



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
Chairperson

1401 East Broad Street
Richmond, Virginia 23219

(804) 482-5818
Fax: (804) 786-2940

COMMONWEALTH TRANSPORTATION BOARD WORKSHOP AGENDA

VDOT Central Office Auditorium
1221 East Broad Street
Richmond, Virginia 23219
March 29, 2023
10:00 a.m.

1. Hampton Roads Express Lanes Network
Authorization for the Commissioner of Highways to Enter into Standard Project Agreements Relating to the Transportation Management Plan for the Hampton Roads Express Lane Network
Chris Hall, Virginia Department of Transportation
2. Highway Safety Update
Mark Cole, Virginia Department of Transportation
3. Economic Development Access Program
Montgomery County Falling Branch Corporate Park, Phase 2
Terry Short, Virginia Department of Transportation
4. SMART SCALE Budget Increase
Hydraulic Road and Route 29 UPC 118880
Kimberly Pryor, Virginia Department of Transportation
5. Legislative Update
Jo Anne Maxwell, Virginia Department of Transportation
6. CTB Policy Regarding All-Virtual Committee Meetings
Jo Anne Maxwell, Virginia Department of Transportation
7. U.S. Route 58 Corridor Transportation Revenue Bonds, Series 2023
Laura Farmer, Virginia Department of Transportation
8. Director's Items
Jennifer DeBruhl, Virginia Department of Rail and Public Transportation
9. Commissioner's Items
Stephen Brich, Virginia Department of Transportation

Agenda
Meeting of the Commonwealth Transportation Board
Workshop Session
March 29, 2023
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10. Secretary's Items
Shep Miller, Secretary of Transportation

#

HAMPTON ROADS EXPRESS LANE NETWORK

Authorization for the Commissioner of Highways to Enter into Standard Project Agreements Between VDOT and the Hampton Roads Transportation Accountability Commission Relating to the Transportation Management Plan for the Hampton Roads Express Lane Network

 Chris Hall, P.E. – Hampton Roads District Engineer

March 2023

HREL Transportation Management Plan (TMP)

- **The Hampton Roads Express Lanes Transportation Management Plan (TMP) will be implemented in partnership with Hampton Roads localities and VDOT Hampton Roads District (HRD) to minimize the impact of Hampton Roads Express Lanes Network (HRELN) construction induced congestion across the region.**
- **VDOT HRD in collaboration with partner localities developed a multi-discipline plan incorporating communications, Transit / Transportation Demand Management (TMD) and traffic operations strategies to be implemented in phases as needed over the course of the HRELN construction period.**
- **The Hampton Roads Transportation Accountability Commission (HRTAC) is providing \$8.0M for various strategies identified in the TMP for the HREL Network.**

Anticipated CTB Action

- Pursuant to the Master Tolling Agreement (MTA), VDOT and HRTAC are to enter into a Standard Project Agreement (SPA) for Funding and Administration to commence design and construction of any element of the HREL Network.
- VDOT will be requesting that the Board authorize the Commissioner to enter into the SPA with HRTAC to allocate funding for the Hampton Roads Express Lanes Transportation Management Plan.

HAMPTON ROADS EXPRESS LANE NETWORK

Authorization for the Commissioner of Highways to Enter into Standard Project Agreements Between VDOT and the Hampton Roads Transportation Accountability Commission Relating to the Transportation Management Plan for the Hampton Roads Express Lane Network

Chris Hall, P.E. – Hampton Roads District Engineer

March 2023

HIGHWAY SAFETY UPDATE

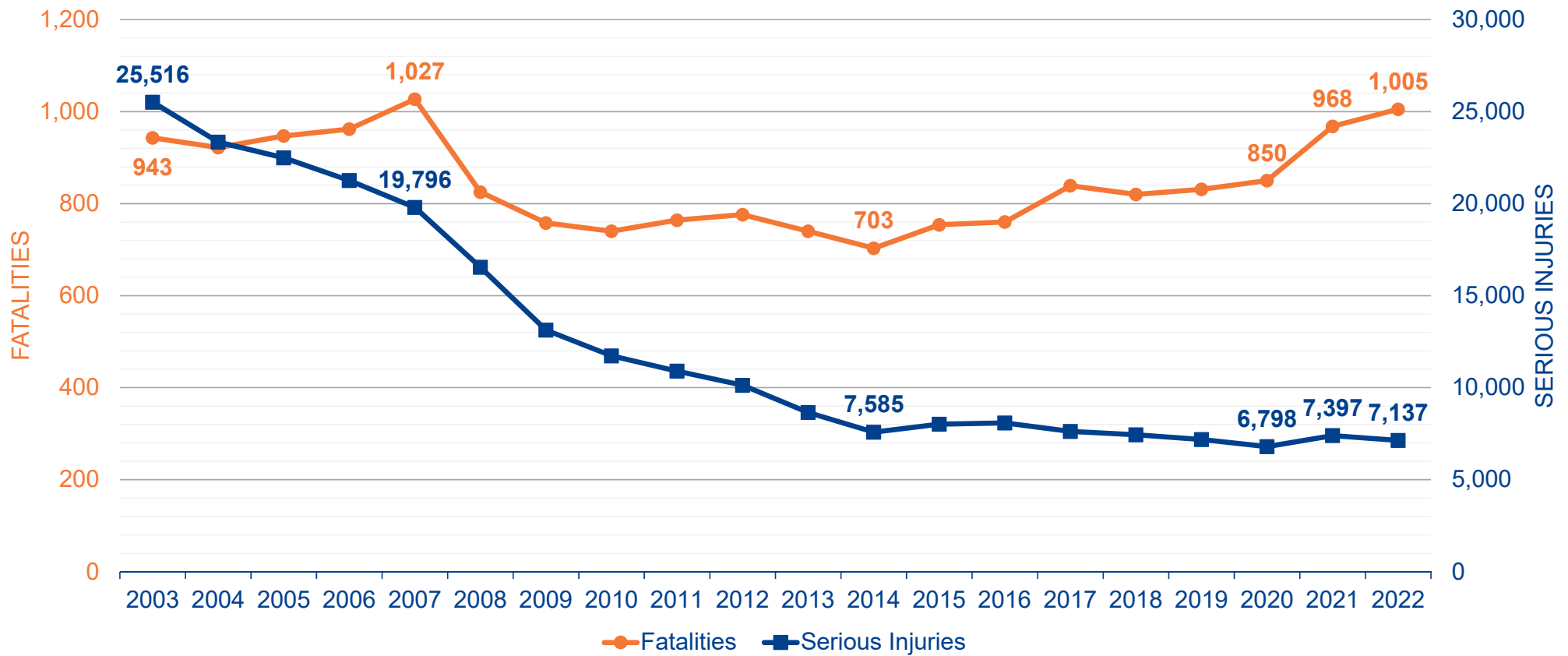
Mark Cole, PE, Virginia Department of Transportation
Angelisa Jennings, Virginia Department of Motor Vehicles

March 29, 2023

Purpose of Today's Update

- **Provide CTB members with 2022 calendar year-end crash results**
- **Provide awareness on:**
 - **Crash numbers and trends**
 - **Where crash types are occurring**
- **Provide background for upcoming discussions about highway safety performance setting in the spring**

Statewide Summary of Fatalities and Serious Injuries



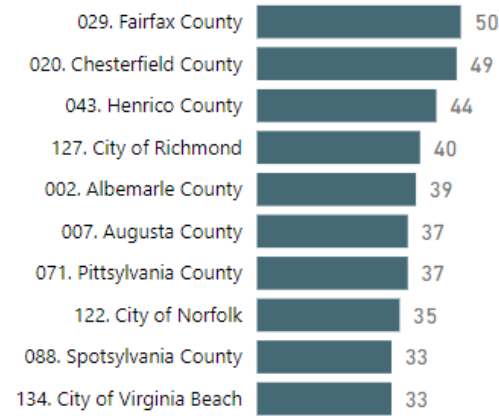
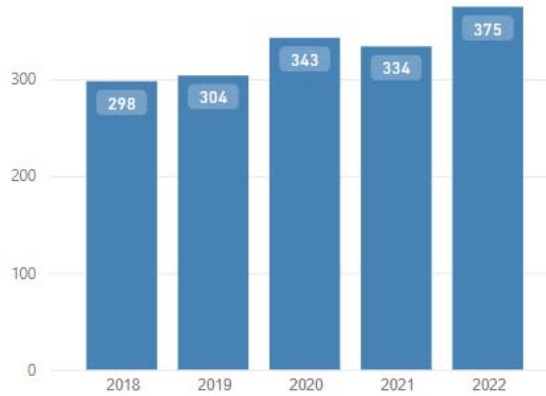
Fatalities by Highway System

System	2017 - 2021 Annual Average	2021 Value	2022 Value
Interstate	130	168	144
VDOT Primary	334	379	398
VDOT Secondary	219	219	250
Locality Primary	96	116	111
Locality Secondary	82	86	102

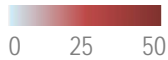
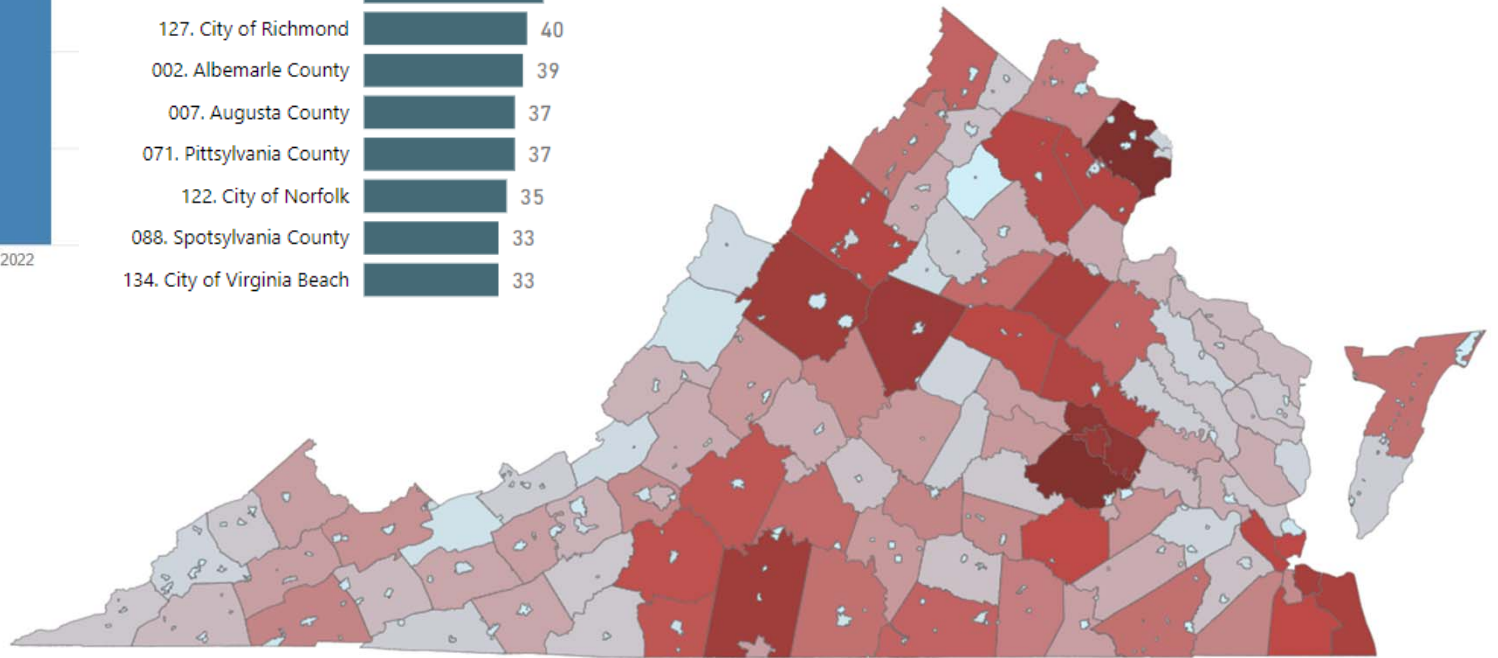
Change in Fatalities by Emphasis Area

Emphasis Area	2017-2021 Average	2021 Value	2022 Value	Difference Vs. Average
Bicyclists	13	16	11	-2
Motorcyclists	95	102	111	+16
Young Driver Involved	96	122	117	+21
Heavy Vehicle Involved	115	126	139	+24
Pedestrians	120	125	171	+51
Aging Road User Involved	221	263	264	+43
Intersections	228	235	313	+85
Unbelted	317	334	375	+58
Alcohol Related	262	247	274	+12
Speeding Related	371	445	441	+70
Roadway Departures	458	539	476	+18

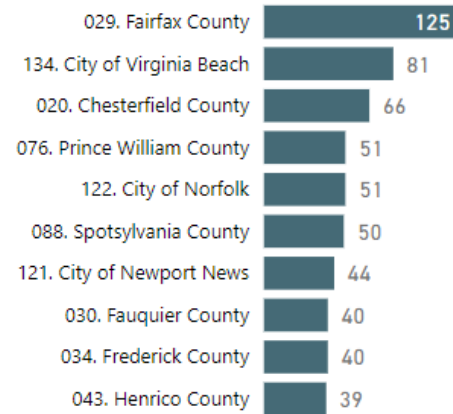
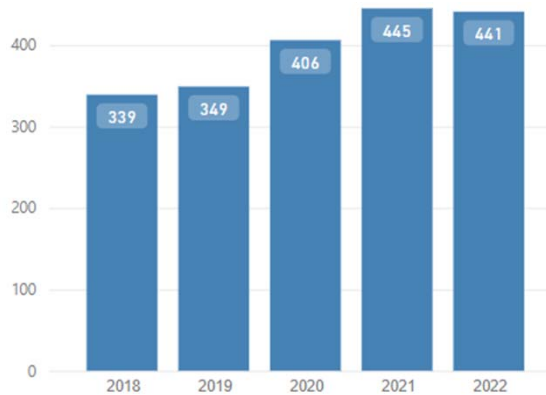
2018 - 2022 Unbelted Fatalities by Jurisdiction



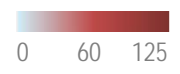
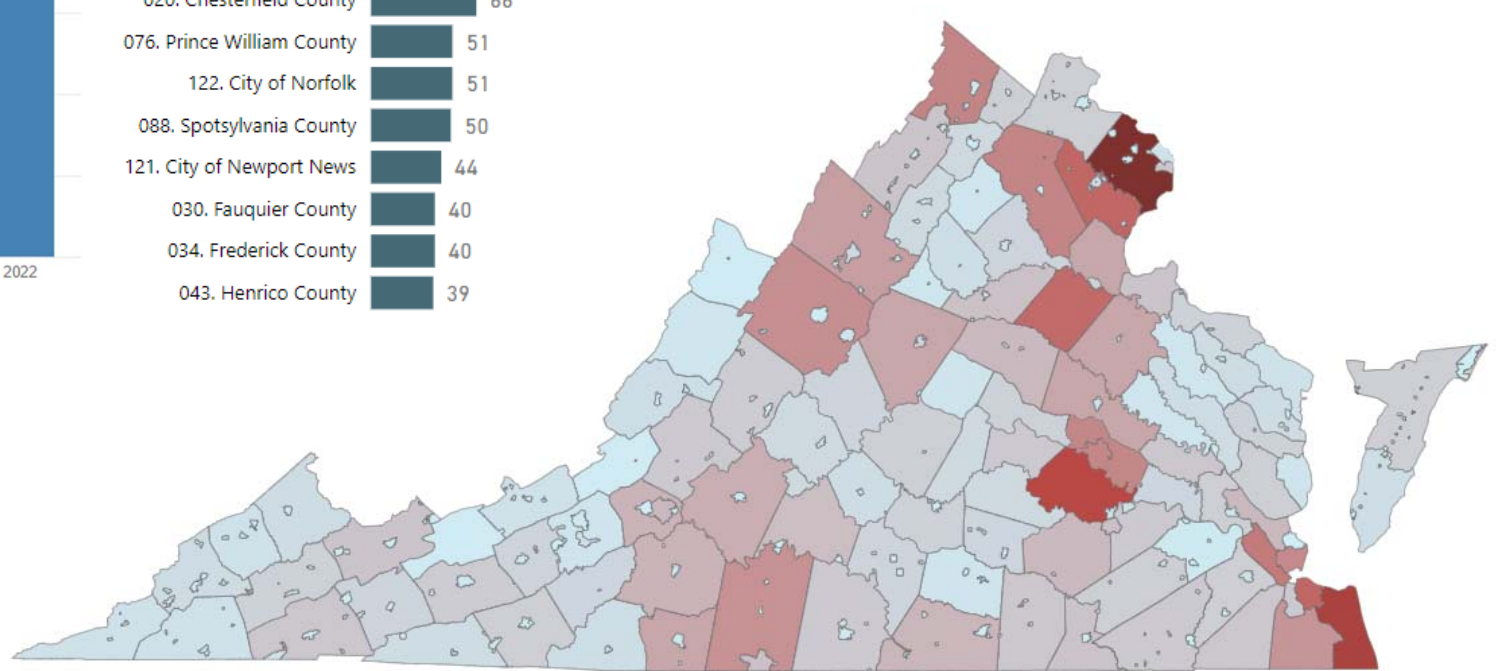
1654 Total



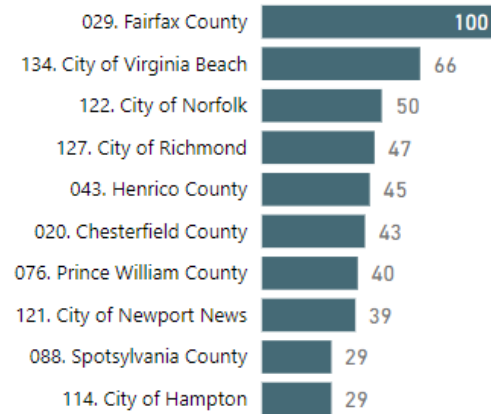
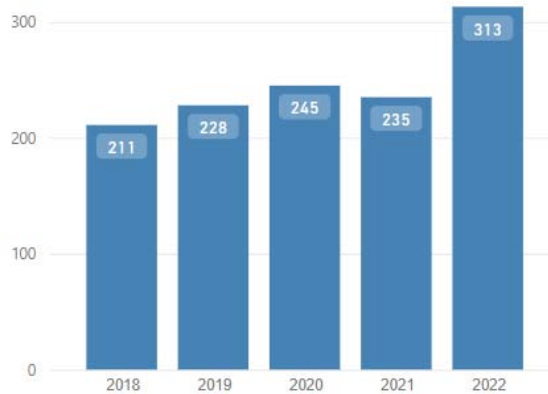
2018 - 2022 Speeding Related Fatalities by Jurisdiction



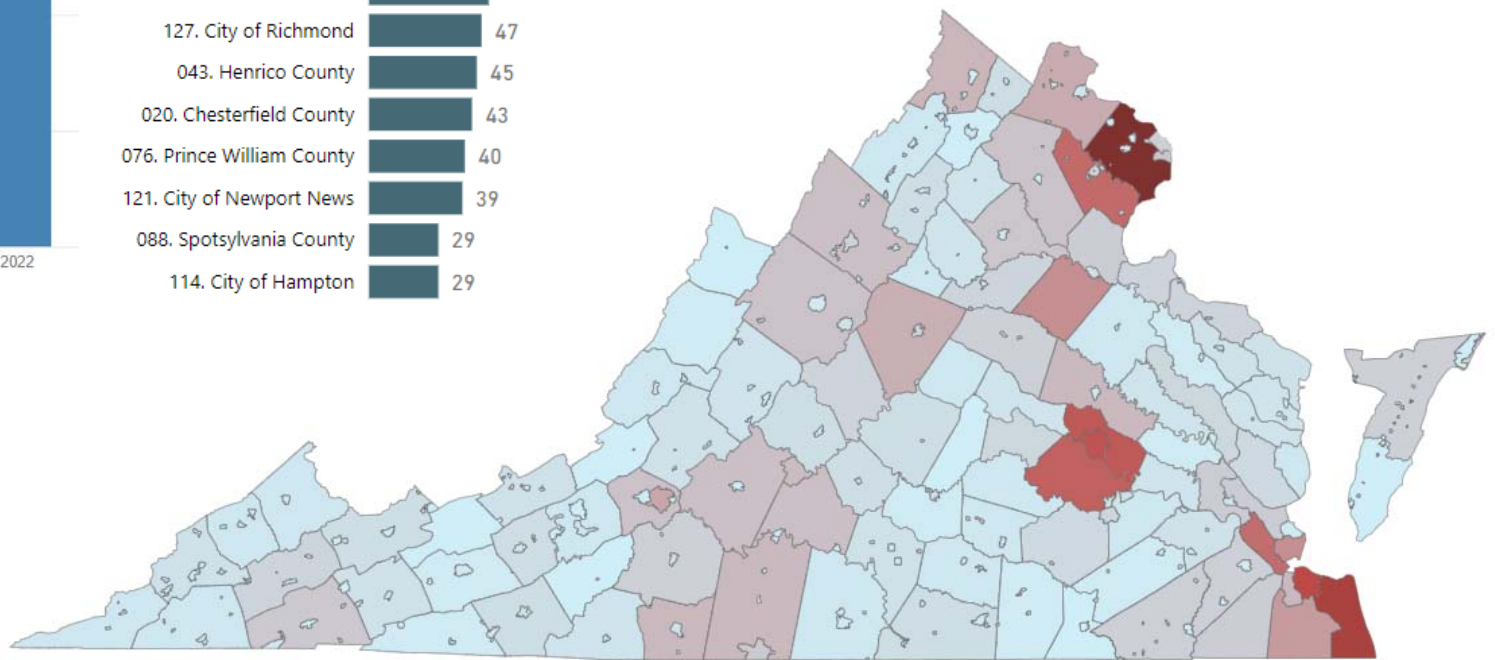
1980 Total



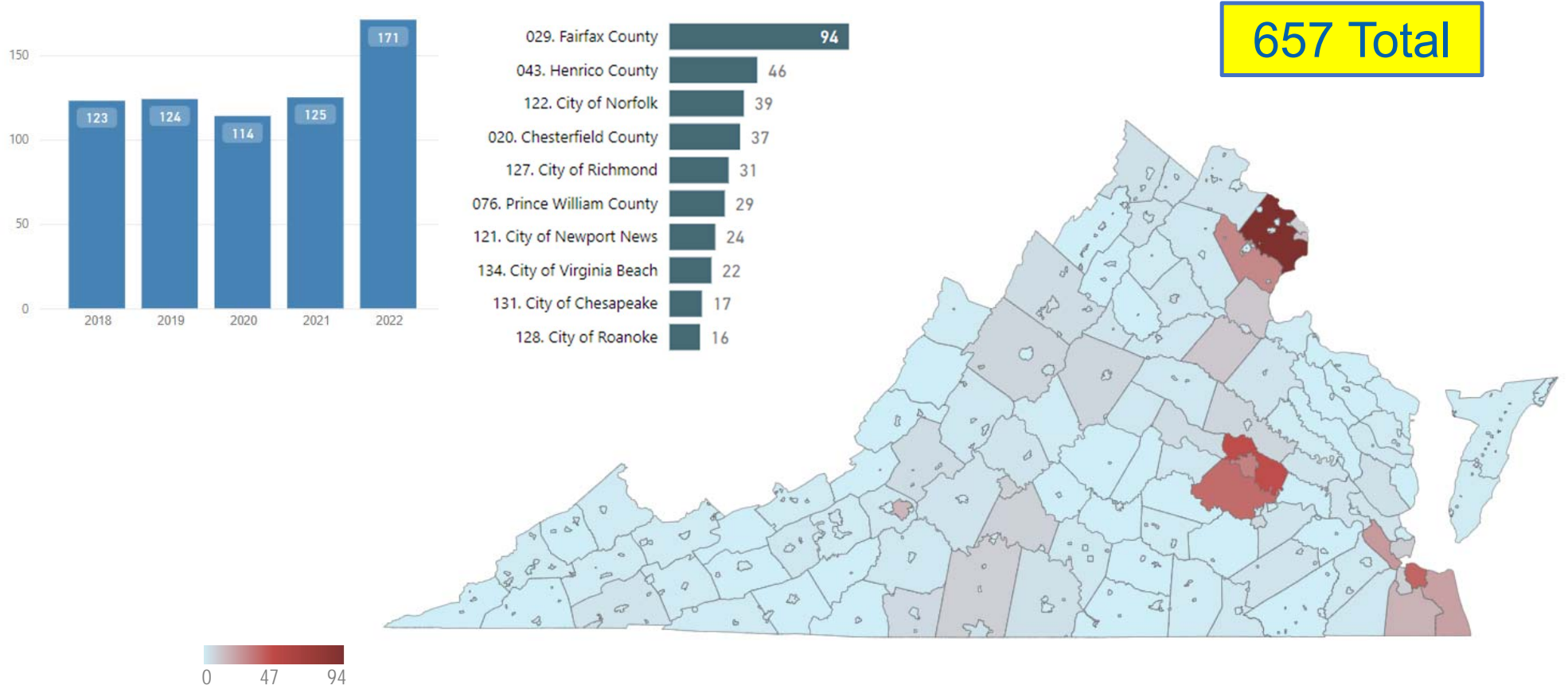
2018 - 2022 Intersection Fatalities by Jurisdiction



1232 Total

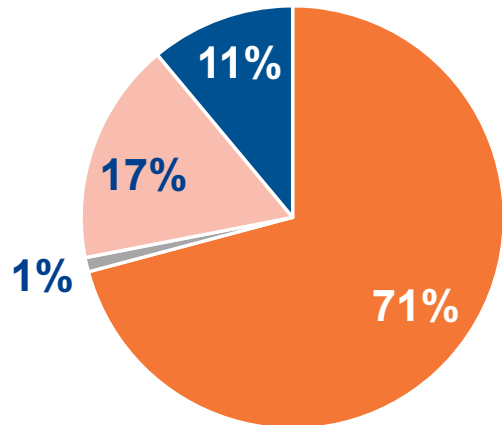


2018 - 2022 Pedestrian Fatalities by Jurisdiction



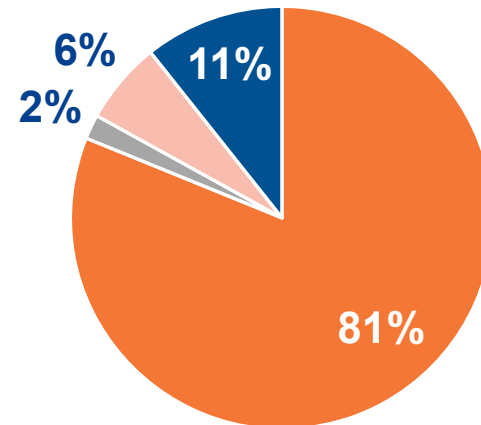
Fatalities and Serious Injuries by Traveler Type

Percent Fatalities
by Traveler Type (2022)



Motorists Bicyclists
Pedestrians Motorcyclists

Percent Serious Injuries
by Traveler Type (2022)



Motorists Bicyclists
Pedestrians Motorcyclists

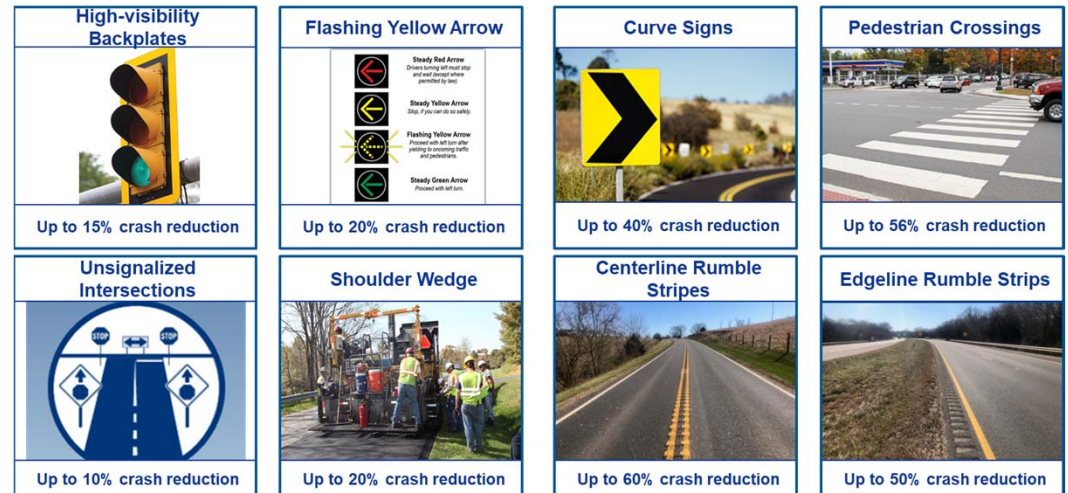
Vulnerable Road User (VRU) Rule – New Federal Bill

- **VRU are defined as non-motorists: walking and cycling**
- **The special rule applies if the number of VRU fatalities is equal to or greater than 15 percent of the total fatalities in the same calendar year.**
- **State shall obligate not less than 15 percent of the Federal Fiscal Year (FFY) apportioned HSIP funds for vulnerable user projects.**
- **Each March FHWA provides rule determination.**
- **Based on the 2022 data, Virginia anticipates triggering the rule for FY 2025 HSIP projects.**

Virginia HSIP Investment Strategy

- Focus on severe crashes dispersed over road network
- Apply low-cost countermeasures
- Wider benefit with more targeted safety investment

Original VDOT Systemic Infrastructure Plan 8 Proven Safety Countermeasures



VHSIP Pedestrian Safety Infrastructure Projects

Fall 2019 – Systemic Pedestrian Crossings, Phase 1

- \$34 million approved for pedestrian crossings at traffic signals
- 2025 completion date - Currently 24% complete

December 2021 – Systemic Pedestrian Crossings, Phase 2

- \$20 million for up to 200 crossings
- 2028 completion date

February 2023 – Locality Systemic Funding

- Pedestrian projects ~\$40M



VHSIP Intersection Infrastructure Projects

Fall 2019 – Intersection Systemic Plan, Phase 1

- \$14.4 million for VDOT high visibility signal backplates - completed
- \$10.7 million for VDOT flashing yellow arrow signals - completed
- \$24.4 million for VDOT unsignalized intersection signing and marking upgrades – 30% completed

December 2021 – Intersection Systemic Plan, Phase 2

- \$15.8 million for additional VDOT flashing yellow arrow signals
- Completed by 2026

February 2023 – Locality Systemic Funding

- Intersection Improvements ~\$20M



DMV Highway Safety Investment Plan March 2023

Emphasis Area	Type of Action	Highway Safety Improvement Action	\$FY2023	\$FY2023 Spending	\$FY2023 Obligated	\$FY2023 Remaining
Occupant Protection	Education & Outreach	Education, Outreach, Enforcement	\$3,400,000	\$6,500 2Q & 3Q (SFY2023)	\$1,122,150	\$2,271,350
Impaired Driving*	Education & Outreach	Education, Outreach, Enforcement	\$2,400,000	\$6,500 2Q & 3Q (SFY2023)	\$524,300	\$1,869,200
Speed	Education & Outreach	Education, Outreach, Enforcement	\$3,000,000	\$52,125 2Q, 3Q & 4Q (SFY2023)	\$1,662,150	\$1,285,725
Ped/Bike	Education & Outreach	Education, Outreach, Enforcement	\$1,200,000	\$6,500 2Q & 3Q (SFY2023)		\$1,193,500
Total			\$10,000,000	\$71,625	\$3,308,600	\$6,619,775

Note: 2023 SFY July 1, 2022 – June 30, 2023 (1Q-July-Sept, 2Q-Oct-Dec, 3Q-Jan-Mar, 4Q-Apr-June)

DMV Investment Plan Status Updates

Occupant Protection

- **Ding Ding Seat Belt Safety Campaign \$860,000.00 Obligated (March 2023)**
- **Safe Driving is Something We Can All Live With Campaign \$262,150.00 Obligated (March 2023)**
- **Social Media Message \$6,500.00 in Spending (November 2022-February 2023)**

Impaired Driving (Distracted and Drunk Driving)

- **Safe Driving is Something We Can All Live With Campaign \$524,300 Obligated (March 2023)**
- **Social Media Message \$6,500.00 in Spending (November 2022-February 2023)**

DMV Investment Plan Status Updates

Prevention of speeding

- New creatives and media buy- \$1,400,000.00 Obligated (Summer 2023)
- Speed focus group \$45,625.00 in Spending (February 2023)
- Safe Driving is Something We Can All Live With Campaign \$262,150.00 Obligated (March 2023)
- Social Media Message \$6,500.00 in Spending (November 2022-February 2023)

Pedestrian/Bike

- Social Media Message \$6,500.00 in Spending (November 2022-February 2023)

Targeted News release (November 2022 – January 2023)

- 7 news releases covered by 19 media outlets

DMV Investment Plan Status Updates

Total investment = \$3,380,225.00

Remaining balance = \$6,619,775.00

DMV will utilize the remaining funds to engage our media partner NDP to develop a creative strategy that continues to support the aforementioned SHSP goals and brings into the fold New SHSP goals related to young drivers and pedestrians.

Questions?

Economic Development Access Program

Montgomery County Falling Branch Corporate Park, Phase 2

Terry R. Short Jr., AICP, Local Assistance Division

March 29, 2023

Economic Development Access (EDA) Program

- Provides funding to construct new roads or upgrade existing roads that serve new or expanding economic development sites
- Localities submit applications for EDA Funding to VDOT and the Commonwealth Transportation Board (CTB) approves project allocations
- Projects can be Traditional projects (named business) or Bonded projects (speculative with no commitment)
 - Traditional projects: Known business and sufficient capital investment is documented prior to expenditure of Program funds
 - Bonded projects: Funds are made available with provision of appropriate surety by the locality

Bonded Economic Development Access Projects

- The EDA Program provides allocations to localities, where no establishment is under firm contract to build or when the identity of the qualifying establishment is held confidential
- The governing body must guarantee to the CTB that a bond or other acceptable surety will be provided to cover the anticipated cost of the project which is not yet justified by qualifying investment
- The time limit for bonded projects will be five years from the date the CTB approves, by resolution, the project and funding allocation
- The maximum allocation for Bonded EDA Projects is:
 - \$700,000 State Funds (Unmatched)
 - \$150,000 State Funds (Matched)
 - \$150,000 Local Funds (Required Local Match)

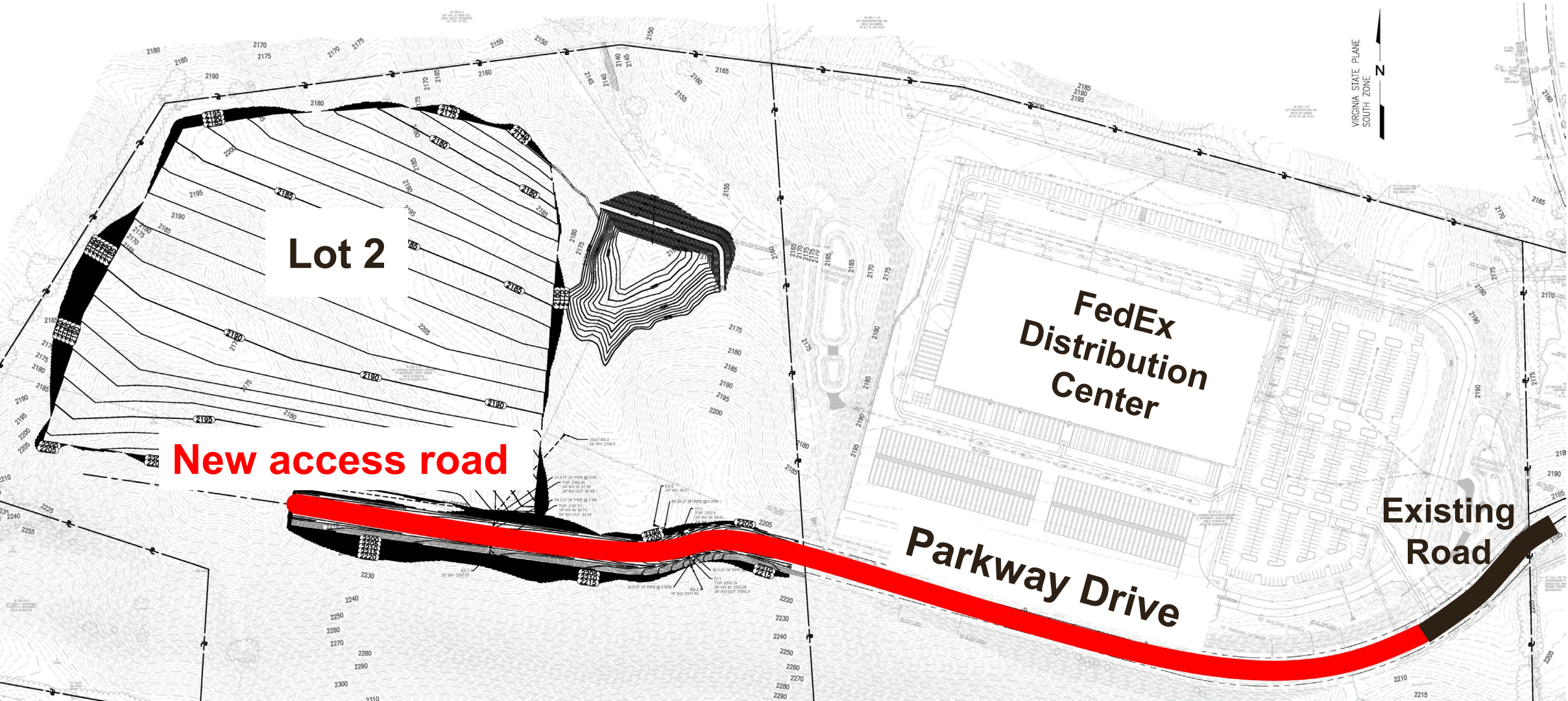
Project Location: Montgomery County, Virginia



New Economic Development Access Project Request

- **The new proposed access road will extend Parkway Drive to serve Lot 2 in Falling Branch Corporate Park, Phase II**
- **Project details:**
 - **Construction of a 0.45 mile long, 30-foot wide access road**
 - **One travel lane each way with sidewalks, curb and gutter, storm drains, and street lighting**
 - **New roadway will provide access to the last 35-acre lot in Falling Branch**
 - **Montgomery County has provided a total project estimate of \$2,124,883**
 - **Proposed Project Allocation: \$850,000**
 - **(\$700,000 unmatched, \$150,000 matched)**

Falling Branch Corporate Park, Phase 2, Montgomery County



Bonded EDA Project Scorecard (Speculative Industry)

Application Evaluative Criteria	Speculative Industry	MAX Points
<p><u>Total Expected Capital Investment*</u> 3X allocation (only for Double Distressed localities) – 5 points 4X allocation (only for Single Distressed localities) – 10 points 5X allocation or greater – 15 points <i>*Speculative projects receive points for the minimum expected Capital Investment</i> <i>*Single & Double Distressed localities can get a higher point value by offering higher Capital Investment than required</i></p>	10	15
<p><u>Site's Potential for Capital Investment*</u> Low potential for Capital Investment – 20 points Medium potential for Capital Investment – 30 points High potential for Capital Investment – 40 points <i>*VEDP will provide support with determining the Site's Potential for Capital Investment</i> <i>*Projects that receive a Site Potential score below "Low" will not be eligible for an Access Program Construction grant</i></p>	40	40
<p><u>Expected / Potential Full Time (FT) Job Creation*</u> 0-50 FT Jobs Created – 5 points 50-150 FT Jobs Created – 10 points More than 150 FT Jobs Created – 15 points <i>*VEDP to provide support with verifying the full time job creation numbers</i></p>	5	15
<p><u>Need for Access Road</u> Existing roadway to the site needs to be improved – 10 points Traffic impact analysis supports the proposed project – 10 points <i>or</i> No existing roadway provides access to the site – 20 points</p>	20	20
<p><u>Level of Distress*</u> Single Distressed locality – 5 points Double Distressed locality – 10 points <i>*As defined by the VEDP's Commonwealth Opportunity Fund</i></p>	5	10
TOTAL	80	100

Next Steps

- **April 2023 meeting, the CTB will be presented with a Resolution proposing to establish a new EDA Project**
- **Following CTB approval, VDOT and Montgomery County will enter into a Standard State-Aid Agreement**
- **Montgomery County will administer this project**



SMART SCALE BUDGET INCREASE REQUEST – CULPEPER DISTRICT

HYDRAULIC ROAD AND ROUTE 29 IMPROVEMENTS (UPC 118880)

Commonwealth Transportation Board

Kimberly Pryor – Director, Infrastructure Investment Division

March 2023

SMART SCALE Policy

SMART SCALE Policy on Scope Changes and/or Budget Increases, December 2021

- Significant changes to the scope or cost of a SMART SCALE project require a re-evaluation
- Board action is required to approve a SMART SCALE budget increase:
 - » i. Total Cost Estimate <\$5 million: 20% increase in funding requested
 - » ii. Total Cost Estimate \$5 million to \$10 million: \$1 million or greater increase in funding requested
 - » iii. Total Cost Estimate > \$10 million: 10% increase in funding requested; \$5 million maximum increase in funding requested

Project Information

Hydraulic Road and Route 29 Improvements (UPC 118880)

- Submitted by the Charlottesville-Albemarle Metropolitan Planning Organization (MPO) in Round 4 of SMART SCALE
 - Total Original Project Cost: \$24,030,488
 - Total SMART SCALE Budget: \$5,730,488
 - Request funded with HPP funds
- Original Scope Included:
 - Multiple elements to improve safety and mobility at the Route 29 and Hydraulic Road intersection and nearby intersections and interchanges
 - Pedestrian overpass and bus stops with shelters
 - Roundabout at Hillsdale/Hydraulic
 - Various operational improvements
- Project benefits were associated primarily with land use and safety

Project Budget Increase Approved in October 2022

- CTB approved a \$4.2M budget increase prior to advertisement in October 2022
 - Represented an increase of 74% over the original SMART SCALE budget; 18% increase over total original budget
- Factors contributing to the cost increase
 - Higher right of way costs than originally estimated due to recent legislative changes
 - Design refinements to improve traffic flow and safety
 - Higher than anticipated unit costs and inflation
- Steps taken to reduce cost
 - Removed the innovative intersection treatment at Angus Road and Route 29 in response to public comment and with concurrence of the Albemarle County, the City of Charlottesville, and the Metropolitan Planning Organization
 - Further reduction in scope was determined to reduce the effectiveness of the solution without achieving significant cost savings

Proposed Project Budget Increase

- VDOT received bids and has determined that price proposals are responsive and represent good competition
 - An additional budget increase of \$1.3M is required to award
 - Represents a total increase of 96% over the original SMART SCALE budget; 23% total increase over total original budget
- Factors contributing to the shortfall
 - Material and labor availability
 - Higher than anticipated costs for lighting
 - Project complexities related to the high volume corridor, time restrictions, and construction sequencing

Proposed Project Budget Increase

	Original Application	Approved Budget Increase	Proposed Budget Increase
Total \$	\$24.0M	\$28.2M	\$29.5M
SMART SCALE \$	\$5.7M (HPP)	\$9.9M (HPP) (increase of \$4.2M)	\$11.2M (HPP) (additional increase of \$1.3M)
Score	28.8	16.59	14.7
Funding Scenario	1/21	4/21	4/21
Expenditures as of 3/10/2023			\$1,224,262

Recommendation for Action

- **Approve budget increase request in March**
 - Fund increase from surplus High Priority Project balances
 - Project is not eligible for Construction District Grant funds because it was submitted by the MPO

HPP Deallocated Funds	Amount
Available currently	\$12,832,440
Less proposed budget increase for UPC 118880	-\$1,264,455
Total Remaining	\$11,567,985



CTB – 2023 Legislation

Bill Number/Bill Points	Status
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Secretariat-Related BILLS	
<p><u>HB 2302 / SB 1106</u>: TPOF. (Adams, L. / Newman, S.) Adds to the purposes of the Transportation Partnership Opportunity Fund (TPOF), enhancement of economic development opportunities of the Commonwealth’s Transportation Program. Authorizes the Governor to direct funds from the Transportation Partnership Opportunity Fund to the Commonwealth Transportation Board (the Board) for transportation projects determined to be necessary to support major economic development initiatives or to enhance the economic development opportunities of the Commonwealth's transportation programs when recommended by the Secretary of Transportation and Secretary of Commerce and Trade. These directed funds do not have a specified limit, however, the bill provides that when funds are directed in excess of \$5 million, the Secretary of Transportation shall submit a report, content designated in the bill, to the Chairmen and staff directors of Senate Finance and Appropriations and House Appropriations within 30 days of such direction of funds. The bill provides that any transfer of funds of a cumulative amount in excess of \$35 million on any one project shall be submitted for review to the MEI Project Approval Commission (the Commission). The Commission shall complete the review within 14 days. If such transfer is not recommended by the Commission the transfer is prohibited unless authorized by the General Assembly. Absent a recommendation that the funds should not be directed or if the MEI makes no recommendation within the 14 days, the funds may be directed. The bill authorizes the use of grants, funds directed to the Board, or revolving loans for purposes currently authorized under the statute and adds as permissible uses, property acquisition and new or improved infrastructure to support economic development opportunities of the Commonwealth's transportation programs. However, the bill clarifies that it is not intended to authorize use of eminent domain for any purpose otherwise prohibited by law (section 1-219.1 or the Virginia Constitution). Includes an enactment clause to state that the Board shall ensure that no project shall be undertaken exclusively for economic development purposes. (Governor's Bill)</p>	<p>HB 2302: Substitute, Passed House; Substitute Amended, Passed Senate; Senate Substitute with amendments rejected by House; Conference Substitute agreed to by House and Senate; Enrolled; Approved by Governor – Chapter 546 (effective 7/1/23)</p> <p>SB1106: Substitute Passed Senate; Substitute Passed House; House Substitute rejected by Senate; Conference substitute agreed to by Senate and House; Enrolled; Approved by Governor – Chapter 547 (effective 7/1/23)</p>

CTB – 2023 Legislation

Bill Number/Bill Points	Status
VDOT-Related BILLS	
<p><u>SB 1035:</u> Bridges; state of good repair; allocation of funds. (McPike, J.) Designates bridges with a general condition rating, defined in the bill, of no more than five for at least one major bridge component (which would include structurally deficient and “cusp” bridges) as eligible for state of good repair (SGR) funds. Currently, only structurally deficient bridges are eligible for SGR funding. The bill authorizes the use of SGR funds not only for bridge reconstruction or replacement but also for the implementation of improvements anticipated to extend the useful life of a bridge by at least 10 years. The bill changes the funding distribution standard from an equitable needs-based distribution, with minimum and maximum percentage limits for a given district and a process to exceed such limits when necessary, to a strictly needs-based distribution of funding among the highway construction districts, with no distribution limitations. The provisions of the bill shall apply to new project allocations made by the Board after June 1, 2024.</p>	<p>Substitute Passed Senate and House; Enrolled; Governor’s Recommendation received by Senate</p>
<p><u>HB 2034:</u> Joint meeting; National Capital Region Transportation Planning Board. (Sewell, B.) Directs the CTB to invite a VA representative of the National Capital Region Transportation Planning Board (NCRTPB) Steering Committee to participate in and present information at the annual joint transportation meeting of the NVTA, NVTC, VRE and the CTB concerning projects in Planning District 8. The bill clarifies that the NCRTPB is not required to participate in the meeting. The bill requires the meeting to be made available online in a manner that allows the public to contemporaneously view and hear the meeting. In the event that online transmission of the meeting to the public fails, the meeting is not required to recess until public access is restored online.</p>	<p>Substitute Passed House and Senate; Enrolled; Approved by Governor – Chapter 316 (effective 7/1/23)</p>
<p><u>HB 2104:</u> School crossing zones. (Bourne, J.) The bill increases the maximum boundaries of a school crossing zone from 600 feet to 750 feet from the limits of school property.</p>	<p>Substitute Passed House and Senate; Enrolled; Approved by Governor – Chapter 84 (effective 7/1/23)</p>

CTB – 2023 Legislation

Bill Number/Bill Points	Status
<p><u>SB 1069:</u> Drivers stopping for pedestrians; certain signs; stops. (Saslaw, R.) Requires the driver of a vehicle on a highway approaching a pedestrian who is crossing such highway to stop when such pedestrian is within the driver's lane or within an adjacent lane and approaching the driver's lane. Currently, a driver is required to yield the right-of-way to such pedestrian by stopping and remaining stopped. The bill also provides that localities that are already authorized to install signs directing motor vehicles to yield the right-of-way to pedestrians crossing or attempting to cross a highway may also install signs directing motor vehicles to stop for such pedestrians.</p>	<p>Amended, Passed Senate and House; Enrolled; Approved by Governor – Chapter 117 (effective 7/1/23)</p>
<p><u>SB 861:</u> Traffic control device violation monitoring systems. (Locke, M.) Authorizes localities in Planning District 23, after completing an engineering safety analysis that addresses congestion, accident rates, and driver disregard for traffic control devices, to establish traffic control device violation monitoring systems, defined in the bill, imposing monetary liability on the operator of a motor vehicle for failure to comply with traffic control devices at any intersection deemed by the local governing body to be negatively impacted by traffic due to the Hampton Roads Bridge-Tunnel Express Lanes Hampton Segment (4C) Project. Before implementing such system, the governing body of the implementing locality shall complete an engineering safety analysis that addresses the impact of the HREL-P on congestion, accident rates, and driver disregard for traffic control devices. The bill expires on July 1, 2027, or upon certification by the Secretary of Transportation that the Hampton Roads Bridge-Tunnel Express Lanes Hampton Segment (4C) Project is complete, whichever occurs earlier.</p>	<p>Substitute Passed Senate; Substitute Passed House; House Substitute agreed to by Senate; Enrolled; Approved by Governor – Chapter 738 (effective 7/1/23)</p>

CTB – 2023 Legislation

Bill Number/Bill Points	Status
<p><u>HB 1807 / SB 1392:</u> State agency compliance with flood plain management regulations. (Bloxom, R. / Lewis, L.) Directs DCR, no later than September 30, 2023, and in cooperation with numerous Secretariats and the Special Assistant to the Governor for Coastal Adaptation and Protection, to establish standards for development in a flood plain for all state agencies and departments. Such standards shall require at least compliance with the National Flood Insurance Program and shall require that any development undertaken by an agency or department on state-owned land located in a Special Flood Hazard Area be protected or flood-proofed against flooding and flood damage. The bill also requires any state agency or department, when developing a facility on state-owned property located in a flood plain, to either adhere to all local flood plain management regulations or receive DCR approval of compliance with the applicable state standard for development in a flood plain, provided that such standard does not jeopardize a locality's participation in the National Flood Insurance Program. Such compliance shall be documented and provided by DCR to the applicant prior to preliminary design approval of a project by DGS. The bill allows DCR to issue a variance if no feasible alternative to developing a facility in the flood plain exists and if one of several other conditions provided in the bill is met. (DCR Agency Bill)</p>	<p>HB 1807: Passed House; Substitute Passed Senate; Senate Substitute agreed to by House; Enrolled; Governor's Recommendation received by House</p> <p>SB1392: Substitute Passed Senate; Amended, Passed House; House Amendment agreed to by Senate; Enrolled; Governor's Recommendation received by Senate</p>
<p><u>HB 2393:</u> Coastal resilience policy; research university collaborative. (Hodges, M.) Authorizes the Secretary of Natural and Historic Resources and all relevant agencies, when setting coastal resilience policies, to seek input and consultation from the Commonwealth's research university collaborative, including the Virginia Coastal Policy Center, Virginia Sea Grant, Virginia Cooperative Extension, and the Institute for Coastal Adaptation and Resilience. The bill authorizes the Secretary and all relevant agencies to utilize such research university collaborative's expertise, research, and data analysis for the implementation of water management techniques and coastal resilience strategies.</p>	<p>Amended, Passed House and Senate; Enrolled; Governor's Recommendation received by House</p>

CTB – 2023 Legislation

Bill Number/Bill Points	Status
<p>HB 2401 / SB 1468: Local gas road improvement and Virginia Coalfield Economic Development Authority tax. (Morefield, J. / Hackworth, T.) Provides that funds in the Coal and Gas Road Improvement Fund may be used to construct flood mitigation measures that would reduce or prevent flooding of allowable infrastructure and extends from January 1, 2024, to January 1, 2026, the expiration of the local gas road improvement and Virginia Coalfield Economic Development Authority tax.</p>	<p>HB 2401: Passed House; Substitute Passed Senate; Senate Substitute agreed to by House; Enrolled; Approved by Governor – Chapter 224 (effective 7/1/23)</p> <p>SB 1468: Amended, Passed Senate; Substitute Passed House; House Substitute agreed to by Senate; Enrolled; Approved by Governor – Chapter 225 (effective 7/1/23)</p>
<p>HB 1968: Department of Historic Resources; Green Book historic site designations. (Mullin, M.) Directs the Department of Historic Resources, in partnership with the Virginia Tourism Corporation and VDOT, to designate or approve supplementary signs for historic site signs identifying Green Book locations and businesses in the Commonwealth. The bill defines "Green Book" as The Negro Motorist Green Book published by Victor Hugo Green, which provided a list of hotels, guest houses, service stations, drug stores, taverns, barber shops, and restaurants known to be safe for traveling Black Americans during the Jim Crow era.</p>	<p>Amended, Passed house and Senate; Enrolled; Approved by Governor – Chapter 179 (effective 7/1/23)</p>

CTB – 2023 Legislation

Bill Number/Bill Points	Status
DRPT-Related BILLS	
<p><u>HB 1496 / SB 1079:</u> Commonwealth Mass Transit Fund. (Austin, T. / Cosgrove, J.) Allocates 3.5 percent of the Commonwealth Mass Transit Fund (the Fund) to commuter rail systems jointly operated by the Northern Virginia Transportation Commission and the Potomac and Rappahannock Transportation Commission and excludes such commuter rail systems from receiving allocations pursuant to other distributions of the Fund. The bill requires such commuter rail systems to submit reports to the Commonwealth Transportation Board. The bill limits allocations by the Northern Virginia Transportation Commission (NVTC) for distribution to the Washington Metropolitan Area Transit Authority (WMATA) to 50 percent of the total operating and capital assistance required to be provided by NVTC or other Virginia entities in the approved WMATA budget and establishes reporting requirements for WMATA. The bill codifies requirements for WMATA to adopt and submit certain planning documents first required pursuant to the eighth enactment of Chapter 854 and the eighth enactment of Chapter 856 of the Acts of Assembly of 2018 and repeals the original requirements. (Secretary of Transportation bill)</p>	<p>HB 1496: Substitute Passed House and Senate; Enrolled; Approved by Governor – Chapter 362 (effective 7/1/23)</p> <p>SB 1079: Passed Senate; Substitute Passed House; House Substitute agreed to by Senate; Enrolled; Approved by Governor – Chapter 363 (effective 7/1/23)</p>
<p><u>HB 2338 / SB 1326:</u> Transit Ridership Incentive Program. (McQuinn, D. / McClellan, J.) Directs the Commonwealth Transportation Board to use up to 30 percent of available funds in the Transit Ridership Incentive Program to support local, regional, and state entities in improving the accessibility of transit bus passenger facilities and transitioning public transit bus fleets and infrastructure to zero-emission bus fleets and infrastructure. The bill directs the Board to develop guidelines for applications for grants to any local, regional, or state public entity that supports a transit system</p>	<p>HB 2338: Amended, Passed House and Senate; Enrolled; Governor’s Recommendation received by House</p> <p>SB 1326: Amended, Passed Senate and House; Enrolled; Governor’s Recommendation received by Senate</p>

CTB – 2023 Legislation

Bill Number/Bill Points	Status
<p>HB 2330: Assault and battery; public transportation service vehicle operators, penalty. (McQuinn, D.) Makes it a Class 1 misdemeanor for a person to commit a battery against another knowing or having reason to know that such individual is an operator of a vehicle operated by a public transportation service who is engaged in the performance of his duties.</p>	Passed House; Substitute Passed Senate; Senate Substitute Rejected by House; Conference Substitute agreed to by House and Senate; Enrolled; Approved by Governor – Chapter 549 (effective 7/1/23)

CTB – 2023 Legislation

Bill Number/Bill Points	Status
<p>HB 1752 / SB 1029: Public utilities; fiber optic broadband lines crossing railroads. (Head, C. / Stanley, W.)</p> <p>Provides that if a broadband service provider, in the construction of its works, deems it necessary to cross the works of a railroad company, the broadband service provider is required to submit an application to the railroad company. The bill requires the application to include (i) a license fee; (ii) engineering design plans, construction plans, bore plans, fraction mitigation plans, dewatering plans, rigging and lifting plans, and any other pertinent plans deemed necessary and prepared by a registered professional engineer; (iii) the location of the crossing, including whether it is located in a public right-of-way; (iv) the proposed date of commencement of work; (v) the anticipated duration of the work in the crossing; (vi) the areas in which the project personnel will work; and (vii) the contact information of the broadband service provider's point of contact. The bill requires a railroad company to acknowledge receipt of the application, to request any additional information within 15 days, and to approve the application within 35 days unless the railroad company petitions the State Corporation Commission.</p> <p>The bill requires the broadband service provider to bear the cost of any such crossing, including a license fee of \$2,000 for each crossing, except that for a crossing over an abandoned section of track the license fee shall not exceed \$1,000 and for a crossing of a railroad company's works within a public right-of-way there is not a license fee. Under the bill, the Commonwealth shall grant a right-of-way to any broadband service provider seeking to use the right-of-way for broadband deployment to the extent that the Commonwealth owns any interest in any real property crossed by a railroad or manages any real property not owned by the Commonwealth that is crossed by a railroad. The bill requires the broadband service provider to maintain a general liability insurance policy or railroad protective liability insurance policy that meets certain requirements. The bill also requires a broadband service provider to reimburse the railroad company for direct expenses, not to exceed \$5,000, in addition to the license fee.</p> <p>The bill provides that a railroad company may petition the State Corporation Commission within 35 days of receiving an application if it asserts (a) the license fee is not adequate compensation for the specified crossing, (b) the proposed crossing will cause undue hardship on the railroad company, or (c) the proposed crossing will create the imminent likelihood of danger to public health or safety. Under the bill, a broadband service provider may petition the Commission if a railroad company is not in compliance with the requirements of the bill. The bill requires the Commission to adjudicate any such petition within 90 days.</p>	<p>HB 1752: Substitute Passed House; Substitute Passed Senate; Senate Substitute agreed to by House; Enrolled; Approved by Governor – Chapter 713 (effective 7/1/23)</p> <p>SB 1029: Substitute Passed Senate; Substitute Passed House; House Substitute agreed to by Senate; Enrolled; Approved by Governor – Chapter 714 (effective 7/1/23)</p>

CTB – 2023 Legislation

Bill Number/Bill Points	Status
<p><u>SB 1018</u>: Railroad companies; notice of certain action. (Edwards, J.) Requires a railroad company operating in the Commonwealth that submits an application to the federal government for consolidation, merger, abandonment, or discontinuance to notify, in addition to the State Corporation Commission and the Governor, the Secretary of Transportation, the Secretary of Natural Resources, the Director of the Department of Rail and Public Transportation, and the Executive Director of the Virginia Passenger Rail Authority of such action.</p>	Substitute Passed Senate and House; Enrolled; Approved by Governor – Chapter 318 (effective 7/1/23)

CTB POLICY REGARDING ALL-VIRTUAL COMMITTEE MEETINGS

Jo Anne Maxwell, Director, Governance and Legislative Affairs

March 29, 2023

Issue: Committees may require more time and need to conduct more meetings in order to accomplish their work

- **One or more committees of the CTB may from time to time require additional time to accomplish their objectives/work.**
- **Committees of the CTB are public bodies pursuant to the Freedom of Information Act (FOIA). Thus, in order for members of a CTB committee to engage in discussions relating to committee work (which is business of the CTB), the committee must conduct a public meeting.**
- **The General Rule under FOIA is that meetings of public bodies must be in-person meetings, meaning members of the committee must be physically present in a single location that is open to the public.**
- **The current practice of conducting committee meetings only on those days during which the CTB meets may delay or hinder the ability of committees to timely accomplish their work.**

FOIA (§ 2.2-3708.3) Provides Exceptions to the In-person Public Meeting Requirement

1. Subject to certain conditions/under certain circumstances, individual members may remotely (electronically) participate in a meeting of a public body.
2. Subject to certain conditions, the public body may conduct all-virtual meetings of the public body, whereby all members participate in a meeting by electronic means.
3. Subject to certain conditions, committees of the public body may conduct all-virtual meetings of the committee, whereby all members of the committee participate in a meeting by electronic means.
4. Each of the foregoing exceptions requires the public body to adopt a policy, prior to any meeting in which one or all members participate in a meeting electronically. The policy can address one or more of the options.
5. Meetings that are conducted pursuant to the policy must comply with other statutory requirements set out in FOIA.

Draft Policy for All-Virtual CTB Committee Meetings

- **Given the need of one or more CTB committees to expedite its work, a draft Policy to provide for all-virtual CTB committee meetings has been developed.**
 - **Committee is defined in the Policy as a committee, subcommittee or other entity of the CTB, however designated, to perform delegated functions of, or to advise, the CTB.**
- **The Policy would authorize any CTB committee to conduct a public meeting in which all members participate electronically, subject to the following limits:**
 - **A committee would be limited to two all-virtual public meetings per calendar year or 25 percent of the committee's meetings held per calendar year rounded up to the next whole number, whichever is greater (statutory requirement).**
 - **An all-virtual public meeting of a committee could not be held consecutively with another all-virtual public meeting of the same committee (statutory requirement).**

Draft Policy for All-Virtual CTB Committee Meetings (cont'd)

- **The Policy sets out the process for requesting and receiving authorization to conduct an all-virtual committee meeting:**
 - Any member of the committee could submit a request for an all-virtual meeting of the committee to the CTB's Assistant Secretary at least 15 working days prior to the meeting date. The CTB's Assistant Secretary would relay such request to the Chair of the CTB.
 - The Chair of the CTB will approve or deny the request and notify the members of the committee as well as the Assistant Secretary of the decision at least 7 working days prior to the meeting.
- **The Policy provides that it does not modify existing CTB policy prohibiting committees from conducting closed meetings or executive sessions.**

Other Key Statutory Requirements for All-Virtual Committee Meetings

- **Notice of the meeting must be posted in accord with § 2.2-3707 and must state that the meeting will be all-virtual;**
- **The electronic communication means used must allow the public to hear all members of the public body who are participating, and if audio-visual technology is available, to see the members of the public body as well;**
- **Contact information must be provided to allow the public to alert the committee if the audio or video transmission of the meeting fails, the committee must monitor the means of communication during the meeting, and if public transmission fails, the committee must recess until public access through the electronic means is restored;**
- **The agenda and all related materials, unless exempt, must be made available to the public via electronic format at the same time that such materials are made available to committee members;**
- **The public must be provided opportunity to comment through electronic means, including by way of written comments, at committee meetings where public comment is customarily received;**

Other Key Statutory Requirements for All-Virtual Committee Meetings (cont'd)

- **No more than two members of the committee may be together in any one remote location unless that remote location is physically open to the public for access; and**
- **Minutes of the meetings must be taken with draft minutes and final minutes posted in accord with § 2.2-3707, and include the fact that the meeting was held by electronic communication means, including the type of electronic communication means used for the meeting.**
 - **(The Policy also requires that the fact that an all-virtual meeting of the committee has been requested must be recorded in the committee's meeting minutes no later than the next meeting of the committee, along with the determination by the Chair of the CTB to approve or deny the request, as appropriate.)**
- **The Policy notes that other provisions of the Virginia Freedom of Information Act (§ § 2.2-3700 et seq.) relating to meetings of public bodies apply to the all-virtual meetings and any questions which may arise regarding the Policy and applicable laws must be referred to the Chair.**

Next Steps

- **The Draft Policy for All-Virtual CTB Committee Meetings has been included in this month's CTB materials for members' consideration.**
- **In order for any CTB committee to conduct an all-virtual meeting of the committee, the CTB is required by law to adopt a policy authorizing all-virtual committee meetings.**
- **The CTB will be presented with a resolution seeking the CTB's approval/adoption of the Policy described today.**

CTB Policy Regarding All-Virtual Committee Meetings

Jo Anne Maxwell, Director, Governance and Legislative Affairs

March 29, 2023



U.S. Route 58 Corridor Transportation Revenue Bonds, Series 2023

March 29, 2023

Laura Farmer

Chief Financial Officer

Authorization and History of Transportation Revenue Bonds

U.S. Route 58 Corridor Development Program

- **The U.S Route 58 Corridor Development Fund was established by the General Assembly in 1989 by Virginia Code Section 33.2-2300**
 - Authorized \$600 million in revenue bonds
 - Dedicated first \$40 million of recordation taxes for program funding
- **The General Assembly increased authorization in the 1999 session by \$104.3 million to \$704.3 million**
 - Identified projects to receive funding
 - Required the Secretary of Transportation and Governor to propose funding to support debt service on the additional authorization
- **The General Assembly increased authorization in the 2013 session by \$595.7 million to \$1.3 billion**
 - Prioritized completion of Crooked Oak, Vesta and Lover's Leap sections
 - Provided \$20 million to the fund from the highway construction share of the Transportation Trust Fund beginning in FY 2020
 - Required any additional debt be supported by the Route 58 Program's existing revenue stream

Authorization and History of Transportation Revenue Bonds

U.S. Route 58 Corridor Development Program

- **Chapter 1230 of the 2020 Acts of Assembly**
 - Provides \$40 million from the Commonwealth Transportation Fund rather than directly from recordation tax collections
 - Added the completion of Corridor Q of the Appalachian Development Highway System to the prioritized list of projects
 - Note: \$20 million transfer to the fund from Transportation Trust Fund continues annually
- **All authorizations prior to the 2013 Acts of Assembly have been issued**
- **In March 2022, CTB issued \$119.5 million (*par value*), the first series under the increased authorization**
 - \$28.7 million of proceeds remain as of 3/13/2023; Majority of Proceeds applied to Lover's Leap Project to date
- **After the 2023 bond issue, remaining authorization planned to be issued in FY 2026/2027, depending on project spending**

Transportation Revenue Bonds, Series 2023

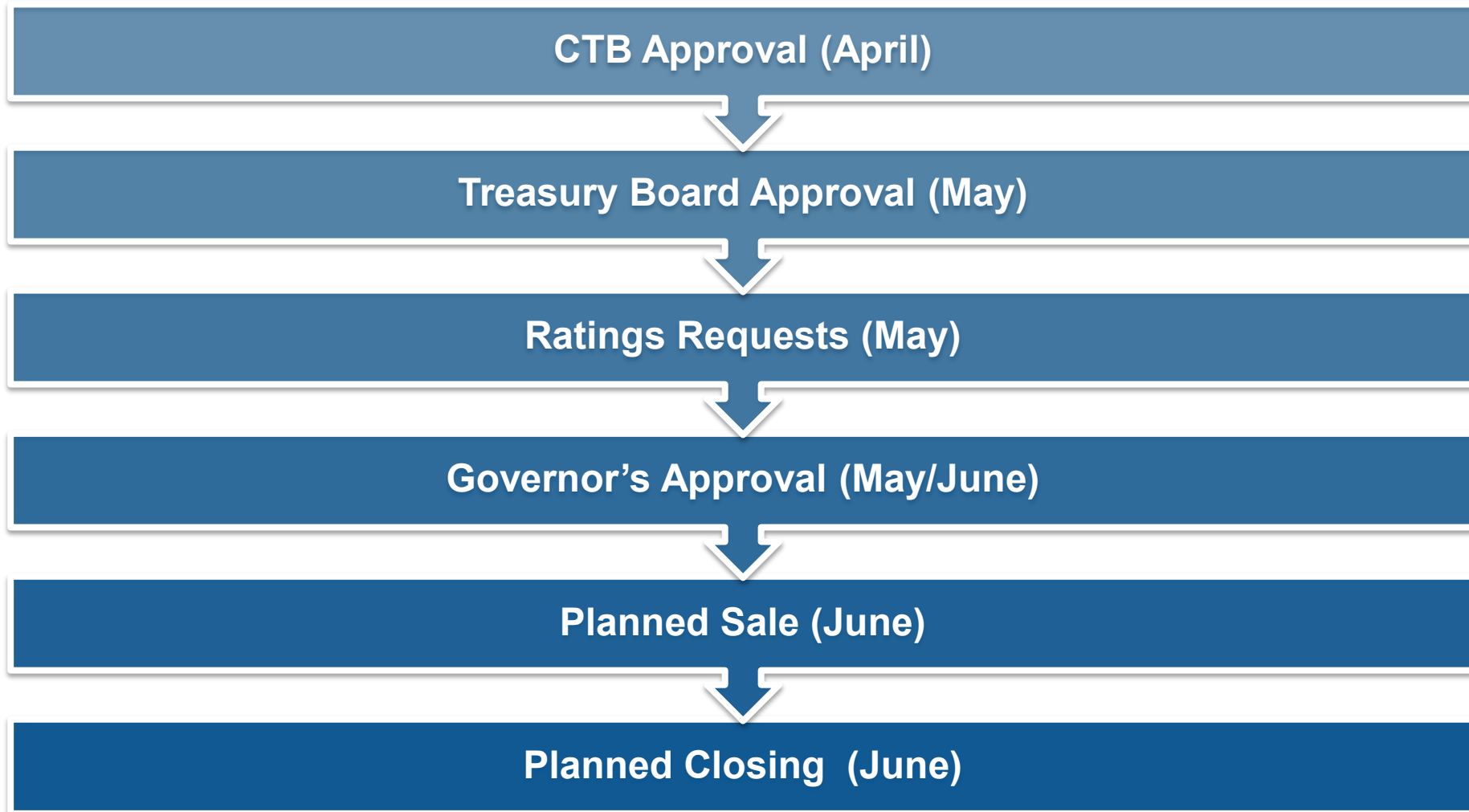
U.S. Route 58 Corridor Development Program

- Bond proceeds are fully allocated in the SYIP to projects in accordance with prioritization set forth in Code of Virginia
- The current sale and future sales are timed to support project spending
 - Most of the proceeds are planned for Lover’s Leap Project on Route 58 and Corridor Q

Summary Terms of U.S. Route 58 Offering*	
Issuer	Commonwealth Transportation Board
Series	2023
Anticipated Ratings	AA+/Aa1/AA+
Planned Sale Date	June 7, 2023
Security	The Series 2023 bonds are payable from and secured by revenues (i) first, from the U.S. Route 58 Corridor Development Fund, (ii) to the extent required, other revenues legally available from the TTF, and (iii) to the extent required, other legally available funds, and from moneys in certain funds established under the U.S. Route 58 Trust Agreement
Target Proceeds (in millions)	\$236.3
Structure	Fixed rate serial bonds maturing annually
Final Maturity (years)	25

*Preliminary; subject to change

Next Steps





Director's Report

March 2023



Administrative Highlights

- **Maximum Employment Level: 72**

- Vacancy Rate: 14 percent, including Chief Financial Officer
- New Hire: Carrie Bolton, Office Assistant

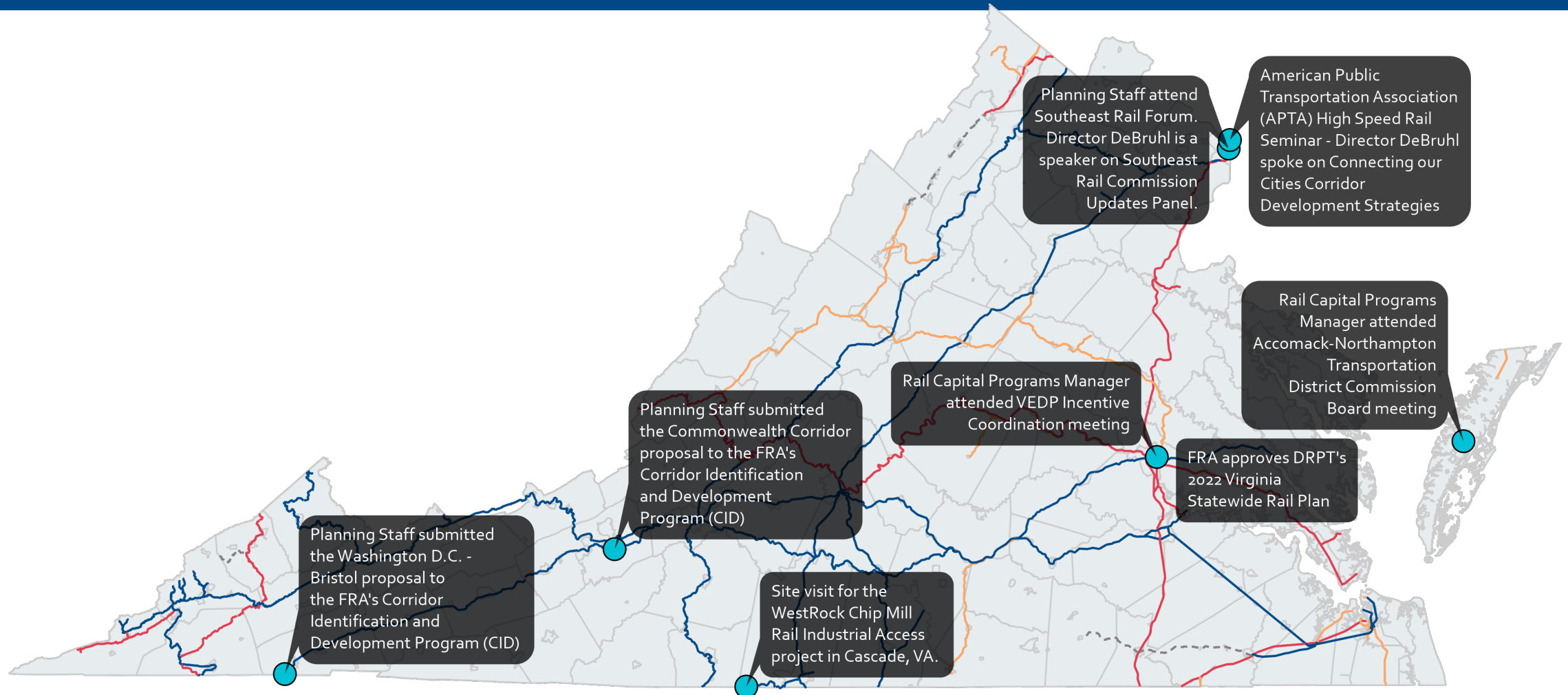
- **Agency Budget**

- DRPT has reduced its IT costs by nearly \$147,000 annually. These savings are attributed to getting rid of extra laptops and cellphones while simultaneously upgrading circuits at the Northern Virginia office to improve performance.

- **Website Modernization**

- DRPT staff met with VITA to discuss the Governor's website modernization program. DRPT has minimal follow up as the agency website already meets the Governor's accessibility standards.

Rail Highlights



Rail Safety Review

Federal Railroad Administration (FRA) is responsible for enforcing state and federal statutes related to railroads in conjunction with the **Virginia State Corporation Commission (SCC)**

FRA

Department of Transportation Act of 1966 (49 U.S.C. 103) requires FRA to **promulgate and enforce rail safety regulations.**

Office of Railroad Safety has over 400 safety inspectors responsible for compliance and enforcement of:

- Grade Crossings
- Hazardous Materials
- Motive Power and Equipment
- Operating Practices
- Signal and Train Control
- Track

Other

- **National Transportation Safety Board (NTSB)** has the right to investigate. When NTSB shows up, then FRA/SCC will assist as needed.
- **DRPT** has **no** rail regulatory authority.

Virginia SCC

Railroad Regulation section works in concert with FRA to ensure safe operations of railroads per Title 56, Chapter 13, of the Code of Virginia.

Inspection staff, certified by FRA under a state participation agreement, supplements the FRA's inspectors to cover railroad safety aspects listed to the left: grade crossings, hazardous materials, etc.

Conducts inspections per FRA regulations; FRA has enforcement authority.

Uses a data-driven system to determine locations for upcoming inspections and coordinates inspections with the FRA.



Responds to and investigates rail accidents within the state, such as derailments, fatalities, crossing accidents, blocked crossings, and chemical/hazmat spills.

Public Transportation Highlights

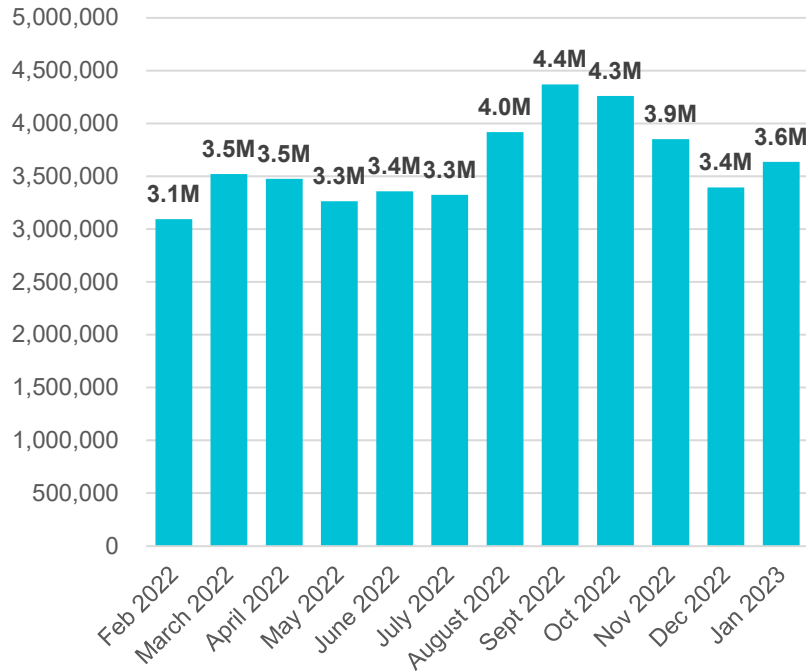
- The construction of a refurbished transfer center for **Valley Metro (Roanoke)** is four-five months ahead of schedule and a ribbon cutting is being scheduled for a date sometime in mid-May 2023.
- **Omniride** was recently awarded the Prince William Chamber of Commerce's 2023 Excellence in Business Award. The award recognized Omniride's response to the significant challenges presented by telework and transit operator shortages.
- The **VRE** Operations Board awarded a contract on March 17 for the Manassas Park Parking Garage to Manhattan Construction for \$27,495,923.
- In April, DRPT will launch the **Discover Transit** campaign that will be advertising statewide to reinforce the benefits of transit to communities. Targeted campaigns will also be directed to communities that suffered the largest transit usage declines due to the pandemic.

Federal Funding Applications Pending (IIJA)

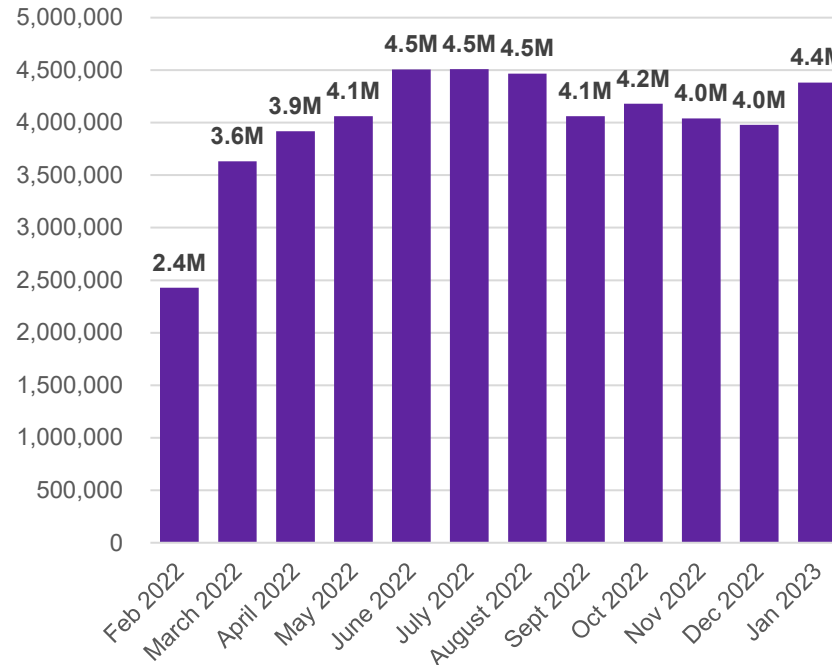
- **Federal-State Partnership for Intercity Passenger Rail Grant Program**
 - Long Bridge & I-95 Phase 2 Projects-\$350M (VPRA)
- **Corridor Identification and Development Program**
 - Commonwealth Corridor
 - DC to Bristol Corridor
 - DC to Charlotte Corridor (VPRA/NCDOT)
- **Rail Crossing Elimination Program**
 - Multiple, specific projects TBD
- **Consolidated Rail Infrastructure and Safety Improvements (CRISI)**
 - Bedford Passenger Stop
- **Transit Federal Discretionary Programs**
 - Comprehensive Operational Analysis of Petersburg paratransit services and accessibility
 - 39 replacement buses for rural transit agencies
- **Letters of support/technical assistance for the following applications**
 - PRTC/Omniride: electric vehicle & charging infrastructure
 - DASH: electric buses & charging infrastructure
 - WinTran (Winchester): maintenance facility replacement
 - GRTC: bus shelters and CNG buses
 - HRT: new southside operations facility

Statewide Transit Ridership

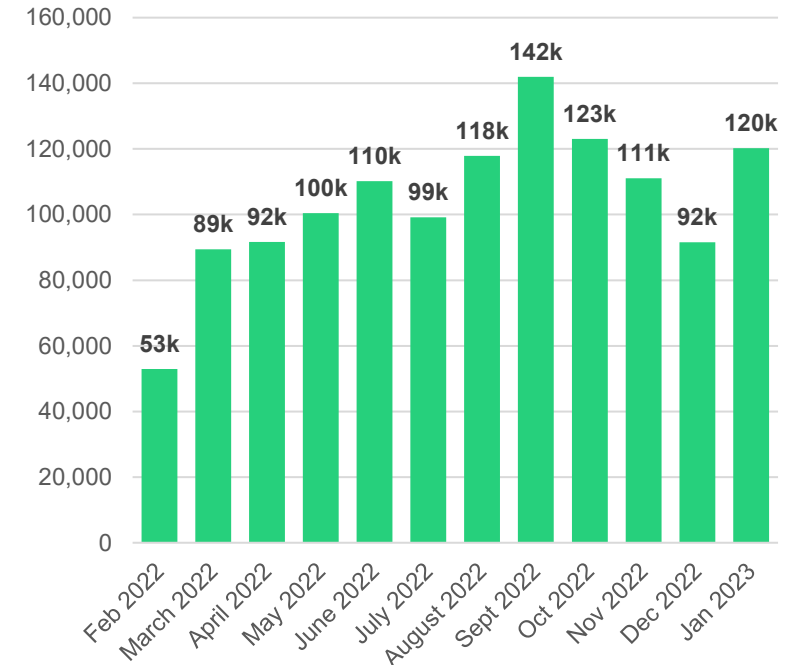
Statewide Transit Ridership – February 2022 to January 2023



Virginia Agencies



WMATA



VRE

Agencies	Feb 2022	March 2022	April 2022	May 2022	June 2022	July 2022	August 2022	Sept 2022	Oct 2022	Nov 2022	Dec 2022	Jan 2023	Total
Virginia Agencies	3,095,840	3,520,985	3,475,905	3,264,947	3,357,208	3,325,328	3,918,682	4,370,401	4,261,450	3,850,933	3,393,853	3,635,189	43,470,721
VRE	52,916	89,455	91,685	100,424	110,208	99,120	117,880	141,963	122,984	111,028	91,597	120,228	1,249,488
WMATA	2,428,198	3,631,074	3,918,027	4,062,153	4,505,702	4,509,235	4,466,511	4,061,584	4,178,637	4,040,866	3,979,130	4,380,844	48,161,961
All Agencies + VRE + WMATA	5,576,954	7,241,514	7,485,617	7,427,524	7,973,118	7,933,683	8,503,073	8,573,948	8,563,071	8,002,827	7,464,580	8,136,261	92,882,170

January Statewide Ridership Comparison: Year-to-Year

Transit ridership for Virginia agencies in January 2023 was 40% higher than January 2022.

- Bus ridership was 42% higher

January 2023 ridership for Virginia agencies was 79% of pre-pandemic January 2020 levels.

- Bus ridership was 76% of 2020 levels

VRE ridership in January 2023 was 221% higher than January 2022 and 32% of pre-pandemic January 2020 levels.

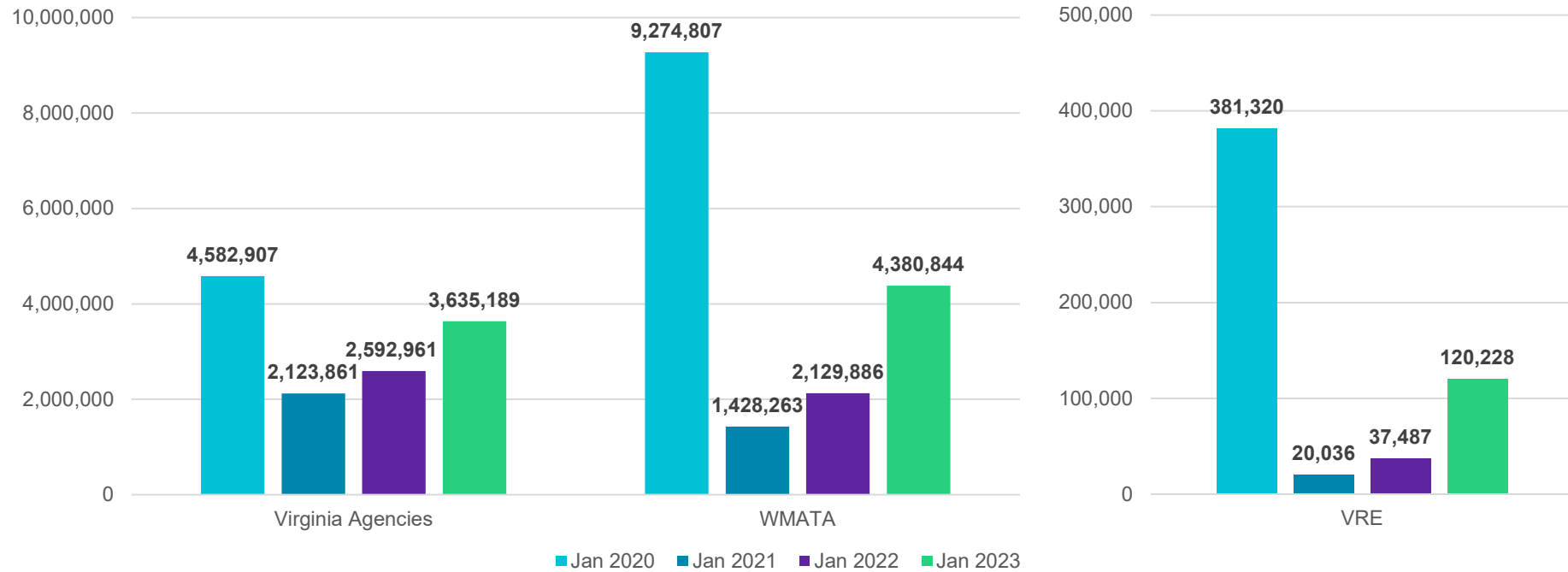
WMATA ridership in January 2023 was 106% higher than in January 2022.

- Bus ridership was 68% higher
- Heavy rail (Metro) was 119% higher

January 2023 WMATA ridership was 47% of pre-pandemic January 2020 levels.

- Bus ridership was 71% of 2020 levels
- Heavy rail (Metro) is 43% of 2020 levels

January Ridership Comparison: Year-to-Year
2020 – 2023



Mode	Jan 2020	Jan 2021	Jan 2022	Jan 2023	Jan 2023 vs 2020	Jan 2023 vs 2021	Jan 2023 vs 2022
Virginia Agencies	4,582,907	2,123,861	2,592,961	3,635,189	-21%	71%	40%
VRE	381,320	20,036	37,487	120,228	-68%	500%	221%
WMATA	9,274,807	1,428,263	2,129,886	4,380,844	-53%	207%	106%
All Agencies + VRE + WMATA	14,239,034	3,572,160	4,760,334	8,136,261	-43%	128%	71%

Virginia Breeze Ridership - January

In January 2023, ridership on VA Breeze routes totaled 4,043 which was:

- 141% higher than original estimates, and
- 50% higher than January 2022

Overall on-time-performance (OTP) was 74% and the overall farebox recovery was 41%

For the month of January 2023, the VA Breeze contributed to a reduction of 136 metric tons of CO₂ equivalent emissions.

Valley Flyer:

- Ridership – 25% higher than Jan 2022
- Farebox Rev. – 38% higher than Jan 2022

Piedmont Express:

- Ridership – 26% higher than Jan 2022
- Farebox Rev. – 26% higher than Jan 2022

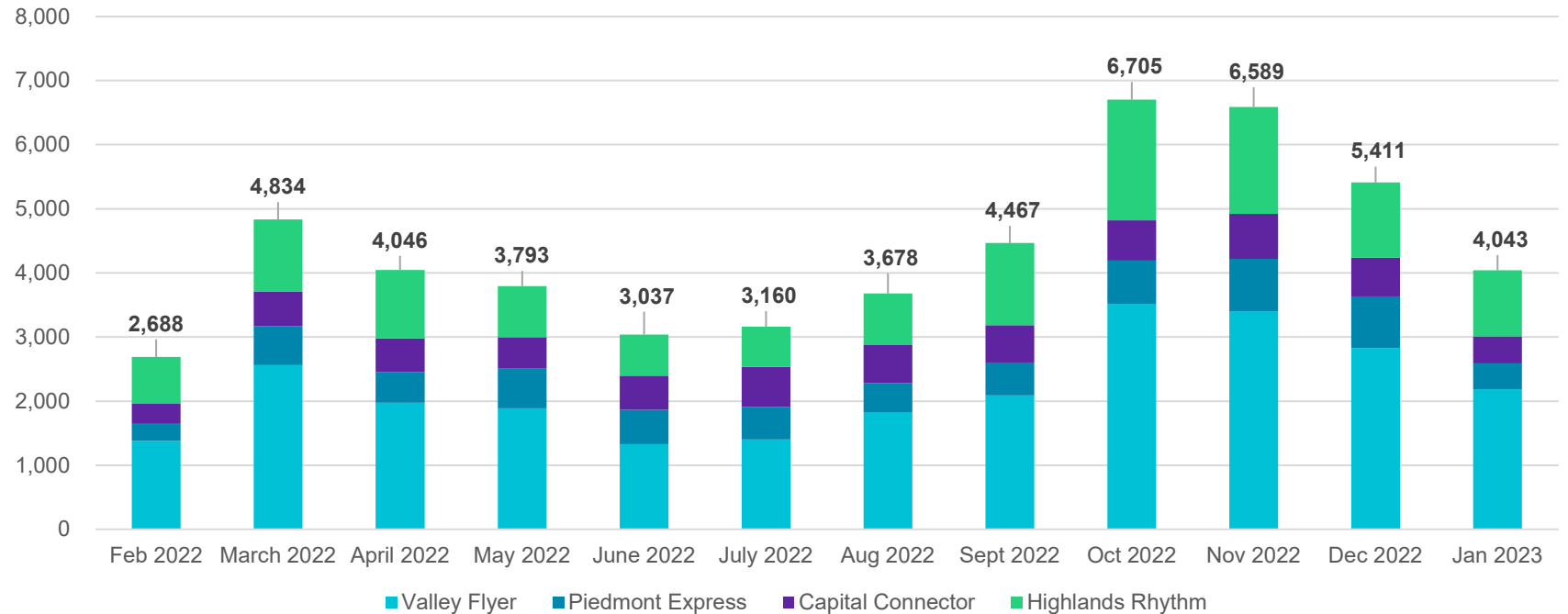
Capital Connector:

- Ridership – 53% higher than Jan 2022
- Farebox Rev. – 61% higher than Jan 2022

Highlands Rhythm:

- Ridership – 99% higher than Jan 2022
- Farebox Rev – 92% higher than Jan 2022

Virginia Breeze Ridership by Route – February 2022 to January 2023



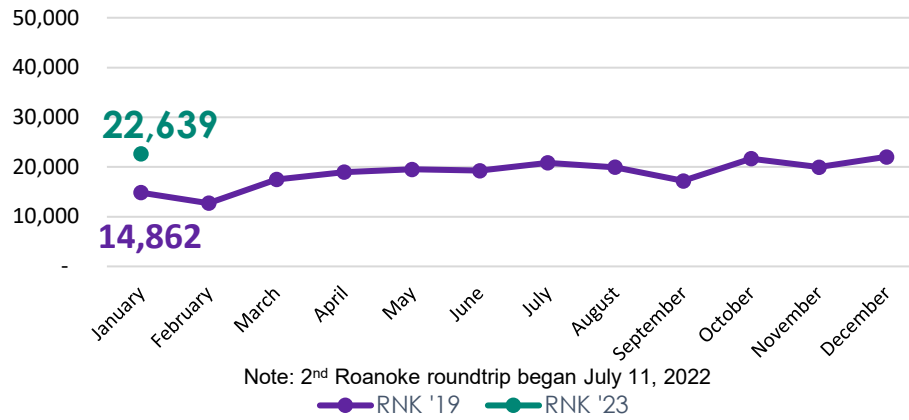
Route	Feb 2022	March 2022	April 2022	May 2022	June 2022	July 2022	Aug 2022	Sept 2022	Oct 2022	Nov 2022	Dec 2022	Jan 2023	Total
Valley Flyer	1,381	2,561	1,975	1,888	1,329	1,405	1,820	2,091	3,519	3,394	2,826	2,187	26,376
Piedmont Express	263	611	475	618	537	507	464	511	672	827	808	402	6,695
Capital Connector	321	536	528	490	533	621	597	581	627	701	606	421	6,562
Highlands Rhythm	723	1,126	1,068	797	638	627	797	1,284	1,887	1,667	1,171	1,033	12,818
All Routes	2,688	4,834	4,046	3,793	3,037	3,160	3,678	4,467	6,705	6,589	5,411	4,043	52,451

Virginia-Supported Monthly Ridership by Route 2023 vs 2019

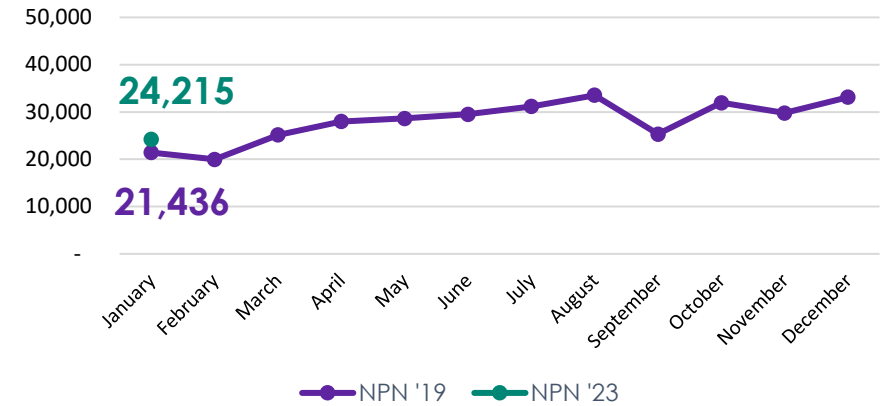
The largest pre-pandemic ridership increase was Route 50: Norfolk at 196.9% (+20,709)

Three of four routes saw an increase in ridership when compared to 2019.

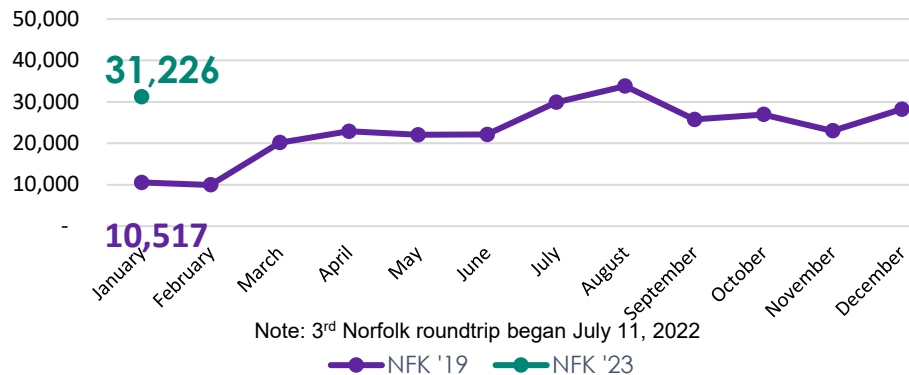
Route 46: Roanoke Ridership



Route: 47 Newport News Ridership



Route 50: Norfolk Ridership



Route 51: Richmond Ridership

