

CTB Legislative Report

	Bill Number/Bill Points	Status
AGENCY BILL	<p>HB 386 / SB 131: Potomac River Bridge Towing Compact. (Sullivan, R./ Favola, B.) Adds the Arland D. Williams, Jr. Memorial Bridge to the Potomac River bridges subject to the Potomac River Bridge Towing Compact to facilitate the prompt and orderly removal of disabled and abandoned vehicles from the bridges by giving the District of Columbia, Maryland, and Virginia appropriate authority anywhere on the bridges. The effective date of this amendment to the Compact is contingent upon enactment of substantially similar legislation by the State of Maryland and the District of Columbia. The bill contains technical amendments. (VDOT AGENCY BILL)</p>	<p>HB 386: Passed House (99-Y, 0-N) and Senate (39-0); Enrolled; Approved by Governor - Chapter 6 (effective - see bill)</p> <p>SB 131: Substitute Passed Senate (40-Y, 0-N); Passed House (99-Y, 0-N); Enrolled; Gov action deadline: April 11</p>
CTB REGS	<p>HB 275: CTB; regulations; secondary street acceptance. (Coyner, C.) Requires the regulations adopted by the CTB regarding connectivity of highway and pedestrian networks with transportation networks during secondary street acceptance to include flexibility to limit the number of such connections to adjacent property or highway networks. The bill requires VDOT to convene a stakeholder advisory group to develop and provide recommended amendments to such regulations. Findings and recommended amendments are due to Board for adoption prior to June 1, 2023.</p>	<p>Amended, Passed House (98-Y, 0-N); Passed Senate (40-0); Enrolled; Gov action deadline: April 11</p>

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DRPT	<p>HB 142: Transit Ridership Incentive Program; amount of funds to be used to establish programs (McQuinn, D.) Changes from a maximum of 25 percent to a minimum of 25 percent the percentage of Transit Ridership Incentive Program (TRIP) funds required to be used to support the establishment of programs to reduce the impact of fares on low-income individuals. The bill requires at least 25 percent of TRIP funds to be used to support regional transit initiatives and provides that the Commonwealth Transportation Board has the discretion to allocate the remaining funds available as authorized by law and based on the programs and initiatives submitted during the application process.</p>	Passed House (92-Y, 8-N); Passed Senate (30-Y, 10-N); Enrolled; Gov action deadline April 11
	<p>SB 281: Transit buses; exempts a manufacturer, etc. engaged in distribution from certain requirements (Ebbin, A.) Exempts a manufacturer engaged in the manufacture or distribution of transit buses from the requirements of obtaining a license from DMV to engage in business. The bill also exempts transit buses from dealer's license plate and temporary license plate requirements.</p>	Amended, Passed Senate (40-Y, 0-N); Amended, Passed House (99-Y, 0-N); Senate agreed to House amendment (39-Y, 0-N); Enrolled
	<p>SB 342: Transit Ridership Incentive Program; use of funds for reduced-fare or zero-fare transit programs (Barker, G.) Directs the CTB to use at least 25 percent of the funds available for the Transit Ridership Incentive Program for grants to fund reduced-fare or zero-fare transit projects. Under current law, the amount that may be used for such programs is capped at 25 percent. The bill provides that funds awarded for reduced-fare or zero-fare transit projects shall not be included in the requirement that funds be awarded in accordance with a statewide equitable ratio.</p>	Passed Senate (40-Y, 0-N); Amended, Passed House (80-Y, 19-N); Senate agreed to House amendment (39-Y, 0-N); Enrolled
	<p>SB 725: Virginia Passenger Rail Authority; membership (Pillion, T.). Changes makeup of board membership by having one member from Planning Districts 3 or 4 and one member from Planning Districts 5, 9, 10, or 11. Currently, two members are from Planning Districts 5, 9, 10, or 11.</p>	Passed Senate (38-Y, 0-N); Amended, Passed House (98-Y, 0-N); Senate agreed to House amendment (39-Y, 0-N); Enrolled

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EMINENT DOMAIN	<p>SB 9: Eminent domain; payment of judgment; attorney fees. (Petersen, J.) Provides for attorney fees to be awarded in eminent domain cases in which there is a judgment for a property owner if such judgment is not paid within the time required by law.</p>	<p>Amended, Passed Senate (40-Y, 0-N); Amended, Passed House (100-Y, 0-N); House amendment agreed to by Senate (40-Y, 0-N); Enrolled</p>
	<p>SB 666: Eminent domain; lost profits. (Petersen, J.) Redefines "lost profits" for the purposes of determining just compensation in eminent domain cases and limits current prohibition against compensation for inverse condemnation claims involving temporary interruption of or interference with business or farm operations.</p>	<p>Substitute Passed Senate (40-Y, 0-N); Substitute Passed House (99-Y, 1-N); House substitute agreed to by Senate (39-Y, 0-N); Enrolled</p>

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EMINENT DOMAIN (Cont.)	<p>SB 694: Eminent domain. (Obenshain, M.) Makes various changes to the laws pertaining to condemnation procedures, including (i) providing that localities shall not condition or delay the timely advancement or approval of any application for or grant of any permit or other approval for real property for the purpose of allowing the condemnation or acquisition of the property; (ii) requiring a condemnor to provide the property owner with a copy of its title report and all recorded instruments found in the title examination; (iii) requiring the clerk of court, when funds are paid into the court during a condemnation proceeding, to deposit such funds into an interest-bearing account; (iv) requiring the court to order the condemnor to reimburse the property owner for the reasonable costs and fees, not to exceed \$7,500, for a survey (under current law, this amount is capped at \$1,000); (v) requiring temporary construction easements to have an expiration date included in the recorded certificate and requiring condemnors to record a certificate of completion within 90 days upon completion of construction of any public use project for which a portion of private property was taken; (vi) requiring that a condemnor who has been sued for just compensation pursuant to a "quick-take" condemnation procedure to reimburse the property owner for his fees and costs incurred in filing the petition; and (vii) permitting the owner of property that the Commissioner of Highways has taken to petition the circuit court for the appointment of commissioners or the empanelment of a jury to determine just compensation under certain circumstances and requiring the Commission of Highways to reimburse the owner for his fees and costs incurred in filing the petition. The bill also amends the definition of lost access.</p>	Substitute Passed Senate (38-Y, 0-N); Substitute Passed House (52-Y, 46-N); House substitute rejected by Senate (18-Y, 20-N); Conference Report agreed to by Senate (32-Y, 8-N) and House (63-Y, 34-N)

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<p>PROCUREMENT</p>	<p>HB 429 / SB 225: Procurement; architectural and professional engineering term contracting. (Bulova, D. /McPike, J.) Provides that the sum of all projects performed in an architectural and professional engineering contract term shall not exceed \$10 million, and the fee for any single project shall not exceed \$2.5 million. The bill allows a contract for multiple architectural or professional engineering projects to be renewable for up to three additional terms at the option of the public body. Current law limits the sum of all projects performed in a one-year contract term to \$750,000, with up to four additional one-year terms at the option of the public body, and limits the fee for any single project to \$150,000, with specific exceptions to those limits, including a limit for total projects for rail projects of \$5 million and for highway projects, \$8 million. The bill also removes specific agency and locality exceptions to such current limits. Includes an enactment clause that the provisions of this act shall apply to any contract for which the solicitation was issued on and after July 1, 2022.</p>	<p>HB 429: Substitute Passed House (99-Y, 0-N); Amended, Passed Senate (40-Y, 0-N); Senate amendment agreed to by House; Enrolled; Gov action deadline: April 11</p> <p>SB 225: Passed Senate (38-Y, 0-N); Amended, Passed House (99-Y, 0-N); House amendment agreed to by Senate; Enrolled; Gov action deadline: April 11</p>

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	Bill Number/Bill Points	Status
PROCUREMENT (Cont.)	<p>SB 575: DGS; Use of total cost of ownership calculations. (Mason, T.)</p> <p>Requires DGS, beginning October 1, 2022, to procure a total cost of ownership calculator prior to procuring any vehicles. Beginning January 1, 2023, DGS and all agencies of the Commonwealth shall utilize the calculator prior to purchasing or leasing vehicles and to purchase electric vehicles unless the calculator clearly indicates that purchasing or leasing an internal combustion-engine vehicle has a lower cost of ownership. The bill requires DGS to provide technical assistance to all public bodies in the use of such calculator. The bill requires DGS to report a summary of such procurements to the Governor and the General Assembly by January 1, 2026, and every three years thereafter. The bill exempts emergency vehicles and vehicles used by agencies of the Commonwealth for law-enforcement, incident response, or other emergency response activities from its provisions. Includes an enactment clause to have the DGS Public Body Procurement Workgroup evaluate the appropriateness of requiring DGS and all agencies to use a total cost of ownership calculator to, prior to purchasing or leasing any medium-duty or heavy-duty vehicle, assess and compare the total cost to purchase, own, lease, and operate medium-duty or heavy-duty internal combustion-engine vehicles versus comparable electric vehicles. Report due by December 1, 2022 to the Chairs of House General Laws and Senate General Laws and Technology.</p>	<p>Substitute Passed Senate (40-Y, 0-N); Substitute Passed House (99-Y, 0-N); House substitute agreed to by Senate (39-Y, 0-N); Enrolled</p>

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	Bill Number/Bill Points	Status
RESILIENCY	<p>HB 516 / SB 551: Flood resiliency and protection. (Bulova, D. / Marsden, D.) Implements recommendations from the first Virginia Coastal Resilience Master Plan. The bill provides guidelines for the development of a Virginia Flood Protection Master Plan for the Commonwealth and requires that the Coastal Resilience Master Plan be updated by December 31, 2022, and every five years thereafter. The bill establishes the Virginia Coastal Resilience Technical Advisory Committee to assist with the updates and requires the development of a community outreach and engagement plan to ensure meaningful involvement by affected and vulnerable community residents. Commissioner of Highways and Director of VTRC shall serve on the Committee. The Committee shall meet quarterly. The bills also require that the Chief Resilience Officer report every two years, beginning July 1, 2023, on the status of flood resilience/flood resilience planning in the Commonwealth, reporting on an evaluation of flood protection for critical human and natural infrastructure and the risks to, among other things, critical transportation infrastructure.</p>	<p>HB 516: Amended, Passed House (100-Y, 0-N); Passed Senate (27-Y, 12-N); Enrolled; Gov action deadline: April 11</p> <p>SB 551: Substitute Passed Senate (24-Y, 16-N); Amended, Passed House (98-Y, 0-N); House amendment agreed to by Senate (32-Y, 7-N); Enrolled</p>
	<p>HB 517: Chief Resilience Officer. (Bulova, D.) Clarifies the designation and role of the Chief Resilience Officer from under the responsibility of the Secretary of Public Safety and Homeland Security to the Secretary of Natural and Historic Resources and adds provisions related to the role of the Chief Resilience Officer in creating and overseeing the implementation of a Virginia Flood Protection Master Plan and a Virginia Coastal Resilience Master Plan. Under current law, the Secretary of Natural and Historic Resources is designated the Chief Resilience Officer. Also requires that the Chief Resilience Officer report every two years, beginning July 1, 2023, on the status of flood resilience/flood resilience planning in the Commonwealth, reporting on an evaluation of flood protection for critical human and natural infrastructure and the risks to, among other things, critical transportation infrastructure. This is a Chesapeake Bay Commission initiative.</p>	<p>Passed House (100-Y, 0-N); Passed Senate (39-Y, 0-N); Enrolled</p>

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SAFETY	<p>HB 793 /SB 450: Traffic incident management vehicles. (LaRock, D. / Boysko, J.) Authorizes traffic incident management vehicles, defined in the bill, operated by persons who complete certain training and recertification requirements to be equipped with flashing red or red and white secondary warning lights.</p>	<p>HB 793: Substitute Passed House (98-Y, 0-N); Amended, Passed Senate (29-Y, 11-N); Senate amendment agreed to by House; Enrolled; Gov action deadline: April 11</p> <p>SB 450: Amended, Passed Senate (30-Y, 10-N); Passed House (100-Y, 0-N); Enrolled; Gov action deadline: April 11</p>
TAX	<p>HB 90: Sales tax; exemption for food purchased for human consumption and essential personal hygiene products. (McNamara, J.) Exempts food purchased for human consumption and essential personal hygiene products (the grocery tax) from all state, regional, and local sales taxes. The bill dedicates state sales tax revenue to provide a supplemental school payment to counties and cities. For fiscal year 2023, the payment is the county or city's fiscal year 2022 distribution of revenue from the grocery tax. For fiscal year 2024 and after, the payment is the previous year's payment multiplied by the county or city's local sales tax index, defined in the bill as the ratio by which sales tax revenues in a county or city for the current year exceed the previous year's revenues.</p>	<p>Substitute Passed House (80-Y, 20-N); Substitute passed Senate (38-Y, 2-N); Senate Substitute rejected by House; in Conference Committee; Continued to 2022 Special Session I</p>
	<p>HB 1155: Sales and use tax; media-related exemptions. (Byron, K.) Makes changes to the sales and use tax exemption for amplification, transmission, and distribution equipment used to provide Internet services. Under the bill, the exemption would apply to network equipment used to provide Internet service, regardless of whether the provider of such service is also a telephone common carrier or whether such network is also used to provide services other than Internet services.</p>	<p>Passed House (96-Y 0-N 1-A); Passed Senate (39-Y, 0-N, 1-A); Enrolled</p>

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	Bill Number/Bill Points	Status
STUDIES	<p>HB 66: Use of utility vehicles on secondary roads. (Edmunds, J.) Provides that a person with a valid driver's license and insurance may operate a utility vehicle equipped with certain equipment on secondary roads located in counties with a population of 100,000 or less. This bill was left in House Transportation Committee but a letter seeking study of the issues is anticipated.</p>	Referred to House Transportation Sub #3: Highway Safety and Policy; recommends laying on the table; Left in House Transportation Committee
	<p>HB 482: VDOT; performance standards for review of certain plans. (Austin, T.) Directs VDOT to adopt performance standards for review and approval of subdivision and commercial development plans by January 1, 2025. The bill requires the Commissioner of Highways to gather and tabulate information to support development of the performance standards and submit a report of original standards developed to the Chairman of the CTB.</p>	Amended, Passed House (98-Y, 0-N); Passed Senate (40-0); Enrolled; Gov action deadline: April 11
	<p>HB 546: Transportation safety funding. (Roem, D.) Provides that for any year in which there is a surplus, the Governor shall include in his proposed budget an appropriation of 10 percent of such surplus for the Transportation Safety Fund, created by the bill, for the purpose of funding projects that would improve transportation safety, implement safe system approach designs, improve high accident risk areas, and create safer options for pedestrians and bicyclists. The bill directs the Secretary of Transportation to establish a process for soliciting, reviewing, and selecting project submissions by local governing bodies. This bill was left in House Transportation Committee but a letter seeking study of the issues is anticipated.</p>	Referred to House Transportation Sub #2: Transportation Infrastructure and Funding; recommends passing by with letter; Left in House Transportation Committee

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<p>STUDIES (Cont.)</p> <p>HB 567 / SB 522: Toll Relief Program; eligibility. (Scott, D. / Lucas, L.) Requires VDOT to expand eligibility for the Toll Relief Program for the tolls on the Downtown and Midtown Tunnels to residents of the Cities of Portsmouth and Norfolk with an income of \$45,000 or less per year. The bill requires that all eligible residents receive the same toll relief regardless of income level. The bill provides that funding for the additional toll relief shall be paid by the Commonwealth from the federal American Rescue Plan Act (ARPA), as possible, and any costs not covered by the ARPA shall be the responsibility of the Commonwealth. The bill expires on January 1, 2025. This bill was continued to 2023 and a letter seeking study of the issues is anticipated.</p>	<p>HB 567: Continued to 2023 in House Transportation Committee</p> <p>SB 522: Continued to 2023 in Senate Finance and Appropriations Committee</p>
<p>HB 707: Smart Scale; resiliency. (Keam, M.) Adds resiliency, defined in the bill, to the list of factors to be considered during the statewide transportation funding prioritization process commonly known as SMART SCALE. The bill also requires that the factors of congestion mitigation, economic development, accessibility, safety, resiliency, and environmental quality be considered relative to the anticipated life-cycle cost of the project or strategy under consideration. This bill was left in House Transportation Committee and a letter seeking study of the issues/SMART Scale is anticipated.</p>	<p>Referred to House Transportation Sub #2: Transportation Infrastructure and Funding; recommends laying on the table; Left in House Transportation Committee</p>
<p>HB 859 / SB 445: Roadways operating under the Virginia Highway Corporation Act of 1988 to operate under PPTA. (Reid, D. / Boysko, J.) Directs the Commissioner of Highways to evaluate whether it is in the public interest for any roadway operated pursuant to the Virginia Highway Corporation Act of 1988 (HCA) to operate instead under the authority and requirements provided by PPTA. The bill authorizes the Commissioner, if he determines it is in the public interest for any such roadway to operate under the PPTA and if the Secretary of Transportation and the Transportation Public-Private Partnership Steering Committee concur, to negotiate and execute a new comprehensive agreement with the operator of such roadway to operate under the authority and requirements provided by the PPTA. The bill has an expiration date of January 1, 2024. The bill was continued to 2023 and a letter requesting study/review is anticipated.</p>	<p>HB 859: Continued to 2023 in House Transportation Committee</p> <p>SB 445: Continued to 2023 in Senate Transportation Committee</p>

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<p>STUDIES (Cont.)</p>	<p>HB 1113: Transportation funding; statewide prioritization process. (LaRock, D.) Sets additional requirements by which projects or strategies submitted through the SMART SCALE Prioritization Process are evaluated and prioritized for funding in the Six-Year Improvement Program. The bill would set a minimum weighting threshold for congestion mitigation as part of the scoring process in the Northern Virginia and Hampton Roads districts. The bill would modify the project selection process to ensure that the process for selecting projects for funding through the High Priority Projects Program and the Construction District Grant Program remain completely separate. In the Construction District Grant Program, projects would be required to receive both a district specific score as well as an overall score. This bill was stricken in anticipation of a letter seeking study of the issues/SMART Scale.</p>	<p>Stricken in House Transportation Committee</p>
	<p>SB 220: State of good repair funds. (McPike, J.) Makes bridges with a general condition rating of no greater than five eligible for state of good repair funding. Under current law, structurally deficient bridges and highways with deficient pavement conditions are eligible for state of good repair funds. The bill eliminates the minimum and maximum percentage of the state of good repair funds that each construction district can receive. The bill was continued to 2023 in response to the Secretary's letter advising of a review.</p>	<p>Continued to 2023 in Senate Transportation Committee</p>
	<p>SB 272: Climate impact of concrete; report. (Hashmi, G.) Directs DGS to convene a stakeholder work group to review the climate impact of concrete and recommend policies and practices to incentivize the reduction of air emission impact of the production of concrete procured by state agencies for state-funded projects. One representative from VDOT shall serve on the work group. The work group and DGS shall submit a report and public comments to the Governor and Chairs of House Agriculture, Chesapeake and Natural Resources and Senate Agriculture, Conservation and Natural Resources Committees no later than November 1, 2023. This bill was left in House ACNR Committee but a letter asking DGS and VDOT to review/study the issues is anticipated.</p>	<p>Substitute Passed Senate (22-Y, 18-N); Left in House Agriculture, Chesapeake and Natural Resources Committee</p>

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	Bill Number/Bill Points	Status
STUDIES (Cont.)	<p>SB 333: Establishment of speed limits; local authority. (Bell, J.) Authorizes localities to reduce speed limits on any highway in the locality, provided that such speed limit is indicated by lawfully placed signs. Current law authorizes localities to reduce the speed limit to less than 25 miles per hour, but not less than 15 miles per hour, on highways within its boundaries that are located in a business district or residence district, provided that such reduced speed limit is indicated by lawfully placed signs. A letter from the Senate Transportation Chair requesting study of the issues is anticipated.</p>	Stricken at the request of the patron in Senate Transportation Committee