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SENATE BILL NO. 660

Offered January 9, 2008

A BILL to amend and reenact § 33.1-391.10 of the Code of Virginia, relating to powers of the Hampton Roads Transportation Authority.

Patron—Miller, Y.B.

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That § 33.1-391.10 of the Code of Virginia is amended and reenacted as follows:

§ 33.1-391.10. Additional powers of the Authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15. To award contracts on a design-build basis for the construction of the transportation projects that are included in the federally mandated 2030 Regional Transportation Plan approved by the

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59 *Metropolitan Planning Organization, or any successor plan, and that are located in, or which provide a*
60 *benefit to, the counties and cities that are members of the Authority, subject to the limitations related to*
61 *those projects contained in subdivision 14. These contracts may be awarded after a written*
62 *determination is made by the Authority pursuant to objective criteria previously adopted by the*
63 *Authority regarding the use of design-build, that delivery of any or all of the above projects must be*
64 *expedited and that it is not in the public interest to comply with the design and construction contracting*
65 *procedures normally followed. Such objective criteria will include requirements for prequalification of*
66 *contractors and competitive bidding processes. Such determination shall be retained for public*
67 *inspection in the official records of the Authority, and shall include a description of the nature and*
68 *scope of the project and the reasons for the determination that awarding a design-build contract will*
69 *best serve the public interests. The provisions of this section shall supersede contrary provisions of*
70 *subsection D of § 2.2-4303 and of §§ 2.2-4305, 2.2-4306, and 2.2-4308.*

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

76 First Phase Projects:

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

81 Second Phase Projects:

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