



MAJOR STATE TRANSPORTATION LEGISLATION, 2010

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State lawmakers faced critical decisions in 2010 as they worked to maintain existing infrastructure and meet the growing need for new transportation modes in the face of budget shortfalls and declining transportation revenues. According to the NSCL November 2010 *State Budget Update*, legislatures closed a cumulative budget gap of more than \$174.1 billion in FY 2010 budgets and have already worked to close \$83.9 billion while crafting their FY 2011 budgets. The National Association of State Budget Officers (NASBO) reports that, in FY 2010, 15 states made mid-year budget cuts to transportation programs.

The end of American Recovery and Reinvestment Act (ARRA) funds leaves additional gaps in transportation budgets across the nation. ARRA funds supported needed transportation projects in 2009 and 2010, but states will face the rapid decline of these funds in FY 2012—what many officials are calling the “ARRA cliff.” As of December 2010, according to the U.S. House Transportation and Infrastructure Committee, 12,603 ARRA-funded highway and bridge projects and 4,836 transit projects were underway and more than \$4 billion had been paid to workers on transportation projects since February 2009.

These fiscal challenges drove legislative proposals to increase transportation-related taxes and fees. In the contentious political climate and with elections approaching, however, most states were reluctant to pass such measures. No state raised its gasoline tax in 2010, for the first time in at least 10 years, although six states raised other transportation funding sources such as vehicle registration fees and sales taxes devoted to transportation. Legislatures also considered alternative financing mechanisms such as public-private partnerships. Meanwhile, voters approved several ballot measures that further restricted states’ transportation funding (see below for additional information).

Although funding concerns attracted most of the attention this year, state legislatures also passed many measures related to rail, traffic safety, transportation coordination, and other transportation issues. This report summarizes these legislative trends; the appendix outlines state-by-state legislation.

REVENUE GENERATION

State legislatures considered and passed diverse transportation funding options to address the gap between current revenues and growing transportation costs. Kansas, Minnesota and New Hampshire passed comprehensive transportation bills that boost available revenues from bonds, fees and taxes for highway and transit projects in FY 2011. Many legislatures considered tax and fee increases, tolling and other creative options.

Taxes

State gas tax revenues—which are the primary source of transportation revenue in most states—again were an issue in 2010. Seven states considered gas tax increases in 2010, but none passed for the first time in at least a decade. States passed other tax-related measures to address transportation funding concerns, however. The Georgia legislature took a regional approach to staggering declines in gas tax revenues by creating 12 new districts in which voters will decide in 2012 whether to fund regional transportation projects with a 1 percent sales tax increase. Colorado scaled back a tax credit for alternative-fuel vehicles, and Minnesota repealed a lower income motor fuels tax credit, which will save the state an estimated \$30.1 million per year.

Fees

Fee increases—although more popular than tax hikes in 2010—also posed a political challenge. According to NCSL, 11 states considered increases in registration, license or other transportation-related fees in 2010, but only six passed. Each concerns a different fee: an abandoned vehicle fee in Arizona; a new fee for driving permits with a suspended license in Connecticut; annual registration fees for large trucks in Kansas; title fees in Mississippi; a vanity license plate in New Jersey; and a driver's license reinstatement fee in Virginia. These measures are expected to generate substantial funds, from \$1 million per year in New Jersey to more than \$100 million by 2014 in Kansas.

Tolling

Twelve states considered tolling legislation in 2010; California, Illinois, Kansas and Washington passed such bills. Some of the proposals would have authorized tolls along with public-private partnerships, while others were designed as congestion management tools. Also in 2010, the federal government rejected Pennsylvania's third application to toll Interstate 80, which would have generated up to an estimated \$950 million per year after 2011. Governor Ed Rendell convened a special legislative session to consider alternative solutions to the state's transportation funding gap, but no proposals were passed.

Other Options

Legislatures are becoming more creative as budget gaps continue to limit funds and the political popularity of fee and tax increases diminishes. California proposed a measure to study electronic license plates on which the state could sell space for digital advertisements. California, Florida and Pennsylvania asked for federal permission to sell advertising on electronic highway signs that warn drivers about accidents and other safety concerns.

In 2010, states continued to consider vehicle miles traveled (VMT) fees—which would charge drivers a fee for each mile driven—as an alternative funding mechanism that could supplement or replace the gas tax. Although states have investigated a VMT alternative—Oregon was notably the first state to study the option in 2007—no state has yet implemented such a fee. In 2010, Virginia created a joint subcommittee to examine the desirability and feasibility of a VMT fee, and West Virginia passed a measure to allow the commissioner of highways to consider mileage fee pilot programs. Rhode Island created a special legislative commission to study new funding sources that could replace or supplement the gas tax for highway and transit projects, but did not pass a bill to authorize a VMT-specific study.

Additional alternatives to the gasoline tax may be on the horizon as gas tax revenues fail to keep pace with inflation, transportation needs grow and travel patterns change.

ALTERNATIVE FINANCING OPTIONS

Many states considered alternative financing options—including public-private partnerships, design-build options and bonding—to help deliver needed transportation projects.

Public-Private Partnerships

States considered and reviewed public-private partnerships (PPPs) as an option to help build, finance or maintain transportation infrastructure. PPPs allow for more private sector involvement in infrastructure projects than is traditional, while the public sector retains ultimate ownership of and responsibility for an asset. More PPP-related transportation legislation was proposed in

2010 than in years past; 21 states and the District of Columbia considered 52 legislative measures that proposed to grant, increase, limit or redefine state PPP authority. Alabama, Georgia, Illinois, Indiana, Maine, Maryland and West Virginia enacted 11 measures. Of the eight states that considered comprehensive PPP-enabling legislation, Maine was the only one to pass such a bill, making it the 29th state to authorize PPPs for highway and bridge projects. Illinois and Indiana enacted legislation to allow a PPP for a new tollway project between the two states, the Illiana Expressway.

Design-Build

Design-build was a popular option states considered in 2010. To streamline a project and reduce costs, this innovative contracting method gives one entity responsibility for a project's design and construction. At the end of 2010, 38 states and Puerto Rico had design-build enabling statutes. Delaware, Georgia, Idaho, Kansas, Maine, Minnesota, South Dakota and Utah passed legislation concerning design-build in 2010, and 11 other states and the District of Columbia considered such bills. South Dakota joined Indiana and New Mexico as one of the few states to prohibit department of transportation use of design-build for highway and road projects.

Bonds

Bonding was a less prevalent financing option in 2010; nine bond measures were proposed in seven states. Kansas' comprehensive T-Works legislation expands the state's bonding authority by \$1.7 billion. Mississippi authorized \$300 million for highways, bridges and other projects, and Kentucky authorized \$400 million for road construction. Minnesota shifted bonding authorization so it occurs sooner for FY 2011 and FY 2012, increasing appropriations from \$100 million to \$200 million.

BALLOT MEASURES

Voters considered a number of ballot measures in the November 2010 elections that significantly affected transportation funding. Alabama voters declined to pass Amendment 3, which would have allowed the state to use as much as \$100 million per year over 10 years from an investment account for transportation projects. Voters in California passed Proposition 22, which restricts the state's authority to 1) borrow or change the distribution of fuel tax revenues, or 2) use those revenues to pay for transportation bonding. California now will have to pay about \$1 billion of annual bond costs from its general fund rather than from transportation accounts and take other actions to address its short-term borrowing needs.

Colorado's Proposition 101 did not pass; among other provisions, this measure would have reduced several vehicle fees and taxes—resulting in an estimated \$1.3 billion reduction in revenues when fully implemented—and required voter approval to create or increase many vehicle-related charges. Georgia voters decided against Amendment 3, which would have allowed the department of transportation to finance projects during construction instead of paying the entire amount up-front. Idaho voters authorized bonds for airports but prohibited using tax dollars to repay these bonds. Maine approved a \$47 million bond to create jobs through improvements to highways, railroads and marine facilities and allocated \$4 million of the 2009 transportation bond to capital rail purposes. Rhode Island voters authorized use of general obligation bonds to match federal funds for road, bridge and transit bus improvements.

HIGH-SPEED AND PASSENGER RAIL

High-speed and passenger rail continued to be a high-profile issue in 2010. In January, an unprecedented \$8 billion in ARRA funds were granted to 31 states and the District of Columbia for high-speed and intercity passenger rail projects. State legislatures worked in 2010 sessions to study or create capacity for high-speed rail projects. Illinois, Pennsylvania and Virginia created subcommittees or commissions to study state high-speed and passenger rail options. New Jersey considered, but did not pass, a measure to study and evaluate state rail systems to prepare for implementing high-speed rail.

Legislatures also addressed public-sector capacity for rail projects. New York created a high-speed rail planning board to advise the state department of transportation, and South Carolina created a division of railroad transportation within its department of transportation. Washington's budget proposal—reintroduced in the first special session—would have increased net spending by \$1 billion, with most new funds going to the WSDOT Rail Capital Program to implement ARRA high-speed rail grant funds.

TRAFFIC SAFETY

Concerns about safety inspired legislation nationwide. The most significant trends in legislation were state actions concerning distracted and impaired driving. Other hot topics were seat belt laws, aggressive driving, driver's licensing, speed limits, automated enforcement cameras, motorcycle helmets and training, school bus safety, and pedestrian and bicycle safety.

Distracted Driving

During the last 10 years, as cell phones and other digital devices have become more popular, legislatures in every state, the District of Columbia and Puerto Rico have considered bills concerning distracted driving and driver cell phone use. Legislatures in 40 states considered 181 driver distraction bills in 2010, mostly regarding texting prohibitions. Eleven states introduced new restrictions on texting while driving, bringing to 30 the number of states with restrictions or prohibitions.

Impaired Driving

In 2010, 46 states debated 300 impaired driving bills, and 28 enacted such bills. Ignition interlock devices—which prevent a car from being started if alcohol is detected on the driver's breath—are becoming a standard penalty for driving under the influence (DUI) offenders. Nearly 30 states considered and 10 states enacted ignition interlock legislation in 2010. Vermont, which previously had no such law, became the 48th state to enact an ignition interlock law. Other impaired driver measures in the states addressed treatment, breath tests and penalties.

OTHER LEGISLATION

Transportation Coordination

In 2010, five states enacted laws to support better coordination of human service transportation. Coordination helps to more effectively serve those who use specialized transit, reduces inefficiencies and saves money. Florida, Kansas and New Hampshire passed measures to create, strengthen or provide additional revenues for coordination efforts. Georgia and Minnesota created new state coordination bodies to study and make recommendations about transportation service provision.

REAL ID

At the end of 2010, the REAL ID Act required that state-issued driver's licenses and identification cards meet federal standards by May 2011 to be accepted for federal purposes; the Department of Homeland Security has

estimated that implementation of REAL ID will cost states \$3.9 billion. In 2010, Kentucky, Louisiana, New Hampshire, Oklahoma and Utah considered bills that would have prohibited the state from complying with REAL ID provisions. The Utah bill passed, making it the 25th state to oppose REAL ID. Conversely, legislators in Virginia proposed but did not pass a bill that would have required compliance.

Livability

In 2010, states continued to address the mobility needs and quality of life of all transportation users. Eleven states considered complete streets policies, which are designed to ensure that the safety and convenience of all travelers—including transit users, bicyclists, pedestrians and motorists—are considered throughout roadway planning and development. Colorado passed a measure requiring the department of transportation to accommodate bicycle and pedestrian use of public streets and to include non-motorized transportation in transportation facility planning, design and operation.

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APPENDIX. MAJOR STATE TRANSPORTATION LEGISLATION

State/ Jurisdiction	Major Transportation Legislation
Alabama	<p>The Alabama Legislature enacted a proposal with Senate Bill 121 to expend about \$100 million a year for 10 years on the state's transportation infrastructure. Placed on the November ballot as Amendment 3, it did not, however, win voter approval. Under the amendment, \$100 million would have been withdrawn from the Alabama Trust Fund (a \$2.4 billion account) each year over a 10-year period. Trust fund money comes from royalty payments from oil and gas companies drilling offshore. If the fund's value were to drop below \$2 billion, money instead would have been withdrawn in subsequent years. The Alabama Department of Transportation would decide which projects merited most of the money, but counties—and, to a lesser extent, municipalities—also would receive funding for projects of their choosing.</p> <p>Senate Joint Resolution 17 (identical to House Joint Resolution 50) extended the lieutenant governor's Commission on Public-Private Partnership Projects, originally established in 2008, until the fifth legislative day of the 2011 regular legislative session.</p> <p>House Bills 566 and 815 authorized the cities of Tuscaloosa and Selma, respectively, to use automated red light traffic enforcement cameras.</p>
Alaska	<p>Alaska is the only state that constitutionally prohibits dedication of state revenues to any special purpose, unless federally required or dedicated prior to statehood. In 2010, the House considered, but ultimately did not pass, two measures to commit state funds to transportation. House Joint Resolution 42 would have put a constitutional amendment before voters to allow a dedicated Transportation Infrastructure Fund, fed by state fuel taxes and registration fees. House Bill 329 would have defined fund management and use.</p> <p>Governor Sean Parnell proposed Senate Bill 218 and House Bill 290, which would have temporarily suspended the motor fuel tax from July 1, 2010 to June 30, 2012; the Legislature defeated these in order to maintain revenue for roads. A prior suspension of the state tax expired in September 2009. The governor is once again asking to suspend the 8-cent-per-gallon motor fuel tax for two years with legislation in 2011.</p> <p>Senate Bill 59 allows a low-speed vehicle to be operated on a highway with a maximum speed limit of 45 miles per hour under certain circumstances.</p> <p>Senate Bill 239 imposes penalties and requirements related to ignition interlock devices, refusal to submit to a chemical test, and driving while under the influence.</p>
Arizona	<p>Governor Jan Brewer signed House Bill 2627, which removes the prohibition on counties with populations of 200,000 to 400,000 from levying both a county transportation excise tax for mass transit and a county transportation excise tax for roads. Counties affected by this enactment are Mohave, Pinal, Yavapai and Yuma. In the seventh special session, the Legislature increased the abandoned vehicles fee to \$500, regardless of where the vehicle is abandoned, with an effective date to be determined. The current fee is \$50 or \$200, depending on where the vehicle is abandoned. Additional revenue for the state highway fund generated by House Bill 1012/Senate Bill 1012 is not to exceed \$12,061,200 in FY 2010-2011.</p> <p>Senate Bill 1018 establishes a public safety equipment fund and does not allow auto enforcement cameras to be posted within 600 feet of speed limit changes, with the exception of school zones. The legislation also provides penalties and enforcement requirements for traffic violations detected by the cameras.</p> <p>Senate Bill 1023 adds several violations, including lack of a valid driver's license, to violations that constitute causing serious physical injury or death by a moving motor vehicle. Those found guilty of causing serious physical injury or death by a moving motor vehicle can have driving privileges suspended for 90 days in the case of serious physical injury, or 180 days if the violation results in death.</p>
Arkansas	<p>Although the Arkansas legislature did not pass any bills directly related to transportation, the Arkansas Highway Commission planned to meet in early January 2011 to consider 10 highway projects totaling an estimated \$62 million.</p>

APPENDIX. MAJOR STATE TRANSPORTATION LEGISLATION (CONTINUED)

State/ Jurisdiction	Major Transportation Legislation
California	<p>California passed a number of laws related to reducing traffic congestion and creating funding options, while also providing incentives for drivers to cut carbon emissions. Assembly Bill 1224 continues the value-pricing and transit development demonstration program involving high-occupancy toll lanes. Senate Bill 535 authorizes the state Department of Transportation (Caltrans) to designate certain lanes for the exclusive use of high-occupancy vehicles, but also allows access by vehicles that meet specified zero-emission and combined fuel economy standards. Assembly Bill 1500 amends existing law that authorizes Caltrans to designate lanes for the exclusive use of high-occupancy vehicles, low-emission and hybrid vehicles. It extends the date that low-emission vehicles can use high-occupancy lanes, allows the department to issue low-emission decals, and makes illegal use of department-issued decals on low-emission vehicles a misdemeanor.</p> <p>Governor Arnold Schwarzenegger vetoed Senate Bill 474, which would have required the lead agency for a project, prior to entering into any agreement involving design-build contracting or a public-private partnership (PPP), to pass a resolution that identifies the anticipated benefits from using those methods compared to traditional contracting or financing methods.</p> <p>The state looked into a new idea for transportation funding—digital license plates that allow for advertisements. Senate Bill 1453 was unanimously approved by the Senate but died in committee in the House.</p> <p>Senate Bill 83 authorizes a countywide transportation planning agency to impose an annual fee of up to \$10 on motor vehicles registered within the county for programs and projects for certain purposes. Voter approval is required. The fees collected can be used only to pay for programs and projects bearing a relationship or benefit to the motor vehicle owners who are paying the fee and are consistent with a regional transportation plan.</p>
Colorado	<p>Senate Bill 110 changes motor vehicle child safety requirements. Now, all children under age 8 are required to be restrained in a child safety device, such as a booster seat. Another safety measure, House Bill 1094, completely prohibits reading, writing and sending text messages in a moving vehicle for all drivers, and prohibits cell phone use for drivers under age 18.</p> <p>Under existing Colorado law, taxpayers are eligible for a state income tax credit for the purchase of alternative fuel vehicles. House Bill 1196 reduces the years in which the purchase of certain types of these vehicles are eligible for the credit, from both the 2010 and 2011 tax years to only 2010. Vehicles affected by the bill are alternative fuel vehicles with a fuel economy of at least 30 but less than 40 miles per gallon and that meet certain EPA emissions standards, defined in state law as “Category 7” vehicles.</p> <p>Senate Bill 184 allows for a transportation demand management contract under which the DOT compensates a transportation enterprise for relieving traffic congestion during peak travel times in the portion of the I-70 mountain corridor that lies between Floyd Hill and the Eisenhower-Johnson tunnels by operating reversible highway lanes. This contract may be established if a completed feasibility study of a moveable barrier system on I-70 demonstrates such a system is viable and that life safety issues can be addressed.</p>

APPENDIX. MAJOR STATE TRANSPORTATION LEGISLATION (CONTINUED)

State/ Jurisdiction	Major Transportation Legislation
Connecticut	<p>The Department of Motor Vehicles (DMV) is required to administer a program to help participating school districts pay for school buses equipped with lap/shoulder (3-point) seat belts. House Bill 5033 creates a school bus seat belt account in the general fund, requires installation and use of seat belts in school buses, and provides incentives and penalties. The DMV will increase certain fees by \$50 and use the money to offset a portion of the sales tax that school bus companies pay for the new school buses.</p> <p>House Bill 5545, an act to mitigate projected general fund deficits in FY 2010 and FY 2011, raises 15 motor vehicle fees and fines. The fine for failure to wear a seat belt is increased from \$15 to \$50, and the minimum fine for speeding infractions, for failure to carry insurance and other motor vehicle infractions is increased from \$35 to \$50. It also includes a new \$100 application fee for special work or education permits. The bill has no estimated net fiscal impact on the transportation fund, however, since it also reduces revenue transfers from the general fund to the special transportation fund in FY 2010, FY 2011 and FY 2012. The law also requires the commissioner of motor vehicles to provide a report with recommendations to reorganize the DMV in order to expand technology to decentralize and streamline services, increase public access, maintain licensing security required by federal law, merge administrative services with other state agencies, and look into other cost-saving measures.</p> <p>Connecticut law already prohibits drivers from interfering with safe operation of a vehicle by any means. Senate Bill 427 increases fines for cell phone or mobile electronic use violations and returns 25 percent of each fine to the municipality where the citation is issued. The bill also specifies that it is illegal to text while driving a moving vehicle. Senate Bill 190 creates a four-hour accident prevention course for drivers over age 60 and reduces the premium charges under an automobile liability or physical damage insurance policy upon course completion.</p>
Delaware	<p>The Delaware legislature passed House Bill 500, the Fiscal Year 2011 Bond and Capital Improvements Act. It authorizes issuance of general obligation bonds of the state and appropriates funds from the transportation trust fund, special funds of the Delaware Transportation Authority and state general funds. It also authorizes the state DOT to continue using the design-build contract mechanism for a total of 12 transportation construction projects, within certain guidelines.</p> <p>House Bill 229 prohibits drivers from using a handheld cell phone while driving and designates it a primary offense. House Bill 152 increases fines and penalties for driving under the influence. Fines now range from a minimum of \$500 for a first offense up to \$15,000 for a seventh offense. House Bill 111 prohibits issuing ignition interlock devices unless it is determined by the secretary of transportation or the secretary's designee that the individual is eligible for reinstatement.</p> <p>Delaware lawmakers also passed two bills related to freight and commercial vehicles. Senate Bill 200 implements recommendations from the Heavy Vehicle Weight Law Task Force created in 2009. The bill modifies registration of heavy vehicles and enforcement of heavy vehicle weight laws and expands the radius of travel for farm vehicles engaged in agricultural activities. Senate Bill 314 postpones the requirement that agricultural and intrastate construction vehicles be registered in accordance with their manufacturer's gross vehicle weight rating and gradually eliminates older vehicles from qualification for such excess weight registration.</p>

APPENDIX. MAJOR STATE TRANSPORTATION LEGISLATION (CONTINUED)

State/ Jurisdiction	Major Transportation Legislation
Florida	<p>Florida lawmakers allowed House Bill 497 to die in committee; it would have removed state DOT authority to lease existing toll facilities through public-private partnerships (PPPs). It also would have specified that a PPP project is in the public’s best interest when evidenced by a business case prepared by the state DOT under specified provisions and submitted to the Council on Efficient Government.</p> <p>House Bill 325, the Mark Wandall Traffic Safety Act, permits both the Department of Highway Safety and Motor Vehicles and local governments to use automated enforcement cameras for red light violations and creates statewide standards for red light enforcement. House Bill 5501 also authorizes municipal use of traffic infraction detectors. This law also revises provisions for motor vehicle crash reports and requires tax collectors in several counties to serve as agents for providing specified driver’s license services. The DOT is to develop a plan to move all driver’s license issuance services to county tax collectors.</p> <p>House Bill 971 requires that anyone convicted of a fourth or subsequent DUI offense must have an ignition interlock device installed for a period of not less than five years.</p> <p>House Bill 1271 gives cities and counties with a regional transportation system the option to levy a tax, subject to voter approval, that can be used for coordinated human service transportation. The law also requires any transit system connecting directly with a new public rail system to use uniform, compatible fare systems. The Department of Transportation is authorized to issue permits to oversized commercial vehicles, allowing them to operate on designated routes off the interstate highway system.</p>
Georgia	<p>On June 2, 2010, Governor Sonny Perdue signed House Bill 277 to address overwhelming transportation funding shortfalls. The law increases the regional transportation sales and use tax by 1 percent in 12 newly established special tax districts. A portion of the revenue generated by these taxes will go directly to the districts. In 2012, voters in each district will decide through referendum whether to approve the tax increase and select a list of projects. A Coordinating Council for Rural and Human Services Transportation also is created to encourage efficient human service transportation service delivery in the rural areas of the state and assess the possibility of creating a statewide integrated transportation system.</p> <p>House Resolution 1715 attempted to create a House Motor Fuel Tax Study Committee to examine the conditions, needs, issues and problems associated with raising the gasoline tax. House Bill 1186 exempts property that qualifies as a public-private transportation project from ad valorem taxes. Senate Bill 305 increases the total that the DOT may contract for using the design-build method to no more than 30 percent of the total amount of construction projects awarded in the previous fiscal year, and 15 percent as of July 1, 2014.</p> <p>Georgia passed two laws related to cell-phone use while driving. Senate Bill 360 prohibits reading, writing or sending text messages while driving; and House Bill 23 makes it unlawful for a driver under age 18 to use a handheld device at all while driving, except in emergencies.</p>

APPENDIX. MAJOR STATE TRANSPORTATION LEGISLATION (CONTINUED)

State/ Jurisdiction	Major Transportation Legislation
Hawaii	<p>House Bill 134 requires applicants for driver's licenses and instruction permits to submit proof that they are legally in the United States. It requires driver's licenses or instruction permits of legal non-immigrants to expire no later than the date of the legal non-immigrant's authorized period of stay in the United States. It also establishes a standard fee for all driver's license applicants who require verification through the federal system for legal presence in the United States.</p> <p>Senate Bill 2897 amends Hawaii's 2009 ignition interlock law. It adds provisions for indigent offenders and provides penalties for tampering. House Bill 981 amends Hawaii Act 171, Session Laws of 2008, to reflect recommendations of the Ignition Interlock Implementation Task Force. It requires that an installation surcharge be remitted to the director of transportation and used to fund the cost of installing and operating ignition interlock devices in the vehicles of those who are required to install the device but are indigent.</p> <p>Senate Bill 2789 did not pass; it would have increased the state fuel tax and directed the increase to the school transportation revolving fund.</p>
Idaho	<p>House Bill 600 allows the use of design-build, construction manager and general contractor contracts on state highway projects. It contains provisions for bids, contracting methods, budget limits and awarding criteria. It establishes procedures for evaluating proposals and allows the DOT to pay a stipend to unsuccessful design-build firms.</p>
Illinois	<p>The Illinois legislature proposed seven bills concerning public-private partnerships (PPPs) this year. Senate Bill 3659 makes it possible for the Department of Transportation to enter into public-private agreements concerning the Illiana Expressway, requires a competitive process and sets provisions for user fees and tolls. Senate Resolution 806 creates the Illinois and Midwest High-Speed Rail Commission to prepare recommendations on the best public-private partnership structure to design, build, finance, maintain and operate a high-speed rail system for Illinois and the Midwest.</p> <p>Illinois also passed many traffic safety laws in 2010. Among them is Senate Bill 3796, which creates Chris and Katie's Law. Under this law, an individual traveling at an excess of 30 miles over the speed limit but under 40 miles over the speed limit is guilty of a Class B misdemeanor. The individual will not be eligible for probation, conditional discharge or disposition of supervision. House Bills 71 and 72, respectively, prohibit a person from operating a motor vehicle on a roadway while using an electronic communication device and from using a wireless telephone while operating a motor vehicle on a roadway in a school speed zone or on a highway in a construction or maintenance speed zone. Other safety laws relate to reckless driving, school buses, seatbelts and pedestrians.</p>
Indiana	<p>Senate Bill 382 allows designation of the Illiana Expressway—a connector between Interstate 57 in Illinois and Interstate 65 in northwest Indiana—as a tollway to be built as a public-private partnership (PPP) without further legislative approval. It applies the common construction wage statute to a project for the Illiana Expressway. The bill was amended in the House to include similar projects on the Indiana-Kentucky border. The law also requires a preliminary feasibility study and economic impact study for any proposed toll road project, to be completed, posted online and provided to the governor and Legislative Council before a request for proposals is issued. In the county where a project is located, the Indiana Finance Authority or DOT must hold public hearings to explain aspects of the project.</p> <p>Senate Bill 221 requires the court to ensure that a habitual traffic offender be sufficiently monitored. Ignition interlock devices are mentioned. Senate Bill 31 prohibits motorcycle handlebars from being above the shoulders of a seated driver.</p>

APPENDIX. MAJOR STATE TRANSPORTATION LEGISLATION (CONTINUED)

State/ Jurisdiction	Major Transportation Legislation
Iowa	<p>House Bill 2452 allows the Department of Transportation to issue a temporary restricted license, which may be used for limited purposes, if the application meets a number of criteria. If an individual is convicted of driving under the influence and submitted to a blood test, the license will be suspended for 180 days. If the individual’s blood alcohol content is more than 0.1, an ignition interlock device must be installed.</p> <p>House Bill 2456 prohibits anyone from using a handheld electronic communication device to write or send a text message while driving a motor vehicle, unless the motor vehicle is at a complete stop off the roadway; it defines text message to include a text-based message, an instant message and electronic mail.</p> <p>Senate Bill 2381 appropriates funds for transportation and makes small statutory changes. It requires a child who is at least age 6 but younger than age 18 and is being transported in a motor vehicle subject to registration, except a school bus or motorcycle, to be secured during transit by a child restraint system, a safety belt or a safety harness.</p>
Kansas	<p>Kansas addressed its transportation funding problems with House Bill 2650, which creates the Transportation Works for Kansas (T-Works) Program. The law provides for project expenditures for preservation, expansion and economic opportunity; modernization (such as widening lanes or shoulders and upgrading interchanges); and assistance to cities and counties, railroad, aviation and public transit programs. Under the law, revenues are generated by increasing registration fees; transfers are authorized from the State Highway Fund to assist transit, rail and aviation starting in 2013. The law also specifies that, between July 1, 2010, and June 30, 2020, \$8 million is to be spent in each county for transportation projects. The Department of Transportation's bonding authority is expanded and municipalities can use loans from the Transportation Revolving Fund for projects. The law allows the secretary to recommend construction of a new toll or turnpike project—if a feasibility study were to provide a favorable result—and also would allow creation of a demonstration project using design-build.</p> <p>Kansas banned text messaging while driving and made requirements for teenage motorcyclists to wear protective equipment with Senate Bill 300.</p>
Kentucky	<p>In a rare special Saturday session in late May, both chambers of the Kentucky legislature passed House Bill 4, which contains the state’s \$4.45 billion two-year road spending plan. It includes \$400 million in bonds for road construction. The law also reauthorizes the four “out years” of projects contained in the six-year road plan passed in 2009.</p> <p>House Bill 415 makes it illegal for anyone to text while operating a vehicle and for drivers under age 18 to use any form of handheld device while driving. House Bill 35 removes the obligation for removal of driving privileges if an individual convicted of theft does not pay mandated restitution. House Bill 79 expands from 5 miles to 7 miles the allowable distance one may operate a golf cart from a golf course.</p>
Louisiana	<p>Louisiana cracked down on texting while driving by making it a primary offense with Senate Bill 9. House Bill 1274 allows a restricted driver’s license to be issued with provision of an ignition interlock device in certain instances.</p> <p>House Bill 1137 includes bicycle education in the driver’s education curriculum and provides funding for bicycle-related road improvements.</p>

APPENDIX. MAJOR STATE TRANSPORTATION LEGISLATION (CONTINUED)

State/ Jurisdiction	Major Transportation Legislation
Maine	<p>The comprehensive enabling statute for public-private partnerships (PPPs), House Bill 1167, makes Maine the 29th state to authorize PPPs for highway projects. The law allows public-private partnerships for transportation projects with an estimated cost of more than \$25 million or for a project proposal that includes tolling existing transportation facilities that previously were not subject to tolls. Standards, requirements and limits on PPP projects are set. It also authorizes the DOT to use design-build contracting to deliver projects. The DOT can evaluate and select proposals based on either best value or low bid, following procurement requirements.</p> <p>House Bill 34 requires rumble strip warning signs.</p>
Maryland	<p>Maryland passed six bike and pedestrian laws. Among them is Bill 51, which requires a driver of a vehicle to pass at a safe distance and to yield the right of way when overtaking a bicycle, an electric personal assistive mobility device or a motor scooter. House Bill 282 requires the DOT to ensure an appropriate balance between funding for specified transportation projects for pedestrians and bicycle riders and specified highway construction projects, requiring the Statewide 20-Year Bicycle-Pedestrian Master Plan to be reviewed and updated in specified years.</p> <p>House Bill 1370, cross-filed with Senate Bill 979, requires the Maryland Transportation Authority to submit several reports pertaining to proposed or existing public-private partnerships (PPPs) to certain legislative committees and to the Department of Legal Services for review and comment. It also sets forth other PPP reporting and analysis requirements for state agencies, although these provisions do not apply to the state DOT or to the Maryland Transportation Authority.</p> <p>Senate Bill 602 and House Bill 710 authorize use of a high-occupancy vehicle (HOV) lane by plug-in vehicles under certain conditions, require certain agencies to consult to design a related permit, authorize a permit fee, limit the number of permits, and require filing a related report.</p> <p>Maryland created a Consolidated Transportation Plan, which is a list of projects eligible for state funding, with House Bill 1155 and Senate Bill 760. The law requires the state DOT to develop criteria for major capital transportation projects based on state goals, including those already listed in the Maryland Transportation Plan—including quality of service, safety and security, system preservation, environmental stewardship, and connectivity for daily life—and other state policies, such as goals in the state development plan and the climate action plan. Requests for transportation projects must focus on the underlying problem the project seeks to address, including project location, need for the project, and an explanation of how the project meets state transportation goals and how the project is consistent with land use plans.</p> <p>Maryland legislators also considered but did not pass House Bill 479, which would have increased the tax rates for motor fuels other than aviation gasoline or turbine fuel by 2 cents per gallon on July 1, 2010, and by 2 cents per gallon on July 1 of each year from 2011 through 2014.</p>
Massachusetts	<p>House Bill 4795 prohibits handheld electronic use by drivers age 18 and under.</p> <p>Senate Bill 2051, which did not pass, would have raised the vehicle inspection fee from \$29 to \$35.</p>

APPENDIX. MAJOR STATE TRANSPORTATION LEGISLATION (CONTINUED)

State/ Jurisdiction	Major Transportation Legislation
Michigan	<p>With Senate Resolution 129, Michigan urged the U.S. Congress to rectify the imbalance in federal transportation funding that has consistently put Michigan near the bottom of the 50 states in the percentage of tax dollars returned. The resolution also asked Congress to urge the administration to waive the matching fund requirement for federal highway dollars.</p> <p>House Bill 5461, the Private Investment Infrastructure Funding Act, allows municipalities in Michigan to enter into collaborative relationships with other public entities to develop transportation and infrastructure-related projects and to solicit private sector investment for financing public facilities through a bid process. The law also provides for tax increment financing arrangements, whereby private investors could be repaid for their investment in public facilities out of tax increment revenues pledged by collaborating municipalities.</p> <p>The state DOT wrote and proposed House Bill 4961, which would have authorized the department to enter into public-private partnerships (PPPs) for transportation facilities and allowed such partnerships to provide for reasonable tolls and other use charges, including tolls for managed lanes or congestion pricing-based tolls. This law would have been necessary to allow the proposed Detroit River International Crossing (DRIC) bridge to Canada as a joint PPP project with the Canadian government (see also Ohio), but it did not pass.</p> <p>House Bill 4394 prohibits all drivers from text messaging while driving.</p>
Minnesota	<p>As part of a large omnibus transportation policy bill, Senate File 2540 creates the Minnesota Council on Transportation Access. The council is established to study, evaluate, oversee and make recommendations to improve coordination, availability, accessibility, efficiency, cost-effectiveness and safety of transportation services provided to those who use public transit and those who depend upon others for transportation services. It encourages, but does not require, local road authorities to create and adopt complete streets policies.</p> <p>House File 2700, an omnibus bonding and capital improvement bill, provides \$43.5 million for transit construction and prioritizes bonding authorization so that fiscal year 2011 and 2012 appropriations are increased from \$100 million to \$200 million. Senate File 740 authorizes Anoka County to use design-build contracting for reconstruction of a certain intersection.</p> <p>House File 2695 repealed the lower income motor fuel credit that was part of the 2008 transportation package, designed to offset the regressive nature of the gas tax increase.</p> <p>Minnesota residents will be able to re-enter the United States from Canada without a passport, beginning in 2012. Senate File 345 created enhanced driver's licenses, containing technology and security features approved by the secretary of the U.S. Department of Homeland Security, to prevent counterfeiting and protect against unauthorized disclosure of personal information. The new licenses cost \$15 more than a regular driver's license, but still much less than a passport.</p> <p>House File 3106 made an ignition interlock pilot program permanent, although it also made numerous changes, including to require repeat and first-time offenders with alcohol concentrations of twice the legal limit or higher to use an ignition interlock device to drive legally in Minnesota. First-time offenders with alcohol concentrations of less than twice the legal limit will have the choice of a limited driver's license (under current law) or a broader license subject to the use of an ignition interlock device.</p>

APPENDIX. MAJOR STATE TRANSPORTATION LEGISLATION (CONTINUED)

State/ Jurisdiction	Major Transportation Legislation
Mississippi	<p>Senate Bill 3181 allows issuance of \$300 million in bonds for the purpose of funding highways, bridges and other transportation projects. It creates a commission—consisting of the governor, treasurer and attorney general—that votes on issuing the bonds.</p> <p>Senate Bill 2383 applies motor vehicle driving while intoxicated standards to boats as well. House Bill 1151 increases title fees for motor vehicles, manufactured homes and mobile homes and deposits the revenue in a special fund.</p>
Missouri	<p>Governor Jay Nixon signed Senate Bill 578, the Port Improvement District Act, which allows a port authority to establish a port improvement district within its boundaries to fund qualified project costs. The port authority board must hold public hearings on whether to create a port improvement district and, once it is established, voter approval is needed to levy a property, sales or use tax.</p> <p>The legislature considered, but did not pass, Senate Bill 585 to authorize the DOT to construct, maintain and operate toll facilities on the state highway system. The DOT would have been authorized to issue state toll facility revenue bonds to finance toll facility projects authorized by the General Assembly. Such bonds could have been issued without the General Assembly's consent.</p> <p>House Bill 1695 revised driving under the influence laws, including penalties and high blood alcohol provisions. House Bill 2161 clarifies that personal information used to obtain a driver's license, permit or ID card cannot be sold without individual approval. The definition of commercial purposes does not include information contained in the Missouri or federal Driver's Privacy Protection Act.</p>
Montana	No regular session.
Nebraska	<p>Legislative Bill 796 would have increased the gas tax by 5 cents to pay for completion of the state expressway system; it was not approved by the Revenue Committee.</p> <p>Legislative Bill 945 prohibits texting while driving for all drivers. Legislative Bill 924 allows for use of an ignition interlock device after a specified amount of time following a driver's license revocation.</p>
Nevada	No regular session.
New Hampshire	<p>House Bill 2010 adopts the 10-year transportation improvement plan for 2011-2020. It requires the General Court to approve capital and operating budgets before an expenditure of any state or federal money for construction of any passenger rail infrastructure. It also requires the DOT to integrate other forms of mass transit into implementation of any passenger rail service. To replace or repair the Memorial Bridge and the Sarah Mildred Long Bridge in Portsmouth, federal highway grant anticipation bonds are authorized; and a commission to study the F.E. Everett Turnpike is established.</p> <p>House Bill 1481 requires that revenue generated from turnpike tolls be used exclusively for construction and maintenance of the turnpike system.</p> <p>House Bill 99 requires increased supervised driving hours, including at least 10 at night, for completion of driver education. House Bill 34 prohibits text messaging while driving for all drivers.</p> <p>Senate Bill 321 makes changes to the state's Transportation Coordination Council. It is authorized to approve formation of local councils and issue grants to improve transportation services for local communities.</p>

APPENDIX. MAJOR STATE TRANSPORTATION LEGISLATION (CONTINUED)

State/ Jurisdiction	Major Transportation Legislation
New Jersey	<p>Assembly Bill 3014 is predicted by the executive branch to increase motor fuels tax revenues by \$18 million annually (15 percent to 20 percent) by changing the point of taxation of diesel fuel from the retail level to the level at which it is removed from a terminal at the bulk fuel storage and distribution system of refineries, pipelines, ships and barges. The point of taxation for diesel gasoline is changed from the distributor level to the terminal level.</p> <p>Assembly Bill 3009 establishes professional sports team specialty license plates and dedicates the net proceeds from issuance of those plates to the general fund. Senate Bill 733 authorizes the commissioner of transportation to provide grants and loans to public and privately owned public use airports from the Airport Safety Fund. Security, capital improvement, informational and education projects, and revenue and nonrevenue producing capital improvement and development projects are eligible for the funds.</p> <p>Senate Joint Resolution 58 creates a Passenger Rail System Study Commission to study and evaluate the passenger rail system in order to efficiently and cost-effectively use existing rail infrastructure and coordinate with commuter rail service provided by rail carriers in surrounding states.</p>
New Mexico	<p>House Bill 25 allows for driver's license renewal by mail, telephone or electronic means.</p> <p>House Bill 207 provides that the Traffic Safety Bureau of the Department of Transportation will determine eligibility of DUI offenders for assistance from the interlock device fund. A standard for indigence is determined and assistance provided from the fund is modified. At sentencing, credit is required for use of an interlock device, and the percentage of the fund allowable for administrative costs is increased.</p>
New York	<p>Assembly Bill 8180 increases certain registration and renewal fees to fund public transit. It creates the MTA (Metropolitan Transit Authority) financial assistance fund to support subway, bus, rail and para-transit services and bridges and tunnels. Senate Bill 8481 establishes the New York state infrastructure development bank within the banking department and appropriates \$250 million to carry out provisions of the act.</p> <p>Senate Bill 4647, enacted as the "Ambrose-Searles Move Over Act," requires every operator of a motor vehicle to exercise due care to avoid colliding with an authorized emergency vehicle that is parked, stopped or standing on the shoulder or any portion of a highway. Senate Bill 7439 requires those completing driver education to have at least 50 hours of driving experience before taking a road test.</p> <p>Senate Bill 8357 establishes a state high-speed rail planning board to advise the DOT on future necessary improvements to the state's rail systems to implement high-speed rail service in the state.</p>
North Carolina	<p>Senate Bill 181 changes the license renewal period to eight years for drivers age 66 years and younger and to five years for drivers over age 66.</p> <p>Senate Bill 595 allows municipalities to provide funding to the Department of Transportation with the requirement that the funds be used for improvement of state roads within municipal limits.</p>
North Dakota	<p>No regular session.</p>

APPENDIX. MAJOR STATE TRANSPORTATION LEGISLATION (CONTINUED)

State/ Jurisdiction	Major Transportation Legislation
Ohio	<p>Substitute House Bill 338 allows for single court litigation of all issues concerning an individual's driver's license in specific circumstances.</p> <p>Senate Resolution 223 expresses the support of the Ohio Senate for the construction of a new Detroit River International Crossing (DRIC) and any legislation that will allow for its construction and creation of a public-private partnership (PPP) to finance and deliver the project. However, the DRIC project required passage of enabling legislation in Michigan, which was considered but failed during the 2010 legislative session (see Michigan).</p> <p>House Bill 166, which passed the House but did not become law, would have created 24 transportation innovation authorities throughout the state that would allow the public and private sectors to partner on construction and operation of transportation projects such as rail, roads or interchanges. Projects could have been funded through special fees, dedicated sales, or income taxes or tolls.</p>
Oklahoma	<p>House Bill 2276 prohibits distracted driving.</p> <p>House Bill 2264 imposes an additional fee for motorcycle registration. The additional money collected will be deposited into a revolving fund for motorcycle safety and education.</p>
Oregon	<p>Senate Bill 1019a eliminates the required contribution for a statewide multimodal study after Dec. 31, 2009, and alters requirements for low-speed vehicle and medium-speed electric vehicle safety standards. It allows the money received by the Oregon Historical Society from issuance of Pacific Wonderland registration plates to be used for purposes other than establishing and maintaining the Oregon History Center.</p>
Pennsylvania	<p>Governor Ed Rendell called a special session to fill a \$472 million gap in the transportation budget, almost 10 percent of overall planned spending. Pennsylvania had planned to toll Interstate 80 (I-80), which would have generated up to \$950 million in annual revenue after 2011. However, federal officials rejected the plan because of a law that prohibits the use of revenues gained from a federally funded road for other projects. The legislature debated short- and long-term financing solutions, including proposals to levy a tax on oil company profits; hike various transportation fees; involve commercial firms more heavily in building roads and bridges; and contract out highway maintenance to private companies. None of the measures passed, despite the loss of anticipated toll revenues.</p> <p>Bills passed in the regular session include House Bill 67, which requires an increase in practical driving requirements for learner's permits, prohibits use of wireless communication devices, imposes a teenage driver passenger restriction, and makes cell phone use a primary offense for junior drivers. House Bill 1510 and Senate Bill 693—carried over from 2009—as well as House Bill 9a would have established public-private partnerships (PPPs), but none of these bills made it to the governor's desk.</p> <p>With Senate Resolution 146, the legislature also directed the Legislative Budget and Finance Committee to conduct a study of the feasibility of providing passenger rail service between Wilkes-Barre and Scranton in conjunction with the proposed restoration of a larger passenger rail line connecting New York City.</p>

APPENDIX. MAJOR STATE TRANSPORTATION LEGISLATION (CONTINUED)

State/ Jurisdiction	Major Transportation Legislation
Rhode Island	<p>House Bill 7118 makes it a felony for anyone to drive under the influence of intoxicants whose license to operate is suspended, revoked or cancelled for operating under the influence of a narcotic drug or intoxicating liquor. Senate Bill 2706 makes it a violation to unsafely pass a bicyclist; the penalty is a fine of \$85.</p> <p>House Bill 7498 authorizes and directs the Rhode Island public transit authority to develop the John J. MacDonald Jr. Transportation Initiative for a statewide, federally funded New Freedom Program. Goals of the program are to reduce barriers to transportation services and expand available transportation mobility options for people with disabilities who need wheelchair accessible transportation beyond the requirements of the Americans with Disabilities Act (ADA) of 1990.</p> <p>Senate Bill 2132, which was introduced but did not pass, would have allowed public-private partnerships (PPPs) for greater private sector participation in delivery of transportation projects. The legislature also defeated Senate Bill 2247 (House Bill 7845), which would have created a study to examine the desirability and feasibility of a vehicle miles traveled (VMT) tax. However, on June 11, the Senate approved Senate Bill 3023, which created a special legislative commission to be known as the Study Commission on Sustainable Transportation Funding. The commission will comprehensively examine issues relating to development and implementation of new funding sources for the DOT and the Rhode Island Public Transit Authority as replacements for or supplements to the current gasoline tax.</p>
South Carolina	<p>Senate Bill 749 creates a Division of Railroad Transportation within the Department of Transportation.</p> <p>The House passed the Transportation Infrastructure Funding Flexibility Act (House Bill 4033) to address the state DOT's \$29.3 billion shortfall. The act authorizes creation of public-private partnerships (PPPs) for new capacity transportation facilities, but only if a PPP is in the public interest. The DOT must post the public interest analysis online.</p>
South Dakota	<p>Although it was not enacted, Senate Bill 1 would have increased certain registration fees and taxes for using motor vehicles on the public highways, increased from five years to 10 the age limit on vehicles for reduced license fees, and increased the motor fuel tax from \$0.22 per gallon to \$0.27 per gallon in 2010, and from \$0.27 per gallon to \$0.32 per gallon in 2012.</p> <p>House Bill 1046 repeals statutes that formerly gave design-build authority to public corporations and creates new provisions that authorize public agencies to enter into design-build contracts. It specifically excludes from design-build authorization any highway construction contract entered into by the state DOT. House Bill 1069 allows religious organizations to transport sacrificial alcoholic beverages.</p>
Tennessee	<p>After 12 fatal crashes in construction zones in 2009, lawmakers approved legislation aiming to curb the number of deaths in work zones due to reckless driving. The measure, Senate Bill 2882, adds to the list of charges that can be considered under the state's vehicular homicide law cases that are caused by the driver's knowing failure to exercise due care in a work zone and result in the death of a construction worker or a state DOT employee. The crime is punishable as a Class D felony.</p> <p>Senate Bill 3057 allows bicyclists to proceed through a stop light if they cannot trigger the vehicle detection device if one is in use. Senate Bill 2965 creates a fund for ignition interlock devices for the indigent.</p> <p>On May 10, 2010, the House passed House Bill 3725, as amended. The law urges the state DOT to study permit fees imposed on movement of oversize and overweight freight motor vehicles and to report the results to the transportation committee of each chamber of the General Assembly no later than Jan. 1, 2011.</p>

APPENDIX. MAJOR STATE TRANSPORTATION LEGISLATION (CONTINUED)

State/ Jurisdiction	Major Transportation Legislation
Texas	<p>Although Texas had no regular session, House Speaker Joe Straus appointed a special interim committee to study transportation funding as it relates to the methods for improving safety on Texas roadways. The committee is to study funding levels of crash prevention programs directed toward pedestrians, bicyclists, motorcyclists and other vulnerable road users; explore ways to improve safety for roadside workers; study the safety and efficiency of the existing agriculture-related transportation infrastructure; and consider the air, ground and rail transportation needs of rural Texas and analyze the effect on economic development.</p>
Utah	<p>House Bill 57 extends until July 1, 2015, the sunset of the provision in Utah Code Ann. §63G-56-502 that authorizes a transportation agency to award, under certain circumstances, a design-build contract for a transportation project that has an estimated cost of \$5 million or less. Senate Bill 30 recodifies all local option transportation taxes. It requires no major changes, but standardizes the process for adopting a new local option transportation tax by requiring all newly implemented local options to be voter approved.</p> <p>Senate Bill 170 allows a judge to suspend the driver's license of anyone convicted of careless driving that results in death. House Bill 93 modifies motorcycle helmet laws to waive an \$8 fine for a moving violation if the motorcyclist is over age 18 and was wearing protective headgear. With House Bill 234, Utah became the 25th state to oppose the REAL ID Act. It prohibits the state from complying with the REAL ID Act and requires the DOT to report to the governor any attempt by the federal government to secure implementation of the act.</p>
Vermont	<p>House Bill 784, signed into law on May 12, recommends \$596 million in transportation spending for FY 2011 (including \$13.5 million from ARRA) to fund projects such as bridge maintenance and a Burlington-to-Albany, N.Y., rail line.</p> <p>Senate Bill 280 bans all drivers from sending, reading or writing text messages while operating a vehicle and further prohibits all cell phone use for drivers under age 18. Senate Bill 103 makes it possible for the Department of Motor Vehicles to issue a special license to anyone whose driver's license was revoked due to alcohol use, provided an ignition interlock device is installed.</p> <p>House Bill 540 provides protection on roadways for vulnerable users. It requires motor vehicles to share the road and pass with care and prohibits occupants of vehicles from throwing objects or substances at vulnerable users. Use of hand signals, lamps and headlights are specifically required for bicyclists.</p>
Virginia	<p>House Bill 1159 expands the classifications of vehicles that motorists must pass with care. Now, both emergency vehicles—such as police cars, ambulances and fire trucks—and vehicles displaying flashing amber lights, such as highway work vehicles, require the same standards of caution from other drivers. Senate Bill 219 requires seat belt use by all passengers under age 18 in the rear seats of vehicles.</p> <p>House Bill 214 and Senate Bill 552 amend and reenact Va. Code §33.1-46.2, which allows the Commonwealth Transportation Board to designate one or more lanes of any highway as high-occupancy vehicle (HOV) lanes. The amendment extends until July 1, 2011, the sunset on use of HOV lanes by clean special fuel vehicles, regardless of the number of occupants. Senate Joint Resolution 63 requests the Virginia Department of Rail and Public Transportation to study funding of high-speed and intercity passenger rail operations and recommend to the General Assembly the most efficient and beneficial funding method. If passed in 2011, carry-over bills House Bill 808 and Senate Bill 550 would provide for coordination of local transportation planning with the DOT and the Virginia Department of Rail and Public Transportation.</p> <p>Senate Joint Resolution 94 establishes a joint subcommittee to examine the desirability and feasibility of replacing the state motor fuel tax with a mileage-based fee predicated on vehicle miles traveled in Virginia. The final budget bill (House Bill 30) includes a \$50 increase in the driver's license reinstatement fee, a \$2 increase in the vehicle registration fee, and a \$1 per mile-per-hour increase in the speeding fine.</p>

APPENDIX. MAJOR STATE TRANSPORTATION LEGISLATION (CONTINUED)

State/ Jurisdiction	Major Transportation Legislation
Washington	<p>Washington proposed an \$8.5 billion 2009-2010 Transportation Budget in House Bill 2832. On March 15, 2010, it was reintroduced in the first special session but did not become law. The bill would have increased net spending authority by about \$1 billion. Much of the authority increase would have gone to the Washington State DOT Rail Capital Program to implement the ARRA high-speed rail grant funds, and to the DOT's Improvements Program to address accelerated activity on projects such as the SR 520 bridge replacement and corridor improvements. The amendment to the Transportation Budget was introduced to reflect a decline in state revenues since enactment of the budget bill, receipt of additional federal funds, reduced spending expectations resulting from lower inflationary projections, a reprogramming of unfinished work from the previous fiscal biennium, acceleration of some projects, and emergent operating expenses.</p> <p>Senate Bill 6381 requires the state DOT to consider moving to all electronic tolling on the Tacoma Narrows Bridge and to review the high-occupancy toll (HOT) lanes pilot project. The DOT also is considering synchronized traffic lights and a pilot program that expands private transportation providers' access to high-occupancy vehicle (HOV), transit-only lanes and certain park-and-ride facilities.</p> <p>Senate Bill 6345 makes text messaging and handheld cell phone use primary offenses. House Bill 2466 regulates ignition interlock devices, including maintenance, installation and recordkeeping. House Bill 2742 allows those convicted of an applicable offense out of state to apply for an ignition interlock device.</p>
West Virginia	<p>The West Virginia Community Empowerment Transportation Act, Senate Bill 352, authorizes county commissions to issue general obligation bonds for acquiring, maintaining or improving public roads and transportation facilities. It also authorizes counties to impose user fees (upon voter approval) and issue special revenue bonds to finance transportation projects within their counties. The commissioner of highways is authorized to consider pilot programs for testing technology and methods to collect mileage fees for vehicles.</p>
Wisconsin	<p>House Bill 496 prohibits texting while driving for all drivers. Senate Bill 303 requires an intoxication test if an individual is involved in an accident that causes substantial or great bodily harm or death; arrest is possible if the individual refuses.</p> <p>Senate Bill 511 and Assembly Bill 723 would have enabled transit in Kenosha, Milwaukee, Ozaukee, Washington, Racine and Waukesha counties through formation of an interim regional transit authority (IRTA) in each county. A broad range of transit types could have been provided by IRTAs, including bus, fixed guideway (other than the KRM [Kenosha-Racine-Milwaukee] commuter rail line), ride sharing, specialized transportation and any other form of mass transit. The companion bills also would have provided incentives for increased transit services by an IRTA and for succession of the IRTAs by Southeastern Regional Transit Authority (SERTA) if certain revenue and service thresholds were reached by at least three IRTAs. The bills failed to pass before the session adjourned in April.</p>
Wyoming	<p>The Legislature considered Senate File 35, sponsored by the Joint Transportation, Highways and Military Affairs Interim Committee, which would have allocated \$350,000 to create a program to study, plan for and implement tolling on Interstate 80 (I-80).</p> <p>Senate File 20 prohibits texting while driving for all drivers. Senate File 19 alters laws related to blood alcohol content while driving and the administration timeline for intoxication tests.</p>

APPENDIX. MAJOR STATE TRANSPORTATION LEGISLATION (CONTINUED)

State/ Jurisdiction	Major Transportation Legislation
District of Columbia	<p>Bill 191 requires installation of sidewalks to ensure a safe and accessible environment for pedestrians and those with disabilities. Sidewalks must be installed on at least one side of the street on road segments that lack sidewalks on both sides, road reconstruction areas, or curb and gutter replacement areas. The Department of Transportation is exempted from these requirements when damage to park land could occur from sidewalk construction.</p> <p>Bill 635, which did not pass before the session adjourned, would have authorized several project delivery methods—including construction management at risk, design-build, design-build-finance-operate-maintain, design-build-operate-maintain, and operations and maintenance projects—for procurements relating to public roads and streets, highways, public transportation systems, terminals and rolling stock, rail, and other public facilities and services. The legislation would have given the DOT director procurement authority, including contracting and contract oversight, consistent with this act, for bridges and roads or for any other goods and services determined to be procured independently of the newly established Office of Contracting and Procurement.</p>
Guam	<p>Substitute Bill 315-30 exempts taxicabs from child safety belt and restraint requirements.</p> <p>Bill 293-30 and Substitute Bill 282-30 provide for certain license plates, decals, placards and special notations on licenses and identity cards for those with hearing or speech impairment, in compliance with ADA standards.</p>
Puerto Rico	<p>House Bill 1832 allows melanoma patients to renew their permits every six years for windshield and window dyes used to protect themselves.</p>



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