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SENATE BILL NO. 5009

Offered April 12, 2006

A BILL to amend the Code of Virginia by adding in Title 15.2 a chapter numbered 48.3, consisting of sections numbered 15.2-4841 and 15.2-4842, relating to the creation of regional transportation authorities.

Patron—Hanger

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 15.2 a chapter numbered 48.3, consisting of sections numbered 15.2-4841 and 15.2-4842, as follows: CHAPTER 48.3. REGIONAL TRANSPORTATION AUTHORITIES.

§ 15.2-4841. Creation of regional transportation authorities; authority membership.

A. If the governing bodies of each of four or more (i) contiguous counties or cities or (ii) counties or cities that are included in the same construction district set forth under § 33.1-2 by resolution declare that there is a need for a regional transportation authority to be created for all of such counties and cities to exercise in such counties and cities such powers and other functions prescribed for a regional transportation authority, a body corporate and politic shall be created to perform such powers and functions prescribed under this chapter. The authority shall be known by the name adopted for the authority by its governing body. A copy of the resolutions of the governing bodies of such counties and cities, duly certified by the clerk of the county or city, shall be admissible in evidence in any suit, action, or proceeding.

B. The following persons shall be members of the governing bodies of each regional transportation authority:

1. The chief elected officer of the governing body of each county and city included in the authority or, in the discretion of the chief elected officer, his designee, who shall be a current elected officer of such governing body;

2. At least one but no more than two members of the House of Delegates whose legislative district includes, in whole or in part, a county or city included in the authority, appointed by the Speaker of the House, to the extent practicable, from the membership of the House Committee on Appropriations, the House Committee on Finance, or the House Committee on Transportation;

3. One member of the Senate whose legislative district includes, in whole or in part, a county or city included in the authority, appointed by the Senate Committee on Rules, to the extent practicable, from the membership of the Senate Committee on Finance or the Senate Committee on Transportation; and

4. Two citizens who reside in counties and cities included in the authority, appointed by the Governor. Gubernatorial appointments shall be persons who have significant experience in transportation planning, finance, engineering, construction, or management and shall be residents of a county or city included in the authority, but shall not be a resident of the same county or city as the other gubernatorial appointee to the authority.

Legislative members shall serve terms coincident with their terms of office. Gubernatorial appointees shall serve for a term of four years. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term. Vacancies shall be filled in the same manner as the original appointments.

In addition, the following persons shall serve as nonvoting members of the authority: the Director of the Virginia Department of Rail and Public Transportation, or his designee, and the Commonwealth Transportation Commissioner, or his designee.

Each regional transportation authority shall appoint a chairman and vice-chairman.

C. In addition to such other powers vested in each regional transportation authority by this chapter, each such authority shall have the following powers and functions:

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

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

3. The authority may enter into agreements or leases with public or private entities for the operation

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59 of its facilities, or may operate such facilities itself.

60 4. The authority may enter into contracts or agreements with the counties and cities included in the
61 authority, with other transportation commissions of transportation districts adjoining any county or city
62 included in the authority, with any other transportation authority, or with any state, local, private or
63 federal entity to provide, or cause to be provided, transportation facilities and services to the area
64 included in the authority. Such contracts or agreements, together with any agreements or leases for the
65 operation of such facilities, may be used by the authority to finance the construction and operation of
66 transportation facilities, and such contracts, agreements or leases shall inure to the benefit of any
67 creditor of the authority.

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

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

72 a. Acquire land or any interest therein by purchase, lease, or gift and provide transportation
73 facilities thereon for use in connection with any transportation service;

74 b. Acquire land or any interest therein by purchase, lease, or gift in advance of the need for sale or
75 contribution to an agency, for use by that agency in connection with an adopted transportation plan;
76 and

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

81 6. Notwithstanding any contrary provision of this chapter and in accordance with all applicable
82 federal statutes and requirements, the authority may impose and collect tolls in amounts established by
83 the authority for the use of any or all of the transportation facilities within the confines of the authority,
84 subject to the approval of the Commonwealth Transportation Board.

85 7. The authority shall not undertake any action that is contrary to federal or state law.

86 D. A majority of the authority, which majority shall include at least a majority of the representatives
87 of the counties and cities included in the authority, shall constitute a quorum. Decisions of the authority
88 shall require a quorum and shall be in accordance with voting procedures established by the authority.

89 E. The authority shall be responsible for long-range transportation planning for regional
90 transportation projects for the counties and cities included in the authority. In carrying out this
91 responsibility, the authority shall, on the basis of a regional consensus, whenever possible, set regional
92 transportation policies and priorities for regional transportation projects. The policies and priorities
93 shall be guided by performance-based criteria such as the ability to improve travel times, reduce delays,
94 connect regional activity centers, improve safety, improve air quality, and move the most people in the
95 most cost-effective manner.

96 The authority shall report annually on (i) the allocation and expenditure of all moneys received by
97 it; (ii) use of these moneys to reduce traffic congestion in the counties and cities included in the
98 authority; and (iii) use of these moneys to improve air quality in such counties and cities.

99 F. Any county or city that makes the resolution described in subsection A and that is included in the
100 authority may, by ordinance, levy and collect the following fees and taxes, or any combination thereof,
101 provided that each county or city included in the authority levies the same taxes or fees, or combination
102 thereof, and at the same rate or rates:

103 1. A retail sales and use tax, not to exceed the rate of 0.5%. Except as otherwise provided in this
104 chapter, the provisions of Chapter 6 (§ 58.1-600 et seq.) of Title 58.1 shall apply to this subdivision,
105 mutatis mutandis;

106 2. A lodging fee, not to exceed the rate of 1% of the amount of the charge of every room, lodging,
107 or accommodation upon which the retail sales and use tax is imposed pursuant to Chapter 6 (§ 58.1-600
108 et seq.) of Title 58.1. Except as otherwise provided in this chapter, the provisions of Chapter 6
109 (§ 58.1-600 et seq.) of Title 58.1 shall apply to this subdivision, mutatis mutandis;

110 3. A fee, not to exceed 0.2% of the consideration paid or value of the interest in property, on each
111 deed, instrument, or writing upon which the tax under § 58.1-802 is imposed. Except as otherwise
112 provided in this chapter, the provisions of Chapter 8 (§ 58.1-800 et seq.) of Title 58.1 shall apply to this
113 subdivision, mutatis mutandis; and

114 4. A motor fuels sales tax, not to exceed \$0.10 per gallon, on every fuel subject to tax under Chapter
115 22 (§ 58.1-2200 et seq.) of Title 58.1. Except as otherwise provided in this chapter, the provisions of
116 Article 4 (§ 58.1-1719 et seq.) of Chapter 17 of Title 58.1 shall apply to this subdivision, mutatis
117 mutandis.

118 Such taxes and fees set forth herein shall be in addition to all other taxes, fees, and other charges
119 that may be imposed by counties and cities pursuant to law.

120 All revenues collected from such taxes and fees shall be distributed by each county and city to the

regional transportation authority in which the county or city is included to be used by such authority solely for the purposes described in this chapter. The treasurer of the county or city shall distribute such revenues to the regional transportation authority as soon as practicable.

§ 15.2-4842. Other duties and responsibilities of regional transportation authorities.

In addition to other powers herein granted, each regional transportation authority shall have the following duties and responsibilities:

1. General oversight of regional programs involving mass transit or congestion mitigation, including, but not necessarily limited to, carpooling, vanpooling, and ridesharing;

2. Long-range regional planning, both financially constrained and unconstrained;

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

4. Developing, in coordination with affected counties and cities, regional priorities and policies to improve air quality;

5. Allocating to priority regional transportation projects any funds made available to the authority and, at the discretion of the authority, directly overseeing such projects;

6. Recommending to the Commonwealth Transportation Board priority regional transportation projects for receipt of federal and state funds;

7. Recommending to the Commonwealth Transportation Board use and/or changes in use of tolls for facilities in the area embraced by the authority;

8. General oversight of regional transportation issues of a multijurisdictional nature, including but not limited to intelligent transportation systems, signalization, and preparation for and response to emergencies;

9. Serving as an advocate for the transportation needs of the counties and cities included in the authority;

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

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

12. Issuing bonds and other evidences of debt as may be authorized by law. The provisions of Article 5 (§ 15.2-4519 et seq.) of Chapter 45 of this title shall apply, mutatis mutandis, to the issuance of such bonds or other debt. The authority may use the revenues described in subsection F of § 15.2-4841 to pay debt service for such bonds and other debt.