

2009 SESSION

INTRODUCED

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HOUSE BILL NO. 1759

Offered January 14, 2009

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A *BILL to authorize the Commonwealth Transportation Board to issue certain bonds, relating to transportation.*

Patron—Marshall, R.G.

Referred to Committee on Transportation

1. That the Commonwealth Transportation Board is authorized to issue bonds to fund transportation projects throughout the Commonwealth as follows:

§ 1. Title. This act shall be known and may be cited as the "Commonwealth Transportation Capital Projects Bond Act of 2009."

§ 2. The Commonwealth Transportation Board is hereby authorized, by and with the consent of the Governor, to issue, pursuant to the provisions of the State Revenue Bond Act (§ 33.1-267 et seq. of the Code of Virginia) as amended from time to time, revenue obligations of the Commonwealth to be designated "Commonwealth of Virginia Transportation Capital Projects Revenue Bonds, Series .." at one or more times in an aggregate principal amount not to exceed \$4.81 billion, after all costs.

§ 3. The net proceeds of the Bonds shall be used exclusively for the purpose of providing funds for paying the costs incurred or to be incurred for construction or funding of the transportation projects set forth below in this section, including but not limited to environmental and engineering studies, rights-of-way acquisition, improvements to all modes of transportation, acquisition, construction and related improvements, and any financing costs and other financing expenses. Such costs may include the payment of interest on the Bonds for a period during construction and not exceeding one year after completion of construction of the projects.

ProjectCost

Add four lanes (two in each direction) to the Hampton Roads Bridge Tunnel; or add them to a new structure parallel with the Hampton Roads Bridge Tunnel \$2 billion

Improvements on Interstate 81 for trucks that are required to stop at weigh stations \$550 million

Extend Virginia Railway Express from Manassas to Haymarket \$300 million and purchase rolling stock

Construct the Tri-County Connector for the counties of Fairfax, Prince William, and Loudoun; and acquire right of ways for mass transit along the Connector \$570 million

Construct connector between Rte. 66 and Rte 29 at Haymarket and widen Rte. 66 by an additional lane from Gainesville to the new connector \$300 million

Improve the Washington Metropolitan Transit Authority's capital assets in the Commonwealth and purchase rolling stock \$300 million

Widen Rte. 460 by adding one lane in the west bound lane and one lane in the east bound lane west of Grundy to the Kentucky borderline \$90 million

Total \$4.81 billion

§ 4. The proceeds of the Bonds, including any premium received on the sale thereof, shall be made available by the Commonwealth Transportation Board to pay costs of the projects and, where appropriate, may be paid to any authority, locality, commission, or other entity for the purposes of paying for costs of the projects. The proceeds of the Bonds may be used together with any federal, local, or private funds that may be made available for such purpose. The proceeds of the Bonds,

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59 together with any investment earnings thereon, may, at the discretion of the Commonwealth
60 Transportation Board, secure the payment of principal or purchase price of and redemption premium, if
61 any, and interest on the Bonds.

62 § 5. The terms and structure of each issue of the Bonds shall be determined by the Commonwealth
63 Transportation Board, subject to approval by the Treasury Board in accordance with § 2.2-2416 of the
64 Code of Virginia, as amended. The Bonds of each issue shall be dated; shall be issued in a principal
65 amount (subject to the limitations set forth in § 2 and in subsection C of § 33.1-23.03:8 of the Code of
66 Virginia); shall bear interest at such rate or rates, which may be fixed, adjustable, variable or a
67 combination thereof and may be determined by a formula or other method; shall mature at such time or
68 times not exceeding 25 years from their date or dates; and may be made subject to purchase or
69 redemption before their maturity or maturities, at such price or prices and under such terms and
70 conditions, all as may be determined by the Commonwealth Transportation Board. The Commonwealth
71 Transportation Board shall determine the form of the Bonds, whether the Bonds are certificated or
72 uncertificated, and fix the authorized denomination or denominations of the Bonds and the place or
73 places of payment of principal or purchase price of, and redemption premium, if any, and interest on
74 the Bonds, which may be at the office of the State Treasurer or any bank or trust company within or
75 without the Commonwealth. The principal or purchase price of, and redemption premium, if any, and
76 interest on the Bonds shall be made payable in lawful money of the United States of America. Each
77 issue of the Bonds may be issued under a system of book entry for recording the ownership and transfer
78 of ownership of rights to receive payments of principal or purchase price of and redemption premium, if
79 any, and interest on such Bonds. All Bonds shall have and are hereby declared to have, as between
80 successive holders, all of the qualities and incidents of negotiable instruments under the negotiable
81 instruments law of the Commonwealth.

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

85 § 6. The Bonds shall be signed on behalf of the Commonwealth Transportation Board by the
86 chairman or vice-chairman of the Commonwealth Transportation Board, or shall bear the facsimile
87 signature of such officer, and shall bear the official seal of the Board, which shall be attested to by the
88 manual or facsimile signature of the secretary or assistant secretary of the Commonwealth
89 Transportation Board. In the event that the Bonds shall bear the facsimile signature of the chairman or
90 vice-chairman of the Commonwealth Transportation Board, such Bonds shall be signed by such
91 administrative assistant as the chairman of the Transportation Board shall determine or by any
92 registrar/paying agent who may be designated by the Commonwealth Transportation Board. In case any
93 officer whose signature or a facsimile of whose signature appears on any Bonds shall cease to be such
94 officer before the delivery of such Bonds, such signature or facsimile signature nevertheless shall be
95 valid and sufficient for all purposes as if such officer had remained in office until such delivery.

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

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

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

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

107 § 9. The proceeds of the Bonds and of any anticipation notes herein authorized (except the proceeds
108 of the Bonds the issuance of which has been anticipated by such anticipation notes) shall be placed by
109 the State Treasurer in a special fund in the state treasury, or may be placed with a trustee in
110 accordance with § 33.1-283 of the Code of Virginia, as amended, and shall be disbursed only for the
111 purpose for which such Bonds and such anticipation notes shall be issued; provided, however, that
112 proceeds derived from the sale of the Bonds herein authorized shall be first used in the payment of any
113 anticipation notes that may have been issued in anticipation of the sale of such Bonds and any renewals
114 of such Bonds. The proceeds of the Bonds and of any anticipation notes herein authorized, together with
115 any investment earnings thereon, shall not be taken into account in computing, and shall be in addition
116 to funds allocated pursuant to the highway allocation formula set forth in § 33.1-23.1 of the Code of
117 Virginia, as amended.

118 § 10. The Commonwealth Transportation Board is hereby authorized to receive any other funds that
119 may be made available to pay costs of the projects and, subject to appropriation, to make available the
120 same to the payment of the principal or purchase price of, and redemption premium, if any, and interest

on the Bonds authorized hereby and to enter into the appropriate agreements to allow for those funds to be paid into the state treasury, or to a trustee in accordance with § 33.1-283 of the Code of Virginia, as amended, to pay a part of the costs of the projects or to pay principal or purchase price of, and redemption premium, if any, and interest on the Bonds.

§ 11. The Commonwealth Transportation Board, in connection with the issuance of the Bonds, shall establish a fund in accordance with § 33.1-286 of the Code of Virginia, as amended, either in the state treasury or with a trustee in accordance with § 33.1-283 of the Code of Virginia, as amended, which shall secure and be used for the payment of the Bonds to the credit of which there shall be deposited such amounts, appropriated therefor by the General Assembly, as are required to pay principal or purchase price of, and redemption premium, if any, and interest on the Bonds, as and when due and payable, (i) from the tolls, fares, and fees to be in place for each project as set forth in § 12; (ii) to the extent required, from revenues legally available from the Transportation Trust Fund; and (iii) to the extent required, from any legally available funds.

§ 12. Each project, except for the Virginia Railway Express (VRE) and the Interstate 81 project, shall have appropriate tolls on the new construction to pay for each project's proportionate receipt of the proceeds of the bonds, which will correspond to each project's proportionate share of paying all costs associated with the bonds, including, but not limited to principal and interest. The VRE shall dedicate a portion of its fares or other available to assist in paying for the bonds. The project for the Washington Metropolitan Transit Authority ("Metro") and the money associated with it is contingent on the Metro Board agreeing to dedicate a portion of its fares or other available funds to assist in paying for the bonds. For the Interstate 81 project appropriate fees shall be collected at truck weigh stations to pay for the Interstate 81 project's share the payments on the bonds.

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

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

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