

098186656

## HOUSE BILL NO. 1882

House Amendments in [ ] - February 3, 2009

A *BILL to amend and reenact §§ 33-255.44:11, 33-255.44:12, 33-255.44:13, 33-255.44:15, 33-255.44:22, 33-255.44:23, 33-255.44:26, 33-255.44:27, 33-255.44:28, and 33-255.44:30 of the Code of Virginia, continued in effect and carried by reference in § 33.1-320 of the Code of Virginia, relating to the Richmond Metropolitan Authority.*

Patron Prior to Engrossment—Delegate Nixon

Referred to Committee on Transportation

**Be it enacted by the General Assembly of Virginia:**

1. That §§ 33-255.44:11, 33-255.44:12, 33-255.44:13, 33-255.44:15, 33-255.44:22, 33-255.44:23, 33-255.44:26, 33-255.44:27, 33-255.44:28, and 33-255.44:30 of the Code of Virginia, continued in effect and carried by reference in § 33.1-320 of the Code of Virginia, are amended and reenacted as follows:

§ 33-255.44:11. Definitions.—As used in this article, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

(a) The word "Authority" shall mean the Richmond Metropolitan Authority created by §§ 33-255.44:12 of this article, or if the Authority shall be abolished, the board, body, commission or agency succeeding to the principal functions thereof or on whom the powers given by this article to the Authority shall be conferred by law, but shall not include the City of Richmond or the Counties of *Hanover, Henrico, and Chesterfield and Henrico*.

(b) The words "Authority Facility" shall mean any or all facilities purchased, constructed or otherwise acquired by the Authority pursuant to the provisions of this article, and all extensions, improvements and betterments thereof.

(c) "Project" shall mean any single facility constituting an Authority Facility, as described in the resolution or Trust Agreement providing for the construction thereof, including extensions, improvements and betterments thereof.

(d) The word "cost" as applied to any Project shall include the cost of construction, landscaping and conservation, the cost of acquisition of all land, rights of way, property, rights, easements and interests acquired by the Authority for such construction, landscaping and conservation, the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved, the cost of all machinery and equipment, financing charges, interest prior to and during construction and for a period of time after completion of construction as deemed advisable by the Authority, cost of traffic estimates and of engineering and legal services, plans, specifications, surveys, estimates of cost and of revenues, other expenses necessary or incident to determining the feasibility or practicability of constructing the Project, administrative expenses, payments to The Richmond-Petersburg Turnpike Authority or others for services during the period of construction, initial working capital, debt service reserves, and such other expenses as may be necessary or incident to the construction of the Project, the financing of such construction and the placing of the Project in operation. Any obligation or expense incurred by the State Highway Commission or by the City of Richmond, or the Counties of *Hanover, Henrico, or Chesterfield* before or after the effective date of this article, for surveys, engineering, borings, plans and specifications, legal and other professional and technical services, reports, studies and data in connection with the construction of a Project shall be repaid or reimbursed by the Authority and the amounts thereof shall be included as a part of the cost of the Project.

(e) The words "public highways" shall include public highways, roads and streets, whether maintained by the Commonwealth or the City of Richmond or by the Counties of *Hanover, Henrico, or Chesterfield*.

(f) The word "bonds" or the words "revenue bonds" shall mean revenue bonds or revenue refunding bonds of the Authority issued under the provisions of this article.

(g) The word "Owner" shall include all individuals, partnerships, associations, organizations and corporations, the City of Richmond, *the County of Hanover*, the County of Henrico, the County of Chesterfield and all public agencies and instrumentalities having any title or interest in any property, rights, easements and interests authorized to be acquired by this article.

(h) The words "controlled access highway" and "limited access highway" shall mean a highway especially designed for through traffic over or to which owners or occupants of abutting property or other persons have no easement of or right to light, air, view or access by reason of the fact that their

ENGROSSED

HB1882E

59 property abuts upon such highway, and access to which highway is controlled by the Authority, the  
60 Commonwealth, the City of Richmond or the Counties of *Hanover*, Henrico, or Chesterfield so as to  
61 give preference to through traffic by providing access connections with selected public roads only and  
62 by prohibiting crossings at grade or direct private driveway connections.

63 (i) The word "revenues" shall mean any or all fees, tolls, rents, rates, receipts, moneys and income  
64 derived by the Authority through the ownership and operation of Authority Facilities, and shall include  
65 any cash contributions made to the Authority by the Commonwealth or any agency or department  
66 thereof, the City of Richmond and the Counties of *Hanover*, Henrico, and Chesterfield not specifically  
67 dedicated by the contributor for a capital improvement.

68 (j) The word "Commonwealth" shall mean the Commonwealth of Virginia.

69 § 33-255.44:12. Creation of the Authority.-There is hereby created a political subdivision and public  
70 body corporate and politic of the Commonwealth of Virginia to be known as the "Richmond  
71 Metropolitan Authority" (hereinafter referred to as the "Authority") to be governed by a Board of  
72 Directors consisting of eleven members; *as follows: one member to be appointed by the Board of*  
73 *Supervisors of Chesterfield County for a period of two years from the date of appointment; one member*  
74 *three members* to be appointed by the Board of Supervisors of Chesterfield County for a ~~term~~ *terms* of  
75 four years from the date of appointment; ~~one member to be appointed by the Board of Supervisors of~~  
76 ~~Henrico County for a period of two years from the date of appointment; one member~~ *three members* to  
77 be appointed by the Board of Supervisors of Henrico County for a ~~term~~ *terms* of four years from the  
78 date of appointment; ~~one member to be appointed by the Board of Supervisors of Hanover County for a~~  
79 ~~term of four years from the date of appointment; three members to be appointed by the Mayor of the~~  
80 ~~City of Richmond with the approval of the City Council for a term of two years from the date of~~  
81 ~~appointment; three members to be appointed by the Mayor of the City of Richmond with the approval~~  
82 ~~of the City Council of the City of Richmond for a term terms of four years from the date of~~  
83 ~~appointment; and one ex-officio member from the State Highway Commission Commonwealth~~  
84 ~~Transportation Board to be appointed by the State Highway Commonwealth Transportation~~  
85 ~~Commissioner; and thereafter the appointive members of the Board shall be appointed for terms of four~~  
86 ~~years and until their successors have been appointed and are qualified.~~ Vacancies in the membership of  
87 the Board shall be filled by the appointment of the governing body which had appointed the member of  
88 the Board which created such vacancy for the unexpired portion of the term. The Board so appointed  
89 shall enter upon the performance of its duties and shall initially and annually thereafter elect one of its  
90 members as Chairman and another as Vice Chairman, and shall also elect annually a Secretary or  
91 Secretary-Treasurer who need not be a member of the Board. The Chairman, or in his absence the Vice  
92 Chairman, shall preside at all meetings of the Board, and in the absence of both the Chairman and Vice  
93 Chairman, the Board shall elect a Chairman pro tempore who shall preside at such meetings. Six  
94 Directors shall constitute a quorum, and all action by the Board shall require the affirmative vote of a  
95 majority of the Directors present and voting. The members of the Board shall be entitled to  
96 reimbursement for expenses incurred in attendance upon meetings of the Board or while otherwise  
97 engaged in the discharge of their duties, and each member shall also be paid the sum of fifty dollars per  
98 day for each day or portion thereof during which he is engaged in the performance of his duties. Such  
99 expenses and compensation shall be paid out of the treasury of the Authority in such manner as shall be  
100 prescribed by the Authority.

101 § 33-255.44:13. Powers of the Authority.-That in order to alleviate highway congestion, promote  
102 highway safety, expand highway construction, increase the utility and benefits and extend the services of  
103 public highways including bridges, tunnels and other highway facilities, both free and toll, and otherwise  
104 contribute to the economy, industrial and agricultural development and welfare of the Commonwealth  
105 and the City of Richmond and Counties of *Hanover*, Henrico, and Chesterfield, the Authority shall have  
106 the following powers:

107 (a) To contract and be contracted with; to sue and be sued; and to adopt and use a seal and to alter  
108 the same at its pleasure;

109 (b) To acquire and hold real or personal property necessary or convenient for its purposes;

110 (c) To sell, lease or otherwise dispose of any personal or real property or rights, easements or estates  
111 therein deemed by the Authority not necessary for its purposes;

112 (d) To purchase, construct or otherwise acquire, maintain, repair and operate, or cause to be repaired,  
113 maintained and operated, controlled access express highways or super highways, within the corporate  
114 limits of the City of Richmond and the Counties of ~~Chesterfield and Hanover~~, Henrico, and  
115 ~~Chesterfield~~, including all bridges, tunnels, overpasses, underpasses, grade separations, interchanges,  
116 entrance plazas, approaches, approach roads, tollhouses and administration, storage and other buildings  
117 and facilities which the Authority may deem necessary or convenient for the operation of such  
118 controlled access express highways or super highways. Title to any property acquired by the Authority  
119 shall be taken in the name of the Authority;

120 (e) With the approval of the Council of the City of Richmond and the Boards of Supervisors of the

Counties of *Hanover*, Henrico, and Chesterfield to own, operate, maintain and provide rapid and other transit facilities ~~and~~ and services for the transportation of the public, and to enter into contracts with said City and County or Counties and any public service corporations doing business as common carriers of passengers and property for the use of Authority Facilities for said purpose, and to enter into contracts for the transportation of passengers and property over facilities of jurisdictions other than the Authority, as well as the property and facilities of the Authority, and construct, acquire, operate and maintain any other properties and facilities, including such offices and commercial facilities in connection therewith as are deemed necessary or convenient by the Authority, for the relief of traffic congestion, or to provide vehicular parking, or to promote transportation of persons an property, or to promote the flow of commerce that the Council of the City of Richmond and the Boards of Supervisors of the Counties of ~~Chesterfield and Hanover~~, Henrico, and *Chesterfield* may request the Authority to provide;

(e1) With the approval of the Council of the City of Richmond and the Boards of Supervisors of the Counties of *Hanover*, Henrico, and Chesterfield to acquire land; construct, own and operate sports facilities of any nature including facilities reasonably related thereto and own a baseball stadium of sufficient seating capacity and quality for the playing of baseball at the level immediately below major league baseballs and to lease such land, stadium, sports facilities and attendant facilities under such terms and conditions as the Authority may prescribe. In the event of a conflict between the provisions of this subsection (e1) and any bond indenture to which the Authority is subject, the provisions of the bond indenture shall be controlling;

(f) The Authority is authorized and empowered to acquire by the exercise of the power of eminent domain any lands, property, rights, rights-of-way, franchises, easements and other property, including public lands, parks, playgrounds, reservations, highways, or parkways, or parts thereof or rights therein, of any person, copartnership, association, railroad, public service, public utility or other corporation, or of any municipality, county or other political subdivision, deemed necessary or convenient for the construction or the efficient operation of the project or necessary in the restoration, replacement or relocation of public or private property damaged or destroyed, whenever a reasonable price cannot be agreed upon with the governing body of such municipality, county or other political subdivision as to such property owned by it, or whenever the Authority cannot agree on the terms of purchase or settlement with the other owner or owners because of the incapacity of such owner or owners or because of the inability to agree on the compensation to be paid or other terms of settlement or purchase, or because such owner or owners are non-residents of the Commonwealth, or are unknown, or are unable to convey valid title to such property. Such proceedings shall be in accordance with and subject to the provisions of any and all laws of the Commonwealth applicable to the exercise of the power of eminent domain in the name of the Commonwealth Transportation Commissioner and subject to the provisions of § 25-233 of the Code of Virginia, 1950, as fully as if the Authority were a corporation possessing the power of eminent domain; however, title to any property condemned by the Authority shall immediately vest in the Authority and the Authority shall be entitled to the immediate possession of such property upon the deposit with the clerk of the court in which such condemnation proceedings are originated, of the total amount of the appraised price of the property and court costs and fees as provided by said laws, notwithstanding that any of the parties to such proceedings shall appeal from any decision in such condemnation proceeding. Whenever the Authority shall make such deposit in connection with any condemnation proceeding, the making of such deposit shall not preclude the Authority from appealing any decision rendered in such proceedings. Upon the deposit with the clerk of the court of the appraised price, any person or persons entitled thereto may, upon petition to the court, be paid his or their pro rata share of 90% of such appraised price. The acceptance of such payment shall not preclude such person or persons from appealing any decision rendered in such proceedings. If the appraisal is greater or less than the amount finally determined by the decision in such proceeding or by an appeal, the amount of the increase or decrease shall be paid by or refunded to the Authority.

The terms "appraised price" and "appraisement" as used in this section mean the value determined by two competent real estate appraisers appointed by the Authority for such purposes.

The acquisition of any such property by condemnation or by the exercise of the power of eminent domain shall be and is hereby declared to be a public use of such property.

(g) To determine the location of any controlled access express highways or super highways constructed or acquired by the Authority, subject to the approval of the Commonwealth Transportation Board and to determine the design standards and materials of construction of such highways;

(h) To designate with the approval of the Commonwealth Transportation Board the location in the City of Richmond and in the Counties of *Hanover*, Henrico, and Chesterfield, and establish, limit and control such points of ingress to and egress from any limited access highway constructed by the Authority within the corporate limits of said City and Counties as may be necessary or desirable in the judgment of the Authority to insure the proper operation and maintenance of such highway; to prohibit

entrance to and exit from such highway from any point or points not so designated; and to construct, maintain, repair and operate service roads connecting with points of ingress to and egress from such highway at such locations in the City of Richmond and in the Counties of *Hanover*, Henrico, and Chesterfield as may be designated by the Authority;

(i) To connect any highway constructed or acquired by the Authority with The Richmond-Petersburg Turnpike with the approval of the Commonwealth Transportation Board and The Richmond-Petersburg Turnpike Authority, at such location or locations as shall be mutually agreed upon;

(j) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this article, including contracts or agreements authorized by this article with the Commonwealth Transportation Board, the City of Richmond, the Counties of *Hanover*, Henrico, and Chesterfield and The Richmond-Petersburg Turnpike Authority;

(k) To construct grade separations at intersections of any limited access highway constructed by the Authority with public highways, streets or other public ways or places, and to change and adjust the lines and grades thereof so as to accommodate the same to the design of the grade separation; the cost of such grade separations and any damage incurred in changing and adjusting the lines and grades of such highways, streets, ways and places shall be ascertained and paid by the Authority as a part of the cost of such highway;

(l) To vacate or change the location of any portion of any public highway, street or other public way or place, public utility, sewer, pipe, main, conduit, cable, wire, tower, pole and other equipment and appliance of the Commonwealth, the City of Richmond or of the Counties of *Hanover*, Henrico, and Chesterfield, and to reconstruct the same in such new location as shall be designated by the Authority, and of substantially the same type and in as good condition as the original highway, street, way, place, public utility, sewer, pipe, main, conduit, cable, wire, tower, pole, equipment or appliance; the cost of such reconstruction and any damage incurred in vacating or changing the location thereof shall be ascertained and paid by the Authority as a part of the cost of the project in connection with which such expenditures were made; and any public highway, street or other public way or place vacated or relocated by the Authority shall be vacated or relocated in the manner provided by law for the vacation or relocation of public roads, and any damages awarded on account thereof shall be paid by the Authority as a part of the cost of said project;

(m) To enter upon any lands, waters and premises for the purpose of making such surveys, soundings, borings and examinations as the Authority may deem necessary or convenient for its purposes, and such entry shall not be deemed a trespass, nor shall an entry for such purposes be deemed an entry under any condemnation proceedings; provided, however, the Authority shall pay any actual damage resulting to such lands, water and premises as a result of such entry and activities;

(n) To operate or permit the operation of vehicles for the transportation of persons or property for compensation on any limited access highway constructed or acquired by the Authority, provided the State Corporation Commission or the Interstate Commerce Commission shall not be divested of jurisdiction to authorize or regulate the operation of such carriers;

(o) To establish reasonable regulations for the installation, construction, maintenance, repair, renewal, relocation and removal of pipes, mains, sewers, conduits, cables, wires, towers, poles and other equipment and appliances (herein referred to as "public utility facilities") of the City of Richmond and the Counties of *Hanover*, Henrico, and Chesterfield and of public utility and public service corporations and of any person, firm or other corporation rendering similar services, owning or operating public utility facilities in, on, along, over or under highways constructed by the Authority; and whenever the Authority shall determine that it is necessary that any public utility facilities should be relocated or removed, the Authority may relocate or remove the public utility facilities in accordance with the regulations of the Authority and the cost and expense of such relocation or removal, including the cost of installing the public utility facilities in a new location or locations and the cost of any lands or any rights or interests in lands and any other rights acquired to accomplish such relocation or removal shall be paid by the Authority as a part of the cost of such highway, and the owner or operator of the public utility facilities may maintain and operate the public utility facilities with the necessary appurtenances in the new location or locations for as long a period and upon the same terms and conditions as it had the right to maintain and operate the public utility facilities in their former location or locations;

(p) To borrow money and issue bonds, notes or other evidences of indebtedness for any of its corporate purposes, such bonds, notes or other evidences of indebtedness to be payable solely from the revenues or other unencumbered funds available to the Authority which are pledged to the payment of such bonds, notes or other evidences of indebtedness;

(q) To fix, charge and collect fees, tolls, rents, rates and other charges for the use of Authority Facilities and the several parts or sections thereof;

(r) To establish rules and regulations for the use of any of the Authority Facilities as may be necessary or expedient in the interest of public safety with respect to the use of Authority Facilities and property under the control of the Authority;

(s) To employ consulting engineers, attorneys, accountants, construction and financial experts, superintendents, managers, trustees, depositaries, paying agents and such other employees and agents as may be necessary in the discretion of the Authority to construct, acquire, maintain and operate Authority Facilities and to fix their compensation;

(t) To receive and accept from any federal agency for or in aid of the construction of any Authority facility or for or in aid of any Authority undertaking authorized by this article, and to receive and accept from the Commonwealth, the City of Richmond or the Counties of *Hanover*, Henrico, and Chesterfield and from any other source, grants, contributions or other aid in such construction or undertaking, or for operation and maintenance, either in money, property, labor, materials or other things of value; and

(u) To do all other acts and things necessary or convenient to carry out the powers expressly granted in this article.

§ 33-255.44:15. Rates and Charges.-Whenever the Authority shall have constructed or otherwise acquired Authority Facilities and has issued bonds for such purpose, the Authority shall fix, revise, charge and collect fees, tolls, rents, rates and other charges for the use of such Facilities and the different parts or sections thereof, sufficient, together with any other moneys made available and used for that purpose, to pay the principal of and interest on such bonds, together with reserves for such purposes, and to maintain and operate such Facilities and to keep the same in good condition and repair. Such fees, tolls, rents, rates and other charges shall not be subject to supervision or regulation by any commission, board, bureau or agency of the Commonwealth or of any municipality, county or other political subdivision of the Commonwealth, and all revenues, when collected, and the proceeds from the sale of revenue bonds, shall be held by the Authority in trust for the benefit of the holders of bonds of the Authority issued for the construction or acquisition of Authority Facilities and for the proper maintaining, operating and repairing the Authority Facilities.

Revenue bonds issued under the provisions of this article shall not be deemed to constitute a debt of the Commonwealth or of the City of Richmond or *the County of Hanover*, the County of Henrico, or County of Chesterfield or a pledge of the faith and credit of the Commonwealth, the City of Richmond or of the *County of Hanover*, *the County of Henrico*, or *the County of Chesterfield*, and shall be payable solely from the funds provided therefor from revenues.

§ 33-255.44:22. General Powers of City of Richmond and Counties of Hanover, Henrico, and Chesterfield.-The City of Richmond and the Counties of *Hanover*, Henrico, and Chesterfield are hereby authorized and empowered to enter into and perform contracts or agreements with the Authority providing for furnishing to the Authority one or more of the following cooperative undertakings or any combination thereof: (a) The preparation, acquisition, loan or exchange of survey, engineering, borings, construction and other technical reports, studies, plans and data;

(b) The providing of engineering, planning and other professional and technical services, labor or other things of value;

(c) The construction, in whole or in part, of public highways, bridges, tunnels, viaducts, interchanges, connecting roads, grade crossings and other highway facilities;

(d) The providing of funds in lump sums or installments to assist in paying the cost of any Authority facility or any Authority undertaking authorized by this article or the operation and maintenance thereof;

(e) The acquisition and transfer to the Authority of land, including easements, rights-of-way or other property, useful in the construction, operation or maintenance of any Authority facility;

(f) The making of payments or contributions to the Authority for the use of or in compensation for the services rendered by, any Authority facility in lieu of the payment of tolls or other charges therefor, and such payments and contributions shall be deemed revenues of the project to the same extent as the tolls, rentals, fees and other charges collected in the operation of the project;

(g) When requested by the Authority, to vacate or change the location of any public highway, street or other public way or place, or any portion thereof, public utility, sewer, pipe, main, conduit, cable, wire, tower, pole and other equipment or appliance owned or controlled by or under the jurisdiction of either the City of Richmond or the Counties of *Hanover*, Henrico, or Chesterfield, in the manner required or authorized by law conferring such power on the City of Richmond or the Counties of *Hanover*, Henrico, or Chesterfield, and to construct the same in such new location as shall be designated by the governing body of the City of Richmond or the Counties of *Hanover*, Henrico, or Chesterfield, and the cost of vacating or changing the location or reconstruction thereof and any damages resulting therefrom required to be paid by the City of Richmond or Counties of *Hanover*, Henrico, or Chesterfield shall be reimbursed by the Authority as a part of the cost of the project in connection with which such expenditures have been made; and

(h) The connection of any project of the Authority with the streets, highways, roads and other public ways in the City of Richmond and in the Counties of *Hanover*, Henrico, and Chesterfield.

§ 33-255.44:23. Powers of City of Richmond and Counties of Hanover, Henrico, and Chesterfield

305 With Respect to Revenue Bonds Issued by the Authority.-(a) That the City of Richmond and the  
306 Counties of *Hanover*, Henrico, and Chesterfield are each hereby authorized and empowered to enter into  
307 and perform from time to time contracts and agreements with the Authority to aid the Authority to pay  
308 the principal of and interest on revenue bonds or revenue refunding bonds issued by the Authority if,  
309 when, and as the revenues of the Authority may not be sufficient to pay such principal or interest when  
310 due. No such contract or agreement shall be deemed to be lending or granting credit to or in aid of any  
311 person, association, company or corporation within the meaning of Section 185 of the Constitution; nor  
312 shall any such contract or agreement be deemed to be a pledge of the faith and credit or of the taxing  
313 power of the City of Richmond or of the *County of Hanover, the County of Henrico, or the County of*  
314 *Chesterfield* for the payment of such principal or interest except as may be otherwise provided in such  
315 contracts or agreements. Any holder of bonds, notes, certificates or other evidences of borrowing issued  
316 by the Authority under the provisions of this article or of any coupons appertaining thereto, and the  
317 representatives of such holders and the trustee under any bond resolution or indenture, may either at law  
318 or in equity, by suit, action, mandamus or other proceedings, protect and enforce any and all rights of  
319 the Authority under or by virtue of any such contract or agreement.

320 (b) That funds to perform any such contract or agreement may be provided from time to time by the  
321 City of Richmond or the County of *Hanover or the County of Henrico* ~~for~~ or the County of Chesterfield  
322 by appropriations of general or specific tax revenue, or by appropriations of accumulated funds allocated  
323 for public improvements generally, or allocated to the purposes of such contract or agreement, or by  
324 appropriations of the proceeds from the sale of bonds, which may be issued from time to time as  
325 hereinafter provided.

326 (c) The City of Richmond and the Counties of *Hanover*, Henrico, and Chesterfield or any of them  
327 may issue bonds for the purpose of providing funds to perform any contract or agreement entered into  
328 with the Authority pursuant to the provisions of this article. Such bonds shall mature at such time or  
329 times not exceeding forty years from their date or dates, as may be determined by the governing body  
330 of the City of Richmond or the County of *Hanover, the County of Henrico, or the County of*  
331 *Chesterfield* issuing such bonds, and may be redeemable before maturity, at the option of the governing  
332 body of the City of Richmond or the County of *Hanover, the County of Henrico, or the County of*  
333 *Chesterfield*, at such price or prices and under such terms and conditions as may be prescribed by such  
334 governing body prior to the issuance of the bonds. The City of Richmond and the County of *Hanover,*  
335 *the County of Henrico, and the County of Chesterfield* may provide for the issuance of refunding bonds  
336 for the purpose of refunding any outstanding bonds which shall have been issued pursuant to the  
337 provisions of this subsection (c) of this section, including the payment of any redemption premium  
338 thereon, and any interest accrued or to accrue to the date of redemption of such bonds.

339 (d) The authority of the City of Richmond, the County of *Hanover, the County of Henrico, and the*  
340 *County of Chesterfield* to contract and to issue bonds pursuant to this article is additional to any existing  
341 authority to contract and issue bonds, anything in the laws of Virginia, including the Charter of the City  
342 of Richmond, to the contrary notwithstanding, all of which laws and Charter are hereby amended or  
343 modified so as to effectuate the powers conferred by this article.

344 (e) The governing bodies of the City of Richmond and of the Counties of *Hanover*, Henrico, and  
345 *Chesterfield* may exercise any of the powers granted by this article by resolution, and all proceedings of  
346 the Council of the City of Richmond and the Boards of Supervisors of the Counties of *Hanover,*  
347 *Henrico, and Chesterfield* authorizing the execution of contracts hereunder and providing for the  
348 issuance of bonds pursuant to the provisions of this article shall not be subject to the provisions of the  
349 Charter of the City or the Code of Virginia permitting a referendum on actions taken by said Council  
350 and Boards except as required by the Constitution, but all such proceedings shall take effect immediately  
351 upon the adoption thereof.

352 § 33-255.44:26. Acquisition of Property.-(a) The Authority is hereby authorized and empowered to  
353 acquire solely from funds provided under the provisions of this article, such lands, structures, property,  
354 rights, rights-of-way, franchises, easements and other interests in lands, including lands lying under  
355 water and riparian rights, as it may deem necessary or convenient for the construction and operation of  
356 Authority Facilities, upon such terms and at such prices as may be considered by it to be reasonable and  
357 can be agreed upon between it and the owner thereof.

358 (b) The City of Richmond, the Counties of *Hanover*, Henrico, and Chesterfield, The  
359 Richmond-Petersburg Turnpike Authority and, with the approval of the Governor, public agencies and  
360 commissions of the Commonwealth, notwithstanding any contrary provision of law, are hereby  
361 authorized and empowered to lease, lend, grant or convey to the Authority at its request upon such  
362 terms and conditions as the governing bodies of the City of Richmond, the Counties of *Hanover,*  
363 *Henrico, and Chesterfield, The Richmond-Petersburg Turnpike Authority or the proper authorities of*  
364 such agencies or commissions of the Commonwealth may deem reasonable and fair and without the  
365 necessity of any advertisement, order of court or other action or formality, other than the regular and  
366 formal action of the governing bodies or authorities concerned, any real property which may be

necessary or convenient for the effectuation of the authorized purposes of the Authority, including public highways and any other real property already devoted to public use; provided, The Richmond-Petersburg Turnpike Authority shall not lease, lend, grant or convey any part of the right-of-way of The Richmond-Petersburg Turnpike in violation of the provisions of the Act creating said Authority, or the provisions of the Indenture securing the payment of the bonds issued by said Authority.

(c) The City of Richmond and the Counties of *Hanover*, Henrico, and Chesterfield are hereby authorized and empowered, subject to the provisions of § 25-233 of the Code of Virginia, to acquire by the exercise of the power of eminent domain granted to or conferred upon them, and in accordance with the procedure prescribed therefor, any real property which may be necessary or convenient for the effectuation of the authorized purposes of the Authority and to lease, lend, grant or convey such property to the Authority upon such terms and conditions as the governing bodies of the City of Richmond or Counties of *Hanover*, Henrico, and Chesterfield may deem reasonable and fair; provided, neither the Authority, the City of Richmond nor the Counties of *Hanover*, Henrico, or Chesterfield may acquire by the exercise of the power of eminent domain any lands or property, or easement or right therein, owned by The Richmond-Petersburg Turnpike Authority; the acquisition of such real property by the exercise of the power of eminent domain and the disposition of same to the Authority as herein provided shall be and is hereby declared to be for a public use of such property.

(d) In any eminent domain proceedings by the Authority, the City of Richmond or the Counties of *Hanover*, Henrico, or Chesterfield under this article, the court having jurisdiction of the suit, action or proceeding may make such orders as may be just to the Authority, the City of Richmond or Counties of *Hanover*, Henrico, or Chesterfield, as the case may be, and to the owners of the property to be condemned, and may require an undertaking or other security to secure such owners against any loss or damage by reason of the failure of the Authority or the City of Richmond or Counties of *Hanover*, Henrico, or Chesterfield to accept and pay for the property, or by reason of the taking of property occupied by such owners, but neither such undertaking or security nor any act or obligation of the Authority or the City of Richmond or Counties of *Hanover*, Henrico, or Chesterfield shall impose any liability upon the Commonwealth.

(e) If the owner, lessee or occupier of any property to be condemned or otherwise acquired pursuant to this article shall refuse to remove his property therefrom or give up possession thereof, the Authority or the City of Richmond or Counties of *Hanover*, Henrico, or Chesterfield, as the case may be, may proceed to obtain possession in any manner provided by law.

(f) When the Authority or the City of Richmond or the Counties of *Hanover*, Henrico, or Chesterfield proposes to construct a highway across the tracks of any railroad, the exercise of the general power of eminent domain over the property of a railroad granted by § 33-255.44:13 of this article shall be limited with respect to the property, right-of-way, facilities, works or appurtenances upon which the tracks at such proposed crossing are located, to the acquisition only of an easement therein, which crossing shall be constructed either sufficiently above or below the grade of any such railroad track or tracks so that neither the crossing then under construction nor any part thereof, including any bridge abutments, columns, supporting structures and appurtenances, nor any traffic upon it shall interfere in any manner with the use, operation or maintenance of the trains, tracks, works or appurtenances of the railroad nor interfere with or endanger the movement of the trains or traffic upon the tracks of the railroad. Prior to the exercise of the power of eminent domain for such an easement, plans and specifications of that portion of the project to be constructed across the railroad tracks showing compliance with such requirements and showing sufficient and safe plans and specifications for such overhead or underground structure and appurtenances shall be submitted to the railroad for examination and approval. If the railroad fails or refuses within thirty days to approve the plans and specifications so submitted, the matter shall be submitted by the Authority or the City of Richmond or Counties of *Hanover*, Henrico, or Chesterfield, as the case may be, to the State Corporation Commission, whose decision, arrived at after due consideration in accordance with its usual procedure, shall be final as to the sufficiency and safety of such plans and specifications and as to such elevations or distances above or below such tracks. The overhead or underground structures and appurtenances shall be constructed in accordance with such plans and specifications and in accordance with such elevations or distances above or below such tracks so approved by the railroad or the State Corporation Commission, as the case may be. A copy of the plans and specifications approved by the railroad or the State Corporation Commission shall be filed as an exhibit upon the institution of any proceedings brought in the exercise of the power of eminent domain.

(g) The Commonwealth hereby consents, subject to the approval of the Governor, to the use by the Authority of any other lands or property owned by the Commonwealth, including lands lying under water, which are deemed by the Authority to be necessary for the construction or operation of any project being constructed by the Authority.

§ 33-255.44:27. Transfer to City of Richmond.-(a) In the event the City of Richmond shall have

428 rendered financial assistance or contributed in any manner to the cost of construction of a limited access  
429 highway or highways by the Authority within or partly within and partly without the corporate limits of  
430 the City of Richmond, and the Authority has issued bonds for the construction of such limited access  
431 highway or highways, then when all such bonds, including any refunding bonds, and the interest thereon  
432 have been paid or a sufficient amount of cash or United States Government securities have been  
433 deposited and dedicated to the payment of all such bonds and the interest to the maturity or redemption  
434 date thereof in trust for the benefit of the holders of such bonds, all property, real and personal, acquired  
435 in connection with such limited access highway or highways within the City of Richmond, shall be  
436 transferred by the Authority to said City as compensation to said City for the financial assistance  
437 rendered by said City to the Authority in connection with the construction or acquisition of such limited  
438 access highway or highways, and such highway or highways shall upon the acceptance thereof by said  
439 City become a part of the street or highway system of said City and shall thereafter be maintained and  
440 operated as a controlled access express highway by said City; and the governing body of the City of  
441 Richmond shall have the power to fix and revise from time to time and charge and collect tolls for  
442 transit over such limited access highway, and as compensation for other uses that may be made thereof;  
443 provided, however, the proceeds from such tolls and compensation shall be first used to reimburse the  
444 City of Richmond and the Counties of *Hanover*, Henrico, and Chesterfield for any funds or expenditures  
445 made by each of them pursuant to contracts or agreements authorized by § 33-255.44:23 of this article,  
446 for which reimbursement has not been theretofore made, and then for the operation, maintenance,  
447 improvement, expansion or extension of such limited access highway and to increase its utility and  
448 benefits, and for the construction, reconstruction, maintenance and operation of other projects or  
449 highways connected with such limited access highway or with the state or federal highway systems, and  
450 for such purpose the City of Richmond shall succeed to all the functions and shall have all the powers  
451 conferred on the Authority by this article.

452 (b) In the event the Authority shall construct a limited access highway project or projects partly  
453 within and partly without the corporate limits of the City of Richmond, any extension thereof shall be  
454 constructed or acquired only when approved by the unanimous vote of all members of the Board of  
455 Directors or by a vote of three-fourths of said Directors and approval by the City Council of the City of  
456 Richmond and the Boards of Supervisors of the Counties of *Hanover*, Henrico, and Chesterfield. If the  
457 Authority has issued bonds for the purpose of constructing such project or for the purpose of  
458 constructing or acquiring such extensions when all such bonds, including any refunding bonds, and the  
459 interest thereon have been paid or a sufficient amount of cash or United States Government securities  
460 has been deposited and dedicated to the payment thereof in trust for the benefit of the holder or holders  
461 of such bonds, all property, real and personal, acquired in connection with such project or projects or  
462 extension thereof not required to be transferred to the City of Richmond pursuant to paragraph (a) of  
463 this section shall be transferred by the Authority to the political subdivision or subdivisions in which  
464 such property is located at the time of such transfer at no cost to such political subdivisions in the event  
465 the subdivisions adopt a resolution accepting such property. If not accepted by such subdivisions within  
466 thirty days from the offer of the property by the Authority, then the Authority shall transfer such  
467 property to the State Highway Commission. In the event such property is accepted by the political  
468 subdivision wherein the same is located, the governing body of such subdivision shall have the power to  
469 fix and revise from time to time and charge and collect tolls for transit over such limited access  
470 highway project or extension and as compensation for other uses that may be made thereof, provided,  
471 however, proceeds from such tolls and compensation shall be first used to reimburse the City of  
472 Richmond and the Counties of *Hanover*, Henrico, and Chesterfield for any funds or expenditures made  
473 by each of them pursuant to contracts or agreements authorized by § 33-255.44:23 of this article for  
474 which reimbursement has not been theretofore made, and then for the operation, maintenance,  
475 improvement, expansion or extension of such limited access highway project and to increase its utility  
476 and benefits and for the construction, reconstruction, maintenance and operation of other project or  
477 highway connected with such limited access highway or with the state or federal highway systems and  
478 for such purpose such subdivisions shall succeed to all the functions and shall have all the powers  
479 conferred on the Authority by this article with respect to such property.

480 § 33-255.44:28. Miscellaneous.-

481 (a) Any money set aside for the payment of the principal of or interest on any bonds issued by the  
482 Authority not claimed within two years from the day the principal of such bonds is due by maturity or  
483 by call for redemption shall be paid into the treasury of the Commonwealth. No interest shall accrue on  
484 such principal or interest from the day the same is due as aforesaid. The Comptroller of the  
485 Commonwealth shall keep an account of all money thus paid into the treasury, and it shall be paid to  
486 the individual copartnership, association or corporation entitled thereto upon satisfactory proof that such  
487 individual, copartnership, association or corporation is so entitled to such money. If the claim so  
488 presented is rejected by the Comptroller, the claimant may proceed against the Comptroller for recovery  
489 in the circuit court of the City of Richmond. An appeal from the Judgment of the circuit court shall lie



to the Supreme Court of Appeals as in actions at law, and all laws and rules relating to practice and procedure in actions at law shall apply to proceedings authorized hereunder. No such proceedings shall be filed after ten years from the day the principal of or interest on such bonds is due as aforesaid; provided, if the individual having such claim is an infant or insane person or is imprisoned at such due date, such proceedings may be filed within five years after the removal of such disability, notwithstanding the fact that such ten year period shall have expired.

(b) The Authority may contract with the City of Richmond, the Counties of *Hanover*, Henrico, and Chesterfield and the Department of State Police for the policing of any or all Authority Facilities, and the City of Richmond, the Counties of *Hanover*, Henrico, and Chesterfield and the Department of State Police are hereby authorized to enter into contracts with the Authority for such purpose. Police officers providing police services pursuant to such contracts shall be under the exclusive control and direction of the authority providing such officers, and shall be responsible to that authority exclusively for the performance of their duties and the exercise of their powers. The Authority shall reimburse the City of Richmond or Counties of *Hanover*, Henrico, or Chesterfield or the Commonwealth, as the case may be, in such amounts and at such time or times as shall be mutually agreed upon, for providing police service. Such officers shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property, and enforcement of the laws of the Commonwealth and all rules and regulations of the Authority made in accordance herewith, and such officers shall have all the rights and duties of police officers as provided by the general laws of the Commonwealth. The violation of any such rule or regulation shall be punishable as follows: If such a violation would have been a violation of law if committed on any public road, street or highway in the City of Richmond or Counties of *Hanover*, Henrico, or Chesterfield, it shall be punishable in the same manner as if it had been committed on such public road, street or highway; otherwise it shall be punishable as a misdemeanor. All other police officers of the Commonwealth and of the City of Richmond and Counties of *Hanover*, Henrico, and Chesterfield shall have the same powers and jurisdiction within the areas of operations agreed upon by the parties that they have beyond such limits and shall have access to all such areas at any and all times without interference for the purpose of exercising such powers and jurisdiction. For the purpose of enforcing such laws, rules and regulations the court or courts having jurisdiction for the trial of criminal offenses committed in the City of Richmond or in the Counties of *Hanover*, Henrico, and Chesterfield within whose boundaries any crime is committed shall have jurisdiction to try any person charged with the violation of any such laws, rules and regulations within such boundaries. A copy of the rules and regulations of the Authority, attested by the Secretary or Secretary-Treasurer of the Authority, may be admitted as evidence in lieu of the original. Any such copy purporting to be sealed and signed by such Secretary or Secretary-Treasurer may be admitted as evidence without any proof of the seal or signature, or of the official character of the person whose name is signed to it.

(c) All actions at law and suits in equity and other proceedings, actions and suits against the Authority, or any other person, firm or corporation, growing out of the construction, maintenance, repair, operation and use of any Authority Facility, or growing out of any other circumstances, events or causes in connection therewith, unless otherwise provided herein, shall be brought and conducted in the court or courts having jurisdiction of such actions, suits and proceedings in the City of Richmond or Counties of *Hanover*, Henrico, or Chesterfield within whose boundaries the causes of such actions, suits and proceedings arise, and jurisdiction is hereby conferred on such court or courts for that purpose. All such actions, suits and proceedings on behalf of the Authority shall be brought and conducted in the Circuit Court of the City of Richmond, except as herein otherwise provided, and exclusive jurisdiction is hereby conferred on such court for the purpose. Eminent domain proceedings instituted and conducted by the Authority shall be brought and conducted in the court or courts having jurisdiction of such proceedings in the City of Richmond or Counties of *Hanover*, Henrico, and Chesterfield within whose boundaries the land or other property to be so acquired or the major portion thereof is situated, and jurisdiction is hereby conferred on such courts for such purpose.

(d) On or before the thirtieth day of September in each year, the Authority shall prepare a report of its activities for the twelve months' period ending the preceding July 1 of such year and shall file a copy thereof with the State Highway Commission, the City of Richmond and the Counties of *Hanover*, Henrico, and Chesterfield. Each such report shall set forth an operating and financial statement covering the Authority's operations during the twelve months' period covered by such report. The Authority shall cause an audit of its books and accounts to be made at least once in each year by certified public accountants to be selected by the Authority and the cost thereof shall be treated as a part of the cost of construction and operation of the project.

(e) The records, books and accounts of the Authority shall be subject to examination and inspection by duly authorized representatives of the State Highway Commission, the governing bodies of the City of Richmond and the Counties of *Hanover*, Henrico, and Chesterfield and any bondholder or

551 bondholders at any reasonable time, provided the business of the Authority is not unduly interrupted or  
552 interfered with thereby.

553 (f) Any member, agent or employee of the Authority who contracts with the Authority or is  
554 interested, either directly or indirectly, in any contract with the Authority or in the sale of any property,  
555 either real or personal, to the Authority shall be guilty of a misdemeanor and shall be subject to a fine  
556 of not more than one thousand dollars or imprisonment in jail for not more than one year, either or  
557 both. Exclusive jurisdiction for the trial of such misdemeanors is hereby conferred upon the Hustings  
558 Court of the City of Richmond; provided, that the term "contract", as used herein, shall not be held to  
559 include the depositing of funds in, or the borrowing of funds from or the serving as agent or trustee by,  
560 any bank in which any member, agent or employee of the Authority may be a director, officer or  
561 employee or have a security interest; nor shall such term include contracts or agreements with the  
562 Richmond-Petersburg Turnpike Authority or the purchase of services from, or other transactions in the  
563 ordinary course of business with, public service corporations.

564 [ (g) *Notwithstanding any other provision of law to the contrary, the Authority shall not take any*  
565 *action, including, but not limited to, any sale, lease, financing or other transaction that may adversely*  
566 *affect the interest of the City of Richmond in the timely recovery of all amounts owed to the City of*  
567 *Richmond or in any property rights, whether through reversion, transfer or some other mechanism, of*  
568 *the City of Richmond unless the City Council of the City of Richmond has first adopted a resolution*  
569 *approving such action. ]*

570 § 33-255.44:30. Construction—Inconsistent Laws.—This article shall be liberally construed to  
571 effectuate the purposes hereof, and the foregoing sections of this article shall be deemed to provide an  
572 additional and alternative method of doing the things authorized thereby, and shall be regarded as  
573 supplemental and additional to powers conferred upon the City of Richmond by its Charter and upon the  
574 City of Richmond and Counties of *Hanover*, Henrico, and Chesterfield by other provisions of law;  
575 provided, however, the issuance of revenue bonds or revenue refunding bonds under the provisions of  
576 this article need not comply with the requirements of any other law applicable to the issuance of bonds,  
577 and except as otherwise expressly provided in this article, none of the powers granted to the Authority  
578 under the provisions of this article shall be subject to the supervision or regulation or require the  
579 approval or consent of the City of Richmond or the Counties of *Hanover*, Henrico, and Chesterfield or  
580 any commission, board, bureau, official or agency thereof or of the Commonwealth, except as otherwise  
581 provided in this article.

582 **2. That the terms of the additional Board members to be appointed by Chesterfield County and**  
583 **Henrico County and the Board member to be appointed by Hanover County shall commence on**  
584 **July 1, 2009. In order to implement the reduction in the Board membership appointed by the City**  
585 **of Richmond, the terms of all current members of the Board appointed by the City shall expire on**  
586 **July 1, 2009, and the City Council of the City of Richmond shall appoint three new Board**  
587 **members, which number may include members of the Board whose terms expire on July 1, 2009.**