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SENATE BILL NO. 201

Offered January 13, 2010

Prefiled January 12, 2010

A *BILL to amend the Code of Virginia by adding a section numbered 30-134.1, relating to performance audit of transportation programs by Auditor of Public Accounts.*

Patron—Blevins

Referred to Committee on Rules

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 30-134.1 as follows:**

§ 30-134.1. Performance audit of transportation programs; scope of audit; interim report.

A. The Auditor of Public Accounts shall administer a sufficiency, validity, and performance audit that focuses on the Commonwealth's statewide and regional transportation planning and programming processes. The purpose of the audit shall be to provide an objective and independent analysis and evaluation of the sufficiency, validity, and effectiveness of the Commonwealth's transportation planning and programming procedures and of the organizational structure that carries out these functions in order to provide information to the Governor and the General Assembly on ways to better streamline and improve the timeliness and cost effectiveness of state and regional working relationships; to better adhere to federally prescribed procedures and, thereby, to enhance and optimize state planning and programming effectiveness; to strengthen the effectiveness of the state's 14 Metropolitan Planning Organizations (MPOs) in these regards in order to reduce burdens on the down-sized VDOT staff and to optimize the ability to recognize and satisfy regional needs; and to upgrade, as may be prudent, the state's statutory language that recognizes, describes, and supports the state's MPO organizations to the extent intended in federal law. In order to achieve its overall purpose, the audit shall at least briefly compare state regulations on these matters with those of other states. In addition, the audit shall generate lessons learned and recommendations designed to further optimize the Commonwealth's statewide and regional transportation planning and programming processes.

The audit shall be conducted by a private management consulting firm with experience in conducting governmental performance audits. A final report on the findings of the performance audit shall be submitted to the Joint Commission on Transportation Accountability and the Governor no later than December 31, 2010.

B. At a minimum, the report shall identify in the current processes any deficiencies in the levels of, and effectiveness of, state and regional collaboration and coordination and the degree to which statewide and regional processes adhere and align with federally prescribed transportation planning and programming procedures.

C. The report shall consist of detailed findings and recommendations, including but not limited to the following subject areas:

1. Identification and recognition of best practices for statewide and regional transportation planning and programming;

2. The adequacy of state statutory language that recognizes, describes, and supports the state's 14 MPO organizations and that codifies at the state level the federally required minimum level of state-metropolitan collaboration and coordination procedures;

3. An analysis of the merits of, or undue costs associated with, the state's development of and sustained maintenance of two different state-level Transportation Improvement Programs, namely the federally required State Transportation Improvement Program (STIP) and the state-mandated Six-Year Improvement Program (SYIP);

4. Statewide transportation planning and programming procedures that may be enhanced, consolidated, reduced, devolved to the regional level, or eliminated;

5. Identification of gaps and overlaps in transportation planning and programming procedures and suggestions, as appropriate, for redefining assigned responsibilities at either the state or regional level in order to correct any identified gaps, overlaps, or duplications of effort;

6. The validity of the VDOT organizational structure, which places the state's transportation planning and programming functions at the division level rather than at the department level;

7. The ability of the state planning and programming methods to differentiate between, and to tailor its guidance and support to, the Commonwealth's large MPOs on the one hand and the state's smaller MPOs on the other hand, wherein each level of MPO (TMA-level or non-TMA-level) has its own important yet unique needs;

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59 8. *Methods to verify the reliability and validity of performance data as concerns the effective and*
60 *timely use of federally programmed transportation funds for the state and its regions, including a review*
61 *of federally required self-assessment programs and performance-measurement systems used by the*
62 *regional MPO organizations; and*
63 9. *An assessment of the effectiveness of the newly formed Virginia Association of Metropolitan*
64 *Planning Organizations (VAMPO) in facilitating improved levels of statewide and regional coordination.*
65 *D. Any monetary savings realized from the implementation of recommendations of the performance*
66 *audit shall be applied to the Highway Maintenance and Operating Fund.*
67 *E. The audit shall take into consideration results of any prior studies, audits, or reviews conducted*
68 *by (i) the General Assembly, the Joint Legislative Audit and Review Commission, or the Auditor of*
69 *Public Accounts; (ii) any Governor-appointed commission or other like entity; or (iii) any other*
70 *independent entity that addresses the structure and operation of state government and has identified*
71 *monetary savings, reduced duplication of effort, or efficiencies leading to a reduction in costs.*
72 **2. That the costs to conduct the audit required by the provisions of this act shall be funded from**
73 **existing appropriations to agencies for which the Secretary of Transportation is responsible under**
74 **§ 2.2-228 of the Code of Virginia, as determined by the Secretary of Transportation, and shall not**
75 **exceed \$4 million.**
76 **3. That the Auditor of Public Accounts shall issue a Request for Proposals to initiate the**
77 **procurement process for the private consultant within 30 days of the passage of this act.**
78 **4. That the procurement of the consultant required by the provisions of this act shall not be**
79 **subject to § 2.2-4304 of the Code of Virginia but shall be based on the competitive principles.**