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SENATE BILL NO. 1417

Offered January 19, 2007

1 A *BILL to amend and reenact §§ 2.2-1514, 10.1-1188, 15.2-2403, 33.1-1, 33.1-2, 33.1-3, 33.1-13,*
 2 *33.1-19.1, 33.1-23.03, 33.1-23.03:8, 33.1-67, 33.1-69, 33.1-72.1, 33.1-223.2:12, 33.1-268, 33.1-269,*
 3 *33.1-277, 46.2-694.1, 46.2-697, 46.2-1135, 58.1-2217, 58.1-2249, 58.1-2289, 58.1-2701, and*
 4 *58.1-2706 of the Code of Virginia; to amend the Code of Virginia by adding a section numbered*
 5 *15.2-2223.1, by adding a section numbered 15.2-2286.2, by adding in Chapter 22 of Title 15.2 an*
 6 *article numbered 9 consisting of sections numbered 15.2-2328 and 15.2-2329, by adding in Article 1*
 7 *of Chapter 24 of Title 15.2 a section numbered 15.2-2403.1, by adding in Title 30 a chapter*
 8 *numbered 42, consisting of sections numbered 30-278 through 30-283, by adding sections numbered*
 9 *33.1-23.4:01, 46.2-206.1, and 46.2-702.1, and by adding in Article 2 of Chapter 25 of Title 58.1*
 10 *sections numbered 58.1-2531 and 58.1-2532; and to repeal the tenth enactment clauses of Chapter*
 11 *1019 and Chapter 1044 of the Acts of Assembly of 2000, and to authorize the Commonwealth*
 12 *Transportation Board to issue certain bonds, relating to transportation funding and reform.*

Patron—Norment

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-1514, 10.1-1188, 15.2-2403, 33.1-1, 33.1-2, 33.1-3, 33.1-13, 33.1-19.1, 33.1-23.03,
 2 33.1-23.03:8, 33.1-67, 33.1-69, 33.1-72.1, 33.1-223.2:12, 33.1-268, 33.1-269, 33.1-277, 46.2-694.1,
 3 46.2-697, 46.2-1135, 58.1-2217, 58.1-2249, 58.1-2289, 58.1-2701, and 58.1-2706 of the Code of
 4 Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section
 5 numbered 15.2-2223.1, by adding a section numbered 15.2-2286.2, by adding in Chapter 22 of
 6 Title 15.2 an article numbered 9 consisting of sections numbered 15.2-2328 and 15.2-2329, by
 7 adding in Article 1 of Chapter 24 of Title 15.2 a section numbered 15.2-2403.1, by adding in Title
 8 30 a chapter numbered 42, consisting of sections numbered 30-278 through 30-283, by adding
 9 sections numbered 33.1-23.4:01, 46.2-206.1, and 46.2-702.1, and by adding in Article 2 of Chapter
 10 25 of Title 58.1 sections numbered 58.1-2531 and 58.1-2532 as follows:

§ 2.2-1514. Designation of general fund for nonrecurring expenditures.

A. As used in this section:

"The Budget Bill" means the "The Budget Bill" submitted pursuant to § 2.2-1509, including any amendments to a general appropriation act pursuant to such section.

"Nonrecurring expenditures" means the acquisition or construction of capital outlay projects as defined in § 2.2-1503.2, the acquisition or construction of capital improvements, the acquisition of land, the acquisition of equipment, or other expenditures of a one-time nature as specified in the general appropriation act. *Such term shall not include any expenditures relating to transportation, including but not limited to transportation maintenance.*

B. At the end of each fiscal year, the Comptroller shall designate within his annual report pursuant to § 2.2-813 ~~an amount amounts~~ for nonrecurring expenditures *and for deposit into the Commonwealth Transportation Capital Projects Fund established under § 58.1-2532, which amounts combined shall equal the remaining amount of the general fund balance that is not otherwise reserved or designated. One-half of the remaining amount of the general fund balance that is not otherwise reserved or designated shall be designated by the Comptroller for nonrecurring expenditures, and one-half shall be designated for deposit into the Transportation Trust Fund.* No such designation shall be made unless the full amounts required for other reserves or designations including, but not limited to, (i) the Revenue Stabilization Fund deposit pursuant to § 2.2-1829, (ii) the Virginia Water Quality Improvement Fund deposit pursuant to § 10.1-2128, (iii) capital outlay reappropriations pursuant to the general appropriation act, (iv) (a) operating expense reappropriations pursuant to the general appropriation act, and (b) reappropriations of unexpended appropriations to certain public institutions of higher education pursuant to § 2.2-5005, (v) pro rata rebate payments to certain public institutions of higher education pursuant to § 2.2-5005, (vi) the unappropriated balance anticipated in the general appropriation act for the end of such fiscal year, and (vii) interest payments on deposits of certain public institutions of higher education pursuant to § 2.2-5005 are set aside. The Comptroller shall set aside amounts required for clauses (iv) (b), (v), and (vii) beginning with the initial fiscal year as determined under § 2.2-5005 and for all fiscal years thereafter.

C. The Governor shall include in "The Budget Bill" pursuant to § 2.2-1509 recommended appropriations from the general fund or recommended amendments to general fund appropriations in the

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59 general appropriation act in effect at that time an amount for nonrecurring expenditures *and an amount*
60 *for deposit into the Transportation Trust Fund equal to the amount amounts* designated by the
61 Comptroller for such purpose purposes pursuant to the provisions of subsection B of this section.

62 § 10.1-1188. State agencies to submit environmental impact reports on major projects.

63 A. All state agencies, boards, authorities and commissions or any branch of the state government
64 shall prepare and submit an environmental impact report to the Department on each major state project.

65 "Major state project" means the acquisition of an interest in land for any state facility construction,
66 or the construction of any facility or expansion of an existing facility which is hereafter undertaken by
67 any state agency, board, commission, authority or any branch of state government, including
68 state-supported institutions of higher learning, which costs \$100,000 or more. For the purposes of this
69 chapter, authority shall not include any industrial development authority created pursuant to the
70 provisions of Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2 or Chapter 643, as amended, of the 1964
71 Acts of Assembly. Nor shall authority include any housing development or redevelopment authority
72 established pursuant to state law. For the purposes of this chapter, branch of state government shall not
73 include any county, city or town of the Commonwealth.

74 Such environmental impact report shall include, but not be limited to, the following:

75 1. The environmental impact of the major state project, including the impact on wildlife habitat;
76 2. Any adverse environmental effects which cannot be avoided if the major state project is
77 undertaken;

78 3. Measures proposed to minimize the impact of the major state project;

79 4. Any alternatives to the proposed construction; and

80 5. Any irreversible environmental changes which would be involved in the major state project.

81 For the purposes of subdivision 4 of this subsection, the report shall contain all alternatives
82 considered and the reasons why the alternatives were rejected. If a report does not set forth alternatives,
83 it shall state why alternatives were not considered.

84 B. For purposes of this chapter, this subsection shall ~~not~~ only apply to the review of highway and
85 road construction projects or any part thereof. The Secretaries of Transportation and Natural Resources
86 shall jointly establish procedures for review and comment by state natural and historic resource agencies
87 of highway and road construction projects. Such procedures shall provide for review and comment on
88 appropriate projects and categories of projects to address the environmental impact of the project, any
89 adverse environmental effects which cannot be avoided if the project is undertaken, the measures
90 proposed to minimize the impact of the project, any alternatives to the proposed construction, and any
91 irreversible environmental changes which would be involved in the project.

92 § 15.2-2223.1. *Comprehensive plan to include urban development areas; new urbanism.*

93 A. Every county that has adopted zoning pursuant to Article 7 (§ 15.2-2280 et seq.) of Chapter 22 of
94 Title 15.2 may, and any city or town may, amend its comprehensive plan to incorporate one or more
95 proposed urban development areas, if such locality has had population growth of 5 percent or more
96 from the next-to-latest to latest decennial census year, based on population reported by the United
97 States Bureau of the Census. For purposes of this section, an urban development area is an area
98 designated by a locality that is appropriate for higher density development due to proximity to
99 transportation facilities, the availability of a public or community water and sewer system, or proximity
100 to a city, town, or other developed area. The comprehensive plan shall provide for commercial and
101 residential densities within urban development areas that are appropriate for reasonably compact
102 development at a density of at least four residential units per gross acre and a floor area ratio of 0.4
103 per gross acre for commercial development. The comprehensive plan shall designate one or more urban
104 development areas sufficient to meet projected residential and commercial growth in the locality for the
105 ensuing 20-year period. Future growth shall be based on the projections of the Virginia Employment
106 Commission. The boundaries and size of each urban development area shall be reexamined and revised
107 every five years in conjunction with the update of the comprehensive plan and in accordance with the
108 most recent available population growth projections.

109 B. The comprehensive plan shall further incorporate principles of new urbanism and traditional
110 neighborhood development, which may include but need not be limited to (i) pedestrian-friendly road
111 design, (ii) interconnection of new local streets with existing local streets and roads, (iii) connectivity of
112 road and pedestrian networks, (iv) preservation of natural areas, (v) satisfaction of requirements for
113 stormwater management, and (vi) mixed-use neighborhoods, including mixed housing types.

114 C. The comprehensive plan shall describe the financial and other incentives for development in the
115 urban development areas.

116 D. No locality that has amended its comprehensive plan in accordance with this section shall limit or
117 prohibit development pursuant to existing zoning or any application for rezoning based solely on the
118 fact that the property is located outside the urban development area.

119 E. Any locality that has not revised its comprehensive plan to establish an urban development area
120 pursuant to this section on or before July 1, 2008 shall not receive 50 percent of its annual secondary

121 road allocation from the Virginia Department of Transportation. Such reduced allocation shall continue
122 until an urban development area has been established pursuant to this section.

123 § 15.2-2286.2. Denying or modifying an application for rezoning.

124 Any locality that has established an urban transportation service district in accordance with
125 § 15.2-2403.1 may provide in its zoning ordinance for the denial or modification of an application for
126 rezoning when the existing and future transportation network that will serve the proposed development
127 is inadequate to handle the anticipated transportation impact of the proposed development. In
128 determining whether the transportation network that will serve the proposed development is inadequate,
129 the locality shall provide in its zoning ordinance for the consideration of the following: (i) the locality's
130 comprehensive plan, the Department of Transportation's secondary road and other transportation plans,
131 or such other available information regarding the transportation network that will serve the proposed
132 development; (ii) whether the proposed development reduces the level of service in the existing and
133 future transportation network, as determined by the locality in consultation with appropriate
134 transportation agencies; and (iii) whether the design and phasing of the proposed development, the
135 funded capital improvements program, or other combination of public and private resources will address
136 the anticipated transportation impact of the proposed development.

137 Article 9.
138 Impact Fees.

139 § 15.2-2328. Applicability of article.

140 The provisions of this article shall apply in their entirety to any locality that has established an
141 urban transportation service district in accordance with § 15.2-2403.1. However, such authority may be
142 exercised only in areas outside of urban transportation service districts and on parcels that are
143 currently zoned agricultural and are being subdivided for by-right residential development. The
144 authority granted under this subsection shall expire on July 1, 2009, for any locality that has not
145 established an urban transportation service district and adopted an impact fee ordinance pursuant to
146 this article by such date.

147 § 15.2-2329. Imposition of impact fees.

148 A. Any locality that includes within its comprehensive plan a calculation of the capital costs of
149 public facilities necessary to serve residential uses may impose and collect impact fees to cover the costs
150 of issuing permits for residential uses in amounts consistent with the methodologies used in its
151 comprehensive plan to defray the capital costs of public facilities related to the residential development.

152 B. Impact fees imposed and collected pursuant to this section shall only be used for public facilities
153 that are impacted by development; however, the fees may be used generally in the areas of development
154 in the locality.

155 C. A locality imposing impact fees as provided in this section shall allow credit against the impact
156 fees for cash proffers collected for the purpose of defraying the capital costs of public facilities related
157 to the residential development. A locality imposing impact fees as provided in this section shall also
158 include within its comprehensive plan a methodology for calculating credit for the value of proffered
159 land donations to accommodate public facilities, and for the construction cost of any public facilities or
160 public improvements the construction of which is required by proffer.

161 D. A locality imposing impact fees under this section may require that such impact fees be paid prior
162 to and as a condition of the issuance of any necessary building permits for residential uses.

163 E. For the purposes of this section, "public facilities" shall be deemed to include: (i) roads, streets,
164 transit and rail facilities, and bridges, including rights-of-way, traffic signals, landscaping, and any
165 local components of federal or state highways; (ii) stormwater collection, retention, detention, treatment,
166 and disposal facilities, flood control facilities, and bank and shore protection and enhancement
167 improvements; (iii) parks, open space, and recreation areas and related facilities; (iv) public safety
168 facilities, including police, fire, emergency medical, and rescue facilities; (v) primary and secondary
169 schools and related facilities; and (vi) libraries and related facilities.

170 § 15.2-2403. Powers of service districts.

171 After adoption of an ordinance or ordinances or the entry of an order creating a service district, the
172 governing body or bodies shall have the following powers with respect to the service districts:

173 1. To construct, maintain, and operate such facilities and equipment as may be necessary or desirable
174 to provide additional, more complete, or more timely governmental services within a service district,
175 including but not limited to water supply, sewerage, garbage removal and disposal, heat, light,
176 fire-fighting equipment and power and gas systems and sidewalks; economic development services;
177 promotion of business and retail development services; beautification and landscaping; beach and
178 shoreline management and restoration; control of infestations of insects that may carry a disease that is
179 dangerous to humans, gypsy moths, cankerworms or other pests identified by the Commissioner of the
180 Department of Agriculture and Consumer Services in accordance with the Virginia Pest Law
181 (§ 3.1-188.20 et seq.); public parking; extra security, street cleaning, snow removal and refuse collection

182 services; sponsorship and promotion of recreational and cultural activities; upon petition of over 50
183 percent of the property owners who own not less than 50 percent of the property to be served,
184 construction, maintenance, and general upkeep of streets and roads ~~that are not under the operation and~~
185 ~~jurisdiction of the Virginia Department of Transportation; construction, maintenance, and general upkeep~~
186 *of streets and roads through creation of urban transportation service districts created pursuant to*
187 *§ 15.2-2403.1;* and other services, events, or activities that will enhance the public use and enjoyment of
188 and the public safety, public convenience, and public well-being within a service district. Such services,
189 events, or activities shall not be undertaken for the sole or dominant benefit of any particular individual,
190 business or other private entity.

191 2. To provide, in addition to services authorized by subdivision 1, transportation and transportation
192 services within a service district, including, but not limited to: public transportation systems serving the
193 district; transportation management services; road construction; rehabilitation and replacement of existing
194 transportation facilities or systems; and sound walls or sound barriers. However, any transportation
195 service, system, facility, roadway, or roadway appurtenance established under this subdivision that will
196 be operated or maintained by the Virginia Department of Transportation shall be established with the
197 involvement of the governing body of the locality and meet the appropriate requirements of the
198 Department. The proceeds from any annual tax or portion thereof collected for road construction
199 pursuant to subdivision 6 may be accumulated and set aside for such reasonable period of time as is
200 necessary to finance such construction; however, the governing body or bodies shall make available an
201 annual disclosure statement, which shall contain the amount of any such proceeds accumulated and set
202 aside to finance such road construction.

203 3. To acquire in accordance with § 15.2-1800, any such facilities and equipment and rights, title,
204 interest or easements therefor in and to real estate in such district and maintain and operate the same as
205 may be necessary and desirable to provide the governmental services authorized by subdivisions 1 and
206 2.

207 4. To contract with any person, municipality or state agency to provide the governmental services
208 authorized by subdivisions 1 and 2 and to construct, establish, maintain, and operate any such facilities
209 and equipment as may be necessary and desirable in connection therewith.

210 5. To require owners or tenants of any property in the district to connect with any such system or
211 systems, and to contract with the owners or tenants for such connections. The owners or tenants shall
212 have the right of appeal to the circuit court within 10 days from action by the governing body.

213 6. To levy and collect an annual tax upon any property in such service district subject to local
214 taxation to pay, either in whole or in part, the expenses and charges for providing the governmental
215 services authorized by subdivisions 1, 2 and 11 and for constructing, maintaining, and operating such
216 facilities and equipment as may be necessary and desirable in connection therewith; however, such
217 annual tax shall not be levied for or used to pay for schools, police, or general government services not
218 authorized by this section, and the proceeds from such annual tax shall be so segregated as to enable the
219 same to be expended in the district in which raised. In addition to the tax on property authorized herein,
220 in any city having a population of 350,000 or more and adjacent to the Atlantic Ocean, the city council
221 shall have the power to impose a tax on the base transient room rentals, excluding hotels, motels, and
222 travel campgrounds, within such service district at a rate or percentage not higher than five percent
223 which is in addition to any other transient room rental tax imposed by the city. The proceeds from such
224 additional transient room rental tax shall be deposited in a special fund to be used only for the purpose
225 of beach and shoreline management and restoration. Any locality imposing a tax pursuant to this
226 subdivision may base the tax on the full assessed value of the taxable property within the service
227 district, notwithstanding any special use value assessment of property within the service district for land
228 preservation pursuant to Article 4 (§ 58.1-3229 et seq.) of Chapter 32 of Title 58.1, provided the owner
229 of such property has given written consent. In addition to the taxes and assessments described herein, a
230 locality creating a service district may contribute from its general fund any amount of funds it deems
231 appropriate to pay for the governmental services authorized by subdivisions 1, 2, and 11 of this section.

232 7. To accept the allocation, contribution or funds of, or to reimburse from, any available source,
233 including, but not limited to, any person, authority, transportation district, locality, or state or federal
234 agency for either the whole or any part of the costs, expenses and charges incident to the acquisition,
235 construction, reconstruction, maintenance, alteration, improvement, expansion, and the operation or
236 maintenance of any facilities and services in the district.

237 8. To employ and fix the compensation of any technical, clerical, or other force and help which from
238 time to time, in their judgment may be necessary or desirable to provide the governmental services
239 authorized by subdivisions 1, 2 and 11 or for the construction, operation, or maintenance of any such
240 facilities and equipment as may be necessary or desirable in connection therewith.

241 9. To create and terminate a development board or other body to which shall be granted and
242 assigned such powers and responsibilities with respect to a special service district as are delegated to it
243 by ordinance adopted by the governing body of such locality or localities. Any such board or alternative

244 body created shall be responsible for control and management of funds appropriated for its use by the
245 governing body or bodies, and such funds may be used to employ or contract with, on such terms and
246 conditions as the board or other body shall determine, persons, municipal or other governmental entities
247 or such other entities as the development board or alternative body deems necessary to accomplish the
248 purposes for which the development board or alternative body has been created. If the district was
249 created by court order, the ordinance creating the development board or alternative body may provide
250 that the members appointed to the board or alternative body shall consist of a majority of the
251 landowners who petitioned for the creation of the district, or their designees or nominees.

252 10. To negotiate and contract with any person or municipality with regard to the connections of any
253 such system or systems with any other system or systems now in operation or hereafter established, and
254 with regard to any other matter necessary and proper for the construction or operation and maintenance
255 of any such system within the district.

256 11. To acquire by purchase, gift, devise, bequest, grant, or otherwise title to or any interests or rights
257 of not less than five years' duration in real property that will provide a means for the preservation or
258 provision of open-space land as provided for in the Open-Space Land Act (§ 10.1-1700 et seq.).
259 Notwithstanding the provisions of subdivision 3, the governing body shall not use the power of
260 condemnation to acquire any interest in land for the purposes of this subdivision.

261 12. To contract with any state agency or state or local authority for services within the power of the
262 agency or authority related to the financing, construction, or operation of the facilities and services to be
263 provided within the district; however, nothing in this subdivision shall authorize a locality to obligate its
264 general tax revenues, or to pledge its full faith and credit.

265 13. In the Town of Front Royal, to construct, maintain, and operate facilities, equipment, and
266 programs as may be necessary or desirable to control, eradicate, and prevent the infestation of rats and
267 removal of skunks and the conditions that harbor them.

268 § 15.2-2403.1. *Creation of urban transportation service districts.*

269 A. *The boundaries of any urban transportation service district created pursuant to this article shall
270 be agreed upon by both the local governing body of an urban county and by the Virginia Department of
271 Transportation. The overall density of an urban transportation service district shall be one residential
272 unit per acre or greater. Any disagreement over such boundaries shall be mediated by and, if necessary,
273 decided by the Commission on Local Government. For purposes of this section, an "urban county"
274 means any county with a population of greater than 90,000 that did not maintain its roads as of
275 January 1, 2007.*

276 B. *Any urban county that has established an urban transportation service district in accordance with
277 this section shall receive an amount equal to the urban allocation per lane mile for the area within the
278 district for purposes of road maintenance. In addition, such locality shall receive an amount equal to
279 the difference between the urban allocation and what VDOT would be spending within the service
280 district if not for the creation of such district. Such money may be spent by the locality on any
281 transportation need, including new construction.*

282 C. *In any instance in which a locality has taken over road maintenance within an urban
283 transportation service district pursuant to this section, VDOT shall transfer the surplus equipment that is
284 no longer needed for such road maintenance from VDOT to the locality. In addition, such locality shall
285 receive a \$10,000 payment from the Commonwealth for each displaced VDOT employee who is hired by
286 the locality. Each displaced VDOT employee who is hired by the locality shall also receive a \$10,000
287 payment from the Commonwealth upon completion of one year's service with the locality.*

288 CHAPTER 42.

289 JOINT COMMISSION ON TRANSPORTATION ACCOUNTABILITY.

290 § 30-278. Joint Commission on Transportation Accountability established; composition; terms;
291 compensation and expenses; office space; quorum; voting on recommendations.

292 There is hereby established in the legislative branch of state government the Joint Commission on
293 Transportation Accountability. The Commission shall consist of six members of the House of Delegates
294 appointed by the Speaker of the House of Delegates, of whom at least three shall be members of the
295 House Committee on Transportation; four members of the Senate appointed by the Senate Committee on
296 Rules of whom at least two shall be members of the Senate Committee on Transportation; and the
297 Auditor of Public Accounts, who shall serve as a nonvoting ex officio member. Members shall serve
298 terms coincident with their terms of office as members of the House of Delegates and the Senate.
299 Members may be reappointed for successive terms.

300 Members of the Commission shall receive such compensation as provided in § 30-19.12 and shall be
301 reimbursed for all their reasonable and necessary expenses incurred in the performance of their duties
302 as members of the Commission. Funding for the costs of compensation and expenses of the members
303 shall be provided from existing appropriations to the Commission. Adequate office space shall be
304 provided by the Commonwealth.

305 *The Commission shall annually elect a chairman and a vice-chairman from among its membership.*
306 *Meetings of the Commission shall be held upon the call of the chairman or whenever the majority of the*
307 *members so request. A majority of the members appointed to the Commission shall constitute a quorum.*
308 *§ 30-279. Director, executive staff, and personnel.*

309 *The Commission shall appoint, subject to confirmation by a majority of the members of the General*
310 *Assembly, a Director and fix his duties and compensation. The Director may, with prior approval of the*
311 *Commission, employ and fix the duties and compensation of an adequate staff as may be requisite to*
312 *make the studies and conduct the research and budget analyses required by this chapter. The Director*
313 *and the executive staff shall be appointed for a term of six years and shall consist of professional*
314 *persons having experience and training in legislative budgetary procedures, management analyses, and*
315 *cost accounting. The Director and any executive staff member may be removed from office for cause by*
316 *a majority vote of the Commission. Such other professional personnel, consultants, advisers, and*
317 *secretarial and clerical employees may be engaged upon such terms and conditions as set forth by the*
318 *Commission.*

319 *§ 30-280. Powers and duties of Commission.*

320 *The Commission shall have the following powers and duties:*

321 *1. To make performance reviews of operations of state agencies with transportation responsibilities*
322 *to ascertain that sums appropriated have been or are being expended for the purposes for which they*
323 *were made and to evaluate the effectiveness of programs in accomplishing legislative intent;*

324 *2. To study, on a continuing basis, the operations, practices, and duties of state agencies with*
325 *transportation responsibilities as they relate to efficiency in the use of space, personnel, equipment, and*
326 *facilities;*

327 *3. To retain such consultants and advisers as the Commission deems necessary to evaluate financial*
328 *and project management of state agencies with transportation responsibilities; and*

329 *4. To make such special studies of and reports on the operations and functions of state agencies with*
330 *transportation responsibilities as it deems appropriate and as may be requested by the General*
331 *Assembly.*

332 *§ 30-281. State agencies to furnish information and assistance.*

333 *All agencies of the Commonwealth, their staff, and employees shall provide the Commission with*
334 *necessary information for the performance of its duties and afford the Commission's staff ample*
335 *opportunity to observe agency operations.*

336 *§ 30-282. Payment of expenses of Commission.*

337 *The salaries, per diems, and other expenses necessary to the function of the Commission shall be*
338 *payable from funds appropriated to the Commission.*

339 *§ 30-283. Access to information.*

340 *For the purpose of carrying out its duties under this chapter and notwithstanding any contrary*
341 *provision of law, the Joint Commission on Transportation Accountability shall have access to the*
342 *records and facilities of every agency whose operations are financed in whole or in part by state funds*
343 *to the extent that such records and facilities are related to the expenditure of such funds. All such*
344 *agencies shall cooperate with the Commission and, when requested, shall provide specific information in*
345 *the form requested.*

346 *§ 33.1-1. State Highway and Transportation Board continued as Commonwealth Transportation*
347 *Board; number and terms of members; removal from office; vacancies.*

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

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

367 Secretary of Transportation, the Commonwealth Transportation Commissioner, and the Director of the
368 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
370 terms.

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

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

381 § 33.1-2. Residence requirements; statewide interest.

382 Of such Board, one member shall be a resident of the territory now included in the Bristol
383 construction district, one in the Salem construction district, one in the Lynchburg construction district,
384 one in the Staunton construction district, one in the Culpeper construction district, one in the
385 Fredericksburg construction district, one in the Richmond construction district, one in the Hampton
386 Roads construction district and one in the Northern Virginia construction district. *The foregoing*
387 *members of the Board shall be elected by a majority vote of the members present and voting in both*
388 *houses of the General Assembly.* The remaining five members shall be appointed from the
389 Commonwealth at large, but at least two shall reside in standard metropolitan statistical areas and be
390 designated as urban at-large members, and at least two shall reside outside standard metropolitan
391 statistical areas and be designated as rural at-large members. The at-large members shall be appointed to
392 represent rural and urban transportation needs and be mindful of the concerns of seaports and seaport
393 users, airports and airport users, railways and railway users, and mass transit and mass transit users.
394 Each member so appointed shall be mindful of the best interest of the Commonwealth at large primarily
395 instead of those of the district from which chosen or of the transportation interest represented.

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

399 § 33.1-3. Secretary to be Chairman; Commonwealth Transportation Commissioner.

400 The Chairman, *whose official title of the Commonwealth Transportation Board* shall be *the Secretary*
401 *of Transportation, and who.*

402 *The Commonwealth Transportation Commissioner shall be the chief executive officer of the*
403 *Department of Transportation. The Commissioner shall be elected by and serve at the pleasure of the*
404 *Commonwealth Transportation Board for a term of four years, subject to the consent of the Governor.*
405 *The Commissioner may, at the time of his appointment, be a nonresident of Virginia, shall be an*
406 *experienced administrator, able to direct and guide the Department in the establishment and achievement*
407 *of the Commonwealth's long-range highway and other transportation objectives and shall be appointed at*
408 *large.*

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

415 In the event of a vacancy due to the death, temporary disability, retirement, resignation or removal of
416 the Commissioner, the Governor may appoint and thereafter remove at his pleasure an "Acting
417 Commonwealth Transportation Commissioner" until such time as the vacancy may be filled as provided
418 *in § 33.1-1 by the Commonwealth Transportation Board.* Such "Acting Commonwealth Transportation
419 Commissioner" shall have all powers and perform all duties of the Commissioner as provided by law,
420 and shall receive such compensation as may be fixed by the Governor. In the event of the temporary
421 disability, for any reason, of the Commissioner, full effect shall be given to the provisions of § 2.2-605.

422 § 33.1-13. General powers of Commissioner.

423 Except such powers as are conferred by law upon the Commonwealth Transportation Board, the
424 Commonwealth Transportation Commissioner shall have the power to do all acts necessary or
425 convenient for constructing, improving and maintaining the roads embraced in the systems of state
426 highways and to further the interests of the Commonwealth in the areas of public transportation,
427 railways, seaports, and airports. And as executive head of the Transportation Department, the

428 Commissioner is specifically charged with the duty of executing all orders and decisions of the Board
429 and he may, subject to the provisions of this chapter, require that all appointees and employees perform
430 their duties under this chapter.

431 *In addition, the Commissioner, in order to maximize efficiency, shall take such steps as may be appropriate to outsource or privatize any of the Department's functions that might reasonably be provided by the private sector.*

434 § 33.1-19.1. Environmental permits for highway projects; timely review.

435 Notwithstanding any other provision of state law or regulation, any state agency, board, or commission that issues a permit required for a highway construction project pursuant to Title 10.1, 28.2, 436 29.1, or 62.1 of the Code of Virginia shall, within 15 days of receipt of an individual or general permit application, review the application for completeness and either accept the application or request 437 additional specific information from the Department of Transportation. Unless a shorter period is 438 provided by law, regulation, or agreement, the state agency, board, or commission shall within 120 30 days of receipt of a complete application issue the permit, issue the permit with conditions, deny the 439 permit, or decide whether a public meeting or hearing is required by law. If a public meeting or hearing 440 is held, it shall be held within 45 30 days of the decision to conduct such a proceeding and a final 441 decision as to the permit shall be made within 90 30 days of completion of the public meeting or 442 hearing.

443 § 33.1-23.03. Board to develop and update Statewide Transportation Plan.

444 The Commonwealth Transportation Board shall conduct a comprehensive review of statewide transportation needs in a Statewide Transportation Plan setting forth an inventory of all construction 445 needs for all systems, and based upon this inventory, establishing goals, objectives, and priorities 446 covering a twenty-year planning horizon, in accordance with federal transportation planning 447 requirements. This plan shall embrace all modes of transportation and include technological initiatives. 448 This Statewide Transportation Plan shall be updated as needed, but no less than once every five years. 449 The plan will provide consideration of projects and policies affecting shall promote economic 450 development and all transportation modes and promote economic development, intermodal connectivity, 451 environmental quality, accessibility for people and freight, and transportation safety. The plan shall 452 include quantifiable and achievable goals relating to congestion reduction and safety, transit and 453 high-occupancy vehicle facility use, job-to-housing ratios, job and housing access to transit and 454 pedestrian facilities, air quality, and vehicle miles traveled. The Board shall consider such goals in 455 evaluating and selecting transportation improvement projects. Each such plan shall be summarized in a 456 public document and made available to the general public upon presentation to the Governor and 457 General Assembly.

458 It is the intent of the General Assembly that this plan assess transportation needs and assign priorities 459 to projects on a statewide basis, avoiding the production of a plan which is an aggregation of local, 460 district, regional, or modal plans.

461 § 33.1-23.03:8. Priority Transportation Fund established.

462 A. There is hereby created in the state treasury a special nonreverting fund to be known as the 463 Priority Transportation Fund, hereafter referred to as "the Fund." The Fund shall be established on the 464 books of the Comptroller. Interest earned on moneys in the Fund shall remain in the Fund and be 465 credited to it. All funds as may be designated in the appropriation act for deposit to the Fund shall be 466 paid into the state treasury and credited to the Fund. Such funds shall include:

467 1. A portion of the moneys actually collected, including penalty and interest, attributable to any 468 increase in revenues from the taxes imposed under Chapter 22 (§ 58.1-2200 et seq.) of Title 58.1, with 469 such increase being calculated as the difference between such tax revenues collected in the manner 470 prescribed under Chapter 22 less such tax revenues that would have been collected using the prescribed 471 manner in effect before the effective date of Chapter 22. The portion to be deposited to the Fund shall 472 be the moneys actually collected from such increase in revenues (*but not including additional revenues* 473 *described in subsection F of § 58.1-2289*) and allocated for highway and mass transit improvement 474 projects as set forth in § 33.1-23.03:2, but not including any amounts that are allocated to the 475 Commonwealth Port Fund and the Commonwealth Airport Fund under such section. There shall also be 476 deposited into the Fund all additional federal revenues attributable to Chapter 22 (§ 58.1-2200 et seq.) of 477 Title 58.1; and

478 2. Beginning with the fiscal year ending June 30, 2000, and for fiscal years thereafter, all revenues 479 that exceed the official forecast, pursuant to § 2.2-1503, for (i) the Highway Maintenance and Operating 480 Fund and (ii) the allocation to highway and mass transit improvement projects as set forth in 481 § 33.1-23.03:2, but not including any amounts that are allocated to the Commonwealth Port Fund and 482 the Commonwealth Airport Fund under such section; and

483 3. All revenues deposited into the Fund pursuant to § 58.1-2531; and

484 34. Any other such funds as may be transferred, allocated, or appropriated.

485 The Fund shall be considered a part of the Transportation Trust Fund. Any moneys remaining in the

490 Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but
491 shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes enumerated in
492 subsection B of this section. Expenditures and disbursements from the Fund shall be made by the State
493 Treasurer on warrants issued by the Comptroller.

494 B. The Commonwealth Transportation Board shall use the Fund to facilitate the financing of priority
495 transportation projects throughout the Commonwealth. The Board may use the Fund either (i) by
496 expending amounts therein on such projects directly, (ii) by payment to any authority, locality,
497 commission or other entity for the purpose of paying the costs thereof, or (iii) by using such amounts to
498 support, secure, or leverage financing for such projects, or (iv) for debt service payments on
499 *Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes*. No expenditures from
500 or other use of amounts in the Fund shall be considered in allocating highway maintenance and
501 construction funds under § 33.1-23.1 or apportioning Transportation Trust Fund funds under § 58.1-638,
502 but shall be in addition thereto. The Board shall use the Fund to facilitate the financing of priority
503 transportation projects as designated by the General Assembly; provided, however, that, at the discretion
504 of the Commonwealth Transportation Board, funds allocated to projects within a transportation district
505 may be allocated among projects within the same transportation district as needed to meet construction
506 cash-flow needs.

507 § 33.1-23.4:01. *Allocation of Commonwealth of Virginia Transportation Capital Projects Revenue
508 Bonds.*

509 *The Commonwealth Transportation Board shall allocate and distribute the proceeds of any bonds it
510 is authorized to issue supported in whole or in part by the Commonwealth Transportation Capital
511 Projects Fund pursuant to subdivision 4 f of § 33.1-269 for highway construction pursuant to
512 § 33.1-23.1.*

513 § 33.1-67. Secondary system of highways.

514 A. The secondary system of state highways shall consist of all of the public roads, causeways,
515 bridges, landings and wharves in the several counties of the Commonwealth not included in the State
516 Highway System, including such roads and community roads leading to and from public school
517 buildings, streets, causeways, bridges, landings and wharves in incorporated towns having 3,500
518 inhabitants or less according to the census of 1920, and in all towns having such a population
519 incorporated since 1920, as constitute connecting links between roads in the secondary system in the
520 several counties and between roads in the secondary system and roads in the primary system of the state
521 highways, not, however, to exceed two miles in any one town. If in any such town, which is partly
522 surrounded by water, less than two miles of the roads and streets therein constitute parts of the
523 secondary system of state highways, the Commonwealth Transportation Board shall, upon the adoption
524 of a resolution by the council or other governing body of such town designating for inclusion in the
525 secondary system of state highways certain roads and streets in such town not to exceed a distance of
526 two miles, less the length of such roads and streets in such town which constitute parts of the secondary
527 system of state highways, accept and place in the secondary system of state highways such additional
528 roads and streets.

529 B. *Notwithstanding the foregoing provisions of this section, any local ordinance, or any provision of
530 Title 15.2, on and after July 1, 2007, no street or road or any portion thereof in any county shall be
531 taken into the state secondary highway system for maintenance purposes unless it is classified by the
532 Department as a local collector road. Other roads that, prior to July 1, 2007, would have been taken
533 into the state secondary highway system shall be classified by the Department as local subdivision roads
534 and shall not be taken into the state secondary highway system. A local subdivision road shall be any
535 road, according to the Department, that primarily serves residents living within a subdivision. These
536 local subdivision roads shall be maintained either by the county wherein they are located or, if they are
537 within an area comprising a homeowners association, by the homeowners association. This subsection
538 shall not apply to any roads within an urban development area as authorized under Title 15.2.*

539 § 33.1-69. Control, supervision and management.

540 A. The control, supervision, management and jurisdiction over the secondary system of state
541 highways shall be vested in the Department of Transportation and the maintenance and improvement,
542 including construction and reconstruction, of such secondary system of state highways shall be by the
543 Commonwealth under the supervision of the Commonwealth Transportation Commissioner. The boards
544 of supervisors or other governing bodies of the several counties and the county road board or county
545 road commission of any county operating under a county road board or county road commission shall
546 have no control, supervision, management and jurisdiction over such public roads, causeways, bridges,
547 landings and wharves, constituting the secondary system of state highways. Except as otherwise provided
548 in this article, the Commonwealth Transportation Board shall be vested with the same powers, control
549 and jurisdiction over the secondary system of state highways in the several counties and towns of the
550 Commonwealth, and such additions as may be made from time to time, as were vested in the boards of

551 supervisors or other governing bodies of the several counties or in the county road board or county road
552 commission in any county operating under a county road board or county road commission on June 21,
553 1932, and in addition thereto shall be vested with the same power, authority and control as to the
554 secondary system of state highways as is vested in the Board in connection with the State Highway
555 System.

556 *B. Notwithstanding the foregoing provisions of this section, the Department's control, supervision,*
557 *management, and jurisdiction over the secondary system of state highways shall not extend, on and after*
558 *July 1, 2007, to any road classified by the Department as a local subdivision road, and no road*
559 *classified as a local subdivision road shall thereafter be taken into the state secondary highway system.*
560 *These local subdivision roads shall be controlled, supervised, and managed either by the county wherein*
561 *they are located or, if they are within an area comprising a homeowners association, by the*
562 *homeowners association. This subsection shall not apply to any roads within an urban development area*
563 *as authorized under Title 15.2.*

564 § 33.1-72.1. Taking certain streets into secondary system.

565 A. "Street," as used in this section, means a street or highway shown on a plat which was recorded
566 or otherwise opened to public use prior to July 1, 1992, at which time it was open to and used by motor
567 vehicles, and which, for any reason, has not been taken into the secondary system of state highways and
568 serves at least three families per mile.

569 B. "County," as used in this section, means a county in which the secondary system of the state
570 highways is constructed and maintained by the Department of Transportation and which has adopted a
571 local ordinance for control of the development of subdivision streets to the necessary standards for
572 acceptance into the secondary system.

573 C. "Speculative interest," as used in this section, means that the original developer or a successor
574 developer retains ownership in any lot abutting such street for development or speculative purposes. In
575 instances where it is determined that speculative interest is retained by the original developer,
576 developers, or successor developers and the governing body of the county deems that extenuating
577 circumstances exist, the governing body of the county shall require a pro rata participation by such
578 original developer, developers, or successor developers as prescribed in subsection G of this section as a
579 condition of the county's recommendation pursuant to this section.

580 D. "Qualifying rural addition cost," as used in this section, means that portion of the estimated
581 engineering and construction cost to improve the street to the minimum standards for acceptance
582 remaining after reducing the total estimated cost by any prorated amount deemed the responsibility of
583 others based on speculative interests as defined in subsection C.

584 E. Whenever the governing body of a county recommends in writing to the Department of
585 Transportation that any street in the county be taken into and become a part of the secondary system of
586 the state highways in such county, the Department of Transportation thereupon, within the limit of
587 available funds and the mileage available in such county for the inclusion of roads and streets in the
588 secondary system, shall take such street into the secondary system of state highways for maintenance,
589 improvement, construction and reconstruction if such street, at the time of such recommendation, either:
590 (i) has a minimum dedicated width of 40 feet or (ii) in the event of extenuating circumstances as
591 determined by the Commonwealth Transportation Commissioner, such street has a minimum dedicated
592 width of 30 feet at the time of such recommendation. In either case such streets must have easements
593 appurtenant thereto which conform to the policy of the Commonwealth Transportation Board with
594 respect to drainage. After the streets are taken into the secondary system of state highways, the
595 Department shall maintain the same in the manner provided by law.

596 F. Such street shall only be taken into the secondary system of state highways if the governing body
597 of the county has identified and made available the funds required to improve the street to the required
598 minimum standards. The county may consider the following options to fund the required improvements
599 for streets accepted under this section:

600 1. The local governing body of the county may use a portion of the county's annual secondary
601 highway system construction allocation designated as "rural addition funds" to fund the qualifying rural
602 addition costs for qualifying streets if the county agrees to contribute from county revenue or the special
603 assessment of the landowners on the street in question one-half of the qualifying rural addition cost to
604 bring the streets up to the necessary minimum standards for acceptance. No such special assessment of
605 landowners on such streets shall be made unless the governing body of the county receives written
606 declarations from the owners of 75 percent or more of the platted parcels of land abutting upon such
607 street stating their acquiescence in such assessments. The basis for such special assessments, at the
608 option of the local governing body, shall be either (i) the proportion the value of each abutting parcel
609 bears to total value of all abutting parcels on such street as determined by the current evaluation of the
610 property for real estate tax purposes, or (ii) the proportion the abutting road front footage of each parcel
611 abutting the street bears to the total abutting road front footage of all parcels abutting on the street, or
612 (iii) an equal amount for each parcel abutting on such street. No such special assessment on any parcel

613 shall exceed one-third of the current evaluation of such property for real estate tax purposes. Special
614 assessments under this section shall be conducted in the manner provided in Article 2 (§ 15.2-2404 et
615 seq.) of Chapter 24 of Title 15.2, mutatis mutandis, for assessments for local improvements.

616 2. The local governing body of any county may use a portion of its annual secondary highway
617 system construction allocation designated as "rural addition funds" to fund the qualifying rural addition
618 cost for qualifying streets within the limitation of funds and the mileage limitation of the
619 Commonwealth Transportation Board's policy on rural additions.

620 3. The local governing body of any county may use revenues derived from the sale of bonds to
621 finance the construction of rural additions to the secondary system of such county. In addition, from the
622 funds allocated by the Commonwealth for the construction of secondary road improvements, such
623 governing body may use funds allocated within the Commonwealth Transportation Board policy for the
624 construction of rural additions to pay principal and interest on bonds associated with rural additions in
625 such county, provided the revenue derived from the sale of such bonds is not used as the county
626 matching contribution under § 33.1-23.05. The provisions of this section shall not constitute a debt or
627 obligation of the Commonwealth Transportation Board or the Commonwealth of Virginia.

628 4. The local governing body of the county may expend general county revenue for the purposes of
629 this section.

630 5. The local governing body of the county may permit one or more of the landowners on the street
631 in question to pay to the county a sum equal to one-half of the qualifying rural addition cost to bring
632 the street up to the necessary minimum standards for acceptance into the secondary system of state
633 highways, which funds the county shall then utilize for such purpose. Thereafter, upon collection of the
634 special assessment of landowners on such street, the county shall use such special assessment funds to
635 reimburse, without interest, the one or more landowners for those funds which they previously advanced
636 to the count to bring the street up to the necessary minimum standards for acceptance.

637 6. The local governing body of the county may utilize the allocations made to the county in
638 accordance with § 33.1-23.05.

639 G. In instances where it is determined that speculative interest, as defined in subsection C, exists the
640 basis for the pro rata percentage required of such developer, developers, or successor developers shall be
641 the proportion that the value of the abutting parcels owned or partly owned by the developer,
642 developers, or successor developers bears to the total value of all abutting property as determined by the
643 current evaluation of the property for real estate purposes. The pro rata percentage shall be applied to
644 the Department of Transportation's total estimated cost to construct such street to the necessary
645 minimum standards for acceptance to determine the amount of costs to be borne by the developer,
646 developers, or successor developers. Property so evaluated shall not be assessed in the special
647 assessment for the determination of the individual pro rata share attributable to other properties. Further,
648 when such pro rata participation is accepted by the governing body of the county from such original
649 developer, developers, or successor developers, such amount shall be deducted from the Department of
650 Transportation's total estimated cost and the remainder of such estimated cost, the qualifying rural
651 addition cost, shall then be the basis of determining the assessment under the special assessment
652 provision or determining the amount to be provided by the county when funded from general county
653 revenue under subsection C of this section or determining the amount to be funded as a rural addition
654 under subsection D of this section.

655 H. Acceptance of any street into the secondary system of state highways for maintenance,
656 improvement, construction, and reconstruction shall not impose any obligation on the Board to acquire
657 any additional right-of-way or easements should they be necessary by virtue of faulty construction or
658 design.

659 I. "Rural addition funds" means those funds reserved from the county's annual allocation of
660 secondary system highway construction funds, as defined in § 33.1-67, for the purpose of this section. If
661 such funds are not used by such county for such purpose during the fiscal year they are so allocated, the
662 funds may be held for such purpose for the four succeeding fiscal years. A maximum of five percent of
663 the annual secondary system highway construction allocation may be reserved by the governing body for
664 rural additions.

665 *J. Notwithstanding the foregoing provisions of this section, any local ordinance, or any provision of*
666 *Title 15.2, on and after July 1, 2007, no street or road or any portion thereof in any county shall be*
667 *taken into the state secondary highway system for maintenance purposes unless it is classified by the*
668 *Department as a local collector road. Any road that, prior to July 1, 2007, would have been taken into*
669 *the state secondary highway system shall be classified by the Department as a local subdivision road*
670 *and no road classified as a local subdivision road shall thereafter be taken into the state secondary*
671 *highway system. This subsection shall not apply to any roads within an urban development area as*
672 *authorized under Title 15.2.*

673 § 33.1-223.2:12. Tolls may vary to encourage travel during off-peak hours.

674 A. In order to provide an incentive for motorists to travel at off-peak hours, *and in accordance with*
675 *federal requirements*, wherever a toll is imposed and collected by the Department or such other entity as
676 may be responsible for imposing or collecting such toll, the amount of such toll may vary according to
677 the time of day, day of the week, traffic volume, vehicle speed, vehicle type, *or any or all of these*
678 *similar variables, or combinations thereof*. The amount of such toll and the time of day when such toll
679 shall change shall be as fixed and revised by the Commonwealth Transportation Board or such other
680 entity as may be responsible for fixing or revising the amount of such toll; provided, however, that any
681 such variation shall be reasonably calculated to minimize the reduction in toll revenue generated by such
682 toll.

683 B. Beginning July 1, 2008, *every agency of the Commonwealth or any political subdivision or*
684 *instrumentality thereof having control of or day-to-day responsibility for the operation of any toll facility*
685 *in the Commonwealth shall take all necessary actions to ensure that every newly constructed toll facility*
686 *or toll lane under its control is capable of fully automated electronic operation, employing technologies*
687 *and procedures that permit the collection of tolls from users of the facility without requiring vehicles*
688 *using the facility to reduce their speed below the speed of traffic approaching the facility. An entity*
689 *operating a toll facility that substantially upgrades its equipment or substantially renovates its facility*
690 *after July 1, 2008, shall comply with the provisions of this subsection. The provisions of this section*
691 *shall apply to any nongovernmental or quasigovernmental entity operating a toll facility under a*
692 *comprehensive agreement entered into, pursuant to the Public-Private Transportation Act of 1995*
693 *(§ 56-556 et seq.), on or after January 1, 2008. Nothing in this subsection shall be construed to prohibit*
694 *a toll facility from retaining means of nonautomated toll collection in some lanes of the facility.*

695 § 33.1-268. Definitions.

696 As used in this article, the following words and terms shall have the following meanings:

697 (1) The word "Board" means the Commonwealth Transportation Board, or if the Commonwealth
698 Transportation Board is abolished, any board, commission or officer succeeding to the principal
699 functions thereof or upon whom the powers given by this article to the Board shall be given by law.

700 (2) The word "project" or "projects" means any one or more of the following:

701 (a) York River Bridges, extending from a point within the Town of Yorktown in York County, or
702 within York County across the York River to Gloucester Point or some point in Gloucester County.

703 (b) Rappahannock River Bridge, extending from Greys Point, or its vicinity, in Middlesex County,
704 across the Rappahannock River to a point in the vicinity of White Stone, in Lancaster County, or at
705 some other feasible point in the general vicinity of the two respective points.

706 (c), (d) [Reserved.]

707 (e) James River Bridge, from a point at or near Jamestown, in James City County, across the James
708 River to a point in Surry County.

709 (f), (g) [Reserved.]

710 (h) James River, Chuckatuck and Nansemond River Bridges, together with necessary connecting
711 roads, in the Cities of Newport News and Suffolk and the County of Isle of Wight.

712 (i) [Reserved.]

713 (j) Hampton Roads Bridge, Tunnel, or Bridge and Tunnel System, extending from a point or points
714 in the Cities of Newport News and Hampton on the northwest shore of Hampton Roads across Hampton
715 Roads to a point or points in the City of Norfolk or Suffolk on the southeast shore of Hampton Roads.

716 (k) The Norfolk-Virginia Beach Highway, extending from a point in the vicinity of the intersection
717 of Interstate Route 64 and Primary Route 58 at Norfolk to some feasible point between London Bridge
718 and Primary Route 60.

719 (l) The Henrico-James River Bridge, extending from a point on the eastern shore of the James River
720 in Henrico County to a point on the western shore, between Falling Creek and Bells Road interchanges
721 of the Richmond-Petersburg Turnpike; however, the project shall be deemed to include all property,
722 rights, easements and franchises relating to any of the foregoing projects and deemed necessary or
723 convenient for the operation thereof and to include approaches thereto.

724 (m) The limited access highway between the Patrick Henry Airport area and the Newport News
725 downtown area which generally runs parallel to tracks of the Chesapeake and Ohio Railroad.

726 (n) Transportation improvements in the Dulles Corridor, with an eastern terminus of the East Falls
727 Church Metrorail station at Interstate Route 66 and a western terminus of Virginia Route 772 in
728 Loudoun County, including without limitation the Dulles Toll Road, the Dulles Access Road, outer
729 roadways adjacent or parallel thereto, mass transit, including rail, bus rapid transit, and capacity
730 enhancing treatments such as High-Occupancy Vehicle lanes, High-Occupancy Toll (HOT) lanes,
731 interchange improvements, commuter parking lots, and other transportation management strategies.

732 (o), (p) [Repealed.]

733 (q) Subject to the limitations and approvals of § 33.1-279.1, any other highway for a primary
734 highway transportation improvement district or transportation service district which the Board has agreed
735 to finance under a contract with any such district or any other alternative mechanism for generation of

736 local revenues for specific funding of a project satisfactory to the Commonwealth Transportation Board,
737 the financing for which is to be secured by Transportation Trust Fund revenues under any appropriation
738 made by the General Assembly for that purpose and payable first from revenues received under such
739 contract or other local funding source, second, to the extent required, from funds appropriated and
740 allocated, pursuant to the highway allocation formula as provided by law, to the highway construction
741 district in which the project is located or to the county or counties in which the project is located and
742 third, to the extent required from other legally available revenues of the Trust Fund and from any other
743 available source of funds.

744 (r) U.S. 58 Corridor Development Program projects as defined in §§ 33.1-221.1:2 and 58.1-815.

745 (s) The Northern Virginia Transportation District Program as defined in § 33.1-221.1:3.

746 (t) Any program for highways or mass transit or transportation facilities, endorsed by the local
747 jurisdiction or jurisdictions affected, which agree that certain distributions of state recordation taxes will
748 be dedicated and used for the payment of any bonds or other obligations, including interest thereon, the
749 proceeds of which were used to pay the cost of the program. Any such program shall be referred to as a
750 "Transportation Improvement Program."

751 (u) Any project designated from time to time by the General Assembly financed in whole or part
752 through the issuance of Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes.

753 (v) Any project authorized by the General Assembly financed in whole or in part by funds from the
754 Commonwealth Transportation Capital Projects Fund established pursuant to § 58.1-2532 or from the
755 proceeds of bonds whose debt service is paid in whole or in part by funds from such Fund.

756 (3) The word "undertaking" means all of the projects authorized to be acquired or constructed under
757 this article.

758 (4) The word "improvements" means such repairs, replacements, additions and betterments of and to
759 a project acquired by purchase or by condemnation as are deemed necessary to place it in a safe and
760 efficient condition for the use of the public, if such repairs, replacements, additions and betterments are
761 ordered prior to the sale of any bonds for the acquisition of such project.

762 (5) The term "cost of project" as applied to a project to be acquired by purchase or by
763 condemnation, includes the purchase price or the amount of the award, cost of improvements, financing
764 charges, interest during any period of disuse before completion of improvements, cost of traffic
765 estimates and of engineering and legal expenses, plans, specifications and surveys, estimates of cost and
766 of revenues, other expenses necessary or incident to determining the feasibility or practicability of the
767 enterprises, administrative expenses and such other expenses as may be necessary or incident to the
768 financing herein authorized and the acquisition of the project and the placing of the project in operation.

769 (6) The term "cost of project" as applied to a project to be constructed, embraces the cost of
770 construction, the cost of all lands, properties, rights, easements and franchises acquired which are
771 deemed necessary for such construction, the cost of acquiring by purchase or condemnation any ferry
772 which is deemed by the Board to be competitive with any bridge to be constructed, the cost of all
773 machinery and equipment, financing charges, interest prior to and during construction and for one year
774 after completion of construction, cost of traffic estimates and of engineering data, engineering and legal
775 expenses, cost of plans, specifications and surveys, estimates of cost and of revenues, other expenses
776 necessary or incident to determining the feasibility or practicability of the enterprise, administrative
777 expense and such other expenses as may be necessary or incident to the financing herein authorized, the
778 construction of the project, the placing of the project in operation and the condemnation of property
779 necessary for such construction and operation.

780 (7) The word "owner" includes all individuals, incorporated companies, copartnerships, societies or
781 associations having any title or interest in any property rights, easements or franchises authorized to be
782 acquired by this article.

783 (8) [Repealed.]

784 (9) The words "revenue" and "revenues" include tolls and any other moneys received or pledged by
785 the Board pursuant to this article, including, without limitation, legally available Transportation Trust
786 Fund revenues and any federal highway reimbursements and any other federal highway assistance
787 received from time to time by the Commonwealth.

788 (10) The terms "toll project" and "toll projects" mean projects financed in whole or in part through
789 the issuance of revenue bonds which are secured by toll revenues generated by such project or projects.
790 § 33.1-269. General powers of Board.

791 The Commonwealth Transportation Board may, subject to the provisions of this article:

792 1. Acquire by purchase or by condemnation, construct, improve, operate and maintain any one or
793 more of the projects mentioned and included in the undertaking defined in this article;

794 2. Issue revenue bonds of the Commonwealth, to be known and designated as "Commonwealth of
795 Virginia Toll Revenue Bonds," payable from earnings and from any other available sources of funds, to
796 pay the cost of such projects;

797 3. Subject to the limitations and approvals of § 33.1-279.1, issue revenue bonds of the
798 Commonwealth to be known and designated as "Commonwealth of Virginia Transportation Contract
799 Revenue Bonds," secured by Transportation Trust Fund revenues under a payment agreement between
800 the Board and the Treasury Board, subject to their appropriation by the General Assembly and payable
801 first from revenues received pursuant to contracts with a primary highway transportation improvement
802 district or transportation service district or other local revenue sources for which specific funding of any
803 such bonds may be authorized by law; second, to the extent required, from funds appropriated and
804 allocated, pursuant to the highway allocation formula as provided by law, to the highway construction
805 district in which the project or projects to be financed are located or to the county or counties in which
806 the project or projects to be financed are located; and third, to the extent required, from other legally
807 available revenues of the Trust Fund and from any other available source of funds;

808 4. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of
809 Virginia Transportation Revenue Bonds," secured (i) by revenues received from the U.S. Route 58
810 Corridor Development Fund, subject to their appropriation by the General Assembly, (ii) to the extent
811 required, from revenues legally available from the Transportation Trust Fund and (iii) to the extent
812 required, from any other legally available funds which have been appropriated by the General Assembly;

813 4a. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of
814 Virginia Transportation Revenue Bonds," secured, subject to their appropriation by the General
815 Assembly, first from (i) revenues received from the Northern Virginia Transportation District Fund, (ii)
816 to the extent required, funds appropriated and allocated, pursuant to the highway allocation formula as
817 provided by law, to the highway construction district in which the project or projects to be financed are
818 located or to the city or county in which the project or projects to be financed are located, (iii) to the
819 extent required, legally available revenues of the Transportation Trust Fund, and (iv) such other funds
820 which may be appropriated by the General Assembly;

821 4b. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of
822 Virginia Transportation Program Revenue Bonds" secured, subject to their appropriation by the General
823 Assembly, first from (i) any revenues received from any Set-aside Fund established by the General
824 Assembly pursuant to § 58.1-816.1, (ii) to the extent required, revenues received pursuant to any
825 contract with a local jurisdiction or any alternative mechanism for generation of local revenues for
826 specific funding of a project satisfactory to the Commonwealth Transportation Board, (iii) to the extent
827 required, funds appropriated and allocated, pursuant to the highway allocation formula as provided by
828 law, to the highway construction district in which the project or projects to be financed are located or to
829 the city or county in which the project or projects to be financed are located, (iv) to the extent required,
830 legally available revenues of the Transportation Trust Fund, and (v) such other funds which may be
831 appropriated by the General Assembly. No bonds for any project or projects shall be issued under the
832 authority of this subsection unless such project or projects are specifically included in a bill or resolution
833 passed by the General Assembly;

834 4c. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of
835 Virginia Transportation Program Revenue Bonds" secured, subject to their appropriation by the General
836 Assembly, first from (i) any revenues received from the Commonwealth Transit Capital Fund established
837 by the General Assembly pursuant to subdivision A 4 g of § 58.1-638, (ii) to the extent required, legally
838 available revenues of the Transportation Trust Fund, and (iii) such other funds which may be
839 appropriated by the General Assembly. No bonds for any project or projects shall be issued under the
840 authority of this subsection unless such project or projects are specifically included in a bill or resolution
841 passed by the General Assembly;

842 4d. Issue revenue bonds of the Commonwealth from time to time to be known and designated as
843 "Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes" secured, subject to
844 their appropriation by the General Assembly, (i) first from any federal highway reimbursements and any
845 other federal highway assistance received from time to time by the Commonwealth, (ii) then, at the
846 discretion of the Board, to the extent required, from legally available revenues of the Transportation
847 Trust Fund, and (iii) then from such other funds, if any, which are designated by the General Assembly
848 for such purpose;

849 4e. Issue revenue bonds of the Commonwealth from time to time to be known and designated as
850 "Commonwealth of Virginia Credit Assistance Revenue Bonds," secured, subject to their appropriation
851 by the General Assembly, solely from revenues with respect to or generated by the project or projects
852 being financed thereby and any tolls or other revenues pledged by the Board as security therefor and in
853 accordance with the applicable federal credit assistance authorized with respect to such project or
854 projects by the United States Department of Transportation;

855 4f. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of
856 Virginia Transportation Capital Projects Revenue Bonds," secured (i) from the revenues deposited into
857 the Commonwealth Transportation Capital Projects Fund pursuant to § 58.1-2532; (ii) to the extent
858 required, from revenues legally available from the Transportation Trust Fund; and (iii) to the extent

859 required, from any other legally available funds;

860 5. Fix and collect tolls and other charges for the use of such projects or to refinance the cost of such
861 projects;

862 6. Construct grade separations at intersections of any projects with public highways, streets or other
863 public ways or places and change and adjust the lines and grades thereof so as to accommodate the
864 same to the design of such grade separations, the cost of such grade separations and any damage
865 incurred in changing and adjusting the lines and grades of such highways, streets, ways and places to be
866 ascertained and paid by the Board as a part of the cost of the project;

867 7. Vacate or change the location of any portion of any public highway, street or other public way or
868 place and reconstruct the same at such new location as the Board deems most favorable for the project
869 and of substantially the same type and in as good condition as the original highway, streets, way or
870 place, the cost of such reconstruction and any damage incurred in vacating or changing the location
871 thereof to be ascertained and paid by the Board as a part of the cost of the project. Any public highway,
872 street or other public way or place vacated or relocated by the Board shall be vacated or relocated in the
873 manner provided by law for the vacation or relocation of public roads and any damages awarded on
874 account thereof may be paid by the Board as a part of the cost of the project;

875 8. Make reasonable regulations for the installation, construction, maintenance, repair, renewal and
876 relocation of pipes, mains, sewers, conduits, cables, wires, towers, poles and other equipment and
877 appliances herein called "public utility facilities," of the Commonwealth and of any municipality, county,
878 or other political subdivision, public utility or public service corporation owning or operating the same
879 in, on, along, over or under the project. Whenever the Board determines that it is necessary that any
880 such public utility facilities should be relocated or removed, the Commonwealth or such municipality,
881 county, political subdivision, public utility or public service corporation shall relocate or remove the
882 same in accordance with the order of the Board. The cost and expense of such relocation or removal,
883 including the cost of installing such public utility facilities in a new location or locations, and the cost
884 of any lands or any rights or interests in lands, and any other rights acquired to accomplish such
885 relocation or removal shall be ascertained by the Board.

886 On any toll project, the Board shall pay the cost and expense of relocation or removal as a part of
887 the cost of the project for those public utility facilities owned or operated by the Commonwealth or such
888 municipality, county, political subdivision, public utility or public service corporation. On all other
889 projects, under this article, the Board shall pay the cost and expense of relocation or removal as a part
890 of the cost of the project for those public utility facilities owned or operated by the Commonwealth or
891 such municipality, county, or political subdivision. The Commonwealth or such municipality, county,
892 political subdivision, public utility or public service corporation may maintain and operate such public
893 utility facilities with the necessary appurtenances, in the new location or locations, for as long a period
894 and upon the same terms and conditions as it had the right to maintain and operate such public utility
895 facilities in their former location or locations;

896 9. Acquire by the exercise of the power of eminent domain any lands, property, rights, rights-of-way,
897 franchises, easements and other property, including public lands, parks, playgrounds, reservations,
898 highways or parkways, or parts thereof or rights therein, of any municipality, county or other political
899 subdivision, deemed necessary or convenient for the construction or the efficient operation of the project
900 or necessary in the restoration, replacement or relocation of public or private property damaged or
901 destroyed.

902 The cost of such projects shall be paid solely from the proceeds of Commonwealth of Virginia Toll
903 or Transportation Contract Revenue Bonds or a combination thereof or from such proceeds and from
904 any grant or contribution which may be made thereto pursuant to the provisions of this article;

905 10. Notwithstanding any provision of this article to the contrary, the Board shall be authorized to
906 exercise the powers conferred herein, in addition to its general powers to acquire rights-of-way and to
907 construct, operate and maintain state highways, with respect to any project which the General Assembly
908 has authorized or may hereafter authorize to be financed in whole or in part through the issuance of
909 bonds of the Commonwealth pursuant to the provisions of Section 9 (c) of Article X of the Constitution
910 of Virginia; and

911 11. Enter into any agreements or take such other actions as the Board shall determine in connection
912 with applying for or obtaining any federal credit assistance, including without limitation loan guarantees
913 and lines of credit, pursuant to authorization from the United States Department of Transportation with
914 respect to any project included in the Commonwealth's long-range transportation plan and the approved
915 State Transportation Improvement Program.

916 § 33.1-277. Credit of Commonwealth not pledged.

917 A. Commonwealth of Virginia Toll Revenue Bonds issued under the provisions of this article shall
918 not be deemed to constitute a debt of the Commonwealth of Virginia or a pledge of the faith and credit
919 of the Commonwealth, but such bonds shall be payable solely from the funds herein provided therefor

920 from tolls and revenues, from bond proceeds or earnings thereon and from any other available sources
921 of funds. All such bonds shall state on their face that the Commonwealth of Virginia is not obligated to
922 pay the same or the interest thereon except from the special fund provided therefor from tolls and
923 revenues under this article, from bond proceeds or earnings thereon and from any other available sources
924 of funds and that the faith and credit of the Commonwealth are not pledged to the payment of the
925 principal or interest of such bonds. The issuance of such revenue bonds under the provisions of this
926 article shall not directly or indirectly or contingently obligate the Commonwealth to levy or to pledge
927 any form of taxation whatever therefor or to make any appropriation for their payment, other than
928 appropriate available funds derived as revenues from tolls and charges under this article or derived from
929 bond proceeds or earnings thereon and from any other available sources of funds.

930 B. Commonwealth of Virginia Transportation Contract Revenue Bonds issued under the provisions of
931 this article shall not be deemed to constitute a debt of the Commonwealth of Virginia or a pledge of the
932 faith and credit of the Commonwealth, but such bonds shall be payable solely from the funds herein
933 provided therefor (i) from revenues received pursuant to contracts with a primary highway transportation
934 district or transportation service district or any other alternative mechanism for generation of local
935 revenues for specific funding of a project satisfactory to the Commonwealth Transportation Board, (ii) to
936 the extent required, from funds appropriated and allocated, pursuant to the highway allocation formula as
937 provided by law, to the highway construction district in which the project or projects to be financed are
938 located or to the county or counties in which such project or projects are located, (iii) from bond
939 proceeds or earnings thereon, (iv) to the extent required, from other legally available revenues of the
940 Trust Fund, and (v) from any other available source of funds. All such bonds shall state on their face
941 that the Commonwealth of Virginia is not obligated to pay the same or the interest thereon except from
942 revenues in clauses (i) and (iii) hereof and that the faith and credit of the Commonwealth are not
943 pledged to the payment of the principal and interest of such bonds. The issuance of such revenue bonds
944 under the provisions of this article shall not directly or indirectly or contingently obligate the
945 Commonwealth to levy or to pledge any form of taxation whatever or to make any appropriation for
946 their payment, other than to appropriate available funds derived as revenues under this article from the
947 sources set forth in clauses (i) and (iii) hereof. Nothing in this article shall be construed to obligate the
948 General Assembly to make any appropriation of the funds set forth in clause (ii) or (iv) hereof for
949 payment of such bonds.

950 C. Commonwealth of Virginia Transportation Revenue Bonds issued under the provisions of this
951 article shall not be deemed to constitute a debt of the Commonwealth of Virginia or a pledge of the full
952 faith and credit of the Commonwealth, but such bonds shall be payable solely from the funds herein
953 provided therefor (i) from revenues received from the U.S. Route 58 Corridor Development Fund,
954 subject to their appropriation by the General Assembly, (ii) to the extent required, from revenues legally
955 available from the Transportation Trust Fund and (iii) to the extent required, from any other legally
956 available funds which shall have been appropriated by the General Assembly.

957 D. Commonwealth of Virginia Transportation Revenue Bonds issued under this article for Category 1
958 projects as provided in subdivision (2) (s) of § 33.1-268 shall not be deemed to constitute a debt of the
959 Commonwealth of Virginia or a pledge of the faith and credit of the Commonwealth. Such bonds shall
960 be payable solely, subject to their appropriation by the General Assembly, first from (i) revenues
961 received from the Northern Virginia Transportation District Fund, (ii) to the extent required, funds
962 appropriated and allocated, pursuant to the highway allocation formula as provided by law, to the
963 highway construction district in which the project or projects to be financed are located or to the city or
964 county in which the project or projects to be financed are located, (iii) to the extent required, legally
965 available revenues of the Transportation Trust Fund, and (iv) such other funds which may be
966 appropriated by the General Assembly.

967 E. Commonwealth of Virginia Transportation Program Revenue Bonds issued under this article for
968 projects defined in subdivision (2) (t) of § 33.1-268 shall not be deemed to constitute a debt of the
969 Commonwealth or a pledge of the faith and credit of the Commonwealth. Such bonds shall be payable
970 solely, subject to their appropriation by the General Assembly, first from (i) any revenues received from
971 any Set-aside Fund established by the General Assembly pursuant to § 58.1-816.1, (ii) to the extent
972 required, revenues received pursuant to any contract with a local jurisdiction or any alternative
973 mechanism for generation of local revenues for specific funding of a project satisfactory to the
974 Commonwealth Transportation Board, (iii) to the extent required, funds appropriated and allocated,
975 pursuant to the highway allocation formula as provided by law, to the highway construction district in
976 which the project or projects to be financed are located or to the city or county in which the project or
977 projects to be financed are located, (iv) to the extent required, legally available revenues from the
978 Transportation Trust Fund, and (v) such other funds which may be appropriated by the General
979 Assembly.

980 F. Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes issued under this
981 article shall not be deemed to constitute a debt of the Commonwealth of Virginia or a pledge of the full

982 faith and credit of the Commonwealth, but such obligations shall be payable solely, subject to
983 appropriation by the General Assembly, (i) first from any federal highway reimbursements and any other
984 federal highway assistance received from time to time by the Commonwealth, (ii) then, at the discretion
985 of the Board, to the extent required, from legally available revenues of the Transportation Trust Fund,
986 and (iii) then, from such other funds, if any, which are designated by the General Assembly for such
987 purpose.

988 G. Commonwealth of Virginia Transportation Credit Assistance Revenue Bonds issued under the
989 provisions of this article shall not be deemed to constitute a debt of the Commonwealth of Virginia or a
990 pledge of the full faith and credit of the Commonwealth, but such obligations shall be payable solely,
991 subject to appropriation by the General Assembly, from revenues with respect to or generated by the
992 project or projects being financed thereby and any tolls or other revenues pledged by the Board as
993 security therefor and in accordance with the applicable federal credit assistance authorized with respect
994 to such project or projects by the United States Department of Transportation.

995 H. *Commonwealth of Virginia Transportation Capital Projects Revenue Bonds issued under the
996 provisions of this article for projects as provided in subdivision 2 v of § 33.1-268 shall not be deemed
997 to constitute a debt of the Commonwealth of Virginia or a pledge of the full faith and credit of the
998 Commonwealth, but such bonds shall be payable solely from the funds herein provided therefor (i) from
999 the revenues deposited into the Commonwealth Transportation Capital Projects Fund established
1000 pursuant to § 58.1-2532; (ii) to the extent required, from revenues legally available from the
1001 Transportation Trust Fund; and (iii) to the extent required, from any other legally available funds.*

1002 § 46.2-206.1. *Imposition of certain additional fees on certain drivers; special fund created to support
1003 transportation.*

1004 A. *The purpose of the civil remedial fees imposed in this section is to generate revenue from drivers
1005 whose proven dangerous driving behavior places significant financial burdens upon the Commonwealth.
1006 The Commissioner shall impose and collect these civil remedial fees pursuant to this section, which
1007 shall be in addition to any other fees, costs, or penalties imposed pursuant to the Code of Virginia.*

1008 B. *The civil remedial fees established by this section shall be assessed on any resident of Virginia
1009 operating a motor vehicle on the highways of Virginia, including any person to whom a Virginia
1010 driver's license, commercial driver's license, or learner's permit has been issued pursuant to this title,
1011 any person operating a motor vehicle without a license or whose license has been revoked or
1012 suspended, and any person operating a motor vehicle with a license issued by a jurisdiction outside
1013 Virginia.*

1014 C. *In addition to fees set forth in subsection D, any person whose driver's record with the
1015 Department shows a conviction within the past three years of:*

1016 1. *Driving while his driver's license was suspended or revoked pursuant to § 18.2-272, 46.2-301,
1017 46.2-302, 46.2-341.21, or 46.2-391 shall be assessed a fee of \$250;*

1018 2. *Reckless driving in violation of Article 7 (§ 46.2-852 et seq.) of Chapter 8 or aggressive driving in
1019 violation of § 46.2-868.1 shall be assessed a fee of \$350;*

1020 3. *Driving while intoxicated in violation of § 18.2-266, 18.2-266.1, or 46.2-341.24 shall be assessed
1021 a fee of \$750;*

1022 4. *Any other misdemeanor conviction for a driving or motor vehicle related violation of Title 18.2 or
1023 this title, shall be assessed a fee of \$300; and*

1024 5. *Any felony conviction for a driving or motor vehicle related offense under Title 18.2 or this title,
1025 shall be assessed a fee of \$1,000.*

1026 6. *For the purposes of this section:*

1027 a. *A finding of guilty in the case of a juvenile and a conviction under substantially similar laws of
1028 any locality, territory, other state, or the United States shall be a conviction.*

1029 b. *The fees assessed under this subsection shall be implemented in a manner whereby no convictions
1030 prior to July 1, 2007, shall be considered.*

1031 c. *The Commissioner shall assess the fees established under this subsection within 30 days of the
1032 conviction being reported to the Department, and on the second and third year anniversary of the
1033 conviction being reported to the Department.*

1034 D. *In addition to any fees set forth in subsection C, any person whose driver's record with the
1035 Department shows a balance of four or more driver demerit points on July 15 shall be assessed a fee of
1036 \$100 plus \$75 for each demerit point in excess of four, but not greater than \$700.*

1037 E. *The Department shall assess the fees set forth in subsection D annually, beginning on July 15,
1038 2007.*

1039 F. *The Department shall notify every person assessed a fee under this section by mailing a notice
1040 thereof by first-class mail addressed to such person's most recent address as shown in the Department's
1041 records, and such mailing shall constitute notice to the person of the assessment of the fee. If any
1042 assessment made under this section remains unpaid 60 days following the date on which the notice of*

1043 assessment was mailed, the Department shall suspend the driver's license of the person against whom
1044 the assessment was imposed. No license shall be reissued or reinstated until all fees assessed have been
1045 paid.

1046 G. In the event that a person disputes a conviction on his driver's record based upon identity, if the
1047 person presents the Department a certified copy of a petition to a court of competent jurisdiction
1048 seeking to vacate an order of such conviction, the Department shall suspend the imposition of the
1049 assessment. Such suspension shall be valid for one year from the date of the commencement of the
1050 petition or until 30 days after an entry of a final order on such petition, whichever occurs first.

1051 H. Funds collected through the imposition of fees as provided in this section shall be used first for
1052 the Department's costs in imposing and collecting such assessments, and any remainder, shall be
1053 deposited into the Commonwealth Transportation Capital Projects Fund pursuant to § 58.1-2532.

1054 § 46.2-694.1. Fees for trailers and semitrailers not designed and used for transportation of passengers.

1055 Unless otherwise specified in this title, the registration fees for trailers and semitrailers not designed
1056 and used for the transportation of passengers on the highways in the Commonwealth shall be as follows:

Registered Gross Weight	1-Year Fee	2-Year Fee	Permanent Fee
0-1,500 lbs	\$8.00	\$18.00	\$50.00
1,501-4,000 lbs	\$18.50	\$28.50	\$60.00
4,001 lbs & above	\$23.50	\$33.50	\$60.00

1061 From the foregoing registration fees, the following amounts, regardless of weight category, shall be
1062 paid by the Department into the state treasury and set aside for the payment of the administrative costs
1063 of the safety inspection program provided for in Article 21 (§ 46.2-1157 et seq.) of Chapter 10 of this
1064 title: (i) from each one-year registration fee, one dollar and fifty cents; (ii) from each two-year
1065 registration fee, three dollars; and (iii) from each permanent registration fee, four dollars.

1066 § 46.2-697. Fees for vehicles not designed or used for transportation of passengers.

1067 A. Except as otherwise provided in this section, the fee for registration of all motor vehicles not
1068 designed and used for the transportation of passengers shall be ~~thirteen dollars~~ \$23 plus an amount
1069 determined by the gross weight of the vehicle or combination of vehicles of which it is a part, when
1070 loaded to the maximum capacity for which it is registered and licensed, according to the schedule of
1071 fees set forth in this section. For each 1,000 pounds of gross weight, or major fraction thereof, for
1072 which any such vehicle is registered, there shall be paid to the Commissioner the fee indicated in the
1073 following schedule immediately opposite the weight group and under the classification established by the
1074 provisions of subsection B of § 46.2-711 into which such vehicle, or any combination of vehicles of
1075 which it is a part, falls when loaded to the maximum capacity for which it is registered and licensed.
1076 The fee for a pickup or panel truck shall be ~~twenty-three dollars~~ \$33 if its gross weight is 4,000 pounds
1077 or less, and ~~twenty-eight dollars~~ \$38 if its gross weight is 4,001 pounds through 6,500 pounds. The fee
1078 shall be ~~twenty-nine dollars~~ \$39 for any motor vehicle with a gross weight of 6,501 pounds through
1079 10,000 pounds.

Fee Per Thousand Pounds of Gross Weight

Gross Weight Groups (pounds)	Private Carriers	For Rent or For Hire Carriers
10,001 - 11,000	\$2.603.17	\$4.755.80
11,001 - 12,000	2.803.42	4.905.98
12,001 - 13,000	3.003.66	5.156.28
13,001 - 14,000	3.203.90	5.406.59
14,001 - 15,000	3.404.15	5.656.89
15,001 - 16,000	3.604.39	5.907.20
16,001 - 17,000	4.004.88	6.157.50
17,001 - 18,000	4.405.37	6.407.81
18,001 - 19,000	4.805.86	7.509.15
19,001 - 20,000	5.206.34	7.709.39
20,001 - 21,000	5.606.83	7.909.64
21,001 - 22,000	6.007.32	8.109.88
22,001 - 23,000	6.407.81	8.3010.13
23,001 - 24,000	6.808.30	8.5010.37
24,001 - 25,000	6.908.42	8.7010.61
25,001 - 26,000	6.958.48	8.9010.86
26,001 - 27,000	8.2510.07	10.3512.63
27,001 - 28,000	8.3010.13	10.5512.87

1102	28,001 - 29,000	8.35 10.18	10.75 13.12
1103	29,001 - 40,000	8.45 10.31	10.95 13.36
1104	40,001 - 45,000	8.55 10.43	11.15 13.60
1105	45,001 - 50,000	8.75 10.68	11.25 13.73
1106	50,001 - 55,000	9.25 11.29	13.25 16.17
1107	55,001 - 76,000	11.25 13.73	15.25 18.61
1108	76,001 - 80,000	13.25 16.17	16.25 19.83

1109 For all such motor vehicles exceeding a gross weight of 6,500 pounds, an additional fee of five dollars shall be imposed.

1111 B. In lieu of registering any motor vehicle referred to in this section for an entire licensing year, the owner may elect to register the vehicle only for one or more quarters of a licensing year, and in such case, the fee shall be twenty-five percent of the annual fee plus five dollars for each quarter that the vehicle is registered.

1115 C. When an owner elects to register and license a motor vehicle under subsection B of this section, the provisions of §§ 46.2-646 and 46.2-688 shall not apply.

1117 D. Notwithstanding any other provision of law, no vehicle designed, equipped, and used to tow disabled or inoperable motor vehicles shall be required to register in accordance with any gross weight other than the gross weight of the towing vehicle itself, exclusive of any vehicle being towed.

1120 E. All registrations and licenses issued for less than a full year shall expire on the date shown on the license and registration.

1122 § 46.2-702.1. *Distribution of certain revenue.*

1123 *The net additional revenues generated by increases in the registration fees under §§ 46.2-694.1, and 46.2-697 pursuant to enactments of the 2007 Session of the General Assembly, shall be deposited by the Comptroller into the Commonwealth Transportation Capital Projects Fund established under § 58.1-2532.*

1127 § 46.2-1135. Liquidated damages for violation of weight limits.

1128 A. Any person violating any weight limit as provided in this chapter or in any permit issued pursuant to Article 18 (§ 46.2-1139 et seq.) of this chapter by the Department or its designee or by local authorities pursuant to this chapter shall be assessed liquidated damages. The amount of those damages shall be:

1132	Excess weight over the prescribed or permitted axle weight	Assessed amount per pound limit
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1136	4,000 pounds or less	1 cent per pound
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1137	2,000 pounds or less	5 cents
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1138	2,001 to 4,000 pounds	10 cents
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1139	4,001 to 8,000 pounds	15-10 cents per pound
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1140	8,001 to 12,000 pounds	25-20 cents per pound
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1141	12,001 pounds or more	35-30 cents per pound
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1142	Excess weight over the prescribed gross weight limit	Assessed amount per pound
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1148	4,000 pounds or less	1 cent per pound
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1149	4,001 to 8,000 pounds	5 cents per pound
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1150	2,000 pounds or less	5 cents
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1151	2,001 to 8,000 pounds	10 cents
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1152	8,001 to 12,000 pounds	15-10 cents per pound
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1153	12,001 pounds or more	20-15 cents per pound
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1154 All gross permit violations shall be assessed \$.20 per pound over the permitted weight limit.

1155 *In addition to all damages assessed herein, for every violation of any weight limit as provided in this chapter or in any permit issued pursuant to Article 18 (§ 46.2-1139 et seq.) of this chapter, there shall be assessed additional liquidated damages of \$20.*

1158 If a person has no prior violations under the motor vehicle weight laws, and the excess weight does not exceed 2,5001,500 pounds, the general district court may waive the liquidated damages against such person. Except as provided by § 46.2-1138, such assessment shall be entered by the court or by the

1161 Department as a judgment for the Commonwealth, the entry of which shall constitute a lien upon the
1162 overweight vehicle. Except as provided by § 46.2-1138, such sums shall be paid to the Department or
1163 collected by the attorney for the Commonwealth and forwarded to the State Treasurer and allocated to
1164 the fund appropriated for the construction and maintenance of state highways.

1165 B. If the gross weight of the vehicle exceeds lawful limits by at least 25 percent but no more than
1166 50 percent, the amount of the liquidated damages shall be two times the amount provided for in the
1167 foregoing provisions of this section; if the gross weight of the vehicle exceeds lawful limits by more
1168 than 50 percent, the amount of the liquidated damages shall be three times the amount provided for in
1169 the foregoing provisions of this section. The provisions of this subsection shall not apply to pickup or
1170 panel trucks.

1171 C. *The increases in the liquidated damages under subsection A pursuant to enactments of the 2007
1172 Session of the General Assembly shall not be applicable to any motor vehicle hauling forest products
1173 from the place where such products are first produced, cut, harvested, or felled to the location where
1174 they are first processed. Notwithstanding any other provision in this section, except as provided by
1175 § 46.2-1138, the revenues generated by the increases in the liquidated damages under this section
1176 pursuant to enactments of the 2007 Session of the General Assembly shall be paid to the Department or
1177 collected by the attorney for the Commonwealth and forwarded to the State Treasurer and deposited
1178 into the Commonwealth Transportation Capital Projects Fund established under § 58.1-2532. For the
1179 revenues paid to the Department, the Commissioner of the Department shall make such written
1180 certifications as are necessary for the Comptroller to make the required deposit into the Commonwealth
1181 Transportation Capital Projects Fund as soon as practicable.*

1182 § 58.1-2217. Taxes levied; rate.

1183 A. There is hereby levied a tax at the rate of seventeen and one-half cents per gallon on gasoline and
1184 gasohol.

1185 B. There is hereby levied a tax at the rate of ~~sixteen~~ seventeen and one-half cents per gallon on
1186 diesel fuel.

1187 C. Blended fuel that contains gasoline shall be taxed at the rate levied on gasoline. Blended fuel that
1188 contains diesel fuel shall be taxed at the rate levied on diesel fuel.

1189 D. There is hereby levied a tax at the rate of five cents per gallon on aviation gasoline. Any person,
1190 whether or not licensed under this chapter, who uses, acquires for use, sells or delivers for use in
1191 highway vehicles any aviation gasoline shall be liable for the tax at the rate of seventeen and one-half
1192 cents per gallon, along with any penalties and interest that may accrue.

1193 E. There is hereby levied a tax at the rate of five cents per gallon on aviation jet fuel purchased or
1194 acquired for use by a user of aviation fuel other than an aviation consumer. There is hereby levied a tax
1195 at the rate of five cents per gallon upon the first 100,000 gallons of aviation jet fuel, excluding bonded
1196 aviation jet fuel, purchased or acquired for use by any aviation consumer in any fiscal year. There is
1197 hereby levied a tax at the rate of one-half cent per gallon on all aviation jet fuel, excluding bonded
1198 aviation jet fuel, purchased or acquired for use by an aviation consumer in excess of 100,000 gallons in
1199 any fiscal year. Any person, whether or not licensed under this chapter, who uses, acquires for use, sells
1200 or delivers for use in highway vehicles any aviation jet fuel taxable under this chapter shall be liable for
1201 the tax imposed at the rate of ~~sixteen~~ seventeen and one-half cents per gallon, along with any penalties
1202 and interest that may accrue.

1203 F. In accordance with § 62.1-44.34:13, a storage tank fee is imposed on each gallon of gasoline,
1204 aviation gasoline, diesel fuel (including dyed diesel fuel), blended fuel, and heating oil sold and
1205 delivered or used in the Commonwealth.

1206 § 58.1-2249. Tax on alternative fuel.

1207 A. There is hereby levied a tax at the rate of ~~sixteen~~ seventeen and one-half cents per gallon on
1208 liquid alternative fuel used to operate a highway vehicle by means of a vehicle supply tank that stores
1209 fuel only for the purpose of supplying fuel to operate the vehicle. There is hereby levied a tax at a rate
1210 equivalent to ~~sixteen~~ seventeen and one-half cents per gallon on all other alternative fuel used to operate
1211 a highway vehicle. The Commissioner shall determine the equivalent rate applicable to such other
1212 alternative fuels.

1213 B. In addition to any tax imposed by this article, there is hereby levied an annual license tax of fifty
1214 dollars per vehicle on each highway vehicle that is fueled from a private source if the alternative fuels
1215 tax levied under this article has not been paid on fuel used in the vehicle. If such a highway vehicle is
1216 not in operation by January 1 of any year, the license tax shall be reduced by one-twelfth for each
1217 complete month which shall have elapsed since the beginning of such year.

1218 § 58.1-2289. Disposition of tax revenue generally.

1219 A. *Unless* *Except as otherwise provided subsection F and elsewhere* in this section, all taxes and fees,
1220 including civil penalties, collected by the Commissioner pursuant to this chapter, less a reasonable
1221 amount to be allocated for refunds, shall be promptly paid into the state treasury and shall constitute
1222 special funds within the Commonwealth Transportation Fund. Any balances remaining in these funds at

1223 the end of the year shall be available for use in subsequent years for the purposes set forth in this
1224 chapter, and any interest income on such funds shall accrue to these funds. Except as provided in
1225 § 33.1-23.03:1, no portion of the revenue derived from taxes collected pursuant to §§ 58.1-2217,
1226 58.1-2249 or § 58.1-2701, and remaining after authorized refunds for nonhighway use of fuel, shall be
1227 used for any purpose other than the construction, reconstruction or maintenance of the roads and projects
1228 comprising the State Highway System, the Interstate System and the secondary system of state highways
1229 and expenditures directly and necessarily required for such purposes, including the retirement of revenue
1230 bonds.

1231 *Revenues* Except as provided in subsection F, revenues collected under this chapter may be also used
1232 for (i) contributions toward the construction, reconstruction or maintenance of streets in cities and towns
1233 of such sums as may be provided by law and (ii) expenditures for the operation and maintenance of the
1234 Department of Transportation, the Department of Rail and Public Transportation, the Department of
1235 Aviation, the Virginia Port Authority, and the Department of Motor Vehicles as may be provided by
1236 law.

1237 The Governor is hereby authorized to transfer out of such fund an amount necessary for the
1238 inspection of gasoline and motor grease measuring and distributing equipment, and for the inspection
1239 and analysis of gasoline for purity.

1240 B. The Except as provided in subsection F, the tax collected on each gallon of aviation fuel sold and
1241 delivered or used in this Commonwealth, less refunds, shall be paid into a special fund of the state
1242 treasury. Proceeds of this special fund within the Commonwealth Transportation Fund shall be disbursed
1243 upon order of the Department of Aviation, on warrants of the Comptroller, to defray the cost of the
1244 administration of the laws of this Commonwealth relating to aviation, for the construction, maintenance
1245 and improvement of airports and landing fields to which the public now has or which it is proposed
1246 shall have access, and for the promotion of aviation in the interest of operators and the public generally.

1247 C. One-half cent of the tax collected on each gallon of fuel on which the a refund has been paid at
1248 the rate of seventeen cents per gallon, or in the case of diesel fuel, fifteen and one-half cents per gallon
1249 for gasoline, gasohol, diesel fuel, blended fuel, and alternative fuel, for fuel consumed in tractors and
1250 unlicensed equipment used for agricultural purposes shall be paid into a special fund of the state
1251 treasury, known as the Virginia Agricultural Foundation Fund, to be disbursed to make certain refunds
1252 and defray the costs of the research and educational phases of the agricultural program, including
1253 supplemental salary payments to certain employees at Virginia Polytechnic Institute and State University,
1254 the Department of Agriculture and Consumer Services and the Virginia Truck and Ornamentals Research
1255 Station, including reasonable expenses of the Virginia Agricultural Council.

1256 D. One and one-half cents of the tax collected on each gallon of fuel used to propel a commercial
1257 watercraft upon which a refund has been paid shall be paid to the credit of the Game Protection Fund of
1258 the state treasury to be made available to the Board of Game and Inland Fisheries until expended for the
1259 purposes provided generally in subsection C of § 29.1-701, including acquisition, construction,
1260 improvement and maintenance of public boating access areas on the public waters of this
1261 Commonwealth and for other activities and purposes of direct benefit and interest to the boating public
1262 and for no other purpose. However, one and one-half cents per gallon on fuel used by commercial
1263 fishing, oystering, clamming, and crabbing boats shall be paid to the Department of Transportation to be
1264 used for the construction, repair, improvement and maintenance of the public docks of this
1265 Commonwealth used by said commercial watercraft. Any expenditures for the acquisition, construction,
1266 improvement and maintenance of the public docks shall be made according to a plan developed by the
1267 Virginia Marine Resources Commission.

1268 From the tax collected pursuant to the provisions of this chapter from the sales of gasoline used for
1269 the propelling of watercraft, after deduction for lawful refunds, there shall be paid into the state treasury
1270 for use by the Marine Resources Commission, the Virginia Soil and Water Conservation Board, the
1271 State Water Control Board, and the Commonwealth Transportation Board to (i) improve the public
1272 docks as specified in this section, (ii) improve commercial and sports fisheries in Virginia's tidal waters,
1273 (iii) make environmental improvements including, without limitation, fisheries management and habitat
1274 enhancement in the Chesapeake and its tributaries, and (iv) further the purposes set forth in § 33.1-223,
1275 a sum as established by the General Assembly.

1276 E. Notwithstanding other provisions of this section, there shall be transferred from moneys collected
1277 pursuant to this section to a special fund within the Commonwealth Transportation Fund in the state
1278 treasury, to be used to meet the necessary expenses of the Department of Motor Vehicles, an amount
1279 equal to one percent of a sum to be calculated as follows: the tax revenues collected pursuant to this
1280 chapter, at the tax rates in effect on December 31, 1986, less refunds authorized by this chapter and less
1281 taxes collected for aviation fuels.

1282 F. The net additional revenues, as determined by the Commissioner, generated by increases in the
1283 rate of taxes under this chapter pursuant to enactments of the 2007 Session of the General Assembly

1284 shall be deposited by the Comptroller into the Commonwealth Transportation Capital Project Fund
1285 established under § 58.1-2532.

1286 The Commissioner shall provide a monthly certification to the Comptroller reporting such net
1287 additional revenues generated in the preceding month. The certification for each month shall be
1288 provided to the Comptroller no later than the twentieth of the immediately following month. The
1289 Comptroller shall make the required deposits into the Transportation Trust Fund for each month's
1290 revenues no later than the last day of the immediately following month.

1291 § 58.1-2531. Distribution of certain revenue.

1292 A. Beginning with the Commonwealth's 2008-2009 fiscal year and for each fiscal year thereafter, an
1293 amount equal to one-third of all revenues collected by the Commission in the most recently ended fiscal
1294 year from the tax imposed under this chapter shall be deposited by the Comptroller first, as needed, to
1295 the Priority Transportation Fund established under § 33.1-23.03:8 to be used to offset the estimated
1296 current fiscal year debt service payment requirements of the Transportation Trust Fund established
1297 under § 33.1-23.03:1 attributable to Commonwealth of Virginia Federal Highway Reimbursement
1298 Anticipation Notes. Any remaining moneys shall be deposited into the Commonwealth Transportation
1299 Capital Projects Fund established under § 58.1-2532.

1300 B. For purposes of the Comptroller's deposits under this section, the Commissioner of the Bureau of
1301 Insurance shall, no later than July 15 of each year, provide a written certification to the Comptroller
1302 that reports one-third of all revenues collected by the Commission in the most recently ended fiscal year
1303 from the tax imposed under this chapter. After such one-third of all revenues have been deposited into
1304 the proper Funds as provided in subsection A, all remaining revenues from the tax imposed under this
1305 chapter shall be deposited into the general fund of the state treasury. The Comptroller shall make all
1306 deposits under this section as soon as practicable.

1307 No refund of the tax imposed under this chapter shall be paid from the revenues designated for
1308 deposit to the Priority Transportation Fund or the Commonwealth Transportation Capital Projects
1309 Fund.

1310 § 58.1-2532. Commonwealth Transportation Capital Projects Fund created.

1311 A. There is hereby created in the state treasury a special nonreverting fund that shall be a part of
1312 the Transportation Trust Fund and that shall be known as the Commonwealth Transportation Capital
1313 Projects Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the
1314 Comptroller. The Fund shall consist of deposits pursuant to §§ 2.2-1514, 46.2-206.1, 46.2-333.1,
1315 46.2-702.1, 46.2-1135, 58.1-2531, and 58.1-2289 and shall include such other funds as may be
1316 appropriated by the General Assembly from time to time and designated for the Fund and all interest,
1317 dividends, and appreciation that may accrue thereto. Interest earned on moneys in the Fund shall
1318 remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon,
1319 at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys
1320 in the Fund shall be used solely for the purposes stated in this section. The Fund shall be administered
1321 by the Commonwealth Transportation Board. Expenditures and disbursements from the Fund shall be
1322 made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the
1323 chairman of the Board or his designee.

1324 B. The Commonwealth Transportation Board shall allocate and distribute all revenues of the Fund
1325 received in the fiscal year as follows: (i) first to any debt service for Commonwealth of Virginia
1326 Transportation Capital Projects Revenue Bonds as described in subdivision 4 f of § 33.1-269 and (ii)
1327 then pursuant to the allocation formula set forth under § 33.1-23.03:2 for (a) the Commonwealth Port
1328 Fund; (b) the Commonwealth Airport Fund; (c) the Commonwealth Mass Transit Fund; and (d) capital
1329 improvements including construction, reconstruction, maintenance, and improvements of highways
1330 according to the provisions of subsection B of § 33.1-23.1.

1331 § 58.1-2701. Amount of tax.

1332 A. Except as provided in subsection B, every motor carrier shall pay a road tax equivalent to
1333 nineteen and one-half twenty-one cents per gallon calculated on the amount of motor fuel, diesel fuel or
1334 liquefied gases (which would not exist as liquids at a temperature of sixty degrees Fahrenheit and a
1335 pressure of 14.7 pounds per square inch absolute), used in its operations within the Commonwealth.

1336 The tax imposed by this chapter shall be in addition to all other taxes of whatever character imposed
1337 on a motor carrier by any other provision of law.

1338 B. In lieu of the tax imposed in subsection A, motor carriers registering qualified highway vehicles
1339 that are not registered under the International Registration Plan shall pay a fee of \$100 \$150 per year
1340 for each qualified highway vehicle. The fee is due and payable when the vehicle registration fees are
1341 paid pursuant to the provisions of Article 7 (§ 46.2-685 et seq.) of Chapter 6 of Title 46.2.

1342 If a vehicle becomes a qualified highway vehicle before the end of its registration period, the fee due
1343 at the time the vehicle becomes a qualified highway vehicle shall be prorated monthly to the registration
1344 expiration month. Fees paid under this subsection shall not be refunded unless a full refund of the
1345 registration fee paid is authorized by law.

1346 C. All taxes and fees paid under the provisions of this chapter shall be credited to the Highway
1347 Maintenance and Operating Fund, a special fund within the Commonwealth Transportation Fund.

1348 § 58.1-2706. Credit for payment of motor fuel, diesel fuel or liquefied gases tax.

1349 A. Every motor carrier subject to the road tax shall be entitled to a credit on such tax equivalent to
1350 *sixteen seventeen and one-half cents per gallon* on all motor fuel, diesel fuel and liquefied gases
1351 purchased by such carrier within the Commonwealth for use in its operations either within or without
1352 the Commonwealth and upon which the motor fuel, diesel fuel or liquefied gases tax imposed by the
1353 laws of the Commonwealth has been paid by such carrier. Evidence of the payment of such tax in such
1354 form as may be required by, or is satisfactory to, the Department shall be furnished by each carrier
1355 claiming the credit herein allowed.

1356 B. When the amount of the credit to which any motor carrier is entitled for any quarter exceeds the
1357 amount of the tax for which such carrier is liable for the same quarter, the excess may: (i) be allowed as
1358 a credit on the tax for which such carrier would be otherwise liable for any of the eight succeeding
1359 quarters or (ii) be refunded, upon application, duly verified and presented and supported by such
1360 evidence as may be satisfactory to the Department.

1361 C. The Department may allow a refund upon receipt of proper application and review. It shall be at
1362 the discretion of the Department to determine whether an audit is required.

1363 D. The refund may be allowed without a formal hearing if the amount of refund is agreed to by the
1364 applicant. Otherwise, a formal hearing on the application shall be held by the Department after notice of
1365 not less than ten days to the applicant and the Attorney General.

1366 E. Whenever any refund is ordered it shall be paid out of the Highway Maintenance and
1367 Construction Fund.

1368 F. Whenever a person operating under lease to a motor carrier to perform transport services on
1369 behalf of the carrier purchases motor fuel, diesel fuel or liquefied gases relating to such services, such
1370 payments or purchases may, at the discretion of the Department, be considered payment or purchases by
1371 the carrier.

1372 **2. That the Commonwealth Transportation Board is authorized to issue bonds to fund
1373 transportation projects throughout the Commonwealth as follows:**

1374 § 1. *Title. This act shall be known and may be cited as the "Commonwealth Transportation Capital
1375 Projects Bond Act of 2007."*

1376 § 2. *The Commonwealth Transportation Board is hereby authorized, by and with the consent of the
1377 Governor, to issue, pursuant to the provisions of the State Revenue Bond Act (§ 33.1-267 et seq. of the
1378 Code of Virginia) as amended from time to time, revenue obligations of the Commonwealth to be
1379 designated "Commonwealth Transportation Capital Projects Notes, Series .." at one or more times in an
1380 aggregate principal amount not to exceed \$2,000,000,000; provided that the aggregate principal amount
1381 issued in any one fiscal year shall not exceed \$300,000,000.*

1382 § 3. *The net proceeds of the Notes shall be used exclusively for the purpose of providing funds for
1383 paying the costs incurred or to be incurred for construction or funding of transportation projects
1384 pursuant to § 33.1-23.4:01 of the Code of Virginia, including but not limited to environmental and
1385 engineering studies, rights-of-way acquisition, improvements to all modes of transportation, acquisition,
1386 construction and related improvements, and any financing costs and other financing expenses. Such
1387 costs may include the payment of interest on the Notes for a period during construction and not
1388 exceeding one year after completion of construction of the projects.*

1389 § 4. *The proceeds of the Notes, including any premium received on the sale thereof, shall be made
1390 available by the Commonwealth Transportation Board to pay costs of the projects and, where
1391 appropriate, may be paid to any authority, locality, commission, or other entity for the purposes of
1392 paying for costs of the projects. The proceeds of the Notes may be used together with any federal, local,
1393 or private funds that may be made available for such purpose. The proceeds of the Notes, together with
1394 any investment earnings thereon, may, at the discretion of the Commonwealth Transportation Board,
1395 secure the payment of principal or purchase price of and redemption premium, if any, and interest on
1396 the Notes.*

1397 § 5. *The terms and structure of each issue of the Notes shall be determined by the Commonwealth
1398 Transportation Board, subject to approval by the Treasury Board in accordance with § 2.2-2416 of the
1399 Code of Virginia, as amended. The Notes of each issue shall be dated; shall be issued in a principal
1400 amount (subject to the limitations set forth in § 1); shall bear interest at such rate or rates, which may
1401 be fixed, adjustable, variable or a combination thereof and may be determined by a formula or other
1402 method; shall mature at such time or times not exceeding 20 years after the issuance thereof; and may
1403 be made subject to purchase or redemption before their maturity or maturities, at such price or prices
1404 and under such terms and conditions, all as may be determined by the Commonwealth Transportation
1405 Board. The Commonwealth Transportation Board shall determine the form of the Notes, whether the
1406 Notes are certificated or uncertificated, and fix the authorized denomination or denominations of the*

1407 Notes and the place or places of payment of principal or purchase price of, and redemption premium, if
1408 any, and interest on the Notes, which may be at the office of the State Treasurer or any bank or trust
1409 company within or without the Commonwealth. The principal or purchase price of, and redemption
1410 premium, if any, and interest on the Notes shall be made payable in lawful money of the United States
1411 of America. Each issue of the Notes may be issued under a system of book entry for recording the
1412 ownership and transfer of ownership of rights to receive payments of principal or purchase price of and
1413 redemption premium, if any, and interest on such Notes. All Notes shall have and are hereby declared
1414 to have, as between successive holders, all of the qualities and incidents of negotiable instruments under
1415 the negotiable instruments law of the Commonwealth.

1416 The Commonwealth Transportation Board may sell the Notes from time to time at public or private
1417 sale, by competitive bidding, negotiated sale, or private placement, for such price or prices as it may
1418 determine to be in the best interests of the Commonwealth.

1419 § 6. The Notes shall be signed on behalf of the Commonwealth Transportation Board by the
1420 chairman or vice-chairman of the Commonwealth Transportation Board, or shall bear the facsimile
1421 signature of such officer, and shall bear the official seal of the Board, which shall be attested to by the
1422 manual or facsimile signature of the secretary or assistant secretary of the Commonwealth
1423 Transportation Board. In the event that the Notes shall bear the facsimile signature of the chairman or
1424 vice-chairman of the Commonwealth Transportation Board, such Notes shall be signed by such
1425 administrative assistant as the chairman of the Transportation Board shall determine or by any
1426 registrar/paying agent who may be designated by the Commonwealth Transportation Board. In case any
1427 officer whose signature or a facsimile of whose signature appears on any Notes shall cease to be such
1428 officer before the delivery of such Notes, such signature or facsimile signature nevertheless shall be
1429 valid and sufficient for all purposes as if such officer had remained in office until such delivery.

1430 § 7. All expenses incurred under this Act or in connection with the issuance of the Notes shall be
1431 paid from the proceeds of such Notes or from any available funds as the Commonwealth Transportation
1432 Board shall determine.

1433 § 8. The Commonwealth Transportation Board is hereby authorized to borrow money at such rate or
1434 rates through the execution and issuance of the Notes for the same, but only in the following
1435 circumstances and under the following conditions:

1436 a. In anticipation of the sale of the Notes, the issuance of which shall have been authorized by the
1437 Commonwealth Transportation Board and shall have been approved by the Governor, if the
1438 Commonwealth Transportation Board shall deem it advisable to postpone the issuance of such Notes; or
1439 b. For the renewal of any anticipation notes herein authorized.

1440 § 9. The proceeds of the Notes and of any anticipation notes herein authorized (except the proceeds
1441 of the Notes the issuance of which has been anticipated by such anticipation notes) shall be placed by
1442 the State Treasurer in a special fund in the state treasury, or may be placed with a trustee in
1443 accordance with § 33.1-283 of the Code of Virginia, as amended, and shall be disbursed only for the
1444 purpose for which such Notes and such anticipation notes shall be issued; provided, however, that
1445 proceeds derived from the sale of the Notes herein authorized shall be first used in the payment of any
1446 anticipation notes that may have been issued in anticipation of the sale of such Notes and any renewals
1447 of such Notes. The proceeds of the Notes and of any anticipation notes herein authorized, together with
1448 any investment earnings thereon, shall not be taken into account in computing, and shall be in addition
1449 to funds allocated pursuant to the highway allocation formula set forth in § 33.1-23.1 of the Code of
1450 Virginia, as amended.

1451 § 10. The Commonwealth Transportation Board is hereby authorized to receive any other funds that
1452 may be made available to pay costs of the projects and, subject to appropriation, to make available the
1453 same to the payment of the principal or purchase price of, and redemption premium, if any, and interest
1454 on the Notes authorized hereby and to enter into the appropriate agreements to allow for those funds to
1455 be paid into the state treasury, or to a trustee in accordance with § 33.1-283 of the Code of Virginia, as
1456 amended, to pay a part of the costs of the projects or to pay principal or purchase price of, and
1457 redemption premium, if any, and interest on the Notes.

1458 § 11. The Commonwealth Transportation Board, in connection with the issuance of the Notes, shall
1459 establish a fund in accordance with § 33.1-286 of the Code of Virginia, as amended, either in the state
1460 treasury or with a trustee in accordance with § 33.1-283 of the Code of Virginia, as amended, which
1461 shall secure and be used for the payment of the Notes to the credit of which there shall be deposited
1462 such amounts, appropriated therefor by the General Assembly, as are required to pay principal or
1463 purchase price of, and redemption premium, if any, and interest on the Notes, as and when due and
1464 payable, (i) first from revenues in the Commonwealth Transportation Capital Projects Fund pursuant to
1465 § 58.1-2532 of the Code of Virginia; (ii) then, at the discretion of the Commonwealth Transportation
1466 Board, to the extent required, from legally available revenues of the Transportation Trust Fund; and
1467 (iii) then from such other funds, if any, that may be designated by the General Assembly for such
1468 purpose.

- 1469 § 12. Note proceeds and moneys in any reserve funds and sinking funds in respect of the Notes shall
1470 be invested by the State Treasurer in accordance with the provisions of general law relating to the
1471 investment of such funds belonging to or in the control of the Commonwealth, or by a trustee in
1472 accordance with § 33.1-283 of the Code of Virginia, as amended.
- 1473 § 13. The interest income from and any profit made on the sale of the obligations issued under the
1474 provisions of this Act shall at all times be free and exempt from taxation by the Commonwealth and by
1475 any municipality, county, or other political subdivision thereof.
- 1476 § 14. All obligations issued under the provisions of this Act are hereby made securities in which all
1477 persons and entities listed in § 33.1-280 of the Code of Virginia, as amended, may properly and legally
1478 invest funds under their control.
- 1479 3. That \$339 million in Item 449.10 of Chapter 3 of the Acts of Assembly of the 2006 Special
1480 Session I of the General Assembly is appropriated for highway maintenance and shall be deposited
1481 into Highway Maintenance and Operating Fund.6. That \$250 million each fiscal year is
1482 appropriated and shall be transferred each fiscal year from the general fund and deposited into
1483 the Transportation Trust Fund.
- 1484 4. That the provisions of this act providing for the General Assembly to elect members of the
1485 Commonwealth Transportation Board shall not affect members of the Board appointed prior to
1486 July 1, 2007.
- 1487 5. That the Virginia Department of Transportation, with the advice and consent of the
1488 Commonwealth Transportation Board, shall, on or before January 1, 2008, reconsider and
1489 reassign the various highways, bridges, and other facilities comprising the state primary,
1490 secondary, and urban highway systems so that the assignment of components to such systems is
1491 based, to the maximum degree practicable, solely upon the components' functional classification.
- 1492 6. That the Virginia Department of Transportation shall, on or before January 1, 2008, submit a
1493 written report to the General Assembly on its plans to create opportunities to enhance mobility
1494 and free-flowing traffic on Department-controlled toll facilities by embracing technological
1495 advances.
- 1496 7. That no agreement or contract to transfer responsibility from an agency or institution of the
1497 Commonwealth for control, maintenance, or operation of any toll facility that was operated by
1498 such agency or institution of the Commonwealth on July 1, 2006, to any other public or private
1499 entity shall be entered into by the Commonwealth or any agency, instrumentality, or political
1500 subdivision thereof without prior legislative authorization from the General Assembly.
- 1501 8. That the tenth enactment clauses of Chapter 1019 and Chapter 1044 of the Acts of Assembly of
1502 2000 are repealed effective July 1, 2008.
- 1503 9. That counties shall have until July 1, 2011, to amend their comprehensive plans in accordance
1504 with the provisions of § 15.2-2223.1 of the Code of Virginia pursuant to this act.
- 1505 10. That should any portion of this act be held unconstitutional by a court of competent
1506 jurisdiction, the remaining portions of this act shall remain in effect.
- 1507 11. That to the extent 50 percent of the general fund surplus for the fiscal year ending June 30,
1508 2008, exceeds \$64 million, then such excess surplus shall be deposited into a special fund in the
1509 state treasury to be used solely to pay debt service on the bonds authorized by the second
1510 enactment. At such time that the amounts in this special fund together with available funds to pay
1511 such debt service under § 58.1-2531 is insufficient, then up to \$100 million of general funds shall
1512 be appropriated annually as needed to pay the debt service.
- 1513 12. That the Speaker of the House and Majority Leader of the Senate shall appoint a joint
1514 subcommittee to identify ways to cut expenses in the operation of state government. The joint
1515 subcommittee shall conduct a systematic review of the effectiveness of state programs and make
1516 recommendations to the General Assembly. The joint subcommittee's review shall include ways
1517 agencies may operate more economically and efficiently; ways in which agencies can provide better
1518 services to the Commonwealth and its citizens; and areas in which functions of state agencies are
1519 duplicate or overlapping, fail to accomplish legislative objectives, or for any other reason should
1520 be redefined.
- 1521