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**HOUSE BILL NO. 5056**

Offered September 15, 2006

*A BILL to amend and reenact §§ 15.2-2286, 15.2-4831, 15.2-4832, 15.2-4834, 46.2-332, 46.2-753, 58.1-300, 58.1-520, and 58.1-2403 of the Code of Virginia, to amend the Code of Virginia by adding in Title 33.1 a chapter numbered 10.2, consisting of sections numbered 33.1-391.6 through 33.1-391.18, and by adding sections numbered 15.2-4838.1, 15.2-4838.2, 46.2-206.1, 46.2-755.1, 46.2-755.2, 46.2-755.3, 46.2-755.4, 58.1-816.2, 58.1-2402.1, 58.1-2402.2, 58.1-2511, 58.1-3221.2, 58.1-3825.1, and 58.1-3825.2, and to repeal Article 22 (§ 58.1-540 et seq.) of Chapter 3 of Title 58.1 of the Code of Virginia, relating to supplemental statewide funding for the Highway Maintenance and Operating Fund, supplemental transportation funding for Northern Virginia and supplemental transportation funding for Hampton Roads.*

Patrons—Albo, Jones, S.C., McQuigg and Rust

Referred to Committee on Finance

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

**1. That §§ 15.2-2286, 15.2-4831, 15.2-4832, 15.2-4834, 46.2-332, 46.2-753, 58.1-300, 58.1-520, and 58.1-2403 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 33.1 a chapter numbered 10.2, consisting of sections numbered 33.1-391.6 through 33.1-391.18, and by adding sections numbered 15.2-4838.1, 15.2-4838.2, 46.2-206.1, 46.2-755.1, 46.2-755.2, 46.2-755.3, 46.2-755.4, 58.1-816.2, 58.1-2402.1, 58.1-2402.2, 58.1-2511, 58.1-3221.2, 58.1-3825.1, and 58.1-3825.2 as follows:**

§ 15.2-2286. Permitted provisions in zoning ordinances; amendments; applicant to pay delinquent taxes.

A. A zoning ordinance may include, among other things, reasonable regulations and provisions as to any or all of the following matters:

1. For variances or special exceptions, as defined in § 15.2-2201, to the general regulations in any district.

2. For the temporary application of the ordinance to any property coming into the territorial jurisdiction of the governing body by annexation or otherwise, subsequent to the adoption of the zoning ordinance, and pending the orderly amendment of the ordinance.

3. For the granting of special exceptions under suitable regulations and safeguards; notwithstanding any other provisions of this article, the governing body of any locality may reserve unto itself the right to issue such special exceptions. Conditions imposed in connection with residential special use permits, wherein the applicant proposes affordable housing, shall be consistent with the objective of providing affordable housing. When imposing conditions on residential projects specifying materials and methods of construction or specific design features, the approving body shall consider the impact of the conditions upon the affordability of housing.

The governing body or the board of zoning appeals of the City of Norfolk may impose a condition upon any special exception relating to retail alcoholic beverage control licensees which provides that such special exception will automatically expire upon a change of ownership of the property, a change in possession, a change in the operation or management of a facility or upon the passage of a specific period of time.

The governing body of the City of Richmond may impose a condition upon any special use permit issued after July 1, 2000, relating to retail alcoholic beverage licensees which provides that such special use permit shall be subject to an automatic review by the governing body upon a change in possession, a change in the owner of the business, or a transfer of majority control of the business entity. Upon review by the governing body, it may either amend or revoke the special use permit after notice and a public hearing as required by § 15.2-2206.

4. For the administration and enforcement of the ordinance including the appointment or designation of a zoning administrator who may also hold another office in the locality. The zoning administrator shall have all necessary authority on behalf of the governing body to administer and enforce the zoning ordinance. His authority shall include (i) ordering in writing the remedying of any condition found in violation of the ordinance; (ii) insuring compliance with the ordinance, bringing legal action, including injunction, abatement, or other appropriate action or proceeding subject to appeal pursuant to § 15.2-2311; and (iii) in specific cases, making findings of fact and, with concurrence of the attorney for the governing body, conclusions of law regarding determinations of rights accruing under § 15.2-2307. Notwithstanding the provisions of § 15.2-2311, a zoning ordinance may prescribe an appeal period of

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59 less than 30 days, but not less than 10 days, for a notice of violation involving temporary or seasonal  
60 commercial uses, parking of commercial trucks in residential zoning districts, or similar short-term,  
61 recurring violations.

62 Where provided by ordinance, the zoning administrator may be authorized to grant a modification  
63 from any provision contained in the zoning ordinance with respect to physical requirements on a lot or  
64 parcel of land, including but not limited to size, height, location or features of or related to any building,  
65 structure, or improvements, if the administrator finds in writing that: (i) the strict application of the  
66 ordinance would produce undue hardship; (ii) such hardship is not shared generally by other properties  
67 in the same zoning district and the same vicinity; and (iii) the authorization of the modification will not  
68 be of substantial detriment to adjacent property and the character of the zoning district will not be  
69 changed by the granting of the modification. Prior to the granting of a modification, the zoning  
70 administrator shall give, or require the applicant to give, all adjoining property owners written notice of  
71 the request for modification, and an opportunity to respond to the request within 21 days of the date of  
72 the notice. The zoning administrator shall make a decision on the application for modification and issue  
73 a written decision with a copy provided to the applicant and any adjoining landowner who responded in  
74 writing to the notice sent pursuant to this paragraph. The decision of the zoning administrator shall  
75 constitute a decision within the purview of § 15.2-2311, and may be appealed to the board of zoning  
76 appeals as provided by that section. Decisions of the board of zoning appeals may be appealed to the  
77 circuit court as provided by § 15.2-2314.

78 The zoning administrator shall respond within 90 days of a request for a decision or determination  
79 on zoning matters within the scope of his authority unless the requester has agreed to a longer period.

80 5. For the imposition of penalties upon conviction of any violation of the zoning ordinance. Any  
81 such violation shall be a misdemeanor punishable by a fine of not less than \$10 nor more than \$1,000.  
82 If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or  
83 remedy the violation in compliance with the zoning ordinance, within a time period established by the  
84 court. Failure to remove or abate a zoning violation within the specified time period shall constitute a  
85 separate misdemeanor offense punishable by a fine of not less than \$10 nor more than \$1,000, and any  
86 such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for  
87 each 10-day period punishable by a fine of not less than \$100 nor more than \$1,500.

88 6. a. For the collection of fees to cover the cost of making inspections, issuing permits, advertising  
89 of notices and other expenses incident to the administration of a zoning ordinance or to the filing or  
90 processing of any appeal or amendment thereto.

91 b. *Beginning January 1, 2007, the governing bodies of the Counties of Arlington, Fairfax, Loudoun,*  
92 *and Prince William, and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park*  
93 *are specifically authorized to collect fees to cover the cost of issuing permits for residential uses as*  
94 *follows: \$7,000 for a new single-family detached dwelling; \$6,000 for a new townhouse; and \$5,000 for*  
95 *a multi-family dwelling unit. The governing body of the locality shall appropriate the revenues collected*  
96 *from the fees imposed pursuant to this paragraph into the Special Transportation Fund for Northern*  
97 *Virginia established pursuant to § 15.2-4838.1 to be used for the purposes as set forth in § 15.2-4838.2.*

98 7. For the amendment of the regulations or district maps from time to time, or for their repeal.  
99 Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the  
100 governing body may by ordinance amend, supplement, or change the regulations, district boundaries, or  
101 classifications of property. Any such amendment may be initiated (i) by resolution of the governing  
102 body; (ii) by motion of the local planning commission; or (iii) by petition of the owner, contract  
103 purchaser with the owner's written consent, or the owner's agent therefor, of the property which is the  
104 subject of the proposed zoning map amendment, addressed to the governing body or the local planning  
105 commission, who shall forward such petition to the governing body; however, the ordinance may  
106 provide for the consideration of proposed amendments only at specified intervals of time, and may  
107 further provide that substantially the same petition will not be reconsidered within a specific period, not  
108 exceeding one year. Any such resolution or motion by such governing body or commission proposing  
109 the rezoning shall state the above public purposes therefor.

110 In any county having adopted such zoning ordinance, all motions, resolutions or petitions for  
111 amendment to the zoning ordinance, and/or map shall be acted upon and a decision made within such  
112 reasonable time as may be necessary which shall not exceed 12 months unless the applicant requests or  
113 consents to action beyond such period or unless the applicant withdraws his motion, resolution or  
114 petition for amendment to the zoning ordinance or map, or both. In the event of and upon such  
115 withdrawal, processing of the motion, resolution or petition shall cease without further action as  
116 otherwise would be required by this subdivision.

117 8. For the submission and approval of a plan of development prior to the issuance of building  
118 permits to assure compliance with regulations contained in such zoning ordinance.

119 9. For areas and districts designated for mixed use developments or planned unit developments as  
120 defined in § 15.2-2201.

10. For the administration of incentive zoning as defined in § 15.2-2201.

11. For provisions allowing the locality to enter into a voluntary agreement with a landowner that would result in the downzoning of the landowner's undeveloped or underdeveloped property in exchange for a tax credit equal to the amount of excess real estate taxes that the landowner has paid due to the higher zoning classification. The locality may establish reasonable guidelines for determining the amount of excess real estate tax collected and the method and duration for applying the tax credit. For purposes of this section, "downzoning" means a zoning action by a locality that results in a reduction in a formerly permitted land use intensity or density.

12. (Repealed effective July 1, 2007) Provisions for the clustering of single-family dwellings so as to preserve open space.

a. A locality may, at its option, provide in its zoning or subdivision ordinance standards, conditions and criteria for clustering of single-family dwellings and the preservation of open space developments. In establishing such standards, conditions and criteria, the governing body may, in its discretion, include any provisions it determines appropriate to ensure quality development, preservation of open space and compliance with its comprehensive plan and land use ordinances. The density calculation of the cluster development shall be based upon the same criteria for the property as would otherwise be permitted by applicable land use ordinances. As a locality determines, at its option, to provide for clustering of single-family dwellings and the preservation of open space developments, it may vary provisions for such developments for each different zoning area within the locality.

If proposals for clustering of single-family dwellings and the preservation of open space developments comply with the locality's adopted standards, conditions and criteria, the development and open space preservation shall be permitted by right under the local subdivision ordinance. The implementation and approval of the cluster development and open space preservation shall be done administratively by the locality's staff and without a public hearing. No local ordinance shall require that a special exception, special use, or conditional use permit be obtained for such developments. However, any such ordinance may exempt (i) developments of two acres or less and (ii) property located in an Air Installation Compatible Use Zone from the provisions of this subdivision.

b. Additionally, in any zoning or subdivision ordinance adopted pursuant to subdivision A 12, a locality may, at its option, provide for the clustering of single-family dwellings and the preservation of open space at a density calculation greater than the density permitted in the applicable land use ordinance. To implement and approve such increased density development, the locality may, at its option, (i) establish and provide in its zoning or subdivision ordinance standards, conditions, and criteria for such development, and if the proposed development complies with those standards, conditions and criteria, it shall be permitted by right and approved administratively by the locality staff in the same manner provided in subdivision A 12 a, or (ii) approve the increased density development upon approval of a special exception, special use permit, conditional use permit or rezoning.

c. Any locality that provides for clustering of single-family dwellings and preservation of open space upon approval of a special exception, special use permit, conditional use permit or rezoning shall no later than July 1, 2004, amend its applicable land use ordinance to comply with the provisions of subdivision A 12. Any land use provisions for clustering of single-family dwellings and preservation of open space adopted after the effective date of this act shall comply with subdivision A 12. Notwithstanding any of the requirements of subdivision A 12 to the contrary, any local government land use ordinance in effect as of January 1, 2002, that provides for the clustering of single-family dwellings and preservation of open space development by right without requiring either a special exception, special use permit, conditional use permit or other discretionary approval may remain in effect at the option of the locality.

13. Provisions for requiring and considering Phase I environmental site assessments based on the anticipated use of the property proposed for the subdivision or development that meet generally accepted national standards for such assessments, such as those developed by the American Society for Testing and Materials, and Phase II environmental site assessments, that also meet accepted national standards, such as, but not limited to, those developed by the American Society for Testing and Materials, if the locality deems such to be reasonably necessary, based on findings in the Phase I assessment, and in accordance with regulations of the United States Environmental Protection Agency and the American Society for Testing and Materials. A reasonable fee may be charged for the review of such environmental assessments. Such fees shall not exceed an amount commensurate with the services rendered, taking into consideration the time skill, and administrative expense involved in such review.

14. Provisions for requiring disclosure and remediation of contamination and other adverse environmental conditions of the property prior to approval of subdivision and development plans.

B. Prior to the initiation of an application for a special exception, special use permit, variance, rezoning or other land disturbing permit, including building permits and erosion and sediment control permits, or prior to the issuance of final approval, the authorizing body may require the applicant to

182 produce satisfactory evidence that any delinquent real estate taxes owed to the locality which have been  
183 properly assessed against the subject property have been paid.

184 § 15.2-4831. Counties and cities embraced by the Authority.

185 The Authority shall embrace the Counties of Arlington, Fairfax, Loudoun, and Prince William, and  
186 the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park; *provided, however, that if*  
187 *any such county or city is not imposing all of the taxes and the fees authorized pursuant to subdivision*  
188 *A 6 b of § 15.2-2286, subsection B of § 46.2-332, and §§ 46.2-755.1, 46.2-755.2, 58.1-2402.1,*  
189 *58.1-3221.2, and 58.1-3825.1 at any time on or after January 1, 2007, then such county or city shall*  
190 *not be embraced within the Authority.*

191 § 15.2-4832. Composition of Authority; membership; terms.

192 The Authority shall consist of 46 members as follows:

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

196 ~~Two~~Four members of the House of Delegates who reside in different counties or cities embraced by  
197 the Authority, appointed by the Speaker of the House, to the extent practicable, from the membership of  
198 the House Committee on Appropriations, the House Committee on Finance, or the House Committee on  
199 Transportation;

200 ~~One member~~Two members of the Senate who ~~resides in a county or city~~ reside in different counties  
201 or cities embraced by the Authority, appointed by the Senate Committee on Rules, to the extent  
202 practicable, from the membership of the Senate Committee on Finance and the Senate Committee on  
203 Transportation; and

204 One mayor of a town with a population greater than 3,500 that is within any county embraced by  
205 the Authority, appointed by the Governor, with future appointees to this position rotated equally among  
206 all such towns; and

207 Two citizens who reside in different counties and or cities embraced by the Authority, appointed by  
208 the Governor. One gubernatorial appointment shall include a member of the Commonwealth  
209 Transportation Board who resides in a county or city embraced by the Authority. The remaining  
210 gubernatorial appointment shall be a person who has significant experience in transportation planning,  
211 finance, engineering, construction, or management and shall be a resident of a county or city embraced  
212 by the Authority, but shall not be a resident of the same county or city as the other gubernatorial  
213 appointee to the Authority.

214 Legislative members shall serve terms coincident with their terms of office. The gubernatorial  
215 appointee who is not a member of the Commonwealth Transportation Board shall serve for a term of  
216 four years. *The mayor of a town member shall serve for a term of two years.* Vacancies occurring other  
217 than by expiration of a term shall be filled for the unexpired term. Vacancies shall be filled in the same  
218 manner as the original appointments.

219 In addition, the following persons shall serve as nonvoting members of the Authority: the Director of  
220 the Virginia Department of Rail and Public Transportation, or his designee, and the Commonwealth  
221 Transportation Commissioner, or his designee, and the Northern Virginia District Administrator for the  
222 Virginia Department of Transportation, or his designee.

223 § 15.2-4834. Decisions of Authority.

224 A majority of the Authority, which majority shall include at least a majority of the representatives of  
225 the counties and cities embraced by the Authority, shall constitute a quorum; *provided that members*  
226 *appointed from the House of Delegates or Senate shall not be considered in calculating a quorum.*  
227 Decisions of the Authority shall require a quorum and shall be in accordance with voting procedures  
228 established by the Authority. In all cases, decisions of the Authority shall require the affirmative vote of  
229 two-thirds of the members of the Authority present and voting, and two-thirds of the ~~representatives of~~  
230 ~~the counties and cities~~ members whose membership is as the chief executive officer, or his designee, of  
231 each county and city embraced by the Authority who are present and voting and whose counties and  
232 cities include at least two-thirds of the population embraced by the Authority; however, no motion to  
233 fund a specific facility or service shall fail because of this population criterion if such facility or service  
234 is not located or to be located or provided or to be provided within the county or city whose  
235 representative's sole negative vote caused the facility or service to fail to meet the population criterion.  
236 The population of counties and cities embraced by the Authority shall be the population as determined  
237 by the most recently preceding decennial census, except that on July 1 of the fifth year following such  
238 census, the population of each county and city shall be adjusted, based on population projections made  
239 by the Weldon Cooper Center for Public Service of the University of Virginia.

240 The Authority shall appoint the chairman and vice-chairman.

241 § 15.2-4838.1. Special Transportation Fund for Northern Virginia established.

242 There is hereby created in the state treasury a special nonreverting fund to be known as the Special  
243 Transportation Fund for Northern Virginia, hereafter referred to as "the Fund." The Fund shall be

established on the books of the Comptroller. All revenues dedicated for the Fund pursuant to subdivision A 6 b of § 15.2-2286, subsection B of § 46.2-332, and §§ 46.2-755.1, 46.2-755.2, 58.1-2402.1, 58.1-3221.2, and 58.1-3825.1 and as may be appropriated by the General Assembly shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.

Moneys in the Fund shall be used by the Authority solely for the purposes stated in this chapter. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the chairman of the Authority or his designee.

§ 15.2-4838.2. Use of certain revenues by the Authority.

Notwithstanding any other provision of this chapter, the revenues deposited into the Special Transportation Fund for Northern Virginia pursuant to subdivision A 6 b of § 15.2-2286, subsection B of § 46.2-332, and §§ 46.2-755.1, 46.2-755.2, 58.1-2402.1, 58.1-3221.2, and 58.1-3825.1 shall be used as follows:

A. Up to the first \$50 million deposited into the Fund in each year, through the year 2017, shall be distributed to the Washington Metropolitan Area Transit Authority (WMATA) to provide funds to the Authority as may be required under federal law for the payment of certain federal funds to WMATA and shall be used for capital improvements for WMATA's transit service (Metro). The Authority shall make such annual distribution from such revenues (i) only to the extent required under federal law for the payment of federal funds to WMATA, (ii) only if the matching federal funds are exclusive of, and in addition to, the amount of other federal funds appropriated to the Commonwealth for transportation and such other federal funds are in an amount not less than the amount of such funds appropriated to the Commonwealth in the fiscal year ending June 30, 2006, and (iii) only if the County of Arlington and the City of Alexandria are embraced within the Authority. For each year after 2017 the first \$50 million deposited into the Fund shall be used for the expansion of Metro or other rail service into Prince William County;

B. The next \$30 million deposited into the Fund in each fiscal year shall be distributed to the Virginia Railway Express for capital improvements including but not limited to construction of parking, dedicated rail on the Fredericksburg line, rolling stock, expanded service to Prince William, and service as may be needed as a result of Base Realignment and Closure Commission regarding Fort Belvoir. The Authority shall make such annual distribution from such revenues (i) only if matching state funds are appropriated, exclusive of, and in addition to the amount of state funds appropriated for such purpose in the fiscal year ending June 30, 2006, and (ii) only if Prince William County is embraced within the Authority;

C. At least 25% of the revenues from such sources remaining after the distributions under subsection A and B shall be dedicated for use on urban, and secondary road construction and improvement for the localities that are embraced by the Authority as determined by the Authority in consultation with members of the governing bodies of the localities embraced by the Authority, and members of the General Assembly representing any locality embraced by the Authority. The funds under this subsection shall be distributed to the localities embraced by the Northern Virginia Transportation Authority on a pro rata basis with each locality's share being the total fees and taxes generated or attributable to the locality pursuant to subdivision A 6 b of § 15.2-2286, subsection B of § 46.2-332, and §§ 46.2-755.1, 46.2-755.2, 58.1-2402.1, 58.1-3221.2, and 58.1-3825.1 divided by the total fees and taxes generated by all localities imposing the fees pursuant to subdivision A 6 b of § 15.2-2286, subsection B of § 46.2-332, and §§ 46.2-755.1, 46.2-755.2, 58.1-2402.1, 58.1-3221.2, and 58.1-3825.1;

D. At least 20% of the revenues from such sources remaining after the distributions under subsections A and B shall be distributed to the localities embraced by the Northern Virginia Transportation Authority on a pro rata basis with each locality's share being the total fees and taxes generated or attributable to the locality pursuant to subdivision A 6 b of § 15.2-2286, subsection B of § 46.2-332, and §§ 46.2-755.1, 46.2-755.2, 58.1-2402.1, 58.1-3221.2, and 58.1-3825.1 divided by the total fees and taxes generated by all localities imposing the fees pursuant to subdivision A 6 b of § 15.2-2286, subsection B of § 46.2-332, and §§ 46.2-755.1, 46.2-755.2, 58.1-2402.1, 58.1-3221.2, and 58.1-3825.1. The revenues distributed pursuant to this subsection shall be used solely for transportation capital improvements as determined solely by the applicable locality. None of this revenue may be used to repay debt undertaken before January 1, 2007. Each locality shall provide annually to the Northern Virginia Transportation Authority sufficient documentation as required by the Authority showing that the funds distributed under this subsection were used as required by this subsection. The funds under this subsection shall be conditioned on the following:

1. That such funds be distributed to the localities embraced by the Northern Virginia Transportation Authority on a pro rata basis with each locality's share being the total fees and taxes generated or attributable to the locality pursuant to subdivision A 6 b of § 15.2-2286, subsection B of § 46.2-332, and

§§ 46.2-755.1, 46.2-755.2, 58.1-2402.1, 58.1-3221.2, and 58.1-3825.1 divided by the total fees and taxes generated by all localities imposing the fees pursuant to subdivision A 6 b of § 15.2-2286, subsection B of § 46.2-332, and §§ 46.2-755.1, 46.2-755.2, 58.1-2402.1, 58.1-3221.2, and 58.1-3825.1;

2. That urban road construction funded in whole or in part under this subsection be performed by cities pursuant to subdivision D of § 33.1-23.3;

3. That at the request of any county embraced by the Authority, all state secondary road construction funding due such county be transferred to such county, provided that the county assumes full responsibility for planning and constructing secondary roads pursuant to § 33.1-84.1;

E. Beginning at the time the second half of the Dulles Rail project is constructed, at least \$20 million shall be dedicated annually for the Dulles Rail project, provided there are federal matching funds appropriated; and

F. All other remaining revenues from such sources shall be used by the Authority solely for transportation projects for the localities that are embraced by the Authority as determined by the Authority in consultation with members of the governing bodies of the localities embraced by the Authority, and members of the General Assembly representing any locality embraced by the Authority, or as may be required by any other law, solely for transportation projects for the localities that are embraced by the Authority. All transportation projects undertaken by the Northern Virginia Transportation Authority shall be completed by private contractors accompanied by performance measurement standards, and contractors who do not meet the standards shall be terminated. The Authority shall avail itself of the strategies permitted under the Public-Private Transportation Act (§ 56-556 et seq.) whenever feasible and advantageous. The Authority is independent of any state or local entity, including the Virginia Department of Transportation and the Commonwealth Transportation Board, but the Authority and VDOT and CTB shall consult with each other to avoid duplication of efforts, and, at the option of the Authority, may combine efforts to complete specific projects. When determining what projects to construct, the Authority shall base its decisions on the combination (i) equitably distributes the funds throughout the participating localities, and (ii) constructs projects that move the most people or commercial traffic in the most cost-effective manner.

#### CHAPTER 10.2.

#### HAMPTON ROADS TRANSPORTATION AUTHORITY.

§ 33.1-391.6. Short Title.

This chapter shall be known and may be cited as the Hampton Roads Transportation Authority Act.

§ 33.1-391.7. Authority created.

The Hampton Roads Transportation Authority, hereinafter in this chapter known as "the Authority" is hereby created as a body politic and as a political subdivision of the Commonwealth.

§ 33.1-391.8. Powers of the Authority.

Notwithstanding any contrary provision of this title and in accordance with all applicable federal statutes and requirements, the Authority shall control and operate and may impose and collect tolls in amounts established by the Authority for the use of any new or improved highway, bridge, tunnel, or transportation facility (including new construction relating to, or improvements to, the bridges, tunnels, roadways, and related facilities known collectively as the Chesapeake Bay Bridge-Tunnel as described in § 33.1-391.12, pursuant to the conditions set forth in such section) constructed by the Authority or with funds provided in whole or in part by the Authority. The amount of any such toll may be varied from facility to facility, by lane, by congestion levels, by day of the week, time of day, type of vehicle, number of axles, or any similar combination thereof, and a reduced rate may be established for commuters as defined by the Authority. For purposes of this section, the Midtown and Downtown tunnels located within the Cities of Norfolk and Portsmouth shall be considered a single transportation facility and both facilities may be tolled if improvements are made to either tunnel. Any tolls imposed by the Authority shall be collected by an electronic toll system that, to the extent possible, shall not impede traffic flow. For all roads tolled by the Authority, there shall be signs erected prior to the point of toll collection that clearly state how the majority of the toll revenue for the particular road is being spent by the Authority.

§ 33.1-391.9. Composition of Authority; chairman and vice-chairman; quorum.

The Authority shall consist of the following members: (i) one member of the local governing body of each of the following localities, provided that the locality imposes all of the local transportation fees authorized by §§ 46.2-755.3, 46.2-755.4, 58.1-2402.2, and 58.1-3825.2: the Counties of Isle of Wight, James City, and York and the Cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, and Williamsburg; (ii) a member of the Commonwealth Transportation Board who resides in a county or city embraced by the Authority appointed by the Governor who shall serve ex officio without a vote; (iii) the Director of the Virginia Department of Rail and Public Transportation, or his designee, who shall serve ex officio without a vote; (iv) the Commonwealth Transportation Commissioner, or his designee, who shall serve ex officio without a vote; (v) three members of the Virginia House of Delegates who reside in a city or county that is imposing the local

transportation fees authorized by §§ 46.2-755.3, 46.2-755.4, 58.1-2402.2, and 58.1-3825.2, no two of whom shall reside in the same city or county, appointed by the Speaker of the House of Delegates; and (vi) two members of the Senate of Virginia who reside in a city or county that is imposing the local transportation fees authorized by §§ 46.2-755.3, 46.2-755.4, 58.1-2402.2, and 58.1-3825.2, neither of whom shall reside in the same city or county, appointed by the Senate Committee on Rules. Each representative of a local governing body shall be appointed by a majority vote of the respective local governing body and shall be a member of the local governing body by which he is appointed. In the event that a member of the Authority who is appointed by a local governing body ceases to be a member of that local governing body, he may no longer serve as a member of the Authority. Members of the Authority appointed by local governing bodies shall serve for terms of four years and may be reappointed for one additional term of four years. Any member of the Authority appointed by a local governing body who is initially appointed to serve a term of less than three years may thereafter be appointed for two successive four-year terms. For the purpose of initial appointments and in order to provide for staggered terms, those members appointed by the City Council of the City of Hampton, the City Council of the City of Newport News, and the Board of Supervisors of James City County shall be appointed for terms of two years; those members who are appointed by the City Council of the City of Norfolk, the City Council of the City of Chesapeake, and the City Council of the City of Portsmouth shall be appointed for terms of three years; and the remaining representatives of local governing bodies shall be appointed for terms of four years. Legislative members shall serve terms coincident with their terms of office. Vacancies shall be filled by appointment for the unexpired term by the same process as used to make the original appointment.

Notwithstanding any other provision of this section, if fewer than six jurisdictions named in this section elect to join the Authority, the General Assembly representation on the Authority shall be reduced to two members of the Virginia House of Delegates who reside in a city or county that is imposing the local transportation fees authorized by §§ 46.2-755.3, 46.2-755.4, 58.1-2402.2, and 58.1-3825.2, neither of whom shall reside in the same city or county, appointed by the Speaker of the House of Delegates; and one member of the Senate of Virginia who resides in a city or county that is imposing the local transportation fees authorized by §§ 46.2-755.3, 46.2-755.4, 58.1-2402.2, and 58.1-3825.2, appointed by the Senate Committee on Rules.

The Authority shall annually elect a chairman and vice-chairman from among its membership, each of whom shall continue to hold such office until their respective successors are elected.

A majority of the members of the Authority shall constitute a quorum for the transaction of business.

Members of the Authority shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties and, in addition, shall be paid a per diem equal to the amount paid members of the Commonwealth Transportation Board for each day or portion thereof during which they are engaged in the official business of the Authority.

The Auditor of Public Accounts, or his legally authorized representatives, shall annually audit the financial accounts of the Authority, and the cost of such audit shall be borne by the Authority.

§ 33.1-391.10. Additional powers of the Authority.

The Authority shall have the following powers together with all powers incidental thereto or necessary for the performance of those hereinafter stated:

1. To sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;

2. To adopt and use a corporate seal and to alter the same at its pleasure;

3. To procure insurance, participate in insurance plans, and provide self-insurance; however, the purchase of insurance, participation in an insurance plan, or the creation of a self-insurance plan by the Authority shall not be deemed a waiver or relinquishment of any sovereign immunity to which the Authority or its officers, directors, employees, or agents are otherwise entitled;

4. To establish bylaws and make all rules and regulations, not inconsistent with the provisions of this chapter, deemed expedient for the management of the Authority's affairs;

5. To apply for and accept money, materials, contributions, grants, or other financial assistance from the United States and agencies or instrumentalities thereof, the Commonwealth, and any political subdivision, agency, or instrumentality of the Commonwealth, and from any legitimate private source;

6. To acquire real and personal property or any interest therein by purchase, lease, gift, or otherwise (and to the extent not inconsistent with the provisions of § 33.1-422) for purposes consistent with this chapter; and to hold, encumber, sell, or otherwise dispose of such land or interest for purposes consistent with this chapter;

7. To acquire by purchase, lease, contract, or otherwise (and to the extent not inconsistent with the provisions of § 33.1-422), highways, bridges, tunnels, railroads, rolling stock, and transit and rail facilities and other transportation-related facilities; and to construct the same by purchase, lease, contract, or otherwise in the manner and to the extent not inconsistent with the provisions of the first



428 paragraph of § 33.1-422;

429 8. In coordination with the Commonwealth Transportation Board and with each city or county in  
430 which the facility or any part thereof is or is to be located, to repair, expand, enlarge, construct,  
431 reconstruct, or renovate any or all of the transportation facilities referred to in § 33.1-391.8, and to  
432 acquire any real or personal property needed for any such purpose;

433 9. To enter into agreements or leases with public or private entities for the operation and  
434 maintenance of bridges, tunnels, transit and rail facilities, and highways;

435 10. To make and execute contracts, deeds, mortgages, leases, and all other instruments and  
436 agreements necessary or convenient for the performance of its duties and the exercise of its powers and  
437 functions under this chapter;

438 11. To the extent funds are made or become available to the Authority to do so, to employ  
439 employees, agents, advisors, and consultants, including without limitation, attorneys, financial advisers,  
440 engineers, and other technical advisers and, the provisions of any other law to the contrary  
441 notwithstanding, to determine their duties and compensation; and

442 12. To the extent not inconsistent with the other provisions of this chapter, and without limiting or  
443 restricting the powers otherwise given the Authority, to exercise all of the powers given to  
444 transportation district commissions by §§ 15.2-4518 and 15.2-4519. The Authority shall only undertake  
445 those transportation projects that are currently included in the federally mandated 2030 Regional  
446 Transportation Plan approved by the Metropolitan Planning Organization, or any successive plan, and  
447 that are located in, or which provide a benefit to, the counties and cities that are members of the  
448 Authority, subject to the limitations related to those projects contained in this section.

449 The Authority shall phase construction of the transportation projects that are currently included in  
450 the federally mandated 2030 Regional Transportation Plan. Except as specifically provided herein,  
451 projects listed in the second phase shall not be undertaken until the Authority has determined that there  
452 is a viable plan of construction for the projects listed in the first phase that meet the requirements of  
453 this section.

454 First Phase Projects:

455 Route 460 Upgrade; I-64 Widening on the Peninsula; I-64 Widening on the Southside; Midtown  
456 Tunnel/MLK Extension; Southeastern Parkway/Dominion Blvd; I-664 Widening in Newport News; I-664  
457 Widening on the Southside; I-664 Monitor Merrimac Bridge Tunnel Widening.

458 Second Phase Projects:

459 I-64 to the Intermodal Connector; I-564 Connector to the Monitor Merrimac Bridge Tunnel; Craney  
460 Island Connector.

461 It is the intent of the General Assembly that the Authority shall encourage private sector  
462 participation in the aforementioned projects. Any cost savings realized under the PPTA relating to the  
463 construction of first phase projects may be applied to advancing the future construction of second phase  
464 projects. Further, nothing herein shall prohibit the Authority from receiving and acting on PPTA  
465 proposals on projects in either phase.

466 § 33.1-391.11. Authority a responsible public entity under Public-Private Transportation Act of 1995.  
467 The Authority is a responsible public entity as defined in the Public-Private Transportation Act of  
468 1995 (§ 56-556 et seq.).

469 § 33.1-391.12. Addition of the Chesapeake Bay Bridge-Tunnel to facilities controlled by Authority;  
470 expansion of Authority membership; applicability of local transportation fees to Accomack and  
471 Northampton Counties.

472 The bridges, tunnels, roadways, and related facilities known collectively as the Chesapeake Bay  
473 Bridge-Tunnel, which provide a vehicular connection across the mouth of the Chesapeake Bay between  
474 the City of Virginia Beach and Northampton County, shall become subject to the control of the  
475 Authority subject to the provisions of § 33.1-391.8, at such time as all of the bonds and other evidences  
476 of debt now or hereafter issued by or on behalf of the Chesapeake Bay Bridge and Tunnel Commission  
477 shall have been satisfied or paid in full. Until such bonds and other evidences of debt have been  
478 satisfied or paid in full, control of and responsibility for the operation and maintenance of the  
479 Chesapeake Bay Bridge-Tunnel facilities shall remain with the Chesapeake Bay Bridge and Tunnel  
480 Commission.

481 In discharging its responsibilities for the operation and maintenance of the Chesapeake Bay  
482 Bridge-Tunnel facilities, the Authority shall have, in addition to the powers it is given by this chapter,  
483 all of the powers and authority given to the Chesapeake Bay Bridge and Tunnel Commission by Chapter  
484 693 of the Acts of Assembly of 1954 and by Chapter 714 of the Acts of the Assembly of 1956, as  
485 amended and incorporated by reference as § 33.1-253.

486 At such time as the Chesapeake Bay Bridge-Tunnel facilities become subject to the control of the  
487 Authority as contemplated by this section, the Authority shall be enlarged by two members, one of whom  
488 shall be a member of the governing body of the County of Accomack, provided that the County imposes  
489 the local transportation fees authorized by §§ 46.2-755.3, 46.2-755.4, 58.1-2402.2, and 58.1-3825.2, and



one of whom shall be a member of the governing body of the County of Northampton, provided that the County imposes the local transportation fees authorized by §§ 46.2-755.3, 46.2-755.4, 58.1-2402.2, and 58.1-3825.2. The representative of the local governing body of the County of Accomack and the County of Northampton shall be appointed by a majority vote of the respective local governing body and shall be a member of the local governing body by which he is appointed. In the event that a member of the Authority who is appointed by the governing body of the County of Accomack or the County of Northampton ceases to be a member of that local governing body, he may no longer serve as a member of the Authority. Members of the Authority appointed by the County of Accomack or the County of Northampton shall serve for terms of four years and may be appointed for one additional term of four years.

§ 33.1-391.13. Issuance of bonds by the Chesapeake Bay Bridge and Tunnel Commission.

On a prospective basis, prior to issuing any bond with a maturity date that extends beyond the maturity date of any bond that it refinances, the Chesapeake Bay Bridge and Tunnel Commission shall provide written notice of the contemplated issuance to the Chairmen of the Senate Committee on Finance and the House Committee on Appropriations at such time as when the General Assembly is in regular session. This provision shall not apply to any bond issued to provide for the payment of any temporary or interim financing.

On a prospective basis, prior to issuing any bonds for the purposes of financing the construction of new or additional tunnels, the Chesapeake Bay Bridge and Tunnel Commission shall provide written notice of the contemplated issuance to the Chairmen of the Senate Committee on Finance and the House Committee on Appropriations at such time as when the General Assembly is in regular session.

§ 33.1-391.14. Continuing responsibilities of the Commonwealth Transportation Board and the Virginia Department of Transportation.

Except as otherwise explicitly provided in this chapter, until such time as the Authority and the Virginia Department of Transportation, or the Authority and the Commonwealth Transportation Board, agree otherwise in writing, the Commonwealth Transportation Board shall allocate funding to and the Department of Transportation shall perform or cause to be performed all maintenance and operation of the bridges, tunnels, and roadways referred to in § 33.1-391.8, and shall perform such other required services and activities with respect to such bridges, tunnels, and roadways as were being performed on January 1, 2006.

§ 33.1-391.15. Hampton Roads Planning District Commission to provide administrative services and office facilities.

The staff of the Hampton Roads Planning District Commission and the Virginia Department of Transportation shall work cooperatively to assist the proper formation and effective organization of the Authority. Until such time as the Authority is fully established and functioning, the staff of the Hampton Roads Planning District Commission shall serve as its staff, and the Hampton Roads Planning District Commission shall provide the Authority with office space and administrative support. The Authority shall reimburse the Hampton Roads Planning District Commission for the cost of such staff, office space, and administrative support as appropriate.

§ 33.1-391.16. Use of revenues by the Authority.

Notwithstanding any other provision of this chapter, all moneys received by the Authority shall be used by the Authority solely for the benefit of those counties and cities imposing the local transportation fees authorized by §§ 46.2-755.3, 46.2-755.4, 58.1-2402.2, and 58.1-3825.2, and such moneys shall be used by the Authority in a manner that is consistent with the purposes stated in this chapter.

§ 33.1-391.17. Local Transportation Fees.

A. In addition to any other taxes, fees, or other charges imposed under law, each of the governing bodies of the Counties of Isle of Wight, James City, and York and the Cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, and Williamsburg may by ordinance levy the fees authorized by §§ 46.2-755.3, 46.2-755.4, 58.1-2402.2, and 58.1-3825.2, provided that (i) the governing body of the county or city adopts all of the fees authorized by §§ 46.2-755.3, 46.2-755.4, 58.1-2402.2, and 58.1-3825.2, and (ii) the governing body of the county or city appropriates the revenue collected from the additional fees to the Hampton Roads Transportation Authority established under § 33.1-391.7.

At such time as the Chesapeake Bay Bridge-Tunnel becomes subject to the control of the Hampton Roads Transportation Authority as provided in § 33.1-391.12, each of the governing bodies of the Counties of Accomack and Northampton may also by ordinance levy the local transportation fees authorized by §§ 46.2-755.3, 46.2-755.4, 58.1-2402.2, and 58.1-3825.2, provided that the governing body of the county appropriates the revenue generated by such fees to the Hampton Roads Transportation Authority.

The Authority shall use all funds collected hereunder solely for the purposes provided in § 33.1-391.16.

551 B. No locality imposing the local transportation fees pursuant to §§ 46.2-755.3, 46.2-755.4,  
552 58.1-2402.2, and 58.1-3825.2 shall cease to impose such fees so long as the Hampton Roads  
553 Transportation Authority (i) is currently engaged in a transportation project within the boundaries of the  
554 locality or that benefits the locality, (ii) has entered into a binding commitment to begin a  
555 transportation project within the boundaries of the locality, or that benefits the locality, or (iii) has  
556 issued bonds or incurred other evidence of debt that has not been satisfied or paid in full and that  
557 relates to a transportation project undertaken by the Authority within the boundaries of the locality, or  
558 that benefits the locality.

559 § 33.1-391.18. Partial recapture of tax revenue generated by businesses related to the Port of  
560 Virginia and private marine terminals in the Commonwealth.

561 As a partial recapture of income tax revenue and sales and use tax revenue generated by maritime  
562 related businesses located in the Counties of Isle of Wight, James City, and York and the Cities of  
563 Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, and Williamsburg,  
564 beginning January 1, 2007, an annual amount of \$25 million per year of income and sales tax revenue  
565 shall be remitted by the Comptroller to the Hampton Roads Transportation Authority established under  
566 § 33.1-391.7.

567 § 46.2-206.1. Imposition of certain additional fees on certain drivers; fees dedicated to Highway  
568 Maintenance and Operating Fund.

569 A. The purpose of the civil remedial fees imposed in this section is to generate revenue from drivers  
570 whose proven dangerous driving behavior places significant financial burdens upon the Commonwealth.  
571 The Commissioner shall impose and collect these civil remedial fees pursuant to this section, which  
572 shall be in addition to any other fees, costs, or penalties imposed pursuant to the Code of Virginia.

573 B. The civil remedial fees established by this section shall be assessed on any resident of Virginia  
574 operating a motor vehicle on the highways of Virginia, including persons to whom Virginia driver's  
575 licenses, commercial driver's licenses, or learner's permits have been issued pursuant to this title;  
576 persons operating motor vehicles without licenses or whose license has been revoked or suspended; and  
577 persons operating motor vehicles with a license issued by a jurisdiction outside Virginia.

578 C. In addition to fees set forth in subsection D, any person whose driver's record with the  
579 Department shows a conviction within the past three years of:

580 1. Driving while his driver's license was suspended or revoked pursuant to § 18.2-272, 46.2-301,  
581 46.2-302, 46.2-341.21, or 46.2-391 shall be assessed a fee of \$250;

582 2. Reckless driving in violation of Article 7 (§ 46.2-852 et seq.) of Chapter 8 of this title or  
583 aggressive driving in violation of § 46.2-868.1 shall be assessed a fee of \$350;

584 3. Driving while intoxicated in violation of § 18.2-266, 18.2-266.1, or 46.2-341.24 shall be assessed  
585 a fee of \$750;

586 4. Any other misdemeanor conviction for a driving or motor vehicle-related violation of Title 18.2 or  
587 this title, shall be assessed a fee of \$300; and

588 5. Any felony conviction for a driving or motor vehicle-related offense under Title 18.2 or this title,  
589 shall be assessed a fee of \$1,000.

590 6. For the purposes of this section:

591 a. A finding of guilty in the case of a juvenile and a conviction under substantially similar laws of  
592 any locality, territory, other state, or of the United States, shall be a conviction.

593 b. The fees assessed under this subsection shall be implemented in a manner whereby no convictions  
594 prior to July 1, 2008, shall be considered.

595 c. The Commissioner shall assess the fees established under this subsection within 30 days of the  
596 conviction being reported to the Department, and on the second and third year anniversaries of the  
597 conviction being reported to the Department.

598 D. In addition to any fees set forth in subsection C, any person whose driver's record with the  
599 Department shows a balance of four or more driver demerit points on July 15 shall be assessed a fee of  
600 \$100 plus \$75 for each demerit point in excess of four, but not greater than \$700.

601 E. The Department shall assess the fees set forth in subsection D annually, beginning on July 15,  
602 2008.

603 F. The Department shall notify every person assessed a fee under this section by mailing a notice  
604 thereof by first-class mail addressed to such person's most recent address as shown in the Department's  
605 records, and such mailing shall constitute notice to the person of the assessment of the fee. If any  
606 assessment made under this section remains unpaid 60 days following the date on which the notice of  
607 assessment was mailed, the Department shall suspend the driver's license of the person against whom  
608 the assessment was imposed. No license shall be reissued or reinstated until all fees assessed have been  
609 paid.

610 G. In the event that a person disputes a conviction on his driver's record based upon identity, if the  
611 person presents the Department a certified copy of a petition to a court of competent jurisdiction  
612 seeking to vacate an order of such conviction, the Department shall suspend the imposition of the

assessment. Such suspension shall be valid for one year from the date of the commencement or until 30 days after an entry of a final order on such petition, whichever occurs first.

H. Funds collected through the imposition of fees as provided in this section shall be used first to pay the Department's costs in imposing and collecting such assessments, and any remainder shall be credited to the Highway Maintenance and Operating Fund, a special fund within the Commonwealth Transportation Fund.

§ 46.2-332. Fees.

A. On and after January 1, 1990, the fee for each driver's license other than a commercial driver's license shall be two dollars and forty cents per year. If the license is a commercial driver's license or seasonal restricted commercial driver's license, the fee shall be six dollars per year. Persons twenty-one years old or older may be issued a scenic driver's license, learner's permit, or commercial driver's license for an additional fee of five dollars. For any one or more driver's license endorsements, except a motorcycle endorsement, there shall be an additional fee of one dollar per year; for a motorcycle endorsement, there shall be an additional fee of two dollars per year. For any and all driver's license classifications, there shall be an additional fee of one dollar per year. For any revalidation of a seasonal restricted commercial driver's license, the fee shall be five dollars.

A reexamination fee of two dollars shall be charged for each administration of the knowledge portion of the driver's license examination taken by an applicant who is eighteen years of age or older if taken more than once within a fifteen-day period. The reexamination fee shall be charged each time the examination is administered until the applicant successfully completes the examination, if taken prior to the fifteenth day.

An applicant who is less than eighteen years of age who does not successfully complete the knowledge portion of the driver's license examination shall not be permitted to take the knowledge portion more than once in fifteen days.

If the applicant for a driver's license is an employee of the Commonwealth, or of any county, city, or town who drives a motorcycle or a commercial motor vehicle solely in the line of his duty, he shall be exempt from the additional fee otherwise assessable for a motorcycle classification or a commercial motor vehicle endorsement. The Commissioner may prescribe the forms as may be requisite for completion by persons claiming exemption from additional fees imposed by this section.

No additional fee above two dollars and forty cents per year shall be assessed for the driver's license or commercial driver's license required for the operation of a school bus.

Excluding the two-dollar reexamination fee, one dollar and fifty cents of all fees collected for each original or renewal driver's license shall be paid into the driver education fund of the state treasury and expended as provided by law. Unexpended funds from the driver education fund shall be retained in the fund and be available for expenditure in ensuing years as provided therein.

All fees for motorcycle endorsements shall be distributed as provided in § 46.2-1191.

B. Beginning January 1, 2007, in addition to all other fees authorized by this chapter, the governing bodies of the Counties of Arlington, Fairfax, Loudoun, and Prince William, and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park are authorized to impose an additional fee of \$200 for the initial issuance of a driver's license to be collected by the Commissioner. Such additional fee shall not, however, be imposed for the issuance of a driver's license to any person to whom a Virginia driver's license was previously issued, but whose Virginia driver's license had expired or had been suspended or revoked. Furthermore, the amount of such additional fee shall, for any minor who presents proof thereof satisfactory to the Commissioner, be waived for the successful completion of a driver safety course approved by the Department. Any and all fees imposed pursuant to this section shall be collected by the Department of Motor Vehicles at the time the initial license is issued. Every fee shall be denominated by the Department as the "Northern Virginia Transportation Improvement Fee," and shall be transmitted by the Department to the locality wherein the vehicle is registered.

The governing body of the locality shall appropriate the revenues collected from the additional fees imposed pursuant to this section into the Special Transportation Fund for Northern Virginia established pursuant to § 15.2-4838.1 to be used for the purposes as set forth in § 15.2-4838.2.

This section shall supersede conflicting provisions of this chapter.

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

Notwithstanding any other provision of law, the governing bodies of Alexandria, Arlington, Fairfax County, Fairfax City, and Falls Church are authorized to charge annual license fees, in addition to those specified in § 46.2-752, on passenger cars not used for the transportation of passengers for compensation. The additional fee shall be no more than five dollars. The total local license fee shall be no more than twenty-five dollars on any vehicle, excluding any fee imposed pursuant to § 46.2-755.1, 46.2-755.2, 46.2-755.3, or 46.2-755.4, and this license fee shall not be imposed on any motor vehicle exempted under § 46.2-739.

The governing bodies are also authorized to charge additional annual license fees on the motor

674 vehicles, trailers, and semitrailers as specified in § 46.2-697 in an amount of no more than five dollars  
675 for each such vehicle, *excluding any fee imposed pursuant to § 46.2-755.1, 46.2-755.2, 46.2-755.3, or*  
676 *46.2-755.4.* This authorization shall not increase the maximum chargeable by more than five dollars or  
677 affect any existing exemption.

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

682 § 46.2-755.1. *Additional annual license fees in certain localities.*

683 *In addition to taxes and license fees imposed pursuant to §§ 46.2-752 and 46.2-753 and to all other*  
684 *taxes and fees permitted by law, beginning January 1, 2007, the governing bodies of the Counties of*  
685 *Arlington, Fairfax, Loudoun, and Prince William, and the Cities of Alexandria, Fairfax, Falls Church,*  
686 *Manassas, and Manassas Park are authorized to charge additional annual license fees as follows: \$30*  
687 *for passenger cars and pickup trucks; \$40 for panel trucks; \$20 for trailers and semitrailers; \$15 for*  
688 *motorcycles; \$25 per axle for trucks; and \$12 for all other vehicles for which the locality is authorized*  
689 *to collect an annual license fee. Any and all fees imposed pursuant to this section shall be collected by*  
690 *the Department of Motor Vehicles at the time the vehicle is registered with the Department or when its*  
691 *registration is renewed. Every fee shall be denominated by the Department as the "Northern Virginia*  
692 *Transportation Improvement Fee," and shall be transmitted by the Department to the locality wherein*  
693 *the vehicle is registered.*

694 *The governing body of the locality shall appropriate the revenues collected from the additional fees*  
695 *imposed pursuant to this section into the Special Transportation Fund for Northern Virginia established*  
696 *pursuant to § 15.2-4838.1 to be used for the purposes as set forth in § 15.2-4838.2.*

697 § 46.2-755.2. *Additional initial license fees in certain localities.*

698 *In addition to taxes and license fees imposed pursuant to § 46.2-752 and to all other fees permitted*  
699 *by law, beginning January 1, 2007, the governing bodies of the Counties of Arlington, Fairfax,*  
700 *Loudoun, and Prince William, and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and*  
701 *Manassas Park are authorized to charge an additional initial, one-time license fee on all vehicles for*  
702 *which the locality is authorized to impose an annual license fee, at the rate of 0.75% of the retail value*  
703 *of the vehicle according to the National Automobile Dealers Association at the time the vehicle is first*  
704 *registered in the locality by the owner of the vehicle. License fees authorized by this section shall be*  
705 *imposed only once, so long as the ownership of the vehicle upon which they are imposed remains*  
706 *unchanged. All such additional license fees shall be paid to and collected by the Department of Motor*  
707 *Vehicles, and shall not be collectable or collected by any licensed dealer at the time of the sale of any*  
708 *vehicle. Every such additional license fee shall be denominated by the Department as the "Northern*  
709 *Virginia Transportation Improvement Initial Registration Fee" and shall be transmitted by the*  
710 *Department to the locality wherein the vehicle is registered.*

711 *The governing body of the locality shall appropriate the revenues collected from the additional fees*  
712 *imposed pursuant to this section into the Special Transportation Fund for Northern Virginia established*  
713 *pursuant to § 15.2-4838.1 to be used for the purposes as set forth in § 15.2-4838.2.*

714 § 46.2-755.3. *Additional annual license fees in certain localities.*

715 *In addition to taxes and license fees imposed pursuant to § 46.2-752 and to all other taxes and fees*  
716 *permitted by law, and subject to the limitations contained in § 33.1-391.17, beginning January 1, 2007,*  
717 *the governing bodies of the Counties of Isle of Wight, James City, and York and the Cities of*  
718 *Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, and Williamsburg*  
719 *are authorized to charge additional annual license fees as follows: \$30 for passenger cars and pickup*  
720 *trucks; \$40 for panel trucks; \$20 for trailers; \$15 for motorcycles; \$25 per axle for trucks; and \$12 for*  
721 *all other vehicles for which the locality is authorized to collect an annual license fee.*

722 *Any and all fees imposed pursuant to this section shall be collected by the Department of Motor*  
723 *Vehicles at the time the vehicle is registered with the Department or when its registration is renewed.*  
724 *Each fee shall be denominated by the Department as the "Hampton Roads Improvement Fee." All such*  
725 *fees shall be remitted by the Comptroller on a monthly basis to the Hampton Roads Transportation*  
726 *Authority to be used for the purposes set forth in § 33.1-391.16 The Commissioner shall maintain*  
727 *records of the fee imposed and collected and the locality and address where each vehicle is registered.*

728 § 46.2-755.4. *Additional initial license fees in certain localities.*

729 *In addition to taxes and license fees imposed pursuant to § 46.2-752 and to all other taxes and fees*  
730 *permitted by law, and subject to the limitations contained in § 33.1-391.17, beginning January 1, 2007,*  
731 *the governing bodies of the Counties of Isle of Wight, James City, and York and the Cities of*  
732 *Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, and Williamsburg*  
733 *are authorized to charge an additional initial, one-time license fee on all vehicles for which the locality*  
734 *is authorized to collect an annual license fee, at the rate of 0.75% of the retail value of the vehicle*  
735 *according to the National Automobile Dealers Association at the time the vehicle is first registered in*

the locality by the owner of the vehicle. License fees authorized by this section shall be imposed only once, so long as the ownership of the vehicle upon which they are imposed remains unchanged. The locality shall exempt from such fee any vehicle for which a fee under this section previously has been paid.

All such additional license fees shall be paid to and collected by the Department of Motor Vehicles, and shall not be collectable or collected by any licensed dealer at the time of the sale of any vehicle.

Any and all fees collected by the Department of Motor Vehicles under this section shall be designated by the Department as the "Hampton Roads Transportation Initial Registration Fee" and shall be remitted by the Comptroller on a monthly basis to the Hampton Roads Transportation Authority to be used for the purposes as set forth in § 33.1-391.16. The Commissioner shall maintain records of the fee imposed and collected and the locality and address of where each vehicle is registered.

§ 58.1-300. Incomes not subject to local taxation.

~~Except as provided in § 58.1-540, no~~ No county, city, town or other political subdivision of this Commonwealth shall impose any tax or levy upon incomes, incomes being hereby segregated for state taxation only.

§ 58.1-520. Definitions.

As used in this article:

"Claimant agency" means any administrative unit of state, county, city or town government, including department, institution, commission, authority, or the office of Executive Secretary of the Supreme Court, any circuit or district court and the Internal Revenue Service. All state agencies and institutions shall participate in the setoff program.

"Debtor" means any individual having a delinquent debt or account with any claimant agency which obligation has not been satisfied by court order, set aside by court order, or discharged in bankruptcy.

"Delinquent debt" means any liquidated sum due and owing any claimant agency, or any restitution ordered paid to a clerk of the court pursuant to Title 19.2, including any amount of court costs or fines which have accrued through contract, subrogation, tort, operation of law, or any other legal theory regardless of whether there is an outstanding judgment for that sum which is legally collectible and for which a collection effort has been or is being made.

"Mailing date of notice" means the date of notice appearing thereon.

"Refund" means any individual's Virginia state ~~or local~~ income tax refund payable pursuant to §§ 58.1-309 and 58.1-546. This term also includes any refund belonging to a debtor resulting from the filing of a joint income tax return or a refund belonging to a debtor resulting from the filing of a return where husband and wife have elected to file a combined return and separately state their Virginia taxable incomes under the provisions of § 58.1-324 B 2

§ 58.1-816.2. Distribution of certain revenues.

Beginning July 1, 2008, after the distributions are made in accordance with the provisions of §§ 58.1-815 and 58.1-816, all remaining recordation tax revenues shall be credited to the Highway Maintenance and Operating Fund, a special fund within the Commonwealth Transportation Fund.

§ 58.1-2402.1. Local rental car transportation impact fee.

A. Beginning January 1, 2007, in addition to all other taxes, fees, and other charges imposed under law, the governing bodies of the Counties of Arlington, Fairfax, Loudoun, and Prince William, and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park may, by ordinance, impose a fee of 2% of the gross proceeds on the rental in the locality of any daily rental vehicle regardless of whether such vehicle is required to be licensed in the Commonwealth, provided that the governing body of the locality appropriates the revenues collected from such tax to the Northern Virginia Transportation Authority established under Chapter 48.2 (§ 15.2-4829 et seq.) of Title 15.2. The fee shall not be levied upon a rental to a person for re-rental as an established business or part of an established business, or incidental or germane to such business.

B. All such rental fees paid to the Commissioner pursuant to this section shall be distributed to the Northern Virginia Transportation Authority, and upon receipt of such moneys, the Authority shall deposit such moneys in the Special Transportation Fund for Northern Virginia established pursuant to § 15.2-4838.1 to be used for the purposes as set forth in § 15.2-4838.2.

C. The fee imposed pursuant to the authority granted under this section shall be implemented, enforced, and collected in the same manner that rental taxes under this chapter are implemented, enforced, and collected.

§ 58.1-2402.2. Local rental car transportation impact fee.

A. Beginning January 1, 2007, in addition to all other taxes, fees, and other charges imposed under law, and subject to the limitations contained in § 33.1-391.17, the governing bodies of the Counties of Isle of Wight, James City, and York and the Cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, and Williamsburg may, by ordinance, impose a fee of 2% of the gross proceeds on the rental in the locality of any daily rental vehicle regardless of whether such

897 vehicle is required to be licensed in the Commonwealth, provided that the governing body of the locality  
898 appropriates the revenues collected from such fee to the Hampton Roads Transportation Authority  
899 established under § 33.1-391.7. The fee shall not be levied upon a rental to a person for re-rental as an  
900 established business or part of an established business, or incidental or germane to such business.

901 B. The fee imposed pursuant to the authority granted under this section shall be implemented,  
902 enforced, and collected in the same manner that rental taxes under this chapter are implemented,  
903 enforced, and collected.

904 C. Any and all fees imposed pursuant to this section shall be collected by the Department of Motor  
905 Vehicles and shall be remitted by the Comptroller on a monthly basis to the Hampton Roads  
906 Transportation Authority to be used for the purposes as set forth in § 33.1-391.16. The Commissioner  
907 shall maintain records of the fee imposed and collected and the locality and address of each vehicle  
908 registered.

909 § 58.1-2403. Exemptions.

910 No tax shall be imposed as provided in § 58.1-2402, 58.1-2402.1, or 58.1-2402.2 if the vehicle is:

911 1. Sold to, rented or used by the United States government or any governmental agency thereof;  
912 2. Sold to, rented or used by the Commonwealth of Virginia or any political subdivision thereof;  
913 3. Registered in the name of a volunteer fire department or rescue squad not operated for profit;  
914 4. Registered to any member of the Mattaponi, Pamunkey, or Chickahominy Indian tribes or any  
915 other recognized Indian tribe of the Commonwealth living on the tribal reservation;

916 5. Transferred incidental to repossession under a recorded lien and ownership is transferred to the  
917 lienholder;

918 6. A manufactured home permanently attached to real estate and included in the sale of real estate;

919 7. A gift to the spouse, son, or daughter of the transferor. With the exception of a gift to a spouse,  
920 this exemption shall not apply to any unpaid obligation assumed by the transferee incidental to the  
921 transfer;

922 8. Transferred from an individual or partnership to a corporation or limited liability company or from  
923 a corporation or limited liability company to an individual or partnership if the transfer is incidental to  
924 the formation, organization or dissolution of a corporation or limited liability company in which the  
925 individual or partnership holds the majority interest;

926 9. Transferred from a wholly owned subsidiary to the parent corporation or from the parent  
927 corporation to a wholly owned subsidiary;

928 10. Being registered for the first time in this Commonwealth and the applicant holds a valid,  
929 assignable title or registration issued to him by another state or a branch of the United States Armed  
930 Forces and (i) has owned the vehicle for longer than 12 months or (ii) has owned the vehicle for less  
931 than 12 months and provides evidence of a sales tax paid to another state. However, when a vehicle has  
932 been purchased by the applicant within the last 12 months and the applicant is unable to provide  
933 evidence of a sales tax paid to another state, the applicant shall pay the Virginia sales tax based on the  
934 fair market value of the vehicle at the time of registration in Virginia;

935 11. Titled in a Virginia or non-Virginia motor vehicle dealer's name for resale;

936 12. A motor vehicle having seats for more than seven passengers and sold to an urban or suburban  
937 bus line the majority of whose passengers use the buses for traveling a distance of less than 40 miles,  
938 one way, on the same day;

939 13. Purchased in the Commonwealth by a nonresident and a Virginia title is issued for the sole  
940 purpose of recording a lien against the vehicle if the vehicle will be registered in a state other than  
941 Virginia;

942 14. A motor vehicle designed for the transportation of 10 or more passengers, purchased by and for  
943 the use of a church conducted not for profit;

944 15. Loaned or leased to a private nonprofit institution of learning, for the sole purpose of use in the  
945 instruction of driver's education when such education is a part of such school's curriculum for full-time  
946 students;

947 16. Sold to an insurance company or local government group self-insurance pool, created pursuant to  
948 § 15.2-2703, for the sole purpose of disposition when such company has paid the registered owner of  
949 such vehicle a total loss claim;

950 17. Owned and used for personal or official purposes by accredited consular or diplomatic officers of  
951 foreign governments, their employees or agents, and members of their families, if such persons are  
952 nationals of the state by which they are appointed and are not citizens of the United States;

953 18. A self-contained mobile computerized axial tomography scanner sold to, rented or used by a  
954 nonprofit hospital or a cooperative hospital service organization as described in § 501 (e) of the United  
955 States Internal Revenue Code;

956 19. A motor vehicle having seats for more than seven passengers and sold to a restricted common  
957 carrier or common carrier of passengers;

958 20. Beginning July 1, 1989, a self-contained mobile unit designed exclusively for human diagnostic

or therapeutic service, sold to, rented to, or used by a nonprofit hospital, or a cooperative hospital service organization as described in § 501 (e) of the United States Internal Revenue Code, or a nonprofit corporation as defined in § 501 (c) (3) of the Internal Revenue Code, established for research in, diagnosis of, or therapy for human ailments;

21. Transferred, as a gift or through a sale to an organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code, provided the motor vehicle is not titled and tagged for use by such organization;

22. A motor vehicle sold to an organization which is exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and which is organized for the primary purpose of distributing food, clothing, medicines and other necessities of life to, and providing shelter for, needy persons in the United States and throughout the world;

23. A truck, tractor truck, trailer, or semitrailer, as severally defined in § 46.2-100, except trailers and semitrailers not designed or used to carry property and vehicles registered under § 46.2-700, with a gross vehicle weight rating or gross combination weight rating of 26,001 pounds or more, in which case no tax shall be imposed pursuant to subdivisions 1 and 3 of subsection A of § 58.1-2402;

24. Transferred to the trustees of a revocable inter vivos trust, when the individual titleholder of a Virginia titled motor vehicle and the beneficiaries of the trust are the same persons, regardless of whether other beneficiaries of the trust may also be named in the trust instrument, when no consideration has passed between the titleholder and the beneficiaries; and transferred to the original titleholder from the trustees holding title to the motor vehicle;

25. Transferred to trustees of a revocable inter vivos trust, when the owners of the vehicle and the beneficiaries of the trust are the same persons, regardless of whether other beneficiaries may also be named in the trust instrument, or transferred by trustees of such a trust to beneficiaries of the trust following the death of the grantor, when no consideration has passed between the grantor and the beneficiaries in either case;

26. Sold by a vehicle's lessor to its lessee upon the expiration of the term of the vehicle's lease, if the lessee is a natural person and this natural person has paid the tax levied pursuant to this chapter with respect to the vehicle when he leased it from the lessor, and if the lessee presents an original copy of the lease upon request of the Department of Motor Vehicles or other evidence that the sales tax has been paid to the Commonwealth by the lessee purchasing the vehicle; or

27. Titled in the name of a deceased person and transferred to the spouse or heir, or under the will, of such deceased person.

*§ 58.1-2511. Distribution of certain revenues.*

*Beginning July 1, 2008, all insurance license tax revenues paid to the State Corporation Commission pursuant to this chapter shall be credited to the Highway Maintenance and Operating Fund, a special fund within the Commonwealth Transportation Fund.*

*§ 58.1-3221.2. Classification of commercial real property in certain localities; transportation impact commercial real property tax.*

*Solely for the purposes of imposing the tax authorized pursuant to this section, in the Counties of Arlington, Fairfax, Loudoun, and Prince William, and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park, real estate used for commercial or industrial purposes, is hereby declared to be a separate class of property solely for the purpose of funding regional transportation improvements pursuant to § 15.2-4838.1. Real estate used for commercial or industrial purposes does not include real estate for which no permit for use has been issued for occupancy of the premises for commercial use, and real estate, or that portion thereof, that is used for residential purposes, including but not limited to apartment buildings, regardless whether it otherwise would constitute a commercial enterprise. In addition to all other taxes and fees permitted by law, the governing body of any such locality may, by ordinance, declare the entire locality a special regional transportation tax district and impose a transportation impact commercial real property tax at the rate of 0.3% of the fair market value of such property; provided that the governing body of the locality appropriates all the revenues collected from such tax into the Special Transportation Fund for Northern Virginia established pursuant to § 15.2-4838.1 to be used for the purposes as set forth in § 15.2-4838.2. However, for any such property on which (i) a tax is imposed pursuant to Chapter 46 (§ 15.2-4600 et seq.) of Title 15.2, Chapter 47 (§ 15.2-4700 et seq.) of Title 15.2, Chapter 48 (§ 15.2-4800 et seq.) of Title 15.2, or Chapter 15 (§ 33.1-430 et seq.) of Title 33.1; (ii) any amount is charged pursuant to a community development authority; or (iii) any special assessment is imposed for an existing transportation bond, the rate of the tax under this section shall be reduced so that any such taxes, amounts, or assessments, when added to the tax imposed under this section produce a combined effective rate of 0.3%; provided that no such reduction shall be made for any taxes, payments, or charges associated with projects not initiated prior to January 1, 2007. except for the second half of the Dulles Rail project.*

*The tax imposed pursuant to the authority granted under this section shall be administered, enforced,*



920 and collected in the same manner as set forth in Subtitle III of Title 58.1 for the administration,  
921 enforcement, and collection of local taxes.

922 § 58.1-3825.1. Hotel/motel transportation impact fee.

923 Beginning January 1, 2007, in addition to such transient occupancy taxes as are authorized by this  
924 chapter, the Counties of Arlington, Fairfax, Loudoun, and Prince William, and the Cities of Alexandria,  
925 Fairfax, Falls Church, Manassas, and Manassas Park may impose an additional transient occupancy fee  
926 at the rate of 2% of the amount of charge for the occupancy of any room or space occupied; provided  
927 that the governing body of the locality appropriates the revenues collected from such fee into the  
928 Special Transportation Fund for Northern Virginia established pursuant to § 15.2-4838.1 to be used for  
929 the purposes as set forth in § 15.2-4838.2.

930 The fee imposed pursuant to the authority granted under this section shall be administered, enforced,  
931 and collected in the same manner as transient occupancy taxes, and as set forth in Subtitle III of Title  
932 58.1 for the administration, enforcement, and collection of local taxes.

933 § 58.1-3825.2. Hotel/motel transportation impact fee.

934 Beginning January 1, 2007, in addition to such transient occupancy taxes as are authorized by this  
935 chapter, and subject to the limitations contained in § 33.1-391.17, the governing bodies of the Counties  
936 of Isle of Wight, James City, and York and the Cities of Chesapeake, Hampton, Newport News, Norfolk,  
937 Portsmouth, Suffolk, Virginia Beach, and Williamsburg may impose an additional transient occupancy  
938 fee at the rate of 5% of the amount of charge for the occupancy of any room or space occupied,  
939 provided that the governing body of the locality appropriates the revenues collected from such fee to the  
940 Hampton Roads Transportation Authority established under § 33.1-391.7.

941 The fee imposed pursuant to the authority granted under this section shall be administered, enforced,  
942 and collected in the same manner as transient occupancy taxes, and as set forth in Subtitle III of Title  
943 58.1 for the administration, enforcement, and collection of local taxes. Such revenue collected shall be  
944 remitted by the locality on a monthly basis to the Hampton Roads Transportation Authority for the  
945 purposes as set forth in § 33.1-391.16.

946 2. That Article 22 (§ 58.1-540 et seq.) of Chapter 3 of Title 58.1 of the Code of Virginia is  
947 repealed.

948 3. That, in addition to all other expenditures and projects required of the Northern Virginia  
949 Transportation Authority under the provisions of this act, the Northern Virginia Transportation  
950 Authority shall construct the following transportation projects or contribute to the funding of such  
951 projects from the revenues generated by this act provided the respective locality is embraced by  
952 the Authority:

953 **Fairfax County**

954 - Traffic lights on Route 638 at Barnack and at Route 638 and Viola.

955 - Acquisition of approximately 150 sq./ft of land on East Side of Gambrill at Pohick Road to  
956 correct design mistake in previously constructed intersection improvement.

957 - Contribute \$1 million toward widening Silverbrook between Hooes Road and South County  
958 Secondary School.

959 - Paving of Belmont Landing to allow school bus turn around.

960 - Contribute \$1 million toward widening East Elden Street.

961 - Construct a roundabout on Route 123 in the Oakton area and run tests on its effectiveness as a  
962 traffic flow and control measure.

963 **Prince William County**

964 - Improve intersection at Graham Park Road and Route 1.

965 - Spot improvements on Delaney Road between Minnieville and Pearson in order to improve  
966 traffic flow and provide access to ball fields.

967 - Expansion of Horner Road commuter parking lot.

968 - Cover inflationary costs of Route 1 bridge over Neabsco Creek not included in the Six Year  
969 Improvement Plan.

970 **Loudoun County**

971 - Light synchronization on Route 7 in Tysons Corner and Loudoun County.

972 - Route 7 spot improvements between County Side Lane and the Loudoun Co./Fairfax Co. border.  
973 City of Fairfax

974 - Lee Highway Corridor Improvements to widen Lee Highway (Route 29/50) from Eaton place to  
975 Chain Bridge Road to match the existing six-lane section of Route 29/50. Approximately 1,920 feet  
976 of Route 29/50 will be widened. Additionally, major improvements to the storm water system in  
977 that area will be made.

978 - Construction of George Mason Boulevard from School Street to the entrance to George Mason  
979 University.

980 - Improve pedestrian access along the west side of Chain Bridge Road just north of Old Town  
981 Fairfax.

982 Vienna  
 983 - Contribute \$1 million toward reconstruction of Drake Street.  
 984 - Contribute \$1 million toward reconstruction of Lakewood Drive.  
 985 - Contribute \$1 million toward reconstruction of Center Street, South.  
 986 4. That, in addition to all other expenditures and projects required of the Northern Virginia  
 987 Transportation Authority under the provisions of this act, beginning at the time the second half of  
 988 the Dulles Rail project is constructed, the Northern Virginia Transportation Authority shall,  
 989 dedicate at least \$20 million annually for the Dulles Rail project, provided there are federal  
 990 matching funds appropriated.  
 991 5. That the revenues generated by the provisions of this act shall not be used to calculate or  
 992 reduce the share of local, federal, and state revenues otherwise available to participating  
 993 jurisdictions. Further, such revenues and moneys shall not be included in any computation of, or  
 994 formula for, a locality's ability to pay for public education, upon which appropriations of state  
 995 revenues to local governments for public education are determined.  
 996 6. That in the priorities of business of the Northern Virginia Transportation Authority, after  
 997 resolving initial organization issues, the Authority is shall initiate a study, including joint efforts  
 998 with state and federal governments on construction of the following large projects:  
 999 (i) Transit on the Columbia Pike corridor in Arlington County;  
 1000 (ii) Design and implementation to improve pedestrian access across King Street between the  
 1001 Fairlington community in Arlington County and the Bradlee Center in the City of Alexandria;  
 1002 (iii) Addition of a third lane of Route 50 in Fairfax County and Loudoun County;  
 1003 (iv) Transit on Route 1 in Fairfax County;  
 1004 (v) Construction of the South Van Dorn and Franconia Road interchange in Fairfax County; and  
 1005 (vi) Improvements to the Route 29/Gallows Road interchange in Fairfax County;  
 1006 (vii) Grade separated interchange at Spring Village Drive/Bonnie Mill Lane and the  
 1007 Franconia-Springfield Parkway (Route 7900) in Fairfax County.  
 1008 7. That prior to December 1 each year beginning December 1, 2007, the Auditor of Public  
 1009 Accounts shall submit a report to the General Assembly on the efficiency and effectiveness of the  
 1010 Washington Metropolitan Area Transit Authority's expenditure of funds that impact the  
 1011 Commonwealth.  
 1012 8. That each governing body of a county or city adopting by ordinance the fees authorized under  
 1013 §§ 46.2-755.3, 46.2-755.4, 58.1-2402.2, and 58.1-3825.2 of the Code of Virginia shall provide a copy  
 1014 of the ordinance to the Clerk of the House of Delegates and the Clerk of the Senate as soon as  
 1015 practicable.  
 1016 9. That, if the Hampton Roads Transportation Authority becomes effective January 1, 2007,  
 1017 pursuant to the third enactment of this act, the Authority shall also develop as part of a  
 1018 long-range transportation plan performance measures for Hampton Roads relating to, but not  
 1019 limited to, transportation congestion reduction, transit and high-occupancy vehicle (HOV) usage,  
 1020 job/housing ratios, job and housing access to transit and pedestrian facilities, air quality, and  
 1021 per-capita vehicle miles traveled.  
 1022 10. That each county or city that imposes the fees pursuant to §§ 46.2-755.3, 46.2-755.4,  
 1023 58.1-2402.2, and 58.1-3825.2 of the Code of Virginia pursuant to the provisions of this act shall for  
 1024 each fiscal year in which it imposes such tax expend or disburse for transportation purposes an  
 1025 amount (computed without regard to any revenues generated in the fiscal year from such taxes)  
 1026 that is at least equal to the total amount expended or disbursed for transportation purposes by the  
 1027 county or city in its fiscal year that began in calendar year 2005.  
 1028 11. That the local transportation fees authorized under this act pursuant to §§ 46.2-755.3,  
 1029 46.2-755.4, 58.1-2402.2, and 58.1-3825.2 of the Code of Virginia shall be levied and imposed by the  
 1030 applicable local governing body adopting an ordinance, on or before January 1, 2007, to be  
 1031 effective January 1, 2007, that also indicates the local governing body is joining the Hampton  
 1032 Roads Transportation Authority and designates the member of the local governing body that shall  
 1033 serve on the Authority.  
 1034 12. That the provisions of this act amending the Code of Virginia by adding sections numbered  
 1035 46.2-206.1, 58.1-816.2, and 58.1-2511 are effective July 1, 2008. That the provisions of this act  
 1036 amending the Code of Virginia by adding in Title 33.1 a chapter numbered 10.2, consisting of  
 1037 sections numbered 33.1-391.6 through 33.1-391.18, and by adding sections numbered 46.2-755.3,  
 1038 46.2-755.4, 58.1-2402.2, and 58.1-3825.2 are effective January 1, 2007, and only if the requirements  
 1039 of the eleventh enactment of this act are met by the governing bodies of at least four localities.  
 1040 The remaining provisions of this act are effective January 1, 2007