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SENATE BILL NO. 1534

Offered January 23, 2009

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 15.2-7009, relating to the Central Virginia Regional Transportation Authority.

Patron—Watkins

Referred to Committee on Local Government

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 15.2-7009, 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 County of Chesterfield 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. To 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; and

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.

67 § 15.2-7003. Additional powers of the Authority.

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

81 § 15.2-7004. Composition of Authority; chairman and vice-chairman; quorum.

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

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

98 A majority of the voting members of the Authority shall constitute a quorum for the transaction of
99 business.

100 Decisions of the Authority shall require a quorum and shall be in accordance with voting procedures
101 established by the Authority. Decisions of the Authority shall require the affirmative vote of a majority
102 of the voting members of the Authority present and voting.

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

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

109 § 15.2-7005. Additional localities may join Authority.

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

113 § 15.2-7006. Authority a responsible public entity under Public-Private Transportation Act of 1995.

114 The Authority is a responsible public entity as defined in the Public-Private Transportation Act of
115 1995 (§ 56-556 et seq.) (the PPTA).

116 It is the intent of the General Assembly that the Authority shall encourage private sector
117 participation in the aforementioned projects. Any cost savings realized under the PPTA relating to the
118 construction of first phase projects may be applied to advancing the future construction of second phase
119 projects. Further, nothing herein shall prohibit the Authority from receiving and acting on PPTA
120 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.

§ 15.2-7009. Regional congestion relief fee.

For the purposes of this chapter, the core localities may impose a fee, delineated as the "Regional congestion relief fee," on each deed, instrument, or writing by which lands, tenements, or other realty located in any county or city embraced by the respective Authority is sold and is granted, assigned, transferred, or otherwise conveyed to or vested in the purchaser or any other person, by such purchaser's direction. The rate of the fee, when the consideration or value of the interest, whichever is greater, equals or exceeds \$100, shall be \$0.40 for each \$100 or fraction thereof, exclusive of the value of any lien or encumbrance remaining thereon at the time of the sale, whether such lien is assumed or the realty is sold subject to such lien or encumbrance.

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

Fees imposed by this section shall be collected pursuant to subsection B of § 58.1-802. However, the compensation allowed to the clerk of the court under such subsection shall not be applicable with regard to the fee collected under this section.

2. 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.

3. 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 Commission shall serve as its staff, and the Richmond Regional Planning District Commission shall provide the Authority with office space and administrative support. The Authority shall reimburse the Richmond Regional Planning District Commission for the cost of such staff, office space, and administrative support as appropriate.

4. That nothing in this act shall authorize the Central Virginia Regional Transportation Authority to be engaged in the ownership, operation and regulation of an airport or air transportation.