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HOUSE BILL NO. 1999

Offered January 12, 2011

Prefiled January 11, 2011

A BILL to amend and reenact §§ 15.2-4838.1 and 33.1-221.1:3 of the Code of Virginia, relating to use of revenues by the Northern Virginia Transportation Authority.

Patrons—LeMunyon, Albo, Comstock and Greason

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-4838.1 and 33.1-221.1:3 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-4838.1. Use of certain revenues by the Authority.

A. All moneys received by the Authority and the proceeds of bonds issued pursuant to § 15.2-4839 shall be used by the Authority solely for transportation purposes benefiting those counties and cities that are embraced by the Authority.

B. Forty percent of the revenues shall be distributed on a pro rata basis, with each locality's share being the total of such fees and taxes assessed or imposed by the Authority and received by the Authority that are generated or attributable to the locality divided by the total of such fees and taxes assessed or imposed by the Authority and received by the Authority. Of the revenues distributed pursuant to this subsection (i) in the Cities of Alexandria, Fairfax, and Falls Church and the County of Arlington the first ~~50%~~ 50 percent shall be used solely for urban or secondary road construction and improvements and for public transportation purposes, and (ii) in the remaining localities, the first ~~50%~~ 50 percent shall be used solely for urban or secondary road construction and improvements. The remainder, as determined solely by the applicable locality, shall be used either for additional urban or secondary road construction; for other transportation capital improvements which have been approved by the most recent long range transportation plan adopted by the Authority; or for public transportation purposes. Solely for purposes of calculating the ~~40%~~ 40 percent of revenues to be distributed pursuant to this subsection, the revenue generated pursuant to § 58.1-3221.3 and Article 8 (§ 15.2-2317 et seq.) of Chapter 22 of this title by the counties and cities embraced by the Authority shall be considered revenue of the Authority. None of the revenue distributed by this subsection may be used to repay debt issued before July 1, 2007. Each locality shall provide annually to the Northern Virginia Transportation Authority sufficient documentation as required by the Authority showing that the funds distributed under this subsection were used as required by this subsection.

C. The remaining ~~60%~~ 60 percent of the revenues from such sources shall be used by the Authority solely for transportation projects and purposes that benefit the counties and cities embraced by the Authority.

1. The revenues under this subsection shall be used first to pay any debt service owing on any bonds issued pursuant to § 15.2-4839, and then as follows:

a. The next \$50 million each fiscal year shall be distributed to the Washington Metropolitan Area Transit Authority (WMATA) and shall be used for capital improvements benefiting the area embraced by the Authority for WMATA's transit service (Metro). The Authority shall first make use of that portion of such annual distribution as may be necessary under the requirements of federal law for the payment of federal funds to WMATA, but only if the matching federal funds are exclusive of and in addition to the amount of other federal funds appropriated for such purposes and are in an amount not less than the amount of such funds appropriated in the federal fiscal year ending September 30, 2007;

For each year after 2018 any portion of the amount distributed pursuant to this subsection may be used for mass transit improvements in Prince William County;

b. The next \$25 million each fiscal year shall be distributed to the Virginia Railway Express for operating and capital improvements, including but not limited to track lease payments, construction of parking, dedicated rail on the Fredericksburg line, rolling stock, expanded service in Prince William County, and service as may be needed as a result of the Base Realignment and Closure Commission's action regarding Fort Belvoir.

c. The remainder shall be applied to projects determined to (i) reduce traffic congestion as quickly as possible and (ii) maximize regional mobility and minimize the loss of life in the event of a homeland security emergency in the national capital area.

2. All transportation projects undertaken by the Northern Virginia Transportation Authority shall be completed by private contractors accompanied by performance measurement standards, and all contracts

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59 shall contain a provision granting the Authority the option to terminate the contract if contractors do not
60 meet such standards. Notwithstanding the foregoing, any locality may provide engineering services or
61 right-of-way acquisition for any project with its own forces. The Authority shall avail itself of the
62 strategies permitted under the Public-Private Transportation Act (§ 56-556 et seq.) whenever feasible and
63 advantageous. The Authority is independent of any state or local entity, including the Virginia
64 Department of Transportation (VDOT) and the Commonwealth Transportation Board (CTB), but the
65 Authority, VDOT and CTB shall consult with one another to avoid duplication of efforts and, at the
66 option of the Authority, may combine efforts to complete specific projects. Notwithstanding the
67 foregoing, at the request of the Authority, VDOT may provide the Authority with engineering services
68 or right-of-way acquisition for the project with its own forces. When determining what projects to
69 construct under this subsection, the Authority shall base its decisions on the combination that (i)
70 equitably distributes the funds throughout the localities; and (ii) constructs projects that move the most
71 people or commercial traffic in the most cost-effective manner, and on such other factors as approved by
72 the Authority.

73 3. All revenues deposited to the credit of the Authority shall be used for projects benefiting the
74 localities embraced by the Authority, with each locality's total long-term benefits being approximately
75 equal to the total of the fees and taxes received by the Authority that are generated by or attributable to
76 the locality divided by the total of such fees and taxes received by the Authority.

77 D. For road construction and improvements pursuant to subsection B, the Department of
78 Transportation may, on a reimbursement basis, provide the locality with planning, engineering,
79 right-of-way, and construction services for projects funded in whole by the revenues provided to the
80 locality by the Authority.

81 § 33.1-221.1:3. Northern Virginia Transportation District Program.

82 A. The General Assembly declares it to be in the public interest that the economic development
83 needs and economic growth potential of Northern Virginia be addressed by a special transportation
84 program to provide for the costs of providing an adequate, modern, safe and efficient transportation
85 network in Northern Virginia which shall be known as the Northern Virginia Transportation District
86 Program (the Program), including, without limitation, environmental and engineering studies,
87 rights-of-way acquisition, construction, improvements to all modes of transportation, and financing costs.
88 The Program consists of the following projects: the Fairfax County Parkway, Route 234 Bypass,
89 Metrorail Capital Improvements attributable to Fairfax County including Metro parking expansions,
90 Metro Capital Improvements, including the Franconia-Springfield Metrorail Station and new rail car
91 purchases, Route 7 improvements in Loudoun County and Fairfax County, the Route 50/Courthouse
92 Road interchange improvements in Arlington County, the Route 28/Route 625 interchange improvements
93 in Loudoun County, Metrorail capital improvements attributable to the City of Alexandria including the
94 King Street Metrorail Station access, Metrorail capital improvements attributable to Arlington County,
95 including Ballston Station improvements, Route 15 safety improvements in Loudoun County, Route 28
96 parallel roads in Loudoun County, the Route 28/Sterling Boulevard interchange in Loudoun County,
97 Route 1/Route 123 interchange improvements in Prince William County, Lee Highway improvements in
98 the City of Fairfax, Route 123 improvements in Fairfax County, Telegraph Road improvements in
99 Fairfax County, Route 123 Occoquan River Bridge, Gallows Road in Fairfax County, Route 1/Route 234
100 interchange improvements in Prince William County, Potomac-Rappahannock Transportation
101 Commission bus replacement program, and Dulles Corridor Enhanced Transit program.

102 B. Allocations to this Program from the Northern Virginia Transportation District Fund established
103 by § 58.1-815.1 shall be made annually by the Commonwealth Transportation Board for the creation and
104 enhancement of a safe, efficient transportation system connecting the communities, businesses, places of
105 employment, and residences of the Commonwealth, thereby enhancing the economic development
106 potential, employment opportunities, mobility and quality of life in Virginia.

107 C. Except in the event that the Northern Virginia Transportation District Fund is insufficient to pay
108 for the costs of the Program, allocations to the Program shall not diminish or replace allocations made
109 from other sources or diminish allocations to which any district, system, or locality would be entitled
110 under other provisions of this title, but shall be supplemental to other allocations to the end that
111 transportation improvements in the Northern Virginia Transportation District may be accelerated and
112 augmented. Allocations under this subsection shall be limited to projects specified in subdivision (2) (s)
113 of § 33.1-268.

114 D. The Commonwealth Transportation Board may expend such funds from all sources as may be
115 lawfully available to initiate the Program and to support bonds and other obligations referenced in
116 subsection E *included in the Program and other projects determined to (i) reduce traffic congestion as*
117 *quickly as possibly and (ii) maximize regional mobility and minimize the loss of life in the event of a*
118 *homeland security emergency in the national capital area.*

119 E. The Commonwealth Transportation Board is authorized to receive, dedicate or use first from (i)
120 revenues received from the Northern Virginia Transportation District Fund; (ii) to the extent required,

121 funds appropriated and allocated, pursuant to the highway allocation formula as provided by law, to the
122 highway construction district in which the project or projects to be financed are located or to the city or
123 county in which the project or projects to be financed are located; (iii) to the extent required, legally
124 available revenues of the Transportation Trust Fund; and (iv) such other funds which may be
125 appropriated by the General Assembly for the payment of bonds or other obligations, including interest
126 thereon, issued in furtherance of the Program. No such bond or other obligations shall pledge the full
127 faith and credit of the Commonwealth.

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