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March 1, 2013

Mr. Dwight Farmer  
Executive Director/Secretary  
Hampton Roads Transportation Planning Organization  
723 Woodlake Drive  
Chesapeake, Virginia 23320

Dear Mr. Farmer:

**RE: HB 2313 Transportation Conference Report**

In anticipation of the HRTPO's special meeting on Monday, March 4, James City County has reviewed HB2313 and the following comments are provided. It would be very beneficial to us if the HRTPO staff and Board would consider the following and provide either clarifying information and/or suggestions for technical amendments accordingly.

1. With the proposed levy of a wholesale tax on gasoline, gasohol and diesel fuel, there is a provision currently proposed in §58.1-2259 for a refund of the tax paid when such fuel is sold and delivered to a governmental entity for its exclusive use. This process appears to create new administrative requirements since, under the current tax structure, governmental entities are exempt from such taxes at the time of purchase. We recommend that a technical amendment be proposed that eliminates the new refund process and continues the outright exemption of such payment by localities.

This request would also appear consistent with Governor McDonnell's regulatory reform initiative to prevent and eliminate unnecessary or overly burdensome regulations.

2. Maintenance of effort provision. In HB2313, there is a provision that states "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." Our request is for additional clarification on this requirement. More specifically:
  - a. The expenditure amounts as defined in the 2007 base year should be exclusive of any "grant" or non-recurring & application-based funding received at that time that was used for transportation improvements (i.e., RevShare, CMAQ, RSTP, etc.). Further, the baseline calculation should also be exclusive of any amounts disbursed for transportation improvements related to special events or other one time/unique projects (e.g., Jamestown 400<sup>th</sup> anniversary celebration).
  - b. As noted in the VML legislative bulletin, dated February 26, 2013, James City County concurs that this language is vaguely written and recommends that either clarifying language or a technical amendment be considered to reword the provision accordingly.

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Thank you for the opportunity to provide comments in advance of the meeting.

Sincerely,



M. Douglas Powell  
Assistant County Administrator

