

Request to Amend House Bill 30, as Introduced

Chief Patron: Cline

Item 447 #1h

Transportation	FY 12-13	FY 13-14
Department Of Transportation	\$3,000,000	\$0 GF

Language:

Page 339, line 7, strike "\$1,452,542,951" and insert "\$1,455,542,951".

Page 339, after line 32, insert:

"F. Included in the amounts for this item is \$3,000,000 from the general fund in the first year for construction of additional buildings at the Virginia Department of Transportation's Lexington Residency site, including a new residency shop, sign and bridge crew building, a new chemical storage building, an equipment storage building, a fuel facility and tailgate racks. Upon completion of such facilities, notwithstanding any other provision of law, the Department of Transportation shall transfer the pre-existing Lexington Residency to Rockbridge County."

Explanation:

(This amendment is self-explanatory.)

Chief Patron: Crockett-Stark

Item 446 #1h

Transportation	Language
Department Of Transportation	

Language:

Page 338, line 26, strike "\$1,155,022,537" and insert "\$1,100,962,537"

Page 338, line 26, strike "\$1,050,673,174" and insert "\$1,013,542,174"

Page 338, line 29, strike "\$50,600,055" and insert "\$104,660,055"

Page 338, line 29, strike "\$54,468,009" and insert "\$91,599,009"

Page 339, after line 6, insert:

"F. Notwithstanding any other provision of law, the Commonwealth Transportation Board shall make such adjustments as necessary to ensure that the distribution of available highway construction funding includes the amounts specified for secondary roads in this item, which shall be distributed pursuant to the provisions of § 33.1-23.4."

Explanation:

(This amendment increases the portion of highway construction funding dedicated to projects on the secondary road system by \$54.1 million in the first year and \$37.1 million in the second year. This increase would return secondary road funding to the

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levels envisioned for the upcoming biennium when the Commonwealth Transportation Board adopted its Six Year Program in 2009.)

Chief Patron: Gilbert

Item 446 #2h

Transportation

Department Of Transportation

Language

Language:

Page 339, after line 6, insert:

"F. Notwithstanding any other provision of law, the road and bridge providing access from Virginia Route 865 east for approximately 650 feet over the North Fork of the Shenandoah River to the Black Bear Crossing Community in Maurertown, Shenandoah County, is hereby taken into the state secondary highway system, subject to the conveyance to the Virginia Department of Transportation of all interest and title to such road and bridge by its present owners."

Explanation:

(This amendment mirrors the provisions of House Bill 188, 2012 Session of the General Assembly. It conveys a roadway and bridge in Shenandoah County into the state secondary system without requiring improvements be done for such inclusion. The roadway and bridge lead to approximately 50 residences.)

Chief Patron: Howell, William

Item 449 #1h

Transportation

Department Of Transportation

Language

Language:

Page 340, after line 30, insert:

"E. Out of the amount otherwise to be allocated to Arlington County for road maintenance pursuant to the provisions of §§ 33.1-23.1(A) and 33.1-23.5:1, \$100,000 shall be transferred to Item 446."

Explanation:

(This amendment transfers \$100,000 of the amounts that would be allocated to Arlington County for roadway maintenance to the highway construction funding item. These funds are being transferred to reimburse the Commonwealth for legal fees it expended defending a former Secretary of Transportation who was sued in his personal capacity by Arlington County during his term of office and who was not

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dismissed from the case by Arlington even after his term of office expired. It is the belief of the Commonwealth that it is inappropriate for Arlington County to sue the former Secretary in his personal capacity and that this error was compounded when it failed to dismiss him from the suit when he left office."

Chief Patron: Hugo

Item 430 #1h

Co-Patron(s): Comstock

Transportation

Secretary Of Transportation

Language

Language:

Page 331, after line 23, insert:

"L.1. Except as required by federal law, when engaged in procuring products or services or letting contracts for construction, maintenance, or operation of any transportation facility paid for in whole or in part by state funds, or when overseeing or administering such procurement, construction, maintenance, or operation, neither the Commonwealth Transportation Board, any state transportation agency, nor any construction manager acting on behalf of the state agency shall, in its bid specifications, project agreements, or other controlling documents require or prohibit bidders, offerors, contractors, or subcontractors to enter into or adhere to agreements with one or more labor organizations, on the same or related public works projects; or otherwise discriminate against bidders, offerors, contractors, subcontractors, or operators for becoming or refusing to become or remain signatories or otherwise to adhere to agreements with one or more labor organizations, on the same or other related public works projects. Nor shall contractors or subcontractors be prohibited from voluntarily entering into such agreements.

2. If an awarding authority, a recipient of grants or financial assistance, a party to a cooperative agreement, or a construction manager acting on behalf of any of them performs in a manner contrary to the provisions of paragraph 1, the state agency awarding the contract, grant, or assistance shall be entitled to injunctive relief to prevent any violation of this section.

3. Any interested party, which shall include a bidder, offeror, contractor, subcontractor, operator, or taxpayer, shall have standing to challenge any bid specification, project agreement, neutrality agreement, controlling document, grant, or cooperative agreement that violates the provisions of this section. Furthermore, such interested party shall be entitled to injunctive relief to prevent any violation of

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this section.

4. These provisions shall not apply to any public-private agreement for any construction or infrastructure project in which the private body, as a condition of its investment or partnership with the state agency, requires that the private body have the right to control its labor relations policy with its own employees and the employees of its contractors and subcontractors in any manner permitted by the National Labor Relations Act, 29 U.S.C. § 151 et seq.; prohibit an employer or any other person covered by the National Labor Relations Act from entering into agreements or engaging in any other activity protected by law; or be interpreted to interfere with the labor relations of persons covered by the National Labor Relations Act."

Explanation:

(This amendment states that no project may be undertaken by the Commonwealth Transportation Board or any state funds be expended in support of a project if such project or projects are subject to mandatory project labor agreements. Companion legislation, House Bill 33, would codify these requirements.)

Chief Patron: Kory

Item 441 #1h

Transportation	FY 12-13	FY 13-14	
Department Of Rail And Public Transportation	\$10,000,000	\$10,000,000	GF

Language:

Page 335, line 21, strike "\$313,725,346" and insert "\$323,725,346".

Page 335, line 21, strike "\$318,246,652" and insert "\$328,246,652".

Page 335, line 33, after "\$114,087,563" insert:

"from nongeneral fund resources and \$10,000,000 from the general fund".

Page 335, line 33, after "\$117,334,290" insert:

"from nongeneral fund resources and \$10,000,000 from the general fund".

Explanation:

(This amendment provides \$10.0 million general fund each year to supplement available funding for mass transit to help maintain and support public transportation services that provide commuters with job access. The source of the general fund support is a reduction to economic development incentives in Item 105 of House Bill 30.)

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Chief Patron: LeMunyon

Item 430 #2h

Transportation

Secretary Of Transportation

Language

Language:

Page 331, after line 23, insert:

"L. "Notwithstanding any contrary provision of law, no revenues of the Commonwealth, from whatsoever source, shall be allocated, paid, or expended in connection with Phase II of the Dulles Corridor Metrorail Project extending the line beyond Wiehle Avenue in Fairfax County to Washington Dulles International Airport and on to Virginia Route 772 in Loudoun County unless (i) all persons working or seeking work, directly or indirectly, on the Phase II Project or any portion thereof may do so without regard for whether a person is a member of a labor union, (ii) the Phase II Project will comply in all respects with Chapter 4 (§ 40.1-52 et seq.) of Title 40.1, (iii) all meetings and records pertaining to the project are in compliance with the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), (iv) the Secretary of Transportation determines that Phase I of the Dulles Corridor Metrorail Project, at such time as it becomes operational, shall not cause a reduction in service to existing Virginia Metrorail passengers, and (v) no tolls imposed and collected for use of the Dulles Toll Road are used to pay for the Phase II Project, including principal or interest on debt issued to pay for the Phase II Project."

Explanation:

(This amendment prohibits the use of any source of state funding on Phase II of the Dulles Corridor Metrorail Project unless a series of requirements are met.)

Chief Patron: Marshall, Robert

Item 430 #3h

Transportation

Secretary Of Transportation

Language

Language:

Page 331, after line 23, insert:

"L. No revenues of the Commonwealth, from whatsoever source, shall be allocated, paid, or expended in connection with Phase 2 of the Dulles Corridor Metrorail Project beyond Wiehle Avenue in Fairfax County to Washington Dulles International Airport and on to Virginia Route 772 in Loudoun County if the project or phase of the project is subject to the policy or bylaws of the Metropolitan Washington Airports Authority

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governing public access to the Authority's meetings and records and is incompatible with Virginia's Freedom of Information Act (§ 2.2-3700 et seq.)."

Explanation:

(This amendment prohibits the use of any source of state funding on Phase 2 of the Dulles Corridor Metrorail Project unless the MWAA meets Virginia's open meeting requirements as set out in the Freedom of Information Act.)

Chief Patron: Marshall, Robert

Item 430 #4h

Transportation

Secretary Of Transportation

Language

Language:

Page 331, after line 23, insert:

"L. No revenues of the Commonwealth, from whatsoever source, including tolls, shall be allocated, paid, or expended in connection with Phase 2 of the Dulles Corridor Metrorail Project beyond Wiehle Avenue in Fairfax County to Washington Dulles International Airport and on to Virginia Route 772 in Loudoun County if Phase 2 of the Project and its finances will not be subject to audit by either the Virginia Department of Transportation or the Auditor of Public Accounts."

Explanation:

(This amendment prohibits the use of any source of state funding, including tolls, on Phase 2 of the Dulles Corridor Metrorail Project unless the project finances are subject to state audit.)

Chief Patron: Marshall, Robert

Item 430 #5h

Transportation

Secretary Of Transportation

Language

Language:

Page 331, after line 23, insert:

"L. No revenues of the Commonwealth, from whatsoever source, including tolls, shall be allocated, paid, or expended in connection with Phase 2 of the Dulles Corridor Metrorail Project beyond Wiehle Avenue in Fairfax County to Washington Dulles International Airport and on to Virginia Route 772 in Loudoun County if the project or phase of the project is subject to the policy or bylaws of the Metropolitan Washington Airports Authority governing public access to the Authority's meetings

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and records and is incompatible with Virginia's Freedom of Information Act (§ 2.2-3700 et seq.)."

Explanation:

(This amendment prohibits the use of any source of state funding, including tolls, on Phase 2 of the Dulles Corridor Metrorail Project unless the MWAA meets Virginia's open meeting requirements as set out in the Freedom of Information Act.)

Chief Patron: Marshall, Robert

Item 430 #6h

Transportation

Secretary Of Transportation

Language

Language:

Page 331, after line 23, insert:

"L. No revenues of the Commonwealth, from whatsoever source, shall be allocated, paid, or expended in connection with Phase 2 of the Dulles Corridor Metrorail Project beyond Wiehle Avenue in Fairfax County to Washington Dulles International Airport and on to Virginia Route 772 in Loudoun County if the project or phase of the project (i) is subject to a project labor agreement, (ii) the policy or bylaws of the Metropolitan Washington Airports Authority governing public access to the Authority's meetings and records and is incompatible with Virginia's Freedom of Information Act (§ 2.2-3700 et seq.), or (iii) Phase II of the project and its finances will not be subject to audit by either the Virginia Department of Transportation or the Auditor of Public Accounts."

Explanation:

(This amendment prohibits the use of any source of state funding on Phase II of the Dulles Corridor Metrorail Project unless a series of conditions are met.)

Chief Patron: Marshall, Robert

Item 430 #7h

Transportation

Secretary Of Transportation

Language

Language:

Page 331, after line 23, insert:

"L. No revenues of the Commonwealth, from whatsoever source shall be allocated, paid, or expended in connection with Phase 2 of the Dulles Corridor Metrorail Project beyond Wiehle Avenue in Fairfax County to Washington Dulles International Airport

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and on to Virginia Route 772 in Loudoun County if Phase 2 of the Project and its finances will not be subject to audit by either the Virginia Department of Transportation or the Auditor of Public Accounts."

Explanation:

(This amendment prohibits the use of any source of state funding on Phase 2 of the Dulles Corridor Metrorail Project unless the project finances are subject to state audit.)

Chief Patron: Marshall, Robert

Item 430 #8h

Transportation

Secretary Of Transportation

Language

Language:

Page 331, after line 23, insert:

"L. No revenues of the Commonwealth, from whatsoever source, including monies collected from the Dulles Toll Road, shall be allocated, paid, or expended in connection with Phase II of the Dulles Corridor Metrorail Project beyond Wiehle Avenue in Fairfax County to Washington Dulles International Airport and on to Virginia Route 772 in Loudoun County if the project or phase of the project (i) is subject to a project labor agreement, (ii) the policy or bylaws of the Metropolitan Washington Airports Authority governing public access to the Authority's meetings and records and is incompatible with Virginia's Freedom of Information Act (§ 2.2-3700 et seq.), or (iii) Phase II of the project and its finances will not be subject to audit by either the Virginia Department of Transportation or the Auditor of Public Accounts."

Explanation:

(This amendment prohibits the use of any source of state funding on Phase II of the Dulles Corridor Metrorail Project, including Dulles Toll Road revenues, unless a series of conditions are met.)

Chief Patron: May

Item 435 #2h

Transportation

Department Of Motor Vehicles

Language

Language:

Page 334, after line 2, insert:

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"4. The Commissioner shall charge a \$10.00 fee in addition to any other fees prescribed by the Department for the withholding of vehicle registration in accordance with the provisions of § 46.2-752. Such fee shall be paid into the State Treasury and set aside to meet the expenses of the department."

Explanation:

(This amendment would add a \$10.00 fee to the Vehicle Registration Withholding program to generate revenue to support the DMV Select program.)

Chief Patron: May

Item 435 #3h

Transportation

Department Of Motor Vehicles

Language

Language:

Page 333, line 22, after "C.", insert "1."

Page 333, after line 35, insert:

"2. The provisions of § 46.2-214.3 shall apply to vehicle registration renewals conducted through agents appointed by the Commissioner to provide services under § 46.2-205."

Explanation:

(This amendment would apply the in-person service fee to renewals conducted by agents of the Department in the same manner in which they apply to persons visiting DMV-run facilities.)

Chief Patron: May

Item 435 #4h

Transportation

Department Of Motor Vehicles

Language

Language:

Page 334, after line 4, insert:

"H. Out of the amounts in this item, \$200,000 the first year is hereby authorized to be utilized for a pilot project with the University of Virginia to evaluate virtual reality driving simulators as a tool for assessment of driving competency."

Explanation:

(This amendment would authorize a pilot project for the testing of driving simulators through a joint project of the University of Virginia and the Department

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of Motor Vehicles.)

Chief Patron: Plum

Item 441 #2h

Co-Patron(s): Rust

Transportation

Department Of Rail And Public
Transportation

Language

Language:

Page 336, after line 34, insert:

"F. From the amounts available for allocation to transportation projects by the Commonwealth Transportation Board in the Commonwealth's Fiscal Year 2012-2014 Appropriation Act, shall be provided for \$350,000,000 to reduce the portion of costs for the Dulles Corridor Metrorail Project intended to be supported by toll revenues generated on the Dulles Toll Road pursuant to the existing project agreement. The \$350,000,000 state commitment shall be in addition to the \$150,000,000 included in the project agreement and the full amount shall be used to reduce the project share to be borne by toll revenues, which shall be reduced proportionally."

Explanation:

(This amendment directs the Commonwealth Transportation Board to utilize \$350.0 million, in addition to the \$150.0 million already committed by the State, to buy down the costs of the Dulles Corridor Metrorail Project to reduce the price of tolls on the Dulles Toll Road that are being used to support the project costs. The amount requested matches the amount of public funding the Commonwealth has announced it will commit to the Route 460 project in Hampton Roads.)

Chief Patron: Scott, James

Item 447 #2h

Transportation

Department Of Transportation

FY 12-13

(\$54,410,000)

FY 13-14

(\$56,620,000) 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 "\$1,440,083,677".

Explanation:

(This amendment removes the additional portion of the general sales and use tax

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deposited into the Highway Maintenance and Operating Fund in House Bill 30 as introduced pursuant to legislation to be offered to the 2012 Session of the General Assembly. A companion amendment to Item 139 appropriates the funds for public education and is used to restore the inflation adjustment removed from re-benchmarking. House Bill 983, which shifts the taxation of gasoline from a cents per gallon to a percentage basis provides an alternate method to increase funding for transportation in the long-term, thus eliminating the need to shift what currently are general fund resources to transportation.)

Chief Patron: Surovell

Item 366 #5h

Natural Resources	FY 12-13	FY 13-14	
Department Of Environmental Quality	\$2,330,000	\$2,330,000	NGF

Language:

Page 272, line 32, strike "\$101,723,153" and insert "\$104,053,153".

Page 272, line 32, strike "\$56,453,759" and insert "\$58,783,759".

Page 273, after line 20, insert:

"E. Notwithstanding the provisions of § 10.1-1422.3, Code of Virginia, \$2,330,000 the first year and \$2,330,000 the second year from the Waste Tire Trust Fund shall be deposited to the Voluntary Solar Resource Development Fund created pursuant to § 67-1302, Code of Virginia."

Explanation:

(This amendment restores funding for Waste Tire Trust Fund within the Department of Environmental Quality, but requires such amounts to be transferred to the Voluntary Solar Resource Development Fund. A companion amendment eliminates the transfer of these same amounts to the Department of Transportation for highway maintenance.)

Chief Patron: Surovell

Item 447 #3h

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".

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Page 339, strike lines 29 through 32.

Explanation:

(This amendment eliminates the transfer of Waste Tire Trust Fund proceeds to the Transportation Trust Fund for highway maintenance. A companion amendment deposits this amount in Voluntary Solar Resource Development Fund.)
