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HOUSE BILL NO. 649

FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Delegate Gear
on January 21, 2008)

(Patron Prior to Substitute—Delegate Hogan)

A BILL to amend and reenact Chapter 896 of the Acts of Assembly of 2007, as it is currently effective, relating to sources of revenue for highway and transit needs.

Be it enacted by the General Assembly of Virginia:

1. That Chapter 896 of the Acts of Assembly of 2007, as it is currently effective, is amended and reenacted 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 as follows: one-third 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 two-thirds 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 general appropriation act in effect at that time an amount for nonrecurring expenditures and an amount for deposit into the Transportation Trust Fund equal to the amounts designated by the Comptroller for such purposes pursuant to the provisions of subsection B. Such deposit to the Transportation Trust Fund shall not preclude the appropriation of additional amounts from the general fund for transportation purposes.

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

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

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

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

1. The environmental impact of the major state project, including the impact on wildlife habitat;

2. Any adverse environmental effects which cannot be avoided if the major state project is undertaken;

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

61 4. Any alternatives to the proposed construction; and

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

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

66 B. For purposes of this chapter, this subsection shall only apply to the review of highway and road
67 construction projects or any part thereof. The Secretaries of Transportation and Natural Resources shall
68 jointly establish procedures for review and comment by state natural and historic resource agencies of
69 highway and road construction projects. Such procedures shall provide for review and comment on
70 appropriate projects and categories of projects to address the environmental impact of the project, any
71 adverse environmental effects which cannot be avoided if the project is undertaken, the measures
72 proposed to minimize the impact of the project, any alternatives to the proposed construction, and any
73 irreversible environmental changes which would be involved in the project.

74 § 15.2-2223.1. Comprehensive plan to include urban development areas; new urbanism.

75 A. Every county, city, or town that has adopted zoning pursuant to Article 7 (§ 15.2-2280 et seq.) of
76 Chapter 22 of Title 15.2 and that (i) has a population of at least 20,000 and population growth of at
77 least 5% or (ii) has population growth of 15% or more, shall, and any county, city or town may, amend
78 its comprehensive plan to incorporate one or more urban development areas. For purposes of this
79 section, population growth shall be the difference in population from the next-to-latest to the latest
80 decennial census year, based on population reported by the United States Bureau of the Census. For
81 purposes of this section, an urban development area is an area designated by a locality that is
82 appropriate for higher density development due to proximity to transportation facilities, the availability
83 of a public or community water and sewer system, or proximity to a city, town, or other developed area.
84 The comprehensive plan shall provide for commercial and residential densities within urban development
85 areas that are appropriate for reasonably compact development at a density of at least four residential
86 units per gross acre and a minimum floor area ratio of 0.4 per gross acre for commercial development.
87 The comprehensive plan shall designate one or more urban development areas sufficient to meet
88 projected residential and commercial growth in the locality for an ensuing period of at least 10 but not
89 more than 20 years, which may include phasing of development within the urban development areas.
90 Future growth shall be based on official estimates and projections of the Weldon Cooper Center for
91 Public Service of the University of Virginia or other official government sources. The boundaries and
92 size of each urban development area shall be reexamined and, if necessary, revised every five years in
93 conjunction with the update of the comprehensive plan and in accordance with the most recent available
94 population growth estimates and projections. Such districts may be areas designated for redevelopment
95 or infill development.

96 B. The comprehensive plan shall further incorporate principles of new urbanism and traditional
97 neighborhood development, which may include but need not be limited to (i) pedestrian-friendly road
98 design, (ii) interconnection of new local streets with existing local streets and roads, (iii) connectivity of
99 road and pedestrian networks, (iv) preservation of natural areas, (v) satisfaction of requirements for
100 stormwater management, (vi) mixed-use neighborhoods, including mixed housing types, (vii) reduction
101 of front and side yard building setbacks, and (viii) reduction of subdivision street widths and turning
102 radii at subdivision street intersections.

103 C. The comprehensive plan shall describe any financial and other incentives for development in the
104 urban development areas.

105 D. No county, city, or town that has amended its comprehensive plan in accordance with this section
106 shall limit or prohibit development pursuant to existing zoning or shall refuse to consider any
107 application for rezoning based solely on the fact that the property is located outside the urban
108 development area.

109 E. Any county, city, or town that would be required to amend its plan pursuant to this section that
110 determines that its plan accommodates growth in a manner consistent with this section, upon adoption of
111 a resolution certifying such compliance, shall not be required to further amend its plan.

112 F. Any county that amends its comprehensive plan pursuant to this section may designate one or
113 more urban development areas in any incorporated town within such county, if the governing body of
114 the town has also amended its comprehensive plan to designate the same areas as urban development
115 areas with at least the same density designated by the county.

116 G. To the extent possible, state and local transportation, housing, and economic development funding
117 shall be directed to the urban development area.

118 § 15.2-2317. Applicability of article.

119 This article shall apply to any locality that has adopted zoning pursuant to Article 7 (§ 15.2-2280 et
120 seq.) of Chapter 22 of Title 15.2 and that (i) has a population of at least 20,000 and has a population
121 growth rate of at least 5% or (ii) has population growth of 15% or more. For the purposes of this

122 section, population growth shall be the difference in population from the next-to-latest to the latest
123 decennial census year, based on population reported by the United States Bureau of the Census.

124 § 15.2-2318. Definitions.

125 As used in this article, unless the context requires a different meaning:

126 "Cost" includes, in addition to all labor, materials, machinery and equipment for construction, (i)
127 acquisition of land, rights-of-way, property rights, easements and interests, including the costs of moving
128 or relocating utilities, (ii) demolition or removal of any structure on land so acquired, including
129 acquisition of land to which such structure may be moved, (iii) survey, engineering, and architectural
130 expenses, (iv) legal, administrative, and other related expenses, and (v) interest charges and other
131 financing costs if impact fees are used for the payment of principal and interest on bonds, notes or other
132 obligations issued by the locality to finance the road improvement.

133 "Impact fee" means a charge or assessment imposed against new development in order to generate
134 revenue to fund or recover the costs of reasonable road improvements benefiting the new development.
135 Impact fees may not be assessed and imposed for road repair, operation and maintenance, nor to meet
136 demand which existed prior to the new development.

137 "Impact fee service area" means an area designated within the comprehensive plan of a locality
138 having clearly defined boundaries and clearly related traffic needs and within which development is to
139 be subject to the assessment of impact fees.

140 "Road improvement" includes construction of new roads or improvement or expansion of existing
141 roads and related appurtenances as required by applicable standards of the Virginia Department of
142 Transportation, or the applicable standards of a locality with road maintenance responsibilities, to meet
143 increased demand attributable to new development. Road improvements do not include on-site
144 construction of roads which a developer may be required to provide pursuant to §§ 15.2-2241 through
145 15.2-2245.

146 § 15.2-2319. Authority to assess and impose impact fees.

147 Any applicable locality may, by ordinance pursuant to the procedures and requirements of this
148 article, assess and impose impact fees on new development to pay all or a part of the cost of reasonable
149 road improvements that benefit the new development.

150 Prior to the adoption of the ordinance, a locality shall establish an impact fee advisory committee.
151 The committee shall be composed of not less than five nor more than ten members appointed by the
152 governing body of the locality and at least forty percent of the membership shall be representatives from
153 the development, building or real estate industries. The planning commission or other existing committee
154 that meets the membership requirements may serve as the impact fee advisory committee. The
155 committee shall serve in an advisory capacity to assist and advise the governing body of the locality
156 with regard to the ordinance. No action of the committee shall be considered a necessary prerequisite for
157 any action taken by the locality in regard to the adoption of an ordinance.

158 § 15.2-2320. Impact fee service areas to be established.

159 The locality shall delineate one or more impact fee service areas within its comprehensive plan.
160 Impact fees collected from new development within an impact fee service area shall be expended for
161 road improvements benefiting that impact fee service area. An impact fee service area may encompass
162 more than one road improvement project. A locality may exclude urban development areas designated
163 pursuant to § 15.2-2223.1 from impact fee service areas.

164 § 15.2-2321. Adoption of road improvements program.

165 Prior to adopting a system of impact fees, the locality shall conduct an assessment of road
166 improvement needs benefiting an impact fee service area and shall adopt a road improvements plan for
167 the area showing the new roads proposed to be constructed and the existing roads to be improved or
168 expanded and the schedule for undertaking such construction, improvement or expansion. The road
169 improvements plan shall be adopted as an amendment to the required comprehensive plan and shall be
170 incorporated into the capital improvements program or, in the case of the counties where applicable, the
171 six-year plan for secondary road construction pursuant to § 33.1-70.01.

172 The locality shall adopt the road improvements plan after holding a duly advertised public hearing.
173 The public hearing notice shall identify the impact fee service area or areas to be designated, and shall
174 include a summary of the needs assessment and the assumptions upon which the assessment is based,
175 the proposed amount of the impact fee, and information as to how a copy of the complete study may be
176 examined. A copy of the complete study shall be available for public inspection and copying at
177 reasonable times prior to the public hearing.

178 The locality at a minimum shall include the following items in assessing road improvement needs
179 and preparing a road improvements plan:

180 1. An analysis of the existing capacity, current usage and existing commitments to future usage of
181 existing roads, as indicated by (i) current and projected service levels, (ii) current valid building permits
182 outstanding, and (iii) approved and pending site plans and subdivision plats. If the current usage and

183 commitments exceed the existing capacity of the roads, the locality also shall determine the costs of
184 improving the roads to meet the demand. The analysis shall include any off-site road improvements or
185 cash payments for road improvements accepted by the locality and shall include a plan to fund the
186 current usages and commitments that exceed the existing capacity of the roads.

187 2. The projected need for and costs of construction of new roads or improvement or expansion of
188 existing roads attributable in whole or in part to projected new development. Road improvement needs
189 shall be projected for the impact fee service area when fully developed in accord with the
190 comprehensive plan and, if full development is projected to occur more than 20 years in the future, at
191 the end of a twenty-year period. The assumptions with regard to land uses, densities, intensities, and
192 population upon which road improvement projections are based shall be presented.

193 3. The total number of new service units projected for the impact fee service area when fully
194 developed and, if full development is projected to occur more than 20 years in the future, at the end of
195 a twenty-year period. A "service unit" is a standardized measure of traffic use or generation. The locality
196 shall develop a table or method for attributing service units to various types of development and land
197 use, including but not limited to residential, commercial and industrial uses. The table shall be based
198 upon the ITE manual (published by the Institute of Transportation Engineers) or locally conducted trip
199 generation studies, and consistent with the traffic analysis standards adopted pursuant to § 15.2-2222.1.

200 § 15.2-2322. Adoption of impact fee and schedule.

201 After adoption of a road improvement program, the locality may adopt an ordinance establishing a
202 system of impact fees to fund or recapture all or any part of the cost of providing reasonable road
203 improvements benefiting new development. The ordinance shall set forth the schedule of impact fees.

204 § 15.2-2323. When impact fees assessed and imposed.

205 The amount of impact fees to be imposed on a specific development or subdivision shall be
206 determined before or at the time the site plan or subdivision is approved. The ordinance shall specify
207 that the fee is to be collected at the time of the issuance of a building permit. The ordinance shall
208 provide that fees (i) may be paid in lump sum or (ii) be paid on installment at a reasonable rate of
209 interest for a fixed number of years. The locality by ordinance may provide for negotiated agreements
210 with the owner of the property as to the time and method of paying the impact fees.

211 The maximum impact fee to be imposed shall be determined (i) by dividing projected road
212 improvement costs in the impact fee service area when fully developed by the number of projected
213 service units when fully developed, or (ii) for a reasonable period of time, but not less than ten years,
214 by dividing the projected costs necessitated by development in the next ten years by the service units
215 projected to be created in the next ten years.

216 The ordinance shall provide for appeals from administrative determinations, regarding the impact fees
217 to be imposed, to the governing body or such other body as designated in the ordinance. The ordinance
218 may provide for the resolution of disputes over an impact fee by arbitration or otherwise.

219 § 15.2-2324. Credits against impact fee.

220 The value of any dedication, contribution or construction from the developer for off-site road or
221 other transportation improvements benefiting the impact fee service area shall be treated as a credit
222 against the impact fees imposed on the developer's project. The locality shall treat as a credit any
223 off-site transportation dedication, contribution, or construction, whether it is a condition of a rezoning or
224 otherwise committed to the locality. The locality may by ordinance provide for credits for approved
225 on-site transportation improvements in excess of those required by the development.

226 The locality also shall calculate and credit against impact fees the extent to which (i) other
227 developments have already contributed to the cost of existing roads which will benefit the development,
228 (ii) new development will contribute to the cost of existing roads, and (iii) new development will
229 contribute to the cost of road improvements in the future other than through impact fees, including any
230 special taxing districts, special assessments, or community development authorities.

231 § 15.2-2325. Updating plan and amending impact fee.

232 The locality shall update the needs assessment and the assumptions and projections at least once
233 every two years. The road improvement plan shall be updated at least every two years to reflect current
234 assumptions and projections. The impact fee schedule may be amended to reflect any substantial changes
235 in such assumptions and projections. Any impact fees not yet paid shall be assessed at the updated rate.

236 § 15.2-2326. Use of proceeds.

237 A separate road improvement account shall be established for the impact fee service area and all
238 funds collected through impact fees shall be deposited in the interest-bearing account. Interest earned on
239 deposits shall become funds of the account. The expenditure of funds from the account shall be only for
240 road improvements benefiting the impact fee service area as set out in the road improvement plan for
241 the impact fee service area.

242 § 15.2-2327. Refund of impact fees.

243 The locality shall refund any impact fee or portion thereof for which construction of a project is not
244 completed within a reasonable period of time, not to exceed fifteen years. In the event that impact fees

245 are not committed to road improvements benefiting the impact fee service area within seven years from
 246 the date of collection, the locality may commit any such impact fees to the secondary or urban system
 247 construction program of that locality for road improvements that benefit the impact fee service area.

248 Upon completion of a project, the locality shall recalculate the impact fee based on the actual cost of
 249 the improvement. It shall refund the difference if the impact fee paid exceeds actual cost by more than
 250 fifteen percent. Refunds shall be made to the record owner of the property at the time the refund is
 251 made.

252 Article 9.
 253 Impact Fees.

254 § 15.2-2328. Applicability of article.

255 The provisions of this article shall apply in their entirety to any locality that has established an urban
 256 transportation service district in accordance with § 15.2-2403.1. However, the authority granted by this
 257 article may be exercised only in areas outside of urban transportation service districts and on parcels that
 258 are currently zoned agricultural and are being subdivided for by-right residential development. The
 259 authority granted by this article shall expire on December 31, 2008, for any locality that has not
 260 established an urban transportation service district and adopted an impact fee ordinance pursuant to this
 261 article by such date.

262 § 15.2-2329. Imposition of impact fees.

263 A. Any locality that includes within its comprehensive plan a calculation of the capital costs of
 264 public facilities necessary to serve residential uses may impose and collect impact fees in amounts
 265 consistent with the methodologies used in its comprehensive plan to defray the capital costs of public
 266 facilities related to the residential development.

267 B. Impact fees imposed and collected pursuant to this section shall only be used for public facilities
 268 that are impacted by residential development.

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

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

277 E. For the purposes of this section, "public facilities" shall be deemed to include: (i) roads, streets,
 278 and bridges, including rights-of-way, traffic signals, landscaping, and any local components of federal or
 279 state highways; (ii) stormwater collection, retention, detention, treatment, and disposal facilities, flood
 280 control facilities, and bank and shore protection and enhancement improvements; (iii) parks, open space,
 281 and recreation areas and related facilities; (iv) public safety facilities, including police, fire, emergency
 282 medical, and rescue facilities; (v) primary and secondary schools and related facilities; and (vi) libraries
 283 and related facilities; however, the definition "public facilities" for counties within the Richmond MSA
 284 shall be deemed to include: roads, streets, and bridges, including rights-of-way, traffic signals,
 285 landscaping, and any local components of federal or state highways.

286 § 15.2-2403. Powers of service districts.

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

289 1. To construct, maintain, and operate such facilities and equipment as may be necessary or desirable
 290 to provide additional, more complete, or more timely governmental services within a service district,
 291 including but not limited to water supply, sewerage, garbage removal and disposal, heat, light,
 292 fire-fighting equipment and power and gas systems and sidewalks; economic development services;
 293 promotion of business and retail development services; beautification and landscaping; beach and
 294 shoreline management and restoration; control of infestations of insects that may carry a disease that is
 295 dangerous to humans, gypsy moths, cankerworms or other pests identified by the Commissioner of the
 296 Department of Agriculture and Consumer Services in accordance with the Virginia Pest Law
 297 (§ 3.1-188.20 et seq.); public parking; extra security, street cleaning, snow removal and refuse collection
 298 services; sponsorship and promotion of recreational and cultural activities; upon petition of over 50
 299 percent of the property owners who own not less than 50 percent of the property to be served,
 300 construction, maintenance, and general upkeep of streets and roads; construction, maintenance, and
 301 general upkeep of streets and roads through creation of urban transportation service districts pursuant to
 302 § 15.2-2403.1; and other services, events, or activities that will enhance the public use and enjoyment of
 303 and the public safety, public convenience, and public well-being within a service district. Such services,
 304 events, or activities shall not be undertaken for the sole or dominant benefit of any particular individual,
 305 business or other private entity.

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

318 3. To acquire in accordance with § 15.2-1800, any such facilities and equipment and rights, title,
319 interest or easements therefor in and to real estate in such district and maintain and operate the same as
320 may be necessary and desirable to provide the governmental services authorized by subdivisions 1 and
321 2.

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

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

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

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

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

356 9. To create and terminate a development board or other body to which shall be granted and
357 assigned such powers and responsibilities with respect to a special service district as are delegated to it
358 by ordinance adopted by the governing body of such locality or localities. Any such board or alternative
359 body created shall be responsible for control and management of funds appropriated for its use by the
360 governing body or bodies, and such funds may be used to employ or contract with, on such terms and
361 conditions as the board or other body shall determine, persons, municipal or other governmental entities
362 or such other entities as the development board or alternative body deems necessary to accomplish the
363 purposes for which the development board or alternative body has been created. If the district was
364 created by court order, the ordinance creating the development board or alternative body may provide
365 that the members appointed to the board or alternative body shall consist of a majority of the
366 landowners who petitioned for the creation of the district, or their designees or nominees.

367 10. To negotiate and contract with any person or municipality with regard to the connections of any

368 such system or systems with any other system or systems now in operation or hereafter established, and
369 with regard to any other matter necessary and proper for the construction or operation and maintenance
370 of any such system within the district.

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

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

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

383 § 15.2-2403.1. Creation of urban transportation service districts.

384 A. The boundaries of any urban transportation service district created pursuant to this article shall be
385 agreed upon by both the local governing body of an urban county and by the Commonwealth
386 Transportation Board. The overall density of an urban transportation service district shall be one
387 residential unit per gross acre or greater. In the event of a disagreement between the Board and the
388 governing body of an urban county in regard to the boundaries of an urban transportation service
389 district, the parties may request that the Commission on Local Government serve as a mediator. For
390 purposes of this section, an "urban county" means any county with a population of greater than 90,000,
391 according to the United States Census of 2000, that did not maintain its roads as of January 1, 2007.

392 B. Any urban county that has established an urban transportation service district in accordance with
393 this section shall maintain the roads within such district. Any such county shall receive an amount equal
394 to the per lane mile maintenance payments made to cities and certain towns pursuant to § 33.1-41.1 for
395 the area within the district for purposes of road maintenance.

396 § 15.2-4838.1. Use of certain revenues by the Authority.

397 A. All moneys received by the Authority and the proceeds of bonds issued pursuant to § 15.2-4839
398 shall be used by the Authority solely for transportation purposes benefiting those counties and cities that
399 are embraced by the Authority.

400 B. Forty percent of the revenues shall be distributed on a pro rata basis, with each locality's share
401 being the total of such fees and taxes assessed or imposed by the Authority and received by the
402 Authority that are generated or attributable to the locality divided by the total of such fees and taxes
403 assessed or imposed by the Authority and received by the Authority. Of the revenues distributed
404 pursuant to this subsection (i) in the Cities of Falls Church and Alexandria and the County of Arlington
405 the first 50 percent shall be used solely for urban or secondary road construction and improvements and
406 for public transportation purposes, and (ii) in the remaining localities, the first 50 percent shall be used
407 solely for urban or secondary road construction and improvements. The remainder, as determined solely
408 by the applicable locality, shall be used either for additional urban or secondary road construction; for
409 other transportation capital improvements which have been approved by the most recent long range
410 transportation plan adopted by the Authority; or for public transportation purposes. Solely for purposes
411 of calculating the forty percent of revenues to be distributed pursuant to this subsection, the revenue
412 generated pursuant to § 58.1-3221.2 and Article 8 (§ 15.2-2317 et seq.) of Chapter 22 of this title by the
413 counties and cities embraced by the Authority shall be considered revenue of the Authority. None of the
414 revenue distributed by this subsection may be used to repay debt issued before July 1, 2007. Each
415 locality shall provide annually to the Northern Virginia Transportation Authority sufficient
416 documentation as required by the Authority showing that the funds distributed under this subsection
417 were used as required by this subsection.

418 C. The remaining 60 percent of the revenues from such sources shall be used by the Authority solely
419 for transportation projects and purposes that benefit the counties and cities embraced by the Authority.

420 1. The revenues under this subsection shall be used first to pay any debt service owing on any bonds
421 issued pursuant to § 15.2-4839, and then as follows:

422 a. The next \$50 million each fiscal year shall be distributed to the Washington Metropolitan Area
423 Transit Authority (WMATA) and shall be used for capital improvements benefiting the area embraced
424 by the Authority for WMATA's transit service (Metro). The Authority shall first make use of that
425 portion of such annual distribution as may be necessary under the requirements of federal law for the
426 payment of federal funds to WMATA, but only if the matching federal funds are exclusive of and in
427 addition to the amount of other federal funds appropriated for such purposes and are in an amount not
428 less than the amount of such funds appropriated in the federal fiscal year ending September 30, 2007;

429 For each year after 2018 any portion of the amount distributed pursuant to this subsection may be
430 used for mass transit improvements in Prince William County;

431 b. The next \$25 million each fiscal year shall be distributed to the Virginia Railway Express for
432 operating and capital improvements, including but not limited to track lease payments, construction of
433 parking, dedicated rail on the Fredericksburg line, rolling stock, expanded service in Prince William
434 County, and service as may be needed as a result of the Base Realignment and Closure Commission's
435 action regarding Fort Belvoir.

436 2. All transportation projects undertaken by the Northern Virginia Transportation Authority shall be
437 completed by private contractors accompanied by performance measurement standards, and all contracts
438 shall contain a provision granting the Authority the option to terminate the contract if contractors do not
439 meet such standards. Notwithstanding the foregoing, any locality may provide engineering services or
440 right-of-way acquisition for any project with its own forces. The Authority shall avail itself of the
441 strategies permitted under the Public-Private Transportation Act (§ 56-556 et seq.) whenever feasible and
442 advantageous. The Authority is independent of any state or local entity, including the Virginia
443 Department of Transportation (VDOT) and the Commonwealth Transportation Board (CTB), but the
444 Authority, VDOT and CTB shall consult with one another to avoid duplication of efforts and, at the
445 option of the Authority, may combine efforts to complete specific projects. Notwithstanding the
446 foregoing, at the request of the Authority, VDOT may provide the Authority with engineering services
447 or right-of-way acquisition for the project with its own forces. When determining what projects to
448 construct under this subsection, the Authority shall base its decisions on the combination that (i)
449 equitably distributes the funds throughout the localities, and (ii) constructs projects that move the most
450 people or commercial traffic in the most cost-effective manner, and on such other factors as approved by
451 the Authority.

452 3. All revenues deposited to the credit of the Authority shall be used for projects benefiting the
453 localities embraced by the Authority, with each locality's total long-term benefits being approximately
454 equal to the total of the fees and taxes received by the Authority that are generated by or attributable to
455 the locality divided by the total of such fees and taxes received by the Authority.

456 D. For road construction and improvements pursuant to subsection B, the Department of
457 Transportation may, on a reimbursement basis, provide the locality with planning, engineering,
458 right-of-way, and construction services for projects funded in whole by the revenues provided to the
459 locality by the Authority.

460 § 15.2-4839. Authority to issue bonds.

461 The Authority may issue bonds and other evidences of debt as may be authorized by this section or
462 other law. The provisions of Article 5 (§ 15.2-4519 et seq.) of Chapter 45 of this title shall apply,
463 mutatis mutandis, to the issuance of such bonds or other debt. The Authority may issue bonds or other
464 debt in such amounts as it deems appropriate. The bonds may be supported by any funds available
465 except that funds from tolls collected pursuant to subdivision 7 of § 15.2-4840 shall be used only as
466 provided in that subdivision.

467 § 15.2-4840. Other duties and responsibilities of Authority.

468 In addition to other powers herein granted, the Authority shall have the following duties and
469 responsibilities:

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

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

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

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

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

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

481 7. Imposing, collecting, and setting the amount of tolls for use of facilities in the area embraced by
482 the Authority, when the facility is either newly constructed or reconstructed solely with revenues of the
483 Authority or solely with revenues under the control of the Authority in such a way as to increase the
484 facility's traffic capacity, with the amount of any tolls variable by time of day, day of the week, vehicle
485 size or type, number of axles, or other factors as the Authority may deem proper, and with all such tolls
486 to be used for programs and projects that are reasonably related to or benefit the users of the applicable
487 facility, including, but not limited to, for the debt service and other costs of bonds whose proceeds are
488 used for such construction or reconstruction;

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

491 emergencies;

492 9. Serving as an advocate for the transportation needs of Northern Virginia before the state and
493 federal governments;

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

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

505 12. To decide and vote to impose certain fees and taxes authorized under law for imposition or
506 assessment by the Authority, provided that any such fee or tax assessed or imposed is assessed or
507 imposed in all counties and cities embraced by the Authority. The revenues from such certain fees and
508 taxes shall be kept in a separate account and shall be used only for the purposes provided in this
509 chapter.

510

CHAPTER 42.

511 JOINT COMMISSION ON TRANSPORTATION ACCOUNTABILITY.

512 § 30-278. Joint Commission on Transportation Accountability established; composition; terms;
513 compensation and expenses; office space; quorum; voting on recommendations.

514 There is hereby established in the legislative branch of state government the Joint Commission on
515 Transportation Accountability. The Commission shall consist of six members of the House of Delegates
516 appointed by the Speaker of the House of Delegates, of whom at least three shall be members of the
517 House Committee on Transportation; four members of the Senate appointed by the Senate Committee on
518 Rules of whom at least two shall be members of the Senate Committee on Transportation; and the
519 Auditor of Public Accounts, who shall serve as a nonvoting ex officio member. Members shall serve
520 terms coincident with their terms of office as members of the House of Delegates and the Senate.
521 Members may be reappointed for successive terms.

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

527 The Commission shall annually elect a chairman and a vice-chairman from among its membership.
528 Meetings of the Commission shall be held upon the call of the chairman or whenever the majority of
529 the members so request. A majority of the members appointed to the Commission shall constitute a
530 quorum.

531 § 30-279. Director, executive staff, and personnel.

532 The Commission shall appoint, subject to confirmation by a majority of the members of the General
533 Assembly, a Director and fix his duties and compensation. The Director may, with prior approval of the
534 Commission, employ and fix the duties and compensation of an adequate staff as may be requisite to
535 make the studies and conduct the research and budget analyses required by this chapter. The
536 Commission may request that the staff of the Joint Legislative Audit and Review Commission serve
537 such purpose. Otherwise, the Director and the executive staff shall be appointed for a term of six years
538 and shall consist of professional persons having experience and training in legislative budgetary
539 procedures, management analyses, and cost accounting. The Director and any executive staff member
540 may be removed from office for cause by a majority vote of the Commission. Such other professional
541 personnel, consultants, advisers, and secretarial and clerical employees may be engaged upon such terms
542 and conditions as set forth by the Commission.

543 § 30-280. Powers and duties of Commission.

544 The Commission shall have the following powers and duties:

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

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

551 3. To retain such consultants and advisers as the Commission deems necessary to evaluate financial

552 and project management of state agencies with transportation responsibilities; and

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

555 § 30-281. State agencies to furnish information and assistance.

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

559 § 30-282. Payment of expenses of Commission.

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

562 § 33.1-3. Secretary to be Chairman; Commonwealth Transportation Commissioner.

563 The Chairman of the Commonwealth Transportation Board shall be the Secretary of Transportation,.

564 The Commonwealth Transportation Commissioner, hereinafter in this title sometimes called "the
565 Commissioner," shall be the chief executive officer of the Department of Transportation. The
566 Commissioner may, at the time of his appointment, be a nonresident of Virginia, shall be an experienced
567 administrator, able to direct and guide the Department in the establishment and achievement of the
568 Commonwealth's long-range highway and other transportation objectives and shall be appointed at large.

569 The Commissioner shall devote his entire time and attention to his duties as chief executive officer
570 of the Department and shall receive such compensation as shall be fixed by the Commonwealth
571 Transportation Board, subject to the approval of the Governor. He shall also be reimbursed for his actual
572 travel expenses while engaged in the discharge of his duties.

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

580 § 33.1-13. General powers of Commissioner.

581 Except such powers as are conferred by law upon the Commonwealth Transportation Board, the
582 Commonwealth Transportation Commissioner shall have the power to do all acts necessary or
583 convenient for constructing, improving and maintaining the roads embraced in the systems of state
584 highways and to further the interests of the Commonwealth in the areas of public transportation,
585 railways, seaports, and airports. And as executive head of the Transportation Department, the
586 Commissioner is specifically charged with the duty of executing all orders and decisions of the Board
587 and he may, subject to the provisions of this chapter, require that all appointees and employees perform
588 their duties under this chapter.

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

592 § 33.1-19.1. Environmental permits for highway projects; timely review.

593 Notwithstanding any other provision of state law or regulation, any state agency, board, or
594 commission that issues a permit required for a highway construction project pursuant to Title 10.1, 28.2,
595 29.1, or 62.1 of the Code of Virginia shall, within 15 days of receipt of an individual permit application,
596 review the application for completeness and either accept the application or request additional specific
597 information from the Department of Transportation. Unless a shorter period is provided by law,
598 regulation, or agreement, the state agency, board, or commission shall within 120 days of receipt of a
599 complete application issue the permit, issue the permit with conditions, deny the permit, or decide
600 whether a public meeting or hearing is required by law. If a public meeting or hearing is held, it shall
601 be held within 45 days of the decision to conduct such a proceeding and a final decision as to the
602 permit shall be made within 90 days of completion of the public meeting or hearing. For coverage under
603 general permits issued pursuant to Title 10.1, 28.2, 29.1, or 62.1, the state agency, board, or commission
604 that issues such permits shall, within 10 business days of receipt of an application from the Department
605 of Transportation for a road or highway construction project, review the application for completeness
606 and either accept the application or request additional specific information from the Department of
607 Transportation. Coverage under the general permit shall be approved, approved with conditions, or
608 denied within 30 business days of receipt of a complete application.

609 § 33.1-23.03. Board to develop and update Statewide Transportation Plan.

610 The Commonwealth Transportation Board shall conduct a comprehensive review of statewide
611 transportation needs in a Statewide Transportation Plan setting forth an inventory of all construction
612 needs for all systems, and based upon this inventory, establishing goals, objectives, and priorities
613 covering a twenty-year planning horizon, in accordance with federal transportation planning

614 requirements. This plan shall embrace all modes of transportation and include technological initiatives.
615 This Statewide Transportation Plan shall be updated as needed, but no less than once every five years.
616 The plan shall promote economic development and all transportation modes, intermodal connectivity,
617 environmental quality, accessibility for people and freight, and transportation safety. The plan shall
618 include quantifiable measures and achievable goals relating to, but not limited to, congestion reduction
619 and safety, transit and high-occupancy vehicle facility use, job-to-housing ratios, job and housing access
620 to transit and pedestrian facilities, air quality, and per capita vehicle miles traveled. The Board shall
621 consider such goals in evaluating and selecting transportation improvement projects. The plan shall
622 incorporate the approved long-range plans' measures and goals developed by the Northern Virginia
623 Transportation Authority and the Hampton Roads Transportation Authority. Each such plan shall be
624 summarized in a public document and made available to the general public upon presentation to the
625 Governor and General Assembly.

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

629 § 33.1-23.03:8. Priority Transportation Fund established.

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

635 1. A portion of the moneys actually collected, including penalty and interest, attributable to any
636 increase in revenues from the taxes imposed under Chapter 22 (§ 58.1-2200 et seq.) of Title 58.1, with
637 such increase being calculated as the difference between such tax revenues collected in the manner
638 prescribed under Chapter 22 less such tax revenues that would have been collected using the prescribed
639 manner in effect immediately before the effective date of Chapter 22, computed without regard to
640 increases in the rates of taxes under Chapter 22 pursuant to enactments of the 2007 Session of the
641 General Assembly. The portion to be deposited to the Fund shall be the moneys actually collected from
642 such increase in revenues and allocated for highway and mass transit improvement projects as set forth
643 in § 33.1-23.03:2, but not including any amounts that are allocated to the Commonwealth Port Fund and
644 the Commonwealth Airport Fund under such section. There shall also be deposited into the Fund all
645 additional federal revenues attributable to Chapter 22 (§ 58.1-2200 et seq.) of Title 58.1;

646 2. Beginning with the fiscal year ending June 30, 2000, and for fiscal years thereafter, all revenues
647 that exceed the official forecast, pursuant to § 2.2-1503, for (i) the Highway Maintenance and Operating
648 Fund and (ii) the allocation to highway and mass transit improvement projects as set forth in
649 § 33.1-23.03:2, but not including any amounts that are allocated to the Commonwealth Port Fund and
650 the Commonwealth Airport Fund under such section;

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

652 4. Any other such funds as may be transferred, allocated, or appropriated.

653 All moneys in the Fund shall first be used for debt service payments on bonds or obligations for
654 which the Fund is expressly required for making debt service payments, to the extent needed. The Fund
655 shall be considered a part of the Transportation Trust Fund. Any moneys remaining in the Fund,
656 including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall
657 remain in the Fund. Moneys in the Fund shall be used solely for the purposes enumerated in subsection
658 B of this section. Expenditures and disbursements from the Fund shall be made by the State Treasurer
659 on warrants issued by the Comptroller.

660 B. The Commonwealth Transportation Board shall use the Fund to facilitate the financing of priority
661 transportation projects throughout the Commonwealth. The Board may use the Fund either (i) by
662 expending amounts therein on such projects directly, (ii) by payment to any authority, locality,
663 commission or other entity for the purpose of paying the costs thereof, or (iii) by using such amounts to
664 support, secure, or leverage financing for such projects. No expenditures from or other use of amounts
665 in the Fund shall be considered in allocating highway maintenance and construction funds under
666 § 33.1-23.1 or apportioning Transportation Trust Fund funds under § 58.1-638, but shall be in addition
667 thereto. The Board shall use the Fund to facilitate the financing of priority transportation projects as
668 designated by the General Assembly; provided, however, that, at the discretion of the Commonwealth
669 Transportation Board, funds allocated to projects within a transportation district may be allocated among
670 projects within the same transportation district as needed to meet construction cash-flow needs.

671 C. Notwithstanding any other provision of this section, beginning July 1, 2007, no bonds, obligations,
672 or other evidences of debt (the bonds) that expressly require as a source for debt service payments or
673 for the repayment of such bonds the revenues of the Fund, shall be issued or entered into unless at the
674 time of the issuance the revenues then in the Fund or reasonably anticipated to be deposited into the

675 Fund pursuant to the law then in effect are by themselves sufficient to make 100% of the contractually
676 required debt service payments on all such bonds, including any interest related thereto and the
677 retirement of such bonds.

678 § 33.1-23.4:01. Allocation of Proceeds of Commonwealth of Virginia Transportation Capital Projects
679 Revenue Bonds.

680 The Commonwealth Transportation Board shall allocate, use, and distribute the proceeds of any
681 bonds it is authorized to issue on or after July 1, 2007, pursuant to subdivision 4f of § 33.1-269, as
682 follows:

683 1. A minimum of 20 percent of the bond proceeds shall be used for transit capital consistent with
684 subdivision A 4 g of § 58.1-638.

685 2. A minimum of 4.3 percent of the bond proceeds shall be used for rail capital consistent with the
686 provisions of §§ 33.1-221.1:1.1 and 33.1-221.1:1.2.

687 3. The remaining amount of bond proceeds shall be used for paying the costs incurred or to be
688 incurred for construction of transportation projects with such bond proceeds used or allocated as follows:
689 (a) first, to match federal highway funds projected to be made available and allocated to highway and
690 public transportation capital projects by the Commonwealth Transportation Board, for purposes of
691 allowing additional state construction funds to be allocated to the primary, urban, and secondary systems
692 of highways pursuant to subdivisions B 1, B 2, and B 3 of § 33.1-23.1; (b) next, to provide any required
693 funding to fulfill the Commonwealth's allocation of equivalent revenue sharing matching funds pursuant
694 to § 33.1-23.05; and (c) third, to pay or fund the costs of statewide or regional projects throughout the
695 Commonwealth. Costs incurred or to be incurred for construction or funding of these transportation
696 projects shall include, but are not limited to, environmental and engineering studies, rights-of-way
697 acquisition, improvements to all modes of transportation, acquisition, construction and related
698 improvements, and any financing costs or other financing expenses relating to such bonds. Such costs
699 may include the payment of interest on such bonds for a period during construction and not exceeding
700 one year after completion of construction of the relevant project.

701 4. The total amount of bonds authorized shall be used for purposes of applying the percentages in
702 subdivisions 1 through 3.

703 § 33.1-223.2:12. Tolls may vary to encourage travel during off-peak hours.

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

712 B. 1. Beginning July 1, 2008, every agency of the Commonwealth or any political subdivision or
713 instrumentality thereof having control of or day-to-day responsibility for the operation of any toll facility
714 in the Commonwealth shall take all necessary actions to ensure that every newly constructed toll facility
715 under its control is capable of fully automated electronic operation, employing technologies and
716 procedures that permit the collection of tolls from users of the facility, to the extent possible, without
717 impeding the traffic flow of the facility. An entity operating a toll facility that substantially upgrades its
718 equipment or substantially renovates its facility after July 1, 2008, shall comply with the provisions of
719 this subsection. The provisions of this section shall also apply to any nongovernmental or
720 quasigovernmental entity operating a toll facility under a comprehensive agreement entered into,
721 pursuant to the Public-Private Transportation Act of 1995 (§ 56-556 et seq.), on or after January 1,
722 2008. Nothing in this subsection shall be construed to prohibit a toll facility from retaining means of
723 nonautomated toll collection in some lanes of the facility.

724 2. For toll facilities within the territory embraced by the Northern Virginia Transportation Authority,
725 the provisions of subdivision 1 apply to all toll facilities, regardless of whether or not they are newly
726 constructed or substantially upgraded.

727 § 33.1-268. Definitions.

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

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

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

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

735 (b) Rappahannock River Bridge, extending from Greys Point, or its vicinity, in Middlesex County,
736 across the Rappahannock River to a point in the vicinity of White Stone, in Lancaster County, or at

737 some other feasible point in the general vicinity of the two respective points.
738 (c), (d) [Reserved.]
739 (e) James River Bridge, from a point at or near Jamestown, in James City County, across the James
740 River to a point in Surry County.
741 (f), (g) [Reserved.]
742 (h) James River, Chuckatuck and Nansemond River Bridges, together with necessary connecting
743 roads, in the Cities of Newport News and Suffolk and the County of Isle of Wight.
744 (i) [Reserved.]
745 (j) Hampton Roads Bridge, Tunnel, or Bridge and Tunnel System, extending from a point or points
746 in the Cities of Newport News and Hampton on the northwest shore of Hampton Roads across Hampton
747 Roads to a point or points in the City of Norfolk or Suffolk on the southeast shore of Hampton Roads.
748 (k) The Norfolk-Virginia Beach Highway, extending from a point in the vicinity of the intersection
749 of Interstate Route 64 and Primary Route 58 at Norfolk to some feasible point between London Bridge
750 and Primary Route 60.
751 (l) The Henrico-James River Bridge, extending from a point on the eastern shore of the James River
752 in Henrico County to a point on the western shore, between Falling Creek and Bells Road interchanges
753 of the Richmond-Petersburg Turnpike; however, the project shall be deemed to include all property,
754 rights, easements and franchises relating to any of the foregoing projects and deemed necessary or
755 convenient for the operation thereof and to include approaches thereto.
756 (m) The limited access highway between the Patrick Henry Airport area and the Newport News
757 downtown area which generally runs parallel to tracks of the Chesapeake and Ohio Railroad.
758 (n) Transportation improvements in the Dulles Corridor, with an eastern terminus of the East Falls
759 Church Metrorail station at Interstate Route 66 and a western terminus of Virginia Route 772 in
760 Loudoun County, including without limitation the Dulles Toll Road, the Dulles Access Road, outer
761 roadways adjacent or parallel thereto, mass transit, including rail, bus rapid transit, and capacity
762 enhancing treatments such as High-Occupancy Vehicle lanes, High-Occupancy Toll (HOT) lanes,
763 interchange improvements, commuter parking lots, and other transportation management strategies.
764 (o), (p) [Repealed.]
765 (q) Subject to the limitations and approvals of § 33.1-279.1, any other highway for a primary
766 highway transportation improvement district or transportation service district which the Board has agreed
767 to finance under a contract with any such district or any other alternative mechanism for generation of
768 local revenues for specific funding of a project satisfactory to the Commonwealth Transportation Board,
769 the financing for which is to be secured by Transportation Trust Fund revenues under any appropriation
770 made by the General Assembly for that purpose and payable first from revenues received under such
771 contract or other local funding source, second, to the extent required, from funds appropriated and
772 allocated, pursuant to the highway allocation formula as provided by law, to the highway construction
773 district in which the project is located or to the county or counties in which the project is located and
774 third, to the extent required from other legally available revenues of the Trust Fund and from any other
775 available source of funds.
776 (r) U.S. 58 Corridor Development Program projects as defined in §§ 33.1-221.1:2 and 58.1-815.
777 (s) The Northern Virginia Transportation District Program as defined in § 33.1-221.1:3.
778 (t) Any program for highways or mass transit or transportation facilities, endorsed by the local
779 jurisdiction or jurisdictions affected, which agree that certain distributions of state recordation taxes will
780 be dedicated and used for the payment of any bonds or other obligations, including interest thereon, the
781 proceeds of which were used to pay the cost of the program. Any such program shall be referred to as a
782 "Transportation Improvement Program."
783 (u) Any project designated from time to time by the General Assembly financed in whole or part
784 through the issuance of Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes.
785 (v) Any project authorized by the General Assembly financed in whole or in part by funds from the
786 Priority Transportation Fund established pursuant to § 33.1-23.03:8 or from the proceeds of bonds whose
787 debt service is paid in whole or in part by funds from such Fund.
788 (3) The word "undertaking" means all of the projects authorized to be acquired or constructed under
789 this article.
790 (4) The word "improvements" means such repairs, replacements, additions and betterments of and to
791 a project acquired by purchase or by condemnation as are deemed necessary to place it in a safe and
792 efficient condition for the use of the public, if such repairs, replacements, additions and betterments are
793 ordered prior to the sale of any bonds for the acquisition of such project.
794 (5) The term "cost of project" as applied to a project to be acquired by purchase or by
795 condemnation, includes the purchase price or the amount of the award, cost of improvements, financing
796 charges, interest during any period of disuse before completion of improvements, cost of traffic
797 estimates and of engineering and legal expenses, plans, specifications and surveys, estimates of cost and

798 of revenues, other expenses necessary or incident to determining the feasibility or practicability of the
799 enterprises, administrative expenses and such other expenses as may be necessary or incident to the
800 financing herein authorized and the acquisition of the project and the placing of the project in operation.

801 (6) The term "cost of project" as applied to a project to be constructed, embraces the cost of
802 construction, the cost of all lands, properties, rights, easements and franchises acquired which are
803 deemed necessary for such construction, the cost of acquiring by purchase or condemnation any ferry
804 which is deemed by the Board to be competitive with any bridge to be constructed, the cost of all
805 machinery and equipment, financing charges, interest prior to and during construction and for one year
806 after completion of construction, cost of traffic estimates and of engineering data, engineering and legal
807 expenses, cost of plans, specifications and surveys, estimates of cost and of revenues, other expenses
808 necessary or incident to determining the feasibility or practicability of the enterprise, administrative
809 expense and such other expenses as may be necessary or incident to the financing herein authorized, the
810 construction of the project, the placing of the project in operation and the condemnation of property
811 necessary for such construction and operation.

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

815 (8) [Repealed.]

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

820 (10) The terms "toll project" and "toll projects" mean projects financed in whole or in part through
821 the issuance of revenue bonds which are secured by toll revenues generated by such project or projects.

822 § 33.1-269. General powers of Board.

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

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

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

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

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

845 4a. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of
846 Virginia Transportation Revenue Bonds," secured, subject to their appropriation by the General
847 Assembly, first from (i) revenues received from the Northern Virginia Transportation District Fund, (ii)
848 to the extent required, funds appropriated and allocated, pursuant to the highway allocation formula as
849 provided by law, to the highway construction district in which the project or projects to be financed are
850 located or to the city or county in which the project or projects to be financed are located, (iii) to the
851 extent required, legally available revenues of the Transportation Trust Fund, and (iv) such other funds
852 which may be appropriated by the General Assembly;

853 4b. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of
854 Virginia Transportation Program Revenue Bonds" secured, subject to their appropriation by the General
855 Assembly, first from (i) any revenues received from any Set-aside Fund established by the General
856 Assembly pursuant to § 58.1-816.1, (ii) to the extent required, revenues received pursuant to any
857 contract with a local jurisdiction or any alternative mechanism for generation of local revenues for
858 specific funding of a project satisfactory to the Commonwealth Transportation Board, (iii) to the extent
859 required, funds appropriated and allocated, pursuant to the highway allocation formula as provided by

860 law, to the highway construction district in which the project or projects to be financed are located or to
861 the city or county in which the project or projects to be financed are located, (iv) to the extent required,
862 legally available revenues of the Transportation Trust Fund, and (v) such other funds which may be
863 appropriated by the General Assembly. No bonds for any project or projects shall be issued under the
864 authority of this subsection unless such project or projects are specifically included in a bill or resolution
865 passed by the General Assembly;

866 4c. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of
867 Virginia Transportation Program Revenue Bonds" secured, subject to their appropriation by the General
868 Assembly, first from (i) any revenues received from the Commonwealth Transit Capital Fund established
869 by the General Assembly pursuant to subdivision A 4 g of § 58.1-638, (ii) to the extent required, legally
870 available revenues of the Transportation Trust Fund, and (iii) such other funds which may be
871 appropriated by the General Assembly. No bonds for any project or projects shall be issued under the
872 authority of this subsection unless such project or projects are specifically included in a bill or resolution
873 passed by the General Assembly;

874 4d. Issue revenue bonds of the Commonwealth from time to time to be known and designated as
875 "Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes" secured, subject to
876 their appropriation by the General Assembly, (i) first from any federal highway reimbursements and any
877 other federal highway assistance received from time to time by the Commonwealth, (ii) then, at the
878 discretion of the Board, to the extent required, from legally available revenues of the Transportation
879 Trust Fund, and (iii) then from such other funds, if any, which are designated by the General Assembly
880 for such purpose;

881 4e. Issue revenue bonds of the Commonwealth from time to time to be known and designated as
882 "Commonwealth of Virginia Credit Assistance Revenue Bonds," secured, subject to their appropriation
883 by the General Assembly, solely from revenues with respect to or generated by the project or projects
884 being financed thereby and any tolls or other revenues pledged by the Board as security therefor and in
885 accordance with the applicable federal credit assistance authorized with respect to such project or
886 projects by the United States Department of Transportation;

887 4f. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of
888 Virginia Transportation Capital Projects Revenue Bonds," secured, subject to their appropriation by the
889 General Assembly, (i) from the revenues deposited into the Priority Transportation Fund established
890 pursuant to § 33.1-23.03:8; (ii) to the extent required, from revenues legally available from the
891 Transportation Trust Fund; and (iii) to the extent required, from any other legally available funds;

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

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

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

907 8. Make reasonable regulations for the installation, construction, maintenance, repair, renewal and
908 relocation of pipes, mains, sewers, conduits, cables, wires, towers, poles and other equipment and
909 appliances herein called "public utility facilities," of the Commonwealth and of any municipality, county,
910 or other political subdivision, public utility or public service corporation owning or operating the same
911 in, on, along, over or under the project. Whenever the Board determines that it is necessary that any
912 such public utility facilities should be relocated or removed, the Commonwealth or such municipality,
913 county, political subdivision, public utility or public service corporation shall relocate or remove the
914 same in accordance with the order of the Board. The cost and expense of such relocation or removal,
915 including the cost of installing such public utility facilities in a new location or locations, and the cost
916 of any lands or any rights or interests in lands, and any other rights acquired to accomplish such
917 relocation or removal shall be ascertained by the Board.

918 On any toll project, the Board shall pay the cost and expense of relocation or removal as a part of
919 the cost of the project for those public utility facilities owned or operated by the Commonwealth or such
920 municipality, county, political subdivision, public utility or public service corporation. On all other

921 projects, under this article, the Board shall pay the cost and expense of relocation or removal as a part
922 of the cost of the project for those public utility facilities owned or operated by the Commonwealth or
923 such municipality, county, or political subdivision. The Commonwealth or such municipality, county,
924 political subdivision, public utility or public service corporation may maintain and operate such public
925 utility facilities with the necessary appurtenances, in the new location or locations, for as long a period
926 and upon the same terms and conditions as it had the right to maintain and operate such public utility
927 facilities in their former location or locations;

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

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

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

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

948 § 33.1-277. Credit of Commonwealth not pledged.

949 A. Commonwealth of Virginia Toll Revenue Bonds issued under the provisions of this article shall
950 not be deemed to constitute a debt of the Commonwealth of Virginia or a pledge of the faith and credit
951 of the Commonwealth, but such bonds shall be payable solely from the funds herein provided therefor
952 from tolls and revenues, from bond proceeds or earnings thereon and from any other available sources
953 of funds. All such bonds shall state on their face that the Commonwealth of Virginia is not obligated to
954 pay the same or the interest thereon except from the special fund provided therefor from tolls and
955 revenues under this article, from bond proceeds or earnings thereon and from any other available sources
956 of funds and that the faith and credit of the Commonwealth are not pledged to the payment of the
957 principal or interest of such bonds. The issuance of such revenue bonds under the provisions of this
958 article shall not directly or indirectly or contingently obligate the Commonwealth to levy or to pledge
959 any form of taxation whatever therefor or to make any appropriation for their payment, other than
960 appropriate available funds derived as revenues from tolls and charges under this article or derived from
961 bond proceeds or earnings thereon and from any other available sources of funds.

962 B. Commonwealth of Virginia Transportation Contract Revenue Bonds issued under the provisions of
963 this article shall not be deemed to constitute a debt of the Commonwealth of Virginia or a pledge of the
964 faith and credit of the Commonwealth, but such bonds shall be payable solely from the funds herein
965 provided therefor (i) from revenues received pursuant to contracts with a primary highway transportation
966 district or transportation service district or any other alternative mechanism for generation of local
967 revenues for specific funding of a project satisfactory to the Commonwealth Transportation Board, (ii) to
968 the extent required, from funds appropriated and allocated, pursuant to the highway allocation formula as
969 provided by law, to the highway construction district in which the project or projects to be financed are
970 located or to the county or counties in which such project or projects are located, (iii) from bond
971 proceeds or earnings thereon, (iv) to the extent required, from other legally available revenues of the
972 Trust Fund, and (v) from any other available source of funds. All such bonds shall state on their face
973 that the Commonwealth of Virginia is not obligated to pay the same or the interest thereon except from
974 revenues in clauses (i) and (iii) hereof and that the faith and credit of the Commonwealth are not
975 pledged to the payment of the principal and interest of such bonds. The issuance of such revenue bonds
976 under the provisions of this article shall not directly or indirectly or contingently obligate the
977 Commonwealth to levy or to pledge any form of taxation whatever or to make any appropriation for
978 their payment, other than to appropriate available funds derived as revenues under this article from the
979 sources set forth in clauses (i) and (iii) hereof. Nothing in this article shall be construed to obligate the
980 General Assembly to make any appropriation of the funds set forth in clause (ii) or (iv) hereof for
981 payment of such bonds.

982 C. Commonwealth of Virginia Transportation Revenue Bonds issued under the provisions of this

983 article shall not be deemed to constitute a debt of the Commonwealth of Virginia or a pledge of the full
984 faith and credit of the Commonwealth, but such bonds shall be payable solely from the funds herein
985 provided therefor (i) from revenues received from the U.S. Route 58 Corridor Development Fund,
986 subject to their appropriation by the General Assembly, (ii) to the extent required, from revenues legally
987 available from the Transportation Trust Fund and (iii) to the extent required, from any other legally
988 available funds which shall have been appropriated by the General Assembly.

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

999 E. Commonwealth of Virginia Transportation Program Revenue Bonds issued under this article for
1000 projects defined in subdivision (2) (t) of § 33.1-268 shall not be deemed to constitute a debt of the
1001 Commonwealth or a pledge of the faith and credit of the Commonwealth. Such bonds shall be payable
1002 solely, subject to their appropriation by the General Assembly, first from (i) any revenues received from
1003 any Set-aside Fund established by the General Assembly pursuant to § 58.1-816.1, (ii) to the extent
1004 required, revenues received pursuant to any contract with a local jurisdiction or any alternative
1005 mechanism for generation of local revenues for specific funding of a project satisfactory to the
1006 Commonwealth Transportation Board, (iii) to the extent required, funds appropriated and allocated,
1007 pursuant to the highway allocation formula as provided by law, to the highway construction district in
1008 which the project or projects to be financed are located or to the city or county in which the project or
1009 projects to be financed are located, (iv) to the extent required, legally available revenues from the
1010 Transportation Trust Fund, and (v) such other funds which may be appropriated by the General
1011 Assembly.

1012 F. Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes issued under this
1013 article shall not be deemed to constitute a debt of the Commonwealth of Virginia or a pledge of the full
1014 faith and credit of the Commonwealth, but such obligations shall be payable solely, subject to
1015 appropriation by the General Assembly, (i) first from any federal highway reimbursements and any other
1016 federal highway assistance received from time to time by the Commonwealth, (ii) then, at the discretion
1017 of the Board, to the extent required, from legally available revenues of the Transportation Trust Fund,
1018 and (iii) then, from such other funds, if any, which are designated by the General Assembly for such
1019 purpose.

1020 G. Commonwealth of Virginia Transportation Credit Assistance Revenue Bonds issued under the
1021 provisions of this article shall not be deemed to constitute a debt of the Commonwealth of Virginia or a
1022 pledge of the full faith and credit of the Commonwealth, but such obligations shall be payable solely,
1023 subject to appropriation by the General Assembly, from revenues with respect to or generated by the
1024 project or projects being financed thereby and any tolls or other revenues pledged by the Board as
1025 security therefor and in accordance with the applicable federal credit assistance authorized with respect
1026 to such project or projects by the United States Department of Transportation.

1027 H. Commonwealth of Virginia Transportation Capital Projects Revenue Bonds issued under the
1028 provisions of this article for projects as provided in subdivision 2 v of § 33.1-268 shall not be deemed
1029 to constitute a debt of the Commonwealth of Virginia or a pledge of the full faith and credit of the
1030 Commonwealth, but such bonds shall be payable solely, subject to their appropriation by the General
1031 Assembly, (i) from the revenues deposited into the Priority Transportation Fund established pursuant to
1032 § 33.1-23.03:8; (ii) to the extent required, from revenues legally available from the Transportation Trust
1033 Fund; and (iii) to the extent required, from any other legally available funds.

CHAPTER 10.2-

HAMPTON ROADS TRANSPORTATION AUTHORITY.

1034
1035
1036 ~~§ 33.1-391.6. Short Title.~~

1037 This chapter shall be known and may be cited as the Hampton Roads Transportation Authority Act.

1038 ~~§ 33.1-391.7. Authority created.~~

1039 The Hampton Roads Transportation Authority, hereinafter in this chapter known as "the Authority" is
1040 hereby created as a body politic and as a political subdivision of the Commonwealth. The Authority
1041 shall embrace the Counties of Isle of Wight, James City, and York and the Cities of Chesapeake,
1042 Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg.
1043 The membership of the Authority shall be as provided in §§ 33.1-391.9 and 33.1-391.12. In addition, the

1044 Counties of Accomack and Northampton shall also be embraced by the Authority at such time that the
 1045 Chesapeake Bay Bridge-Tunnel facilities become subject to the control of the Authority as provided
 1046 under § 33.1-391.12.

1047 § 33.1-391.8. Powers of the Authority.

1048 Notwithstanding any contrary provision of this title and in accordance with all applicable federal
 1049 statutes and requirements, the Authority shall control and operate and may impose and collect tolls in
 1050 amounts established by the Authority for the use of any new or improved highway, bridge, tunnel, or
 1051 transportation facility to increase capacity on such facility (including new construction relating to, or
 1052 improvements to, the bridges, tunnels, roadways, and related facilities known collectively as the
 1053 Chesapeake Bay Bridge-Tunnel as described in § 33.1-391.12, pursuant to the conditions set forth in
 1054 such section) constructed by the Authority or solely with revenues of the Authority or revenues under
 1055 the control of the Authority. The amount of any such toll may be varied from facility to facility, by
 1056 lane, by congestion levels, by day of the week, time of day, type of vehicle, number of axles, or any
 1057 similar combination thereof, and a reduced rate may be established for commuters as defined by the
 1058 Authority. For purposes of this section, the Midtown and Downtown tunnels located within the Cities of
 1059 Norfolk and Portsmouth shall be considered a single transportation facility and both facilities may be
 1060 tolled if improvements are made to either tunnel. Any tolls imposed by the Authority shall be collected
 1061 by an electronic toll system that, to the extent possible, shall not impede the traffic flow of the facility
 1062 or prohibit a toll facility from retaining means of nonautomated toll collection in some lanes of the
 1063 facility. For all facilities tolled by the Authority, there shall be signs erected prior to the point of toll
 1064 collection that clearly state how the majority of the toll revenue is being spent by the Authority to
 1065 benefit the users of the facility.

1066 § 33.1-391.9. Composition of Authority; chairman and vice-chairman; quorum.

1067 The Authority shall consist of the following members: (i) the chief elected officer of the governing
 1068 body (or in the discretion of the chief elected officer, his designee, who shall be a current elected officer
 1069 of such governing body) of each of the Counties of Isle of Wight, James City, and York and the Cities
 1070 of Chesapeake, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and
 1071 Williamsburg, who shall serve with voting privileges; (ii) a member of the Commonwealth
 1072 Transportation Board who resides in a county or city embraced by the Authority appointed by the
 1073 Governor who shall serve ex officio without a vote; (iii) the Director of the Virginia Department of Rail
 1074 and Public Transportation, or his designee, who shall serve ex officio without a vote; (iv) the
 1075 Commonwealth Transportation Commissioner, or his designee, who shall serve ex officio without a vote;
 1076 (v) two members of the Virginia House of Delegates each of whom shall reside in a city or county
 1077 whose governing body has a voting member on the Authority, neither of whom shall reside in the same
 1078 city or county, appointed by the Speaker of the House of Delegates, who shall serve ex officio without a
 1079 vote; and (vi) one member of the Senate of Virginia who shall reside in a city or county whose
 1080 governing body has a voting member on the Authority, appointed by the Senate Committee on Rules
 1081 who shall serve ex officio without a vote. Legislative members shall serve terms coincident with their
 1082 terms of office. Vacancies shall be filled by appointment for the unexpired term by the same process as
 1083 used to make the original appointment.

1084 The Authority shall appoint a chairman and vice-chairman from among its voting membership.

1085 A majority of the voting members of the Authority shall constitute a quorum for the transaction of
 1086 business.

1087 Decisions of the Authority shall require a quorum and shall be in accordance with voting procedures
 1088 established by the Authority. Decisions of the Authority shall require the affirmative vote of a majority
 1089 of the voting members of the Authority present and voting and such members present and voting in the
 1090 affirmative shall be representatives of counties and cities that collectively include at least fifty-one
 1091 percent of the population embraced by the Authority at the time of the vote. The population of counties
 1092 and cities embraced by the Authority shall be the population as determined by the most recently
 1093 preceding decennial census, except that after July 1 of the fifth year following such census, the
 1094 population of each county and city shall be adjusted, based on final population estimates made by the
 1095 Weldon Cooper Center for Public Service of the University of Virginia.

1096 Members of the Authority shall be reimbursed for their actual and necessary expenses incurred in the
 1097 performance of their duties and, in addition, shall be paid a per diem equal to the amount paid members
 1098 of the Commonwealth Transportation Board for each day or portion thereof during which they are
 1099 engaged in the official business of the Authority.

1100 The Auditor of Public Accounts, or his legally authorized representatives, shall annually audit the
 1101 financial accounts of the Authority, and the cost of such audit shall be borne by the Authority.

1102 § 33.1-391.10. Additional powers of the Authority.

1103 The Authority shall have the following powers together with all powers incidental thereto or
 1104 necessary for the performance of those hereinafter stated:

1105 1. To sue and be sued and to prosecute and defend, at law or in equity, in any court having

1106 jurisdiction of the subject matter and of the parties;

1107 2. To adopt and use a corporate seal and to alter the same at its pleasure;

1108 3. To procure insurance, participate in insurance plans, and provide self-insurance; however, the
1109 purchase of insurance, participation in an insurance plan, or the creation of a self-insurance plan by the
1110 Authority shall not be deemed a waiver or relinquishment of any sovereign immunity to which the
1111 Authority or its officers, directors, employees, or agents are otherwise entitled;

1112 4. To establish bylaws and make all rules and regulations, not inconsistent with the provisions of this
1113 chapter, deemed expedient for the management of the Authority's affairs;

1114 5. To apply for and accept money, materials, contributions, grants, or other financial assistance from
1115 the United States and agencies or instrumentalities thereof, the Commonwealth, and any political
1116 subdivision, agency, or instrumentality of the Commonwealth, and from any legitimate private source;

1117 6. To acquire real and personal property or any interest therein by purchase, lease, gift, or otherwise
1118 for purposes consistent with this chapter; and to hold, encumber, sell, or otherwise dispose of such land
1119 or interest for purposes consistent with this chapter;

1120 7. To acquire by purchase, lease, contract, or otherwise, highways, bridges, tunnels, railroads, rolling
1121 stock, and transit and rail facilities and other transportation-related facilities; and to construct the same
1122 by purchase, lease, contract, or otherwise;

1123 8. In consultation with the Commonwealth Transportation Board and with each city or county in
1124 which the facility or any part thereof is or is to be located, to repair, expand, enlarge, construct,
1125 reconstruct, or renovate any or all of the transportation facilities referred to in this section, and to
1126 acquire any real or personal property needed for any such purpose;

1127 9. To enter into agreements or leases with public or private entities for the operation and
1128 maintenance of bridges, tunnels, transit and rail facilities, and highways;

1129 10. To make and execute contracts, deeds, mortgages, leases, and all other instruments and
1130 agreements necessary or convenient for the performance of its duties and the exercise of its powers and
1131 functions under this chapter;

1132 11. To the extent funds are made or become available to the Authority to do so, to employ
1133 employees, agents, advisors, and consultants, including without limitation, attorneys, financial advisers,
1134 engineers, and other technical advisers and, the provisions of any other law to the contrary
1135 notwithstanding, to determine their duties and compensation;

1136 12. The authority shall comply with the provisions governing localities contained in § 15.2-2108.23;

1137 13. To decide and vote to impose all of the fees and taxes authorized under law for use by the
1138 Authority. Furthermore, no such fee or tax shall apply to Accomack or Northampton County until such
1139 time that the Chesapeake Bay Bridge-Tunnel facilities become subject to the control of the Authority as
1140 provided under § 33.1-391.12; and

1141 14. To the extent not inconsistent with the other provisions of this chapter, and without limiting or
1142 restricting the powers otherwise given the Authority, to exercise all of the powers given to transportation
1143 district commissions by §§ 15.2-4518 and 15.2-4519. The Authority shall only undertake those
1144 transportation projects that are included in the federally mandated 2030 Regional Transportation Plan
1145 approved by the Metropolitan Planning Organization, or any successive plan, and that are located in, or
1146 which provide a benefit to, the counties and cities that are members of the Authority, subject to the
1147 limitations related to those projects contained in this section.

1148 The Authority shall phase construction of the transportation projects that are included in the federally
1149 mandated 2030 Regional Transportation Plan, or any successive plan. Except as specifically provided
1150 herein, projects listed in the second phase shall not be undertaken until the Authority has considered and
1151 acted upon a financing plan for the maintenance, operation, and construction for the projects listed in the
1152 first phase that meet the requirements of this section.

1153 First Phase Projects:

1154 Route 460 Upgrade; I-64 Widening on the Peninsula; I-64 Widening on the Southside; Downtown
1155 Tunnel/Midtown Tunnel/MLK Extension; Southeastern Parkway/Dominion Blvd/Route 17; I-664
1156 Widening in Newport News; I-664 Widening on the Southside; I-664 Monitor Merrimac Memorial
1157 Bridge Tunnel Widening.

1158 Second Phase Projects:

1159 I-564 from I-64 to the Intermodal Connector; I-564 Connector to the Monitor Merrimac Memorial
1160 Bridge Tunnel; Craney Island Connector.

1161 § 33.1-391.11. Authority a responsible public entity under Public-Private Transportation Act of 1995.

1162 The Authority is a responsible public entity as defined in the Public-Private Transportation Act of
1163 1995 (§ 56-556 et seq.) (the PPTA).

1164 It is the intent of the General Assembly that the Authority shall encourage private sector participation
1165 in the aforementioned projects. Any cost savings realized under the PPTA relating to the construction of
1166 first phase projects may be applied to advancing the future construction of second phase projects.

1167 Further, nothing herein shall prohibit the Authority from receiving and acting on PPTA proposals on
1168 projects in either phase.

1169 § 33.1-391.12. Addition of the Chesapeake Bay Bridge-Tunnel to facilities controlled by Authority;
1170 expansion of Authority membership; applicability of local transportation fees to Accomack and
1171 Northampton Counties.

1172 The bridges, tunnels, roadways, and related facilities known collectively as the Chesapeake Bay
1173 Bridge-Tunnel, which provide a vehicular connection across the mouth of the Chesapeake Bay between
1174 the City of Virginia Beach and Northampton County, shall become subject to the control of the
1175 Authority subject to the provisions of § 33.1-391.8, at such time as all of the bonds and other evidences
1176 of debt now or hereafter issued by or on behalf of the Chesapeake Bay Bridge and Tunnel Commission
1177 shall have been satisfied or paid in full.— Until such bonds and other evidences of debt have been
1178 satisfied or paid in full, control of and responsibility for the operation and maintenance of the
1179 Chesapeake Bay Bridge-Tunnel facilities shall remain with the Chesapeake Bay Bridge and Tunnel
1180 Commission.

1181 In discharging its responsibilities for the operation and maintenance of the Chesapeake Bay
1182 Bridge-Tunnel facilities, the Authority shall have, in addition to the powers it is given by this chapter,
1183 all of the powers and authority given to the Chesapeake Bay Bridge and Tunnel Commission by Chapter
1184 693 of the Acts of Assembly of 1954 and by Chapter 714 of the Acts of the Assembly of 1956, as
1185 amended and incorporated by reference as § 33.1-253.

1186 At such time as the Chesapeake Bay Bridge-Tunnel facilities become subject to the control of the
1187 Authority as contemplated by this section, the Authority shall be enlarged by two members, who shall
1188 serve with voting privileges, one of whom shall be the chief elected officer of the governing body of the
1189 County of Accomack (or in the discretion of the chief elected officer, his designee, who shall be a
1190 current elected officer of such governing body), and one of whom shall be the chief elected officer of
1191 the governing body of the County of Northampton (or in the discretion of the chief elected officer, his
1192 designee, who shall be a current elected officer of such governing body).

1193 § 33.1-391.13. Issuance of bonds by the Chesapeake Bay Bridge and Tunnel Commission.

1194 On a prospective basis, prior to issuing any bonds for the purposes of financing the construction of
1195 new or additional tunnels, the Chesapeake Bay Bridge and Tunnel Commission shall affirm that no
1196 bond, or payment of any temporary or interim financing shall have a maturity date that extends beyond
1197 the maturity date of any existing bond or note until such time as the Authority is consulted about such
1198 issuance.

1199 § 33.1-391.14. Continuing responsibilities of the Commonwealth Transportation Board and the
1200 Virginia Department of Transportation.

1201 Except as otherwise explicitly provided in this chapter, until such time as the Authority and the
1202 Virginia Department of Transportation, or the Authority and the Commonwealth Transportation Board,
1203 agree otherwise in writing, the Commonwealth Transportation Board shall allocate funding to and the
1204 Department of Transportation shall perform or cause to be performed all maintenance and operation of
1205 the bridges, tunnels, and roadways pursuant to § 33.1-391.10, and shall perform such other required
1206 services and activities with respect to such bridges, tunnels, and roadways as were being performed on
1207 January 1, 2008.

1208 § 33.1-391.15. Use of revenues by the Authority.

1209 Notwithstanding any other provision of this chapter, all moneys received by the Authority shall be
1210 used by the Authority solely for the benefit of those counties and cities that are embraced by the
1211 Authority, and such moneys shall be used by the Authority in a manner that is consistent with the
1212 purposes stated in this chapter.

1213 § 46.2-206.1. Imposition of certain additional fees on certain drivers.

1214 A. The purpose of the civil remedial fees imposed in this section is to generate revenue from drivers
1215 whose proven dangerous driving behavior places significant financial burdens upon the Commonwealth.
1216 The civil remedial fees established by this section shall be in addition to any other fees, costs, or
1217 penalties imposed pursuant to the Code of Virginia.

1218 B. The civil remedial fees established by this section shall be assessed on any resident of Virginia
1219 operating a motor vehicle on the highways of Virginia, including persons to whom Virginia driver's
1220 licenses, commercial driver's licenses, or learner's permits have been issued pursuant to this title; and
1221 persons operating motor vehicles without licenses or whose license has been revoked or suspended.

1222 C. The court shall assess a person with the following fees upon each conviction of the following
1223 offenses:

1224 1. Driving while his driver's license was suspended or revoked pursuant to § 18.2-272, 46.2-301,
1225 46.2-302, 46.2-341.21, or 46.2-391 shall be assessed a fee to be paid in three annual payments of \$250
1226 each;

1227 2. Reckless driving in violation of Article 7 (§ 46.2-852 et seq.) of Chapter 8 or aggressive driving in
1228 violation of § 46.2-868.1 shall be assessed a fee to be paid in three annual payments of \$350 each;

1229 3. Driving while intoxicated in violation of § 18.2-266, 18.2-266.1, or 46.2-341.24 shall be assessed a
1230 fee to be paid in three annual payments of \$750 each;

1231 4. Any other misdemeanor conviction for a driving and/or motor vehicle related violation of Title
1232 18.2 or this title that is not included in one of the preceding three subdivisions shall be assessed a fee to
1233 be paid in three annual payments of \$300 each; and

1234 5. Any felony conviction for a driving or motor vehicle-related offense under Title 18.2 or this title,
1235 shall be assessed a fee to be paid in three annual payments of \$1,000 each.

1236 D. For the purposes of subsection C:

1237 1. A finding of guilty in the case of a juvenile and a conviction under a substantially similar valid
1238 local ordinance of any locality of the Commonwealth, shall be a conviction.

1239 2. The fees assessed under subsection C shall be implemented in a manner whereby no convictions-
1240 for offenses committed prior to July 1, 2007, shall be considered.

1241 E. The court shall collect, in full, the first annual payment of the fee imposed under subsection C at
1242 the time of conviction and shall order the person assessed a fee to submit the second annual payment to
1243 the Department within 14 calendar months of the date of conviction and the third annual payment to the
1244 Department within 26 months of the date of conviction. When transmitting conviction information to the
1245 Department the court shall also transmit notice that a fee has been imposed under this section and the
1246 deadline upon which the second and third annual payments must be submitted to the Department. The
1247 court shall order suspension of the driver's license or privilege to drive a motor vehicle in Virginia as
1248 provided in § 46.2-395 of any person failing to pay the first annual payment of the fee assessed under
1249 subsection C.

1250 F. For all convictions reported to the Department for which fees are established under subsection C,
1251 the person assessed the fee shall submit the second annual payment to the Commissioner within 14
1252 calendar months of the date of conviction and the third annual payment within 26 months of the date of
1253 conviction. The Commissioner, or his designee, shall establish guidelines, policies, or procedures to
1254 notify every person assessed a fee pursuant to subsection C of the second and the third annual
1255 payments. If the person fails to make such payment, the Commissioner shall suspend his driver's license
1256 or privilege to operate a motor vehicle in Virginia. No license shall be reissued or reinstated until all
1257 fees assessed pursuant to this section have been paid and all other reinstatement requirements as
1258 provided in this title have been satisfied.

1259 G. In addition to any fees set forth in subsection C, any person whose driver's record with the
1260 Department shows a balance of eight or more driver demerit points on July 15 shall be assessed a fee of
1261 \$100 plus \$75 for each demerit point in excess of eight, but not greater than \$700, provided that only
1262 those demerit points attributable to offenses which occurred on or after July 1, 2007 shall be used to
1263 calculate and assess such fees.

1264 H. The Commissioner, or his designee, shall assess the fees set forth in subsection G annually,
1265 beginning on July 15, 2007.

1266 I. The Commissioner, or his designee, shall establish guidelines, policies, or procedures to notify
1267 every person assessed a fee pursuant to subsection G. If any assessment made under subsection G
1268 remains unpaid 60 days following the date on which the notice of assessment was mailed, the
1269 Commissioner shall suspend the driver's license or privilege to drive a motor vehicle in Virginia of the
1270 person against whom the assessment was imposed. No license shall be reissued or reinstated until all
1271 fees assessed pursuant to this section have been paid and all other reinstatement requirements as
1272 provided in this title have been satisfied.

1273 J. In the event that a person disputes a conviction on his driver's record based upon identity, if the
1274 person presents the Department a certified copy of a petition to a court of competent jurisdiction seeking
1275 to vacate an order of such conviction, the Department shall suspend the imposition of the assessment.
1276 Such suspension shall be valid for one year from the date of the commencement or until 30 days after
1277 an entry of a final order on such petition, whichever occurs first.

1278 K. Funds collected through the imposition of the fees as provided for in this section shall be used to
1279 pay the Department's cost in imposing and collecting such assessments as provided in the general
1280 appropriation act, and any remainder shall be deposited into the Highway Maintenance and Operating
1281 Fund.

1282 § 46.2-694. Fees for vehicles designed and used for transportation of passengers; weights used for
1283 computing fees; burden of proof.

1284 A. The annual registration fees for motor vehicles, trailers, and semitrailers designed and used for the
1285 transportation of passengers on the highways in the Commonwealth are:

1286 1. Thirty-three dollars for each private passenger car or motor home if the passenger car or motor
1287 home weighs 4,000 pounds or less, provided that it is not used for the transportation of passengers for
1288 compensation and is not kept or used for rent or for hire, or is not operated under a lease without a
1289 chauffeur.

1290 2. Thirty-eight dollars for each passenger car or motor home which weighs more than 4,000 pounds,
1291 provided that it is not used for the transportation of passengers for compensation and is not kept or used
1292 for rent or for hire, or is not operated under a lease without a chauffeur.

1293 3. Thirty cents per 100 pounds or major fraction thereof for a private motor vehicle other than a
1294 motorcycle with a normal seating capacity of more than 10 adults including the driver if the private
1295 motor vehicle is not used for the transportation of passengers for compensation and is not kept or used
1296 for rent or for hire or is not operated under a lease without a chauffeur. In no case shall the fee be less
1297 than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000
1298 pounds.

1299 4. Thirty cents per 100 pounds or major fraction thereof for a school bus. In no case shall the fee be
1300 less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000
1301 pounds.

1302 5. Twenty-three dollars for each trailer or semitrailer designed for use as living quarters for human
1303 beings.

1304 6. Thirteen dollars plus \$ 0.30 per 100 pounds or major fraction thereof for each motor vehicle,
1305 trailer, or semitrailer used as a common carrier of passengers, operating either intrastate or interstate.
1306 Interstate common carriers of interstate passengers may elect to be licensed and pay the fees prescribed
1307 in subdivision 7 of this subsection on submission to the Commissioner of a declaration of operations and
1308 equipment as he may prescribe. An additional \$5 shall be charged if the motor vehicle weighs more
1309 than 4,000 pounds.

1310 7. Thirteen dollars plus \$ 0.70 per 100 pounds or major fraction thereof for each motor vehicle,
1311 trailer, or semitrailer used as a common carrier of interstate passengers if election is made to be licensed
1312 under this subsection. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000
1313 pounds. In lieu of the foregoing fee of \$ 0.70 per 100 pounds, a motor carrier of passengers, operating
1314 two or more vehicles both within and outside the Commonwealth and registered for insurance purposes
1315 with the Surface Transportation Board of the United States Department of Transportation, Federal
1316 Highway Administration, may apply to the Commissioner for prorated registration. Upon the filing of
1317 such application, in such form as the Commissioner may prescribe, the Commissioner shall apportion the
1318 registration fees provided in this subsection so that the total registration fees to be paid for such vehicles
1319 of such carrier shall be that proportion of the total fees, if there were no apportionment, that the total
1320 number of miles traveled by such vehicles of such carrier within the Commonwealth bears to the total
1321 number of miles traveled by such vehicles within and outside the Commonwealth. Such total mileage in
1322 each instance is the estimated total mileage to be traveled by such vehicles during the license year for
1323 which such fees are paid, subject to the adjustment in accordance with an audit to be made by
1324 representatives of the Commissioner at the end of such license year, the expense of such audit to be
1325 borne by the carrier being audited. Each vehicle passing into or through Virginia shall be registered and
1326 licensed in Virginia and the annual registration fee to be paid for each such vehicle shall not be less
1327 than \$33. For the purpose of determining such apportioned registration fees, only those motor vehicles,
1328 trailers, or semitrailers operated both within and outside the Commonwealth shall be subject to inclusion
1329 in determining the apportionment provided for herein.

1330 8. Thirteen dollars plus \$ 0.80 per 100 pounds or major fraction thereof for each motor vehicle,
1331 trailer or semitrailer kept or used for rent or for hire or operated under a lease without a chauffeur for
1332 the transportation of passengers. An additional fee of \$5 shall be charged if the vehicle weighs more
1333 than 4,000 pounds. This subsection does not apply to vehicles used as common carriers.

1334 9. Twenty-three dollars for a taxicab or other vehicle which is kept for rent or hire operated with a
1335 chauffeur for the transportation of passengers, and which operates or should operate under permits issued
1336 by the Department as required by law. An additional fee of \$5 shall be charged if the vehicle weighs
1337 more than 4,000 pounds. This subsection does not apply to vehicles used as common carriers.

1338 10. Eighteen dollars for a motorcycle, with or without a sidecar. To this fee shall be added a
1339 surcharge of \$3 which shall be distributed as provided in § 46.2-1191.

1340 11. Twenty-three dollars for a bus used exclusively for transportation to and from church school, for
1341 the purpose of religious instruction, or church, for the purpose of divine worship. If the empty weight of
1342 the vehicle exceeds 4,000 pounds, the fee shall be \$28.

1343 12. Thirteen dollars plus \$ 0.70 per 100 pounds or major fraction thereof for other passenger-carrying
1344 vehicles.

1345 13. An additional fee of \$4 per year shall be charged and collected at the time of registration of each
1346 pickup or panel truck and each motor vehicle under subdivisions 1 through 12 of this subsection. All
1347 funds collected pursuant to this subdivision shall be paid into the state treasury and shall be set aside as
1348 a special fund to be used only for emergency medical service purposes. The moneys in the special fund
1349 shall be distributed as follows:

1350 a. Two percent shall be distributed to the State Department of Health to provide funding to the
1351 Virginia Association of Volunteer Rescue Squads to be used solely for the purpose of conducting

1352 volunteer recruitment, retention and training activities;
 1353 b. Thirty percent shall be distributed to the State Department of Health to support (i) emergency
 1354 medical services training programs (excluding advanced life support classes); (ii) advanced life support
 1355 training; (iii) recruitment and retention programs (all funds for such support shall be used to recruit and
 1356 retain volunteer emergency medical services personnel only, including public awareness campaigns,
 1357 technical assistance programs, and similar activities); (iv) emergency medical services system
 1358 development, initiatives, and priorities based on needs identified by the State Emergency Medical
 1359 Services Advisory Board; (v) local, regional, and statewide performance contracts for emergency medical
 1360 services to meet the objectives stipulated in § 32.1-111.3; (vi) technology and radio communication
 1361 enhancements; and (vii) improved emergency preparedness and response. Any funds set aside for
 1362 distribution under this provision and remaining undistributed at the end of any fiscal year shall revert to
 1363 the Rescue Squad Assistance Fund;

1364 c. Thirty-two percent shall be distributed to the Rescue Squad Assistance Fund;

1365 d. Ten percent shall be available to the State Department of Health's Office of Emergency Medical
 1366 Services for use in emergency medical services; and

1367 e. Twenty-six percent shall be returned by the Comptroller to the locality wherein such vehicle is
 1368 registered, to provide funding for training of volunteer or salaried emergency medical service personnel
 1369 of licensed, nonprofit emergency medical services agencies and for the purchase of necessary equipment
 1370 and supplies for use in such locality for licensed, nonprofit emergency medical and rescue services.

1371 The Comptroller shall clearly designate on the warrant, check, or other means of transmitting these
 1372 funds that such moneys are only to be used for purposes set forth in this subdivision. Such funds shall
 1373 be in addition to any local appropriations and local governing bodies shall not use these funds to
 1374 supplant local funds. Each local governing body shall report annually to the Board of Health on the use
 1375 of the funds returned to it pursuant to this section. In any case in which the local governing body grants
 1376 the funds to a regional emergency medical services council to be distributed to the licensed, nonprofit
 1377 emergency medical and rescue services, the local governing body shall remain responsible for the proper
 1378 use of the funds. If, at the end of any fiscal year, a report on the use of the funds returned to the
 1379 locality pursuant to this section for that year has not been received from a local governing body, any
 1380 funds due to that local governing body for the next fiscal year shall be retained until such time as the
 1381 report has been submitted to the Board.

1382 B. All motor vehicles, trailers, and semitrailers registered as provided in subsection B of § 46.2-646
 1383 shall pay a registration fee equal to one-twelfth of all fees required by subsection A of this section or
 1384 § 46.2-697 for such motor vehicle, trailer, or semitrailer, computed to the nearest cent, multiplied by the
 1385 number of months in the registration period for such motor vehicles, trailers, and semitrailers.

1386 C. The manufacturer's shipping weight or scale weight shall be used for computing all fees required
 1387 by this section to be based upon the weight of the vehicle.

1388 D. The applicant for registration bears the burden of proof that the vehicle for which registration is
 1389 sought is entitled by weight, design, and use to be registered at the fee tendered by the applicant to the
 1390 Commissioner or to his authorized agent.

1391 § 46.2-694.1. Fees for trailers and semitrailers not designed and used for transportation of passengers.

1392 Unless otherwise specified in this title, the registration fees for trailers and semitrailers not designed
 1393 and used for the transportation of passengers on the highways in the Commonwealth shall be as follows:

1394 Registered Gross Weight	1-Year Fee	2-Year Fee	Permanent Fee
1395 0-1,500 lbs	\$18.00	\$36.00	\$70.00
1396 1,501-4,000 lbs	\$28.50	\$57.00	\$75.00
1397 4,001 lbs & above	\$40.00	\$80.00	\$100.00

1398 From the foregoing registration fees, the following amounts, regardless of weight category, shall be
 1399 paid by the Department into the state treasury and set aside for the payment of the administrative costs
 1400 of the safety inspection program provided for in Article 21 (§ 46.2-1157 et seq.) of Chapter 10 of this
 1401 title: (i) from each one-year registration fee, one dollar and fifty cents; (ii) from each two-year
 1402 registration fee, three dollars; and (iii) from each permanent registration fee, four dollars.

1403 § 46.2-697. Fees for vehicles not designed or used for transportation of passengers.

1404 A. Except as otherwise provided in this section, the fee for registration of all motor vehicles not
 1405 designed and used for the transportation of passengers shall be \$23 plus an amount determined by the
 1406 gross weight of the vehicle or combination of vehicles of which it is a part, when loaded to the
 1407 maximum capacity for which it is registered and licensed, according to the schedule of fees set forth in
 1408 this section. For each 1,000 pounds of gross weight, or major fraction thereof, for which any such
 1409 vehicle is registered, there shall be paid to the Commissioner the fee indicated in the following schedule
 1410 immediately opposite the weight group and under the classification established by the provisions of
 1411 subsection B of § 46.2-711 into which such vehicle, or any combination of vehicles of which it is a part,
 1412 falls when loaded to the maximum capacity for which it is registered and licensed. The fee for a pickup

1413 or panel truck shall be \$33 if its gross weight is 4,000 pounds or less, and \$38 if its gross weight is
 1414 4,001 pounds through 6,500 pounds. The fee shall be \$39 for any motor vehicle with a gross weight of
 1415 6,501 pounds through 10,000 pounds.

1416	Fee Per Thousand Pounds of Gross Weight	
1417	Private	For Rent or
1418	Carriers	For Hire Carriers
1419	-----	
1420	10,001 - 11,000	\$3.17 \$4.75
1421	11,001 - 12,000	3.42 4.90
1422	12,001 - 13,000	3.66 5.15
1423	13,001 - 14,000	3.90 5.40
1424	14,001 - 15,000	4.15 5.65
1425	15,001 - 16,000	4.39 5.90
1426	16,001 - 17,000	4.88 6.15
1427	17,001 - 18,000	5.37 6.40
1428	18,001 - 19,000	5.86 7.50
1429	19,001 - 20,000	6.34 7.70
1430	20,001 - 21,000	6.83 7.90
1431	21,001 - 22,000	7.32 8.10
1432	22,001 - 23,000	7.81 8.30
1433	23,001 - 24,000	8.30 8.50
1434	24,001 - 25,000	8.42 8.70
1435	25,001 - 26,000	8.48 8.90
1436	26,001 - 27,000	10.07 10.35
1437	27,001 - 28,000	10.13 10.55
1438	28,001 - 29,000	10.18 10.75
1439	29,001 - 40,000	10.31 10.95
1440	40,001 - 45,000	10.43 11.15
1441	45,001 - 50,000	10.68 11.25
1442	50,001 - 55,000	11.29 13.25
1443	55,001 - 76,000	13.73 15.25
1444	76,001 - 80,000	16.17 16.25

1445 For all such motor vehicles exceeding a gross weight of 6,500 pounds, an additional fee of five
 1446 dollars shall be imposed.

1447 B. In lieu of registering any motor vehicle referred to in this section for an entire licensing year, the
 1448 owner may elect to register the vehicle only for one or more quarters of a licensing year, and in such
 1449 case, the fee shall be twenty-five percent of the annual fee plus five dollars for each quarter that the
 1450 vehicle is registered.

1451 C. When an owner elects to register and license a motor vehicle under subsection B of this section,
 1452 the provisions of §§ 46.2-646 and 46.2-688 shall not apply.

1453 D. Notwithstanding any other provision of law, no vehicle designed, equipped, and used to tow
 1454 disabled or inoperable motor vehicles shall be required to register in accordance with any gross weight
 1455 other than the gross weight of the towing vehicle itself, exclusive of any vehicle being towed.

1456 E. All registrations and licenses issued for less than a full year shall expire on the date shown on the
 1457 license and registration.

1458 § 46.2-702.1. Distribution of certain revenue.

1459 A. Except as provided in subsection B, the net additional revenues generated by increases in the
 1460 registration fees under §§ 46.2-694, 46.2-694.1, and 46.2-697 pursuant to enactments of the 2007
 1461 Session of the General Assembly, shall be deposited into the Highway Maintenance and Operating Fund.

1462 B. In the case of vehicles registered under the International Registration Plan, an amount that is
 1463 approximately equal to the net additional revenues generated by increases in the registration fees under
 1464 §§ 46.2-694, 46.2-694.1, and 46.2-697 that are in regard to such vehicles pursuant to enactments of the
 1465 2007 Session of the General Assembly shall be deposited into the Highway and Maintenance Operating
 1466 Fund.

1467 C. For purposes of this title, "net additional revenues" shall mean the additional revenues provided
 1468 pursuant to enactments of the 2007 Session of the General Assembly minus any refunds or remittances
 1469 required to be paid.

1470 § 46.2-755.1. Additional annual license fees in certain localities.

1471 In addition to taxes and license fees imposed pursuant to § 46.2-752 and to all other taxes and fees

1472 permitted by law, the Hampton Roads Transportation Authority established pursuant to § 33.1-391.7 and
 1473 the Northern Virginia Transportation Authority established pursuant to § 15.2-4830 are is authorized to
 1474 charge an additional non-refundable annual license fee in the amount of \$10 for each vehicle registered
 1475 in any county or city that is embraced by the respective Authority, for such vehicles subject to state
 1476 registration fees under this Title. Such additional license fees shall not, however, be charged for any
 1477 vehicle registered under the International Registration Plan developed by International Registration Plan,
 1478 Inc. *The fee authorized by this section shall not be collectable or collected by any licensed motor*
 1479 *vehicle dealer.*

1480 § 46.2-755.2. Additional initial registration fees in certain localities.

1481 In addition to taxes and license fees imposed pursuant to § 46.2-752 and to all other taxes and fees
 1482 permitted by law, the Hampton Roads Transportation Authority established pursuant to § 33.1-391.7 and
 1483 the Northern Virginia Transportation Authority established pursuant to § 15.2-4830 are is authorized to
 1484 charge an additional non-refundable initial, one-time registration fee on any vehicle registered in any
 1485 county or city that is embraced by the respective Authority, for such vehicles subject to state registration
 1486 fees under this Title. The fee shall be imposed at a rate of 1% of the value of the vehicle at the time
 1487 the vehicle is first registered in such county or city by the owner of the vehicle. The value of the
 1488 vehicle shall be determined on the same basis as is or would be used to determine the basis for motor
 1489 vehicle sales and use tax as set forth in Chapter 24 (§ 58.1-2400 et seq.) of Title 58.1. The fee
 1490 authorized by this section shall be assessed at the time the vehicle is first registered in the county or city
 1491 embraced by the respective Authority by the owner of the vehicle, and shall be imposed only once, so
 1492 long as the ownership of the vehicle upon which they are imposed remains unchanged. *The fee*
 1493 *authorized by this section shall not be collectable or collected by any licensed motor vehicle dealer.*

1494 The fee authorized by this section shall not be imposed upon (i) vehicles registered prior to January
 1495 1, 2008 unless the ownership of the vehicle changes on or after January 1, 2008; (ii) vehicles registered
 1496 under the International Registration Plan developed by International Registration Plan, Inc.; and (iii) any
 1497 vehicle for which the sole basis for imposing the fee would be a change in the ownership of the vehicle
 1498 due to (a) a gift to the spouse, son, or daughter of the transferor, (b) a transfer to a spouse, heir under
 1499 the will, or heir at law by intestate succession as a result of the death of the owner of the vehicle, or (c)
 1500 the addition or removal of a spouse.

1501 § 46.2-1135. Liquidated damages for violation of weight limits.

1502 A. Any person violating any weight limit as provided in this chapter or in any permit issued pursuant
 1503 to Article 18 (§ 46.2-1139 et seq.) of this chapter by the Department or its designee or by local
 1504 authorities pursuant to this chapter shall be assessed liquidated damages. The amount of those damages
 1505 shall be:

1506	Excess weight over	
1507	the prescribed	
1508	or permitted	Assessed
1509	axle weight	amount per
1510	limits	pound
1511		
1512		
1513	2,000 pounds or less	1 cent per pound
1514	2,001 to 4,000 pounds	3 cents per pound
1515	4,001 to 8,000 pounds	12 cents per pound
1516	8,001 to 12,000 pounds	22 cents per pound
1517	12,001 pounds or more	35 cents per pound

1518	Excess weight over	
1519	the prescribed	Assessed
1520	gross weight	amount per
1521	limit	pound

1522		
1523		
1524		
1525	2,000 pounds or less	1 cent per pound
1526	2,001 to 4,000 pounds	3 cents per pound
1527	4,001 to 8,000 pounds	7 cents per pound
1528	8,001 to 12,000 pounds	12 cents per pound
1529	12,001 pounds or more	20 cents per pound

1530 All gross permit violations shall be assessed \$.20 per pound over the permitted weight limit.

1531 In addition to all damages assessed herein, for every violation of any weight limit as provided in this
 1532 chapter or in any permit issued pursuant to Article 18 (§ 46.2-1139 et seq.) of this chapter, there shall
 1533 be assessed additional liquidated damages of \$20.

1534 If a person has no prior violations under the motor vehicle weight laws, and the excess weight does
 1535 not exceed 1,500 pounds, the general district court may waive the liquidated damages against such
 1536 person. Except as provided by § 46.2-1138, such assessment shall be entered by the court or by the
 1537 Department as a judgment for the Commonwealth, the entry of which shall constitute a lien upon the
 1538 overweight vehicle. Except as provided by § 46.2-1138, such sums shall be paid to the Department or
 1539 collected by the attorney for the Commonwealth and forwarded to the State Treasurer and allocated to
 1540 the fund appropriated for the construction and maintenance of state highways.

1541 B. If the gross weight of the vehicle exceeds lawful limits by at least 25 percent but no more than
 1542 50 percent, the amount of the liquidated damages shall be two times the amount provided for in the
 1543 foregoing provisions of this section; if the gross weight of the vehicle exceeds lawful limits by more
 1544 than 50 percent, the amount of the liquidated damages shall be three times the amount provided for in
 1545 the foregoing provisions of this section. The provisions of this subsection shall not apply to pickup or
 1546 panel trucks.

1547 C. The increases in the liquidated damages under subsection A pursuant to enactments of the 2007
 1548 Session of the General Assembly shall not be applicable to any motor vehicle hauling forest or farm
 1549 products from the place where such products are first produced, cut, harvested, or felled to the location
 1550 where they are first processed. The amount of liquidated damages assessed against such motor vehicles
 1551 shall be:

1552 Excess weight over	1553 Assessed
1554 the prescribed or	1554 amount per
1555 permitted axle	1555 pound
1556 weight limits	
1557	
1558 4,000 pounds or less	1 cent per pound
1559 4,001 to 8,000 pounds	10 cents per pound
1560 8,001 to 12,000 pounds	20 cents per pound
1561 12,001 pounds or more	30 cents per pound

1564 Excess weight over	1564 Assessed
1565 the prescribed gross	1565 amount per
1566 weight limit	1566 pound
1567	
1568	
1569 4,000 pounds or less	1 cent per pound
1570 4,001 to 8,000 pounds	5 cents per pound
1571 8,001 to 12,000 pounds	10 cents per pound
1572 12,001 pounds or more	15 cents per pound

1573 § 46.2-1167.1. Additional fee permitted in certain counties and cities.

1574 In addition to all other charges and fees permitted by law, ~~the Hampton Roads Transportation~~
 1575 ~~Authority and the Northern Virginia Transportation Authority are~~ *is* authorized to charge an additional
 1576 fee at the time of inspection in the amount of \$10 for all vehicles for which an amount is permitted to
 1577 be charged for inspection pursuant to § 46.2-1167 in the area embraced by the ~~respective~~ Authority and
 1578 which shall be transmitted to the ~~respective~~ Authority.

1579 § 58.1-605. To what extent and under what conditions cities and counties may levy local sales taxes;
 1580 collection thereof by Commonwealth and return of revenue to each city or county entitled thereto.

1581 A. No county, city or town shall impose any local general sales or use tax or any local general retail
 1582 sales or use tax except as authorized by this section.

1583 B. The council of any city and the governing body of any county may levy a general retail sales tax
 1584 at the rate of one percent to provide revenue for the general fund of such city or county. Such tax shall
 1585 be added to the rate of the state sales tax imposed by §§ 58.1-603 and 58.1-604 and shall be subject to
 1586 all the provisions of this chapter and the rules and regulations published with respect thereto. No
 1587 discount under § 58.1-622 shall be allowed on a local sales tax.

1588 C. The council of any city and the governing body of any county desiring to impose a local sales tax
 1589 under this section may do so by the adoption of an ordinance stating its purpose and referring to this
 1590 section, and providing that such ordinance shall be effective on the first day of a month at least 60 days

1591 after its adoption. A certified copy of such ordinance shall be forwarded to the Tax Commissioner so
1592 that it will be received within five days after its adoption.

1593 D. Any local sales tax levied under this section shall be administered and collected by the Tax
1594 Commissioner in the same manner and subject to the same penalties as provided for the state sales tax.

1595 E. All local sales tax moneys collected by the Tax Commissioner under this section shall be paid
1596 into the state treasury to the credit of a special fund which is hereby created on the Comptroller's books
1597 under the name "Collections of Local Sales Taxes." Such local sales tax moneys shall be credited to the
1598 account of each particular city or county levying a local sales tax under this section. The basis of such
1599 credit shall be the city or county in which the sales were made as shown by the records of the
1600 Department and certified by it monthly to the Comptroller, namely, the city or county of location of
1601 each place of business of every dealer paying the tax to the Commonwealth without regard to the city or
1602 county of possible use by the purchasers. If a dealer has any place of business located in more than one
1603 political subdivision by reason of the boundary line or lines passing through such place of business, the
1604 amount of sales tax paid by such a dealer with respect to such place of business shall be treated for the
1605 purposes of this section as follows: one-half shall be assignable to each political subdivision where two
1606 are involved, one-third where three are involved, and one-fourth where four are involved.

1607 F. As soon as practicable after the local sales tax moneys have been paid into the state treasury in
1608 any month for the preceding month, the Comptroller shall draw his warrant on the Treasurer of Virginia
1609 in the proper amount in favor of each city or county entitled to the monthly return of its local sales tax
1610 moneys, and such payments shall be charged to the account of each such city or county under the
1611 special fund created by this section. If errors are made in any such payment, or adjustments are
1612 otherwise necessary, whether attributable to refunds to taxpayers, or to some other fact, the errors shall
1613 be corrected and adjustments made in the payments for the next six months as follows: one-sixth of the
1614 total adjustment shall be included in the payments for the next six months. In addition, the payment
1615 shall include a refund of amounts erroneously not paid to the city or county and not previously refunded
1616 during the three years preceding the discovery of the error. A correction and adjustment in payments
1617 described in this subsection due to the misallocation of funds by the dealer shall be made within three
1618 years of the date of the payment error.

1619 G. Such payments to counties are subject to the qualification that in any county wherein is situated
1620 any incorporated town constituting a special school district and operated as a separate school district
1621 under a town school board of three members appointed by the town council, the county treasurer shall
1622 pay into the town treasury for general governmental purposes the proper proportionate amount received
1623 by him in the ratio that the school age population of such town bears to the school age population of
1624 the entire county. If the school age population of any town constituting a separate school district is
1625 increased by the annexation of territory since the last preceding school age population census, such
1626 increase shall, for the purposes of this section, be added to the school age population of such town as
1627 shown by the last such census and a proper reduction made in the school age population of the county
1628 or counties from which the annexed territory was acquired.

1629 H. One-half of such payments to counties are subject to the further qualification, other than as set
1630 out in subsection G above, that in any county wherein is situated any incorporated town not constituting
1631 a separate special school district which has complied with its charter provisions providing for the
1632 election of its council and mayor for a period of at least four years immediately prior to the adoption of
1633 the sales tax ordinance, the county treasurer shall pay into the town treasury of each such town for
1634 general governmental purposes the proper proportionate amount received by him in the ratio that the
1635 school age population of each such town bears to the school age population of the entire county, based
1636 on the latest statewide school census. The preceding requirement pertaining to the time interval between
1637 compliance with election provisions and adoption of the sales tax ordinance shall not apply to a tier-city.
1638 If the school age population of any such town not constituting a separate special school district is
1639 increased by the annexation of territory or otherwise since the last preceding school age population
1640 census, such increase shall, for the purposes of this section, be added to the school age population of
1641 such town as shown by the last such census and a proper reduction made in the school age population
1642 of the county or counties from which the annexed territory was acquired.

1643 I. Notwithstanding the provisions of subsection H, the board of supervisors of a county may, in its
1644 discretion, appropriate funds to any incorporated town not constituting a separate school district within
1645 such county which has not complied with the provisions of its charter relating to the elections of its
1646 council and mayor, an amount not to exceed the amount it would have received from the tax imposed
1647 by this chapter if such election had been held.

1648 J. It is further provided that if any incorporated town which would otherwise be eligible to receive
1649 funds from the county treasurer under subsection G or H of this section be located in a county which
1650 does not levy a general retail sales tax under the provisions of this law, such town may levy a general
1651 retail sales tax at the rate of one percent to provide revenue for the general fund of the town, subject to

1652 all the provisions of this section generally applicable to cities and counties. Any tax levied under the
1653 authority of this subsection shall in no case continue to be levied on or after the effective date of a
1654 county ordinance imposing a general retail sales tax in the county within which such town is located.

1655 K. 1. Notwithstanding the other provisions of this chapter, the Hampton Roads Transportation
1656 Authority and the Northern Virginia Transportation Authority may impose a retail sales tax at the rate of
1657 5% on (i) charges for separately stated labor or services in the repair of motor vehicles and (ii) charges
1658 for the repair of a motor vehicle in cases in which the true object of the repair is a service provided
1659 within a city or county embraced by the respective Authority.

1660 2. The revenue generated and collected pursuant to the tax authorized under this subsection, less the
1661 applicable portion of any refunds to taxpayers and after subtraction of the direct costs of administration
1662 by the Department, shall be deposited and held in a special trust fund under the control of the State
1663 Treasurer entitled "Special Sales and Use Tax Motor Vehicle Repair Fund." The State Treasurer on a
1664 monthly basis shall distribute the amounts deposited in the special trust fund to the Hampton Roads
1665 Transportation Authority or the Northern Virginia Transportation Authority as appropriate.

1666 3. No discount under § 58.1-622 shall be allowed for the tax described under this subsection. Except
1667 as otherwise provided herein, the tax under this subsection shall be administered and collected in the
1668 same manner and subject to the same penalties as provided for the local retail sales tax. § 58.1-606. To
1669 what extent and under what conditions cities and counties may levy local use tax; collection thereof by
1670 Commonwealth and return of revenues to the cities and counties.

1671 § 58.1-606. To what extent and under what conditions cities and counties may levy local use tax;
1672 collection thereof by Commonwealth and return of revenues to the cities and counties.

1673 A. The council of any city and the governing body of any county which has levied or may hereafter
1674 levy a city or county sales tax under § 58.1-605 may levy a city or county use tax at the rate of one
1675 percent to provide revenue for the general fund of such city or county. Such tax shall be added to the
1676 rate of the state use tax imposed by this chapter and shall be subject to all the provisions of this chapter,
1677 and all amendments thereof, and the rules and regulations published with respect thereto, except that no
1678 discount under § 58.1-622 shall be allowed on a local use tax.

1679 B. The council of any city and the governing body of any county desiring to impose a local use tax
1680 under this section may do so in the manner following:

1681 1. If the city or county has previously imposed the local sales tax authorized by § 58.1-605, the local
1682 use tax may be imposed by the council or governing body by the adoption of a resolution by a majority
1683 of all the members thereof, by a recorded yea and nay vote, stating its purpose and referring to this
1684 section, and providing that the local use tax shall become effective on the first day of a month at least
1685 60 days after the adoption of the resolution. A certified copy of such resolution shall be forwarded to
1686 the Tax Commissioner so that it will be received within five days after its adoption. The resolution
1687 authorized by this paragraph may be adopted in the manner stated notwithstanding any other provision
1688 of law, including any charter provision.

1689 2. If the city or county has not imposed the local sales tax authorized by § 58.1-605, the local use
1690 tax may be imposed by ordinance together with the local sales tax in the manner set out in subsections
1691 B and C of § 58.1-605.

1692 C. Any local use tax levied under this section shall be administered and collected by the Tax
1693 Commissioner in the same manner and subject to the same penalties as provided for the state use tax.

1694 D. The local use tax authorized by this section shall not apply to transactions to which the sales tax
1695 applies, the situs of which for state and local sales tax purposes is the city or county of location of each
1696 place of business of every dealer paying the tax to the Commonwealth without regard to the city or
1697 county of possible use by the purchasers. However, the local use tax authorized by this section shall
1698 apply to tangible personal property purchased without this Commonwealth for use or consumption
1699 within the city or county imposing the local use tax, or stored within the city or county for use or
1700 consumption, where the property would have been subject to the sales tax if it had been purchased
1701 within this Commonwealth. The local use tax shall also apply to leases or rentals of tangible personal
1702 property where the place of business of the lessor is without this Commonwealth and such leases or
1703 rentals are subject to the state tax. Moreover, the local use tax shall apply in all cases in which the state
1704 use tax applies.

1705 E. Out-of-state dealers who hold certificates of registration to collect the use tax from their customers
1706 for remittance to this Commonwealth shall, to the extent reasonably practicable, in filing their monthly
1707 use tax returns with the Tax Commissioner, break down their shipments into this Commonwealth by
1708 cities and counties so as to show the city or county of destination. If, however, the out-of-state dealer is
1709 unable accurately to assign any shipment to a particular city or county, the local use tax on the tangible
1710 personal property involved shall be remitted to the Commonwealth by such dealer without attempting to
1711 assign the shipment to any city or county.

1712 F. Local use tax revenue shall be distributed among the cities and counties for which it is collected,
1713 respectively, as shown by the records of the Department, and the procedure shall be the same as that

1714 prescribed for distribution of local sales tax revenue under § 58.1-605. The local use tax revenue that is
 1715 not accurately assignable to a particular city or county shall be distributed monthly by the appropriate
 1716 state authorities among the cities and counties in this Commonwealth imposing the local use tax upon
 1717 the basis of taxable retail sales in the respective cities and counties in which the local sales and use tax
 1718 was in effect in the taxable month involved, as shown by the records of the Department, and computed
 1719 with respect to taxable retail sales as reflected by the amounts of the local sales tax revenue distributed
 1720 among such cities and counties, respectively, in the month of distribution. Notwithstanding any other
 1721 provision of this section, the Tax Commissioner shall develop a uniform method to distribute local use
 1722 tax. Any significant changes to the method of local use tax distribution shall be phased in over a
 1723 five-year period. Distribution information shall be shared with the affected localities prior to
 1724 implementation of the changes.

1725 G. All local use tax revenue shall be used, applied or disbursed by the cities and counties as
 1726 provided in § 58.1-605 with respect to local sales tax revenue.

1727 H. 1. Notwithstanding the other provisions of this chapter, ~~the Hampton Roads Transportation~~
 1728 ~~Authority and~~ the Northern Virginia Transportation Authority may impose a retail use tax at the rate of
 1729 5% on (i) charges for separately stated labor or services for the repair of motor vehicles and (ii) charges
 1730 for the repair of a motor vehicle in cases in which the true object of the repair is a service provided
 1731 within a city or county embraced by the ~~respective~~ Authority.

1732 2. The revenue generated and collected pursuant to the tax authorized under this subsection, less the
 1733 applicable portion of any refunds to taxpayers and after subtraction of the direct costs of administration
 1734 by the Department, shall be deposited and held in a special trust fund under the control of the State
 1735 Treasurer entitled "Special Sales and Use Tax Motor Vehicle Repair Fund." The State Treasurer on a
 1736 monthly basis shall distribute the amounts deposited in the special trust fund to the ~~Hampton Roads~~
 1737 ~~Transportation Authority or the Northern Virginia Transportation Authority as appropriate.~~

1738 3. No discount under § 58.1-622 shall be allowed for the tax described under this subsection. Except
 1739 as otherwise provided herein, the tax under this subsection shall be administered and collected in the
 1740 same manner and subject to the same penalties as provided for the local retail use tax.

1741 § 58.1-625.1. Certain dealers required to separately state labor or service charges in the repair of
 1742 motor vehicles.

1743 Any dealer or other person required to collect any tax imposed under this chapter, or pursuant to any
 1744 authority granted under this chapter, who is located in any county or city embraced by the Northern
 1745 Virginia Transportation Authority established under § 15.2-4830 ~~or the Hampton Roads Transportation~~
 1746 ~~Authority established under § 33.1-391.7~~, shall separately state on any bill, invoice, ticket, or other
 1747 billing statement the amount charged by such dealer or person for labor or services performed in the
 1748 repair of motor vehicles. This section shall apply only ~~in the counties or cities embraced by the~~
 1749 ~~Northern Virginia Transportation Authority~~ if the Authority is imposing the taxes authorized pursuant to
 1750 subsection K of § 58.1-605 and subsection H of § 58.1-606; ~~or in the counties or cities embraced by the~~
 1751 ~~Hampton Roads Transportation Authority~~ if the Authority is imposing the taxes authorized pursuant to
 1752 subsection K of § 58.1-605 and subsection H of § 58.1-606.

1753 § 58.1-802.1. Regional congestion relief fee.

1754 In addition to any other tax imposed under the provisions of this chapter, ~~the Hampton Roads~~
 1755 ~~Transportation Authority established pursuant to § 33.1-391.7 and~~ the Northern Virginia Transportation
 1756 Authority established pursuant to § 15.2-4830 may impose a fee, delineated as the "Regional congestion
 1757 relief fee," on each deed, instrument, or writing by which lands, tenements, or other realty located in
 1758 any county or city embraced by the ~~respective~~ Authority is sold and is granted, assigned, transferred, or
 1759 otherwise conveyed to or vested in the purchaser or any other person, by such purchaser's direction.
 1760 The rate of the fee, when the consideration or value of the interest, whichever is greater, equals or
 1761 exceeds \$100, shall be \$0.40 for each \$100 or fraction thereof, exclusive of the value of any lien or
 1762 encumbrance remaining thereon at the time of the sale, whether such lien is assumed or the realty is
 1763 sold subject to such lien or encumbrance.

1764 The fee imposed by this section shall be paid by the grantor, or any person who signs on behalf of
 1765 the grantor, of any deed, instrument, or writing subject to the fee imposed by this section.

1766 Fees imposed by this section shall be collected pursuant to subsection B of § 58.1-802. However, the
 1767 compensation allowed to the clerk of the court under such subsection shall not be applicable with regard
 1768 to the fee collected under this section. The clerk shall return all fees collected pursuant to the authority
 1769 granted under this section to ~~the Hampton Roads Transportation Authority or~~ the Northern Virginia
 1770 Transportation Authority, ~~as appropriate~~, as soon as practicable.

1771 § 58.1-811. Exemptions.

1772 A. The taxes imposed by §§ 58.1-801 and 58.1-807 shall not apply to any deed conveying real estate
 1773 or lease of real estate:

1774 1. To an incorporated college or other incorporated institution of learning not conducted for profit,

- 1775 where such real estate is intended to be used for educational purposes and not as a source of revenue or
 1776 profit;
- 1777 2. To an incorporated church or religious body or to the trustee or trustees of any church or religious
 1778 body, or a corporation mentioned in § 57-16.1, where such real estate is intended to be used exclusively
 1779 for religious purposes, or for the residence of the minister of any such church or religious body;
- 1780 3. To the United States, the Commonwealth, or to any county, city, town, district or other political
 1781 subdivision of the Commonwealth;
- 1782 4. To the Virginia Division of the United Daughters of the Confederacy;
- 1783 5. To any nonstock corporation organized exclusively for the purpose of owning or operating a
 1784 hospital or hospitals not for pecuniary profit;
- 1785 6. To a corporation upon its organization by persons in control of the corporation in a transaction
 1786 which qualifies for nonrecognition of gain or loss pursuant to § 351 of the Internal Revenue Code as it
 1787 exists at the time of the conveyance;
- 1788 7. From a corporation to its stockholders upon complete or partial liquidation of the corporation in a
 1789 transaction which qualifies for income tax treatment pursuant to § 331, 332, 333 or 337 of the Internal
 1790 Revenue Code as it exists at the time of liquidation;
- 1791 8. To the surviving or new corporation, partnership or limited liability company upon merger or
 1792 consolidation of two or more corporations, partnerships or limited liability companies, or in a
 1793 reorganization within the meaning of § 368 (a) (1) (C) and (F) of the Internal Revenue Code as
 1794 amended;
- 1795 9. To a subsidiary corporation from its parent corporation, or from a subsidiary corporation to a
 1796 parent corporation, if the transaction qualifies for nonrecognition of gain or loss under the Internal
 1797 Revenue Code as amended;
- 1798 10. To a partnership or limited liability company, when the grantors are entitled to receive not less
 1799 than 50 percent of the profits and surplus of such partnership or limited liability company; provided that
 1800 the transfer to a limited liability company is not a precursor to a transfer of control of the assets of the
 1801 company to avoid recordation taxes;
- 1802 11. From a partnership or limited liability company, when the grantees are entitled to receive not less
 1803 than 50 percent of the profits and surplus of such partnership or limited liability company; provided that
 1804 the transfer from a limited liability company is not subsequent to a transfer of control of the assets of
 1805 the company to avoid recordation taxes;
- 1806 12. To trustees of a revocable inter vivos trust, when the grantors in the deed and the beneficiaries of
 1807 the trust are the same persons, regardless of whether other beneficiaries may also be named in the trust
 1808 instrument, when no consideration has passed between the grantor and the beneficiaries; and to the
 1809 original beneficiaries of a trust from the trustees holding title under a deed in trust;
- 1810 13. When the grantor is the personal representative of a decedent's estate or trustee under a will or
 1811 inter vivos trust of which the decedent was the settlor, other than a security trust defined in § 55-58.1,
 1812 and the sole purpose of such transfer is to comply with a devise or bequest in the decedent's will or to
 1813 transfer title to one or more beneficiaries after the death of the settlor in accordance with a dispositive
 1814 provision in the trust instrument; or
- 1815 14. When the grantor is an organization exempt from taxation under § 501 (c) (3) of the Internal
 1816 Revenue Code that is organized and operated primarily to acquire land and purchase materials to erect
 1817 or rehabilitate low-cost homes on such land, which homes are sold at cost to persons who otherwise
 1818 would be unable to afford to buy a home through conventional means, located in a county with a
 1819 population of not less than 28,500 and not more than 28,650 or a city with a population of not less than
 1820 66,000 and not more than 70,000.
- 1821 B. The taxes imposed by §§ 58.1-803 and 58.1-804 shall not apply to any deed of trust or mortgage:
- 1822 1. Given by an incorporated college or other incorporated institution of learning not conducted for
 1823 profit;
- 1824 2. Given by the trustee or trustees of a church or religious body or given by an incorporated church
 1825 or religious body, or given by a corporation mentioned in § 57-16.1;
- 1826 3. Given by any nonstock corporation organized exclusively for the purpose of owning and/or
 1827 operating a hospital or hospitals not for pecuniary profit;
- 1828 4. Given by any local governmental entity or political subdivision of the Commonwealth to secure a
 1829 debt payable to any other local governmental entity or political subdivision; or
- 1830 5. Securing a loan made by an organization described in subdivision 14 of subsection A of this
 1831 section.
- 1832 C. The tax imposed by § 58.1-802 and the fees imposed by § 58.1-802.1 shall not apply to any:
- 1833 1. Transaction described in subdivisions 6 through 13 of subsection A of this section;
- 1834 2. Instrument or writing given to secure a debt;
- 1835 3. Deed conveying real estate from an incorporated college or other incorporated institution of
 1836 learning not conducted for profit;

1837 4. Deed conveying real estate from the United States, the Commonwealth or any county, city, town,
1838 district or other political subdivision thereof;

1839 5. Conveyance of real estate to the Commonwealth or any county, city, town, district or other
1840 political subdivision thereof, if such political unit is required by law to reimburse the parties taxable
1841 pursuant to § 58.1-802 or subject to the fee under § 58.1-802.1; or

1842 6. Deed conveying real estate from the trustee or trustees of a church or religious body or from an
1843 incorporated church or religious body, or from a corporation mentioned in § 57-16.1.

1844 D. No recordation tax shall be required for the recordation of any deed of gift between a grantor or
1845 grantors and a grantee or grantees when no consideration has passed between the parties. Such deed
1846 shall state therein that it is a deed of gift.

1847 E. The tax imposed by § 58.1-807 shall not apply to any lease to the United States, the
1848 Commonwealth, or any county, city, town, district or other political subdivision of the Commonwealth.

1849 F. The taxes and fees imposed by §§ 58.1-801, 58.1-802, 58.1-802.1, 58.1-807, 58.1-808 and
1850 58.1-814 shall not apply to (i) any deed of gift conveying real estate or any interest therein to The
1851 Nature Conservancy or (ii) any lease of real property or any interest therein to The Nature Conservancy,
1852 where such deed of gift or lease of real estate is intended to be used exclusively for the purpose of
1853 preserving wilderness, natural or open space areas.

1854 G. The words "trustee" or "trustees," as used in subdivision 2 of subsection A, subdivision 2 of
1855 subsection B, and subdivision 6 of subsection C, include the trustees mentioned in § 57-8 and the
1856 ecclesiastical officers mentioned in § 57-16.

1857 H. No recordation tax levied pursuant to this chapter shall be levied on the release of a contractual
1858 right, if the release is contained within a single deed that performs more than one function, and at least
1859 one of the other functions performed by the deed is subject to the recordation tax.

1860 I. No recordation tax levied pursuant to this chapter shall be levied on a deed, lease, easement,
1861 release, or other document recorded in connection with a concession pursuant to the Public-Private
1862 Transportation Act of 1995 (§ 56-556 et seq.) or similar federal law.

1863 § 58.1-815.4. Distribution of recordation tax for certain transportation-related purposes.

1864 Effective July 1, 2008, of the state recordation taxes imposed pursuant to §§ 58.1-801 and 58.1-803,
1865 the revenues collected each fiscal year from 3 cents of the total tax imposed under each section shall be
1866 deposited by the Comptroller as follows:

1867 1. The revenues collected from 2 cents of the total tax shall be deposited into the Commonwealth
1868 Mass Transit Fund pursuant to subdivision A 4 e of § 58.1-638; and

1869 2. The revenues collected from 1 cent of the total tax shall be deposited into the Highway
1870 Maintenance and Operating Fund.

1871 Article 4.1.

1872 Motor Vehicle Fuel Sales Tax in Certain Localities

1873 § 58.1-1724.2. Rules and regulations; bracket system.

1874 The Tax Commissioner shall promulgate rules and regulations for the registration of dealers and the
1875 procedures for filing returns for the payment of the tax imposed pursuant to this article. Such regulations
1876 shall include provisions for a bracket system, designed so that the tax will appear on the fuel pump as a
1877 part of the total cost of a unit of fuel, whether the unit is a gallon or other measure. The bracket system
1878 shall state the tax per unit measure in tenths of a cent, and shall be in increments of no more than 2 1/2
1879 cents.

1880 § 58.1-1724.3. Sales tax on fuel in certain localities.

1881 A. In addition to all other taxes, fees, and other charges imposed on fuels subject to tax under
1882 Chapter 22 (§ 58.1-2200 et seq.) of this title, the Hampton Roads Transportation Authority may impose
1883 a sales tax of two percent of the retail price of such fuels sold at retail within any county or city
1884 embraced by the Authority. The Commissioner shall transfer the revenues collected to the Hampton
1885 Roads Transportation Authority established under § 33.1-391.7. As used in this section "sold at retail"
1886 means a sale to a consumer or to any person for any purpose other than resale.

1887 B. The tax imposed under this section shall be subject to the provisions of the Virginia Retail Sales
1888 and Use Tax Act (§ 58.1-600 et seq.), except that the exemption provided for motor vehicle fuels under
1889 § 58.1-609.1, and the bracket system provided in such act, shall not be applicable.

1890 § 58.1-1724.4. Exclusion from professional license tax.

1891 The amount of the tax imposed by this article and collected by a dealer in any taxable year shall be
1892 excluded from gross receipts for purposes of any tax imposed under Chapter 37 (§ 58.1-3700 et seq.) of
1893 this title.

1894 § 58.1-1724.5. Refund of motor vehicle fuel sales tax.

1895 Anyone who purchases fuel (i) that is taxed under the provisions of § 58.1-1724.3 and (ii) upon
1896 which a refund is granted for motor fuels taxes paid pursuant to the provisions of Chapter 22
1897 (§ 58.1-2200 et seq.); may file a claim for a refund of taxes paid under this article within thirty days

1898 after receipt of a refund under the above chapter on forms and under regulations adopted by the
1899 Department of Taxation.

1900 § 58.1-1724.6. Disposition of tax revenues.

1901 All taxes paid to the Commissioner pursuant to this article, after subtraction of the direct costs of
1902 administration by the Department, shall be transferred to the Hampton Roads Transportation Authority
1903 on a monthly basis. -

1904 § 58.1-1724.7. Disclosure of information; penalties.

1905 For purposes of administering the tax levied under this article, the Commissioner, upon written
1906 request, is authorized to provide to the finance officer of the Hampton Roads Transportation Authority,
1907 such information as may be necessary for the performance his of official duties. Any person to whom
1908 information is provided pursuant to this section shall be subject to the prohibitions and penalties
1909 prescribed in § 58.1-3.

1910 § 58.1-2217. Taxes levied; rate.

1911 A. There is hereby levied a tax at the rate of seventeen and one-half cents per gallon on gasoline and
1912 gasohol.

1913 B. There is hereby levied a tax at the rate of seventeen and one-half cents per gallon on diesel fuel.

1914 C. Blended fuel that contains gasoline shall be taxed at the rate levied on gasoline. Blended fuel that
1915 contains diesel fuel shall be taxed at the rate levied on diesel fuel.

1916 D. There is hereby levied a tax at the rate of five cents per gallon on aviation gasoline. Any person,
1917 whether or not licensed under this chapter, who uses, acquires for use, sells or delivers for use in
1918 highway vehicles any aviation gasoline shall be liable for the tax at the rate of seventeen and one-half
1919 cents per gallon, along with any penalties and interest that may accrue.

1920 E. There is hereby levied a tax at the rate of five cents per gallon on aviation jet fuel purchased or
1921 acquired for use by a user of aviation fuel other than an aviation consumer. There is hereby levied a tax
1922 at the rate of five cents per gallon upon the first 100,000 gallons of aviation jet fuel, excluding bonded
1923 aviation jet fuel, purchased or acquired for use by any aviation consumer in any fiscal year. There is
1924 hereby levied a tax at the rate of one-half cent per gallon on all aviation jet fuel, excluding bonded
1925 aviation jet fuel, purchased or acquired for use by an aviation consumer in excess of 100,000 gallons in
1926 any fiscal year. Any person, whether or not licensed under this chapter, who uses, acquires for use, sells
1927 or delivers for use in highway vehicles any aviation jet fuel taxable under this chapter shall be liable for
1928 the tax imposed at the rate of seventeen and one-half cents per gallon, along with any penalties and
1929 interest that may accrue.

1930 F. In accordance with § 62.1-44.34:13, a storage tank fee is imposed on each gallon of gasoline,
1931 aviation gasoline, diesel fuel (including dyed diesel fuel), blended fuel, and heating oil sold and
1932 delivered or used in the Commonwealth.

1933 § 58.1-2249. Tax on alternative fuel.

1934 A. There is hereby levied a tax at the rate of seventeen and one-half cents per gallon on liquid
1935 alternative fuel used to operate a highway vehicle by means of a vehicle supply tank that stores fuel
1936 only for the purpose of supplying fuel to operate the vehicle. There is hereby levied a tax at a rate
1937 equivalent to seventeen and one-half cents per gallon on all other alternative fuel used to operate a
1938 highway vehicle. The Commissioner shall determine the equivalent rate applicable to such other
1939 alternative fuels.

1940 B. In addition to any tax imposed by this article, there is hereby levied an annual license tax of fifty
1941 dollars per vehicle on each highway vehicle that is fueled from a private source if the alternative fuels
1942 tax levied under this article has not been paid on fuel used in the vehicle. If such a highway vehicle is
1943 not in operation by January 1 of any year, the license tax shall be reduced by one-twelfth for each
1944 complete month which shall have elapsed since the beginning of such year.

1945 § 58.1-2289. Disposition of tax revenue generally.

1946 A. Unless otherwise provided in this section, all taxes and fees, including civil penalties, collected by
1947 the Commissioner pursuant to this chapter, less a reasonable amount to be allocated for refunds, shall be
1948 promptly paid into the state treasury and shall constitute special funds within the Commonwealth
1949 Transportation Fund. Any balances remaining in these funds at the end of the year shall be available for
1950 use in subsequent years for the purposes set forth in this chapter, and any interest income on such funds
1951 shall accrue to these funds. Except as provided in § 33.1-23.03:1, no portion of the revenue derived
1952 from taxes collected pursuant to §§ 58.1-2217, 58.1-2249 or § 58.1-2701, and remaining after authorized
1953 refunds for nonhighway use of fuel, shall be used for any purpose other than the construction,
1954 reconstruction or maintenance of the roads and projects comprising the State Highway System, the
1955 Interstate System and the secondary system of state highways and expenditures directly and necessarily
1956 required for such purposes, including the retirement of revenue bonds.

1957 Revenues collected under this chapter may be also used for (i) contributions toward the construction,
1958 reconstruction or maintenance of streets in cities and towns of such sums as may be provided by law
1959 and (ii) expenditures for the operation and maintenance of the Department of Transportation, the

1960 Department of Rail and Public Transportation, the Department of Aviation, the Virginia Port Authority,
1961 and the Department of Motor Vehicles as may be provided by law.

1962 The Governor is hereby authorized to transfer out of such fund an amount necessary for the
1963 inspection of gasoline and motor grease measuring and distributing equipment, and for the inspection
1964 and analysis of gasoline for purity.

1965 B. Except as provided in subsection F, the tax collected on each gallon of aviation fuel sold and
1966 delivered or used in this Commonwealth, less refunds, shall be paid into a special fund of the state
1967 treasury. Proceeds of this special fund within the Commonwealth Transportation Fund shall be disbursed
1968 upon order of the Department of Aviation, on warrants of the Comptroller, to defray the cost of the
1969 administration of the laws of this Commonwealth relating to aviation, for the construction, maintenance
1970 and improvement of airports and landing fields to which the public now has or which it is proposed
1971 shall have access, and for the promotion of aviation in the interest of operators and the public generally.

1972 C. One-half cent of the tax collected on each gallon of fuel on which a refund has been paid for
1973 gasoline, gasohol, diesel fuel, blended fuel, or alternative fuel, for fuel consumed in tractors and
1974 unlicensed equipment used for agricultural purposes shall be paid into a special fund of the state
1975 treasury, known as the Virginia Agricultural Foundation Fund, to be disbursed to make certain refunds
1976 and defray the costs of the research and educational phases of the agricultural program, including
1977 supplemental salary payments to certain employees at Virginia Polytechnic Institute and State University,
1978 the Department of Agriculture and Consumer Services and the Virginia Truck and Ornamentals Research
1979 Station, including reasonable expenses of the Virginia Agricultural Council.

1980 D. One and one-half cents of the tax collected on each gallon of fuel used to propel a commercial
1981 watercraft upon which a refund has been paid shall be paid to the credit of the Game Protection Fund of
1982 the state treasury to be made available to the Board of Game and Inland Fisheries until expended for the
1983 purposes provided generally in subsection C of § 29.1-701, including acquisition, construction,
1984 improvement and maintenance of public boating access areas on the public waters of this
1985 Commonwealth and for other activities and purposes of direct benefit and interest to the boating public
1986 and for no other purpose. However, one and one-half cents per gallon on fuel used by commercial
1987 fishing, oystering, clamming, and crabbing boats shall be paid to the Department of Transportation to be
1988 used for the construction, repair, improvement and maintenance of the public docks of this
1989 Commonwealth used by said commercial watercraft. Any expenditures for the acquisition, construction,
1990 improvement and maintenance of the public docks shall be made according to a plan developed by the
1991 Virginia Marine Resources Commission.

1992 From the tax collected pursuant to the provisions of this chapter from the sales of gasoline used for
1993 the propelling of watercraft, after deduction for lawful refunds, there shall be paid into the state treasury
1994 for use by the Marine Resources Commission, the Virginia Soil and Water Conservation Board, the
1995 State Water Control Board, and the Commonwealth Transportation Board to (i) improve the public
1996 docks as specified in this section, (ii) improve commercial and sports fisheries in Virginia's tidal waters,
1997 (iii) make environmental improvements including, without limitation, fisheries management and habitat
1998 enhancement in the Chesapeake and its tributaries, and (iv) further the purposes set forth in § 33.1-223,
1999 a sum as established by the General Assembly.

2000 E. Notwithstanding other provisions of this section, there shall be transferred from moneys collected
2001 pursuant to this section to a special fund within the Commonwealth Transportation Fund in the state
2002 treasury, to be used to meet the necessary expenses of the Department of Motor Vehicles, an amount
2003 equal to one percent of a sum to be calculated as follows: the tax revenues collected pursuant to this
2004 chapter, at the tax rates in effect on December 31, 1986, less refunds authorized by this chapter and less
2005 taxes collected for aviation fuels.

2006 F. The additional revenues, less any additional refunds authorized, generated by increases in the rates
2007 of taxes under this chapter pursuant to enactments of the 2007 Session of the General Assembly shall be
2008 collected pursuant to Article 4 of this chapter and deposited into the Highway Maintenance and
2009 Operating Fund.

2010 § 58.1-2402.1. Local rental car transportation fee.

2011 A. In addition to all other taxes, fees, and other charges imposed under law, the Hampton Roads
2012 Transportation Authority established pursuant to § 33.1-391.7 and the Northern Virginia Transportation
2013 Authority established pursuant to § 15.2-4830, may impose a fee of 2% of the gross proceeds on the
2014 daily rental of a vehicle in any county or city embraced by the respective Authority wherein the daily
2015 rental of the vehicle occurs, regardless of whether such vehicle is required to be licensed in the
2016 Commonwealth. The fee shall not be levied upon a rental to a person for re-rental as an established
2017 business or part of an established business or incidental or germane to such business.

2018 B. After subtraction of the direct costs of administration by the Department, the Commissioner shall
2019 transfer the revenues collected pursuant to this section to the Hampton Roads Transportation Authority
2020 and the Northern Virginia Transportation Authority, as appropriate.

2021 C. Any and all fees imposed pursuant to this section shall be collected by the Department of Motor
2022 Vehicles. The Commissioner shall maintain records of the fee imposed and collected by locality.

2023 D. The fee imposed pursuant to the authority granted under this section shall be implemented,
2024 enforced, and collected in the same manner that rental taxes under this chapter are implemented,
2025 enforced, and collected.

2026 § 58.1-2403. Exemptions.

2027 No tax shall be imposed as provided in § 58.1-2402 or 58.1-2402.1 if the vehicle is:

2028 1. Sold to, rented or used by the United States government or any governmental agency thereof;

2029 2. Sold to, rented or used by the Commonwealth of Virginia or any political subdivision thereof;

2030 3. Registered in the name of a volunteer fire department or rescue squad not operated for profit;

2031 4. Registered to any member of the Mattaponi, Pamunkey, or Chickahominy Indian tribes or any
2032 other recognized Indian tribe of the Commonwealth living on the tribal reservation;

2033 5. Transferred incidental to repossession under a recorded lien and ownership is transferred to the
2034 lienholder;

2035 6. A manufactured home permanently attached to real estate and included in the sale of real estate;

2036 7. A gift to the spouse, son, or daughter of the transferor. With the exception of a gift to a spouse,
2037 this exemption shall not apply to any unpaid obligation assumed by the transferee incidental to the
2038 transfer;

2039 8. Transferred from an individual or partnership to a corporation or limited liability company or from
2040 a corporation or limited liability company to an individual or partnership if the transfer is incidental to
2041 the formation, organization or dissolution of a corporation or limited liability company in which the
2042 individual or partnership holds the majority interest;

2043 9. Transferred from a wholly owned subsidiary to the parent corporation or from the parent
2044 corporation to a wholly owned subsidiary;

2045 10. Being registered for the first time in this Commonwealth and the applicant holds a valid,
2046 assignable title or registration issued to him by another state or a branch of the United States Armed
2047 Forces and (i) has owned the vehicle for longer than 12 months or (ii) has owned the vehicle for less
2048 than 12 months and provides evidence of a sales tax paid to another state. However, when a vehicle has
2049 been purchased by the applicant within the last 12 months and the applicant is unable to provide
2050 evidence of a sales tax paid to another state, the applicant shall pay the Virginia sales tax based on the
2051 fair market value of the vehicle at the time of registration in Virginia;

2052 11. Titled in a Virginia or non-Virginia motor vehicle dealer's name for resale;

2053 12. A motor vehicle having seats for more than seven passengers and sold to an urban or suburban
2054 bus line the majority of whose passengers use the buses for traveling a distance of less than 40 miles,
2055 one way, on the same day;

2056 13. Purchased in the Commonwealth by a nonresident and a Virginia title is issued for the sole
2057 purpose of recording a lien against the vehicle if the vehicle will be registered in a state other than
2058 Virginia;

2059 14. A motor vehicle designed for the transportation of 10 or more passengers, purchased by and for
2060 the use of a church conducted not for profit;

2061 15. Loaned or leased to a private nonprofit institution of learning, for the sole purpose of use in the
2062 instruction of driver's education when such education is a part of such school's curriculum for full-time
2063 students;

2064 16. Sold to an insurance company or local government group self-insurance pool, created pursuant to
2065 § 15.2-2703, for the sole purpose of disposition when such company has paid the registered owner of
2066 such vehicle a total loss claim;

2067 17. Owned and used for personal or official purposes by accredited consular or diplomatic officers of
2068 foreign governments, their employees or agents, and members of their families, if such persons are
2069 nationals of the state by which they are appointed and are not citizens of the United States;

2070 18. A self-contained mobile computerized axial tomography scanner sold to, rented or used by a
2071 nonprofit hospital or a cooperative hospital service organization as described in § 501 (e) of the United
2072 States Internal Revenue Code;

2073 19. A motor vehicle having seats for more than seven passengers and sold to a restricted common
2074 carrier or common carrier of passengers;

2075 20. Beginning July 1, 1989, a self-contained mobile unit designed exclusively for human diagnostic
2076 or therapeutic service, sold to, rented to, or used by a nonprofit hospital, or a cooperative hospital
2077 service organization as described in § 501 (e) of the United States Internal Revenue Code, or a nonprofit
2078 corporation as defined in § 501 (c) (3) of the Internal Revenue Code, established for research in,
2079 diagnosis of, or therapy for human ailments;

2080 21. Transferred, as a gift or through a sale to an organization exempt from taxation under § 501 (c)
2081 (3) of the Internal Revenue Code, provided the motor vehicle is not titled and tagged for use by such
2082 organization;

2083 22. A motor vehicle sold to an organization which is exempt from taxation under § 501 (c) (3) of the
 2084 Internal Revenue Code and which is organized for the primary purpose of distributing food, clothing,
 2085 medicines and other necessities of life to, and providing shelter for, needy persons in the United States
 2086 and throughout the world;

2087 23. A truck, tractor truck, trailer, or semitrailer, as severally defined in § 46.2-100, except trailers and
 2088 semitrailers not designed or used to carry property and vehicles registered under § 46.2-700, with a gross
 2089 vehicle weight rating or gross combination weight rating of 26,001 pounds or more, in which case no
 2090 tax shall be imposed pursuant to subdivisions 1 and 3 of subsection A of § 58.1-2402;

2091 24. Transferred to the trustees of a revocable inter vivos trust, when the individual titleholder of a
 2092 Virginia titled motor vehicle and the beneficiaries of the trust are the same persons, regardless of
 2093 whether other beneficiaries of the trust may also be named in the trust instrument, when no
 2094 consideration has passed between the titleholder and the beneficiaries; and transferred to the original
 2095 titleholder from the trustees holding title to the motor vehicle;

2096 25. Transferred to trustees of a revocable inter vivos trust, when the owners of the vehicle and the
 2097 beneficiaries of the trust are the same persons, regardless of whether other beneficiaries may also be
 2098 named in the trust instrument, or transferred by trustees of such a trust to beneficiaries of the trust
 2099 following the death of the grantor, when no consideration has passed between the grantor and the
 2100 beneficiaries in either case;

2101 26. Sold by a vehicle's lessor to its lessee upon the expiration of the term of the vehicle's lease, if
 2102 the lessee is a natural person and this natural person has paid the tax levied pursuant to this chapter with
 2103 respect to the vehicle when he leased it from the lessor, and if the lessee presents an original copy of
 2104 the lease upon request of the Department of Motor Vehicles or other evidence that the sales tax has
 2105 been paid to the Commonwealth by the lessee purchasing the vehicle; or

2106 27. Titled in the name of a deceased person and transferred to the spouse or heir, or under the will,
 2107 of such deceased person.

2108 § 58.1-2425. Disposition of revenues.

2109 A. Except as provided in § 58.1-2402.1, funds collected hereunder by the Commissioner shall be
 2110 forthwith paid into the state treasury. Except as otherwise provided in § 58.1-2402.1 and in this section,
 2111 these funds shall constitute special funds within the Commonwealth Transportation Fund. Any balances
 2112 remaining in these funds at the end of the year shall be available for use in subsequent years for the
 2113 purposes set forth in this chapter, and any interest income on such funds shall accrue to these funds.
 2114 The revenue so derived, after refunds have been deducted, is hereby allocated for the construction,
 2115 reconstruction and maintenance of highways and the regulation of traffic thereon and for no other
 2116 purpose. However, (i) all funds collected pursuant to the provisions of this chapter from manufactured
 2117 homes, as defined in § 46.2-100, shall be distributed to the city, town, or county wherein such
 2118 manufactured home is to be situated as a dwelling; (ii) all funds collected from the additional tax
 2119 imposed by subdivision A 4 of § 58.1-2402 on the rental of daily rental vehicles shall be distributed
 2120 quarterly to the city, town, or county wherein such vehicle was delivered to the rentee; (iii) effective
 2121 January 1, 1987, an amount equivalent to the net additional revenues generated by enactments of the
 2122 1986 Special Session of the Virginia General Assembly which amended §§ 46.2-694, 46.2-697,
 2123 58.1-2401, 58.1-2402 and this section shall be distributed to and paid into the Transportation Trust
 2124 Fund, a special fund within the Commonwealth Transportation Fund, and are hereby appropriated to the
 2125 Commonwealth Transportation Board for transportation needs; (iv) except as otherwise provided in
 2126 clause (iii) of this sentence, all moneys collected from the tax on the gross proceeds from the rental in
 2127 Virginia of any motor vehicle pursuant to subdivision A 3 of § 58.1-2402 at the tax rate in effect on
 2128 December 31, 1986, shall be paid by the Commissioner into the state treasury and shall be paid into the
 2129 Rail Enhancement Fund established by § 33.1-221.1:1.1; and (v) all additional revenues resulting from
 2130 the fee imposed under subdivision A 5 of § 58.1-2402 as enacted by the 2004 Session of the General
 2131 Assembly shall be used to pay the debt service on the bonds issued by the Virginia Public Building
 2132 Authority for the Statewide Agencies Radio System (STARS) for the Department of State Police
 2133 pursuant to the authority granted by the 2004 Session of the General Assembly.

2134 B. As provided in subsection A of § 58.1-638, of the funds becoming part of the Transportation
 2135 Trust Fund pursuant to clause (iii) of subsection A of this section, an aggregate of 4.2 percent shall be
 2136 set aside as the Commonwealth Port Fund; an aggregate of 2.4 percent shall be set aside as the
 2137 Commonwealth Airport Fund; and an aggregate of 14.5 percent in fiscal year 1998-1999 and 14.7
 2138 percent in fiscal year 1999-2000 and thereafter shall be set aside as the Commonwealth Mass Transit
 2139 Fund.

2140 § 58.1-2531. Distribution of certain revenue.

2141 A. Beginning with the Commonwealth's fiscal year beginning on July 1, 2008 and for each fiscal
 2142 year thereafter, an amount equal to one-third of all revenues collected by the Commission in the most
 2143 recently ended fiscal year from the tax imposed under this chapter, less one-third of the total amount of

2144 such tax refunded in the most recently ended fiscal year, shall be deposited by the Comptroller to the
2145 Priority Transportation Fund established under § 33.1-23.03:8.

2146 B. For purposes of the Comptroller's deposits under this section, the Commissioner of the Bureau of
2147 Insurance shall, no later than July 15 of each year, provide a written certification to the Comptroller that
2148 reports the amount to be deposited pursuant to subsection A. After the required amount has been
2149 deposited as provided in subsection A, all remaining revenues from the tax imposed under this chapter
2150 shall be deposited into the general fund of the state treasury. The Comptroller shall make all deposits
2151 under this section as soon as practicable.

2152 § 58.1-2701. Amount of tax.

2153 A. Except as provided in subsection B, every motor carrier shall pay a road tax equivalent to
2154 twenty-one cents per gallon calculated on the amount of motor fuel, diesel fuel or liquefied gases (which
2155 would not exist as liquids at a temperature of sixty degrees Fahrenheit and a pressure of 14.7 pounds
2156 per square inch absolute), used in its operations within the Commonwealth.

2157 The tax imposed by this chapter shall be in addition to all other taxes of whatever character imposed
2158 on a motor carrier by any other provision of law.

2159 B. In lieu of the tax imposed in subsection A, motor carriers registering qualified highway vehicles
2160 that are not registered under the International Registration Plan shall pay a fee of \$150 per year for each
2161 qualified highway vehicle. The fee is due and payable when the vehicle registration fees are paid
2162 pursuant to the provisions of Article 7 (§ 46.2-685 et seq.) of Chapter 6 of Title 46.2.

2163 If a vehicle becomes a qualified highway vehicle before the end of its registration period, the fee due
2164 at the time the vehicle becomes a qualified highway vehicle shall be prorated monthly to the registration
2165 expiration month. Fees paid under this subsection shall not be refunded unless a full refund of the
2166 registration fee paid is authorized by law.

2167 C. All taxes and fees paid under the provisions of this chapter shall be credited to the Highway
2168 Maintenance and Operating Fund, a special fund within the Commonwealth Transportation Fund.

2169 § 58.1-2706. Credit for payment of motor fuel, diesel fuel or liquefied gases tax.

2170 A. Every motor carrier subject to the road tax shall be entitled to a credit on such tax equivalent to
2171 seventeen and one-half cents per gallon on all motor fuel, diesel fuel and liquefied gases purchased by
2172 such carrier within the Commonwealth for use in its operations either within or without the
2173 Commonwealth and upon which the motor fuel, diesel fuel or liquefied gases tax imposed by the laws
2174 of the Commonwealth has been paid by such carrier. Evidence of the payment of such tax in such form
2175 as may be required by, or is satisfactory to, the Department shall be furnished by each carrier claiming
2176 the credit herein allowed.

2177 B. When the amount of the credit to which any motor carrier is entitled for any quarter exceeds the
2178 amount of the tax for which such carrier is liable for the same quarter, the excess may: (i) be allowed as
2179 a credit on the tax for which such carrier would be otherwise liable for any of the eight succeeding
2180 quarters or (ii) be refunded, upon application, duly verified and presented and supported by such
2181 evidence as may be satisfactory to the Department.

2182 C. The Department may allow a refund upon receipt of proper application and review. It shall be at
2183 the discretion of the Department to determine whether an audit is required.

2184 D. The refund may be allowed without a formal hearing if the amount of refund is agreed to by the
2185 applicant. Otherwise, a formal hearing on the application shall be held by the Department after notice of
2186 not less than ten days to the applicant and the Attorney General.

2187 E. Whenever any refund is ordered it shall be paid out of the Highway Maintenance and
2188 Construction Fund.

2189 F. Whenever a person operating under lease to a motor carrier to perform transport services on
2190 behalf of the carrier purchases motor fuel, diesel fuel or liquefied gases relating to such services, such
2191 payments or purchases may, at the discretion of the Department, be considered payment or purchases by
2192 the carrier.

2193 § 58.1-3221.2. Classification of certain commercial and industrial real property and taxation of such
2194 property by certain localities included in the Northern Virginia Transportation Authority ~~and the~~
2195 ~~Hampton Roads Transportation Authority.~~

2196 A. Beginning January 1, 2008, and solely for the purposes of imposing the tax authorized pursuant
2197 to this section, in the counties and cities that are embraced by the Northern Virginia Transportation
2198 Authority ~~and the Hampton Roads Transportation Authority~~, all real property used for or zoned to
2199 permit commercial or industrial uses is hereby declared to be a separate class of real property for local
2200 taxation. Such classification of real property shall exclude all residential uses and all multifamily
2201 residential uses, including but not limited to single family residential units, cooperatives, condominiums,
2202 townhouses, apartments, or homes in a subdivision when leased on a unit by unit basis even though
2203 these units may be part of a larger building or parcel of real estate containing more than four residential
2204 units.

2205 B. In addition to all other taxes and fees permitted by law, (+) the governing body of any locality

2206 embraced by the Northern Virginia Transportation Authority may, by ordinance, annually impose on all
 2207 real property in the locality specially classified in subsection A: an amount of real property tax, in
 2208 addition to such amount otherwise authorized by law, at a rate not to exceed \$0.25 per \$100 of assessed
 2209 value as the governing body may, by ordinance, impose upon the annual assessed value of all real
 2210 property used for or zoned to permit commercial or industrial uses; and (ii) the governing body of any
 2211 locality embraced by the Hampton Roads Transportation Authority may, by ordinance, annually impose
 2212 on all real property in the locality specially classified in subsection A: an amount of real property tax, in
 2213 addition to such amount otherwise authorized by law, at a rate not to exceed \$0.10 per \$100 of assessed
 2214 value as the governing body may, by ordinance, impose upon the annual assessed value of all real
 2215 property used for or zoned to permit commercial or industrial uses. The authority granted in this
 2216 subsection shall be subject to the following conditions:

2217 (1) Upon appropriation, all revenues generated from the additional real property tax imposed shall be
 2218 used exclusively for transportation purposes that benefit the locality imposing the tax; and

2219 (2) The additional real property tax imposed shall be levied, administered, enforced, and collected in
 2220 the same manner as set forth in Subtitle III of Title 58.1 for the levy, administration, enforcement, and
 2221 collection of local taxes. In addition, the local assessor shall separately assess and set forth upon the
 2222 locality's land book the fair market value of that portion of property that is defined as a separate class of
 2223 real property for local taxation in accordance with the provisions of this section.

2224 C. Beginning January 1, 2008, in lieu of the authority set forth in subsections A and B above and
 2225 solely for the purposes of imposing the tax authorized pursuant to this section, in the counties and cities
 2226 embraced by the Northern Virginia Transportation Authority and the Hampton Roads Transportation
 2227 Authority, all real property used for or zoned to permit commercial or industrial uses is hereby declared
 2228 to be a separate class of real property for local taxation. Such classification of real property shall
 2229 exclude all residential uses and all multifamily residential uses, including but not limited to single family
 2230 residential units, cooperatives, condominiums, townhouses, apartments, or homes in a subdivision when
 2231 leased on a unit by unit basis even though these units may be part of a larger building or parcel of real
 2232 estate containing more than four residential units.

2233 D. In addition to all other taxes and fees permitted by law, (i) the governing body of any locality
 2234 embraced by the Northern Virginia Transportation Authority may, by ordinance, create within its
 2235 boundaries, one or more special regional transportation tax districts and, thereafter, may, by ordinance,
 2236 impose upon the real property located in special regional transportation tax districts specially classified
 2237 in subsection C within such special regional transportation tax districts: an amount of real property tax,
 2238 in addition to such amounts otherwise authorized by law, at a rate not to exceed \$0.25 per \$100 of
 2239 assessed value as the governing body may, by ordinance, impose upon the annual assessed value of all
 2240 real property used for or zoned to permit commercial or industrial uses; and, (ii) the governing body of
 2241 any locality embraced by the Hampton Roads Transportation Authority may, by ordinance, create within
 2242 its boundaries, one or more special regional transportation tax districts and, thereafter, may, by
 2243 ordinance, impose upon the real property specially classified in subsection C within such special regional
 2244 transportation tax districts: an amount of real property tax, in addition to such amounts otherwise
 2245 authorized by law, at a rate not to exceed \$0.10 per \$100 of assessed value as the governing body may,
 2246 by ordinance, impose upon the annual assessed value of all real property used for or zoned to permit
 2247 commercial or industrial uses. The authority granted in this subsection shall be subject to the following
 2248 conditions:

2249 (1) Notwithstanding any other provisions of law to the contrary, upon appropriation, all revenues
 2250 generated from the additional real property taxes imposed in accordance with subsection C and this
 2251 subsection shall be used for transportation purposes that benefit the special regional transportation tax
 2252 district to which such revenue is attributable;

2253 (2) Any local ordinance adopted in accordance with the provisions of subsection C and this
 2254 subsection shall include the requirement that the additional real property taxes so authorized are to be
 2255 imposed annually in accordance with applicable law;

2256 (3) Any locality that imposes the additional real property taxes set forth in subsections A and B
 2257 shall not be permitted to also impose the additional real property taxes set forth in subsection C and this
 2258 subsection. In addition, any locality electing to impose the additional real property taxes on all real
 2259 property located in such locality that is specially classified in subsections A and B must do so in the
 2260 manner prescribed in subsections A and B and not by creation of a special transportation tax district as
 2261 set forth in subsection C and this subsection. The creation of such special regional transportation tax
 2262 districts shall not, however, affect the authority of a locality to establish tax districts pursuant to other
 2263 provisions of law;

2264 (4) The total revenues generated from the additional real property taxes imposed in accordance with
 2265 subsection C and this subsection shall not be less than 85% of the revenues estimated to be generated
 2266 when imposing the additional real property taxes in accordance with subsections A and B at the rate of

2267 \$0.25 per \$100 of assessed value in any locality embraced by the Northern Virginia Transportation
2268 Authority and at the rate of \$0.10 per \$100 of assessed value in any locality embraced by the Hampton
2269 Roads Transportation Authority; and

2270 (5) The additional real property taxes imposed pursuant to subsection C and this subsection shall be
2271 levied, administered, enforced, and collected, in the same manner as set forth in Subtitle III of Title 58.1
2272 for the levy, administration, enforcement, and collection of all local taxes. In addition, the local assessor
2273 shall separately assess and set forth upon the locality's land book the fair market value of that portion of
2274 property that is defined as separate class of real property for local taxation in accordance with the
2275 provisions of this section.

2276 § 58.1-3825.1. Additional transient occupancy tax in certain counties and cities in Northern Virginia.

2277 In addition to such transient occupancy taxes as are authorized by this chapter, the Northern Virginia
2278 Transportation Authority established under § 15.2-4830 may impose an additional transient occupancy
2279 tax at the rate of 2 percent of the amount of charge for the occupancy of any room or space occupied
2280 provided that such room or space is located within a county or city embraced by the Authority. Such
2281 revenues shall be used according to the provisions of § 15.2-4838.1.

2282 **2. That the Commonwealth Transportation Board is authorized to issue bonds to fund**
2283 **transportation projects throughout the Commonwealth as follows:**

2284 § 1. Title. This act shall be known and may be cited as the "Commonwealth Transportation Capital
2285 Projects Bond Act of 2007."

2286 § 2. The Commonwealth Transportation Board is hereby authorized, by and with the consent of the
2287 Governor, to issue, pursuant to the provisions of the State Revenue Bond Act (§ 33.1-267 et seq. of the
2288 Code of Virginia) as amended from time to time, revenue obligations of the Commonwealth to be
2289 designated "Commonwealth of Virginia Transportation Capital Projects Revenue Bonds, Series .." at one
2290 or more times in an aggregate principal amount not to exceed \$3,000,000,000, after all costs; provided
2291 that the aggregate principal amount issued in any one fiscal year shall not exceed \$300,000,000,
2292 excluding any refunding bonds. If, the aggregate principal amount issued in any fiscal year is less than
2293 \$300,000,000, then the amount by which such issuance is less than \$300,000,000 may be issued in any
2294 subsequent fiscal year in addition to the \$300,000,000 authorized in the subsequent fiscal year. The
2295 issuance of any bonds under this Act is subject to the provisions of subsection C of § 33.1-23.03:8 of
2296 the Code of Virginia.

2297 § 3. The net proceeds of the Bonds shall be used exclusively for the purpose of providing funds for
2298 paying the costs incurred or to be incurred for construction or funding of transportation projects pursuant
2299 to § 33.1-23.4:01 of the Code of Virginia, including but not limited to environmental and engineering
2300 studies, rights-of-way acquisition, improvements to all modes of transportation, acquisition, construction
2301 and related improvements, and any financing costs and other financing expenses. Such costs may include
2302 the payment of interest on the Bonds for a period during construction and not exceeding one year after
2303 completion of construction of the projects.

2304 § 4. The proceeds of the Bonds, including any premium received on the sale thereof, shall be made
2305 available by the Commonwealth Transportation Board to pay costs of the projects and, where
2306 appropriate, may be paid to any authority, locality, commission, or other entity for the purposes of
2307 paying for costs of the projects. The proceeds of the Bonds may be used together with any federal,
2308 local, or private funds that may be made available for such purpose. The proceeds of the Bonds,
2309 together with any investment earnings thereon, may, at the discretion of the Commonwealth
2310 Transportation Board, secure the payment of principal or purchase price of and redemption premium, if
2311 any, and interest on the Bonds.

2312 § 5. The terms and structure of each issue of the Bonds shall be determined by the Commonwealth
2313 Transportation Board, subject to approval by the Treasury Board in accordance with § 2.2-2416 of the
2314 Code of Virginia, as amended. The Bonds of each issue shall be dated; shall be issued in a principal
2315 amount (subject to the limitations set forth in § 2 and in subsection C of § 33.1-23.03:8 of the Code of
2316 Virginia); shall bear interest at such rate or rates, which may be fixed, adjustable, variable or a
2317 combination thereof and may be determined by a formula or other method; shall mature at such time or
2318 times not exceeding 25 years from their date or dates; and may be made subject to purchase or
2319 redemption before their maturity or maturities, at such price or prices and under such terms and
2320 conditions, all as may be determined by the Commonwealth Transportation Board. The Commonwealth
2321 Transportation Board shall determine the form of the Bonds, whether the Bonds are certificated or
2322 uncertificated, and fix the authorized denomination or denominations of the Bonds and the place or
2323 places of payment of principal or purchase price of, and redemption premium, if any, and interest on the
2324 Bonds, which may be at the office of the State Treasurer or any bank or trust company within or
2325 without the Commonwealth. The principal or purchase price of, and redemption premium, if any, and
2326 interest on the Bonds shall be made payable in lawful money of the United States of America. Each
2327 issue of the Bonds may be issued under a system of book entry for recording the ownership and transfer
2328 of ownership of rights to receive payments of principal or purchase price of and redemption premium, if

2329 any, and interest on such Bonds. All Bonds shall have and are hereby declared to have, as between
2330 successive holders, all of the qualities and incidents of negotiable instruments under the negotiable
2331 instruments law of the Commonwealth.

2332 The Commonwealth Transportation Board may sell the Bonds from time to time at public or private
2333 sale, by competitive bidding, negotiated sale, or private placement, for such price or prices as it may
2334 determine to be in the best interests of the Commonwealth.

2335 § 6. The Bonds shall be signed on behalf of the Commonwealth Transportation Board by the
2336 chairman or vice-chairman of the Commonwealth Transportation Board, or shall bear the facsimile
2337 signature of such officer, and shall bear the official seal of the Board, which shall be attested to by the
2338 manual or facsimile signature of the secretary or assistant secretary of the Commonwealth Transportation
2339 Board. In the event that the Bonds shall bear the facsimile signature of the chairman or vice-chairman of
2340 the Commonwealth Transportation Board, such Bonds shall be signed by such administrative assistant as
2341 the chairman of the Transportation Board shall determine or by any registrar/paying agent who may be
2342 designated by the Commonwealth Transportation Board. In case any officer whose signature or a
2343 facsimile of whose signature appears on any Bonds shall cease to be such officer before the delivery of
2344 such Bonds, such signature or facsimile signature nevertheless shall be valid and sufficient for all
2345 purposes as if such officer had remained in office until such delivery.

2346 § 7. All expenses incurred under this Act or in connection with the issuance of the Bonds shall be
2347 paid from the proceeds of such Bonds or from any available funds as the Commonwealth Transportation
2348 Board shall determine.

2349 § 8. The Commonwealth Transportation Board is hereby authorized to borrow money at such rate or
2350 rates through the execution and issuance of the Bonds for the same, but only in the following
2351 circumstances and under the following conditions:

2352 a. In anticipation of the sale of the Bonds, the issuance of which shall have been authorized by the
2353 Commonwealth Transportation Board and shall have been approved by the Governor, if the
2354 Commonwealth Transportation Board shall deem it advisable to postpone the issuance of such Bonds; or

2355 b. For the renewal of any anticipation notes herein authorized.

2356 § 9. The proceeds of the Bonds and of any anticipation notes herein authorized (except the proceeds
2357 of the Bonds the issuance of which has been anticipated by such anticipation notes) shall be placed by
2358 the State Treasurer in a special fund in the state treasury, or may be placed with a trustee in accordance
2359 with § 33.1-283 of the Code of Virginia, as amended, and shall be disbursed only for the purpose for
2360 which such Bonds and such anticipation notes shall be issued; provided, however, that proceeds derived
2361 from the sale of the Bonds herein authorized shall be first used in the payment of any anticipation notes
2362 that may have been issued in anticipation of the sale of such Bonds and any renewals of such Bonds.
2363 The proceeds of the Bonds and of any anticipation notes herein authorized, together with any investment
2364 earnings thereon, shall not be taken into account in computing, and shall be in addition to funds
2365 allocated pursuant to the highway allocation formula set forth in § 33.1-23.1 of the Code of Virginia, as
2366 amended.

2367 § 10. The Commonwealth Transportation Board is hereby authorized to receive any other funds that
2368 may be made available to pay costs of the projects and, subject to appropriation, to make available the
2369 same to the payment of the principal or purchase price of, and redemption premium, if any, and interest
2370 on the Bonds authorized hereby and to enter into the appropriate agreements to allow for those funds to
2371 be paid into the state treasury, or to a trustee in accordance with § 33.1-283 of the Code of Virginia, as
2372 amended, to pay a part of the costs of the projects or to pay principal or purchase price of, and
2373 redemption premium, if any, and interest on the Bonds.

2374 § 11. The Commonwealth Transportation Board, in connection with the issuance of the Bonds, shall
2375 establish a fund in accordance with § 33.1-286 of the Code of Virginia, as amended, either in the state
2376 treasury or with a trustee in accordance with § 33.1-283 of the Code of Virginia, as amended, which
2377 shall secure and be used for the payment of the Bonds to the credit of which there shall be deposited
2378 such amounts, appropriated therefor by the General Assembly, as are required to pay principal or
2379 purchase price of, and redemption premium, if any, and interest on the Bonds, as and when due and
2380 payable, (i) from the revenues deposited into the Priority Transportation Fund pursuant to
2381 § 33.1-23.03:8; (ii) to the extent required, from revenues legally available from the Transportation Trust
2382 Fund; and (iii) to the extent required, from any legally available funds.

2383 § 12. Bond proceeds and moneys in any reserve funds and sinking funds in respect of the Bonds
2384 shall be invested by the State Treasurer in accordance with the provisions of general law relating to the
2385 investment of such funds belonging to or in the control of the Commonwealth, or by a trustee in
2386 accordance with § 33.1-283 of the Code of Virginia, as amended.

2387 § 13. The interest income from and any profit made on the sale of the obligations issued under the
2388 provisions of this Act shall at all times be free and exempt from taxation by the Commonwealth and by
2389 any municipality, county, or other political subdivision thereof.

2390 § 14. All obligations issued under the provisions of this Act are hereby made securities in which all
2391 persons and entities listed in § 33.1-280 of the Code of Virginia, as amended, may properly and legally
2392 invest funds under their control.

2393 3. That the revenues generated by the provisions of this act shall not be used to calculate or
2394 reduce the share of local, federal, and state revenues otherwise available to participating
2395 jurisdictions. Further, such revenues and moneys shall not be included in any computation of, or
2396 formula for, a locality's ability to pay for public education, upon which appropriations of state
2397 revenues to local governments for public education are determined.

2398 4. That prior to December 1 each year beginning 2008, the Washington Metropolitan Transit
2399 Authority shall submit to the Auditor of Public Accounts its annual audit report and financially
2400 audited statements for the most recent fiscal year.

2401 5. That the Hampton Roads Transportation Authority established under § 33.1-391.7 of the Code
2402 of Virginia shall develop as part of a long-range plan quantifiable measures and achievable goals
2403 for the area embraced by the Authority relating to, but not limited to, congestion reduction and
2404 safety, transit and high-occupancy vehicle (HOV) usage, job-to-housing ratios, job and housing
2405 access to transit and pedestrian facilities, air quality, and per-capita vehicle miles traveled. In
2406 addition, the Northern Virginia Transportation Authority established under § 15.2-4830 of the
2407 Code of Virginia shall also develop as part of a long-range plan quantifiable measures and
2408 achievable goals for the area embraced by the Authority relating to, but not limited to, congestion
2409 reduction and safety, transit and high-occupancy vehicle (HOV) usage, job-to-housing ratios, job
2410 and housing access to transit and pedestrian facilities, air quality, and per-capita vehicle miles
2411 traveled. Such goals shall be subject to the approval of the Commonwealth Transportation Board
2412 on a biennial basis.

2413 6. That the fees and taxes authorized by this Act for imposition or assessment by the Hampton
2414 Roads Transportation Authority shall only be imposed or assessed by the Authority if (i) at least
2415 seven of the twelve governing bodies of the counties and cities embraced by the Authority (but
2416 excluding the governing body of the County of Accomack and the governing body of the County
2417 of Northampton) that include at least fifty-one percent of the population of the counties and cities
2418 embraced by the Authority (but excluding the populations of the Counties of Accomack and
2419 Northampton) pass a duly adopted resolution stating its approval of such power of the Authority
2420 no later than December 31, 2007, and then (ii) at least seven of the twelve voting members of the
2421 Authority (but excluding voting members representing the Counties of Accomack and
2422 Northampton), that include at least fifty-one percent of the population of the counties and cities
2423 embraced by the Authority vote in the affirmative to impose or assess all of the fees and taxes
2424 authorized under this Act for imposition and assessment by the Authority in all of the counties
2425 and cities embraced by the Authority. For purposes of this enactment, "population" means the
2426 population as determined by the most recently preceding United States decennial census or the
2427 most recent population estimates of the Weldon Cooper Center for Public Service of the University
2428 of Virginia, whichever is most recent.

2429 Such governing bodies in clause (i) shall provide a copy of the resolution to the Clerks of the
2430 House of Delegates and the Senate as soon as practicable. The Authority shall provide written
2431 notice of an affirmative vote pursuant to clause (ii) to the Clerks of the House of Delegates and
2432 the Senate as soon as practicable. Upon receiving any such resolution or written notice, the Clerks
2433 shall provide a copy to the Governor.

2434 In addition, if such fees or taxes are imposed or assessed, such fees and taxes shall not apply to
2435 the Counties of Accomack and Northampton until such time as the Chesapeake Bay Bridge-Tunnel
2436 facilities become subject to the control of the Hampton Roads Transportation Authority as
2437 provided in § 33.1-391.12 of the Code of Virginia.

2438 7. That the Virginia Department of Transportation, with the advice and consent of the
2439 Commonwealth Transportation Board, shall, on or before January 1, 2009, submit to the
2440 Governor and the General Assembly a plan to reassign the various highways, bridges, and other
2441 facilities comprising the state primary, secondary, and urban highways systems so that the
2442 assignment of components to such systems is based, to the maximum degree practicable, on the
2443 components' functional classification. Such plan shall include an analysis of the costs, benefits, and
2444 programmatic and other implications of such reassignment.

2445 8. That the Virginia Department of Transportation shall, on or before January 1, 2008, submit a
2446 written report to the General Assembly on its plans to create opportunities to enhance mobility
2447 and free-flowing traffic on Department-controlled toll facilities by embracing technological
2448 advances.

2449 9. That the tenth enactment clauses of Chapter 1019 and Chapter 1044 of the Acts of Assembly of
2450 2000 are repealed effective July 1, 2007.

2451 10. That counties shall have until July 1, 2011, to amend their comprehensive plans in accordance

- 2452 with the provisions of § 15.2-2223.1 of the Code of Virginia pursuant to this act.
- 2453 11. That the fees collected pursuant to § 46.2-206.1 in the fiscal year ending June 30, 2008, shall
- 2454 be deposited and held in a special fund in the state treasury and transferred on August 15, 2008,
- 2455 to the Highway Maintenance and Operating Fund.
- 2456 12. That in conjunction with the construction of rail mass transit in the right of way of the Dulles
- 2457 Access/Toll Road Connector (DATRC), sound walls shall be constructed along residential
- 2458 properties from the beginning of the DATRC to Dulles International Airport if required by the
- 2459 issued Record of Decisions pursuant to the National Environmental Policy Act (42 U.S.C. § 4321 et
- 2460 seq., as may be amended).
- 2461 13. That the Northern Virginia Transportation Authority established under § 15.2-4830 of the
- 2462 Code of Virginia shall provide written notice to the Clerks of the House of Delegates and the
- 2463 Senate of any affirmative vote of the Authority to assess or impose any fee or tax authorized
- 2464 under this act for imposition or assessment by the Authority. The Authority shall provide such
- 2465 notice as soon as practicable. Upon receiving such written notice, the Clerks shall provide a copy
- 2466 of the same to the Governor. Furthermore, the Authority, the cities and counties embraced by the
- 2467 Authority, the Commissioner of the Department of Taxation, the Commissioner of the Department
- 2468 of Motor Vehicles, and other appropriate entities shall develop guidelines, policies, and procedures
- 2469 for the efficient and effective collection and administration of the fees and taxes authorized by this
- 2470 act for use by the Authority. The guidelines, policies, and procedures shall be made public at least
- 2471 sixty days prior to their implementation. The development of these guidelines, policies, and
- 2472 procedures shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of
- 2473 Virginia). The Secretary of Finance may authorize an anticipation loan for purposes of meeting
- 2474 the requirements of this enactment.
- 2475 14. That the Hampton Roads Transportation Authority, the cities and counties embraced by the
- 2476 Authority, the Commissioner of the Department of Taxation, the Commissioner of the Department
- 2477 of Motor Vehicles, and other appropriate entities shall develop guidelines, policies, and procedures
- 2478 for the efficient and effective collection and administration of the fees and taxes authorized for use
- 2479 by the Authority. The guidelines, policies, and procedures shall be made public at least sixty days
- 2480 prior to their implementation. The development of the guidelines, policies, and procedures shall be
- 2481 exempt from the Administrative Process Act (~~§ 2.2-4000 et seq.~~ of the Code of Virginia). The
- 2482 Secretary of Finance may authorize an anticipation loan for purposes of meeting the requirements
- 2483 of this enactment.
- 2484 15. That the staff of the Hampton Roads Planning District Commission and the Virginia
- 2485 Department of Transportation shall work cooperatively to assist the proper formation and effective
- 2486 organization of the Hampton Roads Transportation Authority. Until such time as the Authority is
- 2487 fully established and functioning, the staff of the Hampton Roads Planning District Commission
- 2488 shall serve as its staff, and the Hampton Roads Planning District Commission shall provide the
- 2489 Authority with office space and administrative support. The Authority shall reimburse the
- 2490 Hampton Roads Planning District Commission for the cost of such staff, office space, and
- 2491 administrative support as appropriate.
- 2492 16. That, as provided under § 58.1-3221.2, the tax authorized thereunder may only be imposed by
- 2493 a city or county embraced by the Northern Virginia Transportation Authority established under
- 2494 § 15.2-4830, or a city or county embraced by the Hampton Roads Transportation Authority
- 2495 established under § 33.1-391.7.
- 2496 17. That the Department of Motor Vehicles shall work with the appropriate state agencies to
- 2497 develop guidelines, policies, and procedures for the efficient and effective collection and
- 2498 administration of the fees set forth under § 46.2-206.1 of the Code of Virginia. The guidelines,
- 2499 policies, and procedures shall be made public at least sixty days before their implementation. The
- 2500 development of the guidelines, policies, and procedures shall be exempt from the Administrative
- 2501 Process Act (§ 2.2-4000 et seq. of the Code of Virginia).
- 2502 18. That the tax authorized pursuant to § 58.1-540 of the Code of Virginia shall not be imposed by
- 2503 a city or county embraced by the Northern Virginia Transportation Authority if the Authority is
- 2504 imposing any of the fees or taxes authorized under law for imposition or assessment by the
- 2505 Authority.
- 2506 19. That the tax authorized pursuant to § 58.1-540 of the Code of Virginia shall not be imposed by
- 2507 a city or county embraced by the Hampton Roads Transportation Authority if the Authority is
- 2508 imposing any of the fees or taxes authorized under law for imposition or assessment by the
- 2509 Authority.
- 2510 20. That the Northern Virginia Transportation Authority and the counties and cities embraced by
- 2511 the Authority shall work cooperatively with the towns located within such counties for purposes of
- 2512 implementation of the provisions of this act.

- 2513 21. That the revenue generated by this act shall be used solely for transportation purposes.
- 2514 22. That the provisions of this act which generate additional revenue for the Transportation Trust
- 2515 Fund, established under § 33.1-23.03:1 of the Code of Virginia, or the Highway Maintenance and
- 2516 Operating Fund shall expire on December 31 of any year in which the General Assembly
- 2517 appropriates any of the revenues designated under general law to the Highway Maintenance and
- 2518 Operating Fund or the Transportation Trust Fund for any non-transportation related purpose.
- 2519 23. That should any portion of this act be held unconstitutional by a court of competent
- 2520 jurisdiction, the remaining portions of this act shall remain in effect.