

# CTB Report 3-11-16

Bill Number/Bill Points	Status	
<p><b>Secretary's Bill</b></p>	<p><b>HB 1069: Tolling Omnibus Bill. (Jones, S.)</b>                      The bill clarifies the types of mass transit that can use Express Lanes free of charge, and clarifies that a vehicle with an EZ Pass flex in the HOV setting but without 3 occupants is subject to an HOV violation not a toll violation. The bill provides a 2-year statute of limitations on all toll violations. The bill provides that a summons for a toll violation may set forth multiple violations and may either be signed by hand or electronically. The bill provides that a summons for a toll violation may not be issued unless (i) a toll operator has tried using debt collection to collect the unpaid toll and administrative fee for at least 30 days and (ii) more than 120 days have elapsed since the unpaid toll. The bill extends the time period from 30 to 60 days before the administrative fee for a toll violation can increase from \$25 to \$100. The bill caps the civil penalties and administrative fees for a first-time toll offender taken to court at \$2,200. The bill aligns the civil penalties for violating Express Lanes with the established civil penalties for violating other toll roads. The bill requires VDOT to allow EZ Pass account holders to provide an email or phone number and to electronically notify account holders of a toll violation and further requires toll operators to notify the Department of such toll violations. The bill provides for a 10-day grace period for unpaid tolls and requires toll operators to attempt to process and collect unpaid tolls twice during such period. The bill authorizes the Governor to enter into agreements with other states to establish a reciprocity process for enforcing toll violations. The agreements would require other states to place holds on vehicle registrations on their drivers or other similar penalties required by that state's law if they have unpaid tolls in Virginia, and would require that the Virginia DMV take action against Virginia drivers if they have unpaid tolls, fees, and penalties in another state.</p>	<p>Substitute Amended,                      Passed House and Senate;                      Enrolled</p>

# CTB Report 3-11-16

Bill Number/Bill Points	Status	
<b>Agency Bills</b>	<p><b>SB 240: Electronic Filing of Tort Claims with VDOT. (Edwards, J.)</b> Allows for the electronic filing of tort claims in addition to delivery by hand, by any form of United States Mail Service, or by commercial delivery, when a filing is made with VDOT for such claims the Attorney General has delegated settlement authority to VDOT.</p> <p><b>SB 765: Commissioner of Highways; Powers; Emergency Removal of Snow and Ice. (Suetterlein, D.)</b> Provides that the Commissioner of Highways has the authority to establish and use procedures as he deems necessary to ensure safe travel during an emergency or weather-related event and that procuring equipment and labor to ensure resources are available to address an emergency or weather-related event is an emergency pursuant to the Virginia Public Procurement Act.</p>	<p>Passed Senate and House; Enrolled; Governor's Recommendation Received by Senate</p> <p>Passed Senate and House; Enrolled</p>
<b>Authorities/Commissions/Compacts</b>	<p><b>HB 190 / SB 413: Northern Virginia Transportation Authority. (Bulova, D. / Barker, G.)</b> Provides that the population criterion required for decisions of the Northern Virginia Transportation Authority shall be the estimates, not the projections, made by the Weldon Cooper Center for Public Service of the University of Virginia and provides that the population estimates shall be adjusted once the estimates are available for July 1 of the fifth year after the decennial census. Under current law, the population estimates are adjusted on July 1 of the fifth year, which requires use of the previous year's data.</p> <p><b>HB 727: Northern Virginia Transportation Authority; Decision-Making Procedure. (LeMunyon, J.)</b> Requires the Northern Virginia Transportation Authority to make certain information concerning projects in its regional transportation plan publicly available at least 15 days prior to any decision for the expenditure of funds to create or improve a transportation facility.</p>	<p>HB 190: Substitute Passed House and Senate; Chapter 224 (Effective 7/1/16)</p> <p>SB 413: Passed Senate and House; Enrolled</p> <p>Amended, Passed House and Senate; Chapter 225 (Effective 7/1/16)</p>

# CTB Report 3-11-16

Bill Number/Bill Points	Status
<p><b>Authorities/Commissions/Compacts (cont.)</b></p>	<p><b>HB 1111 / SB 476: Hampton Roads Transportation Accountability Commission. (Villanueva, R. / Wagner, F.)</b>            Allows an elected official of any of the four counties embraced by the Hampton Roads Transportation Accountability Commission who serves on the county's governing body and has been appointed by resolution of such governing body to represent the county on the Commission to serve on the Commission. Currently, only the chief elected officer of such county may serve on the Commission. The bill allows a chief elected officer to designate a current elected officer of the same governing body to serve in his place on the Hampton Roads Transportation Accountability Commission for one meeting if 48-hour notice is provided to the Chairman. The bill also ensures that the moneys in the Hampton Roads Transportation Fund are distributed to the Hampton Roads Transportation Accountability Commission and allows the Commission to invest moneys in excess of those required to meet current needs in the same manner as other transportation moneys are invested. The bill clarifies that when investments are made in accordance with the restrictions placed on the investment of transportation moneys that those investing are exempt from personal liability. The bill also allows the Hampton Roads Transportation Accountability Commission to spend Hampton Roads Transportation Fund moneys on administrative and operating expenses and removes the requirement that, if no other funds are available, administrative expenses of the Commission be allocated among the localities within Planning District 23 on the basis of relative population. The bill states that it does not result in the expiration of the contingently effective provisions of Chapter 896 of the Acts of Assembly of 2007 or Chapter 766 of the Acts of Assembly of 2013.</p>

HB 1111: Substitute Passed House and Senate  
 SB 476: Substitute Passed Senate and House

# CTB Report 3-11-16

Bill Number/Bill Points	Status
<p><b>Condemnation / Eminent Domain</b></p> <p><b>SB 478: Eminent Domain; Reimbursement of Costs. (Obenshain, M.)</b>            Provides that costs and fees may be awarded in condemnation actions where the amount the owner is awarded at trial as compensation for the taking of or damage to his property is 25 percent or more greater than the amount of the condemnor's initial written offer. Under current law, such costs and fees may be awarded if the amount awarded as compensation at trial is 30 percent or more greater than the petitioner's final offer. The bill removes an exception for meeting the requirements for payment of costs and fees for condemnation actions involving easements valued at less than \$10,000. Includes an enactment clause that the provisions of this act shall not apply to condemnation proceedings in which the petitioner filed prior to July 1, 2016 a petition to condemnation or certificate of take or deposit.</p>	<p>Substitute Passed Senate and House</p>
<p><b>CTB</b></p> <p><b>HB 384: Commonwealth Transportation Board; Meetings. (Marshall, R.)</b>            Requires that for any transportation project valued in excess of \$25 million that is located wholly within a single highway construction district, the CTB shall hold at least one hearing in that highway construction district to discuss the project prior to a CTB meeting where a vote to program funds (SYIP) for such project will occur.</p>	<p>Substitute Passed House and Senate; Enrolled</p>
<p><b>Funding/Revenue/Taxes</b></p> <p><b>HB 1122 / SB 46: Commonwealth Space Flight Fund; Transfer of Funds. (Bloxom, R. / Carrico, C.)</b>            Extends through fiscal year 2023-2024 the annual transfer of \$15.8 million from the Transportation Trust Fund to the Commonwealth Space Flight Fund. Under current law, the transfer would cease in fiscal year 2016-2017.</p>	<p>HB 1122: Amended, Passed House and Senate; Enrolled</p> <p>SB 46: Amended, Passed Senate and House; Chapter 299 (Effective 7/1/16)</p>

# CTB Report 3-11-16

Bill Number/Bill Points	Status
<b>Highway/Bridges/Signs</b> <b>HB 41: Virginia Byway Designation. (Kilgore, T.)</b> Designates portions of Virginia Route 72, Virginia Route 619, and U.S. Route 58 Alternate in the Counties of Scott and Wise and the City of Norton a Virginia byway to be known as the "Thomas Jefferson Scenic Byway Loop." Such designations are typically authorized by the Commonwealth Transportation Board.	Passed House and Senate; Enrolled
<b>HB 97: Evaluation of Traffic Congestion on Interstate 95. (Cole, M.)</b> Directs VDOT and FAMPO to conduct a joint evaluation of traffic congestion occurring on I-95 between mile marker 145 in Stafford County and mile marker 125 in Spotsylvania County to determine the feasibility of extending the HOT Lanes south on I-95. VDOT shall share relevant information with FAMPO as requested. Executive Summary shall be submitted to DLAS no later than the first day of the 2019 General Assembly session.	Substitute Passed House and Senate; Enrolled
<b>HB 730: Commuter Parking Lot Signage. (LeMunyon, J.)</b> Requires that signage in commuter parking lots owned by VDOT in Planning District 8 clearly indicate that before 10:00 a.m. Monday through Friday except holidays parking in such lots is only for commuters using mass transit or who are car pool riders or bicycle.	Amended, Passed House and Senate; Enrolled
<b>HB 912: Department of Transportation; Installation of Broadband Conduit on Public Highways. (Minchew, J.)</b> Addresses installation of underground broadband cable and facilities on public highway rights of way that exist as prescriptive easements.	Substitute Passed House and Senate; Enrolled

# CTB Report 3-11-16

Bill Number/Bill Points	Status
<p><b>Highway/Bridges/Signs (cont.)</b></p> <p><b>SB 515: Mobile Food Vending in Commuter Lots in NOVA. (McPike, J.)</b>                      Allows mobile food vending units, after approval from the locality, to apply for a permit and pay a fee to VDOT that would allow them to sell food in commuter lots in Planning District 8. VDOT shall develop guidelines to permit mobile food vending and the guidelines shall (i) provide for the issuance of permits by VDOT (ii) establish criteria VDOT will use to evaluate permit applications (iii) establish fees for mobile food vending and (iv) address any other issues related to permit issuance. The bill also requires VDOT to publish the permit application on its website and establish a fee for the permit. The fees collected shall be used by VDOT to increase security and provide maintenance within commuter lots.</p>	<p>Substitute Amended, Passed Senate and House; Enrolled</p>
<p><b>Procurement/Contracting</b></p> <p><b>HB 501 / SB 465: Request for Proposal of Design-Build Projects. (Villanueva, R. / Carrico, C)</b>                      Allows for the submission and consideration of alternative technical concepts, defined in the bill, during the Request for Proposal process of a design-build transportation project.</p>	<p>HB 501: Amended, Passed House and Senate; Enrolled</p> <p>SB 465: Amended, Passed Senate and House; Chapter 139 (Effective 7/1/16)</p>
<p><b>Reports/Studies</b></p> <p><b>HB 1383: Commissioner of Highways; Annual Report. (Keam, M.)</b>                      Requires the Commissioner of Highways to make his annual report public in an accessible format. Currently such report is only provided to the Governor, the General Assembly, the Joint Legislative Audit and Review Commission, and the Commonwealth Transportation Board. The bill requires such report to include traffic modeling results for all federally funded projects requiring a multi-alternative National Environmental Policy Act analysis.</p>	<p>Substitute Passed House and Senate; Enrolled</p>

# CTB Report 3-11-16

Bill Number/Bill Points		Status
<b>State Prioritization Process</b>	<p><b>HB 719: Commonwealth Transportation Board; Value of Statewide Prioritization Factors. (LeMunyon, J.)</b>                      Requires the Commonwealth Transportation Board to make public the criteria used to determine the value of each factor used in the statewide prioritization process for project selection no later than 30 days prior to a vote on such project or strategy.</p>	Passed House and Senate; Chapter 129 (Effective 7/1/16)
<b>Tolling/HOT/HOV</b>	<p><b>HB 407: Designation of HOV Lanes on I-66. (Bulova, D.)</b>                      Prohibits HOV-2 lanes of Interstate 66 from being converted to HOV-3 lanes or a more restrictive designation prior to January 1, 2020. The bill is effective July 1, 2017.</p>	Substitute Passed House and Senate
	<p><b>HB 715: HOV Designation on Interstate 66. (LeMunyon, J.)</b>                      Adds criteria to the minimum requirements that VDOT must satisfy prior to a change in HOV-2 designation to a more restrictive designation on Interstate 66. The additional criteria is whether the change in designation has been screened and evaluated by VDOT in accordance with its responsibilities for analysis of transportation projects in the Northern Virginia Transportation District. Includes an enactment clause that the provisions of this act become effective January 1, 2020.</p>	Substitute Passed House and Senate; Enrolled

# VIRGINIA STATE BUDGET

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2016 Session

## Budget Amendments - HB30 (Conference Report)

Bill Order » Item 4-14 #1c

Statewide Tolling Policy (language only)

### Item 4-14 #1c

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#### Effective Date

Effective Date

#### Language

Page 503, after line 48, insert:

**"2. That § 33.2-309 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 1 of Title 33.2 a section numbered 33.2-118, as follows:**

**§ 33.2-118. Limitation on tolling.**

*A. For purposes of this section, "auxiliary lane" means the portion of the roadway adjoining the traveled way as a shoulder or for speed change, turning, weaving, or the maneuvering of entering and leaving traffic.*

*B. Notwithstanding any other provision of this title, no toll may be imposed or collected on un-tolled lanes or components of a highway, bridge, or tunnel without approval from the General Assembly. However, such prohibition shall not apply to (i) reconstruction with additional lanes of a highway, bridge, or tunnel provided that the number of un-tolled non-high-occupancy vehicle lanes, excluding auxiliary lanes, after the reconstruction is not less than the number of un-tolled, non-high-occupancy vehicle lanes, excluding auxiliary lanes, prior to such reconstruction; (ii) new construction that is opened to the public as a tolled facility; (iii) new construction that is opened to the public as high-occupancy vehicle lanes; (iv) existing high-occupancy vehicle lanes; or (v) an existing lane on a segment of a highway whose length does not exceed 10 miles and is between an interchange and an interchange or an interchange and a bridge, provided that the number of un-tolled non-high-occupancy vehicle lanes on such segment is equal to the number of un-tolled non-high-occupancy vehicle lanes on the portion of the highway preceding such segment.*

*C. Notwithstanding the provisions of subsection B, prior approval of the General Assembly shall be required prior to the imposition and collection of any toll for use of all or any portion of (i) a non-limited access highway except for a bridge, tunnel, or the approaches to a bridge or tunnel or (ii) Interstate 81.*

**§ 33.2-309. Tolls for use of Interstate System components.**

~~A. Notwithstanding any contrary provision of this title Subject to the limitations provided in § 33.2-118 and in accordance with all applicable federal and state statutes and requirements, the Board may impose and collect tolls from all classes of vehicles in amounts established by the Board for the use of any component of the Interstate System within the Commonwealth. However, prior approval of the General Assembly shall be required prior to the imposition and collection of any toll for use of all or any portion of Interstate 81. Prior approval of the General Assembly shall be required prior to the imposition or collection of any toll for use of Interstate 95 south of Fredericksburg pursuant to the Interstate System Reconstruction or Rehabilitation Pilot Program. Such funds so collected shall be deposited into the Transportation Trust Fund established pursuant to § 33.2-1524, subject to allocation by the Board as provided in this section.~~

*B. The toll facilities authorized by this section shall be subject to the provisions of federal law for the purpose of tolling motor vehicles to finance interstate construction and reconstruction, promote efficiency in the use of highways, reduce traffic congestion, and improve air quality and for such other purposes as may be permitted by federal law.*

*C. In order to mitigate traffic congestion in the vicinity of the toll facilities, no toll facility shall be operated without high-speed automated toll collection technology designed to allow motorists to travel through the toll facilities without stopping to make payments. Nothing in this subsection shall be construed to prohibit a toll*



facility from retaining means of nonautomated toll collection in some lanes of the facility. The Board shall also consider traffic congestion and mitigation thereof and the impact on local traffic movement as factors in determining the location of the toll facilities authorized pursuant to this section.

D. The revenues collected from each toll facility established pursuant to this section shall be deposited into segregated subaccounts in the Transportation Trust Fund and may be allocated by the Board as the Board deems appropriate to:

1. Pay or finance all or part of the costs of programs or projects, including the costs of planning, operation, maintenance, and improvements incurred in connection with the toll facility, provided that such allocations shall be limited to programs and projects that are reasonably related to or benefit the users of the toll facility. The priorities of metropolitan planning organizations, planning district commissions, local governments, and transportation corridors shall be considered by the Board in making project allocations from such revenues deposited into the Transportation Trust Fund.

2. Repay funds from the Toll Facilities Revolving Account or the Transportation Partnership Opportunity Fund.

3. Pay the Board's reasonable costs and expenses incurred in the administration and management of the toll facility.

*2. That the provisions of this act adding § 33.2-118 to the Code of Virginia, as created by this act, and § 33.2-309 of the Code of Virginia, as amended by this act, shall become effective upon the return of the Commonwealth's spot in the Interstate System Reconstruction and Rehabilitation Pilot Program."*

Page 503, line 47, strike "on its passage as provided in § 1-214, Code of Virginia" and insert "July 1, 2016."

Page 503, line 49, strike "2." and insert "3."

Page 503, line 49, after "2018" insert: "The provisions of the second enactment of this act shall have no expiration date."

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## **Explanation**

(This amendment adds a statewide tolling policy to Part 5 of the budget.)

# Budget Amendments

Budget Amendments HB 30	Bill Number/Bill Points	Status
	<p><b>Item 436 #1C MWAA Supplemental Funding Authorization</b> Requires supplemental funding be provided to the Washington Metropolitan Area Airports Authority from the unobligated balances of the Priority Transportation Fund.</p>	
	<p><b>Item 436 #3C Report on Transform 66 Outside the Beltway</b> Directs the Secretary of Transportation to report to the Chairmen of House Appropriations and Senate Finance on the outcome of negotiations under the request for proposals for the Transform 66 Outside the Beltway project by October 31, 2016 to enable consideration of proceeding with public financing of such project if the public-private proposal does not meet the terms outlined in the RFP.</p>	
	<p><b>Item 436 #4C Air Rights on Interstate 66</b> Directs the CTB to begin discussions with Arlington and Fairfax counties regarding air rights over Interstate 66 as it moves forward with the development of the Interstate 66 improvements, with a report due to the Chairmen of House Appropriations and Transportation Committees and Senate Finance and Transportation Committees by July 15, 2017.</p>	
	<p><b>Item 453 #1C Consideration of Fort Eustis Funding</b> Directs that VDOT request the US Army to consider dedication of funding to the Ft. Eustis Boulevard Road improvement project that provides direct benefit to a military installation in the Commonwealth.</p>	
	<p><b>Item 453 #2C Unpaved Road Fund</b> Authorizes dedicated funding for a pilot project for rural rustic roads in context sensitive areas from existing unpaved secondary highway funds.</p>	

# Budget Amendments

Bill Number/Bill Points	Status
<p><b>Budget Amendments HB 30 (cont.)</b></p>	<p><b>Item 453 #3C Provide Funding for I-66 Inside the Beltway</b>                      Appropriates additional transportation funding available for construction based on the December 2015 revisions to revenue forecast and from the increased federal funding available from the passage of the Fixing America's Surface Transportation (FAST) Act. It stipulates that these amounts will be distributed following the new construction formula adopted pursuant to HB 1887, 2015 Session and set out in § 33.2-358, providing 45% of the funds to the State of Good Repair Program, and 27.5% each to the High Priority Projects and District Grant Programs.</p> <p>Further requires that as a condition on expenditures of the amounts allocated for highway construction, the CTB must include adequate funding in the fiscal year 2017-2022 Six Year Improvement Program to add a third eastbound travel lane on Interstate 66 from the Dulles Connector Road to the Glebe Road/Fairfax Drive exit, and begin environmental work on such project by July 15, 2016 and complete a minimum of 30% of the design work by November 1, 2017.</p>
<p><b>Item 459 #1C Reduced Authorized Employment Level</b>                      Reduces the proposed increase of 315.0 FTE at VDOT by 75.0 FTE. An increase of 240.0 FTE is authorized, bringing VDOT's maximum employment level to 7,725.</p>	