



Virginia Municipal League

2000 Environmental Quality Policy Statement

Virginia's jurisdictions and their residents depend upon a healthy and productive environment for their long term well-being. The VML is committed to the protection and enhancement of this resource base and to a clean and safe environment. The VML commitment recognizes, however, the need to achieve and maintain a balance for sustaining environmental resources, economic growth and social development in our cities, towns and counties.

Identifying and protecting resources, as well as managing the human impacts upon them, should be the quest of all levels of government—local, state and national—and the priority of the entire citizenry.

To achieve these ends, VML pursues these goals:

1. Promoting environmental quality by a coordinated, comprehensive approach that addresses the various issues associated with air and water quality, hazardous and solid waste management, protection of sensitive lands and features, prudent land use policies, noise abatement and energy use.
2. Attaining an equitable distribution among governments of the responsibilities for resource protection, benefits from a quality environment, and funding for essential activities.
3. Recognizing the interjurisdictional nature of many environmental resources and pursuing dispute resolution in a manner that respects the jurisdictions and the residents, as well as the continued viability of natural, living, and cultural resources.
4. Pursuing the orderly and planned development of communities without either needlessly jeopardizing irreplaceable resources or destroying the balance necessary to maintain harmony of resources within an ecological community.
5. Promoting cooperation and coordination among governments, citizens, institutions, and organizations to achieve these goals.
6. Advocating legislation and policy initiatives that direct the Virginia environmental agencies to interpret federal guidance and criteria so as to provide adequate protection while imposing the least costly obligation on local governments and reflecting a thorough cost benefit analysis.
7. Having the state negotiate vigorously with federal agencies to ensure that optimum balances of environmental protection are achieved at costs consistent with the Commonwealth's social,

environmental and economic health of its counties, cities and towns.

WATER RESOURCES, QUALITY & CONSERVATION

Supply. The state's role as trustee and its role of allocating water supplies necessitates comprehensive management at the state level.

VML supports a state assessment of the quantity and quality of all water resources and a comprehensive planning process for managing its use. The state's role should include protecting the current and future interests of all water users, and to provide a means of compensating damages resulting from water transfers.

Quality. Major threats to water quality result from pollutants in wastewater discharges and stormwater runoff, treated and untreated effluent from sewage systems, sedimentation, stream channelization, and indiscriminate use. Local governments, the state government, federal government and private interests must recognize these threats and implement precautions and protections that reflect the level of responsibility for offensive activity, as well as technical and economic competence to correct problems.

Non-point sources of pollution now account for a large percentage of water quality degradation. The state should increase its efforts and commitment to address non-point sources of pollution that have a detrimental impact on water resources.

Local governments are willing to be partners and use the new authorization under the 1997 Water Quality Improvement Act to create programs, where confirmed by local conditions and goals and with financial assistance, that may provide results that exceed state and federal standards.

Financing. VML supports the General Assembly's continued appropriation of public funds to a revolving loan arrangement for constructing and maintaining public wastewater systems and encourages the legislature's commitment to a comparable fund for water supply planning and construction. The first priority for allocating federal funding, where available, should be those localities that comply with federal requirements and that have demonstrated commitment to attain the objectives of federal law.

The state, as manager of water resources for the benefit of all Virginians, has a responsibility to assist local governments with situations that require modifying public water and sewage treatment facilities to ensure orderly growth.

VML concurs with the General Assembly that combined sewer overflows (CSOs) are of statewide and national concern because of their effect on the state waters, especially the Chesapeake Bay.

The cost of correcting CSOs is enormous and far exceeds the financial capabilities of those Virginia localities experiencing the problem. Together, the federal and state governments should provide grant funding to Virginia localities with CSOs for that portion of the cost of CSO control that exceeds the individual financial capabilities of the localities.

Conservation. Overuse and indiscriminate use of water, coupled with recurring drought conditions, require the state and localities to promote water conservation to help avoid future water supply problems. A local or regional comprehensive water conservation plan is encouraged to include:

1. Recycling of waste water.
2. Encouragement to builders to install water conservation equipment all construction.
3. Incentives for water conservation through hook-up fees and rates.
4. Rate systems that encourage conservation i.e., progressive rate scales, peak or seasonal rates, and/or monetary penalties for excessive water use.
5. Public education and customer advice on ways to reduce water consumption, especially for institutions and businesses that use large quantities of water.
6. Home water-leak inspections and meter checks.
7. An allocation program prepared in advance of drought conditions.
8. Using salt water in domestic waste water systems, if feasible.

In situations where public water supplies can be threatened, no permits for private sewer systems should be issued within five miles upstream of a water treatment plant intake.

ENVIRONMENTAL EMERGENCIES

The state should assist with paying for flood protection where localities have taken precautions, through land use controls, to limit the cost of flood damage restoration at their own expense.

In the event of an environmental emergency, maximum discretion should be left to local government officials to determine those emergency measures to be taken beyond those dictated by the state and federal government. Upon the locality's request, the appropriate state government

agencies should respond immediately to protect the health, safety, and welfare of communities.

State and federal emergency response to disasters should provide for a rapid, almost instantaneous site visit by a trained evaluator for an immediate recommendation to the governor and president about the type and magnitude of response required by state or federal agencies.

SOLID WASTE MANAGEMENT

Localities are encouraged to explore the financial and regulatory incentives for regional cooperation. State assistance should reflect waste management improvements afforded by multi-jurisdictional efforts and not impede cooperative arrangements where they occur. Regional planning is one way of encouraging such arrangements, although regions may not necessarily be the same as planning district boundaries.

VML supports the continuation of certifying compliance with local ordinances for waste management facility proposals. The process offers an important clarification of responsibilities for government officials and the community.

Despite adopting a waste management hierarchy, the state's regulatory emphasis is limited to landfilling and recycling. The state should use its influence to promote waste reduction, pollution prevention, reuse, and other management techniques that will improve waste management and reduce long-term costs. State economic development efforts to open markets for material reuse and recycling should occur at levels comparable with state requirements for local separation of recyclables.

Further federal and state agencies should give local governments financial and technical assistance for undertaking innovative model programs to promote recycling of solid waste. Such assistance should also be available for closing or upgrading substandard landfills and for assisting local governments in the stabilization and clean-up of abandoned waste sites, including those privately owned.

VML endorses developing local waste-to-energy and co-generation facilities as practical alternatives to support landfill facilities. Further, legislation should be adopted to establish favorable power and capacity payments, to assure that these projects are economically feasible in the future.

MEDICAL WASTE

State regulations for the handling, packaging, and disposal of medical waste significantly reduce risks from disease and infection over previous practices. VML recognizes the need for medical waste disposal facilities to adequately handle waste generated within its borders. The Department of Environmental Quality should take precautions in the

permitting process to avoid a net increase in public health and environmental risks to Virginia citizens threatened by a proliferation of commercial sites.

HAZARDOUS WASTE

Since many public improvement projects require acquiring real property interests, the Department of Environmental Quality, in conjunction with the Environmental Protection Agency, should develop 'up-front' risk assessment standards for hazardous waste reporting, releases, and clean-up that will balance the need to construct improvement projects with a reasonable degree of protection to the public for exposure to hazardous waste releases. Such standards should consider clean-up costs, since they make the public improvement project economically unfeasible, thereby denying the public any benefit from the project.

Advanced technology, waste minimization, and waste exchange should be used, to the extent possible, to eliminate or reduce hazardous waste.

VML recognizes the need for hazardous waste treatment and disposal facilities to provide adequate capacity for wastes generated within state borders.

The Commonwealth is encouraged to establish, and if necessary operate, hazardous waste facilities appropriate for improving the treatment, storage, or disposal of hazardous waste generated within Virginia.

We applaud the recognition in the Hazardous Waste Facilities Siting Act of the important position of local governments in a siting decision. The Technical Assistance Fund, which will support local government participation in the siting process, is especially critical, and a contingency needs to be arranged for access to sufficient funds, when needed and not predicted in the budget cycle.

Adequate state and federal funding should be provided for cleaning up abandoned and hazardous waste sites. Expedient clean-up of sites is essential.

The Commonwealth should address the collection of household hazardous waste by either having the state collect the waste, reducing their existence in the market place, or providing liability coverage for local collection programs.

AIR QUALITY

The Commonwealth of Virginia has an on-going responsibility to continue efforts to achieve emission reductions in accordance with Federal Clean Air Act requirements. VML requests the State Air Pollution Control Board to move expeditiously and adopt requirements for Stage 2 vapor recovery devices. VML urges the Board to recognize the efficiencies of these pollution-reduction devices and encourages the application of the requirements in areas

beyond the designated non-attainment areas for improving air quality and increasing chances of meeting air quality standards by the federal deadlines.

Land use controls and transportation services significantly affect air quality in localities; however, the regional effects of pollution sources and the high costs of abatement dictate state and national programs of air quality maintenance. When affected by regional short-range or long-range pollutant sources, localities should be given an opportunity to participate in developing a regional plan to reach attainment of air quality standards, rather than be excluded by arbitrary boundary lines, especially in non-attainment areas.

Because of difficulty in identifying the sources of acid rain, the state acid rain monitoring network should be enhanced and maintained.

As an aid to economic development, the Department of Environmental Quality should install additional monitoring and meteorological equipment to expedite permit processing in areas where no such data currently exists.

Authority is requested to allow the adoption of ordinances more restrictive than state law.

COASTAL ZONE MANAGEMENT

Local governments should work vigorously, within the federal and state laws, to preserve and protect coastal zone and wetlands areas and consider all cultural, historical, social, physical and aesthetic values as well as continued economic development.

PARKS, OPEN SPACE AND CULTURAL RESOURCES

VML recognizes the vital need to preserve open space lands, both for parks and recreational areas and for a visual relief from continual development. A stable source of long-term state funds must be identified and made available to localities to acquire, develop, and maintain areas identified for open space, parks, and outdoor nature activities.

To these ends, local governments, in support of the Virginia Outdoors Plan, should encourage:

1. Developing and implementing comprehensive community recreation and open space plans.
2. Protecting waterways and streambeds, wetlands, flood plains, and other environmentally sensitive areas through zoning regulations or conservation easements.
3. Preserving historic and architecturally significant structures and landscapes through a design review process, and supporting the use of historic district ordinances and preservation easements in protecting such resources.

4. Promoting the donation of private lands or capital for park acquisition and similar development projects, recognizing the vital role of the private sector in meeting Virginians' recreation needs.
5. Participating in the establishment of regional park authorities where practical to supplement municipal park facilities.
6. Promoting cooperative agreements between school boards and local recreation departments for the use of school properties and municipal parks and open spaces.
7. Encouraging citizen responsibility and participation in the planning process.

NOISE CONTROL

VML supports state and local programs to control unacceptable noise. Federal highway standards for construction noise have increased the actual per mile of highway construction costs to the point that localities find it difficult to meet their project share of the costs.

Federal or state regulations should not penalize communities for not enacting acceptable standards if no noise problem exists. Both industry and communities must be given sufficient time to meet new noise level standards.

State and federal governments must share in the regulatory and financial responsibility of attaining satisfactory noise levels adjacent to major highways and airports.

VDOT's noise attenuation policy should be changed to have the state fund an equitable share of the cost.

Local governments should have the authority to determine the appropriate measure for establishing unacceptable levels of nuisance noise and to enact local ordinances to address its curtailment.

ENERGY USE & CONSERVATION

VML has as a goal of seeing that localities receive adequate and reliable supplies of energy at a reasonable cost. Local officials should be able to prescribe measures to minimize the impact of energy shortages on their communities, or on any particularly hard hit groups within the locality.

The state is encouraged to develop an overall state energy plan that includes provisions for energy emergencies. Regulations and emergency orders should include alternatives that consider the economic impact on political subdivisions that border neighboring states.

An emphasis should be placed at the state level on encouraging a balanced use of all energy sources. Grant and tax incentive programs should be designed to encourage experimenting with new and expanded energy sources; but these must be contingent on the comparative safety and acceptable risks of the technology. The state should amend

its regulations and requirements, such as the Statewide Building Code, to remove barriers to experimenting with alternative forms of energy usage in buildings.

Both long- and short-range energy usage should be designed to maximize conservation of energy resources. Adequate, but not excessive, lighting standards should be used in public buildings and street lighting, while taking into consideration public safety factors. Conservation should be given the highest priority in formulating state and local energy policies and plans. Reasonable environmental control should be placed on energy production but also should be balanced with any benefits to the community. Localities should reevaluate energy usage in their jurisdictions for maximum conservation.

Energy conservation measures should be required of utilities operating in Virginia, to reduce the cost to consumers and increase the available supply without further degradation of the environment.

The plans for constructing or modifying all public buildings should consider the rising costs of energy, and the use of alternative energy and energy conservation features whenever possible.

CHESAPEAKE BAY

The Chesapeake Bay provides vital economic and recreational benefits to all Virginians. Unfortunately, studies indicate that these benefits are being jeopardized due to a gradual decline in the water quality of this estuary. VML commends the state for its initiatives in preserving and cleaning up the bay.

Since a majority of the land in Virginia lies within the watersheds of tributaries of the Chesapeake Bay, all local governments in the Commonwealth should both cooperate with this effort to preserve the bay and encourage their residents to actively participate. The cooperation of all public and private entities in the Commonwealth is needed to resolve the economic and environmental problems of the Chesapeake Bay. The cause of the damages, as well as the benefits of its restoration, extend well beyond the coastline. Virginians should share the cost of protecting the estuary and all water resources should be shared among all Virginians.

VML endorses the commitment to nutrient reduction in the Chesapeake Bay and its tributaries, and will cooperate in achieving it, provided that:

- a. State grant funding be provided for at least 50 percent of all local costs for biological nutrient removal systems and other nutrient control technologies;
- b. Any nutrient reduction strategies shall be tributary specific and require equitable reduction from both point and non-point pollution sources; and

c. Nutrient reduction goals for the Virginia tributaries will reflect local government participation and the financial capability and local water quality conditions of individual localities.

All state departments should analyze the collective impact of regulations in Chesapeake Bay regulations, NPDES, and federal water, reservoir and water protection standards; improve coordination of non-point source pollution efforts (particularly for stormwater); and eliminate conflicting regulations aimed at promoting comprehensive water quality protection.

The state should establish a mechanism for reporting water quality benefits achieved as the result of implementing the Chesapeake Bay Preservation Act.

FISH PASSAGES

Improved passage for anadromous fish in Virginia rivers benefits the entire Commonwealth. However, as the state plans and funds the construction, operation, and maintenance of improved fish passages, equal consideration should be given to local concerns for conservation of Virginia rivers as recreational, aesthetic, economic, scenic, and historic resources.

HIGHWAY BEAUTIFICATION

VML is discouraged that modification to the Federal Highway Beautification Act has undermined local authority and continues to allow tree cutting simply for billboard visibility. Legislation should be enacted that will restore local government authority to remove billboards along federal highways through amortization; support local governments' ability to require non-conforming signs along federal highways to comply with size and height requirements without cash payments; allow local governments to require the removal of billboards in inappropriate locations, especially in rural, designated scenic, historic, and residential areas; and provide local governments with the authority by local ordinance to prohibit the construction or determine the placement of any new billboards.

VML encourages the local identification of roads with special natural, historical, scenic, or cultural values and encourages local enhancement and protection.

ASBESTOS REMOVAL

Standards and guidelines for proper removal and disposal of asbestos from buildings should be coordinated among EPA, OSHA, and the several state agencies involved.

Local governments and school boards and their officials should be given immunity for asbestos inspections comparable to that provided at the state level.

LAND USE MANAGEMENT

Legislation is needed that enables local governments to enhance their tools of application in properly planning for the orderly development of land and the delivery of essential services. The General Assembly should provide the necessary authority for localities to proceed with implementing local comprehensive plans, including additional optional measures such as impact fees, proffers, transferable development rights and adequate facility ordinances.

VML supports initiating an environmental review procedure for state highway projects and recognizes the potential benefits to transportation planning and resource management. However, the review is incomplete if it does not reflect the impacts on land and inclusion of the state-required local comprehensive plan. VML believes that the environmental review process for public roads should incorporate the local comprehensive plan and involve local officials.

In all permitting, the DEQ should defer to local zoning decisions prior to the issuance of any permits. Moreover, DEQ, exercising its permitting authority should recognize the possible cumulative impacts of its permitting activities.

BIOSOLIDS

VML supports and encourages the beneficial recycle/reuse of biosolids on farm and as a crop nutrient and soil amendment in accordance with federal/state handling and disposal regulations.

HAZARDOUS LIQUID PIPELINES

Accidents involving oil and other hazardous liquid pipelines pose a substantial risk to Virginia's water and public water supplies. VML encourages the President to reduce the risk of catastrophic liquid pipeline accidents by strengthening enforcement of the hazardous liquid pipeline safety program administered by the U.S. Department of Transportation. In addition, the State Corporation Commission should implement legislation approved by the General Assembly authorizing the SCC to assume regulatory jurisdiction over interstate hazardous liquid pipelines. The Commonwealth and local governments should adopt appropriate restriction on development near liquid pipelines and require liquid pipeline operations to take safeguards to reduce the risk of oil spills in environmentally sensitive areas.



Virginia Municipal League

2000 Finance Policy Statement

STATE-LOCAL TAX STRUCTURE

A sound state and local tax structure is vital to the long-term fiscal vitality of the commonwealth and its local governments. Financially healthy local governments are a key component of any strategy to compete in the global marketplace.

Anemic local revenue growth threatens the quality of life and economic competitiveness of Virginia's communities. Local revenue growth in the 1970's averaged 11.4%. In the 1980's it averaged 9.2%. In the first half of the 1990's it has averaged slightly more than 5%.

Virginia is a low-tax state. Census data on state-local burden consistently shows that only four or five states in the country have a lower combined state-local tax burden than Virginia (per \$1,000 of personal income). When local taxes only are considered, only about 25 states have a lower local tax burden than Virginia, an indication that localities in the state are forced to levy higher taxes because the state's taxes are so low.

Virginia's state-local tax structure must be reexamined for the following reasons:

- The existing state-local tax structure makes local governments overly dependent on the real estate tax rate, which is no longer growing at a rate sufficient to pay for the services that citizens want their local governments to provide. From 1986 to 1991, real estate tax revenue grew by an average of almost 12%; from 1992 to 1997, it grew slightly more than 3%.
- Because local governments do not receive income tax revenue, they do not benefit from the revenue growth that occurs at the state and federal levels during good economic times.
- The state's plan to phase in personal property relief fundamentally alters the manner in which local governments will receive revenue through their second largest revenue source, making them more dependent on state appropriations.

A key reason to reexamine Virginia's state-local tax structure is to determine whether it is producing sufficient revenue to fund the level of services citizens want. Examples of increased demands for services include school construction, education technology, mental health and other

human services programs, juvenile programs and environmental initiatives.

Other reasons to reexamine Virginia's state-local tax structure are:

- the long-term consequences of changes in federal tax policy, such as the current moratorium on taxing Internet transactions;
- economic and demographic changes such as the emergence of new industries;
- the marked shift from a goods-based economy to a service-based economy and the effect that has had on the state's sales tax base;
- the effect that an aging population will have on demand for services in the future.

Potential changes to the state-local tax structure should be evaluated in light of the principles outlined below. A high-quality state-local tax system should:

- be composed of elements that function well together as a logical system, including the finances of both local and state government.
- produce revenue in a reliable manner. Reliability involves stability, certainty and self-sufficiency.
- have substantial diversification of revenue sources over reasonably broad bases. One goal of state-local tax policy should be to generally balance the amount of revenue generated by the taxation of wealth (property), consumption (sales) and income.
- be equitable.
- be understandable, raise revenue efficiently, minimize compliance costs for taxpayers, and be simple to administer.
- have accountability; i.e. actions affecting tax policy or rates must be made in a public manner.
- be administered professionally and uniformly.
- provide sufficient resources to local governments so that they are able to deliver the services required by the state.
- minimize interstate and intrastate tax competition and business tax incentives.

Developing fair and equitable tax policies for new and evolving industries should be a joint effort between the

state and local governments. Tax policies that are too generous for one group can place an undue tax burden on property owners or existing business and industries, because of the need to maintain revenues.

Consistent with the goals of an equitable and simple tax structure, the number of tax exemptions granted should be minimal and the decision to grant tax exemptions should take into account both the intended benefit and the amount of revenue foregone. Tax exemptions should not be granted for an indefinite period of time.

LOCAL REVENUE ISSUES

Local governments must retain control of their existing revenue sources so that they have a reliable revenue base to meet the needs of their citizens. This is essential in light of local governments' historical experience with state funding commitments. A prime example is the state's past failure to meet its commitment to the annexation agreement that produced the HB 599 program, which distributes state funds to localities with police departments. Over time the cumulative deficit in this program grew to a total of about \$500 million. Other areas of inadequate state funding include education, the failure to share lottery revenues, and the erosion of funding for constitutional officers and juvenile block grant funding.

The General Assembly should not reduce or narrow the taxing authority of local governments. This includes the elimination or alteration of any existing taxes or fees, the imposition of caps and any other restrictions on existing local revenue sources. VML strongly opposes any reduction or narrowing of local government's authority to tax tangible personal property, and opposes any efforts to repeal the BPOL tax or restrict its applications.

Local governments are concerned about the long-term impact of the state's personal property tax relief program. It is critical that the state fully funds its commitment to provide tax relief each year. The state should also fully reimburse local governments for the cost of implementing the tax relief program.

The erosion of local revenue sources increases local governments' reliance on the real estate property tax and puts a disproportionate share of the tax burden on property owners.

The state should permit local governments maximum flexibility in their sources of local revenue. Local officials know the needs of their residents and businesses and are therefore best able to make judgements about local tax policies. Likewise, local governments are more easily held accountable by residents and businesses for their local tax decisions.

The property tax base of many Virginia localities is seriously eroded by government-owned property within the

locality. State and federal governments should make payments-in-lieu-of-taxes for tax-exempt state and federal properties located within a locality, in an amount at least equal to the cost of services provided.

Counties should be granted taxing powers equal to those granted cities and towns, but in a way that does not prejudice the financial interests of towns.

VML supports examining the feasibility of allowing the full one-percent of local option sales tax revenue to be distributed between town and county governments, based upon the town's population percentage in relation to the county's entire population.

To better assess possible inequities in the current method of distributing local option sales tax revenues to towns, the Department of Taxation should develop data to determine the extent to which sales tax revenues are collected within towns.

STATE BUDGET ISSUES

Economic growth imposes increased demands upon government to educate its citizens, build a sound infrastructure and provide for the basic needs of the less fortunate. It is important that the state reinvest revenue growth realized as a result of economic growth to ensure that the state remains an attractive location for business. Areas where the state should invest its resources are:

- a. preservation of current levels of elementary and secondary education programs; increased funding on an incentive basis to reflect prevailing practices; increased funding for construction, renovation and maintenance of infrastructure, alternative education and technology for elementary and secondary education; and an increased funding for the state share of the costs of special education, gifted education and alternative education. In providing this funding the state should maximize local government flexibility and avoid the recent trend of earmarking funds for new state initiatives.
- b. Comprehensive Services Act.
- c. Transportation.

VML supports updating the staffing standards used to determine funding for sheriffs' offices to reflect actual workloads and requirements. In addition, the salary ranges in the Appropriations Act should be updated to reflect market conditions.

VML supports additional state funding for juvenile detention home block grants. Such additional state aid will increase the state share of juvenile detention home operations to a minimum of 50% for each juvenile detention home in the Commonwealth.

VML also supports language amendments to the Appropriations Act to request the Virginia Council on Juvenile

Detention to complete a collaborative review of the capital and operating funding procedure for juvenile detention homes.

It is essential that the state fund a significant share of school construction costs. This is local governments' top funding priority. The state's efforts to date are a good beginning, but the amount must be increased significantly to provide meaningful assistance to local governments. The state's most recent school facility survey found that unmet construction needs could be as high as \$8 billion. The report concluded that for a majority of local governments, local tax funds cannot meet the projected debt service requirements associated with school construction needs.

State funding for education technology is also vital if Virginia schools are to produce a work force that is technologically literate.

The state should support local governments' efforts to maintain stable, competent police, fire and emergency medical service protection by providing adequate assistance in salary, benefits, equipment and training costs to all localities.

Like state funding for regional jails, the state should provide monetary and other incentives to encourage local governments to provide services on a regional basis.

State funds to local governments should be allocated on a fair and equitable tax basis, recognizing the special needs of both high-growth and fiscally stressed localities.

State funding to cities and towns for law enforcement and street maintenance should be equivalent to the state funding or services provided to counties for these programs.

The state should provide timely information to local governments regarding the amount of funding to be received for state programs and any related local match requirements that must be met. In providing this information, the state should take into account local budget cycles. The state should also ensure that its reimbursements to local governments are expedited.

MUNICIPAL UTILITIES

Electricity purchases, either inside or outside of the state, should be subject to the state's taxation at a level comparable to the current state gross receipts tax. However, the taxes paid for municipally distributed electricity should be done in a way that avoids the direct taxation of the municipal utility or its customers. This would ensure that municipal customers pay their 'fair share' to the state, without setting a new precedent for state taxation of municipal operations.

Municipal electric systems should continue to have the authority to set their own rates. These rates are already reviewed and approved by elected governing bodies.

The State Corporation Commission should NOT be permitted to further regulate rates for utility services furnished to or by local governments.

OTHER

The General Assembly should adopt legislation to codify the proposition recognized by the Virginia Supreme Court that real property of local governments shall be exempt from liens created by statute or otherwise.



Virginia Municipal League

2000 General Laws Policy Statement

The basic purpose of local government is to provide essential services and protection for the community that citizens cannot provide for themselves. Local governments should decide which services and programs are of primary importance to the community.

GOVERNMENT STRUCTURE

The General Assembly should allow significant diversity among municipal charters and not impose uniformity.

The Virginia Municipal League supports the General Assembly's provision of financial incentives to promote governmental consolidation and cooperative agreements among local governments.

For towns of over 10,000 population, the right to annex and become an independent city should be preserved and strengthened, so that towns and cities may best accommodate urban growth within the Commonwealth. Independent cities should be able to make transition to towns or dependent cities, for that course in certain circumstances may best serve the citizens of the community.

The Governor and General Assembly must live up to their statutory obligations associated with law enforcement funding, or HB 599 funding. The creation of this funding source was an integral part of the annexation package adopted in 1979.

Virginia has hamstrung its cities, counties and towns with 19th-century legislation. The financial ability of municipalities to survive is threatened. The state is creating islands of property in a sea of plenty. Tying local taxation to land values is outdated and does not work anymore.

Municipal corporations constitute voluntary associations tied to a sense of community and place entered into by the citizens, whereas counties are governments without reference to a community imposed upon the citizens to accomplish certain state policies. Municipal corporations and counties are not, therefore, perfectly analogous. This factor would justify the General Assembly's affording different and heightened powers to municipal corporations. Any equalization of powers of counties and municipal corporations should take into consideration the governmental and financial roles that towns and cities play in providing urban services and should not prejudice, diminish, or adversely affect the ability of these municipal corporations

to provide the services demanded by the citizens.

The General Assembly should devise a means of promoting or facilitating, among all local governments involved, sharing of the economic, social, cultural, and educational benefits and burdens of urbanization.

The addition of sub-state and special district governments should be controlled. New districts should not be created unless services cannot be furnished by local governments. In addition, no sub-state districts, including planning district commissions, should be granted real or quasi-legislative authority unless agreed to by all localities in the district, including incorporated towns not directly represented on the commission.

Planning district commissions are regional associations of local governments. PDC's should be recognized for their contributions to local government through technical assistance and the promotion of regional cooperation. However, planning district commissions should undertake other functions only when expressly directed by their member jurisdictions, including those towns not directly represented on the Commission.

VML urges a careful review of the statutes concerning consolidation of local governments, to ensure (a) that citizen-initiated petitions are signed by a reasonable number of affected citizens who reside in the jurisdiction, and (b) adequate periods of time elapse between consolidation and/or annexation actions.

INTERGOVERNMENTAL ISSUES

Local governments have a vital role in the Commonwealth, and they must have sufficient powers and flexibility to meet this role. The General Assembly should adopt legislation to relax, to the extent necessary, municipal powers enunciated in the Dillon Rule, to (a) enhance the ability of local governments to provide services required by their citizens, and (b) allow local governments to meet their responsibilities in state/local partnerships. Further, towns and counties should be considered a part of this recommendation.

VML opposes intrusions into the way local governments conduct their business, including:

1. meetings of governing bodies;
2. purchasing procedures;

3. local government authority to establish hours of work, salaries and working conditions for local employees;
4. those matters that can be adopted by resolution or ordinance;
5. procedures for adopting ordinances; and
6. procedures for filling vacancies on governing boards; and
7. further regulation of rates of utility services furnished to or by local government.

State intervention in local affairs is only warranted in matters of greater than local significance. In addition, no changes should be made in the laws affecting local government without substantial local input from affected jurisdictions and participation in developing those changes.

VML supports legislation that enables local governments to operate in the best interest of their citizens. VML opposes legislation that makes this more difficult, such as legislation:

- barring courts from awarding attorney's fees to local governments when a frivolous suit is filed;
- eliminating the notice of claim requirement found in the *Code of Virginia*, § 8.01-22.

The state should repeal or modify statutes, constitutional provisions, or regulations that restrict local governments' ability to structure local programs to fit local situations.

Membership on all state and regional commissions or committees dealing with matters affecting local governments should include local officials who represent a demographic and geographic cross-section of counties, cities, and towns.

VML opposes any measure that would significantly limit local flexibility and autonomy, including proposals to limit taxes and expenditures, and proposals for initiative and referendum.

The federal and state governments should not use their funding of projects as a means of forcing local land use decisions in contravention to local land use plans. These actions violate the principles of local home rule and weaken the local tax base.

VML supports legislation to transfer responsibility from local governments to the state government for the liability, administration and cost of community service options for persons upon whom court costs and fines are levied.

TOWNS

The General Assembly and the executive branch should recognize towns as essential units of local government, with important roles in providing services. Towns should have clear and full authority to act in a timely manner on

matters which protect public health, safety, and welfare. Towns should be granted the authority to carry out these responsibilities.

State agencies should be required, when compiling local government statistics, to break out information for town with population of more than 1,000.

The General Assembly should scrutinize bills dealing with laws of general application to local governments, to avoid enacting any laws that would be sources of possible conflicts between counties and towns:

- a. taxation of town residents by county governments at the same rate as that applied to those living in the county's unincorporated areas, when comparable benefits and services are not provided;
- b. county imposition of a merchants' capital tax on businesses located within the town at the same rate as that applied to businesses located in unincorporated areas of the county, when the town levies a business, professional and occupational license tax;
- c. unequal town zoning and planning authority for land straddling or abutting town corporate boundaries and unincorporated county areas;
- d. the funding of county sheriffs' and deputy sheriffs' salaries by the State Compensation Board and other state-funded amenities not provided to town police departments; and
- e. the unequal statutory authority of towns in relationship to that of cities and counties.

STATE AND FEDERAL MANDATES

The state and federal governments must provide adequate financial resources for any local programs or responsibilities that are expanded or newly mandated by state and federal laws or regulations.

Federal and state mandates must be reduced when funding is reduced, so that localities are not required to spend additional local dollars to comply with the mandates. Further, funds should be distributed in the most efficient way possible with the least regulatory control.

The Governor and General Assembly should promote state-local partnerships by requiring:

1. A review of mandates in specific program areas to (a) establish the full cost to local governments of implementing mandates and (b) develop an appropriate basis for determining state-local funding responsibilities.
2. Completion of cost estimates for proposed legislation prior to its first full review by a legislative committee, with legislation negatively

affecting local governments' revenue-raising ability being submitted to the COLG for a fiscal impact analysis.

3. More local government involvement in determining how and what legislation is to be implemented, including local government involvement in determining funding arrangements, deadlines, and prescribed methods of meeting mandates so that impacts at the local level are identified before implementation.
4. A performance-based approach to mandates that (a) focuses on outcomes, (b) offers incentives for achieving state objectives, and (c) gives local governments autonomy to determine the best way to achieve the desired result.
5. Simplified state reporting requirements associated with mandates eliminating nonessential information and duplication, coordinating state deadlines for information submittal, and making better use of reporting technology.

The alarming tendency of state and federal agencies to treat guidelines authorized by enabling legislation as having the stature of law itself should cease. In addition, the state should avoid unessential and arbitrary implementation of federal regulations.

STATE AND LOCAL RESPONSIBILITIES

The state requires local governments to provide certain services- education, corrections, social services, health and community mental health. The local government does not have the option of not being the state's service provider in these areas. "State aid" to localities is the state's payment for the implicit contractual arrangement for this assignment of duties. In addition, local governments have to contribute local funding to these services; in some areas, such as education, local funding is substantial.

In addition to the state-mandated services, localities provide other services that are either necessary (water and sewer, police and fire protection, etc.) or desired by local residents (parks and recreation, cultural activities, etc.). Local governments need the flexibility and resources to collect revenues to meet these local responsibilities.

Two fundamental problems in Virginia's intergovernmental structure are first, the state does not fund adequately existing services, particularly education, that it requires local governments to provide; and second, local officials have very limited revenue options, which forces them to rely heavily on real estate, personal property taxes and other local revenue sources to pay for services.

In addition to funding issues, it is vital that local governments have the authority and flexibility to provide services as efficiently and effectively as possible.

Further, to improve the relationship of the state and local governments, the state should

1. Leave the taxing authority and revenue sources of local governments alone.
2. Develop a state urban policy, in conjunction with local governments, that addresses issues of local governmental structure and intergovernmental relations, encourages the retention or expansion of state facilities or operations in existing urban centers, and defines how state and local governments deal with each other.
3. Grant local governments the authority to deal effectively with social problems.
4. Pay a greater share of the costs of education including school construction and renovation.
5. Recognize the authority of local government in planning and land use control.
6. Follow specific procurement procedures before purchasing property, including adequate inquiry into the purchase, public hearings and notice, and notice of intent to settle sent to the locality. In addition, the state should consider remuneration to the locality for the loss of real estate taxes as well as any loss in economic development potential.

VML opposes any additional legislation that would exempt churches and other religious organizations from neutral, generally applicable local ordinances, and in particular, local zoning and public safety ordinances.

The General Assembly should continue its involvement with and financial support of the Virginia Institute of Government.

FREEDOM OF INFORMATION

VML strongly supports the free flow of information to citizens and the media through the conduct of governmental affairs at all levels in the open, in good faith compliance with the Freedom of Information Act. VML also supports efforts to educate local government officials about the act, and the importance of extensive and accurate reporting of government affairs.

The public has a right to have information about itself protected. Government also has to be able to control its work processes so that public business can be conducted. It is in the public's interest, to conduct some matters outside public view prior to official action. Accordingly, VML strongly opposes extending limitations on closed meetings and exempt records, which would upset the act's careful balance among a fully informed public, the protection of individuals' privacy, the ability of government to conduct its work and those matters for which the premature release would not be in the best interest of the locality or its citizens.

State law should not impose new costs and mandates on local governments. An example is adding local governments to the computer indexing requirements. The state should pay for any costs associated with amendments to the Freedom of Information Act. Any requirements imposed under the Freedom of Information Act applicable to local governments also should be applicable to the General Assembly and to state government.

VML strongly opposes amending the act to require creation of customized computer records for commercial or other uses. In addition, localities should be able to continue charging reasonable fees for any and all records, including for research time and for computer records that must be provided under the Act.

GOVERNMENTAL & MUNICIPAL OFFICIAL LIABILITY

Many suits brought under Section 1983 of the Civil Rights Code have shifted from the legislation's original intent. As presently used, they represent an undesirable burden and unjustifiable drain on both the administration of local governments and taxpayer dollars.

VML calls upon Virginia's congressional delegation to support legislation to restore suits brought under 42 U.S.C. Section 1983 to traditional civil rights actions, and to preclude the award of damages if the court finds that the government or its officials were acting in good faith.

Expanding liability and eroding immunities at the state level across the nation have had a chilling effect on the actions of local government officials contributing to local government insurance problems, creating immense financial risks (particularly for legal costs), and posing a substantial obstacle to the provision of needed public services.

The Virginia General Assembly should strengthen the principles of sovereign immunity for local governments and their officials.

VML strongly opposes bringing local governments under the Virginia Tort Claims Act. This action would seriously erode the sovereign immunity now enjoyed by Virginia local governments and lead to a substantial increase in frivolous suits.

The tort reparations system in the U.S. creates many difficulties in the administration of justice. VML supports efforts at the national and state levels to address tort reform, such as limitations on the tort liability of local governments in areas where local governments do not enjoy sovereign immunity.

PERSONNEL

Local governing bodies are uniquely qualified to establish, within minimum national standards, compensation, hours of work, and benefits for local government employees. They should be permitted to make these determinations free from federal and state interference and should not be subjected to restrictions that do not apply to the private sector.

Management has the responsibility to ensure that employment, training, and promotional opportunities are provided without regard to race, creed, sex, national origin, age, or any other factors not related to job performance.

VML supports:

- an equitable heart/lung/cancer presumption statute as was the intent of the original legislation. Compensability should be determined by establishing whether work or non work related risk factors are more likely the primary cause of the claimant's condition. Additional employee classes and/or medical conditions should be added only when supported by credible medical evidence.
- the current injury by accident definition in the Virginia Workers' Compensation Act.
- the current Workers' Compensation Act provisions for use of an employer selected panel of physicians to treat injured workers.
- maintenance of the exclusive remedy provisions of the Virginia Workers' Compensation Act.

VML opposes:

- any attempt to impose collective bargaining or 'meet and confer' requirements for public employers or employees.
- any attempt by the federal government to stipulate grievance procedures for state and local employees, such as the police officers bill of rights.

TELECOMMUNICATIONS, LOCAL GOVERNMENT PRINCIPLES

The telecommunications industry is changing rapidly. A new Federal Telecommunications Act was adopted in 1996. To promote the general health, safety, welfare and quality of life of our citizens, VML sets forth the following principles to guide any state legislative action regarding telecommunications issues.

- a. Zoning and Land Use. Decisions about the siting or placement of certain telecommunications equipment (towers, monopoles, satellite dishes, etc.) have significant impact on the physical appearance of a locality and the health, safety and general welfare of its citizens. Zoning and other placement decisions must be made at the local

level, by the local government. Neither the state nor federal government, nor any regulatory agency should preempt or circumvent local government's historical control over land use decisions.

- b. **Public Rights-of-Way.** Local rights-of-way are public property. The rights-of-way contain numerous utility and other facilities. Proper management and maintenance of rights-of-way are essential to ensure that public safety, to protect the integrity of the property, to guarantee the safety of workers and to maintain the efficiency of local streets, utility systems and transportation facilities and networks. Private use of public rights-of-way significantly increase management and maintenance costs.

Individuals and businesses in the community help to buy and maintain rights-of-way through their taxes. Rights-of-way should not be used for private purposes without approval by and compensation to the local government for the right to use the space. Local governments and their taxpayers are entitled to a fair return for private business use of public property and for reimbursement for all costs associated with those uses. Local governments must have continued authority to control the rights-of-way and to receive appropriate compensation for their use.

- c. **Equitable Taxation.** Telecommunications providers are valued members of our corporate community. All members of the corporate community must pay taxes on an equitable basis, as appropriately determined by the local government. No legislation should restrict the ability of local governments to impose equitable taxes on telecommunications providers.
- d. **Universal Service and Consumer Access.** Important educational and community services are provided via telecommunications. Telecommunications providers must be responsive to citizen needs and concerns and provide appropriate customer services to all segments of our community so that disparities due to income or geographic location affecting citizen access to new technology are minimized.
- e. **Competition.** Local governments are interested in healthy competition in the field of telecommunications. To ensure a competitively neutral and non-discriminatory market, all service providers must pay fair compensation for the use of public property. Governments should not be forced to subsidize some participants in this fee-market competition through lower-than-fair-market charges or any other means.
- f. **Local Government as Customers.** Local governments are important consumers of telecommunica-

tions services. In many communities, the local government is the single largest customers of telecommunications services (through its government offices, education facilities and emergency communications). As valuable customers, local governments should be treated equitably.

VML supports legislation that ensures that availability of communication system networks throughout Virginia.

COMMUNITY AND ECONOMIC DEVELOPMENT

Community and economic development are essential to the continued vitality of the Commonwealth of Virginia. VML urges the state to continue to allow localities to participate in the evolution and use of the state economic development strategic plan.

Realizing the importance of the sense of community, VML supports legislation that would encourage state and local cooperation efforts that would deter crime and promote maintenance of property in neighborhoods.

VML supports state incentives that encourage the vitality and economic competitiveness of Virginia's regions.

VML supports revising the state's enterprise zone legislation to broaden the eligibility for participation by new and existing businesses.

HOUSING

VML urges state and local governing bodies to develop and maintain a balanced housing mix, including affordable housing. Local officials are in the best position to determine that mixture. Local governments must be fully involved in the decisions on the placement of affordable housing in their jurisdictions. Procedures involving the granting of tax credits for projects must involve local governing bodies. Any locality that issues a Section 8 housing certificate should have housing available in the jurisdiction for the certificate's holder, to prevent persons who are granted Section 8 certificates from having to leave their home jurisdiction in order to find housing.

VML urges the General Assembly to restore funds to the Virginia Housing Partnership Fund.

PLANNING AND LAND USE

Planning and land use control are two of local government's most important functions. VML believes that localities should maintain control of local land use decisions and that neither the state or federal government should usurp a locality's power to make such decisions. All localities should be guided by their comprehensive plan for future development.

The General Assembly should enhance local government's ability to implement their carefully developed comprehensive plans by authorizing a complete spectrum of land use and growth management tools and should allow localities more creative, locally initiated planning and land use mechanisms. Examples of land use and growth management tools that localities should be authorized to use include impact fees, including the authority to finance the cost of growth and offset local infrastructure costs attributable to development; proffers; transferable development rights and adequate facility ordinances.

VML supports the state's exploration of sustainable development, provided that there is not an effort to supplant the authority of local governments to determine their own land use policies, and encourages the consideration of incentives for localities to implement sustainable development approaches.

State agencies should be required to comply with local comprehensive plans and local land use regulations and policies, subject to override by the governor.

The General Assembly should give localities the authority to remove abandoned/blighted structures in a more timely manner by reducing the lengthy procedures of identifying and notifying all owners and lien holders of the property. Further, VML supports strengthening the minimum housing maintenance code. To this end, VML requests the General Assembly to adopt a resolution requesting the State Board of Housing and Community Development to study the issue of strengthening the minimum housing maintenance code.

VML supports legislation to allow localities to pass on to property owners the cost of the removal or repair of graffiti or other defacement undertaken by the locality.

VML opposes legislation that would restrict or preempt present land use powers of local governments to establish, modify and enforce zoning classifications.

VML should seek amendments to *Code of Virginia*, § 15.2-2307 (as amended by SB 570 in the 1998 session) to make it clear that the new vested rights law is prospective only and further, to ensure that local governments have the authority to amend zoning ordinances in the future.

The state should not enact any legislation, under the name of private property protection law, that seeks to weaken local powers to regulate land uses and protect the community's health, safety and welfare, or that requires additional compensation beyond the interpretation of the Fifth Amendment of the U.S. Constitution and Article I, section II of the Virginia Constitution.

The General Assembly should adopt legislation to codify the proposition recognized by the Virginia Supreme Court

that real property of local governments shall be exempt from liens created by statute or otherwise

PUBLIC SAFETY

VML supports legislation that preserves law and order and promotes the safety, quality of life and administration of justice within our communities. The Commonwealth should enhance its efforts to prevent juvenile crime, minimize violence in the schools, reduce the formation and operation of gangs by providing funding for programs that prepare our youth to be productive, responsible, self-reliant members of society.

The Commonwealth should enhance its efforts to educate the population about the deleterious physical, psychological and economic effects of drug and substance abuse.

The state should continue to provide leadership and technical assistance to localities in their efforts to coordinate public safety activities including emergency services.

Greater latitude should be given to localities in encouraging innovative methods of combating traffic violations as well as other types of crime.

Community Corrections

The VML requests both increased funding and an equitable distribution formula for services provided under the Comprehensive Community Corrections Act (CCCA) and the Pre-Trial Services Act (PSA). Since the advent of these programs in 1995, caseloads have effectively doubled at the local level, while state resources have remained constant. These resources are allocated to localities on a discretionary grant basis. Given the statewide character of this program, it is now time to allocate these funds through an equitable formula that recognizes regional costs and benefits of these services. The program is cost effective. For FY 1997, the cost per defendant for PSA was \$5.27 per

day and for CCCA the cost was \$2.54 per day. By comparison, local jail costs can be as high as \$75 per day per inmate.

Concealed Loaded Weapons

The offense of carrying a concealed loaded weapon without a permit should be made a felony, instead of a misdemeanor.

Court Fees

A user of the court system should not force increased costs on the general population. VML supports legislation to increase court fees to pay for courthouse maintenance, renovation and construction and other court-related projects.

Domestic Violence

Virginia's law defines domestic violence as incidents involving those who are or have been married, those who cohabit or have cohabited within the past 12 months, or couples that have a child in common. As it has been demonstrated that incidents of domestic violence between couples who previously cohabited can occur several years of more after they cease to cohabit, incidents of violence between these individuals should be treated as domestic violence, no matter how much time has passed since the cohabitation ceased. The *Code of Virginia* definition of domestic violence should be changed to reflect this broader scope of cohabitation.

Currently cases involving statutory-defined domestic violence go to the juvenile and domestic relations district court, while those which do not meet the code definition go to the general district court. Giving the juvenile and domestic relations district court jurisdiction over these cases to the greatest degree practical would allow that court to develop a greater expertise and consistency in dealing with this type of violence. A code change is recommended.

Drug and Substance Abuse

The state should expand funding for drug education and treatment, especially for programs in jails and prisons.

Family Courts

Any legislation to implement a family court system should include 100 percent state financing of new operating and capital costs of that system.

Firearms

Appropriate criminal felony penalties, including a mandatory jail term, should be imposed on firearms sellers convicted of violating the weapons purchase process.

The offense of selling a handgun to a minor should be made a felony, instead of a misdemeanor.

Internal Affairs Investigations

Legislation should be enacted to restrict the use, in civil matters, of information gathered in internal investigations when based on compelled disclosure.

Law Enforcement

The state should NOT enact legislation to earmark drug asset seizures for any purpose such as funding of the Incident Based Reporting System.

Misdemeanors

Assault by mob should be a more serious offense than a misdemeanor.

Overcrowding/State Support

The state should live up to its commitment to remove state prisoners from local jails.

The state should fully fund the per diem reimbursement for all state prisoners.

Jails built by a single large locality should be made eligible for the same state reimbursement rate for construction as a regional jail facility.

Personnel, Firefighter Staffing

The federal requirements on firefighter staffing is an unfunded mandate. VML believes that"

- a. any regulations developed by VOSH in regards to fire fighter safety should include substantial input from VML and elected officials,
- b. VOSH should not expand its regulations to cover volunteers.

Training Academies

VML applauds the 1998 General Assembly for increasing funding, but the state should fully fund all mandated criminal justice training provided through certified academies.

Technology

State law should allow all counties, cities, and towns to make full and appropriate use of modern technology to promote public safety. Localities should have maximum flexibility to contract with the private sector to implement all aspects of such technology.

Pursuant to the 1996 Telecommunication Act, the cellular phone industry is developing technology to provide for the identification of the origin of cellular emergency calls. Until this technology is implemented and revenue sources have been identified to finance it, the Virginia Municipal League believes that the state police should continue to handle the E911 calls they currently handle.

Violence

The General Assembly should enable localities to help neighborhoods deal with violence issues by:

- a. reducing the accessibility of weapons (such as a ban on assault weapons),
- b. expanding state and local cooperative efforts in neighborhoods,
- c. promoting additional prevention and intervention programs to deal with youths who may adopt a violent way of life, and
- d. granting localities the flexibility to handle problems of abandoned and blighted structures.

Virginia law currently prohibits a person subject to a protective order (pertaining to family abuse) from purchasing or transporting a firearm. It does not, however, allow the police to confiscate a firearm from an individual who has made a violent threat against someone else. Maryland passed legislation in 1996 which authorizes a judge to require a person who is subject to a protective order to surrender any firearms in his possession. The Maryland law should be reviewed and the *Code of Virginia* changed to allow law enforcement officials to confiscate a firearm from an individual who is subject to a protective order in a family abuse case.

Stalking is defined by the Code of Virginia as conduct directed at another person, on more than one occasion, that is intended to place that person in fear of death, sexual assault or bodily injury directed at the person or a member of the person's family or household. Stalking with a weapon, which would be a new offense, should be a felony.

Court Security

The number of deputies allowed for court security in the state code and Appropriations Act is unrealistic. In order to respond to legitimate increased security needs additional deputies are needed for adequate court security. The state should substantially increase its funding of these positions to provide adequate security in all courtrooms and to operate electronic security systems at the entrances to court buildings.

If the state will not provide additional funding for deputies to increase court security the General Assembly should adopt legislation making it clear that local judges do not have the authority to order localities to fund more deputy positions for court security than are provided for in the State Code and Appropriations Act.



Virginia Municipal League

2000 Human Development and Education Policy Statement

I. HUMAN DEVELOPMENT

The most valuable resource for government at any level is its people. The end result of any governmental action, regardless of the program, is judged by its affect upon citizens. While the limits of governments must be recognized, special attention has to be given to developing those circumstances under which people—particularly the disabled, the poor, the young, the elderly, the inadequately housed—are able to achieve their full potential.

INTERGOVERNMENTAL RELATIONSHIPS

VML urges the President and Congress to recognize the impact of federal budget cuts and tax policy on the fiscal condition of local governments. Local governments do not have the financial ability to replace federal dollars for social programs.

The direction of human services is increasingly toward community-based programs, an approach that may have merit from a service delivery standpoint. However, this trend requires carefully addressing significant long-term issues of local versus state government roles and requirements for administration and funding of those programs.

The state and federal governments should give local governments regulatory relief in providing human services. Regulations, guidelines and allocation methods should be as simple as possible and give maximum flexibility to local governments, which are ultimately responsible for providing the services. Local government must be a partner with the state in the process of developing regulations, guidelines and allocation methods. The State should also require interagency review of regulations to avoid duplication or conflict among agencies.

The state and federal governments should develop a mechanism that allows (a) the state to better coordinate human services administration and (b) local governments to provide a simple means of access to services. The state should provide financial incentives for local governments to provide single-point access for human services.

The federal and state governments should allow local governments maximum flexibility in developing public/private partnerships to address human service needs. The state should provide tax incentives, and allow local

governments to provide them, to promote these public/private partnerships.

The Secretary of Health and Human Resources should facilitate the sharing of state-collected data with local jurisdictions, with the aim of building a comprehensive human services data base that would contribute to better program planning, evaluation, and integration of services.

VML strongly encourages all efforts to coordinate the work evaluations and recommendations of executive and legislative study groups and panels—particularly the Governor's task forces, commissions, and panels—so as to best maximize resources and eliminate duplication of effort.

VML encourages coordination of federal, state, and local efforts and funding aimed at strengthening families.

The General Assembly should authorize the Virginia Department of Social Services to allow localities, on local option basis, to request child protective services checks for their employees.

VML opposes any efforts by the state to dictate the membership of local human services policy or advisory boards.

HUMAN SERVICES FUNDING ISSUES

Human services funding formulae should reflect identified needs, should be adequate to meet those needs and should not be put forward in such a manner as to pit localities against each other. Equity in funding cannot be achieved by simply redistributing existing state aid among jurisdictions.

The state should meet its funding commitments for all human services programs, and should not decrease its funding of service or administrative costs in order to meet state management savings goals.

The state should restore its current funding ratio for local welfare administrative costs, in which the State pays 80 percent and the localities pay the remaining 20 percent. In particular, the state should assume 80 percent of the share of costs for the Child Protective Services (CPS) program and take responsibility for funding and training local CPS workers. VML opposes any changes to funding formulae that would increase the local share of the cost.

State funding is needed to ensure adequate, high-quality case work, child protective services, foster care services, therapeutic services, and preventative services to families experiencing child abuse or neglect. In addition, local social services departments should have state funds made available to secure legal representation in cases involving issues of child abuse or neglect.

The state should review the standards of need for the TANF program, which has not been updated since 1985. As of 1997, Virginia's current standard of need fell below 30 percent of the federal poverty level.

Additional resources should be allocated to local social services departments responsible for investigating adult and child abuse in state mental hospitals and other facilities.

VML opposes creating new federal or state entitlement programs that require local government funding.

MENTAL HEALTH, MENTAL RETARDATION & SUBSTANCE ABUSE SERVICES

Local accountability. VML supports the changes initiated by HJR 240 and adopted by the 1998 General Assembly to improve the current system of publicly-funded mental health, mental retardation and substance abuse services, particularly in terms of fiscal and performance accountability to local governing bodies.

Planning for the Future of the Community & Facility System. Any plan for the future of the publicly-funded mental health, mental retardation, and substance abuse services system should:

- Provide sufficient state funding for a comprehensive system of care and treatment at the state and community level;
- Continue state support for 100 percent of the costs for the services and supports for persons returning to the community from state facilities;
- Allow for local flexibility in planning and service provision, particularly for local-only funds
- Avoid changes in the local match for community services that would increase the burden on local taxes and budgets;
- Include steps to encourage and build service access and capacity across the state;
- Include extensive consultation with local officials and community members, particularly those in communities with state facilities and those most affected in the past by de-institutionalization, during any discussion of facility downsizing or closure;
- Include consultation with local officials and community services boards regarding feasible strategies and funding proposals for publicly-funded services;

- Allow for sufficient time and opportunity for local government and other stakeholder comment on any proposal is presented to the Governor and General Assembly;
- Strive to overcome past de-institutionalization errors, in particular the shifting of population and burden of care to communities without sufficient notification, planning, funding, housing or technical supports;
- Focus on strategies to return consumers to their home communities to discourage the concentration of consumers in facility communities and in urban centers;
- Ensure that state facilities are not so drastically reduced in size and scope that the potential for inpatient care is effectively eliminated; and
- Determine and actively address the economic impact of facility downsizing or closure on facility communities.

Unmet needs. VML supports the development of a quantifiable, consistent methodology to document the unmet needs for services so that communities and the state are fully aware of the extent of service needs, and state funding can be adjusted accordingly to more fully meet those needs.

Medicaid match for local services. Each year, the state deducts a portion of its funding for community-based mental health, mental retardation, and substance abuse services in order to pay its match for federal Medicaid funds. VML urges the General Assembly to replace the local Medicaid match with new state general funds to more sufficiently fund community-based services for the large number of consumers who are ineligible for Medicaid.

“Aging out” of services. Many state services to profoundly mentally disabled citizens include age limits for service. As these disabled citizens reach adulthood, they “age out” of services even though the needs remain the same. Local governments and CSBs cannot pay the cost of furnishing services to this growing segment of the population, and aging parents are generally physically and financially unable to assume care for these persons. VML believes that the state should maintain its public service obligation to these profoundly mentally disabled citizens by eliminating age requirements for services of by furnishing other suitable long-term care options.

Traumatic brain injuries. Many people with traumatic brain injuries do not fall into the mental health, mental retardation or substance abuse categories and as a result do not receive necessary and appropriate treatment. Some end up in the criminal justice system or facilities for the criminally insane. The state should expand its scope of services to include those with traumatic brain injuries.

AGING

Community Programs. As alternatives to institutionalizing the elderly, wherever appropriate, the state should fully fund community-based programs like companion services, respite care, homemaker services, adult day care, and protective services for the elderly. VML opposes any state efforts to require local governments to furnish additional services or to take on new administrative roles in the area of long-term care without full state funding for these responsibilities.

Funding. Additional state funding is needed for services for the aging, to maintain service levels, given inflation and the growth in the senior population, and to compensate for the level of funding of the federal Title III program.

COMPREHENSIVE SERVICES ACT

Budget. The costs of the Comprehensive Services Act (CSA) for at-risk youth and their families should be fully funded in the state's base budget. The current distributions between base and supplemental budgets should be eliminated. Instead, the Office of Comprehensive Services should develop allocations based on realistic anticipated level of need, and supplemental funding should be reserved for extraordinary circumstances.

Funding sources. The state should allow local governments to use other funding sources to maximize the services provided through CSA while minimizing the impact on local government budgets (e.g. state funds from the Virginia Juvenile Community Crime Control Act.)

Service capacity. The state should assess the availability of, and access to services and undertake any steps necessary to encourage, facilitate, and build service capacity. This may include a reassessment of the need to regulate private provider rates.

The funding formula should include an incentive component that rewards those local governments implementing innovative and cost-effective alternatives to residential placement.

State-operated facilities should NOT be included in the future state pool of funds.

Service coordination. State and local governments should work together to ensure the greatest degree of coordination between Individual Education Plans (IEPs) and CSA service plans.

Representation. The current local government representative on the State Executive Council should include at least one elected member of a city council and one county board of supervisors' member. Local representation on the State Executive Council and State Management Team should be further expanded.

Medicaid. Local governments should be given the option of using Medicaid funds for case management. Local governments should not be responsible for the cost of any child eligible for Medicaid funds for inpatient and outpatient mental health services, therapeutic foster care or residential treatment unless the local government has identified the child as CSA eligible.

Definition of population. Local governments oppose any expansion of the definition of mandated populations

Office of Comprehensive Services. The state should preserve the current organizational structure of the Office of Comprehensive Services.

Placements for hardest to treat children. State and local governments should revisit the state's role in maintaining facilities and providing placements for some of the hardest to treat children.

EMPLOYMENT, TRAINING, & WELFARE REFORM

Phase III of Welfare Reform. Virginia's welfare reform efforts have succeeded in changing the long-held perceptions about, and expectations for public assistance programs. More than half of the participants in the Virginia Initiative for Employment not Welfare (VIEW)/Temporary Assistance to Needy Families (TANF) program hold either part- or full-time jobs, and many are nearing the completion of their transition year from public assistance. However, the earnings for many of these clients are not enough to maintain true self-sufficiency, and life-time limits on benefits will bar many from receiving future cash assistance. State and local governments must plan and work together for the next phase of welfare reform to address the services and support needs for those who are unable to reach a living wage, or are a part of the "hard-to-serve" population.

VML requests that the Governor and General Assembly enact legislation to permit and direct and Virginia Commissioner of Social Services to develop a state-federal funded program for post-welfare reform. Using TANF funds, the program would 1) assist local governments in working with those leaving VIEW who have not reached a living wage or are hard-to-serve; 2) furnish "post-employment" assistance; and 3) render assistance to any low-income person who is employed or needs employment.

Child Care Plan. Child care is crucial to the success of TANF. The Virginia Child Care Plan must be coordinated overall with the TANF program and incorporate the same goals as TANF: family preservation and continued family independence. As such, VML believes that the Virginia Child Care Plan should be amended to give local governments the flexibility to:

1. set the minimum income limit for day care

- subsidies at no less than 50 percent of the local median income;
2. extend subsidy time limits if necessary for parents to remain employed; and
 3. determine in cases where children are born 10 months after a family begins to receive a child care subsidy, whether it will either serve such children immediately if funds are available, or place them on a waiting list for child care funding.

Finally, automation is a major factor in successful implementation of the child care plan. VML requests that the state pay the costs of automation and ensure that it is coordinated with components of the TANF program.

Rehabilitative and Supported Employment . The state should fund rehabilitative employment and training programs for persons with disabilities. In addition, the state should adequately fund supported employment programs.

The Woodrow Wilson Rehabilitation Center should be fully funded without cutting back on the number of patients served. As a statewide resource used by local governments for their citizens, any changes in the mission of the Woodrow Wilson Rehabilitation Center should involve local government input.

HEALTH

The General Assembly should provide sufficient funding to implement the JLARC proposals regarding health department funding without reducing services and funding to localities. Equity in funding will not be achieved by simply redistributing an adequate amount of state aid among jurisdictions.

VML supports the efforts of the Joint Commission on Health Care to promote greater responsibility among private-sector employers in improving the availability of health care and ensuring quality while controlling costs.

The Virginia Department of Health should ensure quality health services while containing health care costs through medical reform and by using para-professionals, out-of-town hospital care, ambulatory care, visiting nurses, outpatient services and day care centers. VML believes that the intention of cost containment does not require a reduction in quality of patient care. Health services should include a focus on educational concerns and prevention programs, including teen pregnancy programs, dental care, well-baby care, immunizations, early childhood services and prenatal care.

District health offices should be locally controlled to the maximum extent consistent with protecting public health.

The Joint Commission on Health Care should address the stringent eligibility requirements for the Medicaid program. These requirements shift and drive up costs to other

program areas. Besides addressing major programmatic issues associated with the Medicaid program, the state should work with local governments to find ways to eliminate administrative mandates at the local level.

VML opposes any actions that result in the transfer of federal-state Medicaid responsibilities to localities.

The state should provide more funding for treatment and educational programs for communicable and other sexually transmitted diseases.

CHILD CARE

The Virginia Municipal League supports state policies that encourage availability of quality, affordable child care options for Virginians of all income levels.

The state should consider alternatives to ensure that child care is available and affordable including a voucher system, child care supplemental funds for low-income working parents, grants for nonprofit and governmental organizations offering child care, and incentives to employers to provide child care centers for their employees.

II. EDUCATION

The Virginia Municipal League supports the goal that Virginia should be nationally recognized for excellence in education. Education is one of the most important local government services, and state support for education should continue to be a top priority.

FUNDING

Increased funding for education is a top priority for VML including full funding of the state's share of the actual costs of the Standards of Quality (SOQ) based upon prevailing practice that exceeds the SOQ and full funding of categorical educational mandates such as for special education, alternative education and gifted education. All mandates should be accompanied by full funding from the state. To avoid placing mandates on local governments and local school divisions, the General Assembly should fund prevailing practices.

Because spending increases alone may not produce desired levels of student achievement, the State Board of Education and other responsible bodies are urged to develop measures of results to determine the actual effectiveness of expenditures on education.

The General Assembly should study the methodology for calculating the cost of the SOQ, with a special focus on whether the methodology fairly reflects the actual costs of meeting the standards. The methodology does not take into account the differences in costs in the state's various regions, nor does it adequately address unique local conditions such as small, large, declining, or diverse student populations. First, the new methodology artificially

lowers the state average salary by using the “L-estimator” instead of average salary figures. Second, the methodology uses an artificially low limit on the number of professionals per 1,000 pupils for which state aid is given. Third, the methodology does not address the differences in providing education to students with special needs.

The General Assembly should recognize that local governments traditionally have funded their share of costs of meeting the SOQ and, in fact, most have funded education beyond their required share in efforts to provide quality education. The state should not require any maintenance of local effort other than that associated with the SOQ.

The state administration, General Assembly and school boards should intensify their efforts to secure increased federal funding for special education mandates.

Good education cannot take place without proper infrastructure. Further, educational mandates often have a direct impact on the size of school facilities. VML applauds the General Assembly for increasing the funding for school construction for the first time since the 1950’s. However, the General Assembly should continue to increase the state’s funding for school construction and renovation costs.

If no new funding sources for capital costs are provided by the state, then the two current state financing sources need to be broadened. The Literary Fund and the Virginia Public School Authority are not sufficient means for the state to help localities pay for capital needs.

The General Assembly should consider unique local circumstances and needs, and special student populations, when determining the distribution of state aid for education. The add-on funding for at-risk students is a start toward meeting unique local circumstances and should be continued.

The General Assembly should reduce state mandates, to allow maximum flexibility in the use of scarce tax dollars. Localities need increased authority to raise appropriate levels of revenues.

Any state surplus should be used to fund mandated educational programs.

Disparities currently exist both among the school divisions in the state and within individual divisions. The state must ensure that students, regardless of their means, can obtain a quality education. Disparity should not be addressed by simply redistricting existing state aid among jurisdictions.

The Commonwealth should provide funding to initiate and continue to enable school systems to address school safety issues. Funding would be used for community resource officers, video cameras, metal detectors or personal alarms for teachers.

LOCAL AUTONOMY

Because public education should be as close as possible to the people, local school decisions cannot and should not be made by the state. Local schools boards should be responsible for the direct supervision and management of local schools.

The state should not take any actions that limit or reduce authority of local school boards and local governing bodies to finance and manage local schools.

STANDARDS OF QUALITY

The State Board of Education and other responsible bodies should continue to review the Standards of Quality to determine whether the standards are in fact conducive to reaching the goal of having a state educational system that is nationally recognized for excellence and whether the standards adequately reflect prevailing practice among the school divisions. Officials need to acknowledge that the SOQ represent a minimum level of quality, rather than guidelines for excellence.

The State Board of Education and local boards should use general education as a way to address the full potential of each student. Importance must be placed on the specific needs for special populations, but not at the expense of other groups.

Traditional approaches to discipline—long-term suspensions and expulsions—transfer the problems of the student from the school division to the general government. There should be school alternatives to the normal school environment for students who do not behave appropriately. The state should develop and fund alternatives for students suspended and expelled from school.

Public Charter Schools

VML supports efforts to improve all public schools. If measures such as the relaxation of rules and regulations are intended to help charter schools, then these measures should be considered for implementation in all public schools.



Virginia Municipal League

2000 Transportation Policy Statement

The Commonwealth's transportation system, the lifeblood of the state's economy, must move people and goods safely, conveniently and efficiently and in accordance with local social, economic and environmental objectives. The system must be fiscally sound, have adequate capacity to serve the needs of all geographic areas of the state, and involve local governments in transportation policy development and decision making.

Transportation Trust Fund. The federal transportation fund should be used only for specified transportation purposes. To ensure the trust fund's integrity, Congress must never use it for deficit reduction or other non-transportation purposes.

STATE FUNDING

Funding Needs. Studies of the Commonwealth's transportation needs and funding resources confirm that a widening gap continues between needs and the funding available to meet those needs. Adequate funding is critical to keep Virginia's transportation system viable and responsive to growing economic development, workforce, tourism, and quality of life needs. Funding for new transportation initiatives should be made in addition to existing funding arrangements to prevent intermodal and inter-regional conflict.

While increased federal funding, when appropriated, may narrow the gap somewhat, the state must re-examine and adjust its funding sources and commitments. Public-private initiatives should play a role as well. VML believes that ensuring adequate funding and planning for Virginia's transportation needs may be accomplished through a number of means, including:

1. Adjusting funding sources, such as the motor fuels tax, to keep pace with inflation; and
2. Imposing appropriate increases in state transportation-related taxes and fees, including the motor fuels tax, the road use tax, the motor vehicles sales and use tax, motor vehicle license fees, and motor vehicle rental tax;
3. Authorizing more options for using long-term financing for major transportation projects;
4. Authorizing, at the request of specific regions, the creation of regional transportation districts with the ability to impose, without referendum, up to five percent motor fuels tax, dedicated to transportation funding;

5. Seeking equity among various road users by ensuring that trucks pay their share of road costs;
6. Promoting intermodal solutions on a regional and statewide basis.

VML urges the General Assembly and the state to involve local officials extensively in the search for solutions so that local, regional and statewide needs and concerns are heard, understood, and addressed.

Authorization is needed for municipalities to use urban maintenance funds for dedicated rights-of-way which cannot comply with minimum street standards; streets that meet VDOT construction standards but cannot meet right-of-way standards should be eligible for state maintenance funds at the localities discretion.

Bonds. VML encourages the use of Commonwealth Transportation bonds for all forms of transportation.

Public Private Transportation Act. VML supports the goals of the Public Private Transportation Act of 1995, but believes that the implementation guidelines of the Act should be amended to include: 1) notification to all affected jurisdiction when the state receives any proposal affecting transportation operations in their region; 2) a local governing body member on the Secretary of Transportation's advisory panel; 3) a public comment period and public hearings in jurisdictions affected by a proposal; and 4) a guarantee that private projects will not be allowed to override local comprehensive plans. In addition, VML urges the state to find ways to keep faltering toll roads open without diverting funds or interest from the Transportation Trust Fund or Highway Maintenance and Operating Fund, or from federal funds allocated by the Commonwealth Transportation Board, or from the state's general fund.

FEDERAL REGULATORY REFORM

Compliance with federal regulations is a major cost factor for all transportation systems. VML requests the repeal of burdensome regulations/requirement/policies that discourage innovation, such as:

- The Davis-Bacon Act, which requires the use of prevailing wage (generally interpreted to mean union scale wages) for any project using more than \$2,000 in federal funds.
- Section 13 (c) labor provisions for transit which mandate a U.S. Department of Labor review of

local agreements and offers unique labor protections to one specific group of public employees.

- The Clean Air Act Amendment of 1990, while representing important initiatives, has created difficult financial pressures on urban areas. The reauthorization of ISTEA (TEA-21) should require that Clean Air Act unfunded mandates are contingent upon full funding of the CMAQ program, or the state (instead of local government) should provide the match currently made by local governments.

STREETS, ROADS, BRIDGES & HIGHWAYS

Street Standards. Municipalities in the urban system should be granted the authority to use urban street payments to bring sub-standard roads up to minimum street standards. Further, municipalities in the urban system should be granted the authority to use urban street payments to maintain dedicated street rights-of-way which cannot be brought up to minimum street standards or for streets that meet VDOT construction standards but cannot meet right-of-way width standards.

Public Information Meetings. VML urges the Virginia Department of Transportation (VDOT) to work with local officials to address concerns about VDOT's public information meeting process, including the following:

- Clarifying the circumstances under which public information meetings are held;
- Ensuring timely notification of meetings;
- Holding meetings at times convenient for the general public;
- Posting and making available at least three weeks prior to the meeting pertinent information regarding the subject of the public information meetings;
- Placing plans in public buildings in advance of meetings and major decisions;
- Using a variety of means for public outreach at meetings, including graphics, GIS and other technology to illustrate the situations to be addressed and the proposed projects;
- Making available in a timely manner copies of comments collected during and after a public meeting, and preparing minutes of CTB meetings;
- Respecting public comment and treating citizens as team-members or partners, recognizing that public employees are inclined to be more accountable to citizens than consultants;
- Guaranteeing that comments and questions requiring follow-up answers from VDOT receive proper and timely attention, such as preparation of a public-response document prepared by other state agencies, and;

- Ensuring that the process is conducted in a way that inspires public trust and does not increase public opposition to transportation projects.

Record keeping. VDOT and the Virginia Department of Rail and Public Transportation (VDRPT) should continue to ensure that their record keeping requirements are not too burdensome or costly for local governments.

Logo Signing. The Code of Virginia should be amended to allow specific services information "logo" signs at all interstate interchanges except where the guidelines for placing such signs cannot be met (such as instances of inadequate spacing), as established in the Manual Uniform Traffic Control Devices, 1998 Edition, (MUTCD).

Technical Assistance. Small communities need more funding for technical assistance, and consequently, VDOT should give small communities technical assistance in setting more equitable equipment rental rates and administrative costs.

Incidental Projects. A gap exists in local and road needs between major construction projects that are feasible to fund through the urban allocation system and incidental improvements. In many cases, funds for these incidental construction projects come totally out of city and town coffers. VDOT should continue allowing localities to use their urban construction funds for certain smaller projects.

Truck Routing and Safety. The state should carefully regulate the use of twin-trailer trucks where there is a negative impact on communities, road safety, and infrastructure. Virginia's Congressional Delegation should work to ensure that federal transportation law does not force Virginia to allow triple-trailer combinations on its roadways.

The state should re-evaluate its truck safety and driver standards and regulations, as well as ensuring stricter enforcement of these standards. Such a re-evaluation should include examination of ways to eliminate truck tire debris, control of water spray from truck tires, more frequent inspections, inspections at weighing stations, and more effective enforcement of the covered cargo truck law.

Traffic Calming and ITS Technology. VML supports a better recognition of congestion and safety in defining transportation needs, and supports the incorporation of traffic-calming planning and techniques into the design process as appropriate to the project. VML supports the adaptation of "smart" technologies for use in all forms and modes of transportation. Local governments must be included in the discussion of the use and location of such technologies throughout the Commonwealth.

Construction Fund Use. Localities should be allowed to allocate their highway construction funds to advance

planning, preliminary design, and location work.

Shared Costs with Property Owners

The General Assembly should:

- Grant all local governments the ability to assess impact fees to pay for the related costs of new development;
- Extend to all localities the same level of authority for conditional zoning to address off-and on-site transportation issues as is granted to Northern Virginia and Eastern Shore; and
- Grant localities the authority to require land developers to pay pro-rata share of the costs of supplying necessary roads adjacent to property they are developing.

Town Funding. Information affecting state allocations to towns should be updated on the same schedule as is done for cities so that state allocations to cities and towns are equitable. Towns should be treated as equal partners in regional initiatives, including the authority to collect any tax revenues authorized by the region and to get a return of revenues collected to use for the purposes of the regional initiative.

PUBLIC TRANSPORTATION SYSTEMS, CONGESTION CONTROL

Funding Needs. VML supports actions to preserve, expand, and improve traditional, fixed-route mass transit, taxicab, special commuter bus services, commuter rail services, ridesharing, slugs, vanpooling, and other contract transit services that are an integral part of the public transportation system. A larger, dedicated source of state funding remains a critical need as local participation (local match) increases. State funding also improves the cohesiveness of a system and regional participation. We strongly encourage additional state and federal funding of transit system operating and capital needs provided that funding for other transportation modes are not reduced.

Public-Private and Regional Ventures. The state should provide positive incentives to encourage the development of regional approaches to providing public transportation in Virginia. Further, VDRPT should continue assisting localities in developing public transportation systems in conjunction with the private sector.

Metropolitan Planning Organizations (MPOs). VML believes that representation by public officials makes MPOs accountable to citizens. VML opposes broadening MPO voting membership to include private sector representatives for certain modes and freight groups. State processes should engage the MPOs more effectively in TIPs.

Telecommuting. Too often telecommuting is omitted from consideration as a solution to growing transportation needs.

Telecommuting needs to be emphasized and each level of government should provide leadership.

Live Near Work Incentives. As a means of reducing traffic congestion, VML promotes the availability of limited funds to match local and private funding that would be used to encourage persons to live near their job location.

Funding Formula Issues. VDOT needs to develop and apply different models that objectively assess and compare the all modes of transportation, rather than relying on new road construction to resolve congestion and growth trends.

Maintenance Funding Allocations for Urban Streets. Municipalities in the urban system should be granted the authority to use urban maintenance funds to maintain dedicated street rights-of-way which cannot be brought up to minimum street standards; streets that meet VDOT construction standards but cannot meet right-of-way standards should be eligible for state maintenance funds.

Welfare-to-Work Initiatives. VML supports the coordination of the federal and state welfare-to-work program funding to encourage efficient and effective regional efforts and to promote solutions that help other segments of the population that are unable to drive, such as the elderly and disabled.

RAIL TRANSPORTATION

Rail Service. VML supports efforts to establish and expand rail service including light rail and commuter rail. VML encourages the Virginia Department of Rail and Public Transportation to emphasize the development of rapid transit systems rather than creating roads to address congestion and air quality issues.

Local governments support development of east-to-west and north-to-south rail corridors within Virginia to stimulate statewide economic development and tourism. In order to remain economically competitive with neighboring state to the south. VML urges the state to be part of the Northeast high-speed rail corridor. Any high speed rail proposals should be subject to thorough analysis of the fiscal, environmental and land use impacts on local governments.

Virginia's state and congressional delegations should work with local government to bring about the proposed expansion of Amtrak service through southwest Virginia as part of the New York to Atlanta corridor.

Rail transport of freight should be encouraged to manage increases in truck traffic where roads are already crowded, improve safety on interstate and state highways, reduce damage to roads, and improve the economic viability of rail facilities.

Passenger Rail Funding. A state role is needed with passenger rail due to use of the system by people outside

the participating jurisdictions as well as the costs imposed on these jurisdictions by the companies that own the rails. The state should assume a leadership role in capital and operating costs of these systems.

Rail Safety Issues. As passenger rail and freight rail uses increase, VML urges the state and major rail companies to work cooperatively with local governments to ensure proper attention is be given to safety and maintenance.

The state and railroads must assist local governments in relocating rail by shifting operations to non-urbanized areas, constructing needed overpasses and underpasses, improving grade crossings and upgrading traffic controls for railroad crossings, and address these critical issues in the state rail plan.

The State Corporation Commission should establish a process to handle traffic coordination issues with the railroad companies and local governments. The SCC, in coordination with local governments, should require the rail companies to preserve and maintain all rail lines, spur lines crossings, and grade separations in compliance with sound public safety standards. Meanwhile, VML asks the Governor's Office to work aggressively with federal offices to eliminate unsafe crossings.

AIR TRANSPORTATION

Access. The state's transportation plan should include incentives to develop air shuttle systems between secondary airports and major primary airports on the East Coast. The state should take an active role to help ensure that a minimum level of air service is available to smaller airports.

Federal Issues. Congress should appropriate funds for airports at authorized levels.

Intermodal Connections. Airport and heliport planning for development and expansion should be carefully coordinated with surface transportation planning.

State Funding. The General Assembly should allocate sufficient funds annually to the State Department of Aviation to provide capital improvement grants for heliports and airports recognized in Virginia's Air Transportation System Plan.

WATER TRANSPORTATION & PORT FACILITIES

Ports and Channels. VML encourages the protection and promotion of an effective water transportation system, including development of alternative water transportation to alleviate congestion, with a specific concern for the needs to deepwater ports and navigable rivers like Hampton Roads, the Port of Richmond, the Potomac River and Elizabeth Rivers, as well as deepening of the Hampton

Roads channel. VML requests local government consultation and agreement regarding spoils disposal from channel deepening.

Revenue from the ports goes exclusively to the state. Port communities should be allowed to use a portion of this revenue locally to improve their port area.

Water Transportation and Bridges. A significant part of any study of the state's water transportation system and its maintenance and improvements shall be directed to the growing concern over traffic in the intercoastal waterways and the conflict between land and water transportation. The replacement of draw-bridges with span bridges should be expedited.

The VML encourages the study of a permanent water transportation link between the mainland, the Eastern Shore, and the islands of Virginia.