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HOUSE BILL NO. 2606

Offered January 10, 2001

A BILL to amend and reenact §§ 15.2-4507, 15.2-4515, 46.2-753, and 58.1-638 of the Code of Virginia and to amend the Code of Virginia by adding in Title 15.2 a chapter numbered 48.1, consisting of sections numbered 15.2-4816 through 15.2-4831; and to repeal Chapter 630 of the Acts of Assembly of 1964, relating to the Northern Virginia Transportation Commission and the Northern Virginia Transportation Authority; continuation of the joint subcommittee to study creation of a Northern Virginia Regional Transportation Authority, established by Senate Joint Resolution No. 121 of the 2000 Session.

Patron—McClure

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-4507, 15.2-4515, 46.2-753, and 58.1-638 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 15.2 a chapter numbered 48.1, consisting of sections numbered 15.2-4816 through 15.2-4831, as follows:

§ 15.2-4507. Members of commission.

A. The commission shall consist of the number of members the component governments shall from time to time agree upon, or as may otherwise be provided by law. The governing body of each participating county and city shall appoint from among its members the number of commissioners to which the county or city is entitled; however, for those commissions with powers as set forth in subsection A of § 15.2-4515, the governing body of each participating county or city is not limited to appointing commissioners from among its members. In addition, the governing body may appoint from its number or otherwise, designated alternate members for those appointed to the commission who shall be able to exercise all of the powers and duties of a commission member when the regular member is absent from commission meetings. Each such appointee shall serve at the pleasure of the appointing body; however, no appointee to a commission with powers as set forth in subsection B of § 15.2-4515 may continue to serve when he is no longer a member of the appointing body. Each governing body shall inform the commission of its appointments to and removals from the commission by delivering to the commission a certified copy of the resolution making the appointment or causing the removal.

In the case of a transportation district which was established on or after July 1, 1986, and which includes more than one jurisdiction located within the Washington, D.C., metropolitan area, the commission shall also include two members of the House of Delegates and one member of the Senate of Virginia from legislative districts located wholly or in part within the boundaries of the transportation district. The members of the House of Delegates shall be appointed by the Speaker of the House for terms of two years and the member of the Senate by the Senate Committee on Privileges and Elections for a term of four years; however, the terms of such members shall terminate if they no longer are members of their respective houses. The members of the General Assembly shall be eligible for reappointment so long as they remain members of their respective houses.

In the case of the Transportation District Commission of Hampton Roads, the commission shall also include one member of the House of Delegates and one member of the Senate, one of whom shall be a resident of the City of Hampton or the City of Newport News and one of whom shall be a resident of the City of Chesapeake, the City of Norfolk, the City of Portsmouth, the City of Suffolk, or the City of Virginia Beach. The member of the House of Delegates shall be appointed by the Speaker of the House for a term of two years and the member of the Senate shall be appointed by the Senate Committee on Privileges and Elections for a term of four years. The terms of such members shall terminate if they no longer are members of their respective houses. The members of the General Assembly shall be eligible for reappointment so long as they remain members of their respective houses and appointments shall be made for any unexpired terms.

The Chairman of the Commonwealth Transportation Board, or his designee, shall be a member of the commission, ex officio. The chairman of the Commonwealth Transportation Board may appoint an alternate member who may exercise all the powers and duties of the chairman of the Commonwealth Transportation Board when neither the chairman of the Commonwealth Transportation Board nor his designee is present at a commission meeting.

B. Any appointed member of a commission of a transportation district which was established prior to July 1, 1986, and which includes jurisdictions located within the Washington, D.C., standard metropolitan statistical area, is authorized to serve as a member of the board of directors of the

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59 Washington Metropolitan Area Transit Authority (Chapter 627 of the Acts of Assembly of 1958 as
60 amended) and while so serving the provisions of § 2-1-30 shall not apply to such member.

61 § 15.2-4515. Powers and functions generally.

62 A. Any other provision of law to the contrary notwithstanding, a commission shall, except as
63 provided in subsection B herein, have the following powers and functions:

64 1. The commission shall prepare the transportation plan for the transportation district and shall from
65 time to time revise and amend the plan in accordance with the planning process and procedures
66 specified in Article 6 (§§ 15.2-4527 and 15.2-4528) of this chapter.

67 2. The commission may, when a transportation plan is adopted according to Article 6, construct or
68 acquire, by purchase or lease, the transportation facilities specified in such transportation plan.

69 3. The commission may enter into agreements or leases with private companies for the operation of
70 its facilities, or may operate such facilities itself.

71 4. The commission may enter into contracts or agreements with the counties and cities within the
72 transportation district, or with counties and cities which adjoin the transportation district and are within
73 the same planning district, or with other commissions of adjoining transportation districts, to provide, or
74 cause to be provided, transit facilities and service to such counties and cities, or to provide transit
75 facilities and other modes of transportation between adjoining transportation districts. Such contracts or
76 agreements, together with any agreements or leases for the operation of such facilities, may be utilized
77 by the transportation district to finance the construction and operation of transportation facilities and
78 such contracts, agreements or leases shall inure to the benefit of any creditor of the transportation
79 district.

80 Notwithstanding the above, however, except in any transportation district containing any or all of the
81 Counties of Hanover, Henrico, and Chesterfield or the City of Richmond, being so delegated by the
82 respective local governments, the commission shall not have the power to regulate services provided by
83 taxicabs, either within municipalities or across municipal boundaries, which regulation is expressly
84 reserved to the municipalities within which taxicabs operate. In any transportation district containing any
85 or all of the Counties of Hanover, Henrico, and Chesterfield or the City of Richmond, the commission
86 may upon proper authority granted by the respective component governments, regulate services provided
87 by taxicabs, either within localities or across county or city boundaries.

88 B. When the transportation district is located within a metropolitan area which includes all or a
89 portion of a state or states contiguous to Virginia, the commission:

90 1. Shall not prepare a transportation plan nor construct or operate transit facilities, but shall
91 collaborate and cooperate in the manner specified in Article 6 (§§ 15.2-4527 and 15.2-4528) with an
92 agency in preparing, revising, and amending a transportation plan for such metropolitan area.

93 2. Shall, according to Article 6 and in cooperation with the governing bodies of the component
94 governments embraced within the transportation district, formulate the tentative policy and decisions of
95 the transportation district with respect to the planning, design, location, construction, operation and
96 financing of transportation facilities.

97 3. May, when a transportation plan applicable to such a transportation district is adopted, enter into
98 contracts or agreements with an agency to contribute to the capital required for the construction and/or
99 acquisition of transportation facilities and for meeting expenses and obligations in the operations of such
100 facilities.

101 4. May, when a transportation plan applicable to such transportation district is adopted, enter into
102 contracts or agreements with the counties and cities within the transportation district to provide or cause
103 to be provided transportation facilities and service to such counties and cities.

104 5. Notwithstanding any other provision herein to the contrary:

105 a. May acquire land or any interest therein by purchase, lease, gift, condemnation or otherwise and
106 provide transportation facilities thereon for use in connection with any transportation service;

107 b. May acquire land or any interest therein by purchase, lease, gift, condemnation or otherwise in
108 advance of need for sale or contribution to an agency, for use by that agency in connection with an
109 adopted mass transit plan;

110 c. May, in accordance with the terms of any grant from or loan by the United States of America or
111 the Commonwealth, or any agency or instrumentality thereof, or when necessary to preserve essential
112 transportation service, acquire transit facilities or any carrier, which is subject to the jurisdiction of the
113 Washington Metropolitan Area Transit Commission, by acquisition of the capital stock or transit
114 facilities and other assets of any such carrier and shall provide for the performance of transportation by
115 any such carrier or with such transit facilities by contract or lease. However, the contract or lease shall
116 be for a term of no more than one year, renewable for additional terms of similar duration, and, in order
117 to assure acceptable fare levels, may provide for financial assistance by purchase of service, operating
118 subsidies or otherwise. No such service will be rendered which will adversely affect transit service
119 rendered by the transit facilities owned or controlled by the agency or any existing private transit or
120 transportation company. When notified by the agency that it is authorized to perform or cause to be

performed transportation services with motor vehicle facilities, the commission, upon request by the agency, shall transfer such capital stock or transit facilities to the agency at a price to be agreed upon; and

d. May prepare a plan for mass transportation services with cities, counties, agencies, authorities, or commissions and may further contract with transportation companies, cities, counties, commissions, authorities, agencies, and departments of the Commonwealth and appropriate agencies of the federal government and/or governments contiguous to Virginia to provide necessary facilities, equipment, operations and maintenance, access, and insurance pursuant to such plan.

C. The provisions of subdivisions 1 through 4 and provisions b and c of subdivision 5 of subsection B shall not apply (i) to any transportation district which may be established on or after July 1, 1986, and which includes any one or more jurisdictions which are located within a metropolitan area, but which were not, on January 1, 1986, members of any other transportation district or (ii) to any jurisdiction which, after July 1, 1989, joins a transportation district which was established on or before January 1, 1986. The provisions of this subsection shall only apply to any transportation district or jurisdiction which is contiguous to the Northern Virginia Transportation District. Any such district or jurisdiction shall be subject to the provisions of subsection A hereof, and further may exercise the powers granted by subdivision B 5 a to acquire land or any interest therein by purchase, lease, gift, condemnation or otherwise and provide transportation facilities thereon for use in connection with any transportation service.

D. Until such time as a commission enters into contracts or agreements with its component governments under the provisions of subdivisions A 4 and B 4 and is receiving revenues thereunder, adequate to meet the administrative expenses of the commission after paying or providing for the payment of the obligations arising under said subdivisions, the administrative expenses of the commission shall be borne by the component governments in the manner herein set forth. The commission annually shall submit to the governing bodies of the component counties and cities a budget of its administrative requirements for the next year. Except for the Northern Virginia Transportation Commission Authority, the administrative expenses of the commission, to the extent funds for such expenses are not provided from other sources, shall be allocated among the component governments on the basis of population as reflected by the latest population statistics of the Bureau of the Census; however, upon the request of any component government, the commission shall make the allocation upon estimates of population prepared in a manner approved by the commission and by the governing body of the component government making such request. For the Northern Virginia Transportation Commission, the administrative expenses of the Commission, to the extent funds for such expenses are not provided from other sources, shall be allocated among the component governments on the basis of the relative shares of state and federal transit aids allocated by the Commission among its component governments. Such budget shall be limited solely to the administrative expenses of the Commission and shall not include any funds for construction or acquisition of transportation facilities and/or the performing of transportation service. In addition, the Commission annually shall submit to the governing bodies of the component counties and cities a budget of its other expenses and obligations for the ensuing year. Such expenses and obligations shall be borne by the component counties and cities in accordance with prior arrangements made therefor.

E. When a transportation plan has been adopted under § 15.2-4528 A 4, the commission shall determine the equitable allocation among the component governments of the costs incurred by the district in providing the transportation facilities proposed in the transportation plan and any expenses and obligations from the operation thereof to be borne by each county and city. In making such determinations, the commission shall consider the cost of the facilities located within each county and city, the population of each county and city, the benefits to be derived by each county and city from the proposed transportation service and all other factors which the commission determines to be relevant. Such determination, however, shall not create a commitment by the counties and cities and such commitments shall be created only under the contracts or agreements specified in subdivisions A 4 and B 4.

CHAPTER 48.1.

NORTHERN VIRGINIA TRANSPORTATION AUTHORITY.

§ 15.2-4816. Short title.

This chapter shall be known and may be cited as the Northern Virginia Transportation Authority Act.

§ 15.2-4817. Declaration.

The development of an integrated and efficient transportation system, composed of transit facilities, public highways, and other modes of transport, is necessary for the continued prosperity and quality of life in the localities hereinafter defined in § 15.2-4819 and the Commonwealth of Virginia; and the creation of a transportation authority comprising said localities as hereinafter provided, which shall function as a public instrumentality with all the powers granted to transportation districts by Chapter 45

182 (*§ 15.2-4500, et seq.*) of this title, is hereby determined to be the most advisable means of planning and
183 developing a transportation system required for the safety, comfort, and convenience of the citizens of
184 said localities and for the economical utilization of public funds.

185 *§ 15.2-4818. Authority created.*

186 There is hereby created the Northern Virginia Transportation Authority, hereinafter known as "the
187 Authority."

188 In addition to such other powers vested in the Authority by this chapter, the Authority shall have all
189 powers and functions granted to transportation districts by *§ 15.2-4515*.

190 *§ 15.2-4819. Localities embraced within the Authority.*

191 The Authority shall embrace the Counties of Arlington, Fairfax, Loudoun, and Prince William, and
192 the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park.

193 *§ 15.2-4820. Composition of Authority; Chairman and Vice Chairman.*

194 The Authority shall consist of seventeen voting members, including ten representatives of local
195 governments and seven representatives of the Commonwealth as follows:

196 The Mayor of Alexandria or one member of the Alexandria City Council, one member of the
197 Arlington County Board of Supervisors, the Mayor of Fairfax or one member of the Fairfax City
198 Council, two members of the Fairfax County Board of Supervisors, the Mayor of Falls Church or one
199 member of the Falls Church City Council, one member of the Loudoun County Board of Supervisors,
200 the Mayor of Manassas or one member of the Manassas City Council, the Mayor of Manassas Park or
201 one member of the Manassas Park City Council, and one member of the Prince William County Board
202 of Supervisors, each chosen by the respective local governing body; and

203 One member of the Virginia Senate who resides in a locality embraced by the Authority and serves
204 on the Senate Committee on Finance, one member of the Virginia Senate who resides in a locality
205 embraced by the Authority and serves on the Senate Committee on Transportation, both appointed by
206 the Senate Committee on Privileges and Elections;

207 One member of the Virginia House of Delegates who resides in a locality embraced by the Authority
208 and serves on the House Committee on Finance, one member of the Virginia House of Delegates who
209 resides in a locality embraced by the Authority and serves on the House Committee on Appropriations,
210 and one member of the Virginia House of Delegates who resides in a locality embraced by the Authority
211 and serves on the House Committee on Transportation, all appointed by the Speaker of the House;

212 The member of the Commonwealth Transportation Board appointed to represent Northern Virginia
213 and one member of the Transportation Board designated as an urban at-large member, selected by the
214 Commonwealth Transportation Board.

215 In addition, the following persons shall serve as nonvoting members of the Authority: the Virginia
216 Secretary of Transportation, or her designee, the Director of the Virginia Department of Rail and Public
217 Transportation, or his designee, the regional administrator of the Virginia Department of
218 Transportation's Northern Virginia Highway Construction District, a member of the Board of Directors
219 of the Metropolitan Washington Airports Authority, selected by the Board, and the Chairman of the
220 Potomac-Rappahannock Transportation Commission, or his designee.

221 The member of the Commonwealth Transportation Board appointed to represent Northern Virginia
222 shall be Chairman. A representative of a component local government, chosen annually by the ten
223 representatives of component local governments, shall be Vice Chairman.

224 *§ 15.2-4821. Staff.*

225 The Authority may employ such staff as it shall determine to be necessary to carry out its duties and
226 responsibilities under this chapter. The Virginia Department of Transportation and the Virginia
227 Department of Rail and Public Transportation shall make their employees available to assist the
228 Authority, upon request.

229 *§ 15.2-4822. Decisions of Authority; weighted voting.*

230 Decisions of the Authority shall generally be by nonweighted vote, but shall, upon the request of
231 representatives of two or more component local governments, be by weighted voting by localities as
232 provided in this section. Representatives of local governing bodies appointed to the Authority shall cast
233 a total of ten weighted votes, based upon a fraction created by using their jurisdiction's population as
234 the numerator and one-ninth of the overall population of all jurisdictions embraced by the Authority as
235 the denominator. The population of each jurisdiction shall be the population as determined by the most
236 recently preceding decennial census, except that in the sixth year following such census, the population
237 of each district shall be adjusted, based on population projections made by the Weldon Cooper Center
238 for Public Service of the University of Virginia. The weighted vote cast by representatives of Fairfax
239 County shall be divided evenly between its two representatives, or be cast by one of them if the second
240 representative is absent. No weighted vote shall be effective unless local representatives from at least
241 five localities vote in the majority. Voting members of the Authority who do not represent local
242 governments shall each cast one nonweighted vote.

243 *§ 15.2-4823. Allocation of certain Authority expenses among component local governments.*

The administrative expenses of the Authority, to the extent funds for such expenses are not provided from other sources, shall be allocated among the component governments on the basis of the relative shares of state and federal transit aids allocated by the Authority among its component governments. Such budget shall be limited solely to the administrative expenses of the Authority and shall not include any funds for construction or acquisition of transportation facilities and/or the performing of transportation service. In addition, the Authority annually shall submit to the governing bodies of the component counties and cities a budget of its other expenses and obligations for the ensuing year. Such expenses and obligations shall be borne by the component counties and cities in accordance with prior arrangements made therefor.

§ 15.2-4824. Payment to members of Authority.

The members of the Authority may be paid for their services a per diem in either (i) the amount provided in the general appropriations act for members of the General Assembly engaged in legislative business between session or (ii) a lesser amount as determined by the Authority.

§ 15.2-4825. Formation of advisory committees.

The Authority may, in its discretion, form one or more technical, or citizens', or other advisory committees.

§ 15.2-4826. Appointment of members of the Board of the Washington Metropolitan Area Transit Authority.

The Authority shall appoint, from among its own membership, the Virginia members of the Board of Directors of the Washington Metropolitan Area Transit Authority (Chapter 627 of the Acts of Assembly of 1958, as amended) whose terms begin on or after July 1, 2001, and while so serving, the provisions of § 2.1-30 shall not apply to such members.

§ 15.2-4827. Appointment of Virginia members of metropolitan planning organization for Washington metropolitan area.

The component local governments of the Authority, as applicable, shall appoint their representatives to the Authority as the Virginia local government members of the National Capital Region Transportation Planning Board or any other metropolitan planning organization, however styled or denominated, vested by federal law with transportation planning responsibilities for the Virginia portion of the Washington metropolitan area. Likewise, the Commonwealth's members of such Board or other organization, as applicable, shall be appointed from among the Commonwealth's representatives to the Authority.

§ 15.2-4828. Responsibilities of Authority for long-range transportation planning.

The Authority shall be responsible for long-range transportation planning for regional transportation projects in the localities embraced within the Authority. In carrying out this responsibility, the Authority shall, on the basis of a regional consensus, whenever possible, set regional transportation policies and priorities for regional transportation projects.

§ 15.2-4829. Authority to issue bonds.

The Authority may issue such bonds and other evidences of debt as may from time to time be authorized by bills or resolutions passed by a majority vote of those elected to each house of the General Assembly.

§ 15.2-4830. Other duties and responsibilities of Authority.

In addition to other powers herein granted, the Authority shall have the following duties and responsibilities:

1. General oversight, subject to the statutory authority of the Commonwealth Transportation Board, of regional programs of the Virginia Department of Transportation and/or the Virginia Department of Rail and Public Transportation involving mass transit or congestion mitigation, including, but not necessarily limited to car-pooling, van-pooling, and ride-sharing;

2. Long-range regional planning, both financially constrained and unconstrained, including preparation of annual Transportation Improvement Plans updates as provided by federal law;

3. Recommending to state and federal agencies regional transportation priorities and funding allocations;

4. Developing, in coordination with affected local governments, regional priorities and policies affecting air quality and general environmental issues;

5. Allocating to priority highway transportation projects any funds made available to the Authority by the General Assembly or the Commonwealth Transportation Board and directly overseeing such projects;

6. Recommending to the Commonwealth Transportation Board priority highway and transportation projects for receipt of federal and state funds allocated to the Northern Virginia Highway Construction District;

7. Recommending use and/or changes in use of tolls for facilities in the Northern Virginia Highway Construction District;

305 8. *General oversight, subject to the authority and jurisdiction of the Commonwealth Transportation*
306 *Board, of regional transportation operational issues of a multijurisdictional nature, including but not*
307 *limited to intelligent transportation systems, signalization, and preparation for and response to*
308 *emergencies;*

309 9. *Coordinating Virginia issues coming before the National Capital Regional Transportation*
310 *Planning Board;*

311 10. *Serving as an advocate for the transportation needs of Northern Virginia before state and federal*
312 *agencies and entities; and*

313 11. *Serving as the fiscal agent for state funds allocated for the Washington Metropolitan Area*
314 *Transit Authority, but doing so without redistributing or reallocating such funds to any other purposes.*

315 § 15.2-4831. *Levy and collecting taxes prohibited.*

316 *The Authority shall not exercise, and no provision of this chapter shall be construed to grant, the*
317 *power to levy or collect any tax whatsoever. The provisions of this section shall not prohibit the*
318 *charging and collection of tolls.*

319 § 46.2-753. *Additional license fees in certain localities.*

320 Notwithstanding any other provision of law, the governing bodies of Alexandria, Arlington, Fairfax
321 County, Fairfax City, and Falls Church are authorized to charge annual license fees, in addition to those
322 specified in § 46.2-752, on passenger cars not used for the transportation of passengers for
323 compensation. The additional fee shall be no more than five dollars. The total local license fee shall be
324 no more than twenty-five dollars on any vehicle and this license fee shall not be imposed on any motor
325 vehicle exempted under § 46.2-739.

326 The governing bodies are also authorized to charge additional annual license fees on the motor
327 vehicles, trailers, and semitrailers as specified in § 46.2-697 in an amount of no more than five dollars
328 for each such vehicle. This authorization shall not increase the maximum chargeable by more than five
329 dollars or affect any existing exemption.

330 Any funds acquired in excess of those allowed by § 46.2-752, shall be allocated to the Northern
331 Virginia Transportation ~~Commission~~ *Authority* to be a credit to that jurisdiction making the payment for
332 its share of any operating deficit assigned to it by the Washington Metropolitan Area Transit Authority.

333 § 58.1-638. *Disposition of state sales and use tax revenue; Transportation Trust Fund; localities'*
334 *share; Game Protection Fund.*

335 A. The Comptroller shall designate a specific revenue code number for all the state sales and use tax
336 revenue collected under the preceding sections of this chapter.

337 1. The sales and use tax revenue generated by the one-half percent sales and use tax increase enacted
338 by the 1986 Special Session of the General Assembly shall be paid, in the manner hereinafter provided
339 in this section, to the Transportation Trust Fund as defined in § 33.1-23.03:1. Of the funds paid to the
340 Transportation Trust Fund, an aggregate of 4.2 percent shall be set aside as the Commonwealth Port
341 Fund as provided in this section; an aggregate of 2.4 percent shall be set aside as the Commonwealth
342 Airport Fund as provided in this section; and an aggregate of 14.5 percent in fiscal year 1998-1999 and
343 14.7 percent in fiscal year 1999-2000 and thereafter shall be set aside as the Commonwealth Mass
344 Transit Fund as provided in this section. The Fund's share of such net revenue shall be computed as an
345 estimate of the net revenue to be received into the state treasury each month, and such estimated
346 payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall
347 be made to the Fund on the last day of each month.

348 2. There is hereby created in the Department of the Treasury a special nonreverting fund which shall
349 be a part of the Transportation Trust Fund and which shall be known as the Commonwealth Port Fund.

350 a. The Commonwealth Port Fund shall be established on the books of the Comptroller and the funds
351 remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in
352 the Fund. Interest earned on such funds shall remain in the Fund and be credited to it. Funds may be
353 paid to any authority, locality or commission for the purposes hereinafter specified.

354 b. The amounts allocated pursuant to this section shall be allocated by the Commonwealth
355 Transportation Board to the Board of Commissioners of the Virginia Port Authority to be used to
356 support port capital needs and the preservation of existing capital needs of all ocean, river, or tributary
357 ports within the Commonwealth.

358 c. Commonwealth Port Fund revenue shall be allocated by the Board of Commissioners to the
359 Virginia Port Authority in order to foster and stimulate the flow of maritime commerce through the
360 ports of Virginia, including but not limited to the ports of Richmond, Hopewell and Alexandria.

361 3. There is hereby created in the Department of the Treasury a special nonreverting fund which shall
362 be part of the Transportation Trust Fund and which shall be known as the Commonwealth Airport Fund.
363 The Commonwealth Airport Fund shall be established on the books of the Comptroller and any funds
364 remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in
365 the Fund. Interest earned on the funds shall be credited to the Fund. The funds so allocated shall be
366 allocated by the Commonwealth Transportation Board to the Virginia Aviation Board. The funds shall

be allocated by the Virginia Aviation Board to any Virginia airport which is owned by the Commonwealth, a governmental subdivision thereof, or a private entity to which the public has access for the purposes enumerated in § 5.1-2.16, or is owned or leased by the Metropolitan Washington Airports Authority (MWAA), as follows:

Any new funds in excess of \$12.1 million which are available for allocation by the Virginia Aviation Board from the Commonwealth Transportation Fund, shall be allocated as follows: sixty percent to MWAA, up to a maximum annual amount of two million dollars, and forty percent to air carrier airports as provided in subdivision A 3 a. Except for adjustments due to changes in enplaned passengers, no air carrier airport sponsor, excluding MWAA, shall receive less funds identified under subdivision A 3 a than it received in fiscal year 1994-1995.

Of the remaining amount:

a. Forty percent of the funds shall be allocated to air carrier airports, except airports owned or leased by MWAA, based upon the percentage of enplanements for each airport to total enplanements at all air carrier airports, except airports owned or leased by MWAA. No air carrier airport sponsor, however, shall receive less than \$50,000 nor more than \$2 million per year from this provision.

b. Forty percent of the funds shall be allocated by the Aviation Board for air carrier and reliever airports on a discretionary basis, except airports owned or leased by MWAA.

c. Twenty percent of the funds shall be allocated by the Aviation Board for general aviation airports on a discretionary basis.

4. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be a part of the Transportation Trust Fund and which shall be known as the Commonwealth Mass Transit Fund.

a. The Commonwealth Mass Transit Fund shall be established on the books of the Comptroller and any funds remaining in such Fund at the end of the biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall be credited to the Fund. Funds may be paid to any local governing body, transportation district commission, or public service corporation for the purposes hereinafter specified.

b. The amounts allocated pursuant to this section may be used to support a maximum of fifty percent of the public transportation administrative costs and up to eighty percent of the costs of ridesharing programs borne by the locality. These amounts may be used to support up to ninety-five percent of the local or nonfederal share of capital project costs for public transportation and ridesharing equipment, facilities, and associated costs. Capital costs may include debt service payments on local or agency transit bonds. Further, these amounts may be used to support a maximum of ninety-five percent of the costs borne by the locality for the purchase of fuels, lubricants, tires and maintenance parts and supplies for public transportation. The term "borne by the locality" means the local share eligible for state assistance consisting of costs in excess of the sum of fares and other operating revenues plus federal assistance received by the locality.

c. Commonwealth Mass Transit Fund revenue shall be allocated by the Commonwealth Transportation Board as follows:

(1) Funds for special programs, which shall include ridesharing, experimental transit, and technical assistance, shall not exceed 1.5 percent of the Fund.

(2) The Board may allocate these funds to any locality or planning district commission to finance up to eighty percent of the local share of all costs associated with the development, implementation, and continuation of ridesharing programs.

(3) Funds allocated for experimental transit projects may be paid to any local governing body, transportation district commission, or public corporation or may be used directly by the Department of Rail and Public Transportation for the following purposes:

(a) To finance up to ninety-five percent of the capital costs related to the development, implementation and promotion of experimental public transportation and ridesharing projects approved by the Board.

(b) To finance up to ninety-five percent of the operating costs of experimental mass transportation and ridesharing projects approved by the Board for a period of time not to exceed twelve months.

(c) To finance up to ninety-five percent of the cost of the development and implementation of any other project designated by the Board where the purpose of such project is to enhance the provision and use of public transportation services.

d. Funds allocated for public transportation promotion and operation studies may be paid to any local governing body, planning district commission, transportation district commission, or public transit corporation, or may be used directly by the Department of Rail and Public Transportation for the following purposes and aid of public transportation services:

(1) At the approval of the Board to finance a program administered by the Department of Rail and Public Transportation designed to promote the use of public transportation and ridesharing throughout

428 Virginia.

429 (2) To finance up to fifty percent of the local share of public transportation operations planning and
430 technical study projects approved by the Board.

431 e. At least 73.5 percent of the Fund shall be distributed to each transit property in the same
432 proportion as its operating expenses bear to the total statewide operating expenses and shall be spent for
433 the purposes specified in subdivision 4 b.

434 f. The remaining twenty-five percent shall be distributed for capital purposes on the basis of
435 ninety-five percent of the nonfederal share for federal projects and ninety-five percent of the total costs
436 for nonfederal projects. In the event that total capital funds available under this subdivision are
437 insufficient to fund the complete list of eligible projects, the funds shall be distributed to each transit
438 property in the same proportion that such capital expenditure bears to the statewide total of capital
439 projects.

440 g. There is hereby created in the Department of the Treasury a special nonreverting fund known as
441 the Commonwealth Transit Capital Fund. The Commonwealth Transit Capital Fund shall be part of the
442 Commonwealth Mass Transit Fund. The Commonwealth Transit Capital Fund subaccount shall be
443 established on the books of the Comptroller and consist of such moneys as are appropriated to it by the
444 General Assembly and of all donations, gifts, bequests, grants, endowments, and other moneys given,
445 bequeathed, granted, or otherwise made available to the Commonwealth Transit Capital Fund. Any funds
446 remaining in the Commonwealth Transit Capital Fund at the end of the biennium shall not revert to the
447 general fund, but shall remain in the Commonwealth Transit Capital Fund. Interest earned on funds
448 within the Commonwealth Transit Capital Fund shall remain in and be credited to the Commonwealth
449 Transit Capital Fund. Proceeds of the Commonwealth Transit Capital Fund may be paid to any political
450 subdivision, another public entity created by an act of the General Assembly, or a private entity as
451 defined in § 56-557 and for purposes as enumerated in subdivision 4c of § 33.1-269 or expended by the
452 Department of Rail and Public Transportation for the purposes specified in this subdivision. Revenues of
453 the Commonwealth Transit Capital Fund shall be used to support capital expenditures involving the
454 establishment, improvement, or expansion of public transportation services through specific projects
455 approved by the Commonwealth Transportation Board. Projects financed by the Commonwealth Transit
456 Capital Fund shall receive local, regional or private funding for at least twenty percent of the nonfederal
457 share of the total project cost.

458 5. Funds for Metro shall be paid by the Northern Virginia Transportation ~~Commission (NVTC)~~
459 *Authority (NVTA)* to the Washington Metropolitan Area Transit Authority (WMATA) and be a credit to
460 the Counties of Arlington and Fairfax and the Cities of Alexandria, Falls Church and Fairfax in the
461 following manner:

462 a. Local obligations for debt service for WMATA rail transit bonds apportioned to each locality
463 using WMATA's capital formula shall be paid first by ~~NVTC~~ *NVTA*. ~~NVTC~~ *NVTA* shall use ninety-five
464 percent state aid for these payments.

465 b. The remaining funds shall be apportioned to reflect WMATA's allocation formulas by using the
466 related WMATA-allocated subsidies and relative shares of local transit subsidies. Capital costs shall
467 include twenty percent of annual local bus capital expenses. Hold harmless protections and obligations
468 for ~~NVTC's~~ *the* jurisdictions agreed to by NVTC on November 5, 1998, shall remain in effect.

469 Appropriations from the Commonwealth Mass Transit Fund are intended to provide a stable and
470 reliable source of revenue as defined by Public Law 96-184.

471 B. The sales and use tax revenue generated by a one percent sales and use tax shall be distributed
472 among the counties and cities of this Commonwealth in the manner provided in subsections C and D.

473 C. The localities' share of the net revenue distributable under this section among the counties and
474 cities shall be apportioned by the Comptroller and distributed among them by warrants of the
475 Comptroller drawn on the Treasurer of Virginia as soon as practicable after the close of each month
476 during which the net revenue was received into the state treasury. The distribution of the localities' share
477 of such net revenue shall be computed with respect to the net revenue received into the state treasury
478 during each month, and such distribution shall be made as soon as practicable after the close of each
479 such month.

480 D. The net revenue so distributable among the counties and cities shall be apportioned and
481 distributed upon the basis as certified to the Comptroller by the Department of Education, of the number
482 of children in each county and city according to the most recent statewide census of school population
483 taken by the Department of Education pursuant to § 22.1-284, as adjusted in the manner hereinafter
484 provided. No special school population census, other than a statewide census, shall be used as the basis
485 of apportionment and distribution except that in any calendar year in which a statewide census is not
486 reported, the Department of Education shall adjust such school population figures by the same percent of
487 annual change in total population estimated for each locality by The Center for Public Service. The
488 revenue so apportionable and distributable is hereby appropriated to the several counties and cities for
489 maintenance, operation, capital outlays, debt and interest payments, or other expenses incurred in the

operation of the public schools, which shall be considered as funds raised from local resources. In any county, however, wherein is situated any incorporated town constituting a school division, the county treasurer shall pay into the town treasury for maintenance, operation, capital outlays, debt and interest payments, or other expenses incurred in the operation of the public schools, the proper proportionate amount received by him in the ratio that the school population of such town bears to the school population of the entire county. If the school population of any city or of any town constituting a school division is increased by the annexation of territory since the last preceding school population census, such increase shall, for the purposes of this section, be added to the school population of such city or town as shown by the last such census and a proper reduction made in the school population of the county or counties from which the annexed territory was acquired.

E. Beginning July 1, 2000, of the remaining sales and use tax revenue, the revenue generated by a two percent sales and use tax, up to an annual amount of \$13 million, collected from the sales of hunting equipment, auxiliary hunting equipment, fishing equipment, auxiliary fishing equipment, wildlife-watching equipment, and auxiliary wildlife-watching equipment in Virginia, as estimated by the most recent U.S. Department of the Interior, Fish and Wildlife Service and U.S. Department of Commerce, Bureau of the Census National Survey of Fishing, Hunting, and Wildlife-Associated Recreation, shall be paid into the Game Protection Fund established under § 29.1-101 and shall be used, in part, to defray the cost of law enforcement. Not later than thirty days after the close of each quarter, the Comptroller shall transfer to the Game Protection Fund the appropriate amount of collections to be dedicated to such Fund. At any time that the balance in the Capital Improvement Fund, established under § 29.1-101.1, is equal to or in excess of \$35 million, any portion of sales and use tax revenues that would have been transferred to the Game Protection Fund, established under § 29.1-101, in excess of the net operating expenses of the Board, after deduction of other amounts which accrue to the Board and are set aside for the Game Protection Fund, shall remain in the general fund until such time as the balance in the Capital Improvement Fund is less than \$35 million.

F. If errors are made in any distribution, or adjustments are otherwise necessary, the errors shall be corrected and adjustments made in the distribution for the next quarter or for subsequent quarters.

G. The term "net revenue," as used in this section, means the gross revenue received into the general fund or the Transportation Trust Fund of the state treasury under the preceding sections of this chapter, less refunds to taxpayers.

2. That Chapter 630 of the 1964 Acts of Assembly, as amended, is repealed.

3. That on and after July 1, 2002, all debts, assets, contracts, and agreements issued, held, or entered into by the Northern Virginia Transportation Commission shall be deemed issued, held, or entered into by the Northern Virginia Transportation Authority. Any responsibilities vested by interstate compact in the Northern Virginia Transportation Commission for appointing Virginia members to any Board having responsibility for an interstate mass transit system shall be deemed to have been vested in the Northern Virginia Transportation Authority.

4. That the joint subcommittee to study creation of a Northern Virginia Regional Transportation Authority, established pursuant to Senate Joint Resolution No. 121, approved by the 2000 Session of the General Assembly, shall continue its work and, in addition to its other activities, review the provisions of this act, particularly its provisions relating to the structure, membership, responsibilities of the Authority, weighted voting, absorption of the Northern Virginia Transportation Commission by the Authority, and the desirability and feasibility of providing for the Authority's absorption of any other Northern Virginia transportation entities.

5. That the provisions of this act shall become effective on July 1, 2002.