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The Hampton Roads Association for Commercial Real Estate (HRACRE) is pleased to provide the 2011 legislative and regulatory priorities for our 750 member organization. We believe these priorities are central to strengthening our industry and, in turn, the economy and environment of the Hampton Roads region in particular, and the Commonwealth in general. These priorities have been evaluated by our Legislative Committee, reviewed by our Executive Committee and approved by our Board of Directors and represent those issues of greatest interest and concern.

Please feel free to contact us at 757-481-2494 for any further information.

**Transportation Expenditures:**

**Recommendation:** HRACRE supports a new or increased, dedicated, broad-based revenue source that will generate at least \$1 billion per year to meet Hampton Roads' \$30 billion identified transportation needs. With such a dedicated revenue source, major transportation projects, including PPTA projects, will have predictable and achievable schedules that businesses, the public and elected officials can rely on.

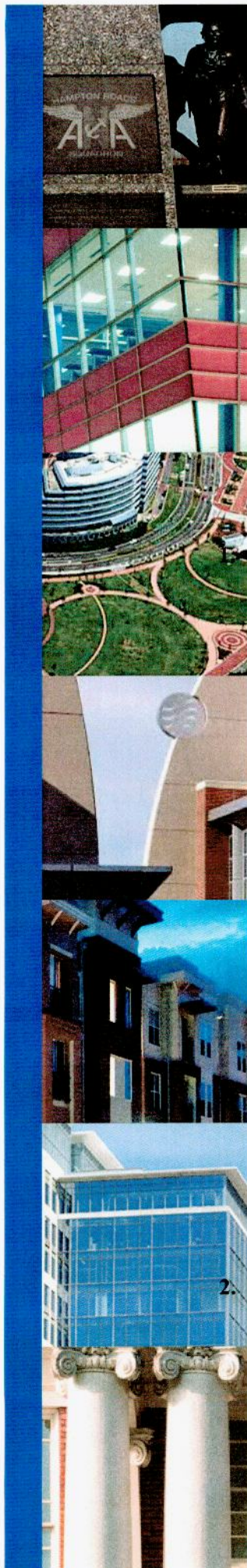
Hampton Roads and the Commonwealth deserve a permanent and sustainable transportation funding solution. We believe this goal can only be achieved if the Commonwealth's leadership, regardless of geographic dispersion, understands that all citizens have a vested interest in maintaining and upgrading the transportation in Hampton Roads. It is of utmost importance that we provide necessary transportation infrastructure to support the port, military, business and tourist interests that serve not only Hampton Roads but all of Virginia.

The proposed level of tolling in Hampton Roads that is currently being evaluated will create tolls on virtually every major entry point to the region and the major water crossings within it. We believe this level of tolling is unparalleled in the Commonwealth and will detrimentally impact businesses and their employees in the region, significantly fracture the regional economy, and severely undermine the level of regionalism that has been achieved in recent decades.

We believe the Hampton Roads delegation must unite in a serious effort to solve our transportation needs.

**Operating Funds: Norfolk – Richmond Intercity Passenger Rail Service**

**Recommendation:** We endorse providing a dedicated state revenue stream to finance the operating expenses of expanded intercity passenger rail service between Norfolk and Richmond and future high speed rail service. Specifically, we recommend amending the state code that pertains to the Rail Enhancement Fund (REF) to allow for REF funds to be used for operation of existing and future high-speed and intercity passenger rail service.



For Virginia to compete for federal rail funding at a match of 4 to 1, the amount of revenue dedicated to the REF must be significantly expanded. This could be accomplished by an increase of 1% in the car rental user fee that would generate enough new revenues to support annual debt on sufficient bonding to leverage needed federal high speed rail capital funding and should be considered as a viable dedicated funding option by the Commonwealth. Granting the CTB the authority to leverage the REF for the sale of bonds would facilitate the latter.

### 3. Stormwater Management

**Recommendation:** We support a measured and unhurried approach to the implementation of *Stormwater Management Regulations*. Further, we recommend broad-based, cost effective solutions addressing all pollution sources for the *Stormwater Management Regulations*. Our rationale follows:

1. We endorse the approach taken by the DEQ in the Chesapeake Bay Watershed Implementation Plan, and thus far by DCR in crafting the *Stormwater Management Regulations*, which has focused on reducing pollutant loads from all sources: existing development, wastewater treatment plants, agriculture, forestry and new development. We wish to stress the importance of “low-cost/high-yield” solutions to pollution removal by examining all sources and implementing a truly cost-effective methodology for removing pollutants, which as yet has not been achieved for new development. The complexity and cost of the proposed approach for new development is unprecedented and unnecessary. We propose the exploration of cost-sharing among the development, agricultural and wastewater interests to meet the Commonwealth’s goals. Adopting an overly burdensome solution on any one component must be rejected.

2. We further support the exploration of a *Nutrient Credit Exchange* if this solution proves feasible.

3. We endorse the elimination of phosphorus from lawn fertilizer and deicing agents, with limited exceptions, as will be proposed at the 2011 Session.

### 4. Access Management Rules

**Recommendation:** HRACRE recommends that there be revisions to the VDOT Traffic Impact Analysis (TIA) regulations to eliminate the duplicative requirement for submission to VDOT of a TIA on subdivisions, site plans and plans of development (“by-right” development) and that TIA’s only be required if the proposed Comprehensive Plan or rezoning action is for a large project which can have broad impact on the existing road network. Also, if the proposed rezoning substantially conforms to the adopted Comprehensive Plan the rezoning shall be determined to be in agreement with that adopted plan and no TIA shall be performed. If necessary, legislation should be approved at the 2011 Session to require VDOT to make these changes in its regulations.

These changes would benefit all the citizens of the Commonwealth by allowing projects that are in conformance with a Community’s adopted Comprehensive Plan and other reasonably sized projects to be processed normally in the locality without duplicative state oversight. These smaller studies do not achieve any useful planning purpose to the community, duplicate existing local traffic reviews and are simply an expense and source of unreasonable delays without any tangible benefit. This is particularly true given that state law properly provides that any comments provided by VDOT on a TIA are not binding on the locality or the developer. Therefore HRACRE endorses the modifications of these regulations so they accomplish what was intended when they were originally adopted.

### 5. Effective Dates of Locality Ordinances and Policies as Applied to Rezoning, Site Plan and/or Subdivision Approval Process

**Recommendation:** HRACRE recommends that only the ordinances and policies in effect at the time a rezoning, site plan or subdivision is submitted should be considered when a locality makes a decision on the application. HRACRE members have experienced localities passing new ordinances and/or policies and forcing applicants to redesign their projects already undergoing review at considerable costs. In our judgment, localities should not be allowed this procedure unless the Commonwealth has specifically provided this allowance to the localities pursuant to Dillon Rule precedents which we believe is not the case.