



Report of the Subcommittee on
Transportation

(Amendments to SB 850,
as Introduced

Senate Finance Committee
Virginia General Assembly

February 8, 2009

**2009 REPORT OF THE SUBCOMMITTEE ON TRANSPORTATION****The Honorable Richard L Saslaw, Chairman****(February 8, 2009)**

Mr. Chairman and Members of the Committee:

Your Transportation Subcommittee struggled throughout this session to address the challenges resulting from the continued deterioration of Virginia's transportation revenue sources while making efforts to address the ever growing demands placed on the Commonwealth's transportation infrastructure.

Prior to the session, we learned that the recent economic downturn had reduced Virginia's biennial transportation revenue sources by more than \$574.0 million. In fact, automobile sales have continued to weaken as the national economic crisis deepens and tightened consumer credit markets have dramatically reduced both new and used automobile sales. Moreover, while gasoline prices dropped sharply from their peak in September, retail gasoline sales volumes have not seen a corresponding uptick. Although retail fuel costs have been increasing since December, our transportation revenue sources, which are not indexed for inflation, are causing us to continue to lose ground in meeting the needs of our citizens.

Unfortunately, you will see amendments in our Subcommittee report necessitated by this dramatic reduction in revenues. Your subcommittee proposes amendments that establish specific goals, guidelines, and reporting requirements for the Virginia Department of Transportation to implement the reduction-in-force efforts necessitated by reduced appropriations.

In an effort to help the Commonwealth's transit providers maintain current operating levels without allocating any new funding, our subcommittee provides for a one-time reduction in Mass Transit Capital Funds of ten percent to be set-aside for competitive distribution within the Commonwealth Mass Transit Operating Fund.

To encourage the continued expansion of intercity passenger rail service, our subcommittee directs the Department of Rail and Public Transportation to provide an increased level of detail on statewide intercity passenger rail needs as part of the Statewide Rail Plan. In particular, the Department is directed to include cost estimates for any potential intercity rail improvements between Richmond and Norfolk with a specific focus on connecting intercity rail service with the commuter light rail project now under construction in Norfolk. Additionally, your subcommittee directs the Secretary of Transportation to provide up to a 50 percent match in funding for the acquisition of right-of-way currently owned by the Norfolk Southern Corporation from funds allocated as part of the 2007 Transportation Initiative.

Your subcommittee encourages our large transit properties to seek the most cost-effective way of providing necessary liability insurance coverage by authorizing the Northern Virginia and Potomac Rappahannock Transportation Commissions, in cooperation with the Department of Rail and Public Transportation, to competitively procure liability insurance from either public or private providers for the Virginia Railway Express.

Finally, your subcommittee seeks to build upon VDOT's ongoing environmental stewardship initiatives in regards to one of our largest Public-Private Transportation Partnerships, the Capital Beltway High-Occupancy Toll Lane Project. Our subcommittee requires VDOT to review and report on other states' approaches to reforestation of highway corridors in densely populated areas and requires the Department to recommend a reforestation plan for the current construction zone.

Mr. Chairman, this completes the report of your subcommittee.

Respectfully Submitted,

The Honorable Richard L. Saslaw, Chairman

The Honorable William C. Wampler, Jr.

The Honorable R. Edward Houck

The Honorable Kenneth W. Stolle

The Honorable John C. Watkins

The Honorable Yvonne B. Miller

The Honorable Mary Margaret Whipple

REPORT OF THE SUBCOMMITTEE ON TRANSPORTATION (2009 SESSION)

(Recommended Amendments to SB 850, As Introduced. Nongeneral Funds, unless otherwise noted.)

Amendment	FY 2009	FY 2010	Biennium
Department of Rail and Public Transportation			
Competitive Procurement of VRE Liability Insurance	Language		
Mass Transit Operating Grants	Language		
Identification of Statewide Intercity Rail Needs	Language		
Implement Governor's Reductions	Language		
Department of Transportation			
Capital Beltway HOT Lanes Reforestation Review	Language		
Virginia Beach Commuter Rail Acquisition Funding	Language		
Reduction in Force Reporting	Language		
Sub-Total - Transportation	0	0	0

Finance

Department Of The Treasury

Language

Language:

Page 280, line 13, strike "C." and insert:

"C. Notwithstanding the provisions of §15.2-4518.13 and §15.2-4526, Code of Virginia, the Northern Virginia Transportation Commission and the Potomac Rappahannock Transportation Commission are authorized to obtain liability policies for the Commissions' joint project, the Virginia Railway Express, consisting of liability insurance and a program of self-insurance maintained by the Commissions and administered by the Virginia Division of Risk Management or by an independent third party selected by the Commissions, which liability policies shall be deemed to meet the requirements of §8.01-195.3, Code of Virginia. In addition, the Director of the Department of Rail and Public Transportation is authorized to work with the Northern Virginia Transportation Commission and the Potomac Rappahannock Transportation Commission to obtain the foregoing liability policies for the Commissions. In obtaining liability policies, the Director of the Department of Rail and Public Transportation shall advise the Commissions regarding compliance with all applicable public procurement and administrative guidelines.

D."

Explanation:

(This amendment allows the Northern Virginia and Potomac Rappahannock Transportation Commissions, in cooperation with the Department of Rail and Public Transportation, to competitively procure liability insurance from either public or private providers for the Virginia Railway Express.)

Transportation

Department Of Rail And Public
Transportation

Language

Language:

Page 486, after line 18, insert:

"F. Notwithstanding the provisions of paragraph A.1. of this item, during the second year the director of the department, with the concurrence of the Commonwealth Transportation Board, is hereby directed to withhold ten percent of the funding that would otherwise be provided for transit capital improvements under § 58.1-638, Code of Virginia. These funds shall be distributed on a competitive basis to transit properties across the Commonwealth to help offset state reductions in operating support. In determining the appropriate distribution of these one-time funds, the department shall solicit applications from all transit properties eligible for operating support from the Commonwealth, and give due consideration to services that could be eliminated if additional operating support is not provided and also provide priority where higher than average local support is provided for such transit services."

Explanation:

(This amendment provides for a one-time reduction in Mass Transit Capital Fund of ten percent. The funds shall be set-aside for competitive distribution within the Commonwealth Mass Transit Operating Fund to maintain operating funding. The amendment does not allocate new funding to the Mass Transit Fund.)

Transportation Subcommittee

Item 450 #3s

Transportation

Department Of Rail And Public
Transportation

Language

Language:

Page 486, strike lines 53 through 57 and insert:

"3. Included within the Statewide Rail Plan, the director shall provide an assessment of total estimated planning and design, right-of-way acquisition, and construction costs; as well as proposed funding sources, and estimated completion dates for all anticipated phases of statewide intercity passenger rail service needs including, but not limited to: the Virginia Railway Express expansion routes, the TransDominion Express and Urban Crescent Express corridors, and any potential intercity rail service between Richmond and Norfolk with terminal access to Hampton Roads Transit Light Rail. As part of this assessment, the director shall include cost estimates of all necessary track, platform, and station improvements, for each proposed construction phase.

4. The Department shall inform the Chairmen of the House Appropriations, House Transportation, Senate Finance, and Senate Transportation Committees on efforts to improve intercity passenger rail service by December 15, 2009. "

Explanation:

(This amendment directs the Department of Rail and Public Transportation to provide an improved level of detail on statewide intercity passenger rail needs within the Statewide Rail Plan. As part of these revisions the Department is directed to include cost estimates for any potential intercity rail improvements between Norfolk and Richmond.)

Transportation Subcommittee

Item 452.05 #1g

Transportation

Department Of Rail And Public
Transportation

Language

Language:

Page 487, line 43, before "Appropriation" insert "A."

Page 487, after line 46, insert:

“B. The director shall implement actions as necessary to carry out the appropriation reductions contained in this item.”

Explanation:

(This amendment provides the Director, Department of Rail and Public Transportation, additional flexibility needed to implement the appropriation reductions contained in this act.)

Transportation Subcommittee

Item 455 #3s

Transportation

Department Of Transportation

Language

Language:

Page 490, following line 45, insert

"I.1. It is the intent of the General Assembly that prior to the completion of

construction of High Occupancy Toll Lanes on the I-495 Capital Beltway, the Virginia Transportation Research Council (VTRC) will conduct a review of reforestation best practices and approaches used with major infrastructure improvements in densely populated areas. The VTRC shall report its findings to the Secretary of Transportation and the Commonwealth Transportation Board prior to December 31, 2009.

2. Following completion of the review, the Department of Transportation shall recommend to the Secretary and Commonwealth Transportation Board the most effective approach to restore vegetation within the construction corridor. The Department shall provide a report including estimates of costs to the Secretary and the Chairmen of the House Appropriations and Senate Finance Committees by June 30, 2010."

Explanation:

(This amendment requires VDOT to review and report on other state approaches to reforestation of highway corridors in densely populated areas. The amendment further requires the Department to recommend a reforestation plan for the current Capital Beltway High-Occupancy Toll lane Project and report estimated costs to the House Appropriations and Senate Finance Committees.)

Transportation Subcommittee

Item 462 #1s

Transportation

Department Of Transportation

Language

Language:

Page 499, following line 36, insert:

"D. Included from such funds appropriated in item 449.10 of Chapter 847, 2007 Session of the General Assembly, it is the intent of the General Assembly that an amount not to exceed 50 percent of the cost of acquisition of right-of-way owned by the Norfolk Southern Corporation located between Newtown Road and the Oceanfront in the City of Virginia Beach be provided. Prior to the expenditure of any funding appropriated within this item, the Department shall have a commitment for a like amount in additional funding from the City of Virginia Beach exclusive of any existing utility easement payments or federal funding commitments."

Explanation:

(This amendment provides up to a 50 percent match in funding for the acquisition of right-of-way currently owned by the Norfolk Southern Corporation from funds allocated as part of the 2007 Transportation Initiative. Receipt of these funds for acquisition of right-of-way related to the extension of the Hampton Roads light rail project is contingent upon the commitment of additional funding of an equal amount from the City of Virginia Beach, exclusive of existing utility easement payments of federal funding commitments. The amendment does not allocate new funding to the this project.)

Transportation Subcommittee

Item 462.05 #1s

Transportation

Department Of Transportation

Language

Language:

Page 499, strike lines 41 through 48,
Page 500, strike lines 1 through 3, and insert:

"A. Appropriation reductions in this item and specified in Section 4-1.08 of this Act shall apply notwithstanding any language and amounts to the contrary within other items of this Act.

B. The Commonwealth Transportation Commissioner shall implement actions as necessary to carry out the appropriation reductions contained in this item. Prior to implementing these reductions, the Commissioner shall present a Comprehensive Plan for reducing the Virginia Department of Transportation (VDOT) workforce approved by the Commonwealth Transportation Board to the Governor and the Chairmen of the House Appropriations, House Transportation, Senate Finance and Senate Transportation Committees. In taking all such actions, the Commissioner shall comply with the intent and provisions of item 436 of this Act, and:

1. Ensure that maintenance and operations of existing highway infrastructure is focused on emergency response, congestion mitigation, pavement rehabilitation based on the lowest pavement condition ratings, and bridge repair and replacement based on structurally deficient structures;
2. Set service and staffing levels for VDOT programs that have clear and measurable performance requirements;

3. Ensure that outside contractual expenditures comprise no less than 70 percent of total VDOT expenditures each fiscal year;
 - 4.a. Reconfigure, including the elimination and consolidation of organizational units and VDOT facilities, to achieve no less than a 30 percent reduction in the number of (i) central office divisions, (ii) residency offices, and (iii) equipment and repair shops;
 - b. As part of the consolidation of organizational units, the supervisory layers between the lowest line staff and the leadership position reporting directly to the Commissioner or Deputy Commissioner shall be no more than five;
 5. Use an objective and transparent methodology on which to base all actions and take no actions until public input has been considered;
 6. Have no more than 7,500 full-time positions filled on June 30, 2010;
 7. Ensure that appropriate accountability, compliance, and oversight by auditors is conducted on all programs and functions on a periodic basis;
 8. Provide a quarterly progress report detailing each action and its impact on the VDOT budget to the Governor, the Chairmen of the House Appropriations, House Transportation, Senate Finance, and Senate Transportation Committees, and the Commonwealth Transportation Board. Such reports shall include a detailed enumeration of progress that has been made to reduce the department's expenditure levels in order to meet the reduction levels required by this item, an update on the next phase of actions planned to address the reductions, any obstacles encountered in implementing these reductions, and any adjustments to the Plan as approved by the Commonwealth Transportation Board.
- C. The Director, Department of Planning and Budget, is authorized to transfer appropriations in this act as necessary to carry out the budget reductions contained in this item."

Explanation:

(This amendment establishes goals, guidelines, and reporting requirements for the Virginia Department of Transportation in implementing reduction in force efforts pursuant to reduced appropriations in FY 2009 and FY 2010.)
