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SENATE BILL NO. 576

Senate Amendments in [] — February 7, 2002

A BILL to amend the Code of Virginia by adding in Title 15.2 a chapter numbered 48.2, consisting of sections numbered 15.2-4829 through 15.2-4840, and to repeal Chapter 610 of the Acts of Assembly of 2001, relating to the Northern Virginia Transportation Authority.

Patrons prior to Engrossment—Senators Barry, Byrne, Colgan, Howell, Potts, Puller, Saslaw, Ticer and Whipple; Delegates: Amundson, Brink, Callahan, Moran, Parrish, Reese, Rollison, Scott and Watts

Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 15.2 a chapter numbered 48.2, consisting of sections numbered 15.2-4829 through 15.2-4840, as follows:

CHAPTER 48.2.**NORTHERN VIRGINIA TRANSPORTATION AUTHORITY.**

§ 15.2-4829. Short title.

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

§ 15.2-4830. Authority created.

There is hereby created a political subdivision of the Commonwealth known as the Northern Virginia Transportation Authority, hereinafter known as "the Authority."

In addition to such other powers vested in the Authority by this chapter, the Authority shall have the following powers and functions:

1. The Authority shall prepare a regional transportation plan for Planning District Eight, to include, but not necessarily be limited to, transportation improvements of regional significance, and those improvements necessary or incidental thereto, and shall from time to time revise and amend the plan. The provisions of Article 7 (§§ 15.2-4527 and 15.2-4528) of Chapter 45 of this title shall apply, mutatis mutandis, to preparation of such transportation plan.

2. The Authority may, when a transportation plan is adopted according to subdivision 1, construct or acquire, by purchase, lease, [or] contract [; ~~or otherwise~~] the transportation facilities specified in such transportation plan.

3. The Authority may enter into agreements or leases with private entities for the operation of its facilities, or may operate such facilities itself.

4. The Authority may enter into contracts or agreements with the counties and cities embraced by the Authority or with other transportation commissions of transportation districts adjoining any county or city embraced by the Authority, any transportation authority or any state or federal governmental entity to provide, or cause to be provided, transit facilities and service to such counties and cities, or to provide transit facilities and other modes of transportation between any county or city embraced by the Authority and any adjoining transportation district, county, or city. Such contracts or agreements, together with any agreements or leases for the operation of such facilities, may be used by the Authority to finance the construction and operation of transportation facilities and such contracts, agreements or leases shall inure to the benefit of any creditor of the Authority.

Notwithstanding the above, however, the Authority shall not have the power to regulate services provided by taxicabs, either within municipalities or across municipal boundaries, which regulation is expressly reserved to the municipalities within which taxicabs operate.

5. Notwithstanding any other provision of law to the contrary the Authority may:

a. Acquire land or any interest therein by purchase, lease, [or] gift [; ~~condemnation or otherwise~~] and provide transportation facilities thereon for use in connection with any transportation service;

b. Acquire land or any interest therein by purchase, lease, [or] gift [; ~~condemnation or otherwise~~] in advance of need for sale or contribution to an agency, for use by that agency in connection with an adopted mass transit plan;

c. In accordance with the terms of any grant from or loan by the United States of America or the Commonwealth, or any agency or instrumentality thereof, or when necessary to preserve essential transportation service, acquire transit facilities or any carrier subject to the jurisdiction of the Washington Metropolitan Area Transit Commission, by acquisition of the capital stock or transit facilities and other assets of any such carrier and shall provide for the performance of transportation by any such carrier or with such transit facilities by contract or lease. However, such contract or lease shall be for a term of no more than one year, renewable for additional terms of similar duration, and, in order to assure acceptable fare levels, may provide for financial assistance by purchase of service,

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operating subsidies, or otherwise. No such service will be rendered that will adversely affect transit service rendered by the transit facilities owned or controlled by any such agency or any existing private transit or transportation company. When notified by any such agency that it is authorized to perform or cause to be performed transportation services with motor vehicle facilities, the Authority, upon request by such agency, shall transfer such capital stock or transit facilities to such agency at a price to be agreed upon; and

d. Prepare a plan for mass transportation services with persons, cities, counties, agencies, authorities, or transportation commissions and may further contract with any such person or other entity to provide necessary facilities, equipment, operations and maintenance, access, and insurance pursuant to such plan.

§ 15.2-4831. Counties and cities embraced by the Authority.

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

§ 15.2-4832. Composition of Authority; Chairman and Vice-Chairman.

The Authority shall consist of twenty members as follows:

The chief elected officer of the governing body of each county and city embraced by the Authority or, in the discretion of the chief elected officer, his designee, who shall be a current elected officer of such governing body;

Three members of the House of Delegates who reside in different counties or cities embraced by the Authority, appointed by the Speaker of the House, to the extent practicable, from the membership of the House Committee on Appropriations, the House Committee on Finance, and the House Committee on Transportation;

Two members of the Senate who reside in different counties or cities embraced by the Authority, appointed by the Senate Committee on Privileges and Elections, to the extent practicable, from the membership of the Senate Committee on Finance and the Senate Committee on Transportation; and

Four citizens who reside in counties and cities embraced by the Authority, appointed by the Governor. Such gubernatorial appointments shall include all members of the Commonwealth Transportation Board who reside in counties and cities embraced by the Authority. The remaining gubernatorial appointments shall be persons who have significant experience in transportation planning, finance, engineering, construction, or management and shall be residents of counties and cities embraced by the Authority, but no gubernatorial appointee who is not a member of the Commonwealth Transportation Board shall be a resident of the same county or city as any other gubernatorial appointee to the Authority. Except for appointees who are members of the Commonwealth Transportation Board, gubernatorial appointees shall (i) serve for terms of four years, except that initial appointments shall be for staggered terms such that no two appointees' terms shall expire in the same year and (ii) be removable by the Governor at his pleasure.

In addition, the following persons shall serve as nonvoting members of the Authority: the Director of the Virginia Department of Rail and Public Transportation, or his designee, and the Virginia Department of Transportation's District Administrator of the Northern Virginia Highway Construction District, or his designee.

The member of the Commonwealth Transportation Board appointed to represent Northern Virginia shall be chairman. A representative of a component county or city, chosen annually by the nine representatives of component counties and cities, shall be vice-chairman.

§ 15.2-4833. Staff.

The Authority shall employ a chief executive officer and such staff as it shall determine to be necessary to carry out its duties and responsibilities under this chapter. No such person shall contemporaneously serve as a member of the Authority. The Virginia Department of Transportation and the Virginia Department of Rail and Public Transportation shall make their employees available to assist the Authority, upon request.

§ 15.2-4834. Decisions of Authority.

A majority of the Authority, which majority shall include at least a majority of the representatives of the counties and cities embraced by the Authority, shall constitute a quorum. Decisions of the Authority shall require a quorum and shall be in accordance with voting procedures established by the Authority. In all cases, decisions of the Authority shall require the affirmative vote of two-thirds of the members of the Authority present and voting, and two-thirds of the representatives of the counties and cities embraced by the Authority [; however, no motion to fund a specific facility or service shall fail because of this population criterion if such facility or service is not located or to be located or provided or to be provided within the county or city whose representative's negative vote caused the facility or service to fail to meet the population criterion] who are present and voting and whose counties and cities include at least two-thirds of the population embraced by the Authority. The population of counties and cities embraced by the Authority shall be the population as determined by the most recently preceding decennial census, except that on July 1 of the fifth year following such census, the population

of each county and city shall be adjusted, based on population projections made by the Weldon Cooper Center for Public Service of the University of Virginia.

§ 15.2-4835. Allocation of certain Authority expenses among component counties and cities.

The administrative expenses of the Authority, as provided in an annual budget adopted by the Authority, to the extent funds for such expenses are not provided from other sources, shall be allocated among the component counties and cities on the basis of the relative population, as determined pursuant to § 15.2-4834. 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 any transportation service.

§ 15.2-4836. 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 sessions or (ii) a lesser amount as determined by the Authority.

§ 15.2-4837. Formation of advisory committees.

The Authority shall have a technical advisory committee, consisting of [nine] individuals who reside or are employed in counties and cities embraced by the Authority and have experience in transportation planning, finance, engineering, construction, or management. [Six members shall be appointed by local jurisdictions and the Commonwealth Transportation Board shall appoint three members. The technical advisory committee shall advise and provide recommendations on the development of projects as required by § 15.2-4838 and funding strategies and other matters as directed by the Authority.] The Authority also shall have a planning coordination advisory committee, which shall include, but not be limited to, at least one elected official from each town that is located in any county embraced by the Authority and receives street maintenance payments under § 33.1-41.1. The Authority may, in its discretion, form additional advisory committees.

§ 15.2-4838. Responsibilities of Authority for long-range transportation planning.

The Authority shall be responsible for long-range transportation planning for regional transportation projects [in Northern Virginia. 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. . The policies and priorities shall be based on performance-based criteria such as the ability to improve travel times, reduce delays, connect regional activity centers, improve safety, and move the most people in the most cost-effective manner.]

§ 15.2-4839. Authority to issue bonds.

The Authority may issue bonds and other evidences of debt as may be authorized by law. The provisions of Article 5 (§ 15.2-4519 et seq.) of Chapter 45 of this title shall apply, mutatis mutandis, to the issuance of such bonds or other debt.

§ 15.2-4840. 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;

3. Recommending to state and federal agencies regional transportation priorities, including public-private transportation projects, and funding allocations;

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

5. Allocating to priority regional transportation projects any funds made available to the Authority by the General Assembly or the Commonwealth Transportation Board and directly overseeing such projects, subject to the authority of the Commonwealth Transportation Board and the Commonwealth Transportation Commissioner;

6. Recommending to the Commonwealth Transportation Board priority regional transportation projects for receipt of federal and state funds, including but not limited to funds allocated to the Northern Virginia Highway Construction District;

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

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

9. Serving as an advocate for the transportation needs of Northern Virginia before the state and

181 *federal governments;*

182 *10. Applying to and negotiating with the government of the United States or any agency or*
183 *instrumentality thereof for grants and any other funds available to carry out the purposes of this chapter*
184 *and receiving, holding, accepting, and administering from any source gifts, bequests, grants, aid, or*
185 *contributions of money, property, labor, or other things of value to be held, used and applied to carry*
186 *out the purposes of this chapter subject, however, to any conditions upon which gifts, bequests, grants,*
187 *aid, or contributions are made. Unless otherwise restricted by the terms of the gift, bequest, or grant,*
188 *the Authority may sell, exchange, or otherwise dispose of such money, securities, or other property given*
189 *or bequeathed to it in furtherance of its purposes; and*

190 *11. Acting as a "responsible public entity" for the purpose of the acquisition, construction,*
191 *improvement, maintenance and/or operation of a "qualifying transportation facility" under the*
192 *Public-Private Transportation Act of 1995 (§ 56-556 et seq.).*

193 **2. That Chapter 610 of the Acts of Assembly of 2001 Virginia is repealed.**