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**HOUSE BILL NO. 426****AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the House Committee on Appropriations  
on February 8, 2002)

(Patron Prior to Substitute—Delegate Black)

*A Bill to amend and reenact §§ 33.1-221.1:3 and 58.1-815.1 of the Code of Virginia, and to amend and reenact § 2 of Chapter 391 of the Acts of Assembly of 1993, as amended by Chapters 470 and 597 of the Acts of Assembly of 1994 and by Chapters 740 and 761 of the Acts of Assembly of 1998, and as amended by Chapter 538 of the Acts of Assembly of 1999, relating to increasing the principal amount of bonds authorized to be issued for certain projects in the Northern Virginia Transportation District Program to \$500,200,000 and designating the projects for the increase.*

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 33.1-221.1:3 and 58.1-815.1 of the Code of Virginia are amended and reenacted as follows:**

§ 33.1-221.1:3. Northern Virginia Transportation District Program.

A. The General Assembly declares it to be in the public interest that the economic development needs and economic growth potential of Northern Virginia be addressed by a special transportation program to provide for the costs of providing an adequate, modern, safe and efficient transportation network in Northern Virginia which shall be known as the Northern Virginia Transportation District Program (the Program), including, without limitation, environmental and engineering studies, rights-of-way acquisition, construction, improvements to all modes of transportation, and financing costs. The Program consists of the following projects: the Fairfax County Parkway, Route 234 Bypass, *Metrorail Capital Improvements attributable to Fairfax County including Metro parking expansions*, Metro Capital Improvements, including the Franconia-Springfield Metrorail Station and new rail car purchases, Route 7 improvements in Loudoun County and Fairfax County, the Route 50/Courthouse Road interchange improvements in Arlington County, the Route 28/Route 625 interchange improvements in Loudoun County, Metrorail capital improvements attributable to the City of Alexandria including the King Street Metrorail Station access, Metrorail capital improvements attributable to Arlington County, including Ballston Station improvements, Route 15 safety improvements in Loudoun County, *Route 28 parallel roads in Loudoun County*, Route 1/Route 123 interchange improvements in Prince William County, Lee Highway improvements in the City of Fairfax, Route 123 improvements in Fairfax County, Telegraph Road improvements in Fairfax County, *Route 123 Occoquan River Bridge*, Route 1/Route 234 interchange improvements in Prince William County, Potomac-Rappahannock Transportation Commission bus replacement program, and Dulles Corridor Enhanced Transit program.

B. Allocations to this Program from the Northern Virginia Transportation District Fund established by § 58.1-815.1 shall be made annually by the Commonwealth Transportation Board for the creation and enhancement of a safe, efficient transportation system connecting the communities, businesses, places of employment, and residences of the Commonwealth, thereby enhancing the economic development potential, employment opportunities, mobility and quality of life in Virginia.

C. Except in the event that the Northern Virginia Transportation District Fund is insufficient to pay for the costs of the Program, allocations to the Program shall not diminish or replace allocations made from other sources or diminish allocations to which any district, system, or locality would be entitled under other provisions of this title, but shall be supplemental to other allocations to the end that transportation improvements in the Northern Virginia Transportation District may be accelerated and augmented. Allocations under this subsection shall be limited to projects specified in § 33.1-268 (2) (s).

D. The Commonwealth Transportation Board may expend such funds from all sources as may be lawfully available to initiate the Program and to support bonds and other obligations referenced in subsection E of this section.

E. The Commonwealth Transportation Board is authorized to receive, dedicate or use first from (i) revenues received from the Northern Virginia Transportation District Fund, (ii) to the extent required, funds appropriated and allocated, pursuant to the highway allocation formula as provided by law, to the highway construction district in which the project or projects to be financed are located or to the city or county in which the project or projects to be financed are located, (iii) to the extent required, legally available revenues of the Transportation Trust Fund, and (iv) such other funds which may be appropriated by the General Assembly for the payment of bonds or other obligations, including interest thereon, issued in furtherance of the Program. No such bond or other obligations shall pledge the full faith and credit of the Commonwealth.

§ 58.1-815.1. Northern Virginia Transportation District Fund.

A. There is hereby created in the Department of the Treasury a special nonreverting fund which shall

60 be a part of the Transportation Trust Fund and which shall be known as the Northern Virginia  
61 Transportation District Fund, consisting of transfers pursuant to § 58.1-816 of annual collections of the  
62 state recordation taxes attributable to the Cities of Alexandria, Fairfax, Falls Church, Manassas, and  
63 Manassas Park and the Counties of Arlington, Fairfax, Loudoun, and Prince William; however, this  
64 dedication shall not affect the local recordation taxes under §§ 58.1-802 B and 58.1-814. The Fund shall  
65 also include any public rights-of-way use fees appropriated by the General Assembly; any state or local  
66 revenues, including but not limited to, any funds distributed pursuant to §§ 33.1-23.3, 33.1-23.4 or  
67 § 33.1-23.5:1, which may be deposited into the Fund pursuant to a contract between a jurisdiction  
68 participating in the Northern Virginia Transportation District Program and the Commonwealth  
69 Transportation Board; and any other funds as may be appropriated by the General Assembly from time  
70 to time and designated for this Fund and all interest, dividends and appreciation which may accrue  
71 thereto. Any moneys remaining in the Fund at the end of a biennium shall not revert to the general  
72 fund, but shall remain in the Fund, subject to the determination by the Commonwealth Transportation  
73 Board that a Category 2, 3 or 4 project or projects may be funded.

74 B. Allocations from this Fund may be paid (i) to any authority, locality or commission for the  
75 purposes of paying the costs of the Northern Virginia Transportation District Program which consists of  
76 the following: the Fairfax County Parkway, Route 234 Bypass, *Metrorail Capital Improvements*  
77 *attributable to Fairfax County including Metro parking expansions*, Metro Capital Improvements,  
78 including the Franconia-Springfield Metrorail Station and new rail car purchases, Route 7 improvements  
79 in Loudoun County and Fairfax County, the Route 50/Courthouse Road interchange improvements in  
80 Arlington County, the Route 28/Route 625 interchange improvements in Loudoun County, Metrorail  
81 capital improvements attributable to the City of Alexandria including the King Street Metrorail Station  
82 access, Metrorail capital improvements attributable to Arlington County, including Ballston Station  
83 improvements, Route 15 safety improvements in Loudoun County, *Route 28 parallel roads in Loudoun*  
84 *County*, Route 1/Route 123 interchange improvements in Prince William County, Lee Highway  
85 improvements in the City of Fairfax, Route 123 improvements in Fairfax County, Telegraph Road  
86 improvements in Fairfax County, *Route 123 Occoquan River Bridge*, Route 1/Route 234 interchange  
87 improvements in Prince William County, Potomac-Rappahannock Transportation Commission bus  
88 replacement program, and Dulles Corridor Enhanced Transit program and (ii) for Category 4 projects as  
89 provided in § 2 of the act or acts authorizing the issuance of Bonds for the Northern Virginia  
90 Transportation District Program.

91 C. On or before July 15, 1994, \$19 million shall be transferred to the Fund. Such transfer shall be  
92 made by the issuance of a treasury loan at no interest in the amount of \$19 million in the event such an  
93 amount is not included for the Fund in the general appropriation act enacted by the 1994 Session of the  
94 General Assembly. Such treasury loan shall be repaid from the Commonwealth's portion of the state  
95 recordation tax imposed by Chapter 8 (§ 58.1-800 et seq.) of Title 58.1 designated for the Fund by this  
96 section and § 58.1-816.

97 **2. That § 2 of Chapter 391 of the Acts of Assembly of 1993, as amended by Chapters 470 and 597**  
98 **of the Acts of Assembly of 1994 and by Chapters 740 and 761 of the Acts of Assembly of 1998**  
99 **and by Chapter 538 of the Acts of Assembly of 1999, is amended and reenacted as follows:**

100 § 2. The Commonwealth Transportation Board is hereby authorized, by and with the consent of the  
101 Governor, to issue, pursuant to the provisions of §§ 33.1-267 through 33.1-295, at one time or from time  
102 to time, bonds of the Commonwealth to be designated "Commonwealth of Virginia Transportation  
103 Contract Revenue Bonds, Series .....", in an aggregate principal amount not exceeding  
104 ~~\$471,200,000~~\$500,200,000 to finance the cost of the projects plus an amount for the issuance costs,  
105 capitalized interest, reserve funds, and other financing expenses (the "Bonds"). The proceeds of the  
106 Bonds shall be used exclusively for the purpose of providing funds, with any other available funds, for  
107 paying the costs incurred or to be incurred for construction or funding of the projects which comprise  
108 the Northern Virginia Transportation District Program as hereinafter defined and as established in Article  
109 5 (§ 33.1-267 et seq.) of Chapter 3 of Title 33.1, consisting of environmental and engineering studies,  
110 rights-of-way acquisition, improvements to all modes of transportation, construction and related  
111 improvements (the "projects"). Such costs may include the payment of interest on the Bonds for a period  
112 during construction and not exceeding one year after completion of construction of the projects.

113 The projects shall be classified as Category 1, Category 2, Category 3, and Category 4 projects, each  
114 category being subject to different preconditions. Bonds to finance the cost of Category 1 and Category  
115 3 projects may be issued by the Commonwealth Transportation Board. Bonds to finance the cost of  
116 Category 2 projects may be issued by the Commonwealth Transportation Board only if the aggregate  
117 principal amount of ~~\$466,200,000~~\$495,200,000 in bonds has been issued to finance the cost of Category  
118 1 and Category 3 projects. Category 4 projects shall not be financed through the issuance of bonds;  
119 however, after all Bonds authorized have been issued, then to the extent the Northern Virginia  
120 Transportation District Fund contains amounts in excess of the amount needed to pay annual debt  
121 service on such Bonds in a particular fiscal year, such excess amounts may be expended to pay the cost

of the work identified as Category 4 projects.

The projects, and the amount of bonds authorized to be issued for each such project, are as follows and constitute the Northern Virginia Transportation District Program:

Category 1 projects	Bond Amount
Metro Capital Improvements, including the	
Franconia-Springfield Metrorail Station	\$ 85,600,000
Fairfax County Parkway	\$ 87,000,000
Route 234 Bypass	\$ 73,400,000
Route 7 improvements between Route 15 and Route	
28 in Loudoun County	\$ 15,000,000
Total	\$261,000,000

Category 2 projects consist of the Route 234 Bypass/Route 28 interchange improvements in Prince William County, in the amount of \$5,000,000.

Category 3 projects	Bond Amount
Route 50/Courthouse Road interchange	\$10,000,000
Fairfax County Parkway --	
<del>Partially-funded segments between Route 1 and</del>	
Route 7	<del>\$50,000,000</del>
	\$65,000,000
Route 234 Bypass from Route 28 to Route 234	\$15,300,000
Route 28/Route 625 interchange	\$ 7,900,000
Route 28 Parallel Roads in Loudoun County	\$ 3,500,000
Metrorail Capital Improvements attributable to	
the City of Alexandria, including the King	
Street Metrorail station access	\$ 8,600,000
Metrorail Capital Improvements attributable to	
Fairfax County, including Metro Parking	
expansions	\$ 5,000,000--
Metrorail Capital Improvements, including new	
rail car purchases	\$ 29,300,000

179	Route 15 Safety Improvements	
180		
181	Leesburg Town Line	
182		
183	to Potomac River	\$ 10,100,000
184		
185	Route 1/Route 123 Interchange	\$ 8,200,000
186		
187	Lee Highway Improvements	
188		
189	City of Fairfax	\$ 3,100,000
190		
191	Route 123 Widening Occoquan River to Lee	
192		
193	Chapel Road	\$ 27,000,000
194		
195	Route 123 Occoquan River Bridge	\$ 5,500,000
196		
197	Dulles Corridor	
198	Enhanced Transit Program ( <i>Fairfax County share</i> )	\$ 6,000,000
199		
200	Route 7 Improvements-	
201		
202	Loudoun County Line to Reston Parkway	\$ 10,000,000
203		
204	Route 7 Improvements-	
205		
206	Reston Parkway to Dulles Toll Road	\$ 3,000,000
207		
208	Telegraph Road Improvements-	
209	S. Kings Highway to Beulah St.	\$ 5,000,000
210		
211	Route 1/Route 234 Interchange	\$ 4,000,000
212		
213	Potomac-Rappahannock Transportation Commission	
214		
215	Bus Replacement Program	\$ 1,500,000
216		
217	Metrorail Capital Improvements attributable to	
218		
219	Arlington County, including Ballston Station	
220		
221	improvements	\$ 6,200,000
222		
223	Total	<del>\$ 205,200,000</del>
224		
225		\$234,200,000
226		

227 The Commonwealth Transportation Board shall only issue the bonds for Category 3 projects in an  
 228 amount or amounts necessary to expedite or complete the Category 3 projects if the following conditions  
 229 are satisfied: (i) at least two of the jurisdictions participating in the Northern Virginia Transportation  
 230 District Program have entered into a contract pursuant to § 58.1-815.1 and (ii) the governing bodies of  
 231 at least five of the jurisdictions participating in the Northern Virginia Transportation District Program  
 232 and comprising a majority of population of the jurisdictions participating in such Program have adopted  
 233 resolutions endorsing the proposed sale or sales of bonds to support the Category 3 projects. Such  
 234 contracts and resolutions shall remain in force so long as any debts or obligations for Category 3  
 235 projects remain outstanding.

The work identified as Category 4 projects to be funded from the Northern Virginia Transportation District Fund, to the extent there are sums in excess of the amount needed to pay debt service on the Bonds in a given fiscal year, is as follows:

Category 4 projects

Such projects as may be concurred in by the local jurisdictions participating in the Northern Virginia Transportation District Program, as evidenced by resolutions adopted by an affirmative vote of each of the jurisdictions participating in the Northern Virginia Transportation District Program and subject to such guidelines and conditions as may be promulgated by the Commonwealth Transportation Board.

The Bonds shall be issued by the Commonwealth Transportation Board and sold through the Treasury Board, which is hereby designated the sales and paying agent of the Commonwealth Transportation Board with respect to the Bonds. The Treasury Board's duties shall include the approval of the terms and structure of the Bonds. In the event the aggregate principal amount of the issuance, for the projects and amounts authorized by the 1994 amendments to Chapter 391 of the Acts of Assembly of 1993, is less than \$127,000,000, the Commonwealth Transportation Board shall cause each Category 1 project to be shared in the reduced issuance by reducing the proceeds of the Bonds for each of the Category 1 projects on a pro rata basis.

**3. That if any part of this act or the application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, such holding shall not affect the validity of the remainder of the provisions or applications of the act, which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.**