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HOUSE BILL NO. 236

Offered January 11, 2006

Prefiled January 3, 2006

A *BILL to amend the Code of Virginia by adding in Title 33.1 a chapter numbered 17, consisting of sections numbered 33.1-464 through 33.1-487, establishing the Virginia Regional Transportation Authority.*

Patron—Jones, D.C.

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 33.1 a chapter numbered 17, consisting of sections numbered 33.1-464 through 33.1-487, as follows:

CHAPTER 17.**VIRGINIA REGIONAL TRANSPORTATION AUTHORITY.****§ 33.1-464. Definitions.**

As used in this chapter, the following terms shall have the meanings ascribed to them, unless the context clearly requires otherwise:

"Authority" means the Virginia Regional Transportation Authority.

"Bond" includes any revenue bond, bond, note, or other obligation.

"Clean Air Act" means the federal Clean Air Act, as amended in 1990 and codified at 42 U.S.C.A. Sections 8-12 7401 to 7671q.

"Cost of project" or "cost of any project" means (i) all costs of acquisition, by purchase or otherwise, construction, assembly, installation, modification, renovation, extension, rehabilitation, operation, or maintenance incurred in connection with any project, facility, or undertaking of the Authority or any part thereof; (ii) all costs of real property or rights in property, fixtures, or personal property used in or in connection with or necessary for any project, facility, or undertaking of the Authority or for any facilities related thereto, including, but not limited to, the cost of all land, interests in land, estates for years, easements, rights, improvements, water rights, and connections for utility services; the cost of fees, franchises, permits, approvals, licenses, and certificates; the cost of securing any such franchises, permits, approvals, licenses, or certificates; the cost of preparation of any application therefor; and the cost of all fixtures, machinery, equipment, furniture, and other property used in or in connection with or necessary for any project, facility, or undertaking of the Authority; (iii) all financing charges, bond insurance or other credit enhancement fee, and loan or loan guarantee fees and all interest on revenue bonds, notes, or other obligations of the Authority that accrue or are paid prior to and during the period of construction of a project, facility, or undertaking of the Authority and during such additional period as the Authority may reasonably determine to be necessary to place such project, facility, or undertaking of the Authority in operation; (iv) all costs of engineering, surveying, planning, environmental assessments, financial analyses, and architectural, legal, and accounting services and all expenses incurred by engineers, surveyors, planners, environmental scientists, fiscal analysts, architects, attorneys, accountants, and any other necessary technical personnel in connection with any project, facility, or undertaking of the Authority or the issuance of any bonds, notes, or other obligations for such project, facility, or undertaking; (v) all expenses for inspection of any project, facility, or undertaking of the Authority; (vi) all fees of fiscal agents, paying agents, and trustees for bond owners under any bond resolution, trust agreement, indenture of trust, or similar instrument or agreement; all expenses incurred by any such fiscal agents, paying agents, bond registrar, and trustees; and all other costs and expenses incurred relative to the issuance of any bonds, revenue bonds, notes, or other obligations for any project, facility, or undertaking of the Authority, including bond insurance or credit enhancement fee; (vii) all fees of any type charged by the Authority in connection with any project, facility, or undertaking of the Authority; (viii) all expenses of or incidental to determining the feasibility or practicability of any project, facility, or undertaking of the Authority; (ix) all costs of plans and specifications for any project, facility, or undertaking of the Authority; (x) all costs of title insurance and examinations of title with respect to any project, facility, or undertaking of the Authority; (xi) repayment of any loans for the advance payment of any part of any of the foregoing costs, including interest thereon and any other expenses of such loans; (xii) administrative expenses of the Authority and such other expenses as may be necessary or incidental to any project, facility, or undertaking of the Authority or the financing thereof or the placing of any project, facility, or undertaking of the Authority in operation; and (xiii) the establishment of a fund or funds for the creation of a debt service reserve, a

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59 renewal and replacement reserve, or such other funds or reserves as the Authority may approve with
60 respect to the financing and operation of any project, facility, or undertaking of the Authority and as
61 may be authorized by any bond resolution, trust agreement, indenture, or trust or similar instrument or
62 agreement pursuant to the provisions of which the issuance of any revenue bonds, notes, or other
63 obligations of the Authority may be authorized. Any cost, obligation, or expense incurred for any of the
64 purposes specified in this paragraph shall be a part of the cost of the project, facility, or undertaking of
65 the Authority and may be paid or reimbursed as such out of the proceeds of revenue bonds, notes, or
66 other obligations issued by the Authority or as otherwise authorized by this chapter.

67 "Facility" shall have the same meaning as "project."

68 "Local government" or "local governing authority" means any municipal corporation or county or
69 any state or local authority, board, or political subdivision created by the General Assembly or pursuant
70 to the Constitution and laws of the Commonwealth.

71 "Metropolitan planning organization" means the forum for cooperative transportation
72 decision-making for a metropolitan planning area.

73 "Metropolitan transportation plan" means the official intermodal transportation plan that is
74 developed and adopted through the metropolitan transportation planning process for a metropolitan
75 planning area.

76 "Obligation" means any bond, revenue bond, note, lease, contract, evidence of indebtedness, debt, or
77 other obligation of the Authority, the state, or local governments that is authorized to be issued under
78 this chapter or under the Constitution or other laws of the Commonwealth, including refunding bonds.

79 "Office of profit or trust under the Commonwealth" means any office created by or under the
80 Constitution of Virginia, but does not include elected officials of counties, cities, or towns.

81 "Project" means the acquisition, construction, installation, modification, renovation, repair, extension,
82 renewal, replacement, or rehabilitation of land, interest in land, buildings, structures, facilities, or other
83 improvements and the acquisition, installation, modification, renovation, repair, extension, renewal,
84 replacement, rehabilitation, or furnishing of fixtures, machinery, equipment, furniture, or other property
85 of any nature whatsoever used on, in, or in connection with any such land, interest in land, building,
86 structure, facility, or other improvement, all for the essential public purpose of providing facilities and
87 services to meet land public transportation needs and environmental standards and to aid in the
88 accomplishment of the purposes of the Authority.

89 "Revenue bond" includes any bond, note, or other obligation payable from revenues derived from
90 any project, facility, or undertaking of the Authority.

91 "State implementation plan" means the portion or portions of an applicable implementation plan
92 approved or promulgated, or the most recent revision thereof, under the federal Clean Air Act.

93 "Statewide transportation improvement program" means a staged, multiyear, statewide, intermodal
94 program defined in 23 C.F.R. Section 450.104 that contains transportation projects consistent with the
95 statewide transportation plan and planning processes and metropolitan plans, transportation
96 improvement programs, and processes.

97 "Statewide transportation plan" means the official statewide, intermodal transportation plan as
98 defined in 12-6 23 C.F.R. Section 450.104 that is developed through the statewide transportation
99 planning process.

100 "Transportation improvement program" means a staged, multiyear, intermodal program as defined in
101 23 12-10 C.F.R. Section 450.104 and consisting of transportation projects that are consistent with the
102 metropolitan transportation plan.

103 "Undertaking" shall have the same meaning as "project."

104 § 33.1-465. Authority created.

105 There is created the Virginia Regional Transportation Authority as a body corporate and politic,
106 which shall be deemed an instrumentality of the Commonwealth and a public corporation thereof, for
107 purposes of managing or causing to be managed land transportation and air quality within certain
108 areas of this state; and by that name, style, and title such body may contract and be contracted with
109 and bring and defend actions in all courts of the Commonwealth.

110 § 33.1-466. Board of Directors.

111 The management of the business and affairs of the Authority shall be vested in a Board of Directors,
112 subject to the provisions of this chapter and to the provisions of bylaws adopted by the Board as
113 authorized by this chapter. The Board of Directors shall make bylaws governing its own operation and
114 shall have the power to make bylaws, rules, and regulations for the government of the Authority and the
115 operation, management, and maintenance of such projects as the Board may determine appropriate to
116 undertake from time to time.

117 Except as otherwise provided in this chapter, a majority of the members of the Board then in office
118 shall constitute a quorum for the transaction of business. The vote of a majority of the members of the
119 Board present at the time of the vote, if a quorum is present at such time, shall be the act of the Board
120 unless the vote of a greater number is required by law or by the bylaws of the Board of Directors. The

Board of Directors, by resolution adopted by a majority of the full Board of Directors, shall designate from among its members an executive committee and one or more other committees, each consisting of two or more members of the Board, that shall have and exercise such authority as the Board may delegate to them under such procedures as the Board may direct by resolution establishing such committee or committees.

No vacancy on the Authority shall impair the right of a majority of the appointed members from exercising all rights and performing all duties of the Authority. The Authority shall have perpetual existence. Any change in the name or composition of the Authority shall in no way affect the vested rights of any person under this chapter or impair the obligations of any contracts existing under this chapter.

The initial Board of Directors of the Authority shall consist of 15 members. All members of the Board and their successors shall be appointed for terms of five years each, except that the initial terms for eight members of the Board appointed in 2006 shall be three years each; and the particular beginning and ending dates of such terms shall be specified by the Governor. All members of the Board shall be appointed by the Governor and shall serve until the appointment and qualification of a successor. Such members shall be appointed so as to reasonably reflect the characteristics of the general public within the jurisdiction or potential jurisdiction of the Authority. No person holding any other office of profit or trust under the state shall be appointed to membership. The chairman of the Board of Directors shall be appointed and designated by the Governor.

All successors shall be appointed in the same manner as original appointments. Vacancies in office shall be filled in the same manner as original appointments. A person appointed to fill a vacancy shall serve for the unexpired term. No vacancy on the Board shall impair the right of the quorum of the remaining members then in office to exercise all rights and perform all duties of the Board.

The members of the Board of Directors shall be entitled to and shall be reimbursed for their actual travel expenses necessarily incurred in the performance of their duties and, for each day actually spent in the performance of their duties, shall receive the same per diem as do members of the General Assembly.

Members of the Board of Directors may be removed by executive order of the Governor for misfeasance, malfeasance, nonfeasance, failure to attend three successive meetings of the Board without good and sufficient cause, or abstention from voting unless authorized by this section. In the event that a vacancy or vacancies on the Board renders the Board able to obtain a quorum but unable to obtain the attendance of a number of members sufficient to constitute such supermajorities as may be required by this chapter, the Board shall entertain no motion or measure requiring such a supermajority until a number of members sufficient to constitute such supermajority is present, and the Governor shall be immediately notified of the absence of members.

Members of the Board of Directors shall be public officers who are members of a state board for purposes of the financial disclosure requirements. The members of the Board of Directors shall be accountable in all respects as trustees. The Board shall keep suitable books and records of all actions and transactions and shall submit such books together with a statement of the Authority's financial position to the state auditor on or about the close of the state's fiscal year. The books and records shall be inspected and audited by the auditor of public accounts at least once in each year.

Meetings of the Board of Directors, regular or special, shall be held at the time and place fixed by or under the bylaws, with no less than five days' public notice for regular meetings as prescribed in the bylaws, and such notice as the bylaws may prescribe for special meetings. Each member shall be given written notice of all meetings as prescribed in the bylaws. Meetings of the Board may be called by the chairperson or by such other person or persons as the bylaws may authorize. Notice of any regular or special meeting shall be given to the Governor at least five days prior to such meeting, unless the Governor waives such notice requirement, and no business may be transacted at any meeting of the Board unless and until the Governor has acknowledged receipt of or waived such notice.

All meetings of the Board of Directors shall be public meetings. A written record of each vote taken by the Board, specifying the yea or nay vote or absence of each member as to each measure, shall be transmitted promptly to the Governor upon the adjournment of each meeting. No member may abstain from a vote other than for reasons constituting disqualification to the satisfaction of a majority of a quorum of the Board on a record vote.

§ 33.1-467. Jurisdiction of Authority.

The Authority is assigned to the Office of the Virginia Secretary of Transportation for administrative purposes only.

This chapter shall be uniformly applicable throughout the Commonwealth.

The initial jurisdiction of the Authority for purposes of this chapter shall encompass the territory of every county, city, and town that was designated by the United States Environmental Protection Agency (USEPA) in the Code of Federal Regulations as of December 31, 1998, as a county, city, or town

182 included in whole or in part within a nonattainment area under the Clean Air Act and which the Board
183 designates, through regulation, as a county having excess levels of ozone, carbon monoxide, or
184 particulate matter.

185 The jurisdiction of the Authority for purposes of this chapter shall also encompass the territory of
186 every county, city, and town designated by the USEPA in the Code of Federal Regulations after
187 December 31, 1998, as a county, city, or town included in whole or in part within a nonattainment area
188 under the Clean Air Act and which the Board designates, through regulation, as a county having excess
189 levels of ozone, carbon monoxide, or particulate matter, provided that the jurisdictional area
190 encompassed under this section shall be contiguous.

191 No later than October 1, 2006, the director of the Department of Environmental Quality shall report
192 and certify to the Authority and the Governor, pursuant to criteria established by that Department,
193 counties, cities, and towns that are reasonably expected to become nonattainment areas under the Clean
194 Air Act within seven years from the date of such report and certification, and shall update such report
195 and certification every six months thereafter. Within the geographic territory of any county so
196 designated, the Board shall provide, by resolution or regulation, that the funding, planning, design,
197 construction, contracting, leasing, and other related facilities of the Authority shall be made available to
198 county and local governments for the purpose of planning, designing, constructing, operating, and
199 maintaining land public transportation systems and other land transportation projects, air quality
200 installations, and all facilities necessary and beneficial thereto, and for the purpose of designing and
201 implementing designated metropolitan planning organizations' land transportation plans and
202 transportation improvement programs, on such terms and conditions as may be agreed to between the
203 Authority and such county or local governments.

204 By resolution of the governing body of the county, city, or town, the special district created by this
205 chapter encompassing the territory of any county reported and certified pursuant to paragraph (1) of
206 this subsection may be activated for the purposes of this chapter, or such county may be brought within
207 the jurisdiction of the Authority by resolution of the governing authority.

208 The jurisdiction of the Authority for purposes of this chapter shall be extended to the territory of any
209 county, city, or town, the territory of which is not contiguous with the jurisdiction that is designated by
210 the USEPA in the Code of Federal Regulations as a county, city, or town included in whole or in part
211 within a nonattainment area under the Clean Air Act and which the Board designates, through
212 regulation, as a county having excess levels of ozone, carbon monoxide, or particulate matter. Upon any
213 such county or self-contiguous group of counties coming within the jurisdiction of the Authority, a single
214 member who shall reside within such additional territory shall be added to the Board, together with an
215 additional member, who may reside within or without such additional territory, for each 200,000
216 persons above the number of 200,000 persons forming the population of such additional territory
217 according to the 2000 United States decennial census or any future such census.

218 Upon acquiring jurisdiction over the territory of any county, city, or town, the Authority's jurisdiction
219 over such territory shall continue until 20 years have elapsed since the later of the date such county
220 was redesignated by the United States Environmental Protection Agency (USEPA) as in attainment
221 under the Clean Air Act or such designation by the USEPA is no longer made.

222 Upon the lapse of the Authority's jurisdiction over a geographic area pursuant to the provisions of
223 this Chapter, the Authority shall have the power to enter into such contracts, lease agreements, and
224 other instruments necessary or convenient to manage and dispose of real property and facilities owned
225 or operated by the Authority within such geographic area, and shall dispose of all such property not
226 more than five years after the lapse of such jurisdiction, but shall retain jurisdiction for the purpose of
227 operating and managing such property and facilities until their final disposition.

228 The provisions of this section shall be implemented consistent with the terms of such contracts, lease
229 agreements, or other instruments or agreements as may be necessary or required to protect federal
230 interests in assets purchased, leased, or constructed utilizing federal funding in whole or in part, and
231 the Authority is empowered to enter into such contracts, lease agreements, or other instruments or
232 agreements with appropriate federal agencies or other representatives or instrumentalities of the federal
233 government from time to time as necessary to achieve the purposes of this chapter and the protection of
234 federal interests.

235 Except for the purpose of reviewing proposed regional transportation plans and transportation
236 improvement programs prepared by metropolitan planning organizations in accordance with
237 requirements specifically placed upon the Governor by federal law, the jurisdiction of the Authority shall
238 not extend to the territory and facilities of any airport certified under 14 C.F.R. Part 139. In no event
239 shall the Authority have jurisdiction to design, construct, repair, improve, expand, own, maintain, or
240 operate any such airport or any facilities of such airport.

241 § 33.1-468. General powers of Authority.

242 The Authority shall have the following general powers:

243 1. To sue and be sued in all courts of the Commonwealth, the original jurisdiction and venue of any

such action being the circuit court of any county, city, or town wherein a substantial part of the business was transacted, the tortious act, omission, or injury occurred, or the real property is located;

2. To have a seal and alter the same at its pleasure;

3. To plan, design, acquire, construct, add to, extend, improve, equip, operate, and maintain or cause to be operated and maintained land public transportation systems and other land transportation projects, and all facilities and appurtenances necessary or beneficial thereto, within the geographic area over which the Authority has jurisdiction or which are included within an approved transportation plan or transportation improvement program and provide land public transportation services within the geographic jurisdiction of the Authority, and to contract with state, regional, or local government, authority, or department, or with any private person, firm, or corporation, for those purposes, and to enter into contracts and agreements with the Virginia Department of Transportation, the Virginia Department of Rail and Public Transportation, county, city, and town governments, and transit system operators for those purposes;

4. To plan, design, acquire, construct, add to, extend, improve, equip, operate, and maintain or cause to be operated and maintained air quality control installations, and all facilities and appurtenances necessary or beneficial thereto, within the geographic area over which the Authority has jurisdiction for such purposes pursuant to this chapter, and to contract with any state, regional, or local government, authority, or department, or with any private person, firm, or corporation, for those purposes; provided, however, that where such air quality control measures are included in an applicable implementation plan, they shall be approved by the Department of Environmental Quality and by the United States Environmental Protection Agency where necessary to preserve their protected status during any conformity lapse;

5. To make and execute contracts, lease agreements, and all other instruments necessary or convenient to exercise the powers of the Authority or to further the public purpose for which the Authority is created, such contracts, leases, or instruments to include contracts for acquisition, construction, operation, management, or maintenance of projects and facilities owned by local government, the Authority, or by the state or any political subdivision, department, agency, or authority thereof, and to include contracts relating to the execution of the powers of the Authority and the disposal of the property of the Authority from time to time; and any and all local governments, departments, institutions, authorities, or agencies of the state are authorized to enter into contracts, leases, agreements, or other instruments with the Authority upon such terms and to transfer real and personal property to the Authority for such consideration and for such purposes as they deem advisable;

6. To acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real or personal property of every kind and character, or any interest therein, in furtherance of the public purpose of the Authority, in compliance, where required, with applicable federal law including without limitation the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, 40 U.S.C. Section 4601 et seq., 23 C.F.R. Section 1.23, and 23 C.F.R. Section 713(c);

7. To appoint an executive director who shall be executive officer and administrative head of the Authority. The executive director shall be appointed and serve at the pleasure of the Authority. The executive director shall hire officers, agents, and employees, prescribe their duties and qualifications and fix their compensation, and perform such other duties as may be prescribed by the Authority. Such officers, agents, and employees shall serve at the pleasure of the executive director;

8. To finance projects, facilities, and undertakings of the Authority for the furtherance of the purposes of the Authority within the geographic area over which the Authority has jurisdiction by loan, loan guarantee, grant, lease, or otherwise, and to pay the cost of such from the proceeds of bonds, revenue bonds, notes, or other obligations of the Authority or any other funds of the Authority or from any contributions or loans by persons, corporations, partnerships, whether limited or general, or other entities, all of which the Authority is authorized to receive, accept, and use;

9. To extend credit or make loans or grants for all or part of the cost or expense of any project, facility, or undertaking of a political subdivision or other entity for the furtherance of the purposes of the Authority within the geographic area over which the Authority has jurisdiction upon such terms and conditions as the Authority may deem necessary or desirable; and to adopt rules, regulations, and procedures for making such loans and grants;

10. To borrow money to further or carry out its public purpose and to issue guaranteed revenue bonds, revenue bonds, notes, or other obligations to evidence such loans and to execute leases, trust indentures, trust agreements for the sale of its revenue bonds, notes, or other obligations, loan agreements, mortgages, deeds to secure debt, trust deeds, security agreements, assignments, and such other agreements or instruments as may be necessary or desirable in the judgment of the Authority, and to evidence and to provide security for such loans;

11. To issue guaranteed revenue bonds, revenue bonds, bonds, notes, or other obligations of the Authority, to receive payments from the Office of the Virginia Secretary of Transportation, and to use

305 the proceeds thereof for the purpose of (i) paying or loaning the proceeds thereof to pay all or any part
306 of the cost of any project or the principal of and premium, if any, and interest on the revenue bonds,
307 bonds, notes, or other obligations of any local government issued for the purpose of paying in whole or
308 in part, the cost of any project and having a final maturity not exceeding three years from the date of
309 original issuance thereof; (ii) paying all costs of the Authority incidental to, or necessary and
310 appropriate to, furthering or carrying out the purposes of the Authority; and (iii) paying all costs of the
311 Authority incurred in connection with the issuance of the guaranteed revenue bonds, revenue bonds,
312 bonds, notes, or other obligations;

313 12. To collect fees and charges in connection with its loans, commitments, management services, and
314 servicing including, but not limited to, reimbursements of costs of financing, as the Authority shall
315 determine to be reasonable and as shall be approved by the Authority;

316 13. Subject to any agreement with bond owners, to invest moneys of the Authority not required for
317 immediate use to carry out the purposes of this chapter, including the proceeds from the sale of any
318 bonds and any moneys held in reserve funds, in obligations that shall be limited to the following: (a)
319 bonds or other obligations of the state or bonds or other obligations, the principal and interest of which
320 are guaranteed by the Commonwealth; (b) bonds or other obligations of the United States or of
321 subsidiary corporations of the United States government fully guaranteed by such government; (c)
322 obligations of agencies of the United States government issued by the Federal Land Bank, the Federal
323 Home Loan Bank, the Federal Intermediate Credit Bank, and the Bank for Cooperatives; (d) bonds or
324 other obligations issued by any public housing agency or municipality in the United States, which bonds
325 or obligations are fully secured as to the payment of both principal and interest by a pledge of annual
326 contributions under an annual contributions contract or contracts with the United States government, or
327 project notes issued by any public housing agency, urban renewal agency, or municipality in the United
328 States and fully secured as to payment of both principal and interest by a requisition, loan, or payment
329 agreement with the United States government; (e) certificates of deposit of national or state banks or
330 federal savings and loan associations located within the Commonwealth that have deposits insured by
331 the Federal Deposit Insurance Corporation or any Virginia deposit insurance corporation and
332 certificates of deposit of state building and loan associations located within the state that have deposits
333 insured by any Virginia deposit insurance corporation, including the certificates of deposit of any bank,
334 savings and loan association, or building and loan association acting as depository, custodian, or
335 trustee for any such bond proceeds; provided, however, that the portion of such certificates of deposit in
336 excess of the amount insured by the Federal Deposit Insurance Corporation or any Virginia deposit
337 insurance corporation, if any such excess exists, shall be secured by deposit with the Federal Reserve
338 Bank of Richmond, Virginia, or with any national or state bank located within the Commonwealth, of
339 one or more of the following securities in an aggregate principal amount equal at least to the amount of
340 such excess: (i) direct and general obligations of the Commonwealth or of any county or municipality in
341 the Commonwealth; (ii) obligations of the United States or subsidiary corporations included in clause
342 (b) of this paragraph; (iii) obligations of agencies of the United States government included in clause
343 (c) of this paragraph; or (iv) bonds, obligations, or project notes of public housing agencies, urban
344 renewal agencies, or municipalities included in clause (d) of this paragraph; (f) interest-bearing time
345 deposits, repurchase agreements, reverse repurchase agreements, rate guarantee agreements, or other
346 similar banking arrangements with a bank or trust company having capital and surplus aggregating at
347 least \$50 million or with any government bond dealer reporting to be trading with, and recognized as a
348 primary dealer by the Federal Reserve Bank of New York having capital aggregating at least \$50
349 million or with any corporation that is subject to registration with the Board of Governors of the
350 Federal Reserve System pursuant to the requirements of the Bank Holding Company Act of 1956,
351 provided that each such interest-bearing time deposit, repurchase agreement, reverse repurchase
352 agreement, rate guarantee agreement, or other similar banking arrangement shall permit the moneys so
353 placed to be available for use at the time provided with respect to the investment or reinvestment of
354 such moneys; and (g) state operated investment pools;

355 14. To acquire or contract to acquire from any person, firm, corporation, local government, federal
356 or state agency, or corporation by grant, purchase, or otherwise, leaseholds, real or personal property,
357 or any interest therein; and to sell, assign, exchange, transfer, convey, lease, mortgage, or otherwise
358 dispose of or encumber the same; and local government is authorized to grant, sell, or otherwise
359 alienate leaseholds, real and personal property, or any interest therein to the Authority;

360 15. Subject to applicable covenants or agreements related to the issuance of bonds, to invest any
361 moneys held in debt service funds or sinking funds not restricted as to investment by the Constitution or
362 laws of the Commonwealth or the federal government or by contract not required for immediate use or
363 disbursement in obligations of the types specified in this section, provided that, for the purposes of this
364 provision, the amounts and maturities of such obligations shall be based upon and correlated to the
365 debt service, which debt service shall be the principal installments and interest payments, schedule for
366 which such moneys are to be applied;

16. To provide advisory, technical, consultative, training, educational, and project assistance services to the state and local governments and to enter into contracts with the state and local governments to provide such services. The state and local governments are authorized to enter into contracts with the Authority for such services and to pay for such services as may be provided them;

17. To make loan commitments and loans to local governments and to enter into option arrangements with local governments for the purchase of said bonds, revenue bonds, notes, or other obligations;

18. To sell or pledge any bonds, revenue bonds, notes, or other obligations acquired by it whenever it is determined by the Authority that the sale thereof is desirable;

19. To apply for and to accept any gifts or grants or loan guarantees or loans of funds or property or financial or other aid in any form from the federal government or any agency or instrumentality thereof, or from the Commonwealth or any agency or instrumentality thereof, or from any other source for any or all of the purposes specified in this chapter and to comply, subject to the provisions of this chapter, with the terms and conditions thereof;

20. To lease to local governments any Authority-owned facilities or property or any state-owned facilities or property that the Authority is managing under contract with the Commonwealth;

21. To contract with state agencies or any local government for the use by the Authority of any property or facilities or services of the state or any such state agency or local government or for the use by any state agency or local government of any facilities or services of the Authority, and such state agencies and local governments are authorized to enter into such contracts;

22. To extend credit or make loans, including the acquisition of bonds, revenue bonds, notes, or other obligations of the state, to any local government, or other entity, including the federal government, for the cost or expense of any project or any part of the cost or expense of any project, which credit or loans may be evidenced or secured by trust indentures, loan agreements, notes, mortgages, deeds to secure debt, trust deeds, security agreements, or assignments, on such terms and conditions as the Authority shall determine to be reasonable in connection with such extension of credit or loans, including provision for the establishment and maintenance of reserve funds; and, in the exercise of powers granted by this chapter in connection with any project, the Authority shall have the right and power to require the inclusion in any such trust indentures, loan agreement, note, mortgage, deed to secure debt, trust deed, security agreement, assignment, or other instrument such provisions or requirements for guaranty of any obligations, insurance, construction, use, operation, maintenance, and financing of a project and such other terms and conditions as the Authority may deem necessary or desirable;

23. As security for repayment of any bonds, revenue bonds, notes, or other obligations of the Authority, to pledge, lease, mortgage, convey, assign, hypothecate, or otherwise encumber any property of the Authority including, but not limited to, real property, fixtures, personal property, and revenues or other funds and to execute any lease, trust indenture, trust agreement, agreement for the sale of the Authority's revenue bonds, notes or other obligations, loan agreement, mortgage, deed to secure debt, trust deed, security agreement, assignment, or other agreement or instrument as may be necessary or desirable, in the judgment of the Authority, to secure any such revenue bonds, notes, or other obligations, which instruments or agreements may provide for foreclosure or forced sale of any property of the Authority upon default in any obligation of the Authority, either in payment of principal, premium, if any, or interest or in the performance of any term or condition contained in any such agreement or instrument;

24. To receive and use the proceeds of any tax levied to pay all or any part of the cost of any project or for any other purpose for which the Authority may use its own funds pursuant to this chapter;

25. To use income earned on any investment for such corporate purposes of the Authority as the Authority in its discretion shall determine, including, but not limited to, the use of repaid principal and earnings on funds, the ultimate source of which was an appropriation to a budget unit of the Commonwealth to make loans for projects;

26. To cooperate and act in conjunction with industrial, commercial, medical, scientific, public interest, or educational organizations; with agencies of the federal government, the Commonwealth, and local government; with other states and their political subdivisions; and with joint agencies thereof and such state agencies, local governments, and joint agencies as are authorized and empowered to cooperate and act in conjunction, and to enter into contracts or agreements, with the Authority and local government to achieve or further the purposes of the Authority;

27. To coordinate, cooperate, and contract with any metropolitan planning organization for a standard metropolitan statistical area that is primarily located within an adjoining state but that includes any territory within the jurisdiction of the Authority to achieve or further the purposes of the Authority as provided by this chapter;

28. To coordinate and assist in planning for land transportation and air quality purposes within the

428 geographic area over which the Authority has jurisdiction pursuant to this chapter, between and among
429 all state, regional, and local authorities charged with planning responsibilities for such purposes by
430 state or federal law, and to adopt a regional plan or plans based in whole or in part on such planning;

431 29. To review and make recommendations to the Governor concerning all proposed regional land
432 transportation plans and transportation improvement programs prepared by metropolitan planning
433 organizations wholly or partly within the geographic area over which the Authority has jurisdiction
434 pursuant to this chapter, and to negotiate with such metropolitan planning organizations concerning
435 changes or amendments to such plans that may be recommended by the Authority or the Governor
436 consistent with applicable federal law and regulation, and to adopt such regional plans as all or a
437 portion of its own regional plans;

438 30. To review and make recommendations to the Governor concerning all land transportation plans
439 and transportation improvement programs prepared by the Virginia Department of Transportation and
440 the Virginia Department of Rail and Public Transportation, construction, or operation of land
441 transportation facilities wholly or partly within the geographic area over which the Authority has
442 jurisdiction pursuant to this chapter, and to negotiate with that department concerning changes or
443 amendments to such plans that may be recommended by the Authority or the Governor consistent with
444 applicable federal law and regulation, and to adopt such plans as all or a portion of its own regional
445 plans;

446 31. To acquire by the exercise of the power of eminent domain any real property or rights in
447 property that it may deem necessary for its purposes under this chapter pursuant to the procedures set
448 forth in this chapter, and to purchase, exchange, sell, lease, or otherwise acquire or dispose of any
449 property or any rights or interests therein for the purposes authorized by this chapter or for any
450 facilities or activities incident thereto, subject to and in conformity with applicable federal law and
451 regulation;

452 32. To the extent permissible under federal law, to operate as a receiver of federal grants, loans,
453 and other moneys intended to be used within the geographic area over which the Authority has
454 jurisdiction pursuant to this chapter for interurban and intraurban transit, land public transportation
455 development, air quality and air pollution control, and other purposes related to the alleviation of
456 congestion and air pollution;

457 33. Subject to any covenant or agreement made for the benefit of owners of bonds, notes, or other
458 obligations issued to finance roads or toll roads, in planning for the use of any road or toll road that
459 lies within the geographical area over which the Authority has jurisdiction, the Authority shall have the
460 power to control or limit access thereto, including the power to close off, regulate, or create access to
461 or from any part, excluding the interstate system, of any road on the state highway system, a county
462 road system, or a municipal street system to or from any such road or toll road or any property or
463 project of the Authority, to the extent necessary to achieve the purposes of the Authority; the Authority
464 may submit an application for an interstate system right of way encroachment through the Virginia
465 Department of Transportation, and the Department shall submit the same to the Federal Highway
466 Administration for approval. The Authority shall provide any affected local government with not less
467 than 60 days' notice of any proposed access limitation;

468 34. To exercise any power granted by the laws of the Commonwealth to public or private
469 corporations that is not in conflict with the public purpose of the Authority;

470 35. To do all things necessary or convenient to carry out the powers conferred by this chapter;

471 36. To procure insurance against any loss in connection with its property and other assets or
472 obligations or to establish cash reserves to enable it to act as self-insurer against any and all such
473 losses;

474 37. To accept and use federal funds; to enter into any contracts or agreements with the United
475 States or its agencies or subdivisions relating to the planning, financing, construction, improvement,
476 operation, and maintenance of any public road or other mode or system of land transportation; and to
477 do all things necessary, proper, or expedient to achieve compliance with the provisions and
478 requirements of all applicable federal-aid acts and programs. Nothing in this chapter is intended to
479 conflict with any federal law; and, in case of such conflict, such portion as may be in conflict with such
480 federal law is declared of no effect to the extent of the conflict;

481 38. To ensure that any project funded by the Authority in whole or in part with federal-aid funds is
482 included in approved transportation improvement programs adopted and approved by designated
483 metropolitan planning organizations and the Governor and in the land transportation plan adopted and
484 approved by the designated metropolitan planning organization, and is in compliance with the
485 requirements of relevant portions of the regulations implementing the Clean Air Act including without
486 limitation 40 C.F.R. Section 93.105(c)(1)(ii) and 40 C.F.R. Section 93.122(a)(1), where such inclusion,
487 approval, designation, or compliance required by applicable federal law or regulation; and

488 39 To appoint and select officers, agents, and employees, including engineering, architectural, and
489 construction experts and attorneys, and to fix their compensation.

§ 33.1-469. Powers of Authority with respect to special districts created pursuant to chapter.

In addition to the general powers enumerated in the preceding provisions of this chapter and such other powers as are set forth in this chapter, the Authority shall have the following powers with respect to special districts created and activated pursuant to this chapter:

1. By resolution, to authorize the provision of land public transportation services and the institution of air quality control measures within the bounds of such special districts by local governments within such special districts utilizing the funding methods authorized by this chapter where the facilities for such purposes are located wholly within the jurisdiction of such local governments and such special districts or are the subject of contracts between or among such local governments and where such services and measures are certified by the Authority to be consistent with the designated metropolitan planning organizations' regional plans, where applicable;

2. By resolution, to authorize the utilization by local governments within such special districts of the funding mechanisms established by law to provide funding to defray the cost of land public transportation and air quality control measures certified and provided pursuant this section;

3. By resolution, to authorize the utilization by local governments within such special districts of the above-enumerated funding mechanisms to assist in funding those portions of regional land public transportation systems that lie within and provide service to the territory of such local governments within special districts; and

4. By resolution, to contract with local governments within such special districts for funding, planning services, and such other services as the Authority may deem necessary and proper to assist such local governments in providing land public transportation services and instituting air quality control measures within the bounds of such special districts where the facilities for such purposes are located wholly within the jurisdiction of such local governments and such special districts or are the subject of contracts between or among such local governments, and where such services and measures are certified by the Authority to be consistent with the designated metropolitan planning organizations' regional plans, where applicable.

5. The Authority shall, where practicable, provide for coordination and consistency between the provision of such services pursuant to the terms of this chapter.

§ 33.1-470. Special districts created.

There are hereby created within the Commonwealth special districts. One such district shall exist within the geographic boundaries of each county, city, and town, and the territory of each district shall include all of the territory within its respective county, city, or town. Any special district within a county, city, or town within the geographic area over which the Authority has jurisdiction shall be deemed activated for purposes of this chapter.

§ 33.1-471. Governor may delegate authority.

The Governor may delegate to the Authority, by executive order, his powers under applicable federal transportation planning and air quality laws and regulations, including without limitation the power to resolve revision disputes between metropolitan planning organizations and the Department of Transportation under 40 C.F.R. Section 93.105, the power to approve statewide transportation improvement programs under 23 U.S.C. Section 134 and 23 C.F.R. Sections 450.312(b), 450.324(b), and 450.328(a), and the power of approval and responsibilities for public involvement under 23 C.F.R. 30-34 Section 450.216(a).

In exercising the Authority's delegated powers concerning proposed statewide transportation plans and transportation improvement programs prepared by metropolitan planning organizations wholly or partly within the geographic area over which the Authority has jurisdiction or by the Department of Transportation:

Transportation plans and transportation improvement programs subject to the Authority's delegated review powers shall be approved by the affirmative vote of two-thirds of the authorized membership of the Board to a motion made for that purpose;

The Authority may request modification of such a plan or program and approve such proposal for modification of a plan or program by the affirmative vote of two-thirds of the authorized membership of the Board to a motion made for that purpose;

The Board may set a certain date as a deadline for submission of any such plan or program to the Authority for review; and

If any such plan or program is not timely submitted for review in compliance with a deadline set by the Board, the Authority may exercise its delegated power to disapprove such plan or program upon the affirmative vote of two-thirds of the authorized membership of the Board to a motion made for that purpose, provided, however, that where one or more vacancies exist on the Board and the Board is not otherwise prohibited from entertaining a motion requiring such a supermajority, such motion shall carry on the affirmative vote of two-thirds of the members present. On any motion requiring a supermajority for passage, any abstention not authorized as provided in this chapter shall be deemed an affirmative

551 *vote for purposes of passage or failure of such motion.*

552 *The Authority shall formulate measurable targets for air quality improvements and standards within*
553 *the geographic area over which the Authority has jurisdiction pursuant to this chapter, and annually*
554 *shall report such targets to the Governor, together with an assessment of progress toward achieving*
555 *such targets and projected measures and timetables for achieving such targets.*

556 *§ 33.1-472. Power to suspend financing of developments with regional impacts.*

557 *In any case where a development of regional impact, as determined by the Board, is planned within*
558 *the geographic area over which the Authority has jurisdiction that requires the expenditure of state or*
559 *federal funds by the state or any political subdivision, agency, authority, or instrumentality thereof to*
560 *create land transportation services or access to such development, any expenditure of such funds shall*
561 *be prohibited unless and until the plan for such development and such expenditures is reviewed and*
562 *approved by the Authority. The decision of the Authority to allow or disallow the expenditure of such*
563 *funds shall be final and nonreviewable, except that such decision shall be reversed where a resolution*
564 *for such purpose is passed by vote of three-fourths of the authorized membership of the local governing*
565 *body of the county, city, or town in which the development of regional impact is planned or, if such*
566 *development is within a municipality, by vote of three-fourths of the authorized membership of the local*
567 *governing body.*

568 *From time to time, by the affirmative vote of two-thirds of the authorized membership of the Board*
569 *of Directors of the Authority, the Authority may direct the Department of Environmental Quality to issue*
570 *revenue bonds, bonds, notes, loans, credit agreements, or other obligations or facilities to finance, in*
571 *whole or in part, any project or the cost of any project of the Authority wholly or partly within the*
572 *geographic area over which the Authority has jurisdiction, by means of a loan or extension of credit on*
573 *such terms or conditions as shall be concluded between the parties.*

574 *§ 33.1-473. Certain funds not to be made available for public transportation systems.*

575 *Notwithstanding any provision of law to the contrary, funds appropriated to or otherwise obtained by*
576 *the Department of Transportation or the Department of Rail and Public Transportation pursuant to this*
577 *chapter shall not be utilized for designation, improvement, or construction of any land public*
578 *transportation system or any part of the state highway system lying within the boundaries of a county*
579 *whose special district created pursuant to this chapter has been activated pursuant to the provisions of*
580 *this chapter, unless such designation, improvement, or construction is safety related or has been*
581 *conducted by or through, or approved by, the Authority, or such funds are within categories applicable*
582 *to statewide inspection or improvement required for compliance with federal law or regulation.*

583 *§ 33.1-474. Acquisition of real property.*

584 *After the adoption by the Authority of a resolution declaring that the acquisition of the real property*
585 *described therein is necessary for the purposes of this chapter, the Authority may exercise the power of*
586 *eminent domain. Property already devoted to public use may be acquired, except that no real property*
587 *belonging to the Commonwealth other than property acquired by or for the purposes of the Department*
588 *of Transportation may be acquired without the consent of the Commonwealth.*

589 *Real property acquired by the Authority in any manner for the purposes of this chapter shall not be*
590 *subject to the exercise of eminent domain by any state department, division, Board, bureau, commission,*
591 *authority, or other agency or instrumentality of the executive branch of state government, or by any*
592 *political subdivision of the Commonwealth or any agency, authority, or instrumentality thereof, without*
593 *the consent of the Authority.*

594 *§ 33.1-475. Immunity from liability.*

595 *Neither the members of the Authority nor any officer or employee of the Authority acting on behalf*
596 *thereof, while acting within the scope of his or her authority, shall be subject to any liability resulting*
597 *from:*

598 *The construction, ownership, maintenance, or operation of any project financed with the assistance*
599 *of the Authority;*

600 *The construction, ownership, maintenance, or operation of any project, facility, or undertaking*
601 *authorized by the Authority and owned by a local government; or*

602 *Carrying out any of the powers expressly given in this chapter.*

603 *§ 33.1-476. Availability of records.*

604 *Upon request of the Board of the Authority, the Department of Transportation, the Department of*
605 *Rail and Public Transportation, the Department of Environmental Quality, and the Department of*
606 *Natural Resources shall provide to the Authority and its authorized personnel and agents access to all*
607 *books, records, and other information resources available to those departments that are not of a*
608 *commercial proprietary nature, and shall assist the Authority in identifying and locating such*
609 *information resources. Reimbursement for costs of identification, location, transfer, or reproduction of*
610 *such information resources, including personnel costs incurred by the respective departments for such*
611 *purposes, shall be made by the Authority to those respective departments.*

612 *The Authority may request from time to time, and the Department of Transportation, the Department*

of Rail and Public Transportation, the Department of Environmental Quality, and the Department of Natural Resources shall provide, the assistance of personnel and the use of facilities, vehicles, aircraft, and equipment of those departments, and reimbursement for all costs and salaries thereby incurred by the respective departments shall be made by the Authority to those respective departments.

§ 33.1-477. Funding resources.

In accomplishing its purposes pursuant to the provisions of this chapter, the Authority may utilize, unless otherwise prohibited by law, any combination of the following funding resources:

Revenue bonds as authorized by this chapter;

Guaranteed revenue bonds as authorized by this chapter;

Funds obtained in a special district created and activated pursuant to this chapter, for the purposes of providing local land transportation and air quality services within such district or, by contract with, between, and among local governments within such special districts, throughout such districts;

Moneys borrowed by the Authority pursuant to the provisions of this chapter;

Such federal funds as may from time to time be made available to the Authority or for purposes coincident with the purposes of the Authority within the territory over which the Authority has jurisdiction; and

Such grants or contributions from persons, firms, corporations, or other entities as the Authority may receive from time to time.

§ 33.1-478. Bonds.

A. The Authority may at one time or from time to time provide by one or more authorizing resolutions for the issuance of revenue bonds, but the Authority shall not have the power to incur indebtedness under this subsection in excess of the cumulative principal sum of \$1 billion but excluding from such limit bonds issued for the purpose of refunding bonds that have been previously issued.

B. The Authority may issue such revenue bonds and the proceeds thereof for the purpose of paying all or part of the costs of any project or undertaking that is for the purpose of exercising the powers delegated to it by this chapter, and the construction and provision of such installations and facilities as the Authority may from time to time deem advisable to construct or contract for those purposes, as such undertakings and facilities shall be designated in the resolution of the Board of Directors authorizing the issuance of such bonds.

C. The revenue bonds and the interest payable thereon shall be exempt from all taxation within the Commonwealth imposed by the Commonwealth or any county, municipal corporation, or other political subdivision of the Commonwealth.

D. In addition, the Authority shall have the power and is authorized to issue bonds in such principal amounts as the Authority deems appropriate, such bonds to be primarily secured by a pool of obligations issued by local governments when the proceeds of the local government obligations are applied to projects of the Authority.

E. The Authority may, from time to time, refund any bonds by the issuance of new bonds whether the bonds to be refunded have or have not matured, and may issue bonds partly to refund bonds then outstanding and partly for any other corporate purpose.

F. Bonds issued by the Authority may be general or limited obligations payable solely out of particular revenues or other moneys of the Authority as may be designated in the proceedings of the Authority under which the bonds shall be authorized to be issued, subject to any agreements entered into between the Authority and state agencies, local government, or private parties and subject to any agreements with the owners of outstanding bonds pledging any particular revenues or moneys.

G. The Authority is authorized to obtain from any department, agency, or corporation of the United States of America or governmental insurer, including the Commonwealth, any insurance or guaranty, to the extent now or hereafter available, as to or for the payment or repayment of interest or principal, or both, or any part thereof on any bonds or notes issued by the Authority or on any obligations of federal, state, or local governments purchased or held by the Authority; and to enter into any agreement or contract with respect to any such insurance or guaranty, except to the extent that the same would in any way impair or interfere with the ability of the Authority to perform and fulfill the terms of any agreement made with the owners of the bonds or notes of the Authority.

H. Bonds issued by the Authority shall be authorized by resolution of the Authority, be in such denominations, bear such date or dates, and mature at such time or times as the Authority determines to be appropriate, except that bonds and any renewal thereof shall mature within 25 years of the date of their original issuance. Such bonds shall be subject to such terms of redemption, bear interest at such rate or rates payable at such times, be in registered form or book-entry form through a securities depository, or both, as to principal or interest or both principal and interest, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places, and be subject to such terms and conditions as such resolution of the Authority may provide; provided, however, in lieu of specifying the rate or rates of interest that the bonds to be issued by the Authority

674 are to bear, the resolution of the Authority may provide that the bonds when issued will bear interest at
675 a rate not exceeding a maximum per annum rate of interest that may be fixed or may fluctuate or
676 otherwise change from time to time as specified in the resolution or may state that, in the event the
677 bonds are to bear different rates of interest for different maturity dates, none of such rates will exceed
678 the maximum rate, which rate may be fixed or may fluctuate or otherwise change from time to time, as
679 specified. Bonds may be sold at public or private sale for such price or prices as the Authority shall
680 determine.

681 I. Any resolution or resolutions authorizing bonds or any issue of bonds may contain provisions that
682 may be a part of the contract with the owners of the bonds thereby authorized as to:

683 1. Pledging all or part of its revenues, together with any other moneys, securities, contracts, or
684 property, to secure the payment of the bonds, subject to such agreements with bond owners as may then
685 exist;

686 2. Setting aside of reserves and the creation of sinking funds and the regulation and disposition
687 thereof;

688 3. Limiting the purpose to which the proceeds from the sale of bonds may be applied;

689 4. Limiting the right of the Authority to restrict and regulate the use of any project or part thereof in
690 connection with which bonds are issued;

691 5. Limiting the issuance of additional bonds, the terms upon which additional bonds may be issued
692 and secured, and the refunding of outstanding or other bonds;

693 6. Setting the procedure, if any, by which the terms of any contract with bond owners may be
694 amended or abrogated, including the proportion of bond owners that must consent thereto and the
695 manner in which such consent may be given;

696 7. Creating special funds into which any revenues or other moneys may be deposited;

697 8. Setting the terms and provisions of any trust, deed, or indenture or other agreement under which
698 the bonds may be issued;

699 9. Vesting in a trustee or trustees such properties, rights, powers, and duties in trust as the Authority
700 may determine;

701 10. Defining the acts or omissions to act that may constitute a default in the obligations and duties
702 of the Authority to the bond owners and providing for the rights and remedies of the bond owners in the
703 event of such default, including as a matter of right the appointment of a receiver, provided, however,
704 that such rights and remedies shall not be inconsistent with the general laws of the Commonwealth and
705 other provisions of this chapter;

706 11. Limiting the power of the Authority to sell or otherwise dispose of any environmental facility or
707 any part thereof or other property, including municipal bonds held by it;

708 12. Limiting the amount of revenues and other moneys to be expended for operating, administrative,
709 or other expenses of the Authority;

710 13. Providing for the payment of the proceeds of bonds, obligations, revenues, and other moneys to a
711 trustee or other depository and for the method of disbursement thereof with such safeguards and
712 restrictions as the Authority may determine; and

713 14. Establishing any other matters of like or different character that in any way affect the security
714 for the bonds or the rights and remedies of bond owners.

715 J. In addition to the powers conferred upon the Authority to secure its bonds, the Authority shall
716 have power in connection with the issuance of bonds to enter into such agreements as the Authority may
717 deem necessary, consistent, or desirable concerning the use or disposition of its revenues or other
718 moneys or property, including the mortgaging of any property and the entrusting, pledging, or creation
719 of any other security interest in any such revenues, moneys, or property and the doing of any act,
720 including refraining from doing any act, that the Authority would have the right to do in the absence of
721 such agreements. The Authority shall have power to enter into amendments of any such agreements
722 within the powers granted to the Authority by this chapter and to perform such agreements. The
723 provisions of any such agreements may be made a part of the contract with the owners of bonds of the
724 Authority.

725 K. Any pledge of or other security interest in revenues, moneys, accounts, contract rights, general
726 intangibles, or other personal property made or created by the Authority shall be valid, binding, and
727 perfected from the time when such pledge is made or other security interest attaches without any
728 physical delivery of the collateral or further act, and the lien of any such pledge or other security
729 interest shall be valid, binding, and perfected against all parties having claims of any kind in tort,
730 contract, or otherwise against the Authority irrespective of whether or not such parties have notice
731 thereof. No instrument by which such a pledge or security interest is created nor any financing
732 statement need be recorded or filed.

733 L. All bonds issued by the Authority shall be executed in the name of the Authority by the
734 chairperson and secretary of the Authority and shall be sealed with the official seal or a facsimile
735 thereof. The facsimile signature of the chairperson and the secretary of the Authority may be imprinted

in lieu of the manual signature if the Authority so directs. Bonds bearing the manual or facsimile signature of a person in office at the time such signature was signed or imprinted shall be fully valid, notwithstanding the fact that before or after delivery thereof such person ceased to hold such office.

M. Prior to the preparation of definitive bonds, the Authority may issue interim receipts, interim certificates, or temporary bonds exchangeable for definitive bonds upon the issuance of the latter; the Authority may provide for the replacement of any bond that shall become mutilated or be destroyed or lost.

N. All bonds issued by the Authority under this chapter may be executed, confirmed, and validated under and in accordance with general law, except as otherwise provided in this chapter.

O. The venue for all bond validation proceedings pursuant to this chapter shall be the circuit court of the City of Richmond, and such court shall have exclusive final court jurisdiction over such proceedings.

P. Bonds issued by the Authority shall have a certificate of validation bearing the facsimile signature of the clerk of the circuit court of the City of Richmond and shall state the date on which said bonds were validated; and such entry shall be original evidence of the fact of judgment and shall be received as original evidence in any court of the Commonwealth.

Q. The Authority shall reimburse the attorney for the Commonwealth for his actual costs, if any, associated with the bond validation proceedings. The fees payable to the clerk of the circuit court of the City of Richmond for validation shall be as follows for each bond, regardless of the denomination of such bond: (i) 50 cents each for the first 100 bonds; (ii) 25 cents each for the next 400 bonds; and (iii) 10 cents for each such bond over 500.

R. Whether or not the bonds of the Authority are of such form and character as to be negotiable instruments, the bonds are made negotiable instruments within the meaning of and for all the purposes of Virginia law subject only to the provisions of the bonds for registration.

S. Neither the members of the Authority nor any person executing bonds shall be liable personally thereon or be subject to any personal liability or accountability solely by reason of the issuance thereof.

T. The Authority, subject to such agreements with bond owners as then may exist, shall have power out of any moneys available therefor to purchase bonds of the Authority, which shall thereupon be canceled, at a price not in excess of the following: (a) if the bonds are then redeemable, the redemption price then applicable plus accrued interest to the next interest payment date; or (b) if the bonds are not then redeemable, the redemption price applicable on the first date after such purchase upon which the bonds become subject to redemption, plus accrued interest to the next interest payment date.

U. In lieu of specifying the rate or rates of interest that bonds to be issued by the Authority are to bear, the notice to the attorney for the Commonwealth or the Attorney General, the notice to the public of the time, place, and date of the validation hearing, and the petition and complaint for validation may state that the bonds when issued will bear interest at a rate not exceeding a maximum per annum rate of interest, which rate may be fixed or may fluctuate or otherwise change from time to time, specified in such notices and petition and complaint or may state that, in the event the bonds are to bear different rates of interest for different maturity dates, none of such rates will exceed the maximum rate, which rate may be fixed or may fluctuate or otherwise change from time to time, so specified; provided, however, that nothing in this section shall be construed as prohibiting or restricting the right of the Authority to sell such bonds at a discount, even if in doing so the effective interest cost resulting therefrom would exceed the maximum per annum interest rate specified in such notices and in the petition and complaint.

V. The Authority shall have the power and is authorized to issue guaranteed revenue bonds in a maximum aggregate principal amount not to exceed \$1 billion, under the terms and conditions set forth in this chapter, which bonds shall constitute guaranteed revenue debt under the Constitution of the Commonwealth. The General Assembly hereby finds and determines that such issue will be self-liquidating over the life of the issue, and declares its intent to appropriate an amount equal to the highest annual debt service requirements for such issue. The proceeds of such bonds and the investment earnings thereon shall be used to finance land public transportation facilities or systems, including any costs of such projects.

W. The guaranteed revenue bonds and the interest payable thereon shall be exempt from all taxation within the state imposed by the state or any county, municipal corporation, or other political subdivision of the Commonwealth.

X. The bonds of the Authority are made securities in which all public officials and bodies of the state and all counties and municipalities, all insurance companies and associations, and other persons carrying on an insurance business, all banks, bankers, trust companies, savings banks, and savings associations, including savings and loan associations, investment companies and other persons carrying on a banking business, and administrators, guardians, executors, trustees, and other fiduciaries and all other persons whatsoever, who are now or may hereafter be authorized to invest in bonds or other

obligations of the state, may properly and legally invest funds including capital in their control or belonging to them. The bonds are also made securities that may be deposited with and may be received by all public officers and bodies of this state and all counties and municipalities for any purposes for which the deposit of bonds or other obligations of this state are now or hereafter may be authorized.

Y. The Commonwealth of Virginia pledges to and agrees with the owners of any bonds issued by the Authority pursuant to this chapter that the state will not alter or limit the rights vested in the Authority to fulfill the terms of any agreement made with or for the benefit of the owners of bonds or in any way impair the rights and remedies of bond owners until the bonds, together with the interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceeding by or on behalf of such owners, are fully met and discharged or funds for the payment of such are fully provided. The Authority is authorized to include this pledge and agreement of the state in any agreement with bond owners.

Z. The offer, sale, or issuance of bonds, notes, or other obligations by the Authority shall not be subject to referendum.

AA. No bonds, notes, or other obligations of and no indebtedness incurred by the Authority, other than guaranteed revenue bonds, shall constitute an indebtedness or obligation or a pledge of the faith and credit of the Commonwealth of Virginia or of its agencies; nor shall any act of the Authority in any manner constitute or result in the creation of an indebtedness of the state or its agencies or a cause of action against the state or its agencies; provided, however, the state, to the extent permitted by the Constitution of Virginia, may guarantee payment of such bonds, notes, or other obligations as guaranteed revenue debt.

§ 33.1-479. Determination of public purpose.

It is found, determined, and declared that the creation of this Authority and the carrying out of its corporate purposes is in all respects for the benefit of the people of the state and that the Authority is an institution of purely public charity and will be performing an essential governmental function in the exercise of the power conferred upon it by this chapter. For such reasons the state covenants with the owners from time to time of the bonds, notes, and other obligations issued under this chapter that the Authority shall not be required to pay any taxes or assessments imposed by the state or any of its counties, municipal corporations, political subdivisions, or taxing districts upon any property acquired by the Authority or under its jurisdiction, control, possession, or supervision or leased by it to others, or upon its activities in the operation or maintenance of any such property or on any income derived by the Authority in the form of fees, recording fees, rentals, charges, purchase price, installments, or otherwise, and that the bonds, notes, and other obligations of the Authority, their transfer, and the income therefrom shall at all times be exempt from taxation within the state. The tax exemption provided in this chapter shall not include any exemption from sales and use tax on property purchased by the Authority or for use by the Authority.

§ 33.1-480. Limitation on indebtedness.

No bonded indebtedness of any kind shall be incurred by the Authority or on behalf of the Authority by the Department of Environmental Quality at any time when the highest aggregate annual debt service requirements of the Commonwealth for the then current fiscal year or any subsequent fiscal year for outstanding general obligation debt and guaranteed revenue debt, including the proposed debt treating it as state general obligation debt or guaranteed revenue debt for purposes of calculating debt limitations under this section, and the highest aggregate annual payments for the then current fiscal year or any subsequent fiscal year of the state under all contracts then in force.

§ 33.1-481. Local governments may provide services.

Any local government that is within the geographic area over which the Authority has jurisdiction or which is within any county for which a special district has been otherwise activated pursuant to this chapter may provide, subject to the authorization of the Authority as provided for in this chapter, within the territorial limits of the special district authorized by this chapter, local government services consisting of land public transportation and air quality control, consistent with the terms of any authorizing resolution of the Authority and, further, consistent with the regional plan or plans approved by the Authority pursuant to its delegated powers if such plans are applicable to such local government's territory.

Projects and facilities for the provision of local government services through special districts authorized by this chapter shall be planned by the Authority consistent with approved regional plans, where applicable, and may be designed, constructed, managed, operated, and funded by the Authority in whole or in part.

§ 33.1-482. Lease agreements.

For the purposes of this section, the term "lease agreement" shall mean and include a lease, operating lease rental agreement, usufruct, sale and lease back, or any other lease agreement having a term of not more than 50 years and concerning real, personal, or mixed property, any right, title, or interest therein by and between the Commonwealth, the Authority, a local government, or any

combination thereof.

A local government by resolution of its governing body may enter into a lease agreement for the provision of land public transportation or air quality services utilizing facilities owned by the Authority upon such terms and conditions as the Authority shall determine to be reasonable including, but not limited to, the reimbursement of all costs of construction and financing and claims arising therefrom.

No lease agreement shall be deemed to be a contract subject to any law requiring that a contract shall be let only after receipt of competitive bids.

Any lease agreement may provide for the construction of such land public transportation or air quality facility by the local government as agent for the Authority. In such event, all contracts for such construction shall be let by such local government in accordance with the provisions of law otherwise applicable to the letting of such contracts by such local government and with the provisions of state law pertaining to prevailing wages, labor standards, and working hours. Any such lease agreement may contain provisions by which such local government shall indemnify the Authority against any and all damages resulting from acts or omissions to act on the part of such local government or its officers, agents, or employees in constructing such facility or facilities, in letting any contracts in connection therewith, or in operating and maintaining the same.

Any lease agreement executed by the Authority directly with any local government may provide at the termination thereof that title to the land public transportation or air quality facility project shall vest in the local government or its successor in interest, if any, free and clear of any liens or encumbrances created in connection with any contract or bonds, revenue bonds, notes, or other obligations involving the Authority.

Any lease agreement directly between the state or Authority and a local government may contain provisions requiring the local government to perform any or all of the following:

In the case of a land public transportation facility, to establish and collect rates, fees, and charges so as to produce revenues sufficient to pay all or a specified portion of (i) the costs of operation, maintenance, renewal, replacement, and repairs of the land public transportation facility of such local government; and (ii) outstanding bonds, revenue bonds, notes, or other obligations incurred for the purposes of such land public transportation facility and to provide for the payment of all amounts as they shall become due and payable under the terms of such lease agreement, including amounts for the creation and maintenance of any required reserves;

In the case of an air quality facility, to establish and collect rents, rates, fees, and charges so as to produce revenues sufficient to pay all or a specified portion of (a) the costs of operation, maintenance, renewal, and repairs of the air quality facility of such local government; and (b) outstanding bonds, revenue bonds, notes, or other obligations incurred for the purposes of such air quality facility and to provide for the payment of all amounts as they shall become due and payable under the terms of such lease agreement, including amounts for the creation and maintenance of any required reserves;

To create and maintain reasonable reserves or other special funds;

To create and maintain a special fund or funds as additional security for the punctual payment of any rentals due under such lease agreement and for the deposit therein of such revenues as shall be sufficient to pay said lease rentals and any other amounts becoming due under such lease agreements as the same shall become due and payable; or

To perform such other acts and take such other action as may be deemed necessary and desirable by the Authority to secure the complete and punctual performance by such local government of such lease agreements and to provide for the remedies of the Authority in the event of a default by such local government in such payment.

§ 33.1-483. Grants and loans to local governments.

The Authority may make grants or loans to a local government to pay all or any part of the cost of a project. In the event the local government agrees to accept such grants or loans, the Authority may require the local government to issue bonds or revenue bonds as evidence of such grants or loans. The Authority and a local government may enter into such loan commitments and option agreements as may be determined appropriate by the Authority.

The Authority may require as a condition of any grant or loan to a local government that such local government shall perform any or all of the following:

In the case of grants or loans for a land public transportation or air quality facility, establish and collect rates, fees, and charges so as to produce revenues sufficient to pay all or a specified portion of (i) costs of operation, maintenance, replacement, renewal, and repairs; and (ii) outstanding indebtedness incurred for the purposes of such facility, including the principal of and interest on the bonds, revenue bonds, notes, or other obligations issued by the local government, as the same shall become due and payable, and to create and maintain any required reserves;

In the case of loans for an air quality facility, establish and collect rents, rates, fees, and charges so as to produce revenues sufficient to pay all or a specified portion of costs of operation, maintenance,

920 *renewal, replacement, and repairs of the air quality facility of such local government; and outstanding*
921 *indebtedness incurred for the purposes of such air quality facility, including the principal of and interest*
922 *on the bonds, revenue bonds, notes, or other obligations issued by the local government, as the same*
923 *shall become due and payable, and to create and maintain any required reserves;*

924 *Create and maintain a special fund or funds, as additional security for the payment of the principal*
925 *of such revenue bonds and the interest thereon and any other amounts becoming due under any*
926 *agreement entered into in connection therewith and for the deposit therein of such revenues as shall be*
927 *sufficient to make such payment as the same shall become due and payable;*

928 *Create and maintain such other special funds as may be required by the Authority; and*

929 *Perform such other acts, including the conveyance of real and personal property together with all*
930 *right, title, or interest therein to the Authority, or take other actions as may be deemed necessary or*
931 *desirable by the Authority to secure the payment of the principal of and interest on such bonds, revenue*
932 *bonds, notes, or other obligations and to provide for the remedies of the Authority in the event of any*
933 *default by such local government in such payment.*

934 *§ 33.1-484. Issuance and sale of bonds, etc., to Authority by local governments.*

935 *All local governments issuing and selling bonds, revenue bonds, notes, or other obligations to the*
936 *Authority are authorized to perform such acts, take such action, adopt such proceedings, and to make*
937 *and carry out such contracts with the Authority as may be contemplated by this chapter.*

938 *In connection with the making of any loan authorized by this chapter, the Authority may fix and*
939 *collect such fees and charges including, but not limited to, reimbursement of all costs of financing by*
940 *the Authority, as the Authority shall determine to be reasonable. No government or state agency shall*
941 *have jurisdiction over the Authority's power over the regulation of such fees or charges.*

942 *§ 33.1-485. Certain local governments ineligible for grants.*

943 *No local government that, upon the activation of a special district created by this chapter, fails or*
944 *refuses to plan, coordinate, and implement local government services in such special district as provided*
945 *for in this chapter and authorized pursuant to a resolution of the Authority shall be eligible for any*
946 *state grant of any kind whatsoever except such grants as may be related directly to the physical and*
947 *mental health, education, and police protection of its residents, nor shall any funds appropriated to or*
948 *otherwise obtained by the Department of Transportation or the Department of Rail and Public*
949 *Transportation be utilized for designation, improvement, funding, or construction of any land public*
950 *transportation system or any part of the state highway system lying within the boundaries of such local*
951 *government's jurisdiction, or for the nonsafety related maintenance of any land public transportation*
952 *system, highway, road, or bridge operating or located within such local government's jurisdictional*
953 *boundaries, nor shall such local government be permitted to receive federal grants or funds for any*
954 *such purpose, unless such funds are within categories applicable to statewide inspection or improvement*
955 *required for compliance with federal law or regulation.*

956 *By resolution, the Authority may restore eligibility for funding and receipt of grants denied pursuant*
957 *to the provisions of this section where such local government demonstrates to the satisfaction of the*
958 *Authority that it is taking or shall take appropriate action to cooperate with the Authority.*

959 *§ 33.1-486. Failure of local government to remit amounts due to Authority.*

960 *In the event of a failure of any local government to collect and remit in full all amounts due to the*
961 *Authority and all amounts due to others, that involve the credit or guarantee of the Authority or of the*
962 *state, on the date such amounts are due under the terms of any bond, revenue bond, note, or other*
963 *obligation of the local government, it shall be the duty of the Authority to notify the State Treasurer,*
964 *who shall withhold all funds of the state and all funds administered by the state, its agencies, boards,*
965 *and instrumentalities allotted to such local government, excluding funds for education purposes, until*
966 *such local government has collected and remitted in full all sums due and cured or remedied all*
967 *defaults on any such bond, revenue bond, note, or other obligation.*

968 *Nothing contained in this section shall mandate the withholding of funds allocated to a local*
969 *government that would violate contracts to which the state is a party, the requirements of federal law*
970 *imposed on the Commonwealth, or judgments of any court binding the state.*

971 *§ 33.1-487. Chapter to be liberally construed.*

972 *This chapter, being for the welfare of the Commonwealth and its inhabitants, shall be liberally*
973 *construed to effect the purposes specified in this chapter.*