

Virginia Legislative Record

Volume 23 Issue 3

August 2013



Virginia Division of Legislative Services



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Joint Commission on Transportation Accountability

Technology Subcommittee

May 20, 2013

The Joint Commission on Transportation Accountability (Commission) Technology Subcommittee (Subcommittee) met in Richmond with Subcommittee chair, Delegate James LeMunyon, presiding. He noted topics referred by the full Commission to the Subcommittee: open-lane tolling technology, the status of the quiet pavement study by the Virginia Department of Transportation (VDOT) and the Virginia Center for Transportation Innovation and Research, and geosynthetic materials in road construction.

Geosynthetic Materials in Road Construction

Fred Chuck, TenCate MIRAFI
Geosynthetics

Mr. Chuck discussed the use of geosynthetic materials in road construction. The presentation focused on the materials used, the uses of the materials in construction, and the relative costs. Senator Frank Wagner and Delegate Joe May both provided examples of the use of geosynthetic materials in their businesses and how well the materials had worked. Mr. Chuck answered numerous questions regarding which states use geosynthetic materials and why Virginia does not use geosynthetics in road construction.

Electronic and Open-Lane Tolling

Angela Gray, General Manager,
Richmond Metropolitan Authority
Greg Le Frois, Vice President,
HNTB Corporation

Ms. Gray discussed the history of tolling within the Richmond Metropolitan Authority, the future of electronic tolling and open-lane tolling technology, and the growth of these trends in Richmond. Mr. Le Frois spoke about national trends in tolling. Discussion by the Subcommittee moved toward tolls as a user fee. Members also asked questions about tolling on older structures such as the "Nickel Bridge."

Tony Adams, Vice President of
Development and Major Projects,
Transurban USA, Inc.

Mr. Adams discussed open-lane tolling technology and the all-electronic tolling currently in use on the Interstate 495 Express Lanes. His presentation focused on the challenges of all-electronic tolling and the future of all-electronic tolling.

June 19, 2013

The Subcommittee met again in Richmond with Delegate James LeMunyon, Subcommittee chair, presiding.

Virginia Quiet Pavement Implementation Program

Dr. Jose Gomez, Director, Virginia
Center for Transportation and
Innovation Research

Dr. Gomez updated the Subcommittee on the status of the Virginia Quiet Pavement Implementation Program since his presentation during the 2012 interim. A member mentioned the improvement in visibility under rainy conditions that is attributable to the decrease in rain spray on quiet pavement. Dr. Gomez answered questions focused on the viability of quiet

Tolling Subcommittee

July 16, 2013

The Tolling Subcommittee (Subcommittee) met in Richmond with Delegate Joe May, Commission and Subcommittee chair, calling the meeting to order.

The Joint Commission on Transportation Accountability Tolling Subcommittee heard information about the future of tolling in the Commonwealth.

pavement in Virginia and concerns about the lack of cold weather that is necessary to adequately test the durability of quiet pavement materials. The members asked Dr. Gomez if other states were using quiet pavement and whether or not those states had cold weather findings. (Members were provided this information by staff after the meeting.)

Automobile Propulsion Trends

Julie Becker, Vice President of Environmental Affairs, Alliance of Automobile Manufacturers

Ms. Becker spoke on trends of automobile propulsion, including statistics on the number of hybrid, clean diesel, and electric vehicles that are available to consumers. Her presentation included data on the types of changes consumers usually make when purchasing a new vehicle.

Clean Diesel Technology

Nicole Barranco, Volkswagen Group of America, Inc.

Ms. Barranco spoke on clean diesel technology. Discussion focused on the policy recommendations made by Ms. Barranco in her presentation.

Traffic Management Technology

Dean Gustafson, State Operations Engineer, Virginia Department of Transportation

Mr. Gustafson described the purposes and operating regions of the operations program and how the program provides information and awareness to VDOT and the public. VDOT has launched a new 511 service that provides traffic information.

Next Meeting

Delegate LeMunyon thanked everyone for their presentations, all of which can be found on the Commission's website, and noted that no further meetings of the Subcommittee are planned during the 2013 interim.

Future of Tolling

John Lawson, Chief Financial Officer, Virginia Department of Transportation

Mr. Lawson briefed the Subcommittee on the future of tolling in Virginia. He told the Subcommittee that Virginia has had toll road facilities since the legislature authorized the first toll road in America in 1772. At present, there are 10 operating toll facilities in the Commonwealth, but only two of them (the George P. Coleman Memorial Bridge and the Powhite Parkway Extension) are operated by VDOT. The rest are operated by local governments or by regional authorities. Mr. Lawson also reviewed for the members the trend toward cashless tolling with open road tolling (where tolls can be paid through use of electronic transponders or through cash payments at toll booths) or all-electric tolling (where tolls are collected through use of transponders or through video tolling without transponders). Either method is conducive to reducing congestion, delays, and emissions while improving safety.

The members were further briefed on plans for tolling the Downtown and Midtown Tunnels and MLK Extension in Hampton Roads. The members also received information about the complications occasioned by a court decision that imposition of tolls to finance highway improvements through the Public-Private Transportation Act were unconstitutional, since the tolls constituted a "tax" on users not directly authorized by the General Assembly. This finding has been appealed to the Supreme Court of Virginia, and the case is expected to be heard in September of this year. A ruling in the case is anticipated prior to the planned start of tolling of the facilities. Mr. Lawson also outlined VDOT's plans for tolls on Interstate 495 and Interstate 95 in Northern Virginia and the U.S. Route 460 corridor between Petersburg and Suffolk.

The presentation concluded with an explanation of the origins of electronic tolling in Virginia (beginning with the FasToll program in

1996) and its evolution into today's E-ZPass program.

2013 Legislation

The Subcommittee took up legislation offered during the 2013 Regular Session of the General Assembly (HBs 1302 and 1779) that would have prohibited or limited the charging by VDOT of monthly fees for transponders used in the automatic electronic tolling payment program in Virginia. The discussions involved the patrons of both pieces of legislation; the Commission chair; Martha Mavredes, the Auditor of Public Accounts; and VDOT representatives. The discussion included consideration of monthly transponder fees, monthly transponder fees only for infrequently used transponders, prohibition on transponder fees (with lost revenues made up from increased tolls), and direct sale of transponders to users. The Subcommittee received an assurance by VDOT that no revenues from HB 2313 (the enhanced transportation funding bill approved by the 2013 Regular Session) are being used or will be used to support the E-ZPass program. No action on the issue was taken by the Subcommittee for the present.

Clean Special Fuels Vehicles

Paul Szatkowski, Virginia Department of Transportation Operations Division

Mr. Szatkowski briefed the Subcommittee on the impact of clean special fuels vehicles on the level of service on HOV facilities. Mr. Szatkowski began with an explanation of the provisions of MAP21 (Moving Ahead for Progress in the 21st Century, the acronym for the federal transportation reauthorization bill signed into law on July 6, 2012) dealing with HOV-facility operating performance requirements. He reviewed for the members the law's requirements that "degradation" of service on an HOV facility through use of the facility by non-HOV vehicles (such as the clean special fuels vehicles allowed by Virginia law to use HOV facilities) could result in the discontinuation of use of HOV facilities by such vehicles. He pointed out that the Commissioner of Highways reported to the chairs of the House and Senate Committees on Transportation, pursuant to § 46.2-749.3 of the Code of Virginia, that Interstate 66 between the Capital Beltway and Route 243 (Nutley Street) met the federal law's qualifications as "degraded" and that this degradation has continued into 2013. Mr.

Szatkowski told the Subcommittee that discussions are underway with the Federal Highway Administration, pursuant to MAP21, as to possible remedies to the degradation of service on Interstate 66, including a ramp project from the HOV lanes to Route 243 that would improve ease of ingress and egress for transit vehicles (thus improving overall traffic flow) and implementation of an Active Traffic Management program to better manage existing capacity for the Interstate 66 corridor outside the Beltway.

Vehicle Subcommittee

July 16, 2013

The Joint Commission on Transportation Accountability Vehicle Subcommittee (Subcommittee) met in Richmond with Senator Frank Wagner, Subcommittee chair, presiding.

SB 1038 (2013)

Ellen Marie Hess, Assistant Commissioner for Legal and Governmental Affairs, Virginia Department of Motor Vehicles

Ms. Hess spoke on SB 1038, which became effective July 1, 2013, and deals with nonconventional vehicles; plans for the Virginia Department of Motor Vehicles (DMV) Phase II study of nonconventional vehicles; and related legislation likely to be offered during the 2014 Session.

Ms. Hess explained that SB 1038 dealt with four types of vehicles: low-speed vehicles, all-terrain vehicles, motorcycles, and mopeds.

LOW-SPEED VEHICLES

Beginning in the fall of 2013, low-speed vehicles, although they already are titled and registered with DMV, will bear license plates of a unique design, including the words "low speed," at the request of law enforcement.

ALL-TERRAIN VEHICLES

For all-terrain vehicles, the 2013 act, at the request of the industry, amended the definition of "all-terrain vehicle" to accommodate newly designed off-highway vehicles entering the market.

MOTORCYCLES

Motorcycle operators, as of July 1, will find that there are now three kinds of motorcycle

The Joint Commission on Transportation Accountability Vehicle Subcommittee heard information about SB 1038 (2013), which deals with nonconventional vehicles.

classifications for motorcycle operators: one for operators of two-wheeled vehicles, one for operators of three-wheeled vehicles, and one for operators of both two-wheeled and three-wheeled vehicles.

MOPEDS

Beginning July 1, 2013, moped riders must wear helmets and eye protection if the vehicle has no windshield.

The changes dealing with mopeds were more extensive. Beginning July 1, moped riders must wear helmets and eye protection if the vehicle has no windshield. Moped operators must carry government-issued photo identification displaying the operator's name, address, and date of birth. Beginning July 1, 2014, mopeds operating on public highways in Virginia will be required to be titled and registered with DMV. Regardless of these changes, though, mopeds will still not be required to be insured or be subject to state safety inspections in the way that other motor vehicles are.

In the coming months, DMV's further study of mopeds will likely include dealer licensure, passenger restrictions, juvenile operator restrictions, limitation of operation to highways with speed limits no greater than 35 mph, possible changes in penalties for certain violations, and clarification on DUI restrictions applicable to operation of mopeds. This ongoing study will probably look, too, at new sorts of nonconventional vehicles just coming onto the market.

DMV will keep the Subcommittee abreast of its other studies involving nonconventional vehicles as those studies go forward.

SB 736 (2013)

SB 736 prohibits "dooring" by requiring that drivers and passengers wait for a reasonable opportunity to open vehicle doors on the side adjacent to moving traffic. Unfortunately, the patron, Senator Chap Petersen, was unable to attend the meeting and explain the legislation, but staff supplied members with copies of the legislation, summaries of its provisions, and a report of the actions taken on the legislation in the Senate and the House of Delegates, to the point where it was defeated by a tie vote in the House Transportation Committee. The members informally agreed to take up this legislation again at a future meeting. Staff was requested to seek to arrange more comment from interested parties, particularly bicyclists.

HB 1948 (2013)

The day's last item of business was discussion of HB 1948, which provides a definition of "tow" to be used in connection with towing of trespassing vehicles and consumer complaints regarding towing of vehicles without their owners' permission. The bill passed the House of Delegates, but was referred to the Commission by a vote of the Senate Transportation Committee. The patron, Delegate Tony Wilt, explained that his intention in offering the bill was to provide in the Code of Virginia a definition of "tow" that had been a part of regulations of the now-abolished Board of Towing and Recovery Operators (Board). Delegate Wilt was supported by a constituent of his who is a towing and recovery operator in Harrisonburg. It was explained that the inclusion of a definition of "tow" in the Board's regulations had helped bring uniformity to the towing industry, and it was feared that the loss of that definition as the result of the abolition of the Board would lead to chaos. The members entertained the possibility that any similar legislation offered in the 2014 Session might benefit from being offered in the Senate (instead of in the House) or perhaps being introduced in both houses.

Funding Subcommittee

July 17, 2013

The Funding Subcommittee (Subcommittee) met in Lynchburg, with Senator Steve Newman, Subcommittee chair, presiding. He noted the topic referred by the full Commission to the Subcommittee was the impact of HB 2313, Chapter 766 of the 2013 Acts of Assembly.

Funding for Rail and Public Transportation

Amy Inman, Acting Planning and Mobility Programs Administrator, Virginia Department of Rail and Public Transportation

Ms. Inman's presentation focused on the impact of the legislation on the Virginia Department of Rail and Public Transportation (DRPT), specifically the \$300 million for the Dulles Corridor Metrorail Project, the designated revenue for the Intercity Passenger Rail Operating and Capital (IPROC) Fund, and the increase to transit funding. She also

discussed the regional impacts of the legislation. In response to questions about the demonstration of the Conventional Speed Train Service and when it will arrive in Roanoke, Ms. Inman replied that capacity studies are currently underway for the Roanoke service.

Funding for Highways

Laura Farmer, Director, Financial Planning Division, Virginia Department of Transportation

Ms. Farmer spoke about funding for highways. Her presentation also focused on the impact of the legislation, the estimated additional \$4 billion in statewide transportation revenues, and an expected \$33.2 billion of new revenue during the FY 2014-2019 Six-Year Financial Plan. Ms. Farmer explained that the estimates from the Virginia Department of Taxation assume that the Marketplace Fairness Act (MFA) will not be successful. In response to an inquiry about the allocations for bridges, Ms. Farmer explained that many of the projects rehabilitating bridges also qualify as high-priority projects and that she will provide additional information to the Subcommittee. Ms. Farmer also responded to questions about the definitions of the ratings and whether or not they include weight.

Both presentations to the Subcommittee can be found on the Commission's website.

Full Commission

July 22, 2013

The full Commission met in Fairfax with Delegate Joe May, chair, presiding. In brief opening remarks, the chair mentioned that, in addition to members of the Commission, the members of the House and Senate Committees on Transportation as well as members of the Northern Virginia Transportation Authority (NVTA) and the Northern Virginia Transportation Commission (NVTC) had been invited to attend the meeting. He pointed out that passage of HB 2313 earlier this year was "a big deal." He expressed his hope that the presentations would provide both the NVTA and NVTC a better understanding of what HB 2313 will and will not do.

HB 2313 (2013)

Anne Oman, House Appropriations Committee Staff

Ms. Oman gave a comprehensive overview of the provisions of HB 2313. She explained that HB 2313 was the most comprehensive piece of transportation funding legislation enacted by the General Assembly since 1986. The legislation, as finally enacted into law, was a compromise bill that merged elements of the Governor's original proposal with several elements from a variety of House and Senate bills and provided a statewide package that is expected to generate approximately \$850 million annually (when fully implemented in five years) from a combination of existing and new revenue sources. The bill includes regional "self-help" packages for both Hampton Roads and Northern Virginia—two regions in which national studies have estimated that traffic congestion causes a collective annual economic loss of \$3.7 billion per year. When HB 2313 is fully implemented, Hampton Roads will generate about \$220 million each year and Northern Virginia about \$325 million annually.

Ms. Oman explained that the legislation seeks to replace a static cents-per-gallon motor fuels tax with both new revenues and a dedication of some existing general fund revenues to transportation. More specifically, the measure replaces the existing 17.5 cents-per-gallon motor fuels tax with a 3.5 percent motor fuels tax (imposed at the rack), imposes a six percent diesel fuel tax (also imposed at the rack), and increases the motor vehicle titling tax from three percent to 4.15 percent. Availability of some other revenues for transportation purposes will depend upon congressional approval of the MFA, which provides for the imposition of Virginia sales taxes on out-of-state retail sales. The influx of new revenues will eliminate the transfer of state construction funding to maintenance programs and increase the construction program by nearly 50 percent, mitigate reductions in state and federal revenues, make possible significant efforts focused on pavement rehabilitation, and encourage enhanced partnerships with local governments to deliver transportation solutions. More specifically, HB 2313 will generate additional revenues in Hampton Roads and Northern Virginia to address the regions' special transportation needs, while also establishing dynamic funding for intercity passenger rail, mass transit, and debt service programs.

The statewide transportation package that passed in 2013 is expected to generate approximately \$850 million annually (when fully implemented in five years) from a combination of existing and new revenue sources.

*HB 2313 (2013)
has two “trigger
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purposes.*

The legislation provides for regional transportation plans and funding for those plans in Hampton Roads and Northern Virginia. As to Hampton Roads, funding would be derived from additional general and motor fuels sales taxes and may be used only for construction projects on new or existing roadways, bridges, and tunnels as approved by the regional transportation planning organization. The Northern Virginia regional plan includes three new regional revenue sources: an increased general sales and use tax, a grantor’s tax based on the value of property sold and imposed on the seller, and a nightly transient occupancy tax. Thirty percent of the Northern Virginia regional funds are to be returned to localities to which they are attributable for use as determined by the locality for urban or secondary road construction, other capital improvements that reduce congestion, and other transportation capital improvements approved in the most recent long-range transportation plan adopted by NVTVA. The remaining 70 percent of these revenues are dedicated to regional projects as determined by NVTVA.

Ms. Oman concluded her presentation by drawing attention to two “trigger mechanisms” intended to prevent diversion of HB 2313’s revenues to nontransportation purposes. A tenth enactment clause requires a local “maintenance of effort,” in the absence of which the affected locality cannot be the recipient of project funding the following year. A fourteenth enactment clause stipulates that additional revenues generated by HB 2313 will expire on December 31 of any year in which the General Assembly appropriates any of the funds for nontransportation-related purposes or transfers any of the funds from the regional subfunds to any other transportation fund.

The Honorable David Albo, House of Delegates

Delegate Albo discussed the evolution and intent of HB 2313 from a legislator’s perspective. He stressed that the legislation was aimed at addressing the lack of adequate revenues to fund local, regional, and statewide transportation needs. Such legislation required considerable compromise both among legislators and between the legislative and executive branches of state government. The legislation makes an increased share of general fund revenues available for transportation purposes and makes up for the loss to the general fund through tax increases. This will make possible a small increase in statewide highway maintenance, but also provide new revenues for transportation construction

projects in Northern Virginia and Hampton Roads. He concluded his presentation by emphasizing the importance of the provisions in the bill’s fourteenth enactment clause that prevent the diversion of the act’s revenues for nontransportation purposes.

Matt Strader, Assistant Secretary of Transportation

Mr. Strader spoke on the objectives of HB 2313 at the state level. He stressed that “issue number one” behind the legislation was the lack of revenues to fund highway maintenance and construction programs. Not only had there been no new transportation revenues authorized since 1986, but the buying power of existing revenues had been eroded by inflation and the amount of those revenues had been reduced by increases in vehicle miles-per-gallon fuel efficiency and by increased use of hybrid and electric vehicles. Mr. Strader concluded his comments by observing that, until the passage of HB 2313, “cross-over,” the transfer of construction funds to cover growing maintenance costs, had been a growing problem, but the bill’s reduction of dependence on motor fuels taxes to fund transportation by dedicating more general fund revenues to transportation should relieve this situation.

Thelma Drake, Director, Virginia Department of Rail and Public Transportation

Ms. Drake provided an analysis of the impact of HB 2313 on Virginia’s rail and transit programs. She pointed out that the measure would provide \$300 million for the Dulles Metrorail Corridor Project, designate a revenue source for the IPROC Fund (\$44.2 million in the first year, growing to \$56.1 million in the fifth year), and provide for increased dedicated revenues for mass transit and the IPROC Fund. In briefly discussing the MFA, she stressed that if Congress fails to pass the MFA, the alternative funding provided for in HB 2313 will be paid into the Highway Maintenance and Operating Fund, and no additional funds will be available to fund mass transit. As to intercity passenger rail service, Ms. Drake pointed out that HB 2313 will provide sufficient funding to continue and expand regional passenger train service connecting Virginia to the Northeast Corridor by funding a previously unfunded balance of \$162 million from last year, providing capital funds for intercity passenger rail projects that extend passenger rail service to Roanoke, adding two

more trains for the Norfolk-Washington route, and paying for track performance improvements of the Newport News-Richmond and Richmond-Washington routes.

Ms. Drake also briefed the members on metrics for performance-based funding for mass transit under SB 1140 (2013). This legislation was the result of a legislative study carried out pursuant to SJR 297 (2011). It retains the current formula for allocation of the first \$160 million of revenues to transit programs and provides for the establishment of a new formula for allocations beyond that threshold. This new formula is being established by a Transit Service Delivery Advisory Committee (including representatives of the Virginia Transit Association and the Community Transit Association of Virginia, the Virginia Municipal League, the Virginia Association of Counties, DRPT, and the Richmond-area Commonwealth Transportation Board (CTB) member) and the DRPT Director. Once the formula is agreed upon, its metrics will be reevaluated by the CTB (with input from the public and General Assembly oversight) every three years, followed by a one-year notice prior to implementation of any changes. Local governments and local transit operators will continue to make their own decisions with respect to their operations. A reserve fund will be established to stabilize match ratios for capital expenses and allow capital funds to be flexed into operating assistance to stabilize year-to-year fluctuations. A local match and maintenance of effort will be required.

The decision process for implementing these changes will be carried out in three phases. Phase I will be a two-year transition period (FY 2014 and FY 2015) and will affect new funding only. Performance metrics will be based on three factors: net cost per rider (weighted 50 percent), customers-per-revenue hour (weighted 25 percent), and customers-per-revenue mile (also weighted 25 percent). In Phase II, FY 2015 funding will be based on a three-year average of performance data. Phase III will evaluate the existing performance-based allocation model and analyze the metrics to determine their ease of use and effectiveness in sizing transit systems. This will be carried out by creating a work group, including transit operators, to create methods and standards to review and analyze data. Consideration will be given to research processes that could be used to reward exceptional performance and determine whether this should be a factor in funding allocations. A final report from the

work group is expected by the end of December 2014.

Capital asset tiers will also be established for the replacement and expansion of vehicles (including rolling stock, fareboxes, radios, and surveillance cameras), infrastructure and facilities (such as real estate, bus shelters, signage, and security equipment), and other assets (such as support vehicles, shop equipment, spare parts and other hardware and software, office furniture, handheld radios, and other equipment). Funds allocated for debt service and lease payments will be included in the tier that applies to the capital asset tier that is being leveraged.

Other Business

Following Ms. Drake's presentation, the chair opened the floor for comments and questions from the members and from the audience. Several members raised the possibility of an active role for the Commission in monitoring the actions of both NVTA and NVTC in making use of revenues made available to them under HB 2313. The chair suggested it might be useful for the Commission, at a future meeting, to hear from VDOT on the methodologies, technologies, and metrics used to measure traffic congestion and congestion mitigation. One member of the audience suggested that actions be taken to encourage or require greater financial contributions by Washington, D.C., to Metrorail projects and operations.

At a future meeting, the Joint Commission on Transportation Accountability may hear about the methodologies, technologies, and metrics used to measure traffic congestion.

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Did You Know?

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When Art and Architecture Speak: Virginia’s Capitol as a Civics Museum

Did you know there are more than 180 paintings, statues, historical maps, vintage photographs, and commemorative plaques on public display inside the Capitol? These interesting objects yield information about important people, events, and ideas from Virginia history. Taken collectively, these exhibited items serve to educate and inspire state employees and more than 100,000 visitors from around the world who choose to explore our Capitol each year. Visitors taking free guided tours of the Capitol offered seven days a week are able to gain a better understanding of Virginia’s important role in founding a new nation. State employees on their daily rounds through hallowed halls can gain a new appreciation for the opportunities and obligations of public service.

Inspiring Architecture

Perhaps the most compelling exhibit on Capitol Square is the iconic Capitol itself. This stately building was planned by Thomas Jefferson to be “an object and proof of national good taste.” Jefferson deliberately abandoned the English Georgian style previously used for colonial public buildings in Williamsburg in favor of a monumental Roman classical temple style Capitol, which was without precedent in the Western Hemisphere. Jefferson hoped this building would encourage the cultural improvement of his fellow citizens, raise the reputation of Virginia’s new “commonwealth” government in America, and gain the respect of foreigners from around the world. The Capitol was begun in 1785 as America’s first statehouse

constructed after the Revolution. Jefferson included rooms for Virginia’s legislative, executive, and judicial departments inside a building intended to be an architectural lesson in political sovereignty and civic virtue. Virginia’s new Capitol soon became an inspiration for numerous Virginia courthouses, other state capitols, banks, churches, and many important public buildings in Washington, D.C. Major renovations and additions to Jefferson’s original Capitol at the beginning of the 20th and 21st centuries showed respect for his original architectural intent. As Jefferson himself might have expressed it, when public buildings display order, reason, balance, genius, and taste, maybe citizens and governments will do the same.



Houdon’s statue of George Washington casts a long shadow in the Rotunda.

Photo credit: Otis Jarvis.

Rotunda Role Models

In keeping with the Greek and Roman practice of placing statues inside their classical temples, Jefferson located a life-size marble statue of George Washington (commissioned in 1784 by the Virginia General Assembly) as a centerpiece on the main floor of the Capitol. French sculptor Jean-Antoine Houdon created this impressive marble masterpiece of Virginia’s foremost statesman from life. Houdon’s portrait bust of the Marquis de Lafayette is displayed nearby. In 1930 the General Assembly, inspired by the “Hall of Fame” sculpture collection at New York University, authorized the placing of seven busts created from private funds in the Rotunda as Virginia’s “Hall of Presidents.” These marble busts honoring Thomas Jefferson, James Madison, James Monroe, William Henry Harrison, John Tyler, Zachary Taylor, and Woodrow Wilson were dedicated with impressive public ceremonies on various dates in 1931. Thoughtful viewers may recall that of the eight Virginia-born presidents honored here, three were ambassadors abroad, three were secretaries of state, four were state governors, four were commissioned officers in wartime, five served in the Virginia General Assembly, and six served in Congress. The

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Rotunda statues, as well as the oil portraits of Virginia’s last 16 governors located directly above on the third floor, are an impressive display of executive leadership for Virginia and the nation.



Mark Greenough, the author and Capitol Tour Supervisor and Historian, speaks at the dedication of a new statue to Thomas Jefferson, *Architect of Liberty*, in the Capitol extension on May 4, 2012. This statue, like most of the sculpture and many of the paintings displayed throughout the Capitol, was created with private funding. Photo credit: Maryann Horch.

Other Great Virginians

Between 1926 and 1929, the Old Hall of the House of Delegates was restored as a period museum room reflecting its appearance in the 19th century as a legislative chamber (and occasional courtroom) where great debates and defining decisions helped shape the history of Virginia and the nation. The unveiling of the bronze statue of Robert E. Lee there in 1932 was largely through the efforts of Governor Harry F. Byrd, who saw Lee as an example of selfless public service to Virginia. Governor John G. Pollard supported the 1932 Act of Assembly authorizing several new portrait busts of “Great Virginians” for the restored Old House Chamber. Private funds were used to commission

bronze and marble sculptures depicting Virginia-born governors, generals, inventors, teachers, frontiersmen, jurists, and legislators who rose to prominence from the American Revolution through the Civil War. A bronze plaque near the old Speaker’s chair recalls the seven state constitutional conventions and one federal constitutional convention held in this hall. In more recent times, the Old House Chamber has become a favorite venue for commemorative special events and some of the meetings of Virginia’s Electoral College.

Legislative Leadership in the House and Senate

Officers and members of both houses of the General Assembly have been memorialized with portraits, plaques, and photographs. A bronze plaque in the Old House Chamber lists Speakers of the House who presided there between 1788 and 1904. Framed portraits of six Speakers of the House and eight Lieutenant Governors who served as Presidents of the Senate are displayed in the current legislative chambers located in the east and west wings. Marble tablets listing all the Speakers and Clerks of the House of Delegates are displayed in the House Chamber lobby, and marble tablets listing the Senate Presidents and Clerks of the Senate of Virginia are displayed in the Senate Chamber lobby. Group photos of General Assembly members arranged by various session years are displayed on hinged panels in the House and Senate hallways near the four committee rooms located on the first floor. This September three new marble tablets will be unveiled in the first-floor lobby under the Rotunda to commemorate the 24 African Americans who served in the Virginia Constitutional Convention of 1867-1868 and the 92 African Americans who served as Delegates and Senators in the Virginia General Assembly between 1869 and 1890.

State and Nation Building

Historical maps of Virginia displayed throughout the Capitol recall the Old Dominion’s status as the first and largest English colony and the future “Mother of States.” Visitors to the Old Senate Chamber can see a large painting showing the arrival of English settlers at Jamestown in 1607 and an even

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larger painting depicting America’s final victory over the British at Yorktown in 1781, serving to illustrate Virginia’s evolution from Colony to Commonwealth. By the early 20th century, the Capitol had become a preferred setting for commemorating Virginia’s many political achievements and contributions to the nation at large. Private historical organizations, including the Daughters of the American Revolution and the Society of Colonial Dames, petitioned the General Assembly for permission to place paintings of historical events and various commemorative tablets inside the building. A painting by Jack Clifton depicting the first meeting of the Virginia General Assembly at Jamestown in 1619 was unveiled in 1969 to mark the 350th anniversary of the oldest English-speaking representative legislature in the New World. Another painting by Clifton was unveiled in 1974 depicting the adoption of the highly influential Virginia Declaration of Rights at Williamsburg in 1776. Two marble tablets elsewhere on the second floor honor the seven Virginia signers of the Declaration of Independence and the three Virginia signers of the U.S. Constitution. Another marble tablet was unveiled in 1986 to mark the bicentennial of Jefferson’s transformative Virginia Statute for Religious Freedom.

Educating Present and Future Generations

The ability of the Capitol to serve as a fine arts museum conveying enduring lessons in civics has received increasing attention in recent years. In the 1990s, House and Senate staff began offering role-playing legislative chamber programs for student groups. The modern Capitol extension that opened in 2007 contains an educational gallery space. Changing exhibits have included profiles of Virginia’s Indian tribes and pioneering women in Virginia politics. In 2012, a new visitor orientation film entitled *Keepers of the Flame* premiered at the Capitol. This film cleverly portrays a 21st-century visit of “Thomas Jefferson” and two young Virginians through the Capitol and highlights some of the paintings and sculptures on display as useful tools for telling the ongoing story of Virginia and the United States. In the spring of 2013, a new PBS documentary entitled *10 Buildings that Changed America* aired nationwide and featured Virginia’s influential

civic temple in a prominent role. As these recent films suggest, curious citizens and foreign visitors to the Capitol can learn much about the leadership and ideals that founded and continue to shape Virginia and the nation. In addition, alert state employees working in or passing through the Capitol on their daily rounds have an opportunity to rediscover the heritage of public service by re-examining the seemingly familiar spaces all around them. As a quotation from Thomas Jefferson appearing inside the public entrance reminds us: “Whenever the people are well informed, they can be trusted with their own government.”

Mark Greenough, Capitol Tour Supervisor and Historian



The Capitol reopened to the general public on May 1, 2007, after three years of construction and renovation. Photo credit: Mark Greenough.

Learn more about visiting the Virginia Capitol at
<http://www.virginiacapitol.gov>
(Visitor’s Guide navigation tab)

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Special Joint General Laws Subcommittee Studying the Virginia Public Procurement Act

July 9, 2013

The Special Joint General Laws Subcommittee Studying the Virginia Public Procurement Act (Special Subcommittee) held its second meeting of the 2013 interim in Richmond with Delegate Chris Jones, chair, presiding.

Public-Private Partnerships and Procurement in Virginia

Christopher Lloyd, McGuire Woods Consulting

Mr. Lloyd explained that the Public-Private Transportation Act (PPTA) and Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA) are alternative procurement tools existing outside of the Virginia Public Procurement Act (VPPA) available to a wide variety of public entities at the state, local, and regional levels. From the perspective of the private sector, the legislative framework that has been established for both the PPTA and PPEA creates an alternative project delivery process that is consistent, repeatable, and predictable. He noted that these alternative procurement tools allow the bundling of procurement and financing mechanisms to make the project delivery process easier and more timely. In general, the public-private partnership differs from a VPPA process in several important ways, including:

- Selection based on qualifications and best value and not just price.
- The use of both solicited and unsolicited proposals.
- Encouragement of the open exchange of ideas between public and private sectors.
- Public entity recoupment of review and transaction costs.
- Enhanced transparency and public access to proposals and contracts.
- The use of interim agreements.

Responding to comments from members of the Special Subcommittee concerning

transparency and openness of the process under the PPTA and PPEA procurement processes, Mr. Lloyd stated that the level of transparency has evolved since the inception of both acts. In particular, amendments to the PPTA and PPEA in 2005 significantly expanded public access and transparency.

Vendor Community

After the presentation, the Special Subcommittee received comment from representatives of the vendor community who registered to speak. Speakers were instructed to (i) identify the specific public procurement issue or topic to be addressed, (ii) describe the problem or concern associated with the issue or topic, and (iii) provide a recommendation to resolve the problem. A total of 11 speakers registered to deliver comments.

Patrick Cushing, Williams Mullen, P.C.
James Gehman, Virginia Society of the American Institute of Architects
Glenn Rehberger, American Council of Engineering Companies of Virginia

Mr. Cushing introduced Mr. Gehman and Mr. Rehberger. The topic of their discussion was the procurement of professional services.

Mr. Cushing noted that the procurement of professional services worked well under the current VPPA, but he expressed concern on behalf of the design community regarding the lack of an enforcement mechanism to address violations or divergences from the required procedures. Under current law, the only remedy is litigation. Mr. Cushing further stated that the design community also supported the continued importance of qualifications in procurement under alternative procurement procedures, including the PPTA, PPEA, design-build, and construction manager at risk. Mr. Gehman echoed the need for a more effective enforcement mechanism, citing the ineffectiveness of relying upon litigation by a losing bidder to enforce the law. Mr. Rehberger noted that while the VPPA is generally clear and understandable, public bodies would benefit from clarification regarding the use of term contracts. He suggested more clarification of how the selected professionals are used after the term contract has been established. Regarding procurements under the PPTA and PPEA, Mr. Rehberger stressed the need to emphasize qualifications in the selection criteria and to ensure that public bodies that are receiving the proposals have the appropriately

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skilled personnel to guarantee a good selection process.

Dan Cook, Mid Atlantic Regional Manager, The Gordian Group

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Public Procurement
Act heard comments
about competitive
negotiation.*

Mr. Cook spoke on the job order contracting (JOC) provision added to the VPPA by HB 2079 (2013), which is scheduled to become effective on July 1, 2014. He asserted that independent studies have estimated the total cost savings from JOC programs to be between eight and 15 percent. These savings are realized from increased efficiencies in procurement, design, construction, and postconstruction. Mr. Cook suggested that amendments to the VPPA incorporating JOC programs that would enhance the use of such programs by all public bodies would be to (i) raise the \$2 million per term limit for JOC contracts and (ii) eliminate the \$400,000 project fee limit. In addition, he observed that the VPPA should include a definition that encompasses all types of indefinite quantity contracts and is not limited to JOC programs. Finally, Mr. Cook noted that the VPPA is unclear regarding whether performance and payment bonds are required for a JOC contract or for the individual projects that are included under the contract.

Tonya Matthews, President and Chairman, TMG Construction Corporation

Ms. Matthews also addressed the JOC contracting provision of the VPPA. She expressed concern that the \$2 million limit would adversely affect larger public bodies, many of which have substantial experience with JOC programs and have instituted policies and procedures to assure a competitive process when awarding such contracts. Ms. Matthews suggested that rather than a hard-dollar cap on JOC contract term limits and project fees, the Special Subcommittee should consider a cap connected to the percentage of the public body's total portfolio. Ms. Matthews also suggested either requiring a public body to adopt JOC contracting procedures prior to allowing such contracts or exempting a public body that has adopted such procedures, an approach similar to the approach currently taken in the VPPA authorizing public bodies to use construction management and design-build methods.

Wanda Edwards, Coalition for Procurement Reform

The comments of Ms. Edwards focused on the use of professionals to manage construction projects and the potential for procurement irregularities under cooperative and sole source procedures. She noted that it was problematic for the design professional or contractor on a project to have any connection with the manufacturer of the materials that will be used for the same project. She also stated that group purchase entities were not subject to the same openness requirements as public bodies are when conducting procurement activities and that the lack of transparency could lead to inappropriate or illegal contract arrangements. Ms. Edwards provided copies of reports from other states citing price gouging and contract manipulation relating to unnecessary roofing repairs. She recommended that more controls be placed on the use of sole source contracts and that such contracts should be limited to \$50,000.

Hershel Keller, Esq., Petty, Livingston, Dawson & Richards, P.C.

Mr. Keller addressed what he described as the inappropriate use of competitive negotiation by some public bodies to procure construction. He stated that despite the VPPA's stated preference for using competitive sealed bidding to procure construction, certain public bodies were using competitive negotiation, which prevented all qualified contractors from having access to public business. Under the VPPA, the public body may decide to use competitive negotiation if doing so is in the public body's best interests. Mr. Keller noted that under current law there is no effective means for an offeror to challenge that decision. He contended that the use of alternative procurement methods for construction projects rather than competitive sealed bidding has adversely affected both taxpayers, by increasing project costs for the public body, and small businesses in the state, because public bodies consistently awarded projects to large contractors, some of which are not Virginia-based companies.

Mr. Keller offered several recommendations to the Special Subcommittee to alleviate the problem, including (i) requiring competitive sealed bidding if the project is expected to be less than \$10 million, (ii) restricting the use of the construction management method of project delivery to only those projects for

which the method is necessary due to the need for real-time value engineering or constructability analysis, (iii) affording the offeror or potential offeror the right to appeal a public body's decision to use competitive negotiation, and (iv) removing the exemption from the VPPA for public institutions of higher education for construction projects not expected to exceed \$10 million in total cost.

Jack Dyer, Gulf Seaboard General Contractors, Inc., and Chair, Associated General Contractors of Virginia, Inc.

Mr. Dyer focused his remarks on the use by public bodies of design-build, construction management, and construction manager at risk as alternative procurement methods. He asserted that VPPA should be strengthened to make these alternative procurement processes an exception to the normal procurement route for construction, in particular for projects that are not expected to exceed \$20 million in total costs. He noted that in the awarding of smaller public contracts, maximum competition yields the best value. When the method for participating in the procurement process becomes burdensome, asserted Mr. Dyer, then qualified contractors are excluded, thereby limiting the total pool of bidders. He noted that members of Associated General Contractors of Virginia, Inc., (AGC) were concerned about the use of construction manager at risk by public bodies with review criteria that preclude qualified firms from competing.

The comments of Mr. Keller and Mr. Dyer elicited several responses and questions from the Special Subcommittee seeking clarification on how the use of the alternative procurement processes adversely affected smaller contractors and were not ultimately beneficial to the public body. In response to these concerns, it was asserted that the issue was not whether a small contractor was qualified to complete the project, but rather whether that small contractor could afford to add layers of overhead for marketing and other costs that were not needed for the project in order to compete with larger contracting firms.

Steve Vermillion, Chief Executive Officer, Associated General Contractors of Virginia, Inc.

Mr. Vermillion also focused on the use of the alternative procurement methods to procure construction, in particular construc-

tion manager at risk. He stated that the AGC was not opposed to the method in general, but was concerned that the increased use of the process was not giving many small- and medium-sized contractors an opportunity to compete. In response to a question about why a small contractor would be unable to compete, Mr. Vermillion responded that the process favors contractors with construction manager at risk experience. Mr. Vermillion presented several recommendations for changes to the VPPA that had been approved by the AGC board of directors to serve as best practices for the use of construction management by public bodies. These changes included (i) requiring the public body to conduct a debriefing and provide full disclosure of results, including all associated documents relating to a response for qualifications and technical expertise and fee price proposals; (ii) prohibiting public bodies from requiring previous construction management or construction manager at risk experience as a prerequisite for qualification if the contractor has relevant experience with similar projects within the past 10 years; and (iii) requiring the public body to provide a written justification for using construction management or construction manager at risk in lieu of competitive sealed bidding.

Michael O'Neill, Sr., Centennial Contractors Enterprises, Inc.

The topic of Mr. O'Neill's comments was the term and project fee limitations on JOC contracts. He asserted that the \$2 million limit was too low and would reduce the cost effectiveness and potential benefit of JOC programs to public bodies. He suggested that a limit of at least \$5 million would help meet the unique needs of larger localities. The higher limit would also increase the potential savings to the public body by establishing a lower overall price per project and increasing contractor efficiency. In addition, Mr. O'Neill stated that the language relating to project fees included in the version of § 2.2-4302.2 of the Code of Virginia that will become effective on July 1, 2014, may inhibit the implementation of JOC programs because it does not fit the manner in which JOC contracts are negotiated and awarded. He explained that JOC contracts are awarded to a contractor in the form of a firm, fixed-price construction contract for each specific project based on a compilation of the sum of all individual tasks from a unit price book multiplied by the bid coefficient. Under this process, a project fee is not used by the

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JOC contractor in the development of each individual project price or submitted with the initial JOC contract. Mr. O'Neill suggested examining the language to alleviate the uncertainty.

Michael J. Filipowicz, Vice President,
HITT Contracting

Mr. Filipowicz, the final speaker of the day, also addressed the \$2 million JOC contracting limit. He stated that a statewide flat cap was not appropriate for the wide variety of contracts that JOC contracts encompass. He suggested that instead of a flat cap, the Special Subcommittee should consider flexible and adaptable controls and guidelines for using the procurement method.

A copy of the complete statements from the vendors can be viewed on the Special Subcommittee's website.

Special Subcommittee Review

At the close of the vendor community statements, there was discussion among Special Subcommittee members on how to proceed. A member requested additional information detailing the procedures for procurement using design-build, construction management, and construction manager at risk. Another member stated that among the issues that the Special Subcommittee needs to consider are components of procurement process that may cause small- and medium-sized firms to make the strategic decision not to compete. The chair added that a major area of inquiry will be the possibility of developing controls governing when and how a public body may use one of the alternative procurement methods. The chair also noted that it will be important to determine if the alternative methods ultimately resulted in the best value for the public body by providing measurable cost savings. He directed staff to contact the appropriate agency to determine the cost per square foot for a structure that is built using competitive sealed bidding as opposed to one of the alternative processes. Another member added that it would also be helpful to review how many construction projects under \$20 million were procured using one of the alternative methods as opposed to competitive sealed bidding and, in those instances where an alternative method was used, how many contractors actually bid on the project.

Next Meeting

The Special Subcommittee will continue receiving comments at its next meeting. Information about the next meeting will be posted on the Special Subcommittee and General Assembly websites as soon as it is available.

SPECIAL JOINT GENERAL LAWS SUBCOMMITTEE STUDYING THE VIRGINIA PUBLIC PROCUREMENT ACT

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http://dls.virginia.gov/interim_studies_procurement.html

*For more information,
visit study and
commission websites.
DLS staff members
maintain
comprehensive study
and commission
websites that contain
complete summaries of
meetings and links to
additional information,
handouts, and
resources.*

*The Special Joint
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Studying the Virginia
Public Procurement
Act heard several
comments about the
job order contracting
provision of the
Virginia Public
Procurement Act.*

Virginia Housing Commission

Virginia Housing Commission (Commission) work groups continue to meet during the 2013 interim. For more information, please visit the Commission website.

VIRGINIA HOUSING COMMISSION

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<http://dls.virginia.gov/vhc.htm>

Joint Commission on Technology and Science

Joint Commission on Technology and Science (Commission) advisory committees continue to meet during the 2013 interim. For more information, please visit the Commission website.

JOINT COMMISSION ON TECHNOLOGY AND SCIENCE

DELEGATE THOMAS RUST, CHAIR
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<http://dls.virginia.gov/commission/jcots.htm>

Other Legislative Commissions and Committees

The following are other legislative commissions and committees that hold regular meetings during the interim. Visit their websites to obtain full information regarding their meeting dates, agendas, and summaries.

Joint Legislative Audit and Review Commission

<http://jlarc.virginia.gov/meetings.shtml>

Virginia State Crime Commission

<http://vscc.virginia.gov/meetings.asp>

Joint Commission on Health Care

<http://jchc.virginia.gov/meetings.asp>

Virginia Commission on Youth

<http://vcoy.virginia.gov/meetings.asp>

House Appropriations Committee

<http://hac.virginia.gov/>

Senate Finance Committee

<http://sfc.virginia.gov/>

Meeting Calendar for September 2013

Virginia State Crime Commission	10:00 a.m., Tuesday, September 3, 2013—Senate Room A, GAB
JLARC	10:00 a.m., Monday, September 9, 2013—Senate Room A, GAB
Commission on Electric Utility Regulation Frank Munyan	2:00 p.m., Monday, September 9, 2013—Senate Room B, GAB
Small Business Commission Amigo Wade	2:00 p.m., Tuesday, September 10, 2013—Senate Room A, GAB
State Water Commission Marty Farber	10:00 a.m., Wednesday, September 11, 2013—House Room C, GAB
Virginia Bicentennial of the American War of 1812 Commission/Citizen Advisory Council Brenda Edwards/Jeff Sharp	Citizen Advisory Council: 2014 Legacy Symposium Subcommittee Work Groups—House Room C, GAB 10:00 a.m., Wednesday, September 11, 2013 Full Commission 2:00 p.m., Wednesday, September 11, 2013—House Room C, GAB
Virginia Housing Commission/Joint Meeting of the Neighborhood Transitions and Residential Land Use Work Group and the Affordability, Real Estate Law, and Mortgages Work Group Elizabeth Palen	10:00 a.m., Thursday, September 12, 2013—House Room C, GAB
Virginia Freedom of Information Advisory Council Maria Everett/Alan Gernhardt	1:30 p.m., Thursday, September 12, 2013—House Room C, GAB
House Appropriations Committee	9:30 a.m., Monday, September 16, 2013—9th Floor Appropriations Room, GAB
Senate Finance Committee/ Public Safety Subcommittee and Health and Human Resources Subcommittee	Time TBD, Tuesday, September 17, 2013—Location TBD
Joint Commission on Health Care/Behavioral Health Care Subcommittee	Full Commission 10:00 a.m., Tuesday, September 17, 2013—Senate Room A, GAB Behavioral Health Care Subcommittee 1:00 p.m., Tuesday, September 17, 2013—Senate Room A, GAB
JCOTS/Broadband and Education Advisory Committee and Identity Management Advisory Committee Lisa Wallmeyer	Broadband and Education Advisory Committee 10:00 a.m., Tuesday, September 17, 2013—House Room D, GAB Identity Management Advisory Committee 1:00 p.m., Tuesday, September 17, 2013—3rd Floor East Conference Room, GAB
Virginia Commission on Youth	1:00 p.m., Tuesday, September 17, 2013—House Room C, GAB
Virginia Code Commission Jane Chaffin	10:00 a.m., Wednesday, September 18, 2013—6th Floor Speaker's Conference Room, GAB
Joint Study of Local Tax Structure (Manufacturing Development Commission and Small Business Commission) Mark Vucci/Amigo Wade	10:00 a.m., Wednesday, September 18, 2013—Stafford

Meetings may be added at any time, so please check the General Assembly and DLS websites for updates.

Meeting Calendar for September 2013 (Cont'd.)

Virginia Housing Commission/Housing and Environmental Standards Work Group Elizabeth Palen	Full Commission 10:00 a.m., Wednesday, September 18, 2013—House Room C, GAB Housing and Environmental Standards Work Group 2:00 p.m., Wednesday, September 18, 2013—Senate Room A, GAB
Virginia Disability Commission/Work Groups Sarah Stanton/Tom Stevens	Work Group #1: Housing and Transportation 10:00 a.m., Wednesday, September 18, 2013—4th Flr. West Conf. Rm., GAB Work Group #2: Education and Employment 12:00 p.m., Wednesday, September 18, 2013—5th Flr. East Conf. Rm., GAB Work Group #3: Publicly Funded Services 12:00 p.m., Wednesday, September 18, 2013—5th Flr. West Conf. Rm., GAB Full Commission 2:00 p.m., Wednesday, September 18, 2013—House Room D, GAB
JCOTS/Cyber Security Advisory Committee Lisa Wallmeyer	1:00 p.m., Wednesday, September 18, 2013—House Room C, GAB
Senate Finance Committee	9:30 a.m., Thursday, September 19, 2013—10th Floor Meeting Room, GAB
Senate Finance Committee/Education Subcommittee	8:00 a.m., Thursday, September 26, 2013—Newport News

Meeting Calendar for October 2013

JCOTS/Broadband and Education Advisory Committee Lisa Wallmeyer	10:00 a.m., Monday, October 7, 2013—House Room C, GAB
Special Joint General Laws Subcommittee Studying the Virginia Public Procurement Act Maria Everett/Amigo Wade	10:00 a.m., Wednesday, October 9, 2013—House Room D, GAB
JLARC	10:00 a.m., Tuesday, October 15, 2013—Senate Room A, GAB
Senate Finance Committee	9:30 a.m., Thursday, October 17, 2013—10th Floor Meeting Room, GAB
House Appropriations Committee	9:30 a.m., Monday, October 21, 2013—9th Floor Appropriations Room, GAB
JCOTS/Intellectual Property Advisory Committee Lisa Wallmeyer	2:00 p.m., Monday, October 21, 2013—5th Floor West Conference Room, GAB
Joint Commission on Health Care/Healthy Living/Healthy Services Subcommittee	Full Commission 10:00 a.m., Tuesday, October 22, 2013—Senate Room A, GAB Healthy Living/Healthy Services Subcommittee 1:00 p.m., Tuesday, October 22, 2013—Senate Room A, GAB
Virginia Code Commission Jane Chaffin	10:00 a.m., Wednesday, October 23, 2013—6th Floor Speaker's Conference Room, GAB
Senate Finance Committee/Health and Human Resources Subcommittee	TBD, Thursday, October 24, 2013—TBD

Meetings may be added at any time, so please check the General Assembly and DLS websites for updates.

REGULATORY ALERT

A CONVENIENT GUIDE TO REGULATORY ACTIVITY IN THE COMMONWEALTH

The Regulatory Alert is intended to assist General Assembly members as they keep up with the myriad regulations being proposed by agencies in the Commonwealth. The goal of this project is to provide a timely, simple, and accurate summary of the rules that are being proposed by agencies, boards, and commissions. Highlighting regulations when they are published as “proposed regulations” gives General Assembly members notice that the critical public participation phase of the rulemaking process is well underway. It is during the public participation process that the questions of an Assembly member or constituent may be most effectively communicated to the agency and examined by the individuals crafting the regulatory proposal.

The Regulatory Alert is not intended to be a substitute for the comprehensive information on agency rulemaking activity that is currently published biweekly in the *Virginia Register of Regulations* or the notification services offered by the Regulatory Town Hall website maintained by the Department of Planning and Budget. It is hoped that this section of the *Virginia Legislative Record* will assist members as they monitor the development, modification, and repeal of administrative rules in the Commonwealth. Access the *Virginia Register of Regulations* online at <http://register.dls.virginia.gov> or contact the Code Commission staff at (804) 786-3591 for further information.

TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS BOARD OF CORRECTIONS

6VAC15-40. Minimum Standards for Jails and Lockups (adding 6VAC15-40-985).

Written public comments may be submitted until September 27, 2013.

Summary:

The proposed amendments establish procedures pertaining to the use of restraints on pregnant inmates during transportation outside the secure perimeter, during labor and delivery, during postpartum recovery, and when receiving treatment unrelated to labor and delivery. The regulations (i) include criteria and reporting requirements for use of more restrictive restraints and (ii) require staff to annually review policy related to restraining pregnant inmates.

For more information, please contact Jim Bruce, Agency Regulatory Coordinator, Department of Corrections, Richmond, VA 23261-6963, telephone (804) 674-3303 ext. 1130, FAX (804) 674-3017, or email james.bruce@vadoc.virginia.gov.

TITLE 9. ENVIRONMENT STATE WATER CONTROL BOARD

9VAC25-91. Facility and Aboveground Storage Tank (AST) Regulation (amending 9VAC25-91-10 through 9VAC25-91-70, 9VAC25-91-100, 9VAC25-91-120 through 9VAC25-91-180, 9VAC25-91-200, 9VAC25- 91-220; adding 9VAC25-91-145; repealing 9VAC25- 91-90).

A public hearing will be held on September 9, 2013, at 2 p.m. at the Department of Environmental Quality Northern Regional Office in Woodbridge and on Septem-

ber 20, 2013, at 10:30 a.m. at the Department of Environmental Quality in Richmond. Written public comments may be submitted until October 11, 2013.

Summary:

The amendments (i) incorporate new performance standards for certain aboveground storage tanks located in the City of Fairfax as mandated by Chapter 884 of the 2011 Acts of Assembly; (ii) clarify the applicability of the regulations; (iii) remove the requirement for the payment of registration fees; (iv) reorganize 9VAC25-91-130 to make the pollution prevention regulations easier to understand; and (v) update the citations to include the most recent industry standards and technology.

For more information, please contact Melissa Porterfield, Department of Environmental Quality, Richmond, VA 23218, telephone (804) 698-4238, FAX (804) 698-4346, or email melissa.porterfield@deq.virginia.gov.

TITLE 13. HOUSING BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

REGISTRAR'S NOTICE: The Board of Housing and Community Development is claiming an exemption from the Administrative Process Act pursuant to § 2.2-4006 A 12 of the Code of Virginia, which excludes regulations adopted pursuant to § 36-98.3 of the Code of Virginia.

13VAC5-31. Virginia Amusement Device Regulations (amending 13VAC5-31-20, 13VAC5-31-30, 13VAC5-31- 40, 13VAC5-31-60, 13VAC5-31-75, 13VAC5-31-200, 13VAC5-31-210, 13VAC5-31-290).

A public hearing will be held on September 23, 2013, at 10 a.m. at the Virginia Housing Center in Glen Allen. Written public comments may be submitted until September 29, 2013.

Background:

The Virginia Amusement Device Regulations (VADR) govern the construction and operation of amusement devices, which are defined by statute as devices or structures open to the public by which persons are conveyed or moved in an unusual manner for diversion and passenger tramways. The regulations are very closely related to the Virginia Uniform Statewide Building Code (USBC), 13VAC5-63, as, also by statutory arrangement, the USBC applies to amusement devices to the extent that they are not superseded by the VADR. The VADR utilizes nationally recognized standards to provide the technical requirements for the construction and operation of amusement devices. The standards are produced by the American Society for Testing and Materials (ASTM). To coincide with the updating of its other building and fire regulations, the Board of Housing and Community Development initiates a regulatory action under the VADR to consider changes necessary to correlate with the Department of Housing and Community Development's other building and fire regulations and to adopt available newer ASTM standards.

Summary:

Specific changes in the proposed regulation are as follows:

1. 13VAC5-31-20 A:
 - a. In the definition of "amusement device," clarifies the phrase "open to the public" to facilitate a more uniform application of the VADR.
 - b. Adds a definition of the phrase "certificate of inspection" to mean the certificate or sticker for amusement devices distributed by the department, as referenced in 13VAC5-31-75 E. This amendment requires the use of the department sticker where previously a locality was permitted to use its own.
 - c. Changes the term "kiddie ride" to "small mechanical ride" and revises the criteria for what qualifies as a small mechanical ride. This amendment is in conjunction with new requirements for inspections in 13VAC5-31-75 D that limit the permit period to a maximum of six months for small mechanical rides.
2. 13VAC5-31-30 A: Adds this subsection to assist local building departments in determining whether certain devices are amusement devices and to achieve more uniformity in the application of the regulation.
3. 13VAC5-31-30 B: Expands the list of exempted equipment or devices.
4. 13VAC5-31-40 A: Updates the list of incorporated standards.
5. 13VAC5-31-75 A: Increases the amount a locality must reduce a permit fee when a private inspector is

used, from 50 percent to 75 percent; increases permit fees for amusement rides; and adds language permitting the increase of fees by a local building department for weekend or after-hour inspections.

6. 13VAC5-31-75 D: Adds language on (i) the minimum time frame for notifying local building departments prior to the operation of a small mechanical ride or an inflatable amusement device, (ii) the inspection fee that a local building department may charge per event where an inflatable amusement device is operating, and (iii) the inspection report required for such inspections.

7. 13VAC5-31-75 E: Clarifies that a local building department may authorize a third-party inspector to post the certification sticker and that permits for small mechanical rides are only valid for a maximum of six months.

8. 13VAC5-31-75 J: Adds this subsection to clarify the procedures for violations of the chapter.

9. 13VAC5-31-75 K: Adds this subsection to clarify that the Virginia Department of General Services functions as the local building department for amusement devices located on state-owned property.

For more information, please contact Stephen W. Calhoun, Regulatory Coordinator, Department of Housing and Community Development, Richmond, VA 23219, telephone (804) 371-7000, FAX (804) 371-7090, TTY (804) 371-7089, or email steve.calhoun@dhcd.virginia.gov.

REGISTRAR'S NOTICE: The Board of Housing and Community Development is claiming an exemption from the Administrative Process Act pursuant to § 2.2-4006 A 12 of the Code of Virginia, which excludes regulations adopted by the board pursuant to the Statewide Fire Prevention Code (§ 27-94 et seq. of the Code of Virginia).

13VAC5-51. Virginia Statewide Fire Prevention Code (amending 13VAC5-51-21, 13VAC5-51-31, 13VAC5-51-41, 13VAC5-51-61, 13VAC5-51-81, 13VAC5-51-85, 13VAC5-51-91, 13VAC5-51-111, 13VAC5-51-121, 13VAC5-51-130, 13VAC5-51-131, 13VAC5-51-132, 13VAC5-51-133, 13VAC5-51-133.5, 13VAC5-51-135, 13VAC5-51-140, 13VAC5-51-145, 13VAC5-51-150, 13VAC5-51-154, 13VAC5-51-155; adding 13VAC5-51-138; repealing 13VAC5-51-154.5).

A public hearing will be held on September 23, 2013, at 10 a.m. at the Virginia Housing Center in Glen Allen. Written public comments may be submitted until September 29, 2013.

Background:

The Virginia Statewide Fire Prevention Code (SFPC) governs the maintenance of fire-safety features in existing buildings and structures and fire-safety related

operations on property. The SFPC incorporates by reference the International Fire Code (IFC), a nationally recognized model code produced by the International Code Council as a companion code to that used under the Virginia Uniform Statewide Building Code (13VAC5-63). Every three years, a new edition of the model code becomes available. At that time, the Board of Housing and Community Development initiates a regulatory action to incorporate the newer edition of the model code into the regulation through the publishing of a proposed regulation.

Summary:

Specific changes in the proposed regulation are outlined below:

1. 13VAC5-51-21 H: Deletes the reference to section 3413 to correlate with changes to the Uniform Statewide Building Code (USBC). Section 3413 of the USBC is for the retrofitting of existing buildings in accordance with state law and those provisions have been moved to a new rehabilitation code portion of the USBC.
2. 13VAC5-51-31 A: Updates the reference to the IFC from the 2009 to the 2012 edition, which is the new nationally recognized model code used in the SFPC.
3. 13VAC5-51-61 C: Clarifies the existing requirement for accepting reports from private or third-party inspectors and references a written policy established by the fire official.
4. 13VAC5-51-81 N: Permits an increase in the fees charged by the State Fire Marshal's Office when there are firework events and the operator fails to notify the office within the appropriate lead time to facilitate inspections.
5. 13VAC5-51-85 Q: Adds an option for the electronic submittal of information necessary to obtain operational permits.
6. 13VAC5-51-111 B: Adds language to alert those affected by enforcement actions of a right to appeal, with limited exceptions.
7. 13VAC5-51-121 M: Adds language to match a statutory requirement that actions under local fire prevention regulations may be appealed to the State Building Code Technical Review Board if the locality does not have a local appeals board designated to hear such appeals.
8. 13VAC5-51-131 C: Adds language to clarify that the unauthorized removal of a placard constitutes a violation of the code.
9. 13VAC5-51-135 E: Adds language to correlate with the fire extinguisher requirements in both the IFC and the USBC.
10. 13VAC5-51-150 V: Adds new requirements for the use of fireworks known as comets and mines. The

requirements are based on the fireworks standard of the National Fire Protection Association.

Other changes are for clarification or correlation or to avoid duplication.

For more information, please contact Stephen W. Calhoun, Regulatory Coordinator, Department of Housing and Community Development, Richmond, VA 23219, telephone (804) 371-7000, FAX (804) 371-7090, TTY (804) 371-7089, or email steve.calhoun@dhcd.virginia.gov.

REGISTRAR'S NOTICE: The Board of Housing and Community Development is claiming an exemption from the Administrative Process Act pursuant to § 2.2-4006 A 12 of the Code of Virginia, which excludes regulations adopted by the Board of Housing and Community Development pursuant to the Uniform Statewide Building Code (§ 36-97 et seq. of the Code of Virginia).

13VAC5-63. Virginia Uniform Statewide Building Code (amending 13VAC5-63-10, 13VAC5-63-20, 13VAC5-63-30, 13VAC5-63-40, 13VAC5-63-80, 13VAC5-63-110, 13VAC5-63-120, 13VAC5-63-130, 13VAC5-63-160, 13VAC5-63-170, 13VAC5-63-180, 13VAC5-63-190, 13VAC5-63-200, 13VAC5-63-210, 13VAC5-63-220, 13VAC5-63-230, 13VAC5-63-240, 13VAC5-63-245, 13VAC5-63-250, 13VAC5-63-260, 13VAC5-63-264, 13VAC5-63-270, 13VAC5-63-280, 13VAC5-63-300, 13VAC5-63-310, 13VAC5-63-320, 13VAC5-63-330, 13VAC5-63-350, 13VAC5-63-360, 13VAC5-63-390, 13VAC5-63-400, 13VAC5-63-410, 13VAC5-63-420, 13VAC5-63-430, 13VAC5-63-434, 13VAC5-63-438, 13VAC5-63-440, 13VAC5-63-450, 13VAC5-63-460, 13VAC5-63-470, 13VAC5-63-480, 13VAC5-63-490, 13VAC5-63-500, 13VAC5-63-510, 13VAC5-63-520, 13VAC5-63-530, 13VAC5-63-540; adding 13VAC5-63-225, 13VAC5-63-235, 13VAC5-63-295, 13VAC5-63-335, 13VAC5-63-445; repealing 13VAC5-63-267, 13VAC5-63-525).

A public hearing will be held on September 23, 2013, at 10 a.m. at the Virginia Housing Center in Glen Allen. Written public comments may be submitted until September 29, 2013.

Background:

The Virginia Uniform Statewide Building Code (USBC) governs the construction, maintenance, and rehabilitation of new and existing buildings and structures. The USBC uses nationally recognized model building codes and standards produced by the International Code Council and other standard-writing groups as the basis for the technical provisions of the regulation. Every three years, new editions of the model codes become available. At that time, the Board of Housing and Community Development initiates a regulatory action to incorporate the newest editions of the model codes into regulation through the publishing of a proposed regulation. Those affected by

the regulation review the proposed regulation to assure that the newest model codes and standards reflect the minimum requirements necessary for buildings and structures. After publication of the proposed regulation, the board establishes a comment period for the acceptance of comments on amendments reflected in the proposed regulation, and a public hearing is held. The board then considers comments on all proposals and develops a final regulation to complete the regulatory process.

Summary:

The substantive amendments in this regulatory action include the following:

13VAC5-63-20 D (8): Adds “Off-site manufactured intermodal freight containers, moving containers, and storage containers placed on site temporarily or permanently for use as a storage container” to the exemptions from this code.

13VAC5-63-20 D (9): Adds “Automotive lifts” to the exemptions from this code.

13VAC5-63-30 G: Deletes existing language and adds language that requires compliance with the Virginia Rehabilitation Code (VRC) as related to reconstruction, alteration, and repairs in occupancies other than Group R-5.

13VAC5-63-80 B (12): Adds crypts, mausoleums, and columbaria structures to exemptions from application for permit.

13VAC5-63-120 A through X: These provisions were approved under a prior action of the board under special provisions for defective materials and were only effective for two years. This action will make the provisions a permanent part of the USBC.

13VAC5-63-170 B: Adds this subsection for temporary uses within existing buildings and structures; allows the building official to approve conditions or modifications for temporary use; and stipulates that the building official shall notify the fire official of the approved temporary use and is allowed to terminate the approval.

13VAC5-63-180 D (new E): Deletes some existing language applicable to vacating unsafe buildings or structures and clarifies that the building official is authorized to order the building or structure to be vacated immediately if there is imminent danger to the occupants or to the public.

13VAC5-63-210 E: Changes Section 308.2 to Section 308.3 of the IBC for Institutional Group I-1; excludes residing staff from the number of persons residing on a 24-hour basis who receive custodial care; specifies section to be referenced for Group I-1, other than assisted living facilities as Section 308.3.1; specifies assisted living facilities be classified as one of the

occupancy conditions indicated in Section 308.3.1 or 308.3.2; clarifies the exception for Group I-1 occupancies as the occupancy condition indicated in Section 308.3.1; and deletes language that refers to a similar facility with five or fewer persons.

13VAC5-63-210 R 28 (new 27): Deletes the use of Appendix G for swimming pools, spas, and hot tubs. Swimming pools, as defined in the USBC, shall comply with the applicable provisions of the International Swimming Pool and Spa Code.

13VAC5-63-210 R 52 (new 43): Deletes all existing language and adds new language to Section R602.12 for practical wall bracing, which allows all buildings in Seismic Design Categories A and B and detached buildings in Category C to be permitted to be braced in accordance with this section as an alternative to Section R602.10. The revisions also add several sections relating to wall-bracing requirements and procedures.

13VAC5-63-210 R (53): Changes Section N1102.4.1.2 (R402.4.1.2) for air sealing and requires compliance with either Section N1102.4.1.2.1 or Section N1102.4.1.2.2 and adds sections that (i) specify how the testing option shall be performed when testing for air leakage; (ii) provide that visual inspection is an option for air leakage compliance; and (iii) state that the air leakage rate shall not exceed five changes per hour.

13VAC5-63-210 R (56): Changes Section N1103.2.2.1 (R403.2.2.1) for testing options. Clarifies that the postconstruction test shall be determined by the total leakage that is less than or equal to six cfm/100 square feet across the entire system; clarifies that the rough-in test shall be determined by the total leakage that is less than five cfm/100 square feet across the system; addresses the case where the air handler has yet to be installed, in this case the total leakage shall be less than or equal to five cfm/100 square feet; and revises the exception to indicate that the total leakage test not be required for ducts and air handlers located entirely within the building thermal envelope.

13VAC5-63-210 R (57): Adds Section N1103.2.2.2 (R403.2.2.2) for visual inspection option for compliance.

13VAC5-63-210 R (72): Adds Sections P2909.1 through P2909.18, including subsections for scope and design of nonpotable water systems, makeup water, makeup water sources, makeup water supply valves, control valve alarms, sizing, required signage, potable water supply system connections, nonpotable water system connections, approved components and materials, insect and vermin control, freeze protection, nonpotable water storage tanks, inlets, outlets, materials and location, foundation and supports, ballasts, structural support, overflow, access, venting, drains, storage tank tests, structural strength, trenching requirements, outdoor outlet access, drainage and vent piping fittings, pumping

and control systems, water-pressure reducing valves or regulators, distribution pipes, materials, joints and connections, design, labeling, marking, backflow prevention, tests and inspections, drainage and vent pipe tests, storage tanks tests, water supply system tests, inspection and testing of backflow prevention assemblies, inspection of vermin and insect protection, and operation and maintenance manuals.

13VAC5-63-220 M: Adds Section 425.2.1 to the IBC for relocated manufactured homes, which specifies that installation, setup, and site work shall comply with the provisions of this code and shall include the option of using the manufacturer's installation instructions or the federal Model Manufactured Home Installation Standards (24 CFR Part 3285) for the technical requirements.

13VAC5-63-220 N: Adds Section 425.2.2 to the IBC for alterations and repairs to manufactured homes, which specifies that alterations and repairs shall be in accordance with federal Manufactured Home Construction and Safety Standards (24 CFR Part 3280) or in accordance with the alteration and repair provisions of this code.

13VAC5-63-310 D (3), (4), and (5): Amends the IMC to permit residential-type electric stoves to be used in commercial buildings without the need of a commercial exhaust hood.

13VAC5-63-310 D (6) and (7): Modifies the IMC to permit water quality for cooling towers to be in accordance with the equipment manufacturer's recommendations to safely permit the use of rainwater or other nonpotable water sources in air-conditioning systems.

13VAC5-63-330 B: Amends the elevator chapter of the IBC to correlate with requirements for fire service elevator keys established in the IFC, which permit the use of either a standardized key or the use of a lock box for a nonstandardized key.

13VAC5-63-350: Addresses existing buildings and contained provisions to be used for alterations, additions, and change of occupancy to existing buildings as well as setting out special retrofit requirements for existing buildings when required by state law. All requirements in this section have been moved to Part II of the regulation (the VRC) so there remains a provision that deletes all of Chapter 34 of the IBC, as it is no longer used.

13VAC5-63-410 B: Changes the scope of the VRC to include mandatory requirements for the alteration and repair of buildings and for changes of occupancy in existing buildings, except for buildings in the Institutional grouping, where Part I of the regulation still applies and clarifies that the VRC may be used for alterations to

residential buildings as an acceptable alternative to the use of Part I of the regulation.

For more information, please contact Stephen W. Calhoun, Regulatory Coordinator, Department of Housing and Community Development, Richmond, VA 23219, telephone (804) 371-7000, FAX (804) 371-7090, TTY (804) 371-7089, or email steve.calhoun@dhcd.virginia.gov.

REGISTRAR'S NOTICE: The Board of Housing and Community Development is claiming an exemption from the Administrative Process Act pursuant to § 2.2-4006 A 12 of the Code of Virginia, which excludes regulations adopted pursuant to the Industrialized Building Safety Law (§ 36-70 et seq. of the Code of Virginia).

13VAC5-91. Virginia Industrialized Building Safety Regulations (amending 13VAC5-91-10, 13VAC5-91-20, 13VAC5-91-40, 13VAC5-91-60, 13VAC5-91-100, 13VAC5-91-115, 13VAC5-91-120, 13VAC5-91-140, 13VAC5-91-150, 13VAC5-91-160, 13VAC5-91-170, 13VAC5-91-180, 13VAC5-91-210, 13VAC5-91-220, 13VAC5-91-240, 13VAC5-91-260, 13VAC5-91-270; repealing 13VAC5-91-130).

A public hearing will be held on September 23, 2013, at 10 a.m. at the Virginia Housing Center in Glen Allen. Written public comments may be submitted until September 29, 2013.

Background:

The Virginia Industrialized Building Safety Regulations (IBSR) govern the in-factory construction of industrialized buildings, also known as modular buildings. The regulations provide the same standards for construction as those buildings constructed onsite and regulated by the Virginia Uniform Statewide Building Code (13VAC5-63). Both regulations utilize nationally recognized model building codes and standards to provide the technical requirements for the actual construction of the regulated buildings. The model codes are produced by the International Code Council and, every three years, new editions of the model codes become available. At that time, the Board of Housing and Community Development initiates a regulatory action to incorporate the newer editions of the model codes into the regulations through the publishing of a proposed regulation.

Summary:

The proposed amendments (i) conform the regulations to statutory provisions and updated industry standards; (ii) coordinate the application of the regulation with the other building code and fire code regulations of the board; (iii) revise the definition of compliance assurance agency (CAA) to allow the placement of CAAs labels on industrialized buildings in one location; (iv) add definitions for label, certification label, compliance

assurance agency certification label, seal, registration seal, and Virginia registration seal to clarify the meaning of each label or seal; (v) change the name of the State Building Code Administrative Office to the State Building Codes Office (SBCO); (vi) revise the exemption for storage containers; (vii) clarify the right to appeal any administrator order; (viii) clarify that the building official can require the correction of any regulatory violation before the registered industrialized building may be occupied; (ix) delete the terms “defects” and “noncompliance,” which are not defined by the adopted building codes; (x) clarify that a change in use of an industrialized building is subject to 13VAC-5-91; (xi) delete redundant provisions or provisions not required by law and revise or move provisions for consistency; (xii) require a compliance assurance agency to make application for acceptance by the SBCO; (xiii) clearly delineate the terms of approval of CAAs by the SBCO and define when approval of a CAA may be suspended or revoked; (xiv) clarify that CAA certification labels must be applied to a registered industrialized building prior to shipment of the building from the place of manufacture; (xv) clarify that CAA certification labels and SBCO certification seals may be applied either by the CAA or the manufacturer when authorized by the CAA; (xvi) require that registration seals must be purchased from the SBCO and decrease the cost of registration seals for building constructed as R-5 (residential) from \$75 to \$50 per module; and (xvii) allow a partial refund of a certification seal and a deduction from the refund of a processing fee of 25 percent of the refund due, not to exceed \$250.

For more information, please contact Stephen W. Calhoun, Regulatory Coordinator, Department of Housing and Community Development, Richmond, VA 23219, telephone (804) 371-7000, FAX (804) 371-7090, TTY (804) 371-7089, or email steve.calhoun@dhcd.virginia.gov.

TITLE 20. PUBLIC UTILITIES AND TELECOMMUNICATIONS STATE CORPORATION COMMISSION

REGISTRAR'S NOTICE: The State Corporation Commission is claiming an exemption from the Administrative Process Act in accordance with § 2.2-4002 A 2 of the Code of Virginia, which exempts courts, any agency of the Supreme Court, and any agency that by the Constitution is expressly granted any of the powers of a court of record.

20VAC5-309. Rules for Enforcement of the Underground Utility Damage Prevention Act (adding 20VAC5-309-205).

Written public comments may be submitted until August 26, 2013.

Summary:

The amendments provide the State Corporation Commission increased flexibility in its enforcement of the Underground Utility Damage Prevention Act by including a provision by which the rules may be waived by the commission upon a finding supported by clear and convincing evidence that such a waiver is in the public interest. Since the initial rules were promulgated in 1994, enhanced technology and methods employed in locating underground utility lines and the protection of such lines from excavation damage have given rise to the need for flexibility in the commission's enforcement of the Underground Utility Damage Prevention Act that recognizes the evolution of excavation and demolition practices in the Commonwealth of Virginia.

For more information, please contact Massoud Tahamtani, Director, Utility and Railroad Safety Division, State Corporation Commission, Richmond, VA 23218, telephone (804) 371-9264, FAX (804) 371-9734, or email mas-soud.tahamtani@scc.virginia.gov.

Division of Legislative Services

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Richmond, Virginia 23219
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Published in Richmond, Virginia,

by the Division of Legislative Services,

an agency of the General Assembly of Virginia.

The *Virginia Legislative Record* is available online at
<http://dls.virginia.gov/pubs/legisrec/2013/welcome.htm>.

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