

**ITEM #6: TECHNICAL AMMENDMENTS TO HB 2313**

At the recommendation of Secretary Connaughton, the HRTPO Board is requested to submit any technical amendments it may have to the transportation legislation recently passed by the General Assembly (HB 2313). Please note that any amendments recommended by the HRTPO Board to the Administration cannot be of a policy nature. Technical amendments are related to new information that may come to light or new interpretations of previously existing information that may emerge that result in changing the wording of the legislation already passed and may involve minor changes in spelling or grammar or may include significant alterations.

**Recommended Technical Amendments**

- The City of Virginia Beach has transmitted a letter to Secretary Connaughton (attached) requesting clarification of the implications the following section has on localities:

Each county or city embraced in the Hampton Roads Region, as described in subsection B of § 33.1-23.5:3, shall expend or disburse for transportation purposes an amount that is at least equal to the total amount expended or disbursed for transportation purposes by the county or city in its fiscal year that began on July 1, 2007.

- In addition, the HRTPO staff recommends **amending** the last sentence of the following paragraph to *"The moneys deposited in the fund shall be used solely for new construction projects on new or existing roads in the Hampton Roads Region as identified by the approved Hampton Roads Transportation Planning Organization's Long-Range Transportation Plan (LRTP) and Transportation Improvement Program (TIP)."*

"§ 33.1-23.5:3. Hampton Roads Transportation Fund established.

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Hampton Roads Transportation Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller. All revenues dedicated to the Fund pursuant to § 58.1-638 and Chapter 22.1 (§ 58.1-2291 et seq.) of Title 58.1 shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. The moneys deposited in the fund shall be used solely for new construction projects on new or existing roads in the Hampton Roads Region as approved by the Hampton Roads Transportation Planning Organization."

Mr. Dwight L. Farmer, HRTPO Executive Director, will initiate discussion on this item.

Attachment 6 – City of Virginia Beach Technical Amendment letter

**RECOMMENDED ACTION:**

Approval of recommended technical amendments to HB2313 and authorization for the HRTPO Executive Director to submit these recommendations to the Secretary of Transportation.



WILLIAM D. SESSOMS, JR.  
MAYOR

## City of Virginia Beach

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February 26, 2013

The Honorable Sean T. Connaughton  
Office of the Secretary of Transportation  
Patrick Henry Building, 3rd Floor  
1111 East Broad Street  
Richmond, VA 23219

**Subject: Inquiry concerning language in Conference Committee Report for HB2313**

Dear Secretary Connaughton:

While we are greatly appreciative of the efforts needed to finalize the language related to the passage of the Conference Committee Report for HB2313 (HB2313H4), we would request confirmation of our understanding of this language from line 2631 of the bill:

“Each county or city embraced in the Hampton Roads Region, as described in subsection B of § 33.1-23.5:3, shall expend or disburse for transportation purposes an amount that is at least equal to the total amount expended or disbursed for transportation purposes by the county or city in its fiscal year that began on July 1, 2007.”

It is our interpretation that “expended or disbursed for transportation” is the local amount annually allocated in our Capital Improvement Program (CIP) by City Council to support transportation. Our understanding is the language does not include previous year’s allocations and is based solely on projects derived from local tax revenues set by City Council. For Virginia Beach, the July 1, 2007 (our fiscal year 2008) amount would be \$19.7 million.

If our understanding is correct this will require the City of Virginia Beach to put \$19.7 million toward transportation forever, regardless of need or burden. This in our mind represents an unfunded mandate requiring specific action and funding by future City Councils regardless of conditions in the economy, other priorities, or mandates that may require increasing local resources.

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If at all possible, please let us know if our interpretation is correct by March 5, so we may seek clarification through the veto process, if needed.

Sincerely,

A handwritten signature in black ink, appearing to read "Will Sessoms", with a long horizontal flourish extending to the right.

William D. Sessoms, Jr.  
Mayor

c: The Honorable Members of the Virginia Beach General Assembly Delegation  
Robert Matthias, Assistant to the City Manager  
Catheryn Whitesell, Director, Management Services