



## Coalition for Smarter Growth

Choices for our communities  
Choices for our region



March 2, 2007

The Honorable Tim Kaine  
Office of the Governor  
Patrick Henry Building, 3rd Floor  
1111 East Broad Street Richmond, Virginia 23219

Dear Governor Kaine:

On behalf of Virginia League of Conservation Voters, Southern Environmental Law Center, and Coalition for Smarter Growth, we want to thank you for highlighting the fact that land use, accountability, and transit funding must be integral components of any transportation package. However, HB3202 falls far short of the fundamental reforms we need. We agree with you that this legislation needs a major overhaul.

HB3202 changes neither our transportation plans nor the direction of spending. As a result, Virginia would continue over the next 20 years to buy a highway-oriented, sprawl-inducing transportation system -- just when higher energy prices call for changes in land use and greater investment in transit, local streets, pedestrian and bicycle facilities, and other measures that would reduce the amount Virginians must drive. Moreover, since Virginia will face damage from global climate change such as increased flooding in Hampton Roads, we should be taking the lead in reducing carbon emissions. Among other things, green, energy efficient buildings, more compact development in our cities, towns and suburbs, and investment in alternatives to driving will be necessary to achieve major emission reductions from power plants and from transportation.

We urge you to consider the following amendments to HB3202:

**Project Prioritization:** Most of the \$2.5 billion in bond funds proposed in HB3202 would go to highway construction, and most of the projects proposed in recent years are unnecessary, sprawl-inducing or poorly-conceived, and would undermine the goal of linking land use and transportation and divert resources from more critical needs. These projects include a new Route 460, widening I-66 inside the Beltway, Tri-County Parkway/Battlefield Bypass, Southeastern Expressway, Harrisonburg SE Bypass, and VDOT's ongoing interest in expanding I-81 to 8 lanes for its entire 325-mile length.

The proposed Commonwealth Transportation Capital Projects Fund is also problematic because it has been limited to primary and interstate projects. It does not provide for the secondary and urban road funding that should take priority over sprawl-inducing highway bypass projects that might be funded with this new Fund.

Further, this separate fund risks the same problem of overextended borrowing for capital projects that occurred with the Virginia Transportation Act of 2000. Finally, the hundreds of millions in General Fund dollars to repay these bonds would be effectively taken from education, health care, conservation and other needs.

We urge you to tie both existing and any new funding to a complete reevaluation of VDOT's major project priorities, and to expressly include funding for secondary and urban roads.

**Funding for Transit, Rail, Local Streets and Pedestrian/Bicycle Facilities:** Our consistent position is that 50% of new transportation money should go to transit, passenger and freight rail, local streets, and pedestrian and bicycle facilities. Although we recognize that this is an ambitious goal that may not be met this session, under HB3202 only 20% of the bond program goes to transit and rail. The transfer of substantial additional revenues under HB3202 into the Highway Maintenance and Operating Fund does not provide any additional funding for transit operating and maintenance. This package thus falls far short of what is needed to address the transportation needs of an increasingly urban state. Approximately 60% of the state population and its gross state product comes from the urban crescent between Northern Virginia, Richmond and Hampton Roads.

We urge you to offer amendments to HB3202 that increase the allocation for transit for capital as well as operations and maintenance above current levels, and that provide funding for urban and secondary roads as well as pedestrian and bicycle facilities.

**Performance Standards:** If Virginia is going to invest billions of dollars in new transportation projects, then it should be a good steward of that investment and ensure that the projects alleviate traffic conditions, do not open new areas to sprawling development, and reduce the number of vehicle miles traveled by Virginia's commuters. The language in HB3202 on performance measures is a good start, although the priority given to economic development should be reduced. Current transportation problems have been created in part by advancing projects for their alleged economic benefits -- usually for opening up new land for development -- rather than their transportation impacts. We recommend that you add more detailed language from SB 1259 (Herring)/HB2922 (Shannon) to strengthen the performance reporting currently found in HB3202. (SB 1259 was folded into the SJR60 study; HB2922 was not even heard by House Transportation).

**Environmental Review Process:** HB3202 shortens the environmental review of permits for highway construction projects from 120 to 30 days. A 30-day review period is not a sufficient amount of time to allow state agencies to properly evaluate environmental impacts, assess

various alternatives, and determine all the irreversible environmental changes that a project would cause. HB3202 also shortens the time period for a public hearing or meeting to be held on a permit, reducing public input. We recommend that HB3202 be amended, as VDOT and DEQ suggested for the stand-alone bill that contained similar provisions (HB2206), to maintain the existing time limits for review and hearing of individual permits, while shortening the time for reviewing general permits. We have attached a copy of language proposed by VDOT and DEQ.

**Linking Transportation to Land Use Reform/Rezoning:** A comprehensive land use package would include much more than has been proposed this session. But at a minimum, HB3202 should include language that clarifies local governments' power to say no to a rezoning due to traffic impact. HB3202 should include the language contained in SB1254 (Herring) and HB2814 (Sickles), stand-alone legislation that failed to report in the legislature.

**Urban Development Areas:** We support the UDA concept and believe it establishes an important principle for tying infrastructure funding to designated growth areas and ensuring better design of development within those areas. But we recommend the following important modifications to the flawed UDA provisions in HB3202: 1) Apply to all counties, cities and towns; 2) Limit the growth envelope to 10 years instead of 20; 3) Allow impact fees both inside and outside the UDA; 4) Stick with the minimum development density of 4 units per acre, while deleting the three times the density outside the UDA; and 4) include state and local infrastructure investment incentives to support development within UDAs.

**Transportation Service Districts:** We do not support the proposed structure for Transportation Service Districts and we do not support the devolution of responsibility for secondary roads to local governments, which requires significant study. In fact, we believe that VDOT should spend a greater share of state funds on urban and secondary roads compared to current spending on highways. More interconnected local street networks that safely accommodate pedestrians and bicyclists will support new urbanist communities and reduce traffic more effectively than reliance on a few ever-larger arterials and highways. The proposed funding structure for the TSDs and their very low density of one unit per acre will have the perverse effect of taking money from urban areas, existing suburbs and more compact areas and diverting the funds to lower-density sprawl.

**Northern Virginia/Hampton Roads Tax Districts:**

**Northern Virginia Regional Funding Plan:** We are concerned that the \$50 million in dedicated funding HB3202 provides for Metro's long-term maintenance needs must come from a tenuous series of tax votes in Northern Virginia, when the state itself should commit to match the federal funding. Local governments already foot almost the entire bill for transit operations and maintenance. It is also worth noting that Northern Virginians are paying the full capital cost of the Dulles Rail project through their tolls and property taxes.

The Northern Virginia funding plan can make a difference, provided it maintains its priority

funding for transit and for secondary and urban roads, and provided that project decisions remain subject to the prioritization criteria approved by the Northern Virginia Transportation Authority in their resolution adopting the 2030 plan. But, in addition, we request significant changes to priorities being set by VDOT for Northern Virginia including: halting the Tri-County Parkway/Battlefield Bypass in favor of transit and HOV upgrades to I-66 outside the Beltway; adoption of interim alternatives to the widening of I-66 inside the Beltway; more transparent evaluation of the Beltway HOT lanes proposal and other alternatives; and maintaining I-95/395 as and HOV and express bus corridor in lieu of HOT lanes.

**Hampton Roads Regional Funding Plan:** The regional plan for Hampton Roads falls far short of the integrated approach to land use and transportation that you have called for and that the region needs. The proposed priority projects in HB 3202 fail to adequately address congestion within Hampton Roads and on its crowded arterials, and would place sprawl-inducing projects like Route 460 and the Southeastern Expressway ahead of congestion reduction in existing communities. A better approach would be to upgrade and improve existing bridges and tunnels to achieve greater efficiency at these congestion points. Ultimately, a properly designed **Third Crossing** that included rail transit and freight and passenger rail would connect and revitalize the four original cities of Hampton Roads. Given the current priorities being set for Hampton Roads and the failure to link to better land use, we cannot support this regional funding structure.

The conservation community and the public at large would be much more inclined to support a long term transportation solution that implements meaningful land use reforms, transportation performance measures, significant changes to transportation plans and priorities, and major increases in funding for transit, local roads, and pedestrian/bicycle facilities. We urge you to propose these significant reforms.

We appreciate your consideration of these recommendations, and we request the opportunity to meet with you and your staff as you shape your response to HB3202 so that we can work through these issues and concerns. Thank you.

Sincerely,

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