by the project and the degree to which regional mobility is expected to be improved by the project in the event of a homeland security emergency. Such evaluation shall rely on analytical techniques and transportation modeling, including those that employ computer simulations currently and customarily employed in transportation planning. VDOT shall publicize the quantitative ratings determined for each project on its website and complete the evaluation at least once every four years, with interim progress reports provided on the website at least once every six months starting January 1, 2013. Significant transportation projects to be evaluated shall comprise at least 25 projects selected according to priorities determined by the CTB, in coordination with the Northern Virginia Transportation Authority. (Also SB 531)</p>	Substitute Passed House; Substitute Passed Senate; in Conference Committee
HB 625  LeMunyon	<p><b>Transportation Planning Comprehensive Plan.</b>            Provides that when a locality in Planning District 8 (Northern Virginia) submits to VDOT for review a proposed comprehensive plan or amendment that will substantially affect transportation on state controlled highways, VDOT will determine the extent to which the proposal will increase traffic congestion or reduce the mobility of citizens in the event of a homeland security emergency and include such information in its comments to the locality on the proposed plan or amendment.</p>	Substitute Passed House and Senate
HB 626  LeMunyon	<p><b>Highway Noise Certain Reports by VDOT.</b>            Allows the governing body of any county, city, or town, at its own expense, to evaluate noise from highways it may designate for analysis. Such evaluation shall be accepted and relied upon by the Department if such evaluation is prepared in accordance with and complies with applicable federal law, regulations, and requirements, as well as guidelines and policies issued by the CTB, relating to noise abatement and evaluation. This provision shall not apply to projects for which VDOT is required to perform a noise analysis.</p>	Substitute Passed House and Senate; Chapter 171

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<b>Bill Number</b>	<b>Description</b>	<b>Status</b>
HB 646 Habeeb	<b>Permit Applications for Outdoor Advertising.</b> Defines "billboard sign" and does away with the Certification Acceptance Program which allowed an entity with five or more signs to self-inspect and certify its correspondence with the regulations in lieu of paying a permit fee. The bill also raises application fees for permits for advertising from \$3 to \$15 for an ad less than 74 sq. ft.; from \$5.50 to \$30 for an ad 74-1,084 sq. ft.; and from \$20 to \$165 for an ad greater than 1,084 sq. ft. Agency Bill.	Passed House and Senate; Chapter 145
HB 800 Webert	<b>Nonsurface Treated Highways Speed Limits.</b> Provides that the speed limit on nonsurface treated roads shall be 35 miles per hour. The provisions of this section shall apply in the Counties of Albemarle, Clarke, Fauquier, Frederick, Loudoun, Montgomery, Nelson, Page, Rappahannock, Warren, and Wythe and in any other county wherein the governing body adopts an ordinance pursuant to the provisions of this section.	Substitute Passed House and Senate; Chapter 207
HB 806 May	<b>Overweight Vehicle Permits and Fees.</b> Provides a uniform method of assigning cost-based fees based on the amount that a vehicle is overweight. The bill also allocates payment of fees into specific funds. The bill has a delayed effective date of January 1, 2013. (Like HB 1038)	Passed House and Senate
HB 869 Rust	<b>Urban Development Areas.</b> Makes designation of urban development areas optional for all localities. Currently urban development areas are mandatory for many higher growth localities. (Also SB 274) (Like HB 92, HB 729, HB 794, SB 291)	Passed House and Senate
HB 914 Minchew	<b>Children at Play Signs.</b> Allows local governments, excluding cities, pursuant to an agreement with the Commissioner of Highways, to install Children at Play signs on highways within their boundaries.	Amended, Passed House and Senate; Chapter 179
HB 945 Villanueva	<b>Performance and Payment Bonds on Transportation-Related Projects.</b> Allows the performance and payment bond requirements for transportation-related projects that are valued in excess of \$250,000 but less than \$350,000 to only be waived by a public body if the bid is accompanied by evidence that a surety company has declined an application from the contractor for a bid bond. Agency Bill	Substitute Passed House and Senate

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<b>Bill Number</b>	<b>Description</b>	<b>Status</b>
HB 1035  Joannou, et al	<b>Eminent Domain Lost Profits and Access.</b> Defines the terms "lost profits" as "business profits" and "lost access" as "material impairment of direct access" and how to determine the amount of just compensation, which includes lost profits and lost access resulting from the taking, that must be paid for property taken. The bill has a contingent effective date of January 1, 2013, provided that the voters approve an amendment to Section 11 of Article I of the Constitution of Virginia at the 2012 November election. Property owners must submit federal tax returns, if any, in connection with proceedings to recover lost profits. Incorporates HB 597. (Also SB 437).	Substitute Passed House and Senate
HB 1065  Sherwood	<b>Integration of Agencies' Programs.</b> Integrates elements of the Erosion and Sediment Control Act, the Stormwater Act, and Chesapeake Bay Preservation Act so that these regulatory programs can be implemented in a consolidated and consistent manner, resulting in greater efficiencies (one-stop shopping) for those being regulated. The bill also eliminates the Chesapeake Bay Local Assistance Board and places its responsibilities with the Virginia Soil and Water Conservation Board. (Also SB 407)	Substitute Passed House and Senate
HB 1076  Hugo	<b>Special Use Permit for Storage or Disposal of Certain Non-Agricultural Waste.</b> Provides that agencies of the Commonwealth or its contractors are not required to obtain a special exception or a special use permit under this section.	Substitute Passed House and Senate
HB 1113  Toscano	<b>Biscuit Run in Albemarle County, Virginia.</b> Authorizes the Department of Conservation and Recreation to negotiate a land exchange of certain parcels in an area known as Biscuit Run in Albemarle County.	Substitute Amended, Passed House and Senate
HB 1164  Bulova	<b>Improvements to Secondary and Urban System Highways.</b> Requires the Secretary of Transportation, at least once every four years, to examine the process by which secondary and urban highway system maintenance and improvement projects are approved.	Passed House and Senate; Chapter 41
HB 1185  Peace	<b>The Road to Revolution.</b> Expands the potential for sites on The Road to Revolution state heritage trail from those celebrating Patrick Henry and his role in liberating Virginia from Colonial rule to all those significant to men and women who played a role in liberating Virginia and establishing the United States of America.	Passed House and Senate; Chapter 154
HB 1217  Morefield	<b>Sergeant David Lambert Highway; Sergeant Brandon Asbury Highway.</b> Designates a portion of Virginia Route 19 the "Sergeant Brandon Asbury Highway" and all of Virginia Route 609 in Tazewell County the "Sergeant David Lambert Highway."	Amended, Passed House and Senate

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Bill Number	Description	Status
HB 1224  Morefield	<p><b>Transfer of Property by VDOT.</b>            Authorizes VDOT, with the approval of the Governor, to convey that portion of a parcel of land bounded by Virginia Route 19, Virginia Route 1015, and Virginia Route 610 in Tazewell County no longer needed for highway rights-of-way or purposes incidental to the construction, reconstruction, maintenance, repair, or improvement of public highways in exchange for real property and such other consideration as determined by the Department is necessary to render the property received by the Department suitable for use as an equipment shop facility. The total consideration received shall be of comparable value to the property conveyed by the Department in exchange. The exchange and all documentation pursuant thereto, shall be in a form approved by the Attorney General. The appropriate officials of the Commonwealth are hereby authorized to prepare, execute, and deliver such deed and other documents as may be necessary to accomplish the exchange.</p>	Amended, Passed House and Senate
HB 1248  Lingamfelter, Rust	<p><b>Transportation Construction, Operation and Maintenance, and Funding.</b>            Provides that the 67% transportation share of year end surpluses is to be deposited in to the TTF or a subfund thereof and adds transportation expenditures to the definition of non-recurring expenditures. The bill also authorizes the Commonwealth Transportation Board (CTB) to name highways, bridges, interchanges, and other transportation facilities for private entities if an annual naming rights fee is paid, with the revenue dedicated to highway maintenance and operation. The bill also charges the CTB with greater responsibilities involving integration of land use and transportation planning and authorizes the CTB to withhold funds for certain local or regional capital improvement projects if those projects are inconsistent with the Statewide Transportation Plan or the Six-Year Improvement Program. Provision is made for use of "revenue-sharing" funds for secondary highway system maintenance projects carried out by local governments. Amends the formula through which the CTB allocates construction funding by directing the first \$500 million to be allocated for specified purposes. (The specified purposes include bridge construction/rehab, high priority projects statewide, reconstruction of deteriorated interstate and primary pavements, PPTA projects, unpaved roads carrying more than 200 vehicles per day, and smart roadway technology.) Imposes a \$50 annual license fee on electric motor vehicles registered in Virginia. (Governor's Bill) (Also SB 639)</p>	Conference Substitute Passed House and Senate

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<b>Bill Number</b>	<b>Description</b>	<b>Status</b>
HB 1263 Marshall, D., Merrick	<b>VDOT Integrated Directional Sign Program.</b> Directs the Commissioner to evaluate the Supplemental Guide Sign portion of the Integrated Directional Sign Program based on specific criteria listed in the bill. A report of such findings shall be submitted to the Chairmen of House and Senate Transportation by February 1, 2014.	Substitute Passed House and Senate
HB 1295 Byron, K.	<b>Elimination of State Mandates.</b> Eliminates several statewide mandates on local and regional government entities relating to procurement procedures, education, and land use. Specifically, removes the requirement that a locality submit a list of intersections for photo-red monitoring to VDOT for final approval. (Also SB 679) (Like SB 129)	Substitute Passed House; Substitute Passed Senate; in Conference Committee
HB 1301 Item 430 2h Putney	<b>Northern Virginia MPO.</b> Directs the Secretary of Transportation to convene a workgroup prior to the 2013 Session to examine the feasibility of creating a separate Northern Virginia MPO. The Secretary would present the findings of the workgroup to the House Appropriations and Senate Finance Committees at their respective October 2012 meetings.	Proposed Budget Amendment; Passed House
HB 1301 Item 430 3h Putney	<b>Devolution of Secondary Roads.</b> Directs the Secretary of Transportation to convene a workgroup prior to the 2013 Session to examine and review potential options or the devolution of secondary roads in large jurisdictions. The Secretary would present the findings of the workgroup to the House Appropriations and Senate Finance Committees at their respective October 2012 meetings.	Proposed Budget Amendment; Passed House
HB 1301 Item 430 4h Putney	<b>VDOT Small, Women, and Minority Owned Business Program.</b> Directs the Secretary of Transportation and upon request for assistance, staff from VDOT, to work with the Transportation Accountability Commission to review the efficiency and effectiveness of the implementation of VDOT's small, women, and minority owned business program. If, following such review, the Commission has recommendations regarding improvements to such program, the findings shall be presented to the House Appropriations and Senate Finance Committees at their regularly scheduled meetings in October 2012.	Proposed Budget Amendment; Passed House

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Bill Number	Description	Status
<p>HJR 3</p> <p>Bell, Robt</p>	<p><b>Taking or Damaging of Private Property Public Use Constitutional Amendment (second resolution).</b></p> <p>Revises the prohibition on the enactment by the General Assembly of laws whereby private property may be taken or damaged. An existing provision authorizing the General Assembly to define what constitutes a public use is removed. The proposed amendment provides that private property can be taken or damaged only for a public use, only with just compensation to the owner, and only so much taken as is necessary for the public use. Just compensation must equal or exceed the value of the property taken, lost profits and lost access, and damages to the residue caused by the taking. A public service company, public service corporation, or railroad exercises the power of eminent domain for public use when such exercise is for the authorized provision of utility, common carrier, or railroad services. In all other cases, a taking or damaging of private property is not for public use if the primary use is for private gain, private benefit, private enterprise, increasing jobs, increasing tax revenue, or economic development, except for the elimination of a public nuisance existing on the property. The condemnor bears the burden of proving that the use is public, without a presumption that it is. (Also SJR 3, SJR 67, SJR 117) (Like HB 5, SB 240)</p>	<p>Agreed to by House and Senate</p>
<p>SB 209</p> <p>Barker</p>	<p><b>HOV Lanes.</b></p> <p>Removes the July 1, 2012 sunset on use of HOV lanes by vehicles bearing clean special fuel license plates, regardless of the number of occupants, provided such use in compliance with federal law. Requires the Commissioner of Highways to provide annually to the Chairmen of the Senate and House of Delegates Committees on Transportation traffic volumes on the HOV facilities that result in a degraded condition as identified in SAFETEA-LU or other applicable federal law and reported to the FHWA. This report shall be used by the Chairmen of their respective committees to recommend further restriction on use of HOV facilities by clean special fuel vehicles. (Also HB 85) (Like HB 256, HB 693).</p>	<p>Substitute Passed Senate and House</p>
<p>SB 230</p> <p>Herring</p>	<p><b>Administration of Local Highway Projects</b></p> <p>Requires VDOT to provide for the training and certification of local governments so that they are capable of administering local maintenance and construction projects that involve the secondary or urban highway system. Requires such training and certification to enable the local governments to carry out locally administered projects in compliance with federal and state law and regulations with minimal oversight by VDOT personnel.</p>	<p>Substitute Passed Senate and House</p>



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Bill Number	Description	Status
SB 240  Obenshain	<p><b>Taking or Damaging of Private Property Public Use Constitutional Amendment (voter referendum).</b></p> <p>Provides for a referendum at the November 6, 2012, election to approve or reject an amendment requiring that eminent domain only be exercised where the property taken or damaged is for public use and, except for utilities or the elimination of a public nuisance, not where the primary use is for private gain, private benefit, private enterprise, increasing jobs, increasing tax revenue, or economic development; to define what is included in just compensation for such taking or damaging of property; and to prohibit the taking or damaging of more private property than is necessary for the public use?" (Like HB 5, HJR 3, SJR 3, SJR 67, SJR 117)</p>	Amended, Passed Senate and House
SB 274  Smith	<p><b>Urban Development Areas.</b></p> <p>Amends the Code to make locality designation of urban development areas (UDAs) in their comprehensive plan optional rather than mandatory. The higher UDA density of development requirement for localities 130,000 population or greater is removed, retaining the lower density level for localities choosing to designate UDAs. The requirements for localities to report their UDA adoption progress to the Commission on Local Government and for the Commission to make an annual report on local actions is deleted. There is no provision for voter petition to require the locality to reconsider their prior UDA designations. Incorporates SB 291. (Also HB 92, HB 729, HB 794, HB 869,). (Like HB 869)</p>	Substitute Passed Senate and House; Chapter 192
SB 315  Black	<p><b>VDOT Incident Management.</b></p> <p>Allows VDOT to drive on a portion of the highway other than a roadway at, en route to, or from the scene of a traffic accident, without direction from law-enforcement officers. Agency Bill (Also HB 545)</p>	Passed Senate and House; Chapter 108
SB 335  Carrico	<p><b>Weight Limits.</b></p> <p>Extends the temporary increased weight limit for trucks hauling sand, gravel, or crushed stone in coal counties to July 1, 2013. Contains an enactment clause providing that the provisions of the act shall expire on January 1, 2013.</p>	Amended, Passed House and Senate
SB 398  Hanger	<p><b>Alcoholic Beverage Control Outdoor Advertising.</b></p> <p>Resolves conflicts between ABC statute and Chapter 7 Title 33.1 and the Integrated Directional Sign Program. The bill adds language concerning location and zoning of outdoor alcoholic beverage advertising and other limitations. The bill adds penalties for violators of the outdoor advertising statutes. That an emergency exists and this act is in force from its passage. (Also HB 471) (Like HB 466, SB 408)</p>	Substitute Passed Senate and House

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## Commonwealth Transportation Board - General Assembly Update

Bill Number	Description	Status
SB 407  Hanger	<p><b>Integration of Agencies' Programs.</b> Integrates elements of the Erosion and Sediment Control Act, the Stormwater Act, and Chesapeake Bay Preservation Act so that these regulatory programs can be implemented in a consolidated and consistent manner, resulting in greater efficiencies (one-stop shopping) for those being regulated. The bill also eliminates the Chesapeake Bay Local Assistance Board and places its responsibilities with the Virginia Soil and Water Conservation Board. (Also HB 1065)</p>	Substitute Passed Senate and House
SB 408  Hanger	<p><b>Alcoholic Beverage Control Outdoor Advertising.</b> Provides that all outdoor alcoholic beverage signs and advertising by ABC licensees shall comply with the provisions of outdoor advertising in sight of highways, laws and regulations adopted by the CTB pursuant thereto, and the Integrated Directional Sign Program administered by VDOT or its agents. Agency Bill (Also HB 466) (Like SB 471, SB 398)</p>	Substitute Passed Senate and House
SB 437  Obenshain	<p><b>Eminent Domain Lost Profits and Access.</b> Defines the terms "lost profits" and "lost access" as "material impairment of direct access" and how to determine the amount of just compensation, which includes lost profits and lost access resulting from the taking, that must be paid for property taken. The bill has a contingent effective date of January 1, 2013, provided that the voters approve an amendment to Section 11 of Article I of the Constitution of Virginia at the 2012 November election. Property owners must submit federal tax returns, if any, in connection with proceedings to recover lost profits. (Also HB 597, HB 1035)</p>	Substitute Passed Senate; Amended, Passed House
SB 530  Marsden	<p><b>Public Hearings Prior to Certain VDOT Projects.</b> Requires the institution of higher education to hold at least one public hearing before any safety-related or congestion management-related highway project requested by any college, university, or institution of higher education is undertaken in the Commonwealth.</p>	Substitute Passed Senate and House

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Bill Number	Description	Status
SB 531  Marsden	<p><b>Northern Virginia Transportation District.</b>            Requires VDOT, in coordination with the CTB, DRPT, and the NOVA Transportation Authority, to evaluate all significant transportation projects, including highway, mass transit, and technology projects, in and near the Northern Virginia Transportation District, to the extent that funds are available for such purpose. The evaluation shall provide an objective, quantitative rating for each project according to the degree that congestion is expected to be reduced by the project and the degree to which regional mobility is expected to be improved by the project in the event of a homeland security emergency. Such evaluation shall rely on analytical techniques and transportation modeling, including those that employ computer simulations currently and customarily employed in transportation planning. VDOT shall publicize the quantitative ratings determined for each project on its website and complete the evaluation at least once every four years, with interim progress reports provided on the website at least once every six months starting January 1, 2013. Significant transportation projects to be evaluated shall comprise at least 25 projects selected according to priorities determined by the CTB, in coordination with the Northern Virginia Transportation Authority. (Also HB 599)</p>	Substitute Passed Senate; Substitute Passed House; in Conference Committee
SB 593  Puckett, Morefield	<p><b>Virginia Route 16 Back of the Dragon.</b>            Designates Virginia Route 16 between Frog Level in Tazewell County and the Town of Marion in Smyth County the "Back of the Dragon."</p>	Passed Senate and House

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Bill Number	Description	Status
SB 639  Wagner	<p><b>Transportation Construction, Operation and Maintenance, and Funding.</b>                      Provides that the 67% transportation share of year end surpluses is to be deposited in to the TTF or a subfund thereof and adds transportation expenditures to the definition of non-recurring expenditures. The bill also authorizes the Commonwealth Transportation Board (CTB) to name highways, bridges, interchanges, and other transportation facilities for private entities if an annual naming rights fee is paid, with the revenue dedicated to highway maintenance and operation. The bill also charges the CTB with greater responsibilities involving integration of land use and transportation planning and authorizes the CTB to withhold funds for certain local or regional capital improvement projects if those projects are inconsistent with the Statewide Transportation Plan or the Six-Year Improvement Program. Provision is made for use of "revenue-sharing" funds for secondary highway system maintenance projects carried out by local governments. Amends the formula through which the CTB allocates construction funding by directing the first \$500 million to be allocated for specified purposes. (The specified purposes include bridge construction/rehab, high priority projects statewide, reconstruction of deteriorated interstate and primary pavements, PPTA projects, unpaved roads carrying more than 200 vehicles per day, and smart roadway technology.) Imposes a \$50 annual license fee on electric motor vehicles registered in Virginia. (Governor's Bill) (Also SB 639)</p>	Conference Substitute Passed Senate and House
SB 679  Newman	<p><b>Elimination of State Mandates.</b>                      Eliminates several statewide mandates on local and regional government entities relating to procurement procedures, education, and land use. Specifically, removes the requirement that a locality submit a list of intersections for photo-red monitoring to VDOT for final approval. (Also HB 1295) (Like SB 129)</p>	Substitute Passed Senate; Substitute Passed House; in Conference Committee

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Bill Number	Description	Status
SJR 3  Obenshain	<p><b>Taking or Damaging of Private Property Public Use Constitutional Amendment (second resolution).</b></p> <p>Prohibits the General Assembly from passing any law whereby private property, the right to which is fundamental, shall be damaged or taken except for public use. No private property shall be damaged or taken for public use without just compensation to the owner thereof. No more private property may be taken than necessary to achieve the stated public use. Just compensation shall be no less than the value of the property taken, lost profits and lost access, and damages to the residue caused by the taking. The terms "lost profits" and "lost access" are to be defined by the General Assembly. A public service company, public service corporation, or railroad exercises the power of eminent domain for public use when such exercise is for the authorized provision of utility, common carrier, or railroad services. In all other cases, a taking or damaging of private property is not for public use if the primary use is for private gain, private benefit, private enterprise, increasing jobs, increasing tax revenue, or economic development, except for the elimination of a public nuisance existing on the property. The condemnor bears the burden of proving that the use is public, without a presumption that it is. Substitute incorporates SJR 67 and SJR117. (Also HJR 3; Like HB 5, SB 240)</p>	Substitute Agreed to by Senate and House

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<b>Carried Over Legislation</b>		
<b>Bill Number</b>	<b>Description</b>	<b>Status</b>
HB 107 Loupassi	<b>Richmond Metropolitan Authority.</b> Equalizes board representation among the City of Richmond, Chesterfield and Henrico Counties and requires that certain actions of the Authority related to construction or acquisition of limited access highways receive approval from the local governing bodies.	Carried Over in the 2013 Session in House Counties, Cities and Towns Committee
HB 407 Torian	<b>Prince William County Metrorail Improvement District.</b> Creates the Prince William County Metrorail Improvement District to provide a means of financing an extension of commuter rail service from Fairfax County into Prince William County.	Carried Over to the 2013 Session in House Transportation Committee
HB 660 Surovell	<b>Lease of Highway Space for Solar Electric Production.</b> Allows VDOT to lease space within highway rights-of-way for solar photovoltaic power production projects.	Carried Over to the 2013 Session in House Transportation Committee
HB 741 Jones	<b>Public-Private Partnership Advisory Commission.</b> Authorizes the Public-Private Partnership Advisory Commission to review the detailed proposal for certain qualifying transportation facilities under the 1995 PPTA prior to the execution of an interim or comprehensive agreement by the responsible public entity. The bill sets out the time frames for review by the Commission. The bill also requires a public hearing on proposals during the proposal review period.	Carried Over to the 2013 Session in House General Laws Committee
HB 862 Rust	<b>Individual Income Tax Deduction for Tolls.</b> Establishes an individual income tax deduction beginning with the 2013 taxable year for tolls paid for the use of a publicly owned and publicly operated highway located in the Commonwealth.	Carried Over to the 2013 Session in House Finance Committee
HB 864 Rust	<b>CTB Composition.</b> Changes the composition of the CTB by basing the selection of 11 citizen members of the CTB from Virginia's Congressional districts, rather than the nine construction districts currently used. The bill also replaces "standard metropolitan statistical area" with "metropolitan planning area" as a basis for selection of at-large members. Nothing in this act shall affect the term of any member appointed to the CTB prior to January 1, 2013, as long as such member is transitioned into a citizen member seat according to the congressional districts for the remainder of his term. The provisions of this act shall become effective on January 1, 2013. (Like HB 262, HB 600, HB 659, SB 161, SB 392)	Substitute Passed House; Carried Over to the 2013 Session in Senate Transportation Committee

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<b>Bill Number</b>	<b>Description</b>	<b>Status</b>
HB 1070 Hugo	<b>Definitions of All-Terrain and Utility Vehicles.</b> Expands the definition of all-terrain vehicles to include six-wheeled vehicles and vehicles that can carry passengers and narrows the definition of all-terrain vehicles to exclude riding lawn mowers. The bill also expands the definition of utility vehicles to include those with more than 25 horsepower. (Also SB 336)	Carried Over to the 2013 Session in House Transportation Committee
HB 1195 Lewis	<b>Tandem Axle Weight Limit.</b> Increases the maximum tandem axle weight limit from 34,000 pounds to 40,000 pounds relating to overweight permits for vehicles hauling Virginia-grown farm produce.	Substitute Carried Over to the 2013 Session in House Transportation Committee
HB 1246 Ramadan	<b>Dulles Greenway.</b> Allows the Dulles Greenway to lease property under its control for purposes of outdoor advertising. The bill also requires that the amount of toll vary according to distance traveled and take into consideration any income generated by the advertising leases.	Carried Over to 2013 Session in House Commerce and Labor Committee
SB 129 Stanley, et al	<b>State Mandates on Localities.</b> Directs the Governor to temporarily suspend certain unfunded state mandates on localities pending a review of such mandates. (Like HB 1295, SB 679)	Carried Over to 2013 Session in Senate Finance Committee
SB 161 Petersen	<b>CTB Composition.</b> Increases the number of members of the CTB to 18 and changes the areas of representation to the congressional districts. The bill also assigns the at-large members to specific transportation areas. (Also HB 659, SB 392) (Like HB 262, HB 600, HB 864).	Carried Over to the 2013 Session in Senate Transportation Committee
SB 196 Marsden, Barker	<b>Fairfax County Parkway.</b> Requires the CTB to transfer the Fairfax County Parkway to the state primary highway system.	Carried Over to the 2013 Session in Senate Transportation Committee
SB 199 Marsden	<b>Pedestrians.</b> Requires vehicle drivers to stop for pedestrians crossing at marked crosswalks or at intersections not controlled by traffic signals. (Also HB 706).	Carried Over to the 2013 Session in Senate Transportation Committee



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## Commonwealth Transportation Board - General Assembly Update

Bill Number	Description	Status
SB 213  Barker	<b>Highway Maintenance Allocations.</b> Provides that allocation of funds by the CTB for maintenance of assets within the Interstate System of Highways and the primary and secondary systems of state highways shall be based on achieving a minimal level of disparity among highway construction districts in meeting asset management standards. (Like HB 427, HB 477, HB 699)	Carried Over to the 2013 Session in Senate Transportation Committee
SB 268  Norment	<b>Virginia Racing Commission Simulcast Horse Racing.</b> Authorizes wagering on historical horse racing and allocates the proceeds from such racing with 50 percent of the proceeds distributed to the Commonwealth Transportation Trust Fund and the remaining 50 percent distributed to other entities. In addition, the bill requires an existing racetrack to provide gambling educational programs including information on the availability of gambling addiction counseling, and requires the promulgation of emergency regulations.	Carried Over to the 2013 Session in Senate General Laws and Technology Committee
SB 333  Carrico	<b>Mopeds.</b> Prohibits the operation of mopeds on highways with posted speed limits in excess of 35 miles per hour.	Carried Over to the 2013 Session in Senate Transportation Committee
SB 336  Newman	<b>Definitions of All-Terrain and Utility Vehicles.</b> Expands the definition of all-terrain vehicles to include six-wheeled vehicles and vehicles that can carry passengers and narrows the definition of all-terrain vehicles to exclude riding lawn mowers. The bill also expands the definition of utility vehicles to include those with more than 25 horsepower. (Also HB 1070)	Carried Over to the 2013 Session in Senate Transportation Committee
SB 339  Newman	<b>Advertisements and Advertising Structures.</b> Allows running animation on advertisements and advertising structures. The bill also allows scrolling animation on on-premises advertisements and advertising structures.	Carried Over to the 2013 Session in Senate Transportation Committee
SB 358  Deeds	<b>Infrared Traffic Light Signal Changers.</b> Allows local governments by ordinance to permit use of infrared traffic light signal changers by fire-fighting vehicles in nonemergency situations. (Like HB 583)	Carried Over to the 2013 Session in Senate Transportation Committee

# *Virginia Department of Transportation*

## Commonwealth Transportation Board - General Assembly Update

Bill Number	Description	Status
SB 377  McEachin	<b>Construction Projects Using Public Funds.</b> Prohibits use of state or local funds for construction projects, including any construction, alteration, maintenance or repair of a public building or public works project, unless all of the iron, steel, and manufactured goods, including equipment, used in the project are produced in the United States. Under the bill an exception to the requirement is provided if the administrative head of the contracting state agency determines in writing that (i) iron, steel, and relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality or (ii) inclusion of iron, steel, and manufactured goods produced in the United States will increase the costs of the overall project by more than 25 percent. (Like SB 601)	Carried Over to the 2013 Session in Senate General Laws and Technology Committee
SB 392  Marsden	<b>CTB Composition.</b> Increases the number of members of the CTB to 18 and changes the areas of representation to the congressional districts. The bill also assigns the at-large members to specific transportation areas. (Also HB 859, SB 161) (Like HB 262, HB 600, HB 864).	Carried Over to the 2013 Session in Senate Transportation Committee
SB 479  Lucas	<b>Weighing of Vehicles.</b> Exempts vehicles owned or leased by the City of Suffolk from being weighed at DMV-controlled weigh-stations along U.S. Route 58 in Suffolk.	Carried Over to the 2013 Session in Senate Transportation Committee
SB 567  Lucas	<b>Low-Income and Student Toll Tax Credit.</b> Establishes a tax credit for students and low-income persons who have an E-Zpass or who pay tolls. The amount of the credit is capped at \$1,000 per qualified taxpayer. (Like SB 619)	Carried Over to the 2013 Session in Senate Finance Committee
SB 601  Saslaw	<b>Products Manufactured in the United States.</b> Requires public contracts for the construction, reconstruction, alteration, repair, improvement, or maintenance of a public building or public works to contain a provision that the iron, steel, and manufactured goods used or supplied in the performance of the public contract or any subcontract are manufactured in the United States. This requirement does not apply if the requirement is inconsistent with the public interest, the products are not manufactured within the United States in sufficient and reasonably available quantities or with satisfactory quality, or using the products will increase the cost of the public contract by 25 percent or more. A person intentionally mislabeling or misrepresenting the origin of products will be ineligible to receive any other public contracts. (Like SB 377)	Carried Over to the 2013 Session in Senate General Laws and Technology Committee

# *Virginia Department of Transportation*

## Commonwealth Transportation Board - General Assembly Update

Bill Number	Description	Status
SJR 2  Obenshain	<p><b>Transportation Funds Constitutional Amendment (first resolution).</b>            Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, TTF, HMOF, 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 Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, 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 two-thirds plus one of the members voting in each house, and the loan must be repaid with reasonable interest within four years. (Also SJR 6) (Like HJR 71, HJR 90)</p>	Carried Over to the 2013 Session in Senate Privileges and Elections Committee
SJR 6  Black	<p><b>Transportation Funds Constitutional Amendment (First Resolution).</b>            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, 2013, 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 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 two-thirds plus one of the members voting in each house, and the loan must be repaid with reasonable interest within four years. (Also SJR 2) (Like HJR 71, HJR 90)</p>	Carried Over to the 2013 Session in Senate Privileges and Elections Committee

# *Virginia Department of Transportation*

## Commonwealth Transportation Board - General Assembly Update

<b>Failed Legislation</b>		
<b>Bill Number</b>	<b>Description</b>	<b>Status</b>
HB 7 Edmunds	<b>Bicycles at Traffic Lights.</b> Provides that when a rider approaches an intersection controlled by a traffic light, the rider may proceed through the intersection on a steady red light only if the rider; comes to a full and complete stop at the intersection for two complete cycles of the traffic light; exercises due care as provided by law; otherwise treats the traffic control device as a stop sign; determines that it is safe to proceed, and yields the right of way to the driver of any vehicle approaching on such other highway from either direction.	Passed by Indefinitely in House Transportation Committee
HB 11 Cole	<b>Transportation Bonds for Specific Project.</b> Authorizes the CTB to issue bonds in the principal amount of \$550 million to finance the cost of adding an additional lane on both the northbound and southbound lanes of I-95 from Dumfries to Massaponax in Spotsylvania County to expand the regular travel lanes (not the HOV lanes).	House Appropriations Transportation Sub recommends laying on the table
HB 23 Cole	<b>Sales and Use Tax Revenue Dedicated to the TTF.</b> Increases the amount of sales and use tax revenue dedicated to the TTF from an amount generated by a 0.5 percent tax rate under current law to an amount generated by a one percent tax rate, phased in by a 0.1 percent increase each year for five years, or over a longer period of time if there is a lack of growth in general fund revenues.	House Appropriations Transportation Sub recommends laying on the table
HB 71 Bell, Richard	<b>Integrated Directional Sign Program.</b> Adds the term “retail” to the Integrated Directional Sign Program, commonly referred to as the “logo sign” program.	Stricken from Docket in House Transportation Committee
HB 92 Marshall, R.	<b>Urban Development Areas.</b> Makes incorporation of urban development areas optional rather than mandatory. Any locality that has previously adopted urban development areas may, and upon voter petition shall, reconsider such action. (Also HB 729, HB 794, HB 869, SB 274, SB 291)	House Counties, Cities and Towns Sub #2 recommends laying on the table
HB 155 Ware	<b>Revenue Sharing Funds for Highways in Certain Localities.</b> Provides that funds provided to localities are a grant and that VDOT shall not have administrative oversight on local projects. Requires localities to certify in writing to the Department that the funds were used as intended.	House Transportation Sub #4 recommends laying on the table

# *Virginia Department of Transportation*

## Commonwealth Transportation Board - General Assembly Update

HB 188 Gilbert	<b>State Secondary Highway System.</b> Makes the road and bridge providing access from Virginia Route 865 to the Black Bear Crossing Community in Maurertown, Shenandoah County, part of the state secondary highway system.	Passed by Indefinitely in House Transportation Committee
<b>Bill Number</b>	<b>Description</b>	<b>Status</b>
HB 256 Stolle	<b>HOV Lanes.</b> Extends the sunset clause on HOV lanes in Hampton Roads to 2017. (Like HB 85, HB 693, SB 209)	Passed by Indefinitely in House Transportation Committee
HB 262 Peace, et al	<b>Residence Requirements of the CTB.</b> Changes the reference to "standard metropolitan statistical areas" to "metropolitan planning areas with populations greater than 200,000 as the entity from which CTB at-large members would be chosen." (Like HB 600, HB 659, HB 864, SB 161, SB 392)	Substitute Passed House; Failed in Senate Transportation Committee
HB 303 Scott, E.	<b>Overweight Permits for Haulers of Farm Animal Feed.</b> Provides for issuance of overweight permits for operation of certain vehicles used for hauling farm animal feed.	House Transportation Committee
HB 370 Pogge	<b>Highway Median Maintenance Agreements.</b> Allows VDOT to enter into agreements with local governments whereby the local governments assume responsibility for maintenance of highway medians within their boundaries. (Also HB 584)	Tabled in House Transportation Committee
HB 393 Howell, A.	<b>Motor Fuels Tax.</b> Increases the motor fuels tax rate by \$0.10 per gallon and dedicates the additional revenue to the operation, maintenance, improvement, and expansion of the Commonwealth's transportation system.	House Finance Sub #2 recommends laying on the table

# Virginia Department of Transportation

## Commonwealth Transportation Board - General Assembly Update

<p>HB 422  Watts, et al</p>	<p><b>Transportation Funding and Administration.</b> Provides additional funding for transportation by imposing a motor fuels sales tax rate of four percent, phased in over four years, for highway maintenance; increasing the state sales tax in Northern Virginia by 0.5 percent for transportation projects in Northern Virginia; and adding an additional recordation tax in Northern Virginia at a rate of \$0.40 per \$100 valuation. The motor fuels tax is not effective until the unemployment rate in the Commonwealth decreases for four consecutive quarters after July 1, 2011. The bill also reduces the sales and use tax rate on food for human consumption from 1.5 percent to one percent, and repeals the authority for certain localities to impose a local income tax. The bill also removes the sunset date from the 2009 Act of Assembly that reduced the special real property tax rate on commercial property in the localities embraced by the Northern Virginia Transportation Authority from \$0.25 per \$100 of assessed value to \$0.125 per \$100 of assessed value. Finally, the bill increases the special real property tax rate on commercial property in localities in Hampton Roads from \$0.10 per \$100 of assessed value to \$0.125 per \$100 of assessed value.</p>	<p>House Finance Sub #2 recommends laying on the table</p>
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# *Virginia Department of Transportation*

## Commonwealth Transportation Board - General Assembly Update

Bill Number	Description	Status
HB 427  Bulova, et al	<b>Highway Maintenance Funds.</b> Provides that when allocating funds for the interstate system of highways, the primary and secondary systems of state highways maintained by the Commonwealth, the CTB shall consider achieving a minimal level of disparity among highway construction districts in meeting asset management standards. Prior to such allocation, the Board shall release for public review a comparison of the proposed allocation of funds by highway construction district with an allocation of funds based entirely on specific asset management standards by highway construction district. (Like HB 477, HB 699, SB 213)	Reported from House Transportation Committee; House Appropriations Transportation Sub recommends laying on the table
HB 440  Tata	<b>Vessels Making Fast to or Lying Alongside Certain Bridges.</b> Prohibits promulgation of VDOT regulations that forbid the master or owner of a vessel no more than 25 feet long from making the vessel fast to or lying alongside any bridge in the system of state highways.	Stricken from the Docket in House Transportation Committee
HB 477  Albo	<b>Highway Maintenance Funds.</b> Provides that when allocating funds for the interstate system of highways and the primary and the secondary systems of state highways maintained by the Commonwealth, the Board shall consider achieving a minimal level of disparity among highway construction districts in meeting asset performance standards. Prior to the allocation of funds, the Board shall release for public review a comparison of the proposed allocation of funds by highway construction district with an allocation of funds based entirely on specific asset performance standards by highway construction district. (Like HB 427, HB 699, SB 213)	Substitute Passed House; Failed in Senate
HB 540  Poindexter	<b>Construction Projects Using Public Funds.</b> Prohibits use of state or local funds for construction projects if the project or any phases of the project are subject to a project labor agreement. (Like HB 33, SB 242)	Tabled in House General Laws Committee
HB 542  Poindexter	<b>Highway Maintenance Projects.</b> Allows counties, cities, and towns to use "revenue-sharing funds" for highway maintenance projects.	House Transportation Subcommittee #3
HB 575  Marshall, D., Merricks	<b>Salem Highway Construction District.</b> Provides for transportation funding 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 Appropriations Transportation Sub recommends laying on the table

***Virginia Department of Transportation***  
Commonwealth Transportation Board - General Assembly Update



# *Virginia Department of Transportation*

## Commonwealth Transportation Board - General Assembly Update

<b>Bill Number</b>	<b>Description</b>	<b>Status</b>
HB 583  Watson, Helsel	<b>Traffic Control Preemption Devices.</b> Allows local governments that control the highways within their boundaries the ability to control the use of traffic control signal preemption devices used to change traffic light signals. (Like SB 358)	House Transportation Sub #2 recommends laying on the table
HB 584  Watson	<b>Highway Median Maintenance Agreements.</b> Allows VDOT to enter into agreements with local governments whereby the local governments assume responsibility for maintenance of highway medians within their boundaries. (Also HB 370)	House Transportation Sub #1 recommends laying on the table
HB 588  Merricks, Marshall D.	<b>Maximum Speed Limit in an Industrial Park.</b> Provides that the maximum speed limit in an industrial park is 35 miles per hour.	Passed by Indefinitely in House Transportation Committee
HB 597  Crockett- Stark	<b>Eminent Domain Lost Profits and Access.</b> Provides definitions for the terms "lost profits" and "lost access" and how to determine the amount of just compensation, which includes lost profits and lost access resulting from the taking, that must be paid for property taken by eminent domain. The bill has a contingent effective date of January 1, 2013, provided that the voters approve an amendment to Section 11 of Article I of the Constitution of Virginia at the 2012 November election. (Also SB 437) (Like HB 1035)	Incorporated into HB 1035 in House Courts of Justice Committee
HB 600  LeMunyon	<b>CTB Composition.</b> Changes the composition of the CTB. One member will be appointed from each of Virginia's congressional districts (as they exist on July 1, 2012) and three more will be at-large. The three ex officio members remain unchanged. (Like HB 262, HB 659, HB 864, SB 161, SB 392)	House Transportation Sub #4 recommends laying on the table
HB 616  LeMunyon	<b>Advertising Within Highway Limits.</b> Increases the civil penalty for advertising within the limits of the highways to \$250. The bill also allows localities to remove advertisements and to then share the penalty equally with the Fund. A locality may enter into an agreement with the VDOT Commissioner to remove any advertisement in violation. If a locality removes any advertisement then the penalty collected shall be shared equally, \$125 to the Highway Maintenance and Operating Fund and \$125 to the locality. (Like HB 34, HB 1058)	Tabled in House Transportation Committee
HB 659  Surovell, Watts	<b>CTB Composition.</b> Increases the number of members of the CTB to 18 and changes the areas of representation to the congressional districts. The bill also assigns the at-large members to specific transportation areas. (Also SB 161, SB 392) (Like HB 262, HB 600, HB 864).	House Transportation Sub #4 recommends laying on the table

# *Virginia Department of Transportation*

## Commonwealth Transportation Board - General Assembly Update

<b>Bill Number</b>	<b>Description</b>	<b>Status</b>
HB 693 Plum	<b>HOV Lanes.</b> Extends until July 1, 2013, the sunset on use of HOV lanes by vehicles bearing clean special fuel license plates, regardless of the number of occupants. (Also HB 85, HB 256, SB 209)	House Transportation Sub #3 recommends laying on the table
HB 699 Filler-Corn, et al	<b>Highway Maintenance Funds.</b> Provides that when allocating funds for the interstate system of highways, the primary and secondary systems of state highways maintained by the Commonwealth, the CTB shall consider achieving a minimal level of disparity among highway construction districts in meeting asset performance standards. Prior to such allocation, the Board shall release for public review a comparison of the proposed allocation of funds by highway construction district with an allocation of funds based entirely on specific asset performance standards by highway construction district. (Also HB 427, HB 477, SB 213)	House Transportation Sub #4 recommends laying on the table
HB 706 Filler-Corn, Surovell	<b>Pedestrians.</b> Requires vehicle drivers to stop for pedestrians crossing at marked crosswalks or at intersections not controlled by traffic signals. (Also SB 199)	House Transportation Sub #2 recommends laying on the table
HB 723 Yancey, et al	<b>Transportation Funding and Administration.</b> Provides for transportation funding and administration in Hampton Roads, Northern Virginia, the Richmond Highway Construction District, and the Staunton Highway Construction District.	House Appropriations Transportation Sub recommends laying on the table
HB 728 Dudenhefer	<b>Transportation Impact Fees.</b> Provides that if a specific development or subdivision received final site plan or subdivision approval prior to the effective date of the impact fee ordinance, the amount of the impact fee to be imposed may be determined at any time prior to the issuance of a building permit. Under current law, the amount of the impact fee must be determined before or at the time of site plan or subdivision approval.	House Counties, Cities and Towns Sub #2 recommends laying on the table
HB 729 Dudenhefer	<b>Urban Development Areas.</b> Increases population thresholds for determining applicability of urban development area (UDA) requirements from 130,000 persons to 200,000 persons. The bill also specifies that UDAs need only accommodate the projected growth beyond what may be developed by right and changes a 10-year growth mandate to five years. (Like HB 92, HB 794, HB 869, SB 274, SB 291)	House Counties, Cities and Towns Sub#2 recommends laying on the table

# *Virginia Department of Transportation*

## Commonwealth Transportation Board - General Assembly Update

Bill Number	Description	Status
HB 731  Dudenhefer	<p><b>Performance Guarantees Street Construction.</b>            Allows localities to retain full performance guarantees until streets in a new development are accepted by the state agency, local government department or agency, or other public authority that is responsible for maintaining and operating such public facility. The bill also provides that if a developer is in default with regard to street completions in another development within a locality, the locality may withhold acceptance of securities or plat approvals. Furthermore, a locality may withhold building permits or occupancy permits within a development until streets in a new development are accepted by the state agency, local government department or agency, or other public authority that is responsible for maintaining and operating such public facility. (Also SB 177)</p>	Tabled in House Counties, Cities and Towns Committee
HB 778  Tyler	<p><b>Tolls.</b>            Prohibits tolling on Interstate 95 without the approval of the General Assembly.</p>	House Transportation Sub #4 recommends laying on the table
HB 794  Rush	<p><b>Urban Development Areas.</b>            Makes incorporation of urban development areas optional rather than mandatory. Any locality that has previously adopted urban development areas may, and upon voter petition shall, reconsider such action. (HB 92, HB 869, SB 274, SB 291) (Like HB 729)</p>	House Counties, Cities and Towns Sub #2 recommends laying on the table
HB 802  May	<p><b>Virginia Pump Toll ("FareShare").</b>            Imposes the Virginia Pump Toll ("FareShare"), in the amount of \$0.50 on each use of a retail motor fuels pump and an additional \$0.50 when purchasing 35 or more gallons; \$1.00 on each 12-gallon sale of gasoline (other than for resale) from a transport truck or tank wagon and on each 60-gallon sale of diesel fuel (other than for resale) from a transport truck or tank wagon; an amount to be determined by the DMV Commissioner on the bulk purchase of clean fuel other than electricity at a rate equivalent to \$1.00 times the volume of clean fuel required to fill the average size fuel tank to three quarters full; and \$0.50 on each sale of clean fuel at an electric vehicle charging service facility. Revenue from the FareShare shall be used for highway maintenance and operation in the highway construction district in which the motor fuel is sold. The amount of the FareShare increases by 10 percent every five years. The bill has a delayed effective date of January 1, 2013.</p>	House Finance Sub #2 recommends laying on the table
HB 827  Marshall, R.	<p><b>Transportation Districts.</b>            Repeals the allocation of funds to transportation districts.</p>	Tabled in House Transportation Committee

# *Virginia Department of Transportation*

## Commonwealth Transportation Board - General Assembly Update

Bill Number	Description	Status
HB 844  Johnson, et al	<b>Edgar Mullins Bridge.</b> Names the bridge on Virginia Route 666 and on South Mountain Road in Pound in Wise County the "Edgar Mullins Bridge."	House Transportation Sub #3 recommends laying on the table
HB 857  Yost	<b>Bicycles in Blacksburg.</b> Authorizes the Town Council of Blacksburg to permit operation of bicycles in either direction on one-way streets. (Also SB 101)	Passed by Indefinitely in House Transportation Committee
HB 889  Alexander	<b>Tolls on Midtown or Downtown Tunnels.</b> Requires that, if tolls are collected for use of the Midtown or Downtown Tunnels between Norfolk and Portsmouth, users will be able to pay tolls without use of automated or electronic devices.	House Transportation Sub#4 recommends passing by indefinitely
HB 892  Alexander	<b>Taxes on Fuels.</b> Makes the retail sale of gasoline, diesel fuel, and other fuels subject to the general five percent retail sales and use tax and reduces the fuels tax on such fuels by \$0.05 per gallon from \$0.175 to \$0.125 per gallon. Of the net additional revenues generated each year under the bill, \$250 million would be deposited into the HMOF and the remainder would be deposited into the Highway Construction Projects Trust Fund created under the bill, which would be used to finance or fund the construction, acquisition, reconstruction, or replacement of or improvements or additions to highway projects determined necessary by the CTB. The bill also authorizes the issuance of up to \$5 billion in bonds for such highway projects with the bonds and the interest thereon to be repaid from the net additional revenues generated by the bill and deposited into the Fund. The CTB is charged with ensuring that of the net additional revenues over the long term approximately 38 percent of such revenues would be used for projects in the Northern Virginia construction district, 31 percent for projects in the Hampton Roads construction district, and 31 percent for projects in all other construction districts in the Commonwealth.	House Finance Sub #1 recommends laying on the table
HB 898  Albo	<b>Transportation Funding.</b> Dedicates to the Highway Maintenance and Operating Fund one-third of the total revenue from the insurance license tax, and the amount of current state sales and use tax revenue attributable to a 0.25 percent sales and use tax rate.	Rereferred from House Finance Committee to House Appropriations Transportation Subcommittee

# *Virginia Department of Transportation*

## Commonwealth Transportation Board - General Assembly Update

<b>Bill Number</b>	<b>Description</b>	<b>Status</b>
HB 899 Albo	<b>Transportation Funding.</b> Provides funds for statewide transportation by indexing the motor fuels tax rate to the National Highway Construction Cost Index. The bill also allocates a portion of current sales and use tax revenue by dedicating the revenue equal to a one-quarter percent sales and use tax in Northern Virginia for transportation projects in Northern Virginia, and dedicating the revenue equal to a one-quarter percent sales and use tax in Hampton Roads for transportation projects in Hampton Roads.	House Finance Sub #1 recommends laying on the table
HB 909 Minchew	<b>Highway Maintenance and Construction.</b> Prohibits allocation by the CTB of any funds in the Transportation Trust Fund for highway maintenance purposes.	House Transportation Sub #4 recommends laying on the table
HB 983 Scott, J.	<b>Motor Fuels Tax Rate.</b> Converts the rate of taxation on motor fuels from cents per gallon to a percentage rate. The bill provides that the DMV Commissioner shall calculate the percentage rate 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, the 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 DMV Commissioner over rolling six-month periods, to determine the cents to be charged.	House Finance Sub #2 recommends laying on the table
HB 1018 Poindexter	<b>Establishes the U.S. Route 58 Corridor Completion Fund.</b> Dedicates \$50 million annually from the general fund to the U.S. Route 58 Trust Fund beginning July 1, 2013, until such time as Route 58 is completed to its intersection with Interstate 77 in Carroll County.	House Appropriations Transportation Sub recommends laying on the table
HB 1038 Keam	<b>Overweight and Oversize Vehicle Permits and Fees.</b> Allows temporary registration of overweight and oversize vehicles and assigns fees based on the amount that a vehicle is overweight or oversize. The bill also designates fees into specific funds. The bill has a delayed effective date of January 1, 2013. (Like HB 806)	House Transportation Sub #4 recommends laying on the table
HB 1039 Keam	<b>Street Maintenance Payments.</b> Provides for increased highway maintenance payments by the Commissioner of Highways to municipalities where traffic volumes exceed the statewide average by more than 20 percent.	House Transportation Sub #1
HB 1058 Anderson	<b>Advertising Within Highway Limits.</b> Increases the civil penalty for advertising within the limits of a highway from \$100 to \$250. (Like HB 616)	House Transportation Sub #1 recommends laying on the table

# *Virginia Department of Transportation*

## Commonwealth Transportation Board - General Assembly Update

Bill Number	Description	Status
HB 1232  Morrissey	<p><b>Virginia Public Procurement Act Required Contract Provisions.</b>            Requires all public bodies to include in every contract of more than \$100,000 that involves the performance of work within the Commonwealth provisions requiring the contractor to agree that 51 percent of all positions created in performance of the contract be filled by Virginia residents; that 35 percent of the total hours worked by apprentices in positions created in performance of the contract be performed by Virginia residents, and to use the Virginia Employment Commission as the first source of referral for obtaining qualified applicants for any new position. Under the bill, "new position" shall not include a position that is filled by a current employee of the contractor or an individual who was previously laid off by the contractor. (Also SB 589)</p>	House General Laws Sub #2 FOIA/Procurement recommends laying on the table
HB 1235  Massie	<p><b>Virginia Public Procurement Act Contract Pricing Arrangements.</b>            Provides that the award of a public contract may be made on the basis of cost plus a percentage of the private investment made by a private entity in cases of the procurement of commercial or financial consulting services related to a qualifying transportation facility under the 1995 PPTA or a qualifying project under the Public-Private Education Facilities and Infrastructure Act, where the commercial or financial consulting services are sought to solicit or to solicit and evaluate proposals for the qualifying transportation facility or the qualifying project. The bill defines "private entity," "qualifying transportation facility," and "qualifying project."</p>	Reported from House General Laws Committee; Tabled in House Appropriations Committee
HB 1239  Putney	<p><b>Retail Sales and Use Tax Increase.</b>            Increases the state retail sales and use tax from four percent to five percent beginning January 1, 2013, subject to a statewide referendum. The increase in the state retail sales and use tax would result in a combined state and local retail sales and use tax of six percent. One-half of the revenues generated would be deposited into a new special fund, the Supplemental Highway Construction and Maintenance Fund, and one-half of the revenues generated would be used in accordance with the general appropriation act for the provision of mental health services, public K through 12 education, and public higher education. Of the sales and use tax revenues deposited into the Supplemental Highway Construction and Maintenance Fund, \$200 million each fiscal year would be used for the construction of secondary system roads. The remaining sales and use tax revenues deposited into the Fund would be distributed to the HMOF to be used to repair bridges that are structurally deficient or functionally obsolete and for highway maintenance.</p>	House Finance Sub #2 recommends laying on the table

# *Virginia Department of Transportation*

## Commonwealth Transportation Board - General Assembly Update

Bill Number	Description	Status
HB 1241  Purkey	<b>Motor Fuels Tax Indexed.</b> Requires that the motor fuels tax rate be indexed on January 1, 2014, and each year thereafter, to the average percentage change in the U.S. DOT's Transportation Services Index for the three years ending October 31 of the year immediately preceding the affected year. (Like SB 631)	House Finance Sub #2 recommends laying on the table
HB 1296  Loupassi	<b>Speed Limit on Huguenot Bridge.</b> Sets the speed limit on the Huguenot Bridge in Richmond at 35 mph.	Stricken at Patron's Request in House Transportation Committee
HB 1297  Alexander, Joannou	<b>Tolls Used to Fund Another Facility.</b> Prohibits tolls imposed for use of one transportation facility to be used in connection with another facility.	House Transportation Sub #4 recommends laying on the table
HJR 71  Watts	<b>Transportation Funds Constitutional Amendment (first resolution).</b> 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, 2013, 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 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 two-thirds plus one of the members voting in each house, and the loan or reduction must be repaid with reasonable interest within three years. The amendment also limits the use of general and other nontransportation funds for transportation purposes except for obligations authorized or entered into before January 1, 2013. (Like HJR 90, SJR 2)	House Privileges and Elections Committee

# *Virginia Department of Transportation*

## Commonwealth Transportation Board - General Assembly Update

Bill Number	Description	Status
HJR 90  Comstock	<b>Transportation Funds Constitutional Amendment (first resolution).</b> 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, 2013, 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 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 two-thirds plus one of the members voting in each house, and the loan must be repaid with reasonable interest within four years. (Like HJR 71, SJR 2)	House Privileges and Elections Committee
HJR 131  Minchew	<b>Route 28 Extension Across Potomac River Report.</b> Requests VDOT to study the desirability and feasibility of extension of Virginia Route 28 across the Potomac River into Maryland and the inclusion of Virginia Route 28 in the Interstate Highway System.	Tabled in House Rules Committee
HJR 134  Anderson	<b>Bi-County Parkway and Tri-County Parkway Report.</b> Directs JLARC to study the potential economic impact of the proposed Bi-County Parkway and Tri-County Parkway transportation infrastructure projects.	House Rules Studies Sub recommends laying on the table
HJR 185  Albo	<b>Memorializing Congress.</b> Expresses the sense of the General Assembly that the Congress of the United States should support a federal funding grant for development of new technology, hybrid systems of combined highway and monorail transportation methods and an amendment to 23 U.S.C. § 111(a), Agreements Relating to Use of and Access to Rights-of-Way – Interstate System.	Tabled in House Rules Committee
SB 101  Edwards	<b>Bicycles in Blacksburg.</b> Authorizes the Town Council of Blacksburg to permit operation of bicycles in either direction on one-way streets. (Also HB 857)	Stricken at the Patron's Request in Senate Transportation Committee



# *Virginia Department of Transportation*

## Commonwealth Transportation Board - General Assembly Update

<b>Bill Number</b>	<b>Description</b>	<b>Status</b>
SB 177  Stuart	<b>Performance Guarantees Street Construction.</b> Allows localities to retain full performance guarantees until streets in a new development are accepted by the state agency, local government department or agency, or other public authority that is responsible for maintaining and operating such public facility. The bill also provides that if a developer is in default with regard to street completions in another development within a locality, the locality may withhold acceptance of securities or plat approvals. Furthermore, a locality may withhold building permits or occupancy permits within a development until streets in a new development are accepted by the state agency, local government department or agency, or other public authority that is responsible for maintaining and operating such public facility. (Also HB 731)	Passed by Indefinitely in Senate Local Government Committee
SB 212  Barker	<b>HOT Lane Construction Contracts.</b> Requires that HOT lane construction contracts contain requirements for minimum average speed for vehicles using the facility.	Passed by Indefinitely in Senate Transportation Committee
SB 291  Lucas	<b>Urban Development Areas.</b> Makes incorporation of urban development areas optional rather than mandatory. Any locality that has previously adopted urban development areas may reconsider such action. (Also HB 92, HB 794, HB 869, SB 274, SB 291). (Like HB 729)	Incorporated into SB 274 in Senate Local Government Committee
SB 316  Black	<b>Dulles Greenway Tolls.</b> Requires the SCC, if it grants a toll increase for use of the Greenway, to vary the amount of the toll in accordance with vehicle miles traveled. The bill also requires the SCC to hold a public hearing in Loudoun County prior to granting a toll increase.	Passed by Indefinitely in Senate Commerce and Labor Committee
SB 469  Northam	<b>Public-Private Transportation Act of 1995.</b> Requires the approval by transportation planning organizations (TPOs) of PPTA comprehensive agreements dealing with projects within the boundaries of one of the TPO's constituent localities.	Passed By Indefinitely in Senate Transportation Committee

# *Virginia Department of Transportation*

## Commonwealth Transportation Board - General Assembly Update

<b>Bill Number</b>	<b>Description</b>	<b>Status</b>
SB 589  Deeds, Edwards	<b>Virginia Public Procurement Act Required Contract Provisions.</b> Requires all public bodies to include in every contract of more than \$100,000 that involves the performance of work within the Commonwealth provisions requiring the contractor to agree that 51 percent of all positions created in performance of the contract be filled by Virginia residents; that 35 percent of the total hours worked by apprentices in positions created in performance of the contract be performed by Virginia residents, and to use the Virginia Employment Commission as the first source of referral for obtaining qualified applicants for any new position. Under the bill, "new position" shall not include a position that is filled by a current employee of the contractor or an individual who was previously laid off by the contractor. (Also HB 1232)	Passed by Indefinitely in Senate General Laws and Technology Committee
SB 619  Lucas	<b>Commonwealth Tolling Assistance Program.</b> Establishes a program to provide electronic tolling transponders to eligible persons for reimbursement quarterly for the actual toll usage. Eligible persons include residents of the Commonwealth that live in a household that qualifies for and receives benefits under the Supplemental Nutrition Assistance Program and enrolled full-time in a two-year or four-year public institution of higher education in the Commonwealth that is within a planning district which is traversed by the Elizabeth River or the James River and which is adjacent to the Chesapeake Bay. Transponders would be made available without the required deposit. Eligible persons would provide evidence of toll usage to VDOT, quarterly, and be reimbursed in the form of a deposit on their E-ZPass account. VDOT shall develop regulations to implement the provisions of this act. The bill includes an enactment clause that the bill will not become effective unless general funds are appropriated.	Substitute Passed Senate; Tabled in House Transportation Committee
SB 631  Watkins	<b>Motor Fuels Tax Indexed.</b> Requires that the motor fuels tax rate be indexed each year to the percentage change in the U.S. Department of Labor's Producer Price Index for Other Nonresidential Construction from January 1 through December 31 of the year immediately preceding the affected year. Incorporates SB 162. (Like HB 1241)	Struck from Senate Calendar

***Virginia Department of Transportation***  
Commonwealth Transportation Board - General Assembly Update

# *Virginia Department of Transportation*

## Commonwealth Transportation Board - General Assembly Update

Bill Number	Description	Status
SJR 67  McDougle	<p><b>Taking or Damaging of Private Property Public Use Constitutional Amendment (second resolution).</b></p> <p>Revises the prohibition on the enactment by the General Assembly of laws whereby private property may be taken or damaged. An existing provision authorizing the General Assembly to define what constitutes a public use is removed. The proposed amendment provides that private property can be taken or damaged only for a public use, only with just compensation to the owner, and only so much taken as is necessary for the public use. Just compensation must equal or exceed the value of the property taken, lost profits and lost access, and damages to the residue caused by the taking. A public service company, public service corporation, or railroad exercises the power of eminent domain for public use when such exercise is for the authorized provision of utility, common carrier, or railroad services. In all other cases, a taking or damaging of private property is not for public use if the primary use is for private gain, private benefit, private enterprise, increasing jobs, increasing tax revenue, or economic development, except for the elimination of a public nuisance existing on the property. The condemnor bears the burden of proving that the use is public, without a presumption that it is. (Also HJR 3, SJR 3, SJR 117) (Like HB 5, SB 240)</p>	Incorporated into SJR 3 in Senate Privileges and Elections Committee
SJR 68 McWaters	<p><b>VDOT Study and Report.</b></p> <p>Directs JLARC to study and report on the efficiency of VDOT.</p>	Stricken at the Request of the Patron
SJR 117  Deeds	<p><b>Taking or Damaging of Private Property Constitutional Amendment (second resolution).</b></p> <p>Revises the prohibition on the enactment by the General Assembly of laws whereby private property may be taken or damaged. An existing provision authorizing the General Assembly to define what constitutes a public use is removed. The proposed amendment provides that private property can be taken or damaged only for a public use, only with just compensation to the owner, and only so much taken as is necessary for the public use. Just compensation must equal or exceed the value of the property taken, lost profits and lost access, and damages to the residue caused by the taking. A public service company, public service corporation, or railroad exercises the power of eminent domain for public use when such exercise is for the authorized provision of utility, common carrier, or railroad services. In all other cases, a taking or damaging of private property is not for public use if the primary use is for private gain, private benefit, private enterprise, increasing jobs, increasing tax revenue, or economic development, except for the elimination of a public nuisance existing on the property. The condemnor bears the burden of proving that the use is public, without a presumption that it is. (Also HJR 3, SJR 3, SJR 67) (Like HB 5, SB 240)</p>	Incorporated into SJR 3 in Senate Privileges and Elections Committee