

The Legislative Report

2011 Virginia General Assembly Session



Policy Division

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The 2011 Virginia General Assembly adjourned February 27, one day later than scheduled. During this year's short legislative session, 2,692 bills were introduced in the General Assembly. The Virginia Department of Transportation (VDOT) tracked 226 bills that impacted the Department. This report provides a summary of bills, joint resolutions and budget amendments of interest to VDOT that passed during the 2011 General Assembly session. All bills enacted into law have an effective date of July 1, 2011, unless otherwise noted. Links to the text of the bill and its legislative history are available by clicking on the bill number.

Please contact the Policy Division if you have any questions concerning the General Assembly session. Additional information can be found at the Policy Division's General Assembly Website — <http://gaweb/>.

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| Budget | <u>HB 1500</u>: Budget Bill. (Putney) Amends Chapter 874, 2010 Acts of Assembly. | Chapter 890 |
| Commissioner/CTB | <u>HB 1825/SB 1005</u>: Commonwealth Transportation Commissioner. (Oder/Watkins) Changes the title “Commonwealth Transportation Commissioner” to “Commissioner of Highways.” The bill also eliminates the requirement that the Commissioner employ an assistant commissioner for the environment, transportation planning, and regulatory affairs; allows the Commissioner to transfer, abandon, and discontinue roads in the primary and secondary systems of state highways or move roads from one such system to another when such actions are recommended as appropriate by the Chief Engineer in connection with a construction or maintenance project; eliminates the requirement that the CTB must declare excess right-of-way surplus before VDOT may sell the land; and directs VDOT to submit one comprehensive report, by November 30 th of each year, focusing on VDOT operations and services. (Governor's Bill) | HB 1825: Chapter 36 SB 1005: Chapter 152 |
| | <u>HB 1957/SB 1135</u>: Powers and Duties of CTB. (Rust/Wagner) Makes various changes to the powers and duties of the CTB: (i) clarifies that local roads in counties outside the state secondary highway system are local roads, and not part of the state system; (ii) increases the limitation on contract values that the VDOT Commissioner and the DRPT Director may let; (iii) eliminates the duty of the CTB to regulate outdoor theaters; (iv) provides for the updating of the Statewide Transportation Plan every four years (instead of five); and (v) repeals the section that allows the CTB to designate its employees as special police officers. (Governor's Bill) | HB 1957: Chapter 104 SB 1135: Chapter 164 |

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| Category | Bill Number/Bill Points | Status |
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| Commissioner/CTB (cont.) | <p><u>HB 2508</u>: CTB Transfer of Interest In and Control Over Landings. (Morgan) Provides that, for purposes of transfer of interest in and control over a landing to a public access authority, landing includes wharfs, piers, and docks.</p> | Chapter 667 |
| | <p><u>SB 894</u>: CTB's Cooperation with Persons Maintaining Marine Museums. (Miller, Y.) Repeals § 33.1-220 of the <i>Code</i> authorizing the CTB to cooperate with persons who may establish a marine museum in a county in the Commonwealth adjoining a city located on navigable water with a population of 30,000 or more. (Agency Bill)</p> | Chapter 428 |
| Commissions/ Organizations | <p><u>HB 2504</u>: Transportation District Commission of Hampton Roads. (Cosgrove) Provides for appointment by the Governor of one citizen member from each locality embraced by the Transportation District. The governing body of each locality may appoint either a member of its governing body or its county or city manager to serve as an ex officio member with voting privileges. Every ex officio member shall be allowed to attend all meetings of the commission that other members may be required to attend. That the provisions of this act shall become effective on July 1, 2012.</p> | Chapter 515 |

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| Category | Bill Number/Bill Points | Status |
|---|--|-------------|
| Commissions/ Organizations (cont.) | <u>SB 1112</u>: Metropolitan Planning Organizations (MPOs). (Miller, Y.) Specifies the duties and responsibilities of MPOs in the Commonwealth's transportation decision-making process. Directs the CTB, VDOT and DRPT to develop and implement a decision-making process that provides MPOs and regional transportation planning bodies a meaningful opportunity for input into transportation decisions that impact the transportation system within their boundaries. Such a process shall provide the MPOs and regional transportation planning bodies with the CTB priorities for development of the Six-Year Improvement Program and an opportunity for them to identify their regional priorities for consideration. | Chapter 554 |
| | <u>SB 1452</u>: Commission on Local Government Mandates. (Martin) Directs the Commission on Local Government to assist a five-member task force, appointed by the Governor, to review state mandates imposed on localities and to recommend temporary suspension or permanent repeal of such mandates, or any other action, as appropriate. The task force may include city or town managers, county administrators, members of local governing bodies and members of appointed or elected school boards. All agencies of the Commonwealth shall provide assistance to the Commission, upon request. The provisions of this subdivision shall expire July 1, 2014. | Chapter 381 |
| Condemnations/Eminent Domain | <u>HB 1693</u>: Eminent Domain Waiver of Appraisal. (Athey) Changes the maximum limit on waiver of appraisals for real property being acquired by a state agency from \$10,000 to \$25,000, consistent with the amount allowed by federal regulations. If the value of the property is determined to be between \$10,000 and \$25,000, the state agency shall disclose that the valuation was not based on an appraisal and that the property owner may request that an appraisal be made. (Agency Bill) | Chapter 335 |

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| Category | Bill Number/Bill Points | Status |
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| Condemnations/Eminent Domain (cont.) | <p><u>HB 1947</u>: Right to Enter on Land for Transportation Purposes. (Cox) Removes the requirement that notice of intent to enter be sent by certified mail. The bill also eliminates the required waiting period if the landowner agrees to or requests an earlier date of entry than that specified in the notice. (Agency Bill)</p> | <p>Chapter 60</p> |
| | <p><u>HB 2161/SB 1436</u>: Eminent Domain Procedures. (Iaquinto/Smith) Provides that if a condemnor is required to provide an appraisal to the owner of property sought to be condemned, the condemnor must provide copies of all appraisals that the condemnor obtained prior to making an offer to acquire or initiating negotiations for the property. The bill also makes changes to the procedure for offering to sell condemned property back to the former owner to clarify when such an offer is required to be made and how such an offer is communicated to the former owner. The provisions of the bill do not apply to the acquisition of real property by a railroad, public service corporation, municipal corporation, local governmental unit, or political subdivision of the Commonwealth, or any department, agency, or instrumentality, or a combination of two or more such entities, that is the subject of a certificate recorded prior to July 1, 2011; the subject of a petition for condemnation filed prior to July 1, 2011, or required to construct a project funded by bonds approved for issuance by a locality prior to July 1, 2011.</p> | <p>HB 2161: Chapter 117 SB 1436: Chapter 190</p> |

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| Category | Bill Number/Bill Points | Status |
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| Condemnations/Eminent Domain (cont.) | <p><u>HJR 693</u>: Taking or Damaging of Private Property Constitutional Amendment (First Resolution). (Joannou, et al) An amendment to the Constitution of Virginia to prohibit the General Assembly from passing any law whereby private property 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. 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 or 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.</p> | Chapter 757 |
| Environment | <p><u>HB 1621</u> / <u>SB 1104</u>: Open-Space Land. (Knight/Hanger) Expands the definition of open-space land in the Open-Space Land Act to include agricultural and forestal production.</p> | HB 1621: Chapter 85 SB 1104: Chapter 159 |
| | <p><u>HB 1737</u>: Regulation of Stormwater Management Systems. (Bulova) Clarifies statutory language and makes technical changes regarding a locality's authority to regulate stormwater management systems.</p> | Chapter 452 |

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| Category | Bill Number/Bill Points | Status |
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| FOIA/Regulatory | <p>HB 1457: FOIA Violations and Penalties. (Marshall, R.) Doubles the civil penalties imposed for willful and knowing violations of FOIA. The bill also clarifies existing law that officers, employees, and members of public bodies may be subject to the civil penalties for knowing and willful violations of FOIA.</p> | Chapter 327 |
| | <p>HB 1939: Regulations Promulgated When Mandated by Statute. (Pollard) Requires agencies, for regulatory changes that are nondiscretionary and necessary to conform to a change in law, to file the updated regulations with the Registrar of Regulations within 90 days of the law's effective date. The bill also requires the filing of a Notice of Intended Regulatory Action within 120 days of a law's effective date whenever a Virginia statutory change necessitates a change to, or repeal of, or all or a portion of a regulation, or the adoption of a new regulation.</p> | Chapter 464 |
| | <p>HB 2006: Regulatory Flexibility for Small Businesses. (LeMunyon, Janis) Clarifies the process for the notice of completion of the small business impact statement and review of existing regulations to minimize the economic impact of regulations on small businesses. The bill changes the periodic review requirement from five years to four years to conform to the procedures for regulatory review adopted by each Governor under §§ 2.2-4013 and 2.2-4017, adds a requirement to publish a notice of the review and report of the findings in the Virginia Register of Regulations and post the notice on the Virginia Regulatory Town Hall, and provides for a 21-day public comment period after publication of the notice.</p> | Chapter 241 |

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| FOIA/Regulatory (cont.) | <p><u>HB 2020</u>: FOIA Definition of Public Record. (May) Clarifies that the definition of a "public record" does not include records that are not prepared for or used in the transaction of public business. The bill is in response to a court case in Loudoun County.</p> | Chapter 242 |
| Funding/Revenue-Sharing/Bonds | <p><u>HB 1500, Item 452 A</u>. Department of Transportation. Corrects the reference to the funding level of the VDOT revenue sharing program to reflect changes to the program size adopted pursuant to House Bill 2527/Senate Bill 1446 of the 2011 Session of the General Assembly. The funding amount shall be determined by the CTB, not less than \$15 million and not to exceed \$200 million.</p> | Chapter 890 |
| | <p><u>HB 1500, Item 82.10</u> Transportation. Allows VDOT to utilize existing revenues to construct fifteen chemical domes around the state to better address winter weather conditions.</p> | Chapter 890 |
| | <p><u>HB 1872/SB 1231</u>: Public Infrastructure Maintenance Bonds. (Toscano/Deeds) Allows the City of Charlottesville to require public infrastructure maintenance bonds from developers and property owners in conjunction with the construction of single- and two-family homes in instances where the provisions of a subdivision ordinance are not applicable and all required performance and maintenance bonds have been released. The maximum bond shall not exceed \$5,000 and shall only be required at the time of issuance of a certificate of occupancy.</p> | HB 1872: Chapter 692 SB 1231: Chapter 711 |

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| Funding/Revenue-Sharing/Bonds (cont.) | <p>HB 2233/SB 1004: Transportation Agency Efficiencies and Cost Recoveries. (Anderson/Watkins) Exempts VDOT and DRPT from paying any fee for remote access to land records; VDOT shall recommend to the CTB an annual rate per category to be computed as the base rate of growth planned for the Department's Highway Maintenance and Operations program. The Board shall establish the annual rates of such payments as part of its allocation for such purpose, and VDOT shall use those rates to calculate and put into effect annual changes in each qualifying city's or town's payment under this section. Adds language indicating that total payments are not to exceed CTB allocations. The bill also ensures that payback provisions specified are available to VDOT if a locality chooses to cancel a project in the six-year plan after approval of the location and design. Also, the bill eliminates the requirement of refunding bonds any time within three years of the date of maturity (this is limited to the Fairfax Bond Authority). (Governor's Bill)</p> <p>*Item 455 A of the Appropriation Act overrides the changes regarding maintenance payments.</p> | <p>HB 2233: Chapter 493</p> <p>SB 1004: Chapter 434</p> |

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| Funding/Revenue-Sharing/Bonds (cont.) | <p><u>HB 2527/SB 1446</u>: Transportation Funding. (Howell, W./Wampler) Creates the Virginia Transportation Infrastructure Bank (Bank) managed and administered in accordance with terms to be established by a management agreement with the Virginia Resources Authority, the Secretary of Finance and the CTB. The Bank shall be capitalized with moneys appropriated by the General Assembly and credited to the Bank. Moneys deposited in the Bank shall be used for making loans and other financial assistance to finance projects. Up to 20 percent of the capitalization of the Bank may be used for grants to Governmental Entities to finance projects. The bill authorizes the issuance of "Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes" (GARVEES), to help pay for projects as designated by the CTB. The bill removes the authority to issue Virginia Federal Highway Reimbursement Notes (FRANS) on July 1, 2011. The total of outstanding FRANS and GARVEES is capped at \$1.2 billion. The CTB is authorized to issue Transportation Capital Projects Revenue Bonds, at one or more times in an aggregate principal amount not to exceed \$3 billion provided that the aggregate principal amount issued in any one fiscal year shall not exceed \$300 million (the Annual Limitation), excluding any refunding bonds, except for the fiscal years ending June 30, 2012, and June 30, 2013, in which the Annual Limitation shall be increased by \$200 million and \$300 million respectively. The bill makes changes to the state revenue-sharing program by increasing the maximum state match from one million to ten million dollars; removing the priority levels that had been established for project allocation and increasing the maximum state allocation to the program from \$50 million to \$200 million. The bill specifies that funds allocated by the CTB under the revenue-sharing program shall be distributed and administered in accordance with the revenue-sharing program guidelines established by the CTB. (Governor's Bill)</p> | <p>HB 2527: Chapter 830 SB 1446: Chapter 868</p> |

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| Funding/Revenue-Sharing/Bonds (cont.) | <p><u>HB 1500, Item 452 G.1</u> Department of Transportation. Reduces the general fund amount proposed to be deposited into the Virginia Transportation Infrastructure Bank (from \$150 million to \$32.7 million) created pursuant to legislation adopted by the 2011 General Assembly to reflect the provisions of § 2.2-1514, which requires two-thirds of the fiscal year 2010 general fund surplus to be deposited to transportation.</p> <p>Prior to the transfer of any general funds or Commonwealth Transportation funds to the bank, the Secretary of Transportation shall certify in writing to the Governor and the Chairman of the House Committees on Appropriations and Transportation and the Senate Committees on Finance and Transportation a plan that shall include, but not be limited to, identification of any specific project or program balance to be transferred to the bank as well as the corresponding fund source.</p> | Chapter 890 |
| | <p><u>SB 895: Donation of Capital Stock of Turnpike or Ferry Corporations. (Miller, Y.)</u> Repeals § 56-51.1 of the <i>Code</i> allowing any turnpike or ferry corporation to donate and transfer its entire capital stock to the CTB or to political subdivisions. (Agency Bill)</p> | Chapter 429 |
| | <p><u>SB 896: State and Municipal Turnpike Projects. (Miller, Y.)</u> Repeals §§ 33.1-296 – 33.1-318 of the <i>Code</i> relating to the establishment of turnpikes. The CTB and VDOT have never used these sections to issue revenue bonds for turnpike projects and no city or town has constructed a toll facility connected to a state turnpike project. (Agency Bill)</p> | Chapter 600 |
| | <p><u>SB 897: Interstate 66 Economic Development Program. (Miller, Y.)</u> Repeals §§ 33.1-221.1:4 and 33.1-221.1:6 of the <i>Code</i> relating to the Interstate 66 Economic Development Program. (Agency Bill)</p> | Chapter 430 |

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| Highways/Bridges/Signs | <p><u>HB 1551</u>: Regulation of Parking by Certain Counties and Towns. (Cox) Adds Hanover County to the list of jurisdictions that may, by ordinance, regulate or prohibit parking of watercraft, boat trailers, motor homes and camping trailers on any public highway in such county or town.</p> | Chapter 201 |
| | <p><u>HB 1602</u>: Virginia War of 1812 Heritage Trail. (Peace) Establishes The Virginia War of 1812 Heritage Trail. Requires VDOT to erect historical highway markers approved by the Board of Historic Resources in VDOT right-of-way at the request of the Department of Historic Resources (DHR). Directional signage for travelers to sites may be erected by VDOT at the request of a locality, historical organization, or foundation with custodial responsibilities for the site.</p> | Chapter 203 |
| | <p><u>HB 1726</u>: Bridge Vertical Clearance Signage. (Carrico) Clarifies that the Commissioner's responsibility for posting restricted vertical clearances applies only to bridges on roads under the Commissioner's jurisdiction. Localities are responsible for placing signs for restricted vertical clearances on roads maintained by the locality. (Agency Bill)</p> | Chapter 620 |
| | <p><u>HB 1735</u>: Blue Star Memorial Highway. (Pollard) Designates the entire length of Route 3 in Lancaster County as the "Blue Star Memorial Highway."</p> | Chapter 28 |

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| Highways/Bridges/Signs (cont.) | <p><u>HB 1758</u>: Local Roads Notice. (Wilt) Provides that those localities that decide to take over responsibility for their construction programs must notify the CTB by December 31 (currently July 1) for implementation the following fiscal year. Provides that Rural Rustic Roads are subject to the section of the <i>Code</i> that identifies activities, including routine maintenance, that are exempt from regulation under the Virginia Stormwater Management Act. Provides that the paving of an existing road with a compacted or impervious surface and reestablishment of existing associated ditches and shoulders shall be deemed routine maintenance. Eliminates the requirement that a local governing body hold a public hearing when provided notice that VDOT plans an emergency paving of a secondary road within the locality and requires that the local governing body provide concurrence or other recommendation to the Commissioner within 72 hours of VDOT providing such notice. (Governor's Bill)</p> | Chapter 400 |
| | <p><u>HB 1900</u>: Compton Road. (Hugo) Designates Compton Road in Fairfax County a Virginia byway.</p> | Chapter 102 |
| | <p><u>HB 1972</u>: Golf Carts and Utility Vehicles. (Robinson) Authorizes limited over-the-road operation of golf carts and utility vehicles by Department of Conservation and Recreation employees, provided the speed limit on the highway is no more than 35 mph.</p> | Chapter 469 |
| | <p><u>HB 1981</u>: Traffic Lights. (Greason) Allows motorcycle or moped drivers or a bicycle rider to proceed through intersection on a steady red light only if the driver or rider comes to a full and complete stop at the intersection for two complete cycles of the traffic light or for two minutes, whichever is shorter, exercises due care as provided by law, 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.</p> | Chapter 471 |

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| Highways/Bridges/Signs (cont.) | <u>HB 2025</u>: Noise Abatement Practices and Technologies. (May) Provides that first consideration should be given to the use of noise reducing design and low noise pavement materials and techniques in lieu of construction of noise walls or sound barriers. Vegetative screening, such as the planting of appropriate conifers, in such a design would be utilized to act as a visual screen if visual screening is required. | Chapter 476 |
| | <u>HB 2116/SB 1161</u>: The Road to Revolution. (Armstrong/Reynolds) Adds Leatherwood Plantation in Henry County to this heritage trail of sites significant to Patrick Henry. | HB 2116: Chapter 114 SB 1161: Chapter 168 |
| | <u>HB 2379</u>: Discontinued Secondary System Highways. (Pogge) Provides that a highway that has been discontinued as a secondary system highway shall continue to be available for use by the public as a road, unless it has been abandoned or its use has been modified. | Chapter 129 |
| | <u>HB 2413</u> : All-Terrain Vehicles in Tazewell County. (Crockett-Stark, Morefield) Allows over-the-road operation of ATVs at certain locations in Tazewell County, subject to the approval of the County Board of Supervisors. | Chapter 822 |
| | <u>HB 2429</u>: Golf Cart and Utility Vehicle Use on Highways. (Habeeb) Fixes a punctuation error to clarify exceptions for use of golf carts and utility vehicles. (Agency Bill) | Chapter 68 |
| | <u>SB 871</u>: Golf Carts. (Stuart) Clarifies existing law pertaining to crossing of highways by golf carts and utility vehicles. | Chapter 140 |

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| Highways/Bridges/Signs (cont.) | <p><u>SB 952</u>: Bridges in the Vicinity of Lake Anna. (Houck) Names six bridges in the vicinity of Lake Anna.</p> | SB 952: Chapter 144 |
| | <p><u>HB 1500, Item 452 J</u> Department of Transportation. Requests VDOT to provide funding to implement the provisions of SB 952. The funding is for identification markers on eight bridges over certain tributaries of Lake Anna.</p> | HB 1500: Chapter 890 |
| | <p><u>SB 1290</u>: Pearl Harbor Memorial Highway. (McWaters) Designates I-664 and I-264 in the Hampton Roads Highway Construction District the "Pearl Harbor Memorial Highway."</p> | Chapter 558 |
| | <p><u>SB 1457</u>: ABC Prorated License Fees. (Hanger) Provides for proration of ABC license taxes for licensees whose place of business is destroyed by an act of God, including but not limited to fire, earthquake, hurricane, or storm. The bill also permits the display of outdoor alcoholic beverage advertising on lawfully erected billboard signs where such signs are located on commercial real estate, but only in accordance with this title and provided that no outdoor alcoholic beverage advertising shall be placed within 500 feet of a church or synagogue; public, private, or parochial school, college, or university; public or private playground or similar recreational facility; or residentially zoned property. The bill does not authorize outdoor alcoholic beverage advertising on property zoned agricultural or residential, or on any unzoned property. Nor does the bill authorize the erection of new outdoor advertising that would be prohibited under state law or local ordinance. An emergency clause exists.</p> | Chapter 327 |

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| HOV Lanes | <u>HB 1432</u>: Clean Special Fuel License Plates. (Greason) Extends until July 1, 2012, the sunset on use of HOV lanes by clean special fuel vehicles, regardless of the number of occupants. | Chapter 735 |
| Land Use | <u>SB 1206</u>: Traffic Impact Analysis. (Obenshain) Removes the requirement that a supplemental traffic analysis accompany a plat or plan submitted to VDOT by a locality if such plat or plan is permissible by right under the local zoning ordinance. Requires that revisions to the TIA regulations be effective no later than December 31, 2011, and that VDOT shall not be subject to the requirements of the Administrative Process Act (§ 2.2-4000 et seq.) in revising its regulations as required by this act. This will be done concurrently with SB 1462. | Chapter 647 |
| | <u>SB 1221</u>: Local Rezoning Actions. (Barker) Provides for more limited review by VDOT when a property being considered for rezoning has already been subject to a VDOT review in connection with development of a local comprehensive plan. | Chapter 888 |
| | <u>SB 1339</u>: Urban Development Areas. (Puller) Allows population projections to be based on official government projections required for federal transportation planning purposes. | Chapter 561 |
| | <u>SB 1462</u>: VDOT Regulations. (Puckett) Requires VDOT/CTB to review and adopt certain revisions to the Traffic Impact Analysis Regulations (24 VAC 30-155), the Secondary Street Acceptance Requirements (24 VAC 30-92), the Access Management Regulations: Principal Arterials (24 VAC 30-72), and Access Management Regulations: Minor Arterials, Collectors and Local Streets (24 VAC 30-73). Revisions are exempt from the Administrative Process Act, must be drafted by November and effective no later than January 1, 2012. | Chapter 870 |

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| Miscellaneous | <p><u>HB 2076/SB 1477</u>: Office of the Inspector General. (Landes/Stosch) Establishes the Office of the State Inspector General to be headed by a State Inspector General to investigate complaints alleging fraud, waste, abuse, corruption, or mistreatment of citizens of the Commonwealth by nonstate/state agencies or their officers and employees, and authorizes the State Inspector General to examine the management and operation of nonstate/state agencies and provides a record exemption under FOIA for certain documents of the Office. The bill consolidates the offices of inspector general of the Departments of Behavioral Health and Developmental Services, Corrections, Juvenile Justice, and Transportation, along with the State Internal Auditor, into this new office. The transfer shall become effective July 1, 2012. By December 31, 2011, the Governor shall develop a plan concerning the transfer of internal audit programs to the new Office of the Inspector General. (Governor's Bill)</p> | <p>HB 2076: Chapter 798 SB 1477: Chapter 871</p> |
| | <p><u>HB 2201</u>: Department of Planning and Budget Payroll Services. (Comstock) Provides that DPB, in consultation with the Department of Accounts, shall require all executive branch state agencies to participate to the fullest extent feasible in the Payroll Service Bureau operated by the Department of Accounts. Any executive branch state agency identified by DPB not participating in the Payroll Service Bureau as of July 1, 2011, may be exempted from such participation if it can demonstrate that participation is not feasible or fiscally advantageous.</p> | <p>Chapter 122</p> |

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| Miscellaneous (cont.) | <p><u>HB 2277</u>: Travel Reimbursement Paid. (Keam) Requires any nonlegislative member of a state board, commission, committee, council, or other state collegial body, which body is required by law to meet at least three times per year, shall, for any compensation or expense reimbursement from funds drawn from the state treasury, to participate in the Electronic Data Interchange Program administered or authorized by the Department of Accounts as a condition of accepting such appointment. The bill provides that the requirement applies only to such nonlegislative members who are appointed or reappointed on or after July 1, 2011.</p> | Chapter 495 |
| | <p><u>HB 2282</u>: DGS Centralized Fleet and Alternative Fuels. (Marshall, D., Merricks) Directs the DGS Director, in conjunction with the Secretary of Administration and the Governor's senior advisor on energy, to establish a plan, on or before January 1, 2012, providing for the replacement of state-owned vehicles with vehicles that operate using natural gas, electricity, or other alternative fuels, to the greatest extent practicable, considering available infrastructure, the location and use of vehicles, capital and operating costs, and potential for fuel savings. The plan shall be submitted to the Governor for his review and approval. Upon the Governor's approval, the Director shall implement the plan for the centralized fleet. All state agencies and institutions shall cooperate with the Director in developing and implementing the plan.</p> | Chapter 813 |
| | <p><u>HB 2319/SB 1382</u>: State Agency Mandates on Localities. (Byron/Stanley) Provides that the assessment of mandates imposed on local governments shall include an estimate of the fiscal impact of the mandates on the affected local governments in addition to a written justification as to why the mandate should or should not be eliminated.</p> | HB 2319: Chapter 737 SB 1382: Chapter 741 |

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| Miscellaneous (cont.) | <p><u>HB 2337</u>: Use of Certified Mail for Certain Notices. (Garrett) Provides that whenever a state agency sends any mail or notice by certified mail and such mail or notice is sent certified mail, return receipt requested, then any additional mail or notice that is sent by such state agency pertaining to the same subject matter and purpose may be sent by regular mail.</p> | Chapter 566 |
| | <p><u>HB 2408</u>: Notice to Localities of Certain State Projects. (Ware) Requires every state agency responsible for the construction, operation or maintenance of public facilities within the Commonwealth to send a notice addressed to the chief administrative officer of every locality in which the agency intends to undertake a capital project involving new construction costing at least \$500,000. The notice shall occur at the initiation of the environmental impact report process. This notice shall include a project description and a point of contact with contact information for the project. Failure of any state agency to strictly comply with such requirements will justify entry of an injunction on behalf of the locality.</p> | Chapter 699 |
| | <p><u>SB 1114</u>: Proposed Use and Occupancy of Real Property by State Agencies. (Watkins) Clarifies that the use and occupancy of real property by state agencies shall comply with guidelines developed by the DGS and require approval of the Governor.</p> | Chapter 525 |

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|---------------------|--|--|
| Overweight Vehicles | <p><u>HB 1558</u>: Overweight Farm Machinery and Agricultural Multipurpose Drying Units. (Scott, E.) Clarifies an ambiguity in the statutory language to provide that farm machinery and agricultural multipurpose drying units are exempt from size and weight restrictions; and it closes a loophole that exempted these vehicles from bridge capacity restrictions. The bill also provides weight limits for farm machinery or agricultural multipurpose drying units operated on any Interstate Highway System component based on configuration.</p> | Chapter 331 |
| | <p><u>HB 1945/SB 1281</u>: Regulation of Motor Carriers by DMV. (Cox/McWaters) Revises statutes relating to motor carriers, including requiring DMV to simply notify localities of the issuance of overweight and oversize permits and eliminating the requirement for for-hire contract passenger carriers and irregular-route common carriers to prove public convenience and necessity when applying for a license. The bill also updates Virginia law on commercial driver's licenses to comply with federal requirements. (Agency Bill)</p> | HB 1945: Chapter 881 SB 1281: Chapter 889 |

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| Overweight Vehicles (cont.) | <p><u>HB 2022</u>: Overweight Vehicle Fees. (May) Provides that the DMV Commissioner, in consultation with the VDOT Commissioner, the Executive Director of the Virginia Port Authority, the Virginia Trucking Association and a representative from the heavy equipment industry, as well as other groups as may be deemed appropriate by the Commissioner, shall develop a uniform system of permitting for overweight and oversize vehicles and a comprehensive, tiered schedule of fees for overweight vehicles, taking into consideration the VDOT research on the cost impact of damage to Virginia highways from overweight vehicles, the administrative feasibility of such fee structure, and the impact of such fee structure on the Commonwealth economic competitiveness. Fee structure shall be presented to the Joint Commission on Transportation Accountability by December 15, 2011.</p> | Chapter 793 |
| | <p><u>HB 2461</u>: Weight Limits for Trucks Hauling Gravel, etc. (Carrico) Extends to July 1, 2012, the "sunset" on increased weight limits applicable to trucks hauling gravel and certain other cargoes in coal-producing counties.</p> | Chapter 131 |

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| PPTA | <p><u>HB 1612/SB 856</u>: Patriots Crossing Project. (Oder/Wagner) Requires VDOT to accept for review unsolicited proposals for development and operations of the Patriots Crossing (Third Crossing) project. Upon enactment of this act, VDOT shall make available on its website any and all information about the proposed Patriots Crossing (Third Crossing) project. No later than May 1, 2012, the Department shall make a recommendation to a steering committee whether to advance development of the Patriots Crossing project. No later than September 1, 2012, the steering committee shall make a recommendation to the VDOT Commissioner whether to advance development of the Patriots Crossing project by entering into an interim or comprehensive agreement with one or more of the proposal teams or by issuing a request for detailed proposals to one or more of the proposal teams pursuant to the 1995 PPTA and the guidelines.</p> | <p>HB 1612: Chapter 568 SB 856: Chapter 633</p> |

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| Procurement/Contracting | <p><u>HB 1592</u>: Public Procurement Posting on Website. (Iaquinto) Requires all agencies (authorities, agencies, institutions, departments and other units of state government) to utilize the DGS' central electronic procurement system as their purchasing system beginning at the point of requisitioning for all procurement actions, including but not limited to technology, transportation, and construction, unless otherwise authorized in writing by the Division. Agencies shall post on the DGS' central electronic procurement website all Invitations to Bid, Requests for Proposal, sole source award notices, and emergency award notices to ensure visibility and access to the Commonwealth's procurement opportunities on one website. Local public bodies are encouraged to utilize the DGS' central electronic procurement website.</p> | Chapter 332 |
| | <p><u>HB 1859/SB 1049</u>: Virginia Public Procurement Act E-Verify Program. (Anderson/Barker) Requires any employer with more than an average of 50 employees for the previous 12 months, entering into a contract in excess of \$50,000 with any agency of the Commonwealth to perform work or provide services pursuant to such contract, shall register and participate in the E-Verify program to verify information and work authorization of its newly hired employees performing work pursuant to such public contract. A state public body shall deny prequalification to any contractor who fails to register and participate in the E-Verify program. That the provisions of this act shall become effective on December 1, 2013.</p> | HB 1859: Chapter 573 SB 1049: Chapter 583 |

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| Procurement/Contracting (cont.) | <p><u>HB 1951</u>: Virginia Public Procurement Act Bid, Performance, and Payment Bonds. (Villanueva) Raises the minimum contract amount required for bid, performance, or payment bonds from \$100,000 to \$500,000 for nontransportation related construction projects. The bill provides that for nontransportation related construction projects between \$100,000 and \$500,000 where the bond requirements are waived, the prospective contractors must be prequalified. The amount (\$250,000) for transportation-related projects partially or wholly funded by the Commonwealth, however, remains the same. (Governor's Bill)</p> | Chapter 789 |
| | <p><u>SB 1107</u>: Virginia Public Procurement Act Small Purchases. (Hanger) Increases from \$50,000 to \$100,000 the small purchases exemption under the Virginia Public Procurement Act for single or term contracts for goods and services other than professional services. The bill also provides that, in addition to a written informal solicitation of a minimum of four bidders or offerors for such purchases that are expected to exceed \$30,000, that a public notice be posted on DGS' central electronic procurement website or other appropriate website. Posting on DGS' central electronic procurement website shall be required of any state public body. (Governor's Bill)</p> | Chapter 612 |

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| Procurement/Contracting (cont.) | <p><u>SB 1126</u>: Virginia Public Procurement Act Transportation-Related Construction Projects. (Stosch) Provides for the duration of contract terms for environmental location, design and inspection work to one initial term of two years and clarifies that the sum of all projects in a one-year term may not exceed \$5 million. The VDOT Commissioner shall appoint a committee consisting of representatives of the road construction industry, and other road building organizations, representatives of the surety bonding industry, and others as the Commissioner deems appropriate to review performance and payment bonding requirements. The committee shall make recommendations regarding changes to the Commissioner by December 1, 2011. (Governor's Bill)</p> | Chapter 555 |
| | <p><u>SB 1424</u>: Virginia Public Procurement Act Action Against Contractor's Payment. (Locke) Allows any claimant who has a direct contractual relationship with any subcontractor but who has no contractual relationship with the contractor, may bring an action on the contractor's payment bond only if he has given written notice to the contractor within 90 days from the day on which the claimant performed the last of the labor or furnished the last of the materials for which he claims payment. Currently the time for providing the notice is 180 days.</p> | Chapter 544 |

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| Procurement/Contracting (cont.) | <p><u>SB 1425</u>: Virginia Public Procurement Act Process for Withdrawal of Bid Due to Error. (Locke) Clarifies the procedure for withdrawal of a bid when the public body opens bids one day after the time fixed for the submission of bids. Under the procedure, the bidder must submit to the public body his original work papers, documents, and materials used in the preparation of the bid at or prior to the time fixed for the opening of bids. The bill provides for the public body to notify the bidder of its decision within five business days of the withdrawal request.</p> | Chapter 717 |
| Property Conveyance | <p><u>HB 2162/SB 1211</u>: Mennel Milling Company. (Cleaveland/Smith) Authorizes DGS to convey certain real property to the Mennel Milling Company located in Roanoke County, Virginia. The property is in exchange for three parcels of land for use by VDOT for an area maintenance headquarters to serve the southwestern portion of Roanoke County. The bill includes an emergency clause.</p> | HB 2162: Chapter 256 SB 1211: Chapter 309 |
| | <p><u>HB 2167</u>: DCR Property Conveyance. (Abbitt) Authorizes DCR to negotiate a land exchange of a part of 1,191 acres for receipt of 36 acres in an area known as Biscuit Run in Albemarle County. The purpose of this exchange is to provide the Department with a site for a state park that is less encumbered with private uses that may be detrimental to operations.</p> | Chapter 696 |
| | <p><u>HB 2498</u>: Property Conveyance. (Barlow) Authorizes the Department of General Services, with the approval of the Governor, to convey certain property to Isle of Wight County previously used by VDOT as the Walter's Sub-Area Headquarters.</p> | Chapter 593 |

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| Reports/Studies | <p><u>HB 1500, Item 2-0.S</u> General Conditions. Requires all state agencies and institutions to standardize the reporting of capital outlay data, including budget and expenditures, as part of the six-year planning process. This will be based on a method and format provided by the Director of the Department of General Services (DGS). The amendment also requires that DGS and the Department of Planning and Budget report by March 1, 2012 to the Chairmen of the House Appropriations and Senate Finance Committees on the impact of increasing project thresholds for capital outlay and energy efficiency projects.</p> | Chapter 890 |
| | <p><u>HB 2001: Quiet Pavement Technology. (LeMunyon, May)</u> Requires VDOT to expedite the development of quiet pavement technology such that applicable contract solicitations for paving shall include specifications for quiet pavement technology and other sound mitigation alternatives in any case in which sound mitigation is a consideration. VDOT shall provide an interim report to the Governor and the General Assembly by June 30, 2012, and a final report by June 30, 2013.</p> | Chapter 790 |
| | <p><u>HB 2003/SB 1257: DGS Surplus Property and Inventory of State-Owned Land. (LeMunyon/Vogel)</u> Requires DGS to develop the criteria for and conduct an inventory of all real property owned by state departments, agencies and institutions by January 1, 2012, and update the inventory at least annually thereafter. All state departments, agencies and institutions shall cooperate with the Department and provide such data and documents as may be required to develop and maintain the records and inventory required by this section. The Department shall provide a listing of surplus properties on the Department's website.</p> | HB 2003: Chapter 359 SB 1257: Chapter 675 |

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| Reports/Studies (cont.) | <p><u>SB 1057</u>: Reports by Executive Branch Entities to the General Assembly. (McDougle) Authorizes state entities required to submit a report to multiple legislative branch entities to develop a consolidated report containing all required information. Such report shall be formatted in compliance with the specific reporting requirements and provided in a manner designed to clearly delineate each legislative branch entity for which specific information is provided. No hard copies of annual and biennial reports shall be printed except in instances where copies are requested by a member of the General Assembly.</p> | Chapter 845 |
| | <p><u>SJR 292</u>: Public Transportation in U.S. Route 1 Corridor Study Report. (Puller) Requests DRPT to evaluate the level of study necessary to identify and advance potential public transportation services to Fort Belvoir in Fairfax County and the Marine Corps Base at Quantico in Prince William and Stafford Counties. DRPT shall submit to the General Assembly and the Governor an executive summary and report of its progress no later than the first day of the 2012 Regular Session of the General Assembly.</p> | Substitute Agreed to by Senate and House |
| Rest Areas | <p><u>HB 2040/SB 1109</u>: Use of Inmate Labor. (Anderson/Hanger) Authorizes the use of inmate labor at rest areas along the Interstate Highway System. (Governor's Bill)</p> | HB 2040: Chapter 40 SB 1109: Chapter 48 |

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| Speed Limits | <p><u>HB 1692</u>: Speed Limits in Virginia Beach. (Stolle) Allows the City of Virginia Beach to increase or decrease the speed limits on any highway within its jurisdiction except the Interstate Highway System. Authorizes the City of Virginia Beach to establish and indicate variable speed limits on structures or roadways to be effective under conditions as would warrant variable speed limits, including, but not limited to, darkness, traffic conditions, atmospheric conditions, weather emergencies, and like conditions that may affect driving safety. Any speed limits, whether fixed or variable, shall be prominently posted in proximity to structure or road as deemed appropriate by Virginia Beach subsequent to a traffic engineering study and analysis of available and appropriate accident and law-enforcement data. The findings of the City shall be conclusive evidence of the maximum safe speed that can be maintained on such structure or roadway.</p> | Chapter 91 |
| | <p><u>HB 1782</u>: Maximum Speed Limit on Nonsurface Treated Highways. (Gilbert) Adds Page County to the list of counties where the unposted maximum speed limit on nonsurface treated highways is 35 miles per hour.</p> | Chapter 29 |
| | <p><u>SB 1331</u>: Speed Limits. (Herring) Allows municipalities that maintain their own roads to increase or decrease speed limits on highways over which they have jurisdiction following appropriate traffic engineering investigation.</p> | Chapter 182 |

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| State Employees | <p>HB 1500, Item 469 O.3 Central Appropriations. Provides \$41.7 million general fund to eliminate the deferral, to fiscal year 2013, assumed in Chapter 874, Acts of Assembly of 2010, for the 4th quarter fiscal year 2012 VRS payments. In addition, this amendment authorizes a phase-in increase in the contribution rates paid to the VRS during fiscal year 2012. During the last quarter of the fiscal year, the payments for the regular VRS program will be the full VRS rate. In total, this amendment will increase payment to the VRS for state employee retirement by more than \$77 million in fiscal year 2012.</p> | Chapter 890 |
| | <p>HB 1500, Item 469 T.1 Central Appropriations. Requires state employees (hired prior to July 1, 2010) to pay 5 percent towards their retirement effective June 25, 2011, and provides a 5 percent salary offset concurrently. The amendment includes \$15.1 million general fund to reflect a slight increase in federal tax and fringe benefit expenditures as a result of this action.</p> | Chapter 890 |
| | <p>HB 1500, Item 469 D.1 Central Appropriations. In FY 2011 the budget decreased the deferred compensation cash match provided to eligible employees to \$10.00 per pay period. The budget for FY 2012 restores the funding to the previous level of \$20.00 per pay period. This means that the employer match amount is 50 percent of the employee's contribution or \$20 per pay period, whichever is less. For example, if an employee contributes \$40 per pay period, the cash match would be \$20 per pay period. If the employee contributes \$20 per pay period, the cash match would be \$10 per pay period.</p> | Chapter 890 |

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| State Employees (cont.) | <p><u>HB 1795</u>: VRS Employee Who Becomes Member on or after July 1, 2010. (Tata) Amends certain provisions of the Workforce Transition Act and retirement plans administered by VRS to recognize the difference in benefits accorded a person who became a VRS member before July 1, 2010, and a person who becomes a member on or after July 1, 2010.</p> | Chapter 880 |
| | <p><u>HB 1797</u>: Long-Term Care Insurance. (Tata) Clarifies that only employees participating in the Virginia Sickness and Disability Program are to benefit from long-term care insurance paid for by the Commonwealth for state employees. The bill also provides that the long-term care insurance program is to include provisions under which a person may purchase continuing coverage if he ceases to participate in the Virginia Sickness and Disability Program.</p> | Chapter 30 |
| | <p><u>HB 2467/SB 1062</u>: Health Insurance Coverage for Autism. (Greason/Howell) Mandates that health insurance plans in Virginia, including the state employee health insurance plan, provide benefits for the diagnosis and treatment of autism spectrum disorder for children ages two through six.</p> <p><u>HB 1500, Item 469 F.6</u> Central Appropriations. Appropriates general funds to adjust the employer premiums for the state employee health insurance program to reflect the enactment of House Bill 2467 and Senate Bill 1062 of the 2011 General Assembly. As a result of this requirement, it is estimated that the cost to the state health insurance program will increase slightly more than \$1.0 million in total funds. (\$0.4 million general fund). This equates to a premium for the state employee health insurance plan of slightly less than one-tenth of one percent.</p> | <p>HB 2467: Chapter 876</p> <p>SB 1062: Chapter 878</p> <p>HB 1500: Chapter 890</p> |

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| Tolls | <p><u>HB 1962</u>: Toll Violation Notice. (Rust) Sets out the procedures for issuance of toll violation notices.</p> | Chapter 736 |
| | <p><u>SB 874</u>: George Washington Toll Road Authority. (Stuart) Adds Stafford County as a participating locality and strikes language limiting power of the authority to the Route 3 Corridor.</p> | Chapter 142 |