

066262536

HOUSE BILL NO. 5065

Offered September 18, 2006

A BILL to amend and reenact §§ 33.1-1 through 33.1-3 of the Code of Virginia, relating to the Commonwealth Transportation Board and the Commonwealth Transportation Commissioner.

Patrons—Wardrup, Albo, Athey, Cole, Cosgrove, Cox, Crockett-Stark, Fralin, Gear, Hamilton, Howell, W.J., Hugo, Hurt, Iaquinto, Ingram, Janis, Kilgore, Landes, Lingamfelter, Lohr, Marshall, D.W., Marshall, R.G., Nixon, O'Bannon, Orrock, Purkey, Rapp, Rust, Saxman, Sherwood, Suit, Welch and Wittman

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 33.1-1 through 33.1-3 of the Code of Virginia are amended and reenacted as follows:

§ 33.1-1. State Highway and Transportation Board continued as Commonwealth Transportation Board; number and terms of members; removal from office; vacancies.

The State Highway and Transportation Board, formerly known as the State Highway and Transportation Commission, is continued and shall hereafter be known as the Commonwealth Transportation Board. Wherever either "Commission" or "Board" is used in this title referring to the State Highway and Transportation Board or the State Highway and Transportation Commission, it shall mean the Commonwealth Transportation Board.

The Board shall consist of seventeen members: the Secretary of Transportation, the Commonwealth Transportation Commissioner, the Director of the Department of Rail and Public Transportation, and fourteen citizen members. ~~The citizen~~ Except for those members elected by the General Assembly as provided in § 33.1-2, members shall be (i) appointed by the Governor as provided in § 33.1-2, (ii) subject to confirmation by the General Assembly, and (iii) removable from office during their respective terms by the Governor at his pleasure. Appointments of citizen members shall be for terms of four years commencing upon July 1, upon the expiration of the terms of the existing members, respectively. The initial terms of the members appointed in January, 1987, shall commence when appointed and shall be for terms ending June 30, 1988, June 30, 1989, and June 30, 1990, respectively. Vacancies shall be filled by appointment by the Governor, ~~for those members appointed by the Governor, and by election by the Joint Committee on Rules, for those members appointed by the General Assembly. All appointments of elections to fill vacancies shall be~~ for the unexpired term and shall be effective until thirty days after the next meeting of the ensuing General Assembly and, if confirmed, thereafter for the remainder of the term. No person shall be eligible to serve more than two successive terms of four years, other than the Secretary of Transportation, the Commonwealth Transportation Commissioner, and the Director of the Department of Rail and Public Transportation. A person heretofore or hereafter appointed ~~by the Governor or elected by the General Assembly~~ to fill a vacancy may serve two additional successive terms.

The Secretary of Transportation shall serve as Chairman of the Board. The Secretary shall have voting privileges only in the event of a tie. The Commonwealth Transportation Commissioner shall serve as Vice-Chairman of the Board. The Commissioner shall have voting privileges only in the event of a tie when he is presiding during the absence of the Chairman. The Director of the Department of Rail and Public Transportation shall serve without a vote.

Whenever in this title and in the Code of Virginia "State Highway Commission" or "State Highway and Transportation Board" is used, it shall mean "Commonwealth Transportation Board"; "State Highway Commissioner" or "State Highway and Transportation Commissioner" shall mean "Commonwealth Transportation Commissioner"; and all references to "Department of Highways and Transportation" shall refer to the Department of Transportation.

§ 33.1-2. Residence requirements; statewide interest.

Of such Board, one member shall be a resident of the territory now included in the Bristol construction district, one in the Salem construction district, one in the Lynchburg construction district, one in the Staunton construction district, one in the Culpeper construction district, one in the Fredericksburg construction district, one in the Richmond construction district, one in the Hampton Roads construction district and one in the Northern Virginia construction district. ~~The foregoing members of the Board shall be elected by a majority vote of the members present and voting in both houses of the General Assembly.~~ The remaining five members shall be appointed from the Commonwealth at large, but at least two shall reside in standard metropolitan statistical areas and be designated as urban at-large members, and at least two shall reside outside standard metropolitan

INTRODUCED

HB5065

56 statistical areas and be designated as rural at-large members. The at-large members shall be appointed to
57 represent rural and urban transportation needs and be mindful of the concerns of seaports and seaport
58 users, airports and airport users, railways and railway users, and mass transit and mass transit users.
59 Each member so appointed shall be mindful of the best interest of the Commonwealth at large primarily
60 instead of those of the district from which chosen or of the transportation interest represented.

61 *Board members elected by the General Assembly shall not be removable by the Governor, but may*
62 *be removed from office only by a majority vote of the members present and voting in both houses of the*
63 *General Assembly.*

64 § 33.1-3. Secretary to be Chairman of Commonwealth Transportation Board; Commonwealth
65 Transportation Commissioner.

66 The Chairman, ~~whose official title of the Commonwealth Transportation Board shall be the Secretary~~
67 ~~of Transportation, and who.~~

68 *The Commonwealth Transportation Commissioner shall be the executive officer of the Department of*
69 *Transportation. The Commissioner shall be elected by and serve at the pleasure of the Commonwealth*
70 *Transportation Board for a term of four years, subject to the consent of the Governor. The*
71 *Commissioner may, at the time of his appointment, be a nonresident of Virginia. He shall be an*
72 *experienced administrator, able to direct and guide the Department in the establishment and achievement*
73 *of the Commonwealth's long-range highway and other transportation objectives and shall be appointed at*
74 *large.*

75 The Commonwealth Transportation Commissioner, hereinafter in this title sometimes called "the
76 Commissioner," shall devote his entire time and attention to his duties as chief executive officer of the
77 Department and shall receive such compensation as shall be ~~fixed by the Governor, subject to the~~
78 ~~approval of the~~ *determined by the Commonwealth Transportation Board*, unless such salary be fixed by
79 the General Assembly in the appropriation act . He shall also be reimbursed for his actual travel
80 expenses while engaged in the discharge of his duties.

81 In the event of a vacancy due to the death, temporary disability, retirement, resignation or removal of
82 the Commissioner, the Governor may appoint and thereafter remove at his pleasure an "Acting
83 Commonwealth Transportation Commissioner" until such time as the vacancy may be filled as ~~provided~~
84 ~~in § 33.1-4 by the Commonwealth Transportation Board.~~ Such "Acting Commonwealth Transportation
85 Commissioner" shall have all powers and perform all duties of the Commissioner as provided by law,
86 and shall receive such compensation as may be fixed by the Governor. In the event of the temporary
87 disability, for any reason, of the Commissioner, full effect shall be given to the provisions of § 2.2-605.

88 **2. That the provisions of this act shall not affect members of the Commonwealth Transportation**
89 **Board appointed prior to July 1, 2007.**