

2006 SPECIAL SESSION I

INTRODUCED

061870366

HOUSE BILL NO. 5072

Offered September 18, 2006

A BILL 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 46.2-755.1, 46.2-755.2, 58.1-816.2, 58.1-2402.1, and 58.1-3825.1, relating to supplemental transportation funding for Hampton Roads.

Patrons—Jones, S.C., Iaquinto, Oder and Suit

Referred to Committee on Finance

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 33.1 a chapter numbered 10.2, consisting of sections numbered 33.1-391.6 through 33.1-391.18, and by adding sections numbered 46.2-755.1, 46.2-755.2, 58.1-816.2, 58.1-2402.1, and 58.1-3825.1 as follows:

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 §§ 46.2-755.1, 46.2-755.2, 58.1-2402.1, and 58.1-3825.1: 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 §§ 46.2-755.1, 46.2-755.2, 58.1-2402.1, and 58.1-3825.1, 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 §§ 46.2-755.1, 46.2-755.2, 58.1-2402.1, and 58.1-3825.1, 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

INTRODUCED

HB5072

59 of the Authority appointed by local governing bodies shall serve for terms of four years and may be
60 reappointed for one additional term of four years. Any member of the Authority appointed by a local
61 governing body who is initially appointed to serve a term of less than three years may thereafter be
62 appointed for two successive four-year terms. For the purpose of initial appointments and in order to
63 provide for staggered terms, those members appointed by the City Council of the City of Hampton, the
64 City Council of the City of Newport News, and the Board of Supervisors of James City County shall be
65 appointed for terms of two years; those members who are appointed by the City Council of the City of
66 Norfolk, the City Council of the City of Chesapeake, and the City Council of the City of Portsmouth
67 shall be appointed for terms of three years; and the remaining representatives of local governing bodies
68 shall be appointed for terms of four years. Legislative members shall serve terms coincident with their
69 terms of office. Vacancies shall be filled by appointment for the unexpired term by the same process as
70 used to make the original appointment.

71 Notwithstanding any other provision of this section, if fewer than six jurisdictions named in this
72 section elect to join the Authority, the General Assembly representation on the Authority shall be
73 reduced to two members of the Virginia House of Delegates who reside in a city or county that is
74 imposing the local transportation fees authorized by §§ 46.2-755.1, 46.2-755.2, 58.1-2402.1, and
75 58.1-3825.1, neither of whom shall reside in the same city or county, appointed by the Speaker of the
76 House of Delegates; and one member of the Senate of Virginia who resides in a city or county that is
77 imposing the local transportation fees authorized by §§ 46.2-755.1, 46.2-755.2, 58.1-2402.1, and
78 58.1-3825.1, appointed by the Senate Committee on Rules.

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

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

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

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

88 § 33.1-391.10. Additional powers of the Authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

First Phase Projects:

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

Second Phase Projects:

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

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

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

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

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

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

At such time as the Chesapeake Bay Bridge-Tunnel facilities become subject to the control of the Authority as contemplated by this section, the Authority shall be enlarged by two members, one of whom shall be a member of the governing body of the County of Accomack, provided that the County imposes the local transportation fees authorized by §§ 46.2-755.1, 46.2-755.2, 58.1-2402.1, and 58.1-3825.1, 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 §§ 46.2-755.1, 46.2-755.2, 58.1-2402.1, and 58.1-3825.1. 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

182 years.

183 § 33.1-391.13. *Issuance of bonds by the Chesapeake Bay Bridge and Tunnel Commission.*

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

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

194 § 33.1-391.14. *Continuing responsibilities of the Commonwealth Transportation Board and the*
195 *Virginia Department of Transportation.*

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

203 § 33.1-391.15. *Hampton Roads Planning District Commission to provide administrative services and*
204 *office facilities.*

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

212 § 33.1-391.16. *Use of revenues by the Authority.*

213 Notwithstanding any other provision of this chapter, all moneys received by the Authority shall be
214 used by the Authority solely for the benefit of those counties and cities imposing the local transportation
215 fees authorized by §§ 46.2-755.1, 46.2-755.2, 58.1-2402.1, and 58.1-3825.1, and such moneys shall be
216 used by the Authority in a manner that is consistent with the purposes stated in this chapter.

217 § 33.1-391.17. *Local Transportation Fees.*

218 A. In addition to any other taxes, fees, or other charges imposed under law, each of the governing
219 bodies of the Counties of Isle of Wight, James City, and York and the Cities of Chesapeake, Hampton,
220 Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, and Williamsburg may by ordinance levy
221 the fees authorized by §§ 46.2-755.1, 46.2-755.2, 58.1-2402.1, and 58.1-3825.1, provided that (i) the
222 governing body of the county or city adopts all of the fees authorized by §§ 46.2-755.1, 46.2-755.2,
223 58.1-2402.1, and 58.1-3825.1, and (ii) the governing body of the county or city appropriates the revenue
224 collected from the additional fees to the Hampton Roads Transportation Authority established under
225 § 33.1-391.7.

226 At such time as the Chesapeake Bay Bridge-Tunnel becomes subject to the control of the Hampton
227 Roads Transportation Authority as provided in § 33.1-391.12, each of the governing bodies of the
228 Counties of Accomack and Northampton may also by ordinance levy the local transportation fees
229 authorized by §§ 46.2-755.1, 46.2-755.2, 58.1-2402.1, and 58.1-3825.1, provided that the governing body
230 of the county appropriates the revenue generated by such fees to the Hampton Roads Transportation
231 Authority.

232 The Authority shall use all funds collected hereunder solely for the purposes provided in
233 § 33.1-391.16.

234 B. No locality imposing the local transportation fees pursuant to §§ 46.2-755.1, 46.2-755.2,
235 58.1-2402.1, and 58.1-3825.1 shall cease to impose such fees so long as the Hampton Roads
236 Transportation Authority (i) is currently engaged in a transportation project within the boundaries of the
237 locality or that benefits the locality, (ii) has entered into a binding commitment to begin a
238 transportation project within the boundaries of the locality, or that benefits the locality, or (iii) has
239 issued bonds or incurred other evidence of debt that has not been satisfied or paid in full and that
240 relates to a transportation project undertaken by the Authority within the boundaries of the locality, or
241 that benefits the locality.

242 § 33.1-391.18. *Partial recapture of tax revenue generated by businesses related to the Port of*
243 *Virginia and private marine terminals in the Commonwealth.*

As a partial recapture of income tax revenue and sales and use tax revenue generated by maritime related businesses located in 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, beginning January 1, 2007, an annual amount of \$25 million per year of income and sales tax revenue shall be remitted by the Comptroller to the Hampton Roads Transportation Authority established under § 33.1-391.7.

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

In addition to taxes and license fees imposed pursuant to § 46.2-752 and to all other taxes and fees permitted by law, and subject to the limitations contained in § 33.1-391.17, beginning January 1, 2007, 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 are authorized to charge additional annual license fees as follows: \$30 for passenger cars and pickup trucks; \$40 for panel trucks; \$20 for trailers; \$15 for motorcycles; \$25 per axle for trucks; and \$12 for all other vehicles for which the locality is authorized to collect an annual license fee.

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

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

In addition to taxes and license fees imposed pursuant to § 46.2-752 and to all other taxes and fees permitted by law, and subject to the limitations contained in § 33.1-391.17, beginning January 1, 2007, 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 are authorized to charge an additional initial, one-time license fee on all vehicles for which the locality is authorized to collect an annual license fee, at the rate of 0.75% of the retail value of the vehicle 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.

§ 58.1-816.2. Distribution of recordation tax to certain cities and counties.

Beginning January 1, 2007, an amount equivalent to 20 cents on every \$100 or fraction thereof of the consideration or the actual value of the property conveyed, whichever is greater, for each deed or other instrument for which a tax is imposed pursuant to §§ 58.1-801 through 58.1-809 which is attributable to deeds and other instruments recorded in 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 shall be remitted monthly by the Comptroller to the Hampton Roads Transportation Authority established under § 33.1-391.7.

§ 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, 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 vehicle is required to be licensed in the Commonwealth, provided that the governing body of the locality appropriates the revenues collected from such fee to the Hampton Roads Transportation Authority established under § 33.1-391.7. 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. 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.

C. Any and all fees imposed pursuant to this section shall be collected by the Department of Motor

305 *Vehicles and shall be remitted by the Comptroller on a monthly basis to the Hampton Roads*
306 *Transportation Authority to be used for the purposes as set forth in § 33.1-391.16. The Commissioner*
307 *shall maintain records of the fee imposed and collected and the locality and address of each vehicle*
308 *registered.*

309 *§ 58.1-3825.1. Hotel/motel transportation impact fee.*

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

317 *The fee imposed pursuant to the authority granted under this section shall be administered, enforced,*
318 *and collected in the same manner as transient occupancy taxes, and as set forth in Subtitle III of Title*
319 *58.1 for the administration, enforcement, and collection of local taxes. Such revenue collected shall be*
320 *remitted by the locality on a monthly basis to the Hampton Roads Transportation Authority for the*
321 *purposes as set forth in § 33.1-391.16.*

322 **2. That the local transportation fees authorized under this act shall be levied and imposed by the**
323 **applicable local governing body adopting an ordinance, on or before January 1, 2007, to be**
324 **effective January 1, 2007, that also indicates the local governing body is joining the Hampton**
325 **Roads Transportation Authority and designates the member of the local governing body that shall**
326 **serve on the Authority.**

327 **3. That the provisions of this act shall become effective January 1, 2007, and then only if the**
328 **requirements of the second enactment clause of this act are met by the governing bodies of at least**
329 **four of the following localities: the Counties of Isle of Wight, James City, and York, and the Cities**
330 **of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, and**
331 **Williamsburg.**

332 **4. That each governing body of a county or city adopting by ordinance the fees authorized under**
333 **§§ 46.2-755.1, 46.2-755.2, 58.1-2402.1, and 58.1-3825.1 of the Code of Virginia shall provide a copy**
334 **of the ordinance to the Clerk of the House of Delegates and the Clerk of the Senate as soon as**
335 **practicable.**

336 **5. That, if the Hampton Roads Transportation Authority becomes effective January 1, 2007,**
337 **pursuant to the third enactment of this act, the Authority shall also develop as part of a**
338 **long-range transportation plan performance measures for Hampton Roads relating to, but not**
339 **limited to, transportation congestion reduction, transit and high-occupancy vehicle (HOV) usage,**
340 **job/housing ratios, job and housing access to transit and pedestrian facilities, air quality, and**
341 **per-capita vehicle miles traveled.**

342 **6. That each county or city that imposes the fees pursuant to §§ 46.2-755.1, 46.2-755.2, 58.1-2402.1,**
343 **and 58.1-3825.1 of the Code of Virginia pursuant to the provisions of this act shall for each fiscal**
344 **year in which it imposes such tax expend or disburse for transportation purposes an amount**
345 **(computed without regard to any revenues generated in the fiscal year from such taxes) that is at**
346 **least equal to the total amount expended or disbursed for transportation purposes by the county**
347 **or city in its fiscal year that began in calendar year 2005.**