



MAJOR STATE TRANSPORTATION LEGISLATION, 2011

NATIONAL
CONFERENCE
of
STATE
LEGISLATURES

By Alice Wheat, Jaime Rall and Simon Workman

May 2012

After several years of economic recession, it is no longer headline news that states are struggling to balance budgets while maintaining programs and services. However, 2011 carried an unprecedented degree of uncertainty for transportation funding. In July, disputes in Congress caused the Federal Aviation Administration (FAA) to shut down for almost two weeks, necessitating worker furloughs, construction project delays and the loss of millions in uncollected airline ticket taxes.

Meanwhile, the future of federal surface transportation programs remained unclear. Congress spent the summer outlining various proposals for long-term reauthorization, but instead extended SAFETEA-LU (the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users) on September 15 at its current funding levels for about six more months, just two weeks before the previous extension was set to expire. Federal aviation programs again were extended at that time, only hours before expiration. The Senate Environment and Public Works (EPW) Committee passed a two-year reauthorization bill, MAP-21 (Moving Ahead for Progress in the 21st Century Act), on November 9; hopes for a definitive solution by the end of the year faded, however, when House leadership postponed introduction of a long-term reauthorization bill until 2012. At the end of 2011, surface transportation programs were on their eighth short-term extension, and aviation on their 22nd.

Even with short-term extensions of federal programs in place, the lack of a long-term plan left states facing more ambiguity and insecurity as they worked to maintain and improve transportation infrastructure. Years of underinvestment have left states with crumbling roads and aging infrastructure as demand for services grows and road congestion worsens. As of January 2012, the Congressional Budget Office predicted that the federal Highway Trust Fund would be depleted by FY 2013 for highways and by FY 2014 for transit, leaving current obligations unmet. In addition to this shortage, fuel tax receipts continue to slow due to rising gas prices, increased use of electric and alternative fuel vehicles and growing transit ridership. Further challenges for states in 2011 included the end of ARRA (American Recovery and Reinvestment Act) funds, which had provided states with \$48.1 billion in short-term funding for much-needed transportation projects since 2009. As of January 2011, 100 percent of the available funds for highways, transit and aviation projects already had been allocated.

Faced with these realities, many funding and financing options were considered across the country in 2011 sessions, including taxes, fees and fines; tolls on local roads and highways; alternatives to the gas tax, such as vehicle miles traveled (VMT) fees, also known as mileage-based user fees (MBUFs); bonds; and public-private partnerships (PPPs or P3s). At the same time, some measures were introduced to reduce transportation spending or revenue streams, few of which passed. Other major concerns this year were alternative fuel and electric vehicles; high-speed and passenger rail; aviation and airport security; and creating a safer and more equitable transportation system. This report summarizes these legislative trends; the appendix outlines state-by-state legislation.

FUNDING

Surface transportation in the United States is funded mainly by various dedicated taxes and fees, primarily federal and state fuel taxes; general fund appropriations account for only a small percentage. All 50 states, the District of Columbia and Puerto Rico use fuel taxes to fund transportation, but use of other revenue sources varies.

Other common sources are vehicle registration, license or title fees; vehicle or truck weight fees; motor vehicle or rental car sales taxes; tolls; interest income; and additional sales taxes on gasoline or diesel or other taxes on the petroleum industry.¹

Taxes

Americans are paying less in fuel taxes because of shifting driving habits and newer fuel-efficient vehicles. To respond to this decrease in revenue, at least eight states—Arkansas, Connecticut, Hawaii, Maryland, Nebraska, Utah, Virginia and Wyoming—introduced measures in 2011 to increase taxes on motor fuels. Laws passed in two of these states: Connecticut's measure to increase the base tax on diesel fuel from 26 cents per gallon to 29 cents per gallon, and an Arkansas bill to ask voters to increase the 22.5-cent diesel tax by 5 cents per gallon for highway bonds. The Arkansas provision was removed from a 2011 ballot measure, but will be considered in 2012. A similar, failed measure in Alabama would have authorized a county referendum to levy an excise tax on gasoline. Bills in Hawaii and Nebraska carried over to 2012; the rest did not pass. This corresponds with action in recent years; no states raised fuel taxes in 2010, and few did so in 2008 and 2009.

Legislatures in at least nine states considered other taxes for transportation. Two states considered taxes on alternative fuels: Oklahoma and Utah levied a tax on natural gas for vehicle use (see also *Alternative and Electric Fuel Vehicles*, page 5). Voters in Arkansas will decide in 2012 whether to dedicate a portion of a 10-year sales tax to secure state highway bonds and whether to permanently dedicate 1 cent-per-gallon of existing gas taxes for city street construction and improvements (see also *Constitutional Amendments*, page 3). Nebraska now dedicates a portion of its sales tax to road projects, and Oklahoma regional authorities are authorized to levy a sales tax for transportation projects if first approved by voters. In Utah, a percentage of any sales tax increase during the next five years is earmarked for roads. Virginia also considered, but did not pass, a measure to dedicate a portion of the sales tax to transportation, and passed a new tax on motor vehicle rentals. A similar measure in Oregon failed, and a Hawaii bill including a vehicle rental surcharge carried over to 2012. In Massachusetts, a measure carried over that would allow towns and cities to impose a tax on commercial parking, with the proceeds funding transportation improvements. Two bills in Pennsylvania, carried over to 2012, would remove the existing cap on the state's Oil Company Franchise Tax.

Fines and Fees

At least 10 states created or increased fines or fees in 2011. Connecticut, Hawaii, Maryland, North Dakota, Rhode Island, and South Dakota raised various Department of Motor Vehicles (DMV) fees and fines. In Connecticut, these include license, truck weight and vehicle registration fees, as well as fines for using a cell phone or texting while driving. In Hawaii, vehicle registration fees were raised and a portion of the revenue is to be deposited into the state Highway Fund. Pending measures to be decided in 2012 in Hawaii and Massachusetts also would raise registration and vehicle weight fees. A measure in Alabama established new license fees for gasoline and motor fuel businesses, and one in Georgia increased fees for outdoor advertising permits. Washington added a 25-cent surcharge on all state ferry fares and will allow counties to impose a congestion-reduction charge of up to \$20 per vehicle to fund the operational and capital needs of transit agencies. Bills in several states failed or carried over to 2012 sessions, including proposed annual fees for electric vehicles in Indiana and Washington (see also page 5).

Tolling

Several states considered toll legislation in 2011, and at least three states created new tolling authority. California and Washington authorized high-occupancy toll (HOT) lanes, which allow lone drivers to use high-occupancy vehicle (HOV) facilities upon payment of a toll. Texas legislators passed three bills that authorize up to 10 private toll roads, establish a process for toll project development, allow regional authorities to enter into tolling agreements, and authorize use of alternative tolling methods, including video billing and automated enforcement. For the next 10 years, Indiana no longer will require legislative approval for most toll projects. A measure in Georgia, however, proposed to require legislative approval for any toll extension; it carried over to 2012. As part of a larger

enacted measure in Connecticut, the General Assembly now must specifically approve imposition of tolls on highways as part of the newly authorized public-private partnership (PPP) projects. Toll roads still are banned in Nevada after proposed measures to remove the statutory prohibition failed, but an exception was approved for a 15-mile toll demonstration project designed to ease congestion around Boulder City.

States also made headlines this year by considering tolls on interstate highways. Currently, states can impose new tolls on existing interstate capacity only if plans are approved by the U.S. Department of Transportation (DOT) under the Interstate System Reconstruction and Rehabilitation Pilot Program. Under the program, up to three interstate facilities in different states can be tolled to fund needed maintenance or reconstruction; Missouri was the first state to fill a slot in 2005, although that project had yet to be approved by the state legislature as of the end of 2011. In 2011, an amended application from Virginia for a new toll program on I-95 received preliminary approval for the second slot.² In 2011, Arizona and Rhode Island requested permission for the first time, and Wyoming's attempt to toll I-80 was rejected by the Legislature for the second year in a row. A third-time application from Pennsylvania was declined by the U.S. DOT in 2010. Meanwhile, a 2011 state legislative measure that carried over to 2012 would repeal authorization for I-80 to be converted to a toll road and would prohibit Pennsylvania from re-applying for federal authorization.

Vehicle Miles Traveled (VMT) Fees, also known as Mileage-Based User Fees (MBUFs)

At least seven states introduced legislation to create or study a state-level vehicle miles traveled (VMT) fee—also called a mileage-based user fee (MBUF)—which would charge drivers a fee based on miles driven to supplement or replace the gas tax. As of the end of 2011, however, none of the bills had passed. Failed bills in Arizona and Mississippi would have created a VMT fee for electric vehicles, at rates of 1 cent per mile and 0.5 cent per mile, respectively. In Oregon, lawmakers considered, but ultimately did not enact, a usage charge for certain electric motor vehicles with the option of a \$300 flat fee during the phase-in period. Two Texas VMT measures—one to develop a VMT pilot program specifically for electric vehicles and another to allow counties to raise transportation-related funds through a county VMT fee (among other options)—failed. A proposed VMT study in Virginia also failed. Bills in Hawaii and Massachusetts that would enact pilot programs and studies of a VMT fee carried over to 2012.

Constitutional Amendments

At least half the states already have constitutional provisions related to transportation, mainly to dedicate certain revenues to transportation purposes; in 2011, at least five states proposed constitutional amendments to secure transportation funding. The Arkansas legislature will ask state voters to decide in 2012 whether to amend the constitution to increase the sales tax for 10 years to fund transportation (see also Taxes, page 2). Wisconsin lawmakers approved a proposed amendment to require fuel tax and vehicle fee revenues to be spent on transportation projects; this followed 54 approved county-level referenda in 2010 asking the Legislature to amend the constitution to avoid further diversions of transportation dollars to the state's general fund. Failed measures in Maryland would have proposed an amendment to constitutionally protect the Transportation Trust Fund. Nebraska legislators considered, but did not pass, a proposed amendment in the special session, which would have permitted the state to use sales and use tax revenues to pay for highway bonds. In Alaska, a proposed amendment and several related bills carried over to 2012, which would create a transportation infrastructure fund and dedicate several transportation-related revenues to it. Alaska's constitution currently prohibits dedication of any state revenues to any special purpose, unless dedicated prior to statehood. On a similar note, a lawsuit filed in Oklahoma challenged the constitutionality of using the state's general appropriations bill for diverting fuel tax revenue to other state agencies; the court declined to hear the case.

FINANCE

Most states use finance tools that borrow against or leverage limited state revenues to deliver surface transportation projects. Proposed mechanisms this year included bonds, public-private partnerships and state infrastructure banks.

Bonds

Arkansas, California, Connecticut, Idaho, Louisiana and Oklahoma enacted measures to allow or secure bonds for transportation projects. Arkansas authorized federal highway grant anticipation and revenue vehicle (GARVEE) bonds; issuance of up to \$575 million in these bonds was approved by voters in a November special election. Arkansas might also secure \$1.3 billion in general obligation bonds for highways if voters approve the measure in 2012. In California, the Central California Railroad Authority is now authorized to issue revenue bonds. Connecticut authorized up to \$68.9 million in special tax obligation bonds for road resurfacing, and Idaho provided \$162 million in new bonding authority for highways. The Louisiana Legislature authorized the State Bond Commission to issue unclaimed property bonds for the completion of I-49. Oklahoma lawmakers approved \$70 million in bonds to reduce a funding gap at the state Department of Transportation (DOT) and maintain its eight-year road and bridge construction and maintenance plan. Two failed bills in Maine also would have issued GARVEE bonds; another measure that carried over to 2012 proposes \$62 million in bonds for road repair and reconstruction. Rhode Island's budget bill, however, increased transportation revenues in order to reduce bonding as much as possible and avoid new debt service obligations. Nebraska and Oregon also considered, but did not pass, bonding proposals.

Public-Private Partnerships

Public-private partnerships (PPPs or P3s)—agreements that allow more private involvement than is traditional in financing and delivering public infrastructure—have been authorized in 32 states and Puerto Rico. At least 18 states considered 36 PPP-related bills in 2011. Of those, 16 measures were enacted in 13 states—Arizona, Arkansas, California, Connecticut, Illinois, Indiana, Michigan, Nevada, Ohio, Oklahoma, Texas, Virginia and Washington—and others were pending at the end of 2011 in California, Michigan, New York, Pennsylvania and Washington. Notable enabling legislation was passed in Connecticut, Illinois and Ohio. Connecticut's measure authorizes up to five PPPs for revenue-generating facilities, including some transportation systems. The Illinois Public-Private Partnerships for Transportation Act broadly authorizes PPPs but prohibits the state toll highway authority from using PPPs to expand, lease or improve existing roads. Ohio passed a comprehensive enabling statute authorizing the state DOT to enter into PPPs. Also in 2011, a commission in Maryland³ and a task force in Minnesota⁴ worked to create language for PPP bills to be introduced in 2012 sessions.

State Infrastructure Banks

Under SAFETEA-LU, states can choose to leverage funds by entering into an agreement with the U.S. DOT to create a state infrastructure bank (SIB), which offers various types of loans and credit assistance for highway construction, transit capital projects or rail. Some states—including Florida, Georgia, Kansas and Ohio in past years—also have chosen to create solely state-funded SIBs. In 2011, Virginia established the Virginia Transportation Infrastructure Bank. Bills remained pending in Massachusetts, New Hampshire and New York; a similar measure in Texas failed.

REDUCTIONS IN TRANSPORTATION FUNDING

At least nine states considered measures that would have restricted or reduced transportation funding. Reductions, holidays or other changes to the gas tax were considered in Alaska, Georgia, Illinois, Indiana, Maine, New Hampshire, New York, North Carolina and Oklahoma. In a special session, the Georgia legislature ratified a governor's executive order to suspend an automatic increase of prepaid motor fuel and aviation gas taxes until Dec. 31, 2011; the Associated Press estimated this would cost the state DOT \$40 million in revenue. Under

Maine's new transportation budget bill, fuel taxes no longer will be automatically indexed (adjusted) each year based on consumer prices starting in July 2012, which will reduce state revenue by about \$12.5 million in the first biennium and more in subsequent years. An Oklahoma measure transferred \$101.7 million in fuel tax revenue from the transportation fund to help close a budget gap.

ALTERNATIVE FUEL AND ELECTRIC VEHICLES

This session, several state legislatures acted to further cost-saving and environmentally focused policy goals related to the growing use of alternative fuel and electric vehicles. Currently, 48 states (all but Alaska and Wyoming) and the District of Columbia have incentives for production, sale or use of alternative fuels—which can include biodiesel, electricity, ethanol, hydrogen, natural gas and propane.⁵

In 2011 sessions, Arkansas, Colorado, Illinois, Iowa, Maryland, South Carolina, South Dakota, Texas and Utah expanded or created rebates, tax credits or grants related to purchase of alternative fuel vehicles, conversion kits, charging equipment and fuel stations. While Colorado expanded a class of vehicles for an individual income tax credit program, the state also repealed its Alternative Fuels Rebate Program—which had granted a tax rebate to certain entities—as part of an effort to balance the budget. Five states created other incentives for alternative fuel vehicles. Nevada, North Carolina, Utah and Virginia enacted provisions to allow alternative fuel vehicles to travel in HOV lanes, and Missouri and North Carolina now exempt electric vehicles from emissions inspections. A measure that carried over in Alaska would reduce the biennial vehicle registration fee for alternative and electric fuel vehicles. Louisiana, Rhode Island and Wyoming passed bills authorizing, requiring or encouraging use of alternative fuels and alternative fuel vehicles specifically by state agencies. Illinois and Maryland created councils to study policies to promote use of electric vehicles.

Wider use of alternative fuel and electric vehicles will require new infrastructure development, and some states considered regulating or offering incentives for these new technologies and the supply of alternative fuels. North Carolina enacted regulations regarding alternative fuel sales and Washington considered regulating battery charging stations. At least five states—California, Iowa, Maryland, South Dakota and Texas—enacted legislation to promote development of electric charging and alternative fuel stations. Maryland created a pilot program that offers incentives for electric charging during off-peak hours.

Although alternative fuel vehicles may help achieve certain environmentally focused policy goals, they also present a challenge for the existing transportation funding system, which relies heavily on taxes on gasoline and diesel. Several states addressed fees and taxes for alternative fuel and electric vehicles in 2011. Oklahoma and Utah enacted legislation to impose taxes on natural gas fuels for vehicles. Connecticut, Indiana and Washington introduced bills that would have increased or established fees for electric vehicles; as of the end of 2011, Connecticut's had been enacted. In addition, at least four states considered vehicle miles traveled (VMT) fees for electric or plug-in hybrid vehicles (see also page 3).

RAIL⁶

Momentum for high-speed and passenger rail slowed in 2011. With uncertainty surrounding federal surface transportation reauthorization and ongoing cuts to federal rail funding, some state policymakers were hesitant to start projects they might not be able to finish. Governors in three states—Florida in 2011, and Ohio and Wisconsin the year before—have declined federal high-speed rail funding due to concern about future operating costs. Debate also sparked about accepting federal rail funds in the California, Missouri and North Carolina legislatures this year.

Few states passed measures authorizing specific rail projects, but studies and funds were established to further consider and support high-speed, passenger and freight rail. The North Dakota and Oklahoma legislatures approved measures to study implementation and expansion of passenger or high-speed rail service. Virginia lawmakers established an Intercity Passenger Rail Operating and Capital Fund and authorized other allocations to be used as matching funds for federal grants to support rail projects. In Kansas, an enacted measure authorizes cities and counties, in coordination with railroads, to enter into loan agreements with the state secretary of transportation to obtain Rail Service Improvement Funds for rehabilitation of short-line railroads.

AVIATION

By the end of 2011, reauthorization of federal aviation programs was more than four years overdue, and certain programs were threatened by congressional proposals to reduce or eliminate them, making it difficult for states to plan ahead for providing aviation facilities and services. Before the FAA shutdown during the summer, some states passed legislation attempting to prevent—or alleviate the potential effects of—a shortage of federal funding. Alaska, for example, urged Congress to fund the Essential Air Service (EAS) program, which as of 2011 subsidized commercial air service to 150 otherwise unserved rural communities nationwide. States worked to secure funding and financing for airport projects, as the federal grant-giving Airport Improvement Program (AIP) also faced potential cuts. Florida authorized state funding for airport assistance and also prohibited deferment or cancellation of any existing airport development projects funded as of July 2011. In Michigan, the Aeronautics Commission was authorized to take any necessary steps to match federal money available for airport construction and improvement. Kentucky authorized aviation-related bonding, and Maine authorized an aviation grant program.

Other aviation legislation included an exemption from sales tax until 2015 on the sale and repair of aircraft parts in Maine; an extension of liability protection to noncommercial aviation in Kansas in anticipation of publicly accessible airstrips; and creation or reorganization of aviation authority agencies in Connecticut, Georgia and New York.

Airport Security

In late 2010 and in 2011, public outcry over new body-scan technology and the Transportation Security Administration's (TSA) enhanced pat-down procedures garnered a response from state legislatures. The first meeting of the "United States for Travel Freedom" (USTF) Caucus was held on April 14, with legislators in attendance from Alaska, Hawaii, Michigan, Montana, New Hampshire, New Jersey, Pennsylvania, Texas and Washington. The same states (except Michigan, and with the addition of New York and Oklahoma) drafted measures related to TSA and airport security screening in 2011. Seven of these states introduced or drafted resolutions that expressed opposition to—or urged the TSA or U.S. Congress to reconsider—federal policies on pat-down procedures and body scans. Resolutions were adopted in Alaska and New Hampshire. Hawaii and Texas introduced bills to ban the TSA from using body-scan technology in airports within the state, and a New York measure would have created the crime of unlawful dissemination of a body scan image. New Hampshire, Oklahoma, Pennsylvania and Texas considered bills that would have made touching or viewing private body areas a case of sexual or indecent assault. A failed Arizona bill would have prohibited airports from using the TSA for security screening. Some U.S. airports already contract with private companies for security; 16 have hired private firms since 2002.

TRAFFIC SAFETY

State legislatures prioritized measures relating to the safety of their roadways in 2011.⁷ Many enhanced penalties for driving under the influence (DUI) offenders by enforcing installation of ignition interlock devices, which measure a driver's blood-alcohol content and prevent an intoxicated driver from starting his or her vehicle. With increased use of smart phones and wireless technology, lawmakers also created laws to prevent distracted driving.

DUI Enforcement

Sixty-one bills related to impaired driving were enacted in 27 states in 2011. Twelve states—Alabama, Connecticut, Delaware, Kansas, Maryland, Nebraska, North Carolina, Oklahoma, Oregon, South Dakota, Utah and Washington—made changes to their ignition interlock laws, mainly increasing penalties and restrictions. Alabama, Colorado, Delaware, Montana, North Carolina, Nevada, South Dakota, Tennessee, Utah, Vermont and Virginia increased penalties for and enforcement of driving under the influence. Legislatures in North Carolina, Nebraska, Oklahoma and Wyoming enacted provisions related to minors and child endangerment when driving while intoxicated.

Distracted Driving

Legislation related to distracted driving also was popular this year; 17 states enacted 20 pieces of legislation related to this issue. Lawmakers in Indiana, Maine, Nevada, North Dakota and Pennsylvania made it a traffic infraction to read or send text messages while driving. At the end of 2011, 35 states and the District of Columbia had enacted such laws.⁸ The Maryland legislature repealed an exemption from the state's texting ban when a vehicle is not in motion. New York enacted a measure allowing for primary enforcement of the texting ban, raising to 32 the number of states with primary texting ban enforcement. In Texas, the governor vetoed a measure that would have banned texting while driving. A measure was vetoed also in California that would have increased existing penalties for using a cell phone while driving, allowed for primary enforcement of the law and extended existing penalties to bicyclists. Arkansas now prohibits handheld devices in school zones, and Texas passed a law to post signs in school zones notifying drivers of a similar ban. The Illinois, Louisiana and Washington legislatures enacted laws restricting televisions and other visual displays in vehicles.

ACCESS FOR ALL USERS

Legislatures enacted many measures to address the affordability and accessibility of the nation's transportation systems for all users, especially those who lack access to transportation due to age, disability or income. Maryland lawmakers created the Communities for a Lifetime Program within the Department of Aging to help older adults remain in their communities and overcome barriers to many facets of social participation, including transportation. Legislation enacted in Oregon directs certain executive branch agencies—including the departments of Human Services, Transportation and Veterans' Affairs—to collaborate with the Oregon Military Department to provide reintegration services for veterans. In Pennsylvania, lottery proceeds are appropriated to provide free or reduced transit fares for older adults; a measure passed this year is estimated to increase appropriated revenue by more than \$86 million.

Another strategy to maximize access is to promote coordination among human service and transportation agencies to better and more efficiently provide special transportation services. Most states have created councils at one or more levels of government to help achieve this. In 2011, new state coordinating councils were created in Louisiana and Tennessee, bringing to 26 the total number of states with such councils. These councils work to facilitate cooperation among various state agencies and stakeholder groups, to coordinate transportation services for more efficient use of public resources, and to increase availability and access.

Bicycles and Pedestrians

More states now seek to provide for the needs of non-motorized roadway users—those who choose to travel on foot or by bicycle. In 2011, the Delaware, Georgia, Kansas and Nevada legislatures enacted measures requiring motorists to use a safe passing distance when passing bicyclists. Lawmakers in Nevada and Washington increased penalties for collisions with bicyclists and pedestrians, and Washington passed a law to require a bicycle and pedestrian traffic safety curriculum in schools. Several state legislatures also made requirements related to “complete streets” policy principles, which aim to accommodate all travelers—including transit users, bicyclists, pedestrians and motorists—by including sidewalks, bike lanes, adequate crosswalks and other features. New York now will use such complete streets design principles; Washington created a complete streets grant program.

NOTES

1. For more NCSL information about transportation funding and finance—including a searchable database of recent state legislation—see <http://www.ncsl.org/issues-research.aspx?tabs=951,72,117#117>.
2. The third slot in the pilot program was conditionally reserved for North Carolina in February 2012.
3. Maryland Joint Legislative and Executive Commission on Oversight of Public-Private Partnerships.
4. The P3 Task Force was made up of legislators; Minnesota DOT, metro and local government representatives; industry groups; and other stakeholders. Its final report is available at <http://blog.lib.umn.edu/slpp/regionalities/PPP%20Report%20Dec%202011.pdf>.
5. For more information about recent state legislation concerning incentives for the production, sale or use of alternative fuels, see the online NCSL Energy and Environment Legislation Tracking Database at <http://www.ncsl.org/issues-research/energyhome/energy-environment-legislation-tracking-database.aspx>.
6. For more NCSL information about rail, see <http://www.ncsl.org/issues-research.aspx?tabs=951,72,1129#1129>.
7. For more NCSL information about traffic safety, see <http://www.ncsl.org/issues-research.aspx?tabs=951,72,115#115>.
8. As of May 2012, three additional states had enacted bills related to cell phone use while driving, bringing this number to 38 states and the District of Columbia.

Other NCSL staff who contributed to this report include Nicholas Farber, Jacquelyn Pless, Jim Reed, Douglas Shinkle, Anne Teigen and Julia Verdi. The authors also thank the NCSL Transportation Standing Committee members for their involvement.

APPENDIX. MAJOR STATE TRANSPORTATION LEGISLATION

State/ Jurisdiction	Major Transportation Legislation
Alabama	<p>Funding and Finance. The Alabama Legislature enacted House Bill 399, which shifts the collection point of gasoline and motor fuel taxes from the distributor to the supplier, in order to reduce the possibility of untaxed fuel sales in Alabama. It also establishes new license fees for gasoline and motor fuel businesses to be deposited in the Public Road and Bridge Fund. Senate Bill 79 failed, but would have authorized a county voter referendum to charge a motor fuel excise tax of no more than 5 cents per gallon to be used for road and bridge projects.</p> <p>Traffic Safety. Several traffic safety measures were introduced in 2011, including two bills that increase driving under the influence (DUI) penalties. Certain categories of DUI offenders now must have an ignition interlock device installed for two years under House Bill 361; the law applies to those charged with a second DUI offense, offenders who had a child age 14 or younger in the car, had a BAC of 0.15 percent or higher or caused injury or death to another person. Senate Bill 67 increases the mandatory sentence for a person convicted of DUI who has 0.15 percent or more blood alcohol content (BAC) or if there is a child in the vehicle.</p>
Alaska	<p>Funding and Finance. Several bills were introduced to address transportation funding in the Alaska Legislature, the only state that constitutionally prohibits dedication of state revenues for any special purpose unless dedicated prior to statehood. As in previous years, the Legislature proposed measures that would allow the state to specifically dedicate funds to transportation projects. House Joint Resolution 4 would amend the constitution to create the Alaska Transportation Infrastructure Fund (ATIF). If the amendment is approved, House Bill 31 would appropriate \$1 billion to the fund, and House Bill 30 would define the ATIF, how it would be funded and where the funds would be spent. Senate Bill 37 would similarly appropriate \$1 billion to the fund, and determine its funding sources, which include revenue from fuel taxes and other transportation-related fees. Conversely, Governor Parnell proposed to suspend the motor fuel tax through June 2013 with Senate Bill 41 and House Bill 102. All six measures carried over for consideration in the 2012 session.</p> <p>Alternative Fuel and Electric Vehicles. Senate Bill 26, carried over to 2012, would replace the otherwise appropriate biennial registration fee (\$100 for passenger vehicles) with a \$20 fee for alternative fuel and electric vehicles.</p> <p>Aviation. Lawmakers in Alaska adopted two resolutions urging their federal representatives to take action in the 2011 session. Senate Resolution 2 urged the U.S. Congress to fully fund the Essential Air Service program under the Federal Aviation Administration (FAA) after a reauthorization bill was introduced in the U.S. Senate that would have eliminated it.</p> <p>Airport Security. House Concurrent Resolution 8 urged Congress to exercise greater oversight of the Transportation Security Administration (TSA) in regard to its enhanced security screening and pat-down procedures.</p>
Arizona	<p>Funding and Finance. In Arizona, House Bill 2603 would have created a 1 cent per mile vehicle miles traveled (VMT) fee on all electric vehicles, but the measure failed. A transportation omnibus measure, Senate Bill 1270, allows for greater use of public-private partnerships (PPPs) by broadening the statutory definition of “eligible facility” to bridges, airports and rest areas, among others.</p> <p>Airport Security. The Arizona Legislature introduced, but ultimately did not pass, a measure to address concerns about the Transportation Security Administration (TSA). House Bill 2288 would prohibit airports in the state from using the TSA for airport security screening; instead, a private company would be used.</p> <p>Traffic Safety. Previous Arizona law allowed courts to use their discretion in granting a work release from jail for a first- or second-time driving under the influence (DUI) or extreme DUI (EDUI) offender for up to 12 hours per day and no more than five days per week. House Bill 2369 now requires courts to allow certain DUI offenders to continue their employment or schooling while serving their jail sentence, unless the court finds good cause. Senate Bill 1200 makes omnibus changes to DUI statutes; it modifies ignition interlock device requirements, prescribes conditions for continuous alcohol monitoring programs, and alters provisions related to administrative license suspensions.</p>

APPENDIX. MAJOR STATE TRANSPORTATION LEGISLATION (CONTINUED)

State/ Jurisdiction	Major Transportation Legislation
Arkansas	<p>Funding and Finance. Several measures expanded funding and financing options for transportation in Arkansas. The Arkansas Highway Financing Act of 2011 (House Bill 1902) as enacted, will allow voters to decide whether to increase the 22.5-cent diesel tax by 5 cents per gallon to finance bonds for highway maintenance and improvements. Also subject to voter approval, the bill allows the State Highway Commission to issue federal highway grant anticipation and revenue vehicle (GARVEE) bonds as long as the total principal amount of all state highway bonding does not exceed \$1.1 billion. Governor Beebe signed a proclamation in August to put the measure on the special election ballot, but removed the diesel tax increase. Voters approved a ballot measure on Nov. 8, 2011, which authorizes up to \$575 million in GARVEE bonds for roads but does not raise the diesel tax. The diesel tax increase will be considered by voters in 2012.</p> <p>House Joint Resolution 1001 proposes a constitutional amendment to raise the sales tax by 0.5 percent for 10 years for state, county and city surface transportation projects, and dedicates the state's portion of revenues to securing up to \$1.3 billion in general obligation bonds to finance a statewide four-lane highway program. It would also permanently dedicate 1 cent-per-gallon of existing motor fuel and diesel taxes to the State Aid Street Fund. All provisions must be approved by voters in 2012.</p> <p>House Bill 1842 allows regional mobility authorities to enter into public-private partnerships (PPPs) for rail, waterway and trail projects. Cities and counties now can contract with outside agencies to provide transportation services; House Bill 1774 raises the maximum amount that cities with populations of more than 50,000 can spend on public transportation and broadens the definition of "public transportation."</p> <p>Alternative Fuel and Electric Vehicles. The Arkansas Alternative Fuels Development Program will include two new incentive programs because of House Bills 1914 and 1050. These authorize a rebate to assist with purchasing conversion kits to change diesel-powered or gasoline-powered motor vehicles to dedicated or bi-fuel compressed natural gas motor vehicles, and one for school districts to convert diesel and gas school buses to dedicated or bi-fuel compressed natural gas.</p> <p>Traffic Safety. The General Assembly passed three motorcycle safety laws this year: House Bill 1925, House Bill 1775 and Senate Bill 294. The new laws raise the age requirement for a person to obtain a motorized bicycle certificate, require motorcycles to have electrical turn signals and limit the use of motorcycle headlamp modulation systems to daytime use only, respectively. Senate Bill 154 prohibits wireless telephone use while driving in school zones and highway work zones.</p>
California	<p>Funding and Finance. New financing methods were debated in California. The Santa Clara Valley Transportation Authority can extend a high-occupancy toll (HOT) lane into San Mateo County because of Assembly Bill 1105. Assembly Bill 650, which would have established a blue ribbon task force to develop the first statewide plan for public transportation development and financing, was vetoed by the governor because of its cost; the task force would have been funded with existing transit planning revenue from the state fuel tax. Senate Bill 475 will allow local government agencies to enter into public-private partnerships (PPPs) for infrastructure projects, if passed in 2012. Senate Bill 325 creates the Central California Railroad Authority (CCRA) as an alternative to ensure short-line railroad services in specified counties; the authority can acquire and operate railroads or select a franchisee—which may be a public or private entity—to operate a rail transportation system. Criteria can be established for the award of a franchise for the acquisition, financing and operation of the railroad system. The measure also further authorizes the authority to issue revenue bonds.</p>

APPENDIX. MAJOR STATE TRANSPORTATION LEGISLATION (CONTINUED)

State/ Jurisdiction	Major Transportation Legislation
California cont'd	<p>Rail. A funding agreement of nearly \$1 billion was signed by the California High-Speed Rail Authority (CHSRA) with the federal government, securing funds originally awarded in October 2010 and May 2011. CHSRA put out a controversial new business plan in November that pushed back the project completion date from 2020 to 2033, and increased projected capital costs from \$43 billion to \$98 billion. Facing criticism from both members of Congress and state legislators, the plan was stalled as the Legislature had yet to approve new funds, jeopardizing more than \$3.5 billion in federal funding. A number of bills would address funding, planning and oversight of the high-speed rail project and passenger rail in the state. Among them, Assembly Bill 115 added more reporting requirements—to be submitted to the Joint Legislative Budget Committee by the CHSRA—to those established by Assembly Bill 105 as the business plan was updated at the end of the year. Assembly Bill 845 carried over for consideration in 2012, and would set forth provisions to distribute \$950 million from the High-Speed Passenger Train Bond (HSPTB) Fund—bond funds approved by voters with Proposition 1A in 2008—for intercity, commuter and urban rail lines. Assembly Bill 615 supplements 2011 Budget Act appropriations with \$4 million appropriated from the HSPTB Fund to the CHSRA for preliminary engineering and planning from Los Angeles to San Diego. (See also Senate Bill 325 above.)</p> <p>Alternative Fuel and Electric Vehicles. Senate Bill 209 statutorily removes unreasonable burdens to the installation of plug-in vehicle charging stations in common interest developments, which include community apartment projects, condominium projects, planned developments and stock cooperatives.</p> <p>Traffic Safety. Senate Bill 28 was vetoed but would have increased existing penalties and fines for using a wireless cell phone while driving, allowed for primary enforcement of the law and extended existing penalties to bicyclists.</p>
Colorado	<p>Funding and Finance. As part of an effort to balance the budget, the Alternative Fuels Rebate Program was repealed and the balance of the cash fund was transferred to the General Fund with Senate Bill 163.</p> <p>Alternative Fuel and Electric Vehicles. House Bill 1081 expanded another income tax credit by clarifying that liquefied petroleum gas conversion vehicles are included in the definition of “category four” motor vehicles.</p> <p>Traffic Safety. The Colorado General Assembly cracked down on driving under the influence (DUI) enforcement this session. Senate Bill 93 continues the Interagency Task Force on Drunk Driving (ITFDD) and increases its staff and workload. House Bill 1189 requires specific bond conditions after two prior convictions for an alcohol- or drug-related driving offense. The defendant’s bail bond must include conditions requiring enrollment in a substance abuse treatment program; electronic monitoring; drug and alcohol testing; and an engine interlock device on the defendant’s vehicle, if he or she is authorized to drive.</p>
Connecticut	<p>Funding and Finance. In Connecticut’s biennial budget bill (Senate Bill 1239), the base tax on diesel fuel was increased from 26 cents to 29 cents per gallon; a 3-cent inventory tax was placed on each gallon of diesel fuel on retailers’ inventory; the fine for failing to change an out-of-state registration to a Connecticut registration was increased from between \$150 and \$300 to \$1,000; other DMV fees and violation fines were increased, including registration fees for electric vehicles; and a new tax was created for intrastate transportation via limousine, community car or van with a driver.</p> <p>Other enacted measures to pay for transportation include Senate Bill 1194, which authorizes up to \$68.9 million in special tax obligation bonds for capital resurfacing and related road reconstruction projects. House Bill 6801 authorizes up to five public-private partnerships (PPPs) for revenue-generating facilities, including early child care, educational, health or housing facilities and transportation systems, including ports, transit-oriented development and related infrastructure. The General Assembly must specifically approve imposing tolls on highways, and state support of a PPP is limited to 25 percent or less of the project’s cost. House Bill 6652 adjusts planned transit fare increases and establishes a procedure for the state Department of Transportation (DOT) to raise transit fares. Four tolling bills were introduced but not passed this year to increase funding and reduce congestion on Connecticut highways. House Bill 6200 would have allowed temporary tolls to fund projects; House Bill 5949 would have tolled only trucks; and House Bill 6136 and Senate Bill 31 would have required tolls at state borders.</p>

APPENDIX. MAJOR STATE TRANSPORTATION LEGISLATION (CONTINUED)

State/ Jurisdiction	Major Transportation Legislation
Connecticut cont'd.	<p>Aviation. The General Assembly considered the economic potential of the state's airports and placed them under a new structure, the Connecticut Airport Authority, to plan and manage their operation. Senate Bill 1003 creates the quasi-public agency to develop, improve and operate six general aviation airports, functions previously performed by the state DOT and the Bradley International Airport board of directors.</p> <p>Alternative and Electric Fuel Vehicles. Senate Bill 1239 increased registration fees for electric vehicles (see also Funding and Finance above).</p> <p>Traffic Safety. The legislature enacted House Bill 6651, which requires an ignition interlock device for the first impaired driving offense after a license suspension of 45 days. House Bill 6581 increases fines for using a cell phone or texting while driving and specifies that texting while driving a commercial motor vehicle also is a violation except in emergencies.</p>
Delaware	<p>Traffic Safety. In Delaware, lawmakers strengthened criminal penalties for driving under the influence (DUI) with House Bill 168. It requires felony offenders to participate in a program of intensive treatment and drug and alcohol abstinence, and requires an alcohol monitoring or ignition interlock device for certain offenses. House Bill 39 requires that those seeking school bus driver endorsement from the state Department of Motor Vehicles (DMV) must submit to a criminal background check with access to the national criminal history records kept by the Federal Bureau of Investigation (FBI). House Bill 101, carried over to 2012, would require a traffic impact study for all new developments and hold developers accountable for improving roads that become congested by their projects.</p> <p>Access for All Users. Senate Bill 38 creates a safe-passing zone between a motor vehicle and a bicycle when traveling in the same direction. If a 3-foot-wide passing space is not possible, then the driver of the motor vehicle must slow down to increase the margin for passing safely beyond the bicycle.</p>
Florida	<p>Funding and Finance. The Florida Legislature would have expanded authority for public-private partnerships (PPPs) for public infrastructure and government facilities with House Bill 1313 and Senate Bill 1956, but both failed to pass. Senate Bill 2156 creates the state Department of Economic Opportunity and redirects documentary stamp tax revenues currently dedicated to the State Transportation Trust Fund into the State Economic Enhancement and Development Trust Fund, created by House Bill 7205. Funds are to be used for activities such as infrastructure projects and transportation facilities that meet a strategic and essential state interest with respect to the economic development of the state.</p> <p>Aviation. Senate Bill 2002 includes a clause stating that the state Department of Transportation (DOT) shall fund airport development projects specified in the General Appropriations Act and, unless requested by the airport sponsor, may not reduce, delete or defer any existing projects funded as of July 1, 2011. This provision applies only to the 2011-2012 fiscal year.</p> <p>Traffic Safety. Senate Bill 2160 transfers DOT law enforcement officers and funds to the Florida Highway Patrol within the Department of Highway Safety and Motor Vehicles to continue to enforce commercial vehicle weight and safety laws. House Bill 4087 failed to pass, but would have repealed authorization to use traffic infraction detectors (red light cameras) to enforce traffic safety laws, while retaining state preemption to regulate the use of cameras for enforcing such laws.</p> <p>Other. The statewide minimum seaport security standards were repealed with House Bill 283, which now allows seaports to implement security standards more stringent than the federal standards and also makes other changes to the state's seaport security laws.</p>

APPENDIX. MAJOR STATE TRANSPORTATION LEGISLATION (CONTINUED)

State/ Jurisdiction	Major Transportation Legislation
Georgia	<p>Funding and Finance. In a special session of the Georgia General Assembly, lawmakers passed House Bill 2EX, which ratifies an executive order of the governor dated June 23, 2011. According to the Associated Press, the measure was expected to cost the state Department of Transportation (DOT) \$40 million by suspending an automatic increase of prepaid motor fuel and aviation gasoline taxes, freezing the rates for the rest of 2011. House Bill 3EX was not enacted, but would have moved the date of 12 scheduled votes on transportation referendums from July 2012 to the November 2012 general election. House Bill 179 increases fees for outdoor advertising sign permits and renewals. A measure that carried over to 2012, Senate Bill 97, would require toll extensions by the State Road and Tollway Authority to be approved by the General Assembly through a joint resolution.</p> <p>Access for All Users. Motorists now are required to pass bicyclists at a safe distance of no less than 3 feet after the passage of House Bill 101.</p> <p>Other. Senate Bill 54 allows for a 5 percent variance from weight limits—when hauling specified forest products, poultry, feed, cotton, solid waste, recovered materials or concrete—within a 100-mile radius of the farm or point of origin, or 250 miles for a vehicle hauling poultry waste from the point of origin to a farm.</p> <p>Both the Georgia Aviation Authority and the Georgia DOT were reorganized with House Bills 414 and 137, respectively. House Bill 414 provides for the transfer of certain personnel, aircraft and other assets between the Aviation Authority and the state Department of Public Safety. Among other provisions, House Bill 137 now allows counties and cities to send updated information to the state DOT using digital files, limits the liability of law enforcement officers and the department during emergencies, and authorizes charging for accident reports.</p>
Hawaii	<p>Funding and Finance. Lawmakers in Hawaii enacted Senate Bill 1328, which raises vehicle registration fees from \$25 to \$45, and deposits \$40 from each annual motor vehicle registration fee into the state Highway Fund and \$5 into the Emergency Medical Services Special Fund. Several other bills introduced in 2011 could greatly affect Hawaii's surface transportation funding and finance, but the initiatives will be decided in the 2012 session. Senate Bills 819 and 1131 would require the state Department of Transportation (DOT) to evaluate a vehicle miles traveled (VMT) user fee and establish one or more pilot programs to test alternatives to the current system of fuel taxes. Senate Bill 1131 would increase the state fuel tax, vehicle registration fee and vehicle weight fee, and also would establish a Land Transportation Modernization Special Fund, providing funding for a six-year comprehensive modernization program. House Bill 1531 would increase the fuel tax, vehicle registration fee, vehicle weight fee and rental motor vehicle surcharge for six years. House Bill 1626 would permit the County of Hawaii to appropriate its share of fuel tax revenue for a grant-in-aid program for maintenance of private roads by nonprofit maintenance corporations.</p> <p>Airport Security. Hawaii introduced legislation to prohibit the TSA's use of body-scan imaging equipment in airports within the state with Senate Bill 1150; this measure carried over to 2012.</p>
Idaho	<p>Funding and Finance. House Bill 285 provides authority for issuance of grant anticipation revenue vehicle (GARVEE) bonds to finance \$162 million of highway transportation projects and authorizes the transfer of up to \$4 million from the State Highway Account to provide the state match on bond debt service in FY 2012. It also provides intent language regarding the use of bond proceeds, including: to prohibit the Transportation Board and the Idaho Transportation Department (ITD) from increasing the size or scope of certain projects; to negotiate the best rate for project management services; to be fully transparent to the Legislature and the public; to issue bonds on an "as needed" basis; and, to the extent feasible and practical, for ITD to perform project-related work from within.</p> <p>Other. Idaho now requires that anyone filing a lawsuit to challenge plans to haul oversized loads must post bond equal to 5 percent of the load's insured value. House Bill 193 was introduced after lawsuits were filed that opposed shipment of "megaloads" of oil equipment on U.S. Highway 12 in north-central Idaho.</p>

APPENDIX. MAJOR STATE TRANSPORTATION LEGISLATION (CONTINUED)

State/ Jurisdiction	Major Transportation Legislation
Illinois	<p>Funding and Finance. Lawmakers approved House Bill 1091, the Illinois Public-Private Partnerships for Transportation Act, which allows public-private partnerships (PPPs) for transportation projects in Illinois. Any contracts will need legislative approval, and the state toll highway authority is not allowed to partner to expand, lease or improve existing roads. Governor Quinn vetoed a measure to create an Illinois and Midwest High-Speed Rail Commission to study the governmental structure for a PPP for a high-speed rail system. According to the governor, House Bill 1966 “duplicates the appointment of the 220 advisory committee made on June 2, 2011.” The legislature enacted House Bill 1518, which excludes increases in railroad operating property’s valuation attributable to programs for higher speed passenger rail transportation from the valuation of real property improvements. The Use Tax Act (House Bill 3769), carried over to 2012, would lower the motor fuel and gasohol tax rate from 6.25 percent to 1.25 percent.</p> <p>Alternative Fuel and Electric Vehicles. House Bill 2902 creates the Electric Vehicle Act. It establishes an electric vehicle coordinator who will act as the point person for related policies, and the Electric Vehicle Advisory Council to investigate and recommend strategies to promote the use of electric vehicles, including potential infrastructure improvements. House Bill 2903 authorizes the state Environmental Protection Agency to make grants to car-sharing organizations in Illinois for purchase of electric vehicles.</p> <p>Traffic Safety. House Joint Resolution 8 requests that police reports now include data on cell phone use during car accidents. House Bill 3403 restricts drivers from having visual display for entertainment or business in the line of vision when not used for navigation. It exempts televisions if the equipment is permanently installed and the images are not visible to the driver while the vehicle is in motion.</p> <p>Access for All Users. Senate Bill 3778 updates eligibility requirements for older adults to receive free fixed-route public transportation services. Because the subsidy was being used widely by adults over age 65 and costing the state more than anticipated, participants now also must meet low-income requirements.</p>
Indiana	<p>Funding and Finance. The Indiana General Assembly enacted Senate Bill 473, which covers various transportation issues. For a 10-year period from 2011 to 2021, it removes legislative approval requirements for most toll projects and public-private partnerships (PPPs) that would impose tolls; however, adding tolls to existing facilities still must be approved by the General Assembly. It also requires any PPP entered into after June 30, 2011, to follow certain methodologies to fix user fees or tolls; requires a budget committee review of proposed toll projects within 90 days; makes PPP projects subject to the common construction wage; and makes nonpayment of tolls a moving violation. Senate Bill 409, which failed, would have allocated 1 cent per gallon of the fuel tax to schools.</p> <p>Alternative Fuel and Electric Vehicles. House Bill 1243 failed, but would have imposed an annual electric motor vehicle highway maintenance fee of \$100 on each electric motor vehicle registered in the state, to be deposited into the Motor Vehicle Highway Account.</p> <p>Traffic Safety. House Bill 1129 makes it a Class C infraction to type, send or read an electronic message while driving unless using hands-free technology.</p>
Iowa	<p>Funding and Finance. State officials noted in June that increased revenue of \$215 million each year was still required to finance critical improvements and repair Iowa highways and bridges. Governor Branstad formed a Governor’s Transportation 2020 Citizen Advisory Commission to address the gap and devise “new and innovative ways of financing infrastructure needs given the changing dynamic of vehicles powered by electricity or alternative fuel sources.” Following seven public hearings held in the fall throughout the state, the commission was to issue a report on transportation funding issues in Iowa, including recommendations to the governor and the legislature for consideration during the 2012 session.</p>

APPENDIX. MAJOR STATE TRANSPORTATION LEGISLATION (CONTINUED)

State/ Jurisdiction	Major Transportation Legislation
Iowa cont'd.	<p>Alternative Fuel and Electric Vehicles. Senate File 531 removes liability previously held by retail dealers of ethanol gas for damage to a vehicle caused by using an incompatible motor fuel. It also creates a renewable fuel infrastructure fund and a tax credit for retail dealers who sell ethanol-blended gasoline through a fuel pump.</p> <p>Other. Senate File 396 addresses fair and equitable allocation of risks on a construction project by freeing trucking companies, professional drivers and construction companies from being forced to take responsibility for damage that is not their fault, i.e., caused by the other party's negligence. The new law applies to construction contracts and voids indemnification provisions that shift the entire risk of loss. Such provisions cause the party who agrees to them—usually the one least able to afford the added cost or understand the extent of the risks—to absorb considerable liability for the project.</p>
Kansas	<p>Rail. Senate Bill 119 authorizes cities and counties, in coordination with railroads, to enter into loan agreements to obtain Rail Service Improvement Funds by pledging Special City and County Highway Fund (SCCHF) receipts as collateral. The money can be used to fund the financing, acquisition and rehabilitation of railroads.</p> <p>Aviation. House Bill 2184 is expected to open airstrip access to the public for noncommercial aviation by extending liability protection to landowners, insulating them from liability in connection with certain recreational activities. The Legislature addressed the planned release of the Terrafugia “Transition”—a car that transforms into an aircraft—by defining a “lightweight roadable vehicle” as one that can be driven on public roadways and also must be registered with, and flown under the direction of, the Federal Aviation Administration (FAA). Senate Bill 213 also excludes this type of vehicle from the definition of aircraft in the statute that exempts business aircraft from property taxes, therefore requiring it to be registered and taxed as a motor vehicle.</p> <p>Traffic Safety. With Senate Bill 6, the Legislature amended various administrative and criminal statutes related to driving under the influence (DUI) enforcement.</p> <p>Access for All Users. Kansas lawmakers enacted House Bill 2192, which regulates traffic related to pedestrian and bike safety, occupant protection and speed limits. It requires motorists to maintain a minimum distance of 3 feet when passing a bicyclist. Operators of motorcycles and bicycles may proceed through a red signal if it has failed to change green because it did not detect the vehicle.</p> <p>Other. House Bill 2132 creates a new “Families of the Fallen” license plate that can be issued to next-of-kin of deceased military personnel, recognized as such by the U.S. Department of Defense.</p>
Kentucky	<p>Aviation. House Bill 1 from Kentucky's extraordinary session makes amendments to the budget bill, creating a new Aviation Development Debt Service line item in the Road Fund appropriation for FY 2011-12 to support new bonds for airport projects.</p> <p>Traffic Safety. House Bill 289 from the regular session adds to the fine table speeding violations of over a 70-mph limit.</p> <p>Other. House Bill 202, also from the regular session, waives the commercial driver's license (CDL) driving skills test by applicants with military service who also have experience operating military vehicles that would require a CDL to operate as a civilian. Veterans must apply and complete the CDL requirements (with a skills test exemption) within 90 days from separation of service. House Bill 197 changes Kentucky's motor vehicle licensing system so that, upon transfer of a vehicle, the license plate stays with the owner rather than the vehicle. Senate Bill 79 establishes a three-tiered weight classification system for farm trucks and creates exemptions for farm-registered vehicles with a gross vehicle weight rating or gross vehicle combined weight rating of 26,000 pounds or less.</p>

APPENDIX. MAJOR STATE TRANSPORTATION LEGISLATION (CONTINUED)

State/ Jurisdiction	Major Transportation Legislation
Louisiana	<p>Funding and Finance. The Louisiana Legislature authorized the State Bond Commission to issue unclaimed property bonds for completion of Interstate 49 with House Bill 370. This authority previously resided with the Louisiana Transportation Authority (LTA), but the funds from the Unclaimed Property Leverage Fund could be used for projects on I-49 on a cash-only basis. The unclaimed property receipts received now will be used for payment of debt service on bonds, exempt from all taxation; the bond payment schedule for I-49 is limited to a maximum of \$15 million annually.</p> <p>Alternative Fuel and Electric Vehicles. House Bill 70 authorizes local governments to use hybrid or alternative fuel vehicles for law enforcement agencies and emergency vehicles.</p> <p>Traffic Safety. House Bill 243 removes a restriction for a television or image display screen to be located behind the driver's seat, but still restricts visibility of a screen with moving images from the driver while the vehicle is in motion.</p> <p>Access for All Users. House Concurrent Resolution 131 creates the Human Services Coordinated Transit Work Group, led by the state Department of Transportation and Development, with membership of public and private stakeholders to improve mobility, optimize efficiencies, and manage costs of transit and paratransit services for both able-bodied and disabled people.</p>
Maine	<p>Funding and Finance. The Maine Legislature debated many new bills related to transportation funding and finance. Senate Bills 199 and 136, which failed to pass, would have authorized the Maine Municipal Bond Bank to issue \$35 million and \$15 million in federally authorized, grant-anticipated revenue vehicle (GARVEE) bonds, respectively, to be repaid with federal transportation funds and used for bridge repairs. Senate Bill 282, carried over to the 2012 session, proposes a \$62 million bond issue to be used for bridge and highway reconstruction projects that are considered vital to the expansion of business interests and to public safety. The transportation budget (House Bill 989) appropriates funds for improvements and maintenance on roads and bridges, state police and other transportation-related services. Under the bill, fuel taxes no longer will be indexed; the current indexing system, which automatically adjusts fuel tax rates according to increases in consumer prices, is scheduled to end in July 2012. The end of indexing is predicted to save motorists (but reduce state revenue by) about \$12.5 million in the first biennium and more in subsequent years.</p> <p>Aviation. House Bill 778 exempts from sales tax the sale, use or lease of aircraft and sale of aircraft repair and replacement parts from July 1, 2011, to June 30, 2015. The Primary Airport Capital Improvement Grant Program was established under House Bill 585. Funds will be distributed to primary airports (those with at least 10,000 passenger boardings per year) for eligible capital improvement projects or to an eligible municipality or political subdivision for airport equipment. Requests for federal aid under the federal Airport and Airway Improvement Act of 1982 for primary airport projects no longer require special approval.</p> <p>Traffic Safety. Two important traffic safety measures also were passed. House Bill 710 prohibits anyone with methadone in his or her body from operating a commercial motor vehicle; violation of the law, which takes effect in July 2012, will be a Class E crime. Senate Bill 228 prohibits texting while driving.</p>

APPENDIX. MAJOR STATE TRANSPORTATION LEGISLATION (CONTINUED)

State/ Jurisdiction	Major Transportation Legislation
Maryland	<p>Funding and Finance. While most funding bills in Maryland failed in 2011, the General Assembly enacted the Budget Reconciliation and Financing Act (BRFA) of 2011—House Bill 72—before the session ended. It realigns revenue distributions between the General Fund and the Transportation Trust Fund (TTF). According to the fiscal note, it will increase TTF revenues by \$362.4 million from FY 2012 through FY 2016. TTF resources also are prohibited from being transferred to the General Fund unless legislation provides for repayment of the funds within five years, beginning July 1, 2012. Counties and municipalities are provided additional funds for FY 2012, and various fees are increased to boost revenue, including title fees and vanity tag fees. Failed bills include Senate Bill 714/House Bill 1001, which would have asked voters to amend the state constitution to prevent diversion of funds from the TTF, added 10 cents to the gasoline tax, indexed the tax rate to the Construction Cost Index starting in 2013 up to a 1 cent-per-gallon increase per year, and increased all vehicle registration fees by 50 percent.</p> <p>Other unsuccessful measures were House Bill 1186, which would have authorized the State Highway Administration to sell or lease the naming rights of state highways to private entities, and Senate Bill 451, which would have created the Mass Transit Facility Revenue Account for projects and distributed 25 percent of funds from the gasoline tax in Montgomery County into the account. In addition, the Blue Ribbon Commission on Maryland Transportation Funding—created by 2010 legislation—released a final report on November 1 that makes 23 recommendations to the governor and General Assembly on how to proceed with transportation funding in the state.</p> <p>Alternative Fuel and Electric Vehicles. House Bill 163 allows a state income tax credit for electric vehicle charging equipment, and House Bill 164/Senate Bill 179 will establish a pilot program for electric customers to recharge electric vehicles during off-peak hours. House Bill 167/Senate Bill 176 establishes the Maryland Electric Vehicle Infrastructure Council to recommend policies that support electric vehicle charging from clean energy sources. Senate Bill 961 changes the requirement for the state to use a blend of at least 5 percent biodiesel in at least 50 percent of diesel-powered vehicles to include the use of specified biofuels, and provides for biodiesel fuel sales at gas stations.</p> <p>Traffic Safety. Lawmakers repealed a provision of law that applies the text messaging ban only to motor vehicles in motion with House Bill 196/Senate Bill 424. House Bill 1276 requires the Motor Vehicle Administration (MVA) to establish an ignition interlock system program for driving under the influence (DUI) offenders, establish minimum standards for service providers, and impose a fee for the program that is sufficient to cover its costs.</p> <p>Access for All Users. Senate Bill 822/House Bill 1188 establishes the Maryland Communities for a Lifetime Program within the state Department of Aging. It includes initiatives to facilitate aging in place, including expanded affordable transportation options.</p>
Massachusetts	<p>Funding and Finance. Three bills that were introduced in 2011 would create additional transportation financing options if passed in 2012, the second year of Massachusetts's two-year session. House Bill 3248 would establish a Transportation Infrastructure Revolving Fund within a state infrastructure bank. The fund would contain a highway account, a state contribution account, a transit account and a rail account. Bonds would be issued on behalf of the trust to finance or refinance any cost of a qualified project. House Bill 2659 also would create a state infrastructure bank and establish a transportation tax credit for individuals and families of moderate means. In addition, the bill would direct portions of gas tax revenues to certain purposes—including reduction of debt, transit, and repair of roads, bridges and overpasses—address existing tolls and discounts, and authorize cities and towns to charge a tax of up to 10 percent on all commercial parking to fund transportation improvements, of which at least 50 percent must be used to improve connections around transit nodes for bicyclists and pedestrians. House Bill 2660 would require a study of vehicle miles traveled (VMT) fees and increase motor vehicle registration fees by at least \$10 annually and \$20 biannually on all passenger vehicles.</p>

APPENDIX. MAJOR STATE TRANSPORTATION LEGISLATION (CONTINUED)

State/ Jurisdiction	Major Transportation Legislation
Michigan	<p>Funding and Finance. Two bills enacted in the Michigan Legislature provide funding for transportation. House Bill 4748 will divert transportation-related funds to roadwork. It redirects a deposit of \$12 million collected from driver's license fees from the Transportation Economic Development Fund's Targeted Industries program to state road construction and maintenance for two years. The shift will allow the state Department of Transportation (DOT) to match all available federal aid highway funds. Among other provisions, House Bill 4526 created a public-private partnership (PPP) investment fund in the state Department of Treasury, to be used for expenditures associated with PPPs.</p> <p>Other bills carried over to 2012. House Bill 4131 is a comprehensive measure that would allow for public-private partnerships (PPPs) for transportation infrastructure projects. It would give the State Transportation Commission the power to approve all PPPs, but requires the commission to hold a hearing every five years to receive public comment on the facilities operated by a PPP. Two interdependent bills, Senate Bills 410 and 411, would address the construction of a bridge between Michigan and Canada. Senate Bill 410 would create the Michigan Governmental Authority for a New International Trade Crossing—also called the Detroit River International Crossing—within the Michigan DOT, authorizing procurement, design, finance, construction, maintenance, operation, improvement and repair of new international bridges and approaches, as well as certain agreements with public and private entities. Senate Bill 411 would include the new authority in the definition of “eligible governmental agency” under the Michigan Transportation Fund law in order to make it eligible to receive distributions from the fund. The omnibus budget bill (House Bill 4526), however, restricts PPPs and any funding or construction for the New International Trade Crossing without legislative approval; and House Bill 4262, pending at the end of 2011, would prohibit new tolls on previously untolled facilities, including as part of a PPP project.</p> <p>Aviation. For airport improvement projects, House Bill 4526 requires localities to provide at least 2.5 percent of the cost unless a total nonfederal share greater than 5 percent is otherwise specified in federal law, and restricts allocation of state money until local money is allocated. It also authorizes the Michigan Aeronautics Commission to take necessary steps to meet federal matching requirements for airport construction and improvement.</p> <p>Other. Senate Bill 494 changes various driver's licensing provisions. It revises requirements for the documentation that a non-U.S. citizen must provide in a driver's license application. However, nothing in the bill may obligate or be construed to obligate the state to comply with the U.S. REAL ID Act of 2005.</p>
Minnesota	<p>Funding and Finance. The Minnesota Legislature faced unique circumstances this session. House File 1140, the transportation omnibus bill, was vetoed by Governor Dayton because it would have underfunded transit, potentially causing fare increases and cuts to services. After disagreement about how to close the state's deficit, the Legislature did not pass a final budget, and the government was shut down for 20 days beginning July 1. Nearly 100 transportation projects were put on hold during the shutdown, rest stops were closed and thousands of state workers were furloughed. Legislators asked the courts to fund transportation projects until July 13, but the judge declined the request. A special session convened on July 19, and a new transportation omnibus bill (House File 2) was introduced and passed, then signed by the governor on July 20.</p> <p>Senate File 67, enacted during regular session, creates a new permit for transporting waterfront structures on trunk highways, including portable boat docks and boat lifts. A single permit trip costs \$15, and the annual permit will cost \$120, the same as the current boat rate.</p>

APPENDIX. MAJOR STATE TRANSPORTATION LEGISLATION (CONTINUED)

State/ Jurisdiction	Major Transportation Legislation
Mississippi	<p>Alternative Fuel and Electric Vehicles. Lawmakers in Mississippi considered, but ultimately did not enact, House Bill 796, which would have imposed a new annual tax on electric vehicles equal to 0.5 cent per mile traveled during the preceding year.</p> <p>Traffic Safety. Senate Bill 2742 creates “Nathan’s Law,” named after a 5-year-old who was killed in December 2009, and increases penalties for passing a school bus when stopped to load or unload students.</p> <p>Other. House Bill 606 creates the option of applying for an eight-year driver’s license instead of a four-year license from July 1, 2011, through June 30, 2012. The fee is \$40, whereas the fee for a four-year license is \$18. The bill also conforms the punishment for driving without a driver’s license to the punishment for driving with a suspended driver’s license.</p>
Missouri	<p>Alternative Fuel and Electric Vehicles. House Bill 354 exempts qualified plug-in electric drive vehicles from the motor vehicle emissions inspection program.</p> <p>Rail. The Missouri budget bill (House Bill 4) originally included an allocation of state matching funds in order to pursue a \$1 billion request for reallocated federal high-speed rail money, rejected by the state of Florida. The House budget committee struck the item from the bill due to concerns about long-term costs. Governor Nixon and the state Department of Transportation (DOT) still pursued the application for federal funds, however, in hopes that the budget could be adjusted the following year if approved. The final 2011 bill included an allocation of federal grant money only for projects that had previously been awarded.</p> <p>Traffic Safety. House Bill 199 specifies that the community service requirement for a prior offender of an intoxication-related traffic offense must involve at least 240 hours during a 30-day service period or 480 hours during a 60-day service period. The hours of community service must be completed before he or she is eligible for probation or parole.</p>
Montana	<p>Funding and Finance. Failed House Bill 563 would have established a comprehensive public-private partnership (PPP) enabling bill for transportation projects.</p> <p>Airport Security. A drafted joint resolution of the House and Senate, LC 2079, was not officially introduced with a sponsor. It would have urged the Transportation Security Administration (TSA) to repeal changes to its procedure for conducting pat-down searches at airport security checkpoints.</p> <p>Traffic safety. The Montana Legislature enacted 13 traffic safety-related bills, six of which related to impaired driving. Prompted by the recent high number of deaths from drunk driving, House Bill 106 established the “24/7 Sobriety Program” in the state Department of Justice. It provides for sobriety testing of certain driving under the influence (DUI) offenders twice per day by county sheriffs or designees at the expense of the offender. Upon completion of the program and other requirements, the court may approve eligibility for a restricted probationary driver’s license.</p>
Nebraska	<p>Funding and Finance. Nebraska lawmakers passed the Build Nebraska Act in 2011, which addressed the state’s highway funding deficit. Legislative Bill 84 dedicates 0.25 percent of the 5.5-cent sales tax to road projects for FY 2013-14, estimated to provide \$70 million per year. The act, as introduced, also would have authorized up to \$500 million in bonds for roads and bridges, but this section was removed before enactment. The Nebraska constitution requires the Legislature to authorize any bonds for highway construction; the state last issued bonds in 1969 for about \$20 million to complete I-80.</p> <p>A measure carried over to 2012, Legislative Bill 504, would raise the gas tax by 3.8 cents—from 7.5 cents per gallon to 11.3 cents per gallon—on Oct. 1, 2011, and by another 3.8 cents—to 15.1 cents per gallon—on Oct. 1, 2012. Estimates from the fiscal note project an increase in revenue for the Highway Cash Fund of \$30.7 million in FY 2011-12 and \$77 million in FY 2012-13. Legislative Resolution 3CA, also carried over, would have proposed to voters in 2012 a constitutional amendment permitting the state to use sales and use tax revenues to finance highway bonds.</p>

APPENDIX. MAJOR STATE TRANSPORTATION LEGISLATION (CONTINUED)

State/ Jurisdiction	Major Transportation Legislation
Nebraska cont'd.	<p>Traffic Safety. Legislative Bill 667 prohibits the transportation of minors by a person under the influence of alcohol or drugs and enhances the ignition interlock program.</p> <p>Other. Legislative Bill 215 requires the state to be in compliance with the U.S. REAL ID Act of 2005 by Jan. 1, 2014.</p>
Nevada	<p>Funding and Finance. The Nevada Legislature considered bills that would have changed the long-term ban on tolling in the state. Senate Bill 506 authorizes a \$400 million bypass around Boulder City to relieve congestion near the Hoover Dam Bypass Bridge. The law authorizes a public-private partnership (PPP) to fund a demonstration project of a 15-mile toll road in connection with the project, but tolls generally are prohibited in Nevada. (A similar bill, Senate Bill 214, failed to pass.) Senate Bill 83, which died, would have allowed PPPs for transportation, including tolling projects, thereby removing the tolling prohibition.</p> <p>Alternative Fuel and Electric Vehicles. Assembly Bill 511 provides that the owner or long-term lessee of qualified plug-in electric vehicles may apply for a decal and park the vehicle without paying a parking fee. It also allows alternative fuel vehicles to drive in high-occupancy vehicle (HOV) lanes.</p> <p>Traffic Safety. Senate Bill 15 requires the state Department of Motor Vehicles (DMV) to cancel the license of anyone whose license already had been reinstated if, after reinstatement, the DMV receives notice that the person has been convicted of driving under the influence (DUI), unless a civil penalty is paid. Assembly Bill 28 allows low-speed vehicles on the road and makes Nevada's definition of low-speed vehicle consistent with the federal definition. Senate Bill 140 prohibits use of cell phones or other handheld devices while driving in certain circumstances, and makes it a crime to text or read data on a cellular phone while driving; an exemption is provided for operators of autonomous vehicles (see also Assembly Bill 511 below).</p> <p>Alternative Fuel and Electric Vehicles. Assembly Bill 511 provides that the owner or long-term lessee of qualified plug-in electric vehicles may apply for a decal and park the vehicle without paying a parking fee. It also allows alternative fuel vehicles to drive in high-occupancy vehicle (HOV) lanes.</p> <p>Traffic Safety. Senate Bill 15 requires the state Department of Motor Vehicles (DMV) to cancel the license of anyone whose license already had been reinstated if, after reinstatement, the DMV receives notice that the person has been convicted of driving under the influence (DUI), unless a civil penalty is paid. Assembly Bill 28 allows low-speed vehicles on the road and makes Nevada's definition of low-speed vehicle consistent with the federal definition. Senate Bill 140 prohibits use of cell phones or other handheld devices while driving in certain circumstances, and makes it a crime to text or read data on a cellular phone while driving; an exemption is provided for drivers of autonomous vehicles (see also Assembly Bill 511 below).</p> <p>Access for All Users. Senate Bill 248 requires drivers to pass a bicycle or an electric bicycle proceeding in the same direction by moving into the immediate left lane or passing to the left at a distance of not less than 3 feet. Under a new law created by Assembly Bill 328, a driver who collides with a pedestrian or bicyclist has committed reckless driving.</p> <p>Other. Nevada passed the nation's first law related to autonomous vehicles—cars capable of navigation without human mechanical operation. Assembly Bill 511 authorizes operation of autonomous vehicles and a driver's license endorsement for operators of autonomous vehicles (see also Senate Bill 140 above).</p>

APPENDIX. MAJOR STATE TRANSPORTATION LEGISLATION (CONTINUED)

State/ Jurisdiction	Major Transportation Legislation
New Hampshire	<p>Funding and Finance. A New Hampshire bill that carried over to 2012 addresses needed transportation funds. Senate Bill 159 would create a state infrastructure bank (SIB) to leverage funds. Two other bills that carried over, however, would reduce available transportation dollars: House Bill 645 would reduce the motor vehicle registration fee by \$2.10 to \$4.10 per month, depending upon vehicle weight; and Senate Bill 78, as amended, would reduce the gasoline tax from 18 cents per gallon to 13 cents per gallon. This bill, as introduced, would have eliminated motor vehicle registration fee increases that were enacted in 2009 (with 2009 House Bill 2) earlier than the originally planned sunset date of June 30, 2011, but the legislature struck the provision.</p> <p>Alternative Fuel and Electric Vehicles. Senate Bill 26 establishes a committee to study the classification of motor vehicles and explore alternatives to the current system in light of trends in the industry aimed to reduce size, improve efficiency, and use alternative energy sources and alternative vehicle configurations.</p> <p>Aviation. Also addressing needed funding, House Bill 72 carried over to 2012; it would establish a state aeronautical fund and authorize the state Department of Transportation (DOT) to accept donations to the fund for airport maintenance and capital improvements.</p> <p>Airport Security. In response to new Transportation Security Administration (TSA) procedures, the legislature adopted House Concurrent Resolution 9, which urges Congress to support legislation providing that airport security screeners are not immune from any U.S. law regarding physical contact with another person, making images of another person, or causing physical harm through the use of radiation-emitting machinery on another person. A similar resolution (House Concurrent Resolution 8) died that would have urged the TSA to terminate its recent changes to pat-down search procedures, and urged Congress to discontinue the use of advanced imaging (body-scan) technology at airports. House Bill 628, carried over to 2012, would make touching or viewing of a person's breasts or genitals by a government security agent without probable cause a case of sexual assault.</p> <p>Traffic Safety. Senate Bill 29 creates a special three-wheel motorcycle endorsement and eliminates the horsepower limitation in the definition of moped in the motor vehicle laws.</p> <p>Other. House Bill 117 allows additional weight for vehicles using idle reduction technology to promote reduction of fuel use and emissions.</p>
New Jersey	<p>Funding and Finance. New Jersey became the eighth state to allow advertising on state roadway patrol vehicles with Assembly Bill 3944, following Florida, Georgia, Kansas, Maryland, Massachusetts, New York and Pennsylvania; the revenues are to be used to pay for patrol services. Assembly Bill 1637 permits school districts to sell advertising space on exterior sides of school buses, with the exception of ads for tobacco or alcohol. Revenue from the ads must be spent for transportation fuel costs and programs and services the school board deems appropriate. Failed Senate Bill 2636/Assembly Bill 3736 would have required the New Jersey Turnpike Authority to immediately reduce tolls by a cumulative total of \$1.25 billion—the amount no longer required for financing or payment of the canceled mass transit tunnel project (Access to the Region's Core Tunnel project, or ARC) between New Jersey and New York.</p> <p>Traffic Safety. Sara's Law, Assembly Bill 2592, allows state license or identification card holders to submit the name and telephone number of up to two emergency contacts to be stored in the Next-of-Kin Registry, available to law enforcement officials only when a motor vehicle accident results in serious bodily injury or death. To expand the number of teenagers eligible to participate, the law lowers from 17 to 14 the eligible age for identification cards. New Jersey is the seventh state to implement such a notification system, joining Colorado, Delaware, Florida, Illinois, Indiana and Ohio. Assembly Bill 407 prohibits use of wireless telephones by public transit vehicle operators while vehicles are moving, but allows hands-free devices while operating a paratransit service when radio communication is not available.</p>

APPENDIX. MAJOR STATE TRANSPORTATION LEGISLATION (CONTINUED)

State/ Jurisdiction	Major Transportation Legislation
New Mexico	<p>Traffic Safety. Lawmakers in New Mexico focused on provisions for young drivers. Senate Bill 9 modifies requirements for licensing drivers under age 18 and requires an additional 30 days of driving with an instruction permit or provisional license for each traffic violation committed. The bill also adds seatbelt laws and mobile phone restrictions to the list of violations that could delay issuance of a provisional license or driver's license, as well as buying, receiving, possessing or permitting oneself to be served with alcoholic beverages.</p>
New York	<p>Funding and Finance. Many transportation funding and finance bills left pending at the end of 2011 carried over to 2012. Senate Bill 4880B/Assembly Bill 7297A would have created a gas tax holiday by suspending the 33 cents in gas taxes during Memorial Day weekend, Independence Day weekend and Labor Day weekend. Assembly Bill 1496 would reduce the tax on petroleum businesses and lowered the sales and compensating use taxes on retail sales of motor fuel and diesel from 8 cents per gallon to 4 cents per gallon.</p> <p>Assembly Bill 5795 would create the New York State Infrastructure Development Bank within the banking department of the state Department of Transportation (DOT)—designed to be a government-owned corporation modeled after the European Investment Bank—with an independent and objective board of directors to make final infrastructure financing determinations, an executive committee to handle day-to-day operations of the bank, and risk management and audit committees to manage risk and monitor the bank's activities. The bank would be appropriated \$250 billion. Carried over to 2012, Assembly Bill 8487/Senate Bill 5445 would give the state DOT, the Metropolitan Transit Authority (MTA), the Bridge Authority and the Thruway Authority greater flexibility in delivery and financing transportation infrastructure projects by allowing them to enter into agreements with public or private entities.</p> <p>Aviation. Senate Bill 3250 creates the Syracuse Regional Airport Authority, which is intended to facilitate adequate, safe, secure and efficient aviation and transportation facilities at a reasonable cost to the people.</p> <p>Airport Security. Senate Bill 5296 would have established the crime of unlawful dissemination of a security body scan when an image is given out without the permission of the person of whom the scan was made.</p> <p>Traffic Safety. Senate Bill 5643 makes texting while driving a primary violation in New York state.</p> <p>Access for All Users. Senate Bill 5411 enables safe access to public roads for all users by using complete streets design principles that include sidewalks, crosswalks, pedestrian control signalization, bus pull-outs, curb cuts, raised crosswalks and ramps, and traffic calming measures.</p>
North Carolina	<p>Funding and Finance. Senate Bill 751, which carried over to 2012, would limit the wholesale tax on gasoline in North Carolina to no more than 15 cents per gallon. Senate Bill 750, which also carried over, would keep some highway bidding information private until project contracts were awarded.</p> <p>Alternative Fuel and Electric Vehicles. The North Carolina General Assembly enacted two bills related to alternative fuels. House Bill 187 directs the Gasoline and Oil Inspection Board to adopt rules related to labeling of dispensing pumps and other devices that offer ethanol-blended gasoline for retail sale. It requires use of labels to indicate whether the gasoline offered for retail sale contains more or less than 10 percent ethanol by volume. Senate Bill 194/House Bill 222 authorize compressed natural gas vehicles and fuel cell electric vehicles to operate in high-occupancy vehicle (HOV) lanes and exempts fuel cell electric vehicles from the emissions inspection requirement.</p>

APPENDIX. MAJOR STATE TRANSPORTATION LEGISLATION (CONTINUED)

State/ Jurisdiction	Major Transportation Legislation
North Carolina cont'd.	<p>Rail. Three rail-related bills carried over to the 2012 session. House Bill 422 would require the state Department of Transportation (DOT) to consult with designated legislative commissions or committees about rail projects if the required state match or future annual maintenance and operational costs to the state are reasonably expected to exceed \$3 million. If those costs are expected to exceed \$5 million, the DOT's acceptance of funds is subject to legislative approval. House Bill 851 would require the state DOT to prioritize a certain rail corridor project if the state received any increased federal high-speed rail funds as a result of other states returning their funds. House Bill 865 would require the state DOT to coordinate with Amtrak to raise fares for passenger trains by an average of \$11 per ticket on state-subsidized passenger trains in order to eliminate the subsidy.</p> <p>Traffic Safety. Laura's Law—House Bill 49—increases punishments for driving while intoxicated (DWI) offenders who have prior convictions and requires installation of ignition interlock devices for certain DWI offenders. Senate Bill 241 strengthens DWI sentencing if the offense occurred when a child or person with mental or physical impairment was in the vehicle. House Bill 761 makes it illegal to tamper with an ignition interlock system.</p>
North Dakota	<p>Funding and Finance. House Bill 1109 extends the time North Dakota motorists have to renew their driver's license and increases the fee by \$5, which is deposited into the highway fund.</p> <p>Rail. House Concurrent Resolution 3010 directs Legislative Management to study passenger rail service within the state, including options for implementing a passenger rail service route in the southern part of the state.</p> <p>Traffic Safety. North Dakota now prohibits drivers from using a wireless device or cell phone, except in cases of emergency, with enactment of House Bill 1195. House Bill 1256 prohibits holders of instructional driver's permits from operating a cell phone while driving, except in an emergency. It adds additional qualifications for obtaining an instruction permit, updates the requirements for a motorcycle learner's permit, and also allows the state Department of Transportation (DOT) to issue commercial driver's instruction permits. Senate Bill 2113 adds drugs to implied consent laws for alcohol, which are in place for determining concentrations of substances in drivers' blood. It also makes changes to state crime laboratory provisions and technical changes to the interpretation of chemical tests.</p> <p>Alternative Fuel and Electric Vehicles. Senate Bill 2034 adds green diesel to the types of fuel eligible for income tax credit programs for fuel suppliers and distributors.</p>
Ohio	<p>Funding and Finance. House Bill 114, the \$6.8 billion transportation bill, allows for public-private partnerships (PPPs) for transportation infrastructure. The state Department of Transportation (DOT) can select proposals from a competitive process—with or without negotiations—based on qualifications, best value or both. The state DOT also is authorized to spend up to \$1 billion annually on projects using a design-build project delivery method. Ohio's \$56 billion budget bill (House Bill 153) contains additional details concerning transportation PPPs, especially the high-profile pursuit of a lease deal for the 241-mile Ohio Turnpike. Among other provisions, the bill requires the General Assembly to approve invitations for qualifications or for proposals before the state can enter into a PPP to operate or maintain a highway.</p>
Oklahoma	<p>Funding and Finance. Controversial funding bills were enacted in Oklahoma this year. The general appropriations bill, House Bill 2170, transfers \$101.7 million of fuel tax revenue from the State Highway Construction and Maintenance Fund to the Special Cash Fund of the State Treasury, making it available to state agencies that are not involved in building or maintaining roads and bridges. On June 8, a lawsuit was filed to challenge the state constitutionality of collecting a tax for one purpose and using it for another, but the Oklahoma Supreme Court declined to hear the case. To account for the transfer, House Bill 2171 issues \$70 million in bonds for the state Department of Transportation (DOT) to fund the eight-year transportation plan. House Bill 1815 creates a new tax on natural gas for vehicles (see also below).</p> <p>House Bill 1990 allows transportation and regional economic development authorities to levy a sales tax for transportation or economic development projects if first approved by voters; projects are to include intermodal facilities that together facilitate the movement of commerce. (See also House Bill 1686 below.)</p>

APPENDIX. MAJOR STATE TRANSPORTATION LEGISLATION (CONTINUED)

State/ Jurisdiction	Major Transportation Legislation
Oklahoma cont'd.	<p>Alternative Fuel and Electric Vehicles. House Bill 1815 levies a tax for compressed natural gas at 13 cents per-gasoline gallons equivalent (gge), and a tax of 5 cents per gge for a period of time sufficient to allow development of compressed natural gas distribution systems; proceeds are appropriated in the same way as existing motor fuel taxes.</p> <p>Rail. House Bill 1686 creates the Eastern Flyer Passenger Rail Development Task Force to study and develop a comprehensive plan for expanding conventional and high-speed passenger rail service from Tulsa to Oklahoma City via public-private partnership (PPP) formulas that include federal and state funds used with private asset contribution.</p> <p>Airport Security. Failed House Bill 1245 would have prohibited federal employees from screening a passenger for air travel or other transportation from using their job duties as a defense to prosecution under the sexual assault and battery statute, unless reasonable suspicion exists at the time of the screening that the passenger may pose a danger to the traveling public.</p> <p>Traffic Safety. The Erin Elizabeth Swezey Act—Senate Bill 529—extends the time periods required for use of ignition interlock devices by driving under the influence (DUI) offenders. The bill also requires the state Department of Public Safety to develop a procedure to require those subject to a court order for installation of an ignition interlock device to replace their driver's license or identification card with one that bears the words, "Interlock Required."</p>
Oregon	<p>Funding and Finance. Three failed bills would have expanded funding and finance options in Oregon. Senate Bill 260 would have authorized issuance of lottery bonds for transportation projects and established a Local Government Transportation Improvement Fund. House Bill 2545 would have created a new tax on motor vehicle rentals and deposited that revenue into the State Highway Fund. A road usage charge, also known as a vehicle miles traveled (VMT) fee, would have been established for electric and plug-in hybrid electric motor vehicles by House Bill 2328. The charge would have been less than 1 cent per mile beginning in 2015, increasing to 1.56 cents per mile in 2018. During the transitional period from 2015 to 2018, drivers would have had the option to pay a flat annual fee of \$300. The bill also would have directed the state Department of Transportation (DOT) to develop various methods of tracking mileage, taking into consideration privacy concerns with Global Positioning System (GPS) vehicle location capability.</p> <p>Traffic Safety. Addressing impaired driving, Senate Bill 65 changes the ratio used to determine the percent by weight of alcohol in the blood to determine whether a driver is intoxicated. House Bill 3075 requires installation of an ignition interlock device as a condition of driving under the influence (DUI) and raises certain fees for deposit in the Intoxicated Driver Program Fund to pay for costs related to program administration.</p> <p>Access for All Users. House Bill 2403 directs the state DOT and other state agencies to partner with the Oregon Military Department to provide reintegration services for veterans using regional strategies.</p>
Pennsylvania	<p>Funding and Finance. Several bills in the Pennsylvania General Assembly would address needed funds for transportation infrastructure, but action had yet to be taken by the end of 2011, the first year of the two-year session. House Bill 3 and Senate Bill 344 are similar comprehensive enabling bills for public-private partnerships (PPPs); the Senate version, however, would permit state senators and representatives to sit on a PPP selection board, while the House version (and a related bill, House Bill 1834) would give the House and Senate each two selections but not allow legislators to be sitting board members.</p>

APPENDIX. MAJOR STATE TRANSPORTATION LEGISLATION (CONTINUED)

State/ Jurisdiction	Major Transportation Legislation
Pennsylvania cont'd.	<p>A legislative package to address the state's transportation funding needs was introduced in the Senate in late 2011. It incorporated recommendations from the governor's 2011 Transportation Funding Advisory Commission, which had been charged with locating \$2.5 billion in revenue for roads, bridges and mass transit. Included were Senate Bill 1326, Senate Bill 1327 and Senate Bill 4, all of which carried over to 2012. Senate Bill 1326 would provide funding for intermodal transportation projects, including aviation, rail freight, passenger rail, ports and waterways. Senate Bill 1327 would direct all required payments to the state Department of Transportation (DOT) from the Turnpike Commission exclusively to transit purposes—\$450 million total, instead of the \$200 million currently allotted—and allow transit funds to remain available until spent rather than lapsing at the end of the fiscal year. The bill also includes authorization of a state DOT study on—and financial incentives for—consolidation of local transportation organizations as a way to reduce expenses. House Bill 2099 and Senate Bill 4 would boost registration and other fees and establish an annual 3 percent fee increase. The bill also proposes to eliminate the cap on the state's Oil Company Franchise Tax by allowing the tax to be applied to the full wholesale price of fuel rather than to only \$1.25 per gallon as is now the case. A similar series of bills mirroring the commission's recommendations were filed in the House in late 2011.</p> <p>House Bill 1108 would repeal state authorization for I-80 to be converted to a toll road and prohibit the Pennsylvania Turnpike Commission from re-applying for federal authorization; the bill carried over to 2012.</p> <p>Airport Security. Also addressing TSA procedures this year, House Resolution 16 would request that Congress address concerns raised by security screening methods employed by the TSA, and House Bill 852, if passed, would criminalize contact with any person's genitals or breasts during the course of an airport body search as indecent assault. Under the bill, federal, state or municipal government employees would not be immune from prosecution, even if the violation occurred while they were acting within the scope of employment. Both measures carried over into the second year of the session.</p> <p>Traffic Safety. With passage of Senate Bill 314, Pennsylvania became the 35th state to ban texting while driving.</p> <p>Access for All Users. In Pennsylvania, proceeds from the sale of lottery tickets are allocated to free or reduced fare transit service for the elderly. The legislature passed House Bill 986, which extends a reduction of the minimum profit for state lottery tickets from 30 percent to 27 percent; this extension is estimated to provide an additional \$86.3 million within the Lottery Fund for senior transit. Pending House Bill 10 would allow private contracting for transit services and would amend the definition of "transportation system" to include transportation or transportation services for older adults and those with disabilities.</p>
Rhode Island	<p>Funding and Finance. Included in the Rhode Island budget bill (House Bill 5894) is the Transportation Investment and Debt Reduction Act of 2011, which provides additional stable and secure funding sources for maintaining and improving transportation infrastructure. The act aims to reduce bonding to the fullest extent possible and avoid creation of future debt service obligations. It creates the Rhode Island Highway Maintenance Trust Fund and imposes additional vehicle registration surcharges and driver's license fees to support the fund, which is to be used instead of borrowing money for the state match for federal transportation funds.</p> <p>Alternative Fuel and Electric Vehicles. House Bill 5390 establishes a commission to study and develop a strategy to increase the state's use of advanced biofuels, including an interstate agreement for low carbon fuel standards and greenhouse gas emissions standards.</p> <p>Traffic Safety. Senate Bill 22 makes violations of the safety belt law a primary offense.</p>

APPENDIX. MAJOR STATE TRANSPORTATION LEGISLATION (CONTINUED)

State/ Jurisdiction	Major Transportation Legislation
South Carolina	<p>Funding and Finance. A measure in the South Carolina General Assembly—Senate Bill 103—carried over to 2012. If enacted, it would allow the state Department of Transportation (DOT) to solicit proposals for public-private initiatives from private entities.</p> <p>Alternative Fuel and Electric Vehicles. House Bill 3059, which carried over, would amend the definition of plug-in hybrid vehicles in relation to qualifying for the income tax credit for such vehicles. The bill would specify that these vehicles must not be classified as low- or medium-speed vehicles, and would raise from \$2,000 to \$5,000 the aggregate amount of the tax credit available each fiscal year.</p> <p>Rail. House Bill 4238 also carried over to 2012; if enacted, it would establish a High-Speed Rail System Commission to examine needs and opportunities for high-speed rail, together with corresponding economic development opportunities within the state. The commission would develop an action plan for developing a high-speed rail system to tie into the Southeast High-Speed Rail Corridor and, if feasible, to connect regions of South Carolina with neighboring states.</p> <p>Traffic Safety. Senate Bill 336 states that a copy of any citations must be given directly to the offender by the law enforcement officer issuing the citation at the time of the traffic stop for the offense. Law enforcement agencies cannot use the U.S. mail, a parcel delivery service or any electronic means to deliver a ticket. John’s Law, House Bill 3431, requires the state DOT to publish on its website a list of all public railroad crossings and the list of railroad crossings programmed for upgrade. Chandler’s Law, House Bill 3562, enacts minimum age requirements for operation of all-terrain vehicles, safety course completion requirements, safety equipment requirements and passenger riding requirements.</p>
South Dakota	<p>Funding and Finance. House Bill 1192 became law after the South Dakota Legislature overrode the governor’s veto; the bill increases vehicle registration fees by \$18 over two years.</p> <p>Alternative Fuel and Electric Vehicles. The ethanol infrastructure incentive fund was created by Senate Bill 196, which awards incentive grants to motor fuel retail dealers for purchase and installation of ethanol blender pumps to sell fuel to the public, and for purchase of flex fuel vehicles.</p> <p>Traffic Safety. Senate Bill 33 authorizes the use of ignition interlock devices and provides installation fees. Senate Bill 20 removes the requirement of a prior felony conviction for a fourth and subsequent driving under the influence (DUI) offense, and provides that a driver’s license may be revoked for two years for a fourth offense and three years for a fifth offense.</p> <p>Access for All Users. Senate Bill 4 updates standards governing pedestrian control signals to conform to the 2009 <i>Manual on Uniform Traffic Control Devices</i>, giving pedestrians the right-of-way by all vehicles.</p>
Tennessee	<p>Traffic Safety. Two bills changed driving under the influence (DUI) statutes in Tennessee this session. Senate Bill 343/House Bill 391 increase the minimum time a driver’s license may be revoked for third and fourth DUI convictions from three to six years, and for subsequent DUI convictions from five to eight years. House Bill 715/Senate Bill 1270 require law enforcement officers to test drivers for blood alcohol or drug content—regardless of whether the driver consents to the test—if the officer has probable cause to believe the driver has committed a DUI offense, vehicular homicide due to intoxication or aggravated vehicular homicide; and the driver has been previously convicted of such an offense or a passenger in the car is under age 16.</p> <p>Access for All Users. A state-level transportation coordination committee was created by Senate Bill 523. The committee is responsible for coordinating state and local government transportation efforts in order to improve the methods of delivery of passenger transportation, universal mobility, the effectiveness of services and overall financial efficiency. The committee also is directed to identify opportunities and barriers and recommend solutions to improve transportation coordination. Membership consists of representatives from various state agencies and two members from each chamber of the legislature.</p>

APPENDIX. MAJOR STATE TRANSPORTATION LEGISLATION (CONTINUED)

State/ Jurisdiction	Major Transportation Legislation
Texas	<p>Funding and Finance. Because of sunset provisions in Texas, the state Department of Transportation (DOT) would have been automatically abolished in 2011 unless it was reenacted by the Legislature. Within the 116-page reauthorization package (Senate Bill 1420) is a provision authorizing the state DOT and local tolling authorities to enter into public-private partnerships (PPPs) for up to 10 specified toll roads. Senate Bill 1048 allows concession agreements for PPPs for ferry, mass transit, vehicle parking or port facilities, but excludes the state highway system. Enactment of these measures represents a renewed commitment to PPPs, after a 2007 law suspended the state DOT's authority for all such deals with few exceptions; DOT authority to enter into PPPs generally expired in 2009. In addition, House Bill 3789, which failed to pass, would have authorized a range of toll project entities to enter into PPP agreements.</p> <p>Other tolling legislation was enacted in 2011. Senate Bill 19 establishes a process for toll project development and allows tolling agreements for regional authorities. Senate Bill 959 authorizes use of alternative tolling methods, including video billing and automated enforcement technology. Other financing options were explored but not enacted in 2011, including Senate Bill 1395/House Bill 3218, a state infrastructure bank ; House Bill 1669, a pilot program to test the framework for collecting a vehicle miles traveled (VMT) fee for electric vehicles; and House Bill 3092, which would have allowed counties to call an election to raise transportation-related funds through a county fuel tax, a local option mobility improvement fee, a VMT fee or other fees.</p> <p>Another measure expanded local flexibility. House Bill 563 decouples local use of transportation reinvestment zones (TRZs) from pass-through financing, which will allow local governments to fund and develop transportation projects without requiring state DOT oversight. House Bill 1112 expands the authority of regional mobility authorities (RMAs), granting them the same authority as regional and county toll authorities. RMAs now can borrow funds from the state DOT and any other entities rather than only from the state infrastructure bank, and proceeds from bond projects can be used to support other projects of the same system. House Bill 3771 authorizes the state DOT to adopt safety standards for high-speed rail and to collect a reasonable fee to cover any associated costs.</p> <p>Alternative Fuel and Electric Vehicles. Senate Bill 385 creates an alternative fuel program to be funded by the state emissions reduction plan fund, establishes a grant program for certain natural gas vehicles and natural gas fueling stations, and provides for implementation plans. Senate Bill 20 allows for a state natural gas vehicle grant program to encourage entities with heavy- or medium-duty motor vehicles to repower the vehicles with a natural gas engine or to replace the vehicle with a natural gas vehicle by offsetting the incremental cost.</p> <p>Airport Security. Several pieces of legislation were introduced in Texas in response to public outcry over new Transportation Security Administration (TSA) screening procedures, and the TSA sent a letter to the Legislature threatening to stop flights from Texas if the bills were passed. When lawmakers failed to enact the bills, citizens protested at the Capitol. House Bill 1937—which would have created the offense of official oppression by intrusive touching of those seeking access to public buildings and transportation—was reintroduced as House Bill 41/ Senate Bill 29 in a special session but still did not pass. Other related bills included House Concurrent Resolution 80, expressing strong opposition to unwarranted and unreasonable searches of air passengers by the TSA and urging the administration to cease such searches immediately, and House Bill 1938, which would have prohibited whole-body scanners in airports.</p> <p>Traffic Safety. Governor Perry vetoed House Bill 242, which would have enacted a statewide ban on texting while driving.</p> <p>Access for All Users. House Bill 2136 protects nonemergency medical transportation (NEMT) brokers and those they serve by authorizing the Health and Human Services Commission to adopt rules to ensure safe and efficient NEMT service provision under the medical transportation program.</p>

APPENDIX. MAJOR STATE TRANSPORTATION LEGISLATION (CONTINUED)

State/ Jurisdiction	Major Transportation Legislation
Utah	<p>Funding and Finance. In Utah, school boards now can sell advertising space on the side of school buses under House Bill 199. The Legislature also overrode the governor's veto of Senate Bill 229, which increases the amount of tax revenue that is deposited into the Centennial Highway Fund of the Transportation Investment Fund of 2005 and earmarks 30 percent of any increases in sales tax revenues to roads for a five-year period. Starting in 2013, about \$59.6 million in sales tax revenue will be shifted from the state's General Fund to the Highway Fund. Senate Bill 239, which failed to pass, would have increased the motor and special fuel tax rate and the tax rate on compressed natural gas. House Bill 184 imposes a tax of 8.5 cents per gallon equivalent on natural gas for vehicles, which is deposited into the Transportation Fund. According to the fiscal note, enactment of this bill forgoes sales tax revenue to the General Fund of more than \$3.3 million per year, but increases the Transportation Fund by more than \$5 million per year in fiscal years 2012 and 2013 (see also below).</p> <p>Alternative Fuel and Electric Vehicles. House Bill 24 requires the state Department of Transportation (DOT) to administer clean fuel vehicle decals to certain vehicles and allows these vehicles to travel in high-occupancy vehicle (HOV) lanes, regardless of the number of occupants. Senate Bill 226 makes qualified new plug-in electric drive motor vehicles eligible for cleaner burning fuels tax credits. House Bill 184 amends the definition of clean fuel to include liquefied natural gas (LNG) and imposes a tax of 8.5 cents per gallon equivalent on LNG when it is placed in the fuel tank of a vehicle for on-highway use. Proceeds will go to the Transportation Fund (see also above).</p> <p>Traffic Safety. Senate Bill 77 requires the state Driver License Division (DLD) to issue licenses for ignition interlock system providers and installers and specifies procedures and requirements for issuing the licenses. Senate Bill 3003C permits the DLD to suspend the license of drivers between the ages of 19 and 20 if the DLD determines that a peace officer had reasonable grounds to believe that he or she was driving under the influence and the arrest was made on or after July 1, 2009. Senate Bill 138 requires every new and renewal applicant for a driving privilege card to submit fingerprints and a photograph with an application to the DLD if they have not previously done so. Fingerprints then are submitted to the Bureau of Criminal Identification for comparison with certain criminal databases.</p>
Vermont	<p>Funding and Finance. Vermont's fiscal year 2012 Appropriations Act, House Bill 441, included transportation spending provisions totaling \$554 million. House Bill 443 allocates the funds for specific transportation projects; more than \$410 million is invested directly in construction and related infrastructure spending. Governor Shumlin stated that the transportation maintenance budget was increased by more than \$100 million to prioritize road and bridge repair. Vermont roads already had been damaged by severe winter weather and harsh spring storms when Tropical Storm Irene hit the state in late August, causing severe flooding and further destruction. Vermont applied for federal disaster assistance to help with repair and—as of March 2012—the state, towns and other entities had received \$37.4 million in Federal Emergency Management Agency (FEMA) Public Assistance for infrastructure repair, \$18 million of which was provided in 2011.</p> <p>Rail. House Bill 443 authorizes state spending of—and encourages the state Department of Transportation (DOT) to apply for—a federal rail grant to cover costs associated with upgrading the state's western rail corridor for intercity passenger rail service. It authorizes up to \$15 million in transportation infrastructure bonds (TIB) to provide the required state match for any federal grant received and, in the event a federal grant is awarded, authorizes spending those grant funds and TIB proceeds.</p> <p>Aviation. Other provisions in House Bill 443 require the state DOT to develop an aviation program business plan by early 2012 to reduce or eliminate operating deficits of state-owned airports by 2015. Certain airports excluded from the plan are those that provide daily commercial passenger airline service or that meet Federal Aviation Administration (FAA) certification requirements. It also amends existing law to allow municipalities to apply for federal airport project assistance with the state DOT serving as an agent.</p> <p>Traffic Safety. House Bill 264 enhances penalties for driving while intoxicated and prohibits anyone from registering a motor vehicle if the his or her license or learner's permit has been suspended or revoked in any jurisdiction.</p>

APPENDIX. MAJOR STATE TRANSPORTATION LEGISLATION (CONTINUED)

State/ Jurisdiction	Major Transportation Legislation
Virginia	<p>Funding and Finance. The Virginia General Assembly enacted the State Road Plan, funding \$4 billion for transportation projects. Senate Bill 1446/House Bill 2527 create the Virginia Transportation Infrastructure Bank as a new method of financing and establishes the Intercity Passenger Rail Operating and Capital Fund. Senate Bill 1132 allows a tax levy on motor vehicle rentals and deposits the revenue into the Transportation Fund. House Bill 1658 requires that any state agency that receives a detailed proposal from a private entity for a public-private partnership (PPP) for a port facility must provide notice to the Public-Private Partnership Advisory Commission, an already existing advisory commission within the legislative branch.</p> <p>A number of other measures were considered to fund and finance transportation, but all ultimately failed. House Bill 1531 would have increased the motor fuel tax by 10 cents per gallon, and House Bill 1654 would have allowed voters to decide whether the tax should be decreased and increased annually by a percentage of the change in the retail price of motor fuel. Senate Bill 1242 would have increased the motor vehicle sales and use tax by 0.5 percent and the motor vehicle rental tax by 1 percent, and would have imposed a 5 percent tax on the wholesale price of gasoline. House Bill 1892 would have increased the motor fuel tax by 4 percent, phased in over four years, beginning after four consecutive quarters of decreases in the unemployment rate. The bill also would have increased the state sales tax in northern Virginia by 0.5 percent for transportation projects in the region. House Bills 2404 and 2222 and Senate Bill 1394 would have dedicated a portion of the state sales and use tax revenue for projects in northern Virginia and Hampton Roads. Lawmakers in Virginia also considered, but did not enact, Senate Joint Resolution 328 to request a study of the desirability and feasibility of replacing the state motor fuel tax with alternatives, including a vehicle miles traveled (VMT) fee.</p> <p>Alternative Fuel and Electric Vehicles. House Bill 1432 extends until July 1, 2012, the sunset on use of high-occupancy vehicle (HOV) lanes by clean special fuel vehicles, regardless of the number of occupants.</p> <p>Rail. House Bill 1648 repeals the Rail Advisory Board, which previously provided guidance on the use of allocations from the Rail Enhancement Fund. These funds now may be used as matching funds for federal grants to support passenger or freight rail projects.</p> <p>Traffic Safety. House Bill 2374 sets out in the definitions in existing law that a moped shall be considered a motorcycle when operated at speeds in excess of 35 miles per hour. House Bill 1407 makes "zero tolerance" underage drinking and driving punishable as a Class 1 misdemeanor and allows for license suspension.</p>
Washington	<p>Funding and Finance. House Bill 1175, Washington's transportation budget, appropriates \$9 billion in funds for transportation projects and activities for the 2011-13 biennium, \$5.9 billion of which is for capital investments. It includes a \$425,000 appropriation for the Joint Transportation Committee to conduct a study to evaluate the potential for financing state transportation projects using public-private partnerships (PPPs). Senate Bill 5771, which carried over to 2012, would exempt non-toll PPPs from various provisions in existing law. It also would allow the state Department of Transportation (DOT) to use the design-build procurement process for public works projects that cost less than \$10 million. Senate Bill 5457 enables counties that officially operate a public transportation system as a metropolitan municipal corporation (MMC) to impose a congestion reduction charge of up to \$20 per vehicle to fund transit agency operational and capital needs. The charge must be approved either by a vote of the people or by a two-thirds majority vote of the governing body of the MMC. A congestion reduction plan must be completed before implementation.</p> <p>Senate Bill 5700 approves action taken by the Transportation Commission to adopt a schedule of toll rates and photo toll charges for certain corridors and bridges, and House Bill 1382/Senate Bill 5490 authorize high-occupancy toll (HOT) lanes on a portion of I-405. Senate Bill 5742, passed during the first special session, creates the Capital Vessel Replacement Account, to be used only for ferry vessel procurements. The Transportation Commission is directed to impose a 25-cent surcharge on all Washington State Ferry (WSF) fares, the proceeds of which are to be deposited into the new account and used first for a 144-capacity ferry vessel.</p>

APPENDIX. MAJOR STATE TRANSPORTATION LEGISLATION (CONTINUED)

State/ Jurisdiction	Major Transportation Legislation
Washington cont'd.	<p>Alternative Fuel and Electric Vehicles. Senate Bill 5251, which carried over to the 2012 session, would impose an additional annual registration fee of \$100 on electric vehicles, to be deposited into the Motor Vehicle Fund and used for highway purposes. The fee would expire should the Legislature enact a vehicle miles traveled (VMT) fee or tax. House Bill 1571, which also carried over, would prohibit the state Utilities and Transportation Commission from regulating the rates and services of electric vehicle charging facilities if they are not otherwise subject to regulation as electric companies and would authorize electric companies to offer battery charging facilities as a regulated service.</p> <p>Airport Security. Several bills that carried over to 2012 address airport security. House Joint Memorial 4000 would request the Transportation Security Administration (TSA) to end its use of the new pat-down procedures; House Joint Memorial 4001 would call on the president of the United States to take action in regard to concerns about advanced imaging technology; and Senate Joint Memorial 8010 would request the TSA to reconsider its use of new pat-down procedures.</p> <p>Traffic Safety. House Bill 1789 imposes ignition interlock requirements on certain people convicted of reckless driving or negligent driving in the first degree and makes other changes to the driving under the influence (DUI) statutes. Senate Bill 5800 authorizes use of modified off-road vehicles on public roads. House Bill 1103 removes the requirement that television screens in vehicles must be located behind the back of the driver's seat, but still prohibits screens from being visible to the driver unless the image is live video of the vehicle backing up.</p> <p>Access for All Users. Senate Bill 5326 creates the traffic infraction of negligent driving in the second degree with a "vulnerable user victim"—which includes bicyclists and pedestrians—if the person causes the death or substantial bodily harm of a vulnerable user. The penalty for committing the infraction is a fine of between \$1,000 to \$5,000 and suspension of the driver's license for 90 days. House Bill 1129 requires a bicycle and pedestrian traffic safety curriculum in traffic schools and safety courses conducted in connection with a condition of a deferral, sentence or penalty for a traffic infraction or traffic-related criminal offense. House Bill 1071 requires the state DOT to establish a complete streets grant program within the department's highways and local programs division.</p> <p>Other. Senate Bill 5836/House Bill 1985 authorize the state DOT and local jurisdictions to allow certain private transportation provider vehicles to use high-occupancy vehicle (HOV) lanes and lanes reserved for public transportation on highways, except for transit-only lanes that allow other vehicles to access abutting businesses.</p>
West Virginia	<p>Funding and Finance. West Virginia lawmakers considered but did not pass Senate Bill 395, which would have directed excess funds from the Revenue Shortfall Reserve Fund to the State Road Fund if—at the end of the fiscal year—the Revenue Shortfall Reserve Fund had been funded at an amount equal to or exceeding 10 percent of the state's General Revenue Fund budget.</p> <p>Traffic Safety. Senate Bill 328 creates the offense of operating a commercial motor vehicle while texting and establishes civil penalties for motor carriers who require or allow a driver to operate a commercial vehicle while texting.</p> <p>Other. Senate Bill 263 creates a special license plate so that nonprofit corporations engaged in research and development using motor vehicles can operate the vehicles to transport or test them without first purchasing a registration or title.</p>
Wisconsin	<p>Funding and Finance. Senate Joint Resolution 23/Assembly Joint Resolution 31, enacted in 2011, may lead to an amendment of the Wisconsin constitution to require revenue from fuel taxes and vehicle fees to be spent only on transportation projects. For a proposed constitutional amendment to become law, it must be approved first by two consecutive legislatures, then by voters.</p>

APPENDIX. MAJOR STATE TRANSPORTATION LEGISLATION (CONTINUED)

State/ Jurisdiction	Major Transportation Legislation
Wyoming	<p>Funding and Finance. Two bills failed this session in Wyoming that would have increased transportation revenue. House Bill 22 would have gradually increased the gas tax from 14 cents per gallon to 24 cents per gallon over the next three years. Senate File 152 would have allowed the state Department of Transportation (DOT) to apply for the authority to toll Interstate 80 and to develop tolling configuration plans for submittal to and consideration by the Legislature. This is the second year tolling I-80 has been proposed and failed.</p> <p>Alternative Fuel and Electric Vehicles. House Bill 235 requires the state DOT and the state Department of Administration and Information to retrofit or acquire vehicles in their fleets that operate on natural gas or a combination of natural gas and another form of fuel so that they are inspected and certified as safe in accordance with relevant standards.</p> <p>Traffic Safety. House Bill 29 eliminates a driver's right to refuse to undergo a test to determine the alcohol or controlled substance concentration in his or her body. Senate File 115 creates a fine for child endangerment while driving under the influence (DUI), and Senate File 137 specifies standards for imposing interlock device penalties related to DUI offenses.</p>
District of Columbia	<p>Funding and Finance. Bill 350 authorizes closure of district Department of Transportation (DOT) capital projects on an emergency basis if funds have been obligated or expended in excess of their approved budgets, if they have been inactive for at least 12 months, or if they have been closed by the U.S. DOT and still have an open balance.</p> <p>Traffic Safety. Bill 140, which carried over to 2012, would require that revenue collected and deposited into the Automated Traffic Enforcement Fund be used only for Metropolitan Police Department expenses associated with automated traffic enforcement.</p> <p>Access for All Users. Bill 176 also carried over to 2012; it would address truancy and transit-related student safety by fully subsidizing transit fares for students going to and from public, parochial and private schools and related educational activities.</p>



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William T. Pound, Executive Director

7700 East First Place
 Denver, Colorado 80230
 (303) 364-7700

444 North Capitol Street, N.W., #515
 Washington, D.C. 20001
 (202) 624-5400

www.ncsl.org

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ISBN 978-1-58024-665-1