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SENATE JOINT RESOLUTION NO. 508

Offered January 21, 1999

Directing the Joint Legislative Audit and Review Commission to study the environmental policies and practices of the Virginia Department of Transportation and their impact on the natural resources and environment of the Commonwealth.

Patrons—Ticer, Colgan, Couric, Edwards, Gartlan, Holland, Houck, Lambert, Marsh, Maxwell, Trumbo, Walker and Whipple; Delegates: Armstrong, Baskerville, Brink, Callahan, Clement, Croshaw, Hall, Hull, Murphy, Plum, Scott, Van Landingham, Van Yahres and Williams

Referred to Committee on Rules

WHEREAS, road construction and other transportation activities of the Virginia Department of Transportation (VDOT) account for 11.5 percent of the Commonwealth's annual budget; and

WHEREAS, VDOT is one of the three largest agencies in the Commonwealth and maintains the third largest state maintained highway system in the United States; and

WHEREAS, VDOT performs 1,100 permit determinations annually for transportation improvements and maintenance projects, and obtains an average of 289 environmental permits on an annual basis; and

WHEREAS, VDOT is often required to prepare environmental impact statements for projects it undertakes, because of the recognized potential environmental impact of such projects; and

WHEREAS, VDOT is often completely or partially exempted from coverage under environmental laws, regulations, and policies; and

WHEREAS, through memoranda of agreement with other agencies, VDOT is often given responsibility for self-policing its own compliance with environmental protection practices, which shifts the primary responsibility for reviewing, monitoring and overseeing the environmental impacts of the activities of VDOT from Virginia's environmental agencies such as the Department of Environmental Quality or the Department of Conservation and Recreation to VDOT; and

WHEREAS, in December 1998, VDOT reported that it had impacted over 269 acres of wetlands during the last twenty years and estimates a significant increase in the number of projects requiring permits and subsequent mitigation; and

WHEREAS, VDOT engages in countless statewide activities, from snow removal to constructing, maintaining, widening and operating the state's roads, bridges and tunnels, and such activities cause erosion and sediment disturbance and other impacts to the quality of the natural resources and environment of the Commonwealth; and

WHEREAS, in November 1997, the Department of Environmental Quality estimated that up to \$12 million dollars will be required for VDOT to correct past violations of environmental laws, policies and regulations; and

WHEREAS, citizens have raised important first-hand concerns based on observations regarding the VDOT's erosion and sediment control practices, wetland impacts and mitigation, stormwater management, damage to Chesapeake Bay Preservation Areas, and handling of hazardous wastes, and complaints by citizens have increased with regard to Department activities; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Joint Legislative Audit and Review Commission be directed to study the environmental policies and practices of the Virginia Department of Transportation and their impact on the natural resources and environment of the Commonwealth. The study shall include, but not be limited to, a review of: (i) the number of complaints received by the Commonwealth on environmental matters concerning VDOT, including the erosion and sediment control and hazardous and solid waste practices of the agency; (ii) on-site compliance with environmental permits and regulations governing the Department of Transportation's activities and the time required to investigate and correct violations once discovered by the Virginia Department of Transportation or other state agency; (iii) any pending compliance and enforcement issues and the estimated cost to correct past violations; (iv) the extent of any watershed based planning and pollution prevention practices currently utilized; (v) the potential and existing impacts on wetlands and actions taken to minimize and compensate for those impacts, including any impacts not requiring mitigation or individual permitting; (vi) impacts on Chesapeake Bay Preservation Areas and the extent of exceptions or exclusions provided to VDOT on linear projects under the implementation of the Chesapeake Bay Preservation Act; and (vii) recommendations on ways in which the VDOT can minimize its impact on the environment and natural resources of the Commonwealth.

All agencies of the Commonwealth shall provide assistance to the Joint Legislative Audit and Review Commission for this study, upon request.

INTRODUCED

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60 The Joint Legislative Audit and Review Commission shall submit its interim report to the Governor
61 and the 2000 Session of the General Assembly, and shall complete its work in time to submit its final
62 findings and recommendations to the Governor and the 2001 Session of the General Assembly as
63 provided in the procedures of the Division of Legislative Automated Systems for the processing of
64 legislative documents.