



Report of the Subcommittee on
Transportation

Senate Finance Committee
Virginia General Assembly

February 19, 2012



SENATE OF VIRGINIA

Senate Finance Committee

2012 Report of the Transportation Subcommittee
The Honorable Frank W. Wagner, Chairman
February 19, 2012

Mr. Chairman and Members of the Committee:

Your Transportation Subcommittee endeavored to address the significant funding challenges facing Virginia's transportation programs, while standing firm in the belief that the needs of this core government service should be addressed through statutorily dedicated user fees. The Subcommittee recognizes that the structural funding challenges facing Virginia's transportation programs cannot be solved through the diversion of general funds from other state services. The Senate passed legislation providing a long-term and sustainable, albeit incremental, solution to this funding challenge that did not include the proposed diversion of sales tax revenues.

Keeping our commitment to Governor McDonnell's 2011 comprehensive transportation reform and funding package, your subcommittee recommends that a portion of the 2011 undesignated general fund balances dedicated to transportation be used to capitalize the Intercity Passenger Rail Operating and Capital Fund. This funding will allow the Commonwealth to continue moving forward with daily passenger rail service from Lynchburg, Richmond, and Newport News to the Northeast corridor, as well as provide the funding necessary to accelerate the provision of additional daily passenger rail service from Hampton Roads. Moreover, the subcommittee recommends that the statutory share of the 2011 balances be directed to Virginia's transit programs in order to continue providing reliable access to jobs for millions of Virginia commuters.

Your subcommittee acknowledges that all transportation programs are funded by direct user fees, and that as the cost of providing critical driver licensing and vehicle registration services have increased, the fees levied for those services need to adjust accordingly. As such, the subcommittee endorses the Governor's

proposal to increase specific fees within the Department of Motor Vehicles.

Finally, your subcommittee recognizes the significant financial burdens that tolling existing infrastructure, specifically in the Hampton Roads region, places on those citizens who rely on these facilities for their daily commute. Working with your Education Subcommittee, we recommend establishing the Commonwealth Tolling Assistance Program as a pilot project to be administered by the State Council of Higher Education for Virginia and directed at mitigating the impact of these new tolls on low-income college students in Hampton Roads.

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

Respectfully Submitted,

The Honorable Frank W. Wagner, Chairman

The Honorable Charles J. Colgan

The Honorable Richard L. Saslaw

The Honorable John C. Watkins

The Honorable Yvonne B. Miller

The Honorable Stephen D. Newman

The Honorable Ryan McDougle

Report of the Subcommittee on Transportation
(Recommended Amendments to SB 29 / SB 30, As Introduced)

Amendment	General Funds			
	FY 2012	FY 2013	FY 2014	Biennium
1 Secretary of Transportation				
2 Virginia Commercial Spaceflight Authority-Capital (<u>moved</u> to VPBA bonds)		(\$4,000,000)		(\$4,000,000)
3 Virginia Commercial Spaceflight Authority-Operating		Language	Language	
4 Procurement of Geotextiles		Language	Language	
5				
6 Department of Rail and Public Transportation				
7 Rail Transportation of Hazardous Materials	Language			
8 Chesterfield GRTC Express Service #81		Language	Language	
9 Chesterfield GRTC Express Service #82		Language	Language	
10 Petersburg GRTC Service #95		Language	Language	
11 Lynchburg-Roanoke Bus Bridge		Language	Language	
12 Hampton Roads Fast Ferry		Language	Language	
13 Transfer I-95 HOT TDM to VDOT		Language	Language	
14				
15 Department of Transportation				
16 Capitalize Intercity Passenger Rail with Undesignated Balances	Language			
17 Provide Mass Transit Trust Fund share of Undesignated Balances	Language			
18 Recreational Access Roads	Language			
19 Eliminate Sales Tax Redirection to Maintenance (NGF)		(\$54,410,000)	(\$56,260,000)	(\$110,670,000)
20 Eliminate Waste Tire Fund Redirection to Maintenance (NGF)		(\$2,330,000)	(\$2,330,000)	(\$4,660,000)
21 Route 7 Integrated Corridor Management Plan		Language	Language	
22 Recovery of Legal Fees		Language	Language	
23 Transfer I-95 HOT TDM to VDOT		Language	Language	
24 Commonwealth Tolling Assistance Pilot Project: SCHEV		\$250,000	\$750,000	\$1,000,000
25				
26 Virginia Port Authority				
27 Fund Maintenance Reserve - Capital		Language		
28				
29 Total for Transportation		(\$60,490,000)	(\$57,840,000)	(\$118,330,000)

Transportation

Department Of Rail And Public
Transportation

Language

Language:

Page 147, line 14, strike "Not set out."

Drawn to Chapter 890:

Page 408, strike paragraph G.1. to paragraph G.4 and insert:

"G.1. Prior to July 1, 2011, the director, Department of Rail and Public Transportation, with the approval of CSX Transportation, shall initiate infrastructure improvement projects which *promote public safety or* reduce the average dwell times of hazardous material shipments subject to regulation under Title 49 CFR Part 174 et seq. within rail yards, depots, sidings, and other intermediate terminals or facilities and properties located in the City of Fredericksburg ~~to not longer than 24 hours~~. These improvements may include, but are not limited to, those that (i) increase capacity at existing storage facilities terminating near Fredericksburg; (ii) increase the physical distance between commodity storage areas and residential communities; and (iii) transfer intermediate storage of commodities to locations closer to terminus of the shipment.

2. Out of the funds available for Rail Industrial Access pursuant to § 33.1-22.1:1, Code of Virginia, up to \$450,000 in the first year and up to \$450,000 in the second year is hereby authorized for associated infrastructure improvements in the City of Fredericksburg ~~and~~ *or* Spotsylvania County. Such funds may be awarded to CSX Transportation or other entities or political subdivisions identified by the Department as having responsibility for implementing the associated infrastructure improvement. In the allocation of funds for this project by the Commonwealth Transportation Board, the requirements of § 33.1-22.1:1, Code of Virginia, with the exception of § 33.1-22.1:1 F., are waived.

3. Not later than September 1, 2011, and December 31, 2011, the director, Department of Rail and Public Transportation, shall report to the Chairmen of the Senate Finance and House Appropriations Committees on the progress in implementing these improvements. The report shall include specific dates by which infrastructure improvements or other means of reducing average dwell times of hazardous material shipments are anticipated to be implemented or placed in service. In addition, this report shall also assess the adequacy of training provided by CSX

Transportation to local first responders and regional hazmat response teams and establish a plan for enhanced training on addressing railroad and hazmat incidents including the development of a comprehensive emergency response plan.

4. In implementing this report, the Director, Department of Rail and Public Transportation, shall solicit the input and involvement of the affected jurisdictions. All agencies of the Commonwealth, upon request, shall provide necessary technical expertise."

Explanation:

(This amendment modifies language related to the use of Rail Industrial Access Funds to include public safety improvements at the Mayfield Yard in the City of Fredericksburg. Additionally, the language eliminates the requirement that these funds be used for improvements that reduce the storage time of hazardous materials to 24 hours. Current federal law requires that these materials be stored in one location not longer than 48 hours.)

Transportation Subcommittee

Item 452 #1s

Transportation

Department Of Transportation

Language

Language:

Page 149, line 47, strike "and \$67,241,000 the".

Page 149, line 48, strike "second year".

Page 150, line 2, strike "and the FY 2011 general".

Page 150, line 3, strike "fund surplus".

Page 150, following line 23, insert:

"K. Out of the amount contained in this Item, \$57,356,573 the second year from the general fund, designated in accordance with the provisions of § 2.2-1514, Code of Virginia, shall be deposited in the Intercity Passenger Rail Operating and Capital Fund created pursuant to Chapter 868 of the 2011 Acts of Assembly. This deposit shall be permanent and nonreverting, and not subject to the provisions of § 33.1-23:02:2, Code of Virginia. This funding shall only be used for the operation and capital needs of Virginia intercity passenger rail services."

Explanation:

(This amendment eliminates the proposed deposit of \$67.2 million to the Virginia Transportation Infrastructure Bank from FY 2011 General Fund surplus amounts and directs that a portion of this deposit instead be used for the one-time capitalization of

the Intercity Passenger Rail Operating and Capital Fund that was established by the 2011 General Assembly. Statute requires that surplus revenues be deposited to the Transportation Trust Fund, however, Appropriation Act language currently overrides this provision and directs these funds to be deposited to the Virginia Transportation Infrastructure Bank.)

Transportation Subcommittee

Item 452 #2s

Transportation

Department Of Transportation

Language

Language:

Page 149, line 47, strike "\$67,241,000" and insert "\$57,356,573".

Page 150, following line 23, insert:

"K. Of the amounts contained in this Item, \$9,884,427 the second year from the general fund shall be deposited to the Mass Transit Trust Fund in accordance with the provisions of §§ 2.2-1514 and 33.1-23:02:2, Code of Virginia."

Explanation:

(This amendment reduces the proposed deposit of \$67.2 million to the Virginia Transportation Infrastructure Bank by 14.7 percent to account for the Mass Transit Trust Fund share of the FY 2011 general fund surplus. Statute requires that surplus revenues be deposited to the Transportation Trust Fund, however, Appropriation Act language currently overrides this provision and directs these funds to be deposited to the Virginia Transportation Infrastructure Bank.)

Transportation Subcommittee

Item 455 #1s

Transportation

Department Of Transportation

Language

Language:

Page 151, line 45, strike "and \$1,500,000 the second year".

Explanation:

(This technical amendment removes second year funding language for the Recreational Access Roads program. The funding was eliminated during budget development, but the language was not removed.)

Transportation Subcommittee

Item 430 #2s

Transportation

Secretary Of Transportation

FY 12-13
(\$4,000,000)

FY 13-14
\$0 GF

Language:

Page 329, line 3, strike "\$4,814,573" and insert "\$814,573".

Page 331, line 17, strike "J. Out of this appropriation, \$4,000,000 the first year from the general fund" and insert:

"J. Pursuant to Item C-36.90, up to \$4,000,000 in Virginia Public Building Authority bond proceeds in the first year"

Explanation:

(This amendment replaces the proposed expenditure of \$4,000,000 from the general fund for capital improvements to the Mid-Atlantic Regional Spaceport with Virginia Public Building Authority debt.)

Transportation Subcommittee

Item 430 #3s

Transportation

Secretary Of Transportation

Language

Language:

Page 331, following line 23, insert:

"L. Prior to its modal allocation pursuant to § 33.1-23.03:2, Code of Virginia, up to \$1,500,000 the first year and \$1,500,000 the second year from the Transportation Trust Fund shall be provided to the Virginia Commercial Spaceflight Authority."

Explanation:

(This amendment continues the current Appropriation Act funding level for the Virginia Commercial Spaceflight Authority.)

Transportation Subcommittee

Item 430 #4s

Transportation

Secretary Of Transportation

Language

Language:

Page 331, following line 23, insert:

"L. The Commonwealth Transportation Board shall, in the allocation, payment, or expenditure of any funds of the Commonwealth in connection with any construction, alteration, maintenance, operation, or repair of any bridge, tunnel, highway, or other transportation facility, attempt to purchase, use, and acquire only geotextiles, material stabilization, and drainage fabrics that are produced in the United States, to the extent that such goods and equipment are available and such procurement is not prohibited by federal law or regulation."

Explanation:

(This amendment directs the Commonwealth Transportation Board to attempt to purchase American manufactured construction fabrics to the extent that these goods are available.)

Transportation Subcommittee

Item 440 #1s

Transportation

Department Of Rail And Public
Transportation

Language

Language:

Page 335, line 16, insert "A."

Page 335, following line 20, insert:

"B. From the amounts appropriated for Ground Transportation Planning and Research, there is hereby provided \$200,000 in the first year and \$200,000 in the second year for the planning and development of a Hampton Roads Fast Ferry demonstration project in coordination with Hampton Roads Transit. In developing this plan, the Department shall assess the potential for designating a high speed ferry corridor within the Hampton Roads region with intermodal service to properties under the control of the Commonwealth as well as current transit properties operated by Hampton Roads Transit including, but not limited to, the Norfolk passenger light rail service."

Explanation:

(This amendment dedicates funding for the development of a Hampton Roads Fast Ferry demonstration project to provide passenger ferry service throughout Hampton Roads, benefiting both daily commuters as well as regional tourism.)

Transportation Subcommittee

Item 441 #1s

Transportation

Department Of Rail And Public
Transportation

Language

Language:

Page 336, following line 34, insert:

"F. From such funds appropriated for public transportation purposes in this Item, there is hereby allocated \$68,000 in the first year and \$68,000 in the second year for the continued operation of GRTC Express Services between Chesterfield Town Centre in Chesterfield County and downtown Richmond. Receipt of this funding is contingent upon the commitment of local matching funding of \$68,000 for each year."

Explanation:

(This amendment provides funding for the continued operation of the GRTC Express Service Route 81 from Chesterfield Town Centre in Chesterfield County to downtown Richmond. This appropriation is contingent upon the pledge of local matching funding of a one-to-one ratio.)

Transportation Subcommittee

Item 441 #3s

Transportation

Department Of Rail And Public
Transportation

Language

Language:

Page 336, following line 34, insert:

"F. From such funds appropriated for public transportation purposes in this Item, there is hereby allocated \$200,000 in the first year and \$200,000 in the second year for the continued operation of GRTC Express services between Hull Street Road in Chesterfield County and downtown Richmond. Receipt of this funding is contingent upon the commitment of local matching funding of \$200,000 for each year."

Explanation:

(This amendment provides funding for the continued operation of the GRTC Express Service Route 82 from western Hull Street Road in Chesterfield County to downtown Richmond. This appropriation is contingent upon the pledge of local matching funding of a one-to-one ratio.)

Transportation

Department Of Rail And Public
Transportation

Language

Language:

Page 336, following line 34, insert:

"F. From such funds appropriated for public transportation purposes in this Item, there is hereby allocated \$200,000 in the first year and \$200,000 in the second year for the continued operation of GRTC Express Service between Petersburg and Richmond. Receipt of this funding is contingent upon the commitment of local matching funding of \$200,000 for each year."

Explanation:

(This amendment provides funding for the operation of the GRTC Express Service Route 95 from Petersburg to downtown Richmond. This appropriation is contingent upon the pledge of local matching funding of a one-to-one ratio.)

Transportation

Department Of Rail And Public
Transportation

Language

Language:

Page 335, strike line 44 to line 47.

Explanation:

(This amendment eliminates the proposed earmark of Commonwealth Mass Transit Trust Funds for the construction of Park and Ride lots and other transportation demand management improvements under the 1-95 High Occupancy Toll project. A companion amendment directs these costs to be funded with the rest of the project by the Department of Transportation.)

Transportation

Department Of Rail And Public
Transportation

Language

Language:

Page 336, following line 34, insert:

"F. Included in the amounts for Passenger and Freight Rail Financial Assistance, \$150,000 in the first year is hereby provided for the continued operation of transit connector service from the Roanoke Valley to the Kemper Street Station in Lynchburg as part of the daily intercity passenger rail service. Receipt of this funding is contingent upon the Greater Roanoke Transit Service establishing AMTRAK reservation capabilities for the daily service."

Explanation:

(This amendment provides an allocation from the rail program funding for the continued operation of daily connector bus service between Lynchburg and Roanoke. This service provides coordinated bus access from Roanoke to daily intercity passenger rail service in Lynchburg.)

Transportation Subcommittee

Item 445 #1s

Transportation

Department Of Transportation

Language

Language:

Page 338, following line 24, insert:

"D. Included in the amounts for Ground Transportation System Planning is an amount not to exceed \$250,000 the first year to develop an Integrated Corridor Management Plan for the approximately 15 mile Route 7 corridor extending east from Leesburg in Loudoun County to Reston Avenue in Fairfax County."

Explanation:

(This amendment provides up to \$250,000 for an Integrated Corridor Management Plan for Route 7 in Loudoun and Fairfax Counties.)

Transportation Subcommittee

Item 446 #1s

Transportation

Department Of Transportation

Language

Language:

Page 339, following line 6, insert:

"F. Prior to the annual adoption of the Six-Year Improvement Program, the

Commonwealth Transportation Board shall allocate Commonwealth Transportation Trust Fund revenues appropriated for dedicated and statewide construction to implement the transit and transportation demand management improvements identified for the I-95 corridor."

Explanation:

(This amendment transfers responsibility for funding the construction of park and ride lots and other transportation demand management projects as part of the I-95 High Occupancy Toll project to the Department that has funding responsibility for the project.)

Transportation Subcommittee

Item 447 #1s

Transportation

FY 12-13

FY 13-14

Department Of Transportation

(\$54,410,000)

(\$56,260,000)

NGF

Language:

Page 339, line 7, strike "\$1,452,542,951" and insert "\$1,398,132,951".

Page 339, line 7, strike "\$1,496,703,677" and insert "\$1,440,443,677".

Explanation:

(This amendment eliminates the Governor's proposed increase in sales tax proceeds deposited to the Highway Maintenance and Operating Fund.)

Transportation Subcommittee

Item 447 #2s

Transportation

FY 12-13

FY 13-14

Department Of Transportation

(\$2,330,000)

(\$2,330,000)

NGF

Language:

Page 339, line 7, strike "\$1,452,542,951" and insert "\$1,450,212,951".

Page 339, line 7, strike "\$1,496,703,677" and insert "\$1,494,373,677".

Page 339, strike line 29 through line 32.

Explanation:

(This amendment eliminates the proposed transfer from the Waste Tire Trust Fund to the Highway Maintenance and Operating Fund. A companion amendment to Item 367 retains these funds for use in environmental programs within the Department of Environmental Quality.)

Transportation

Department Of Transportation

Language

Language:

Page 340, following line 30, insert:

"E. Out of the amounts for County Road Maintenance that would otherwise be allocated to Arlington County for road maintenance in the first year pursuant to §§ 33.1-23.5:1(A) and 33.1-23.5:1, Code of Virginia, \$100,000 shall be transferred to Item 451."

Explanation:

(This amendment transfers certain road maintenance funds that would otherwise be allocated to Arlington County to the Administrative and Support Services budget of the Department of Transportation. These funds are being transferred, in part, to reimburse the Commonwealth for legal fees expended in defending a former Secretary of Transportation in a lawsuit filed by the County.)
