

# BACON'S REBELLION

The Op/Ed Page for Virginia's New Economy

## Breakthrough

**Newspapers treated the House transportation plan as a routine story about spending and taxes. It was so much more: House leaders are shifting the debate to privatization and land use.**

The transportation debate, one would judge from reading the newspapers, is all about money. How many more dollars does Virginia need to raise in taxes or divert from the General Fund to pay for transportation improvements? A billion dollars a year, as Gov. Timothy M. Kaine is asking for? Or a mere \$400 million that the House of Delegates is proposing? That's the capital press corps' story, by Gawd, and every last reporter is sticking to it.

The impending budgetary conflict between Gov. Kaine and the state Senate on one side, and the House of Delegates on the other, was the uniform narrative in the newspaper coverage Saturday<sup>[1]</sup>, the morning after the House of Delegates announced its long-anticipated transportation plan.

I'll give Hugh Lessig at the *Daily News* and Warren Fiske at the *Virginian-Pilot* a modicum of credit: They at least acknowledged that the House plan entails more than dumping more money into Virginia's failed transportation system: Proposals to reform VDOT and address land use issues rated 25 words in Fisk's story and 54 in Lessig's.

Though balanced in the sense that reporters told "both sides" of the story, or, more precisely, both sides of *one strand* of the story, they played directly into

the hands of those who want to raise taxes by defining Virginia's transportation "crisis" as a financial issue. All other potential solutions are routinely ignored. The only issues that make it into print revolve around a single point of conflict: to tax or not to tax? When the debate is framed this way, low-tax advocates come across as obstructionists and do-nothings.



I can't explain why the reporting has been so inadequate — all sorts of uncharitable thoughts spring to mind.

But I do know this: Virginia's press corps is failing its readers in spectacular fashion and biasing the outcome of Virginia's most important political debate of 2006. Vital issues are going grotesquely under-reported.

The [House plan](#), as Speaker William J. Howell, R-Fredericksburg, emphasized, is a "three-pronged" plan. One thrust of the plan -- the one you know about if you've read the newspapers -- revolves around how much more money to inject into the system. In a nutshell, the House would add about \$400 million per year by plowing budget surpluses into transportation projects, dedicating revenues from insurance premiums and recordation taxes, setting up a revolving loan fund to pay for projects in Northern Virginia and Hampton

Roads, and increasing fines on habitually reckless drivers. I won't dwell on the details because that's the one aspect of the debate that the dailies have covered.

But the press is overlooking two critical components to the House plan: overhauling the way VDOT does business and linking transportation and land use planning.

Let me say up front that there are elements in the House package that I don't care for. To my way of thinking, the proposals represent only a feeble first stab at addressing the fundamental changes that need to take place. The House still focuses too much on raising money and adding capacity, and not nearly enough on managing transportation demand. But I'll give Speaker Howell and his colleagues credit for this: *They've broken free from the old tax-and-build paradigm*, and that's big news!

The second prong of the House plan -- one you probably have read nothing about -- endeavors to transform VDOT governance and provide a greater role for local governments and the private sector in devising transportation solutions.

"VDOT was created in the 1930s," Howell explained to me in an interview late Friday. "We're dealing with the same basic model today. It's just not working!"

One House bill would mandate the outsourcing of maintenance on all Interstate highways within the state. That single measure

could save the state tens of millions of dollars per year. (See "[The Waste in Maintenance](#)," Jan. 30, 2006.)

Another bill would shift operation of the Intelligent Transportation System from VDOT control to private control. The logic: Privatization would harness the ingenuity and technological expertise of the private sector to implement the latest ITS capabilities.

Other pieces of legislation would encourage the use of design-build contracts, increase revenue-sharing grants to local governments, and, momentarily, allow the state to grant "concessions" to private contractors to "offer new opportunities to expedite infrastructure improvements to increase highway safety, reduce traffic congestion and enhance mobility."

As Howell summarized the thrust of the legislation, "We've been trying to reform VDOT. ... The Governor and the Senate get the cart before the horse. They want to raise revenue before they get VDOT fixed. ... Let's reform the system before we worry where the money's coming from."

Reforming VDOT requires more than a new super-hero transportation commissioner because the problem runs deeper than the agency's organizational culture. Reform requires making changes to the *governance structure*, especially the Commonwealth Transportation Board, which decides which road projects get funded. "The guy from Fredericksburg [appointed by former Gov. Mark R. Warner] is a real nice fellow, but he's a funeral home director," notes Howell. "He knows nothing about transportation, but he's making decisions about how roads get built."

Virginia can't afford to put amateurs in charge anymore. The House package would provide for the election of district representatives to the Commonwealth Transportation Board in place of political appointees, require the transportation commissioner to report periodically on VDOT efforts to "privatize, outsource and downsize," and set up a Joint Commission on Transportation Accountability to exercise legislative oversight.

*In sum, the House of Delegates proposes to engineer the most radical overhaul in 80 years of the Virginia Department of Transportation -- how the agency is governed, as well as its relationship with local government and the private sector -- and Virginia's press corps doesn't deem the idea worth printing.*

If the press were subject to the same laws as tobacco companies or asbestos manufacturers, Virginia's newspapers could be sued for criminal negligence.

**T**he third prong of the House plan addresses land use, an issue the press corps ignored until Tim Kaine made it a major campaign issue year, and still downplays even today. In this regard, the House agrees with Kaine on the importance of linking transportation and land use reform. Indeed, Howell and Kaine share very similar critiques of what happens when local governments create comprehensive plans and make zoning decisions without consideration to the impact on the local transportation system.

Howell uses an example in his home district to illustrate how the system is broken. The Fredericksburg City Council permitted a major developer, the Sil-

ver Companies, to build a massive complex of shopping centers, big box stores and restaurants, called Central Park, right off Interstate 95. As the dominant shopping complex in the region, Central Park sucks in traffic from miles around, overloading the fragile road network. To make matters worse, City Council has more recently allowed Silver Companies to build a big new convention center and Hilton Hotel nearby.

"The city says, sure, you can build it, without any thought to the roads," says Howell. "Instead of 20,000 cars a day, you'll have 40,000 a day. Who's going to fix it? The state."

But there are important philosophical differences on how transportation and land use planning should be aligned. Kaine wants to give local governments more power to reject rezoning requests that would allow development in areas where the transportation infrastructure is inadequate to handle the resulting traffic. Howell doesn't like that "closing-the-door-on-growth" approach.

The House reform package would require local governments to include transportation improvements -- and the estimated cost of those improvements -- in their comprehensive plans. Furthermore, localities would have to submit their comprehensive plans and traffic impact statements to VDOT for review and comment.

Other measures would ease requirements for allowing local governments to extract proffers from developers, and would put more money into the hands of local governments for transportation improvements.

These are modest measures, and Howell concedes that they

represent only a first step. My personal reaction: It can't hurt to require local governments to consider transportation when they assemble their comprehensive plans. If county supervisors understand the impact their zoning decisions will have on traffic congestion, and if they know how much the roads will cost to fix, they might exercise more prudence.

On the other hand, the House proposals don't touch underlying problems, such as the zoning codes and subdivision ordinances that cause development to be so scattered, disconnected and low-density. Until that pervasive pattern of dysfunctional development changes, any land use reforms will be cosmetic.

**B**ut even my criticisms of the House plan miss a larger point: The House is thinking about the transportation-land use connection. That is a momentous development!

What Virginia's political reporters and editorial writers have failed to grasp is that the terms of the transportation debate are shifting. Even if Kaine and Howell disagree on the specifics of land use reform, so what? Look at how much they *agree* upon.

The Mainstream Media, which dwells on conflict and discord, fails to see the traffic jam for all the cars: Land use reform is not just a local issue anymore; it's a *state* issue, and the Governor and the House have resolved to tackle it.

Underneath the media radar screen, a vibrant debate is taking place about the future of Virginia transportation. From the ranks of free-market think-tank wonks and the Smart Growth activists, creative thinking is bubbling into the political arena.

Even the politicians are getting it. Reporters, it seems, are the last to know.

-- **February 13, 2006**

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(1). See:

[House Opens Fray in VA Over Road Funds](#)

Divisions Crystallize on Spending, Taxes  
- *The Washington Post*

[House Opens a Third Transportation Route](#)

- *The Virginian-Pilot*

[House GOP floats \\$2B roads plan](#)

Republican legislators have a transportation strategy that raises less money but avoids tax hikes  
- *The Daily Press*

[Delegates Pitch Plan for Roads](#)

- *The Fredericksburg Free Lance-Star*

If the Richmond *Times-Dispatch* covered the story, I could not find it online.