VACo's Preliminary 2015 Legislative Program



2015 Draft Legislative Program Virginia Association of Counties

3		
4		
	Table of Contonts	
5	<u>Table of Contents</u>	
6		
7	Conomic Davidonment and Dianning	n 0
8	Economic Development and Planning	p. 2
9		
10	Education	n 1
11	Education	p. 4
12		
13	Environment and Agriculture	n E
14	Environment and Agriculture	p. 5
15 16		
17	Finance	p. 9
18	rillatice	μ. ϶
19		
20	General Government	p. 11
21	General Government	р. тт
22		
23	Health and Human Resources	p. 14
24	Tieditti dila Flamati Kesodi 605	ρ
25		
26	Transportation	p. 16
27		μ σ
28		
29		
30		
31	*Statements requiring federal action noted: (Federal)	
32		
33		
34		
35 36		
36 37		
38		
39		
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ECONOMIC DEVELOPMENT AND PLANNING

VACo supports maintaining local authority to plan and regulate land use and opposes any

legislation that weakens these key local responsibilities. VACo supports legislation that

Unemployment and underemployment are common challenges facing counties. County

officials are also concerned about the inability of current and potential employers to find workers with the skills needed for current and future job openings. Counties support

flexibility for workforce programs to meet the specific workforce challenges identified by

the public and private sector at the local and regional level and continued funding for

facilitate local and regional efforts to convene and facilitate cooperation between the

Virginia's workforce system. VACo supports state efforts to fund, encourage and

numerous stakeholders involved in Virginia's workforce investment system.

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Priorities

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Land Use/Growth Management Tools

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grants localities additional tools to adequately meet increasing needs for public services driven by new development without burdening current residents with the cost of new 52 growth through increased real estate taxes. Such additional tools may include broad impact fee authority for all counties, adequate public facilities provisions in subdivision 53 ordinances, state funds for the purchase of development rights, and real estate transfer 54

charges.

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Positions

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Economic Development VACo supports continued federal and state funding and technical assistance for

Regional Cooperation

Development Fund (AFID).

Workforce Development

72 73 74 infrastructure investments and economic development programs as effective means for enhancing business development in the Commonwealth. VACo supports economic development policies that bolster local and regional development efforts.

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VACo supports an onsite sewage program at the Virginia Department of Health that protects public health and the environment in all regions of the Commonwealth. The

commissions, which play a key role in addressing regional challenges.

Agriculture and Forestry Industries Development Fund (AFID) VACo supports continued state funding for the Agriculture and Forestry Industries

VACo supports maintaining state funding and additional grants of authority to promote

regional initiatives. VACo also supports state funding for Virginia's planning district

state's program should allow localities to develop and implement policies that support the state's program. VACo supports the private sector providing onsite sewage system design, installation and repair services, as long as the services can be provided at affordable rates and in a timely manner, and as long as VDH continues to provide these direct services as well.

Siting of Utilities

VACo supports requiring utilities to seek input from localities and property owners before any actions to construct, modify or enlarge their facilities.

Affordable and Workforce Housing (Federal)

VACo supports maintaining federal and state funding and appropriate incentives to assist localities in fostering affordable housing, as well as workforce housing for employees such as teachers and first responders.

Impacts of Federal and Military Facilities (Federal)

VACo supports maintaining federal and state funding and technical assistance to mitigate the impacts on counties affected by federal budget cuts and to sustain current and future federal facilities in Virginia.

EDUCATION

Priority

Education Funding

VACo supports full funding for Virginia's Standards of Quality (SOQ). It is essential for the state to fund fully its constitutional responsibilities and all mandates associated with K-12 public education. VACo encourages the state to expand the SOQ to better recognize localities funding efforts towards local school divisions.

VACo supports full state funding for public education including the SOQ, targeted incentive programs, capital and maintenance support and teacher salaries. Full state funding should be achieved without reduction to other parts of state public education budgets or to the other core services. Should state general funding diminish, local autonomy should be increased and state education mandates reduced.

VACo supports the current practice whereby all year-end funds appropriated to the school divisions by the locality revert to the locality, retaining discretion with the governing body to evaluate and approve the reallocation of year-end fund balances to address the capital or one-time expenditure requirements of local school districts.

Positions

Cost of Competing

In addition to meeting its obligations to fully fund instructional and support staff for all localities, VACo supports the full reinstatement of Cost of Competing Adjustment (COCA) for teachers and support staff. These funds are necessary to attract and retain employees in areas with a higher cost of living.

Library system

VACo supports the continuation of state financial aid to the library system.

Primary Elections

VACo supports legislation to change the date of primary elections held in the month of June from the second Tuesday in June to the third Tuesday in June and to change the candidate filing deadlines to reflect that change of date. This change would reduce interference with school functions, enhance student safety and facilitate the conduct of primary elections.

ENVIRONMENT AND AGRICULTURE

Priority

Water Quality Improvement Funding

VACo supports effective partnerships among and across all levels of government to improve water quality.

VACo urges state and federal agencies to consider impacts on local governments of any initiatives intended to reduce loadings of pollutants into state waters from both point and non-point sources. In order for comprehensive, watershed-wide water quality improvement strategies to be effective, major and reliable forms of financial and technical assistance from federal and state governments will be necessary. VACo supports the goal of improved water quality, but will oppose provisions of any strategy that penalizes local governments by withdrawing current forms of financial assistance or imposing monitoring, management or similar requirements on localities without providing sufficient resources to accomplish those processes. VACo opposes the imposition of a state fee, tax or surcharge on water, sewer, solid waste or any service provided by a local government or authority.

Positions

Agriculture Production

VACo supports increased availability of local food for purchase. To accomplish this,
VACo supports the establishment of farmers' markets and the supplemental nutritional
assistance program (SNAP) for purchases at farmers' markets, policies to increase direct
delivery of food from growers to consumers and funding for the design and construction
of regional processing facilities to facilitate delivery of locally-produced food.

Aquifer protection

VACo supports initiatives by the state to assure adoption of actions to reduce high
chloride concentrations and loss of artesian head pressure in Virginia's aquifers. VACo
also requests that the Commonwealth conduct a review of regulations, and promote
education to promote reclamation of water on a local level for industrial and irrigation
uses to offset future demands on all ground and surface water used for human
consumption in the Commonwealth.

Biosolids

VACo contends that the land application of biosolids, when conducted properly, provides important benefits to the public and Virginia's agricultural sector. To reduce risks that might occur because of improper land application, VACo supports an effective statewide program and regulations governing land application of biosolids that protect the environment, public health and safety. VACo also supports the ability of local

governments to monitor compliance with such regulations. To address concerns of neighboring property owners, VACo supports the ability of local governments to suggest amendments to biosolids permits as they are being considered by the Department of Environmental Quality.

Energy Efficiency

VACo endorses initiatives among all levels of government to reduce dependence upon foreign sources of energy, to reduce emissions of greenhouse gases and to improve energy efficiency. VACo also supports production of renewable energy in Virginia through the implementation of Renewable Portfolio Standards while continuing to support energy policies that take advantage of our abundant coal deposits and natural gas reserves while protecting the welfare and safety of agriculture and our water supplies.

Humane Investigators

VACo opposes legislation requiring local governments to accept court appointed humane investigators. Humane investigators should only be appointed when specifically requested by a local governing body. Local governments should have the option of terminating a humane investigator program.

Hydraulic fracturing

Advances in technology for the extraction of natural gas known as "hydraulic fracturing" has the potential to tap vast reserves in what are known as the Marcellus shale and Taylorsville Basin deposits. Concerns about how the process of hydraulic fracturing could impact both public and private groundwater supplies have been raised both regionally and nationally. VACo supports a state regulatory program that addresses these concerns while protecting the authority of local governments to regulate this type of mining activity through their land use ordinances.

Industrial Hemp

VACo urges the Commonwealth of Virginia to support Congressional action to adopt the Industrial Hemp Farming Act and grant states the authority to license and regulate the production of hemp as an industrial and agricultural commodity that in turn will open markets for farmers, manufacturers, businesses and entrepreneurs in the emerging and growing hemp industry.

Invasive Species

VACo supports adequate funding to implement the Virginia Invasive Species Management Plan. The Plan identifies strategies to prevent and control damage caused by invasive species.

Land Conservation

VACo supports targeted initiatives to facilitate the protection of land for conservation purposes. VACo also supports a Purchase of Development Rights program that includes state funding for the Virginia Land Conservation Foundation, and that provides incentives for landowners at all income levels to participate in the program. Such

programs preserve prime soils for food production and protect important forestal land and environmentally sensitive areas in the Commonwealth.

Local Regulation of Timbering

VACo supports legislation to clarify that, once a subdivision plan is submitted for local approval at the request of the property owner for a development project, any timbering on the property is subject to such local requirements as erosion and sediment control ordinances, stormwater management controls and other regulations pertaining to development.

Non-point Source Pollution

VACo supports a well-financed state program to address the problem of non-point source runoff from agricultural operations. The program should effectively encourage implementation of priority best management practices such as nutrient management planning, use of cover crops, continuous no-till farming and development of forested riparian buffers and livestock stream exclusion.

Onsite Wastewater Systems

VACo supports legislation ensuring that potential buyers of real property are told about the type, size and maintenance requirements and associated costs of the wastewater systems on the property prior to the signing of the initial sales contract and the recordation of engineered systems plat and deed at the time of sale.

Recycling

VACo supports the development of more aggressive strategies by the state to develop markets for recycled materials.

Southern Rivers Watershed

VACo supports continued funding for the Southern Rivers Watershed Enhancement Program to improve water quality in non-Chesapeake Bay watersheds.

Stormwater

VACo supports adequate funding to enable local governments to meet ongoing costs associated with local stormwater management programs that became effective on July 1, 2014. VACo believes it will be critical to evaluate the effectiveness of the fee structure in the Virginia Stormwater Management Permit regulations as the chief source of revenue for funding local stormwater management programs.

Stormwater Construction General Permit

VACo supports the removal of the requirement from the Construction General Permit that permittees must comply with Virginia's post construction standards for water quality.

Stormwater Fees VACo supports an amendment to Virginia's Stormwater Management Law that would distribute a maximum of 10 percent of statewide stormwater fees revenue to the Virginia Stormwater Management Fund with the remaining 90 percent remaining with local governments. **Stormwater Funding Plan** VACo supports an amendment to Virginia's Stormwater Management Program that would authorize a local government to fund its VSMP program through such sources deemed appropriate by the local governing body without approval by the State Water Control Board. **Uranium Mining** VACo supports continuation of a moratorium on uranium mining and milling within the Commonwealth of Virginia. Virginia Cooperative Extension VACo supports sufficient funding for the Virginia Cooperative Extension Service. **Virginia Outdoors Foundation** VACo supports legislation that would increase the general fund appropriation to the Virginia Outdoors Foundation, permit an increase in transfer fees, or provide full funding to the Foundation through alternative means. **Waste Management** VACo supports broad authority for local governments to adopt flow control ordinances. VACo supports funding for infrastructure to increase energy harvest from the waste system. Water Supply Planning VACo supports additional appropriations adequate to ensure full funding by the state for the ongoing development and implementation of state-mandated water supply plans.

FINANCE 357 358 **Priority** 359 360 **Local Finances** 361 VACo supports the authority of county governments to levy and collect revenue from 362 local business taxes. VACo requests county government representation on all study or 363 legislative commissions that impact local government revenues or services. VACo 364 opposes mandated new or expanded funding requirements on counties. 365 366 367 **Positions** 368 369 **County Authority Including Equal Taxation** 370 371 VACo supports granting counties equal taxing authority enjoyed by cities and towns to enact local excise taxes without referendum. 372 373 374 **Fiscal Impact Statements** In furtherance of the objectives to evaluate the local fiscal impact of proposed legislation, 375 376 VACo recommends the reinstatement of the first day introduction requirement for bills with local fiscal impact. 377 378 **Funding of State Mandated Positions and Jails** 379 VACo urges the Commonwealth to meet its full funding obligations for constitutional 380 381 officers and other state mandated positions. Moreover, any change to the definition of state-responsible prisoner or other terms that result in increased cost or operational issues 382 for local or regional jails should be fully funded by the state. 383 384 **Line of Duty** 385 386 VACo calls on the General Assembly to fully fund the Line of Duty Act (LODA) obligations and return LODA to a state program. LODA benefit eligibility determinations 387 should be the responsibility of the Virginia Workers' Compensation Commission and not 388 the State Comptroller's Office. 389 390 **Local Ordinance Violations** 391 VACo requests the repeal of budget language enacted by the 2012 General Assembly that 392 required the deposit of local ordinance violation collections from General District Courts, 393 Juvenile and Domestic Relations Courts, Combined District Courts and the Magistrate 394 System to the State Treasury. This legislative action removed a source of local revenue 395 for many localities. 396 397 398

Short-Term Disability

VACo urges the state to remove the short-term disability mandate from the new Hybrid Retirement Plan. Localities have already addressed short term disability issues through their leave and benefit policies.

Unfunded Teacher Pension Liability

Local governments and the state share responsibility for paying the cost of teacher pensions, but under GASB 68, Virginia local governments will have to begin accounting for both the state and local unfunded liabilities for teacher retirement plans on their FY 2015 financial statements. VACo urges the state to account for its proportional share of the liability by paying its current share of teacher pension contributions directly to VRS.

GENERAL GOVERNMENT

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Priority

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Broadband (State and Federal)

VACo urges the Commonwealth and the Federal Government to assist communities in their efforts to deploy universal affordable access to broadband for all areas, particularly in underserved and rural areas while preserving local land use, permitting, fees and other local authority. Widespread deployment of broadband should be a top priority for the Commonwealth to ensure competitive economic advantages, improve public safety, provide quality educational opportunities and facilitate telemedicine and other modern health care initiatives. Assistance should include economic incentives as well as budgetary and statutory policies that facilitate broadband deployment and adoption. VACo also urges state support of local and regional authorities created under the Virginia Wireless Service Authorities Act, the preservation of the powers granted under the Act, support for Virginia Resources Authority and other favorable financing mechanisms for broadband projects and improvement of the quality and accuracy of the state's broadband availability map.

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Positions

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Aid to Localities

lost population.

Annexation Moratorium

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supports the continuation of the current moratorium on city annexations regardless of

VACo requests that the Commonwealth use the most current population statistics

enumerations. During that period, population statistics from the Weldon Cooper Center

for Public Service, the American Community Survey and from other established entities

should be used by the Commonwealth. The General Assembly should consider the many

fixed costs of services in determining aid to those localities that have remained stable or

available for the purposes of determining state aid to those localities that have

experienced population growth in the 10-year period between the decennial

whether those commitments have been met. The moratorium has promoted more intergovernmental cooperation between cities and counties, allowed counties to plan for future growth and economic development within their borders and has allowed counties to be able to protect their tax base in order to provide needed services to citizens.

VACo supports full funding of the Commonwealth's HB 599 commitments. VACo also

Collective Bargaining for Public Employees (Federal)

VACo opposes any effort to mandate collective bargaining for public employees.

Dillon Rule/Local Authority

VACo supports relaxation of the Dillon Rule by granting and maintaining local authority and autonomy including land use matters, revenue measures, procurement and other issues of local concern. The General Assembly should extend powers currently granted to some local governments to all other local governments.

Election Costs and Districts

VACo supports legislation that would decrease the costs of elections to localities. These costs include primaries, voting equipment, personnel and voting places. Cost reduction solutions include requiring parties to pay for primary elections, having one date for primary elections, using paper ballots, establishing countywide voting places and other similar measures. The state should provide adequate funding to localities for optical scan and other voting equipment and registrar costs. VACo also supports legislation to minimize or eliminate Split Voting Precincts.

Freedom of Information Act (FOIA)

VACo opposes changes to the Virginia Freedom of Information Act that would impose additional burdens on localities.

Grievance Hearings

VACo supports legislation authorizing localities to utilize an administrative hearing officer instead of a three-member panel. VACo also supports providing immunity to local government employees, officers, volunteers, administrative hearing officers and panel members for claims arising out of participation in personnel grievance procedures.

Immigration Reform (Federal)

VACo maintains a strong commitment to ensuring the security and safety of our communities. Legislative reforms must recognize the contributions of immigrants to a complex economy, as well as the costs associated with welcoming immigrants into our communities. The U.S. Congress must enact comprehensive immigration reform that provides a funding stream sufficient to address the fiscal impact on state and local governments for any guest worker program and earned legalization program. The state and local governments require a national immigration system that is fully funded at the federal level, recognizes the realities of the marketplace, eases the fiscal stress on states and localities and properly secures our borders. It is important that the federal government establish a clear and understandable path to citizenship for those who are eligible.

Interoperability (State and Federal)

VACo supports the state's goal that by 2015 agencies and their representatives at the local, regional, state and federal levels will be able to communicate using compatible systems to respond more effectively during day-to-day operations and major emergencies. Local governments require dedicated federal and state funding sources to achieve this goal.

Pay Day Lending

VACo supports legislation to set a total cap of 25 percent for all interest, fees and other charges for payday lending and other similar businesses such as car title loans.

Public Notice, Public Hearing and Public Procurement

VACo supports legislation to reduce required advertising for public notices, public hearings and public procurement including legislation to give localities the option to use electronic or other forms of notification as an alternative to newspaper advertising.

Sovereign Immunity

VACo opposes any substantive change in local governments' present defense of sovereign immunity. VACo opposes bringing counties under the Virginia Tort Claims Act.

State Assistance for Police Departments

VACo supports increasing state assistance for police departments through "599" Aid to Localities. This funding is designed to equalize state funding between counties in which the sheriff department provides law enforcement and those cities, counties and towns with a police department.

Unfunded Mandates

VACo opposes unfunded mandates and shifting of fiscal responsibility from the state to localities for existing programs by the Commonwealth. When funding for a mandated program is altered, the mandate should be suspended until full funding is restored. When legislation with a cost to localities is passed by the General Assembly, the cost should be borne by the Commonwealth, and the legislation should contain a sunset clause providing that the mandate is not binding on localities until funding by the Commonwealth is provided.

Workers' Compensation Medical Costs

VACo supports the adoption of Medicare-based fee schedules for setting medical provider fees in worker's compensation cases in Virginia, instead of the prevailing community rate standard now used.

HEALTH AND HUMAN RESOURCES

Priority

Health and Human Resources Funding

VACo supports transparent state policies and funding to ensure the Commonwealth's atrisk families have access to high quality and appropriate services. The Commonwealth should fully fund localities for state mandated human services and provide the necessary program flexibility to enable localities to provide comprehensive and case-tailored services.

Positions

Aging/Long-Term Care

VACo supports efforts that allow the elderly to remain at home in a safe and secure environment. VACo urges the General Assembly to provide sufficient funding for companion services, in-home services and home delivered meals.

Behavioral Health Care

VACo supports continued funding by the Commonwealth sufficient to allow community services boards to meet adequately the charge of providing services through a community-based system of care.

Comprehensive Services Act

VACo supports a requirement that the State Executive Council and Comprehensive Services Act follow the Administrative Process Act in promulgating, amending, or repealing regulations. Furthermore, VACo supports state CSA policies that prevent the shift of costs of services for at-risk children fully to local government CPMT-approved services.

VACo supports reasonable efforts by the state to give localities an opportunity to improve practice following audit findings, and that denial of funds be implemented in a rational, progressive fashion similar to that proposed by IV-E funding and other state and federal funding sources.

Early Intervention

VACo supports sustainable funding for Part C Early Intervention, which is an entitlement program that provides services for Virginia's infants and toddlers. VACo also requests the General Assembly address funding concerns by increasing state general funding. Underfunding this entitlement program puts pressure on local revenues to fill funding gaps for this mandated service.

Group Homes

VACo supports the ability of a locality to hold a public meeting when a group home is established in the locality's jurisdiction. Further, VACo encourages the state to enforce appropriate regulation of group homes.

Healthcare

VACo supports continued state funding for offered dental care, school nurses and preventive services and maternal and child health programs through local health departments and local school systems. VACo encourages the state to prepare for emergency health services and develop and fund incentives that would alleviate the nursing shortages felt in many communities.

Prevention Services

VACo supports increased state general funding for startup costs associated with community-based service programs. VACo recognizes that programs, such as Healthy Families, Comprehensive Health Investment Project (CHIP) of Virginia, Smart Beginnings, and the Resource Mother, as important models and requests the General Assembly provide additional funding for these home-based activities. Reductions in prevention programs will put numerous youth at risk of high-end CSA placements.

Telehealth

VACo supports the optimal utilization of technology to provide access to medicine and healthcare.

Volunteer EMS and Rescue Squad Training

VACo supports practical and reasonable Initial certification and ongoing continuing medical education (CME) requirements for county EMS and rescue squad volunteers. VACo recognizes the vital importance of volunteer EMS and rescue squad training but does not support unreasonable education requirements that discourage public volunteer service.

TRANSPORTATION

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Priorities

Devolution of Secondary Roads

VACo opposes legislative or administrative initiatives that would transfer to counties the responsibility for the construction, maintenance or operation of new and existing roads.

Local-State Transportation Funding and Cooperation

VACo remains concerned about the lack of secondary and urban construction funding. Due to legislative changes in 2012, the Commonwealth Transportation Board (CTB) has the authority to allocate up to \$500 million to priority projects before funds are provided to the construction fund. It is imperative that each region receive its share of this funding. Secondary and urban road programs are not expected to receive new funds until FY 2017. This delay is concerning, as localities have not received funds for this program since FY 2010.

Additionally, VACo is concerned that the 2012 transportation bill provides VDOT and the CTB the ability to decide whether a local transportation plan is consistent with the Commonwealth's priorities. While efforts to better coordinate local and state transportation planning are appreciated, we want to ensure that land use planning remains a local responsibility.

Positions

Billboards

VACo supports a requirement that proposed billboards in the Virginia Department of Transportation's (VDOT) right of way conform to local zoning and other applicable ordinances and local approval processes.

Corridors of Statewide Significance

VACo opposes the reduction of local control that is associated with the Commonwealth Transportation Board's process of designating Corridors of Statewide Significance.

Local Public Hearings

VACo supports the local ability and option to request a second public hearing when new federal funds are allocated to the Virginia Department of Transportation for projects in a locality's jurisdiction.

Highway Tolls

VACo opposes the installation of toll facilities on Virginia's interstate highways until the Commonwealth Transportation Board has thoroughly reviewed and assessed the components of a long-term capital improvement program, has identified and compared all

available funding alternatives and has adopted a proposal that matches capital improvements with realistically available funding sources. Further, VACo supports legislation to require that prior approval of the General Assembly shall be obtained prior to the imposition and collection of tolls on any interstate highway in Virginia.

Inter-Directional Signage Program

VACo supports a requirement that any signs installed under VDOT's Inter-directional Sign Program, including the Tourist Oriented Directional Signs Program, conform to local ordinances, including any local approval processes.

Maintenance Priorities

VACo supports a requirement imposed upon VDOT to implement a notification plan with the local governing body to establish maintenance priorities.

Parking

VACo supports general authority for counties to adopt ordinances regulating, including prohibiting, the parking of boats, RVs, utility trailers, campers, etc. on subdivision streets.

Rail Enhancement Fund

VACo supports authority for counties to approve Rail Enhancement Fund projects funded by the state and constructed within their jurisdictions.

Rest Stops

VACo supports federal legislation to allow commercialization of rest stops on the interstate highway system in Virginia.

Road Construction and Maintenance

VACo supports legislation that would prohibit VDOT from requiring localities to administer any transportation project without the consent of the local governing body. In addition, VACo supports amendments to legislation that would require VDOT to administer all projects financed by VDOT, unless otherwise agreed to by the county. If VDOT cannot administer the projects due to limited resources, then VDOT's consultant services shall be utilized or the locality shall have the option to use VDOT's consultant services on locally administered projects financed by VDOT.

Securities for Subdivision Streets

VACo supports authority for a local governing body to determine requirements for developer securities for the construction of subdivision streets.

Separation of Federal Funds (Federal)

VACo supports granting authority to counties, working with VDOT, to determine the percentage of federal funds applied to all secondary road projects within their jurisdiction. In addition, for any locally administered road projects, the county should be

allowed to use all state funds, as long as they can obligate their federal funds on other projects.

Service Contracts

VACo supports administrative changes allowing all localities to use professional service contracts similar to other agencies of the Commonwealth (i.e., Virginia Department of General Services).

Truck Size and Weight (Federal)

VACo strongly opposes any legislation that seeks to increase truck size or weight beyond the current federal standards, thereby stressing the capacity of the Commonwealth's road systems and putting highways, roads and bridges at risk of increased damage or deterioration.