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HOUSE BILL NO. 1573

Offered January 18, 2008

A BILL to amend the Code of Virginia by adding in Title 15.2 a chapter numbered 70, consisting of sections numbered 15.2-7000 through 15.2-7008, relating to the Central Virginia Regional Transportation Authority.

Patrons—Hall; Senator: Watkins

Referred to Committee on Counties, Cities and Towns**Be it enacted by the General Assembly of Virginia:**

1. That the Code of Virginia is amended by adding in Title 15.2 a chapter numbered 70, consisting of sections numbered 15.2-7000 through 15.2-7008, as follows:

CHAPTER 70.**CENTRAL VIRGINIA REGIONAL TRANSPORTATION AUTHORITY.****§ 15.2-7000. Short Title.**

This chapter shall be known and may be cited as the Central Virginia Regional Transportation Authority Act.

§ 15.2-7001. Authority created.

The Central Virginia Regional Transportation Authority, hereinafter in this chapter known as "the Authority," is hereby created as a body politic and as a political subdivision of the Commonwealth. The Authority shall embrace the Counties of Chesterfield, Hanover and Henrico and the City of Richmond (the "core localities"). The membership of the Authority shall be as provided in § 15.2-7004. The Authority may also include any other locality that is a member of the Richmond Regional Planning District (the "optional localities") as provided in § 15.2-7005.

§ 15.2-7002. 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;

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59 12. The Authority shall comply with the provisions governing localities contained in § 15.2-2108.23;
60 13. To decide and vote to impose all of the fees and taxes authorized under law for use by the
61 Authority;

62 14. To the extent not inconsistent with the other provisions of this chapter, and without limiting or
63 restricting the powers otherwise given the Authority, to exercise all of the powers given to
64 transportation district commissions by §§ 15.2-4518 and 15.2-4519. The Authority shall only undertake
65 those transportation projects that are located in, or which provide a benefit to, the counties and cities
66 that are members of the Authority; and

67 15. To the extent not inconsistent with the other provisions of this chapter, and without limiting or
68 restricting the powers otherwise given the Authority, to exercise all of the powers contained in
69 §§ 46.2-755.1, 46.2-755.2, 46.2-1167.1, 58.1-605, 58.1-606, 58.1-625.1, 58.1-802.1, 58.1-1724.3,
70 58.1-1724.6, and 58.1-2402.1 and given to the Hampton Roads Transportation Authority established
71 pursuant to § 33.1-391.7 and the Northern Virginia Transportation Authority established pursuant to
72 § 15.2-4830, and as such powers may be amended from time to time.

73 § 15.2-7003. Additional powers of the Authority.

74 Notwithstanding any contrary provision of this title or Title 33.1 and in accordance with all
75 applicable federal statutes and requirements, the Authority shall control and operate and may impose
76 and collect tolls in amounts established by the Authority for the use of any new or improved highway,
77 bridge, tunnel, or transportation facility to increase capacity on such facility constructed by the
78 Authority or solely with revenues of the Authority or revenues under the control of the Authority. The
79 amount of any such toll may be varied from facility to facility, by lane, by congestion levels, by day of
80 the week, time of day, type of vehicle, number of axles, or any similar combination thereof, and a
81 reduced rate may be established for commuters as defined by the Authority. Any tolls imposed by the
82 Authority shall be collected by an electronic toll system that, to the extent possible, shall not impede the
83 traffic flow of the facility or prohibit a toll facility from retaining means of nonautomated toll collection
84 in some lanes of the facility. For all facilities tolled by the Authority, there shall be signs erected prior
85 to the point of toll collection that clearly state how the majority of the toll revenue is being spent by the
86 Authority to benefit the users of the facility.

87 § 15.2-7004. Composition of Authority; chairman and vice-chairman; quorum.

88 The Authority shall consist of the following members: (i) the board chairman or mayor (or in the
89 discretion of the board chairman or mayor, his designee, who shall be a current elected officer of such
90 governing body) of (a) each of the Counties of Chesterfield, Hanover and Henrico and the City of
91 Richmond, and (b) any other locality that has become a member of the Authority pursuant to
92 § 15.2-7005, all of whom shall serve with voting privileges; (ii) one citizen from each of the member
93 localities, all of whom shall serve with voting privileges, to be appointed by the appropriate local
94 governing body; (iii) a member of the Commonwealth Transportation Board who resides in a county or
95 city embraced by the Authority appointed by the Governor who shall serve ex officio without a vote; (iv)
96 two members of the Virginia House of Delegates each of whom shall reside in a city or county whose
97 governing body has a voting member on the Authority, neither of whom shall reside in the same city or
98 county, appointed by the Speaker of the House of Delegates, who shall serve ex officio without a vote;
99 and (v) one member of the Senate of Virginia who shall reside in a city or county whose governing
100 body has a voting member on the Authority, appointed by the Senate Committee on Rules, who shall
101 serve ex officio without a vote. Legislative members shall serve terms coincident with their terms of
102 office. Vacancies shall be filled by appointment for the unexpired term by the same process as used to
103 make the original appointment.

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

105 A majority of the voting members of the Authority shall constitute a quorum for the transaction of
106 business.

107 Decisions of the Authority shall require a quorum and shall be in accordance with voting procedures
108 established by the Authority. Decisions of the Authority shall require the affirmative vote of a majority
109 of the voting members of the Authority present and voting and such members present and voting in the
110 affirmative shall be representatives of counties and cities that collectively include at least 51 percent of
111 the population embraced by the Authority at the time of the vote including at least three of the four
112 most populous localities. The population of counties and cities embraced by the Authority shall be the
113 population as determined by the most recently preceding decennial census, except that after July 1 of
114 the fifth year following such census, the population of each county and city shall be adjusted, based on
115 final population estimates made by the Weldon Cooper Center for Public Service of the University of
116 Virginia.

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

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

§ 15.2-7005. Additional localities may join Authority

Any additional locality that is a member of the Richmond Regional Planning District may by affirmative vote of the governing body opt to be included in the Authority. Any such optional locality shall have all the powers and obligations of a core locality.

§ 15.2-7006. Authority a responsible public entity under Public-Private Transportation Act of 1995.

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

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

§ 15.2-7007. Continuing responsibilities of the Commonwealth Transportation Board and the Virginia Department of Transportation.

Except as otherwise explicitly provided in this chapter, until such time as the Authority and the Virginia Department of Transportation, or the Authority and the Commonwealth Transportation Board, agree otherwise in writing, the Commonwealth Transportation Board shall allocate funding to and the Department of Transportation shall perform or cause to be performed all maintenance and operation of the bridges, tunnels, and roadways pursuant to § 15.2-7003, and shall perform such other required services and activities with respect to such bridges, tunnels, and roadways as were being performed on January 1, 2009.

§ 15.2-7008. Use of revenues by the Authority.

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

2. That the fees and taxes authorized by this Act for imposition or assessment by the Central Virginia Regional Transportation Authority shall only be imposed or assessed by the Authority if (i) at least three of the four governing bodies of the core localities embraced by the Authority that include at least 51 percent of the population of the core localities embraced by the Authority pass a duly adopted resolution stating its approval of such power of the Authority, and then (ii) at least three of the four voting members of the Authority representing the core localities that include at least 51 percent of the population of the core localities embraced by the Authority vote in the affirmative to impose or assess all of the fees and taxes authorized under this Act for imposition and assessment by the Authority in all of the counties and cities embraced by the Authority. The optional localities may elect to participate as equal members of the Authority pursuant to the provisions of this act and guidelines established by the Authority, but shall not be included for purposes of any calculations made pursuant to this enactment. For purposes of this enactment, "population" means the population as determined by the most recently preceding United States decennial census or the most recent population estimates of the Weldon Cooper Center for Public Service of the University of Virginia, whichever is most recent.

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

3. That the Central Virginia Regional Transportation Authority, the cities and counties embraced by the Authority, the Commissioner of the Department of Taxation, the Commissioner of the Department of Motor Vehicles, and other appropriate entities shall develop guidelines, policies, and procedures for the efficient and effective collection and administration of the fees and taxes authorized for use by the Authority. The guidelines, policies, and procedures shall be made public at least 60 days prior to their implementation. The development of the guidelines, policies, and procedures shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia). The Secretary of Finance may authorize an anticipation loan for the purposes of meeting the requirements of this enactment.

4. That the staff of the Richmond Regional Planning District Commission and the Virginia Department of Transportation shall work cooperatively to assist the proper formation and effective organization of the Central Virginia Regional Transportation Authority. Until such time as the Authority is fully established and functioning, the staff of the Richmond Regional Planning District

182 Commission shall serve as its staff, and the Richmond Regional Planning District Commission
183 shall provide the Authority with office space and administrative support. The Authority shall
184 reimburse the Richmond Regional Planning District Commission for the cost of such staff, office
185 space, and administrative support as appropriate.
186 5. That nothing in this act shall authorize the Central Virginia Regional Transportation Authority
187 to be engaged in the ownership, operation and regulation of an airport or air-transportation.