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HOUSE BILL NO. 2016

Offered January 12, 2011

Prefiled January 11, 2011

A BILL to amend and reenact §§ 15.2-4503.1, 15.2-4507, 15.2-4515, 15.2-4832, 15.2-4839, 15.2-4840, 33.1-221.1:3, 46.2-753, 58.1-3, 58.1-638, and 58.1-815.1 of the Code of Virginia, relating to the consolidation of the Northern Virginia Transportation Authority, the Northern Virginia Transportation Commission, and the Potomac and Rappahannock Transportation Commission.

Patron—Albo

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-4503.1, 15.2-4507, 15.2-4515, 15.2-4832, 15.2-4839, 15.2-4840, 33.1-221.1:3, 46.2-753, 58.1-3, 58.1-638, and 58.1-815.1 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-4503.1. Northern Virginia Transportation District.

A. There is hereby created the Northern Virginia Transportation District comprised of the Counties of Arlington, Fairfax, Loudoun, and the Cities of Alexandria, Falls Church, and Fairfax and such other county or city contiguous to the District that agrees to join the District.

There is hereby established the Northern Virginia Transportation Commission (the Commission) as a transportation commission pursuant to this chapter. The Commission shall consist of five nonlegislative citizen members from Fairfax County, three nonlegislative citizen members from Arlington County; one nonlegislative citizen member from the County of Loudoun, two nonlegislative citizen members from the City of Alexandria, one nonlegislative member from the City of Falls Church, one nonlegislative citizen member from the City of Fairfax, and the Chairman of the Commonwealth Transportation Board or his designee to serve ex officio with voting privileges. If a county or city contiguous to the District agrees to join the District, such jurisdiction shall appoint one nonlegislative citizen member to the Commission. Members from the respective counties and cities shall be appointed from their governing bodies. The Commission shall also include four members of the House of Delegates appointed by the Speaker of the House of Delegates for terms coincident with their terms of office and two members of the Senate appointed by the Senate Committee on Rules for terms coincident with their terms of office. Members may be reappointed for successive terms. All members shall be citizens of the Commonwealth. Except for the Chairman of the Commonwealth Transportation Board or his designee, all members of the Commission shall be residents of the localities comprising the Transportation District. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term. Vacancies shall be filled in the same manner as the original appointments.

B. All powers and duties of the Northern Virginia Transportation Commission as of June 30, 2012, as well as all administrative positions held by the Commission, are hereby transferred to the Northern Virginia Transportation Authority.

§ 15.2-4507. Members of transportation district commissions.

A. Any transportation district commission created shall consist of the number of members the component governments shall from time to time agree upon, or as may otherwise be provided by law. The governing body of each participating county and city shall appoint from among its members the number of commissioners to which the county or city is entitled; however, for those commissions with powers as set forth in subsection A of § 15.2-4515, the governing body of each participating county or city is not limited to appointing commissioners from among its members. In addition, the governing body may appoint from its number or otherwise, designated alternate members for those appointed to the commission who shall be able to exercise all of the powers and duties of a commission member when the regular member is absent from commission meetings. Each such appointee shall serve at the pleasure of the appointing body; however, no appointee to a commission with powers as set forth in subsection B of § 15.2-4515 may continue to serve when he is no longer a member of the appointing body. Each governing body shall inform the commission of its appointments to and removals from the commission by delivering to the commission a certified copy of the resolution making the appointment or causing the removal.

In the case of a transportation district, commonly known as the Potomac and Rappahannock Transportation Commission, which was established on or after July 1, 1986, and which includes more than one jurisdiction located within the Washington, D.C., metropolitan area, such commission shall also include two members of the House of Delegates and one member of the Senate from legislative districts located wholly or in part within the boundaries of the transportation district. The members of the House

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59 of Delegates shall be appointed by the Speaker of the House for terms coincident with their terms of
60 office, and the member of the Senate shall be appointed by the Senate Committee on Rules for a term
61 coincident with his term of office. The members of the General Assembly shall be eligible for
62 reappointment for successive terms. Vacancies occurring other than by expiration of a term shall be
63 filled for the unexpired term. Vacancies shall be filled in the same manner as the original appointments.

64 In the case of the Transportation District Commission of Hampton Roads, such commission shall also
65 include one member of the House of Delegates and one member of the Senate, one of whom shall be a
66 resident of the City of Hampton or the City of Newport News and one of whom shall be a resident of
67 the City of Chesapeake, the City of Norfolk, the City of Portsmouth, the City of Suffolk, or the City of
68 Virginia Beach. The member of the House of Delegates shall be appointed by the Speaker of the House
69 for a term coincident with his term of office and the member of the Senate shall be appointed by the
70 Senate Committee on Rules for a term coincident with his term of office. The members of the General
71 Assembly shall be eligible for reappointment for successive terms. Vacancies occurring other than by
72 expiration of a term shall be filled for the unexpired term. Vacancies shall be filled in the same manner
73 as the original appointments.

74 The Chairman of the Commonwealth Transportation Board, or his designee, shall be a member of
75 each commission, ex officio with voting privileges. The chairman of the Commonwealth Transportation
76 Board may appoint an alternate member who may exercise all the powers and duties of the chairman of
77 the Commonwealth Transportation Board when neither the chairman of the Commonwealth
78 Transportation Board nor his designee is present at a commission meeting.

79 B. Any appointed member of a commission of a transportation district, ~~commonly known as the~~
80 ~~Northern Virginia Transportation Commission~~, which was established prior to July 1, 1986, and which
81 includes jurisdictions located within the Washington, D.C., metropolitan statistical area, is authorized to
82 serve as a member of the board of directors of the Washington Metropolitan Area Transit Authority
83 (Chapter 627 of the Acts of Assembly of 1958 as amended) and while so serving the provisions of
84 § 2.2-2800 shall not apply to such member.

85 *C. All powers and duties of the Potomac and Rappahannock Transportation Commission as of June*
86 *30, 2012, as well as all administrative positions held by the Commission, are hereby transferred to the*
87 *Northern Virginia Transportation Authority.*

88 § 15.2-4515. Powers and functions generally.

89 A. Any other provision of law to the contrary notwithstanding, a commission shall, except as
90 provided in subsection B herein, have the following powers and functions:

91 1. The commission shall prepare the transportation plan for the transportation district and shall from
92 time to time revise and amend the plan in accordance with the planning process and procedures
93 specified in Article 7 (§§ 15.2-4527 and 15.2-4528) of this chapter.

94 2. The commission may, when a transportation plan is adopted according to Article 7, construct or
95 acquire, by purchase or lease, the transportation facilities specified in such transportation plan.

96 3. The commission may enter into agreements or leases with private companies for the operation of
97 its facilities, or may operate such facilities itself.

98 4. The commission may enter into contracts or agreements with the counties and cities within the
99 transportation district, or with counties and cities which adjoin the transportation district and are within
100 the same planning district, or with other commissions of adjoining transportation districts, to provide, or
101 cause to be provided, transit facilities and service to such counties and cities, or to provide transit
102 facilities and other modes of transportation between adjoining transportation districts. Such contracts or
103 agreements, together with any agreements or leases for the operation of such facilities, may be utilized
104 by the transportation district to finance the construction and operation of transportation facilities and
105 such contracts, agreements or leases shall inure to the benefit of any creditor of the transportation
106 district.

107 Notwithstanding the above, however, except in any transportation district containing any or all of the
108 Counties of Hanover, Henrico, and Chesterfield or the City of Richmond, being so delegated by the
109 respective local governments, the commission shall not have the power to regulate services provided by
110 taxicabs, either within municipalities or across municipal boundaries, which regulation is expressly
111 reserved to the municipalities within which taxicabs operate. In any transportation district containing any
112 or all of the Counties of Hanover, Henrico, and Chesterfield or the City of Richmond, the commission
113 may upon proper authority granted by the respective component governments, regulate services provided
114 by taxicabs, either within localities or across county or city boundaries.

115 B. When the transportation district is located within a metropolitan area which includes all or a
116 portion of a state or states contiguous to Virginia, the commission:

117 1. Shall not prepare a transportation plan nor construct or operate transit facilities, but shall
118 collaborate and cooperate in the manner specified in Article 7 (§§ 15.2-4527 and 15.2-4528) with an
119 agency in preparing, revising, and amending a transportation plan for such metropolitan area.

120 2. Shall, according to Article 7 and in cooperation with the governing bodies of the component

governments embraced within the transportation district, formulate the tentative policy and decisions of the transportation district with respect to the planning, design, location, construction, operation and financing of transportation facilities.

3. May, when a transportation plan applicable to such a transportation district is adopted, enter into contracts or agreements with an agency to contribute to the capital required for the construction and/or acquisition of transportation facilities and for meeting expenses and obligations in the operations of such facilities.

4. May, when a transportation plan applicable to such transportation district is adopted, enter into contracts or agreements with the counties and cities within the transportation district to provide or cause to be provided transportation facilities and service to such counties and cities.

5. Notwithstanding any other provision herein to the contrary:

a. May acquire land or any interest therein by purchase, lease, gift, condemnation or otherwise and provide transportation facilities thereon for use in connection with any transportation service;

b. May acquire land or any interest therein by purchase, lease, gift, condemnation or otherwise in advance of need for sale or contribution to an agency, for use by that agency in connection with an adopted mass transit plan;

c. May, in accordance with the terms of any grant from or loan by the United States of America or the Commonwealth, or any agency or instrumentality thereof, or when necessary to preserve essential transportation service, acquire transit facilities or any carrier, which is subject to the jurisdiction of the Washington Metropolitan Area Transit Commission, by acquisition of the capital stock or transit facilities and other assets of any such carrier and shall provide for the performance of transportation by any such carrier or with such transit facilities by contract or lease. However, the contract or lease shall be for a term of no more than one year, renewable for additional terms of similar duration, and, in order to assure acceptable fare levels, may provide for financial assistance by purchase of service, operating subsidies or otherwise. No such service will be rendered which will adversely affect transit service rendered by the transit facilities owned or controlled by the agency or any existing private transit or transportation company. When notified by the agency that it is authorized to perform or cause to be performed transportation services with motor vehicle facilities, the commission, upon request by the agency, shall transfer such capital stock or transit facilities to the agency at a price to be agreed upon; and

d. May prepare a plan for mass transportation services with cities, counties, agencies, authorities, or commissions and may further contract with transportation companies, cities, counties, commissions, authorities, agencies, and departments of the Commonwealth and appropriate agencies of the federal government and/or governments contiguous to Virginia to provide necessary facilities, equipment, operations and maintenance, access, and insurance pursuant to such plan.

C. The provisions of subdivisions 1 through 4 and provisions b and c of subdivision 5 of subsection B shall not apply (i) to any transportation district which may be established on or after July 1, 1986, and which includes any one or more jurisdictions which are located within a metropolitan area, but which were not, on January 1, 1986, members of any other transportation district or (ii) to any jurisdiction which, after July 1, 1989, joins a transportation district which was established on or before January 1, 1986. The provisions of this subsection shall only apply to any transportation district or jurisdiction which is contiguous to the Northern Virginia Transportation District. Any such district or jurisdiction shall be subject to the provisions of subsection A hereof, and further may exercise the powers granted by subdivision B 5 a to acquire land or any interest therein by purchase, lease, gift, condemnation or otherwise and provide transportation facilities thereon for use in connection with any transportation service.

D. Until such time as a commission enters into contracts or agreements with its component governments under the provisions of subdivisions A 4 and B 4 and is receiving revenues thereunder, adequate to meet the administrative expenses of the commission after paying or providing for the payment of the obligations arising under said subdivisions, the administrative expenses of the commission shall be borne by the component governments in the manner herein set forth. The commission annually shall submit to the governing bodies of the component counties and cities a budget of its administrative requirements for the next year. ~~Except for the Northern Virginia Transportation Commission, the~~ The administrative expenses of the commission, to the extent funds for such expenses are not provided from other sources, shall be allocated among the component governments on the basis of population as reflected by the latest population statistics of the ~~Bureau of the Census~~ *United States Census Bureau*; however, upon the request of any component government, the commission shall make the allocation upon estimates of population prepared in a manner approved by the commission and by the governing body of the component government making such request. ~~For the Northern Virginia Transportation Commission, the administrative expenses of the Commission, to the extent funds for such expenses are not provided from other sources, shall be allocated among the component governments on~~

182 the basis of the relative shares of state and federal transit aids allocated by the Commission among its
183 component governments. Such budget shall be limited solely to the administrative expenses of the
184 Commission and shall not include any funds for construction or acquisition of transportation facilities
185 and/or the performing of transportation service. In addition, the Commission annually shall submit to the
186 governing bodies of the component counties and cities a budget of its other expenses and obligations for
187 the ensuing year. Such expenses and obligations shall be borne by the component counties and cities in
188 accordance with prior arrangements made therefor.

189 E. When a transportation plan has been adopted under § 15.2-4528 A 4, the commission shall
190 determine the equitable allocation among the component governments of the costs incurred by the
191 district in providing the transportation facilities proposed in the transportation plan and any expenses and
192 obligations from the operation thereof to be borne by each county and city. In making such
193 determinations, the commission shall consider the cost of the facilities located within each county and
194 city, the population of each county and city, the benefits to be derived by each county and city from the
195 proposed transportation service and all other factors which the commission determines to be relevant.
196 Such determination, however, shall not create a commitment by the counties and cities and such
197 commitments shall be created only under the contracts or agreements specified in subdivisions A 4 and
198 B 4.

199 § 15.2-4832. Composition of Authority; membership; terms.

200 The Authority shall consist of 17 members as follows *the following members*:

201 The chief elected officer of the governing body of each county and city embraced by the Authority
202 or, in the discretion of the chief elected officer, his designee, who shall be a current elected officer of
203 such governing body;

204 Two members of the House of Delegates who reside in different counties or cities embraced by the
205 Authority, appointed by the Speaker of the House, to the extent practicable, from the membership of the
206 House Committee on Appropriations, the House Committee on Finance, or the House Committee on
207 Transportation;

208 One member of the Senate who resides in a county or city embraced by the Authority, appointed by
209 the Senate Committee on Rules, to the extent practicable, from the membership of the Senate Committee
210 on Finance and the Senate Committee on Transportation; ~~and~~

211 *The Director of the Virginia Department of Rail and Public Transportation, or his designee;*

212 *The Secretary of the Virginia Department of Transportation, or his designee;*

213 Two citizens who reside in counties and cities embraced by the Authority, appointed by the
214 Governor. One gubernatorial appointment shall include a member of the Commonwealth Transportation
215 Board who resides in a county or city embraced by the Authority. The remaining gubernatorial
216 appointment shall be a person who has significant experience in transportation planning, finance,
217 engineering, construction, or management and shall be a resident of a county or city embraced by the
218 Authority, but shall not be a resident of the same county or city as the other gubernatorial appointee to
219 the Authority; *and*

220 *All members of the Potomac and Rappahannock Transportation Commission as it existed on June 30,*
221 *2012, and all members of the Northern Virginia Transportation Commission as it existed on June 30,*
222 *2012.*

223 Legislative members shall serve terms coincident with their terms of office. The gubernatorial
224 appointee who is not a member of the Commonwealth Transportation Board shall serve for a term of
225 four years. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term.
226 Vacancies shall be filled in the same manner as the original appointments.

227 In addition, the following persons shall serve as nonvoting members of the Authority: ~~the Director of~~
228 ~~the Virginia Department of Rail and Public Transportation, or his designee;~~ the Commonwealth
229 Transportation Commissioner, or his designee; and the chief elected officer of one town in a county
230 which the Authority embraces to be chosen by the Authority.

231 The Authority shall appoint the chairman and vice-chairman.

232 § 15.2-4839. Authority to issue bonds.

233 The Authority may issue bonds and other evidences of debt as may be authorized by this section or
234 other law. The provisions of Article 5 (§ 15.2-4519 et seq.) of Chapter 45 of this title shall apply,
235 mutatis mutandis, to the issuance of such bonds or other debt. The Authority may issue bonds or other
236 debt in such amounts as it deems appropriate. The bonds may be supported by any funds available
237 except that funds from tolls collected pursuant to subdivision 7 of § 15.2-4840 shall be used only as
238 provided in that subdivision.

239 *The Authority shall assume and update all bonds, debts, and agreements of the commissions*
240 *previously known as the Northern Virginia Transportation Commission and the Potomac and*
241 *Rappahannock Transportation Commission.*

242 § 15.2-4840. Other duties and responsibilities of Authority.

243 In addition to other powers herein granted, the Authority shall have the following duties and

responsibilities:

1. General oversight of regional programs involving mass transit or congestion mitigation, including, but not necessarily limited to, carpooling, vanpooling, and ridesharing;

2. Long-range regional planning, both financially constrained and unconstrained;

3. Recommending to state, regional, and federal agencies regional transportation priorities, including public-private transportation projects, and funding allocations;

4. Developing, in coordination with affected counties and cities, regional priorities and policies to improve air quality;

5. Allocating to priority regional transportation projects any funds made available to the Authority and, at the discretion of the Authority, directly overseeing such projects;

6. Recommending to the Commonwealth Transportation Board priority regional transportation projects for receipt of federal and state funds;

7. Imposing, collecting, and setting the amount of tolls for use of facilities in the area embraced by the Authority, when the facility is either newly constructed or reconstructed solely with revenues of the Authority or solely with revenues under the control of the Authority in such a way as to increase the facility's traffic capacity, with the amount of any tolls variable by time of day, day of the week, vehicle size or type, number of axles, or other factors as the Authority may deem proper, and with all such tolls to be used for programs and projects that are reasonably related to or benefit the users of the applicable facility, including, but not limited to, for the debt service and other costs of bonds whose proceeds are used for such construction or reconstruction;

8. General oversight of regional transportation issues of a multijurisdictional nature, including but not limited to intelligent transportation systems, signalization, and preparation for and response to emergencies;

9. Serving as an advocate for the transportation needs of Northern Virginia before the state and federal governments;

10. Applying to and negotiating with the government of the United States, the Commonwealth of Virginia, or any agency, instrumentality, or political subdivision thereof, for grants and any other funds available to carry out the purposes of this chapter and receiving, holding, accepting, and administering from any source gifts, bequests, grants, aid, or contributions of money, property, labor, or other things of value to be held, used and applied to carry out the purposes of this chapter subject, however, to any conditions upon which gifts, bequests, grants, aid, or contributions are made. Unless otherwise restricted by the terms of the gift, bequest, or grant, the Authority may sell, exchange, or otherwise dispose of such money, securities, or other property given or bequeathed to it in furtherance of its purposes;

11. Acting as a "responsible public entity" for the purpose of the acquisition, construction, improvement, maintenance and/or operation of a "qualifying transportation facility" under the Public-Private Transportation Act of 1995 (§ 56-556 et seq.); and

12. To decide and vote to impose certain fees and taxes authorized under law for imposition or assessment by the Authority, provided that any such fee or tax assessed or imposed is assessed or imposed in all counties and cities embraced by the Authority. The revenues from such certain fees and taxes shall be kept in a separate account and shall be used only for the purposes provided in this chapter;

13. *To oversee the bus and commuter rail transit planning, programming, funding, and operational activities, occurring in whole or in part in the areas specified in § 15.2-4831 of the Code of Virginia; and*

14. *To retain and manage separate transit-related accounts according to their transportation district sources and services, and assume full fiscal responsibility over them.*

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

A. The General Assembly declares it to be in the public interest that the economic development needs and economic growth potential of Northern Virginia be addressed by a special transportation program to provide for the costs of providing an adequate, modern, safe and efficient transportation network in Northern Virginia which shall be known as the Northern Virginia Transportation District Program (the Program), including, without limitation, environmental and engineering studies, rights-of-way acquisition, construction, improvements to all modes of transportation, and financing costs. The Program consists of the following projects: the Fairfax County Parkway, Route 234 Bypass, Metrorail Capital Improvements attributable to Fairfax County including Metro parking expansions, Metro Capital Improvements, including the Franconia-Springfield Metrorail Station and new rail car purchases, Route 7 improvements in Loudoun County and Fairfax County, the Route 50/Courthouse Road interchange improvements in Arlington County, the Route 28/Route 625 interchange improvements in Loudoun County, Metrorail capital improvements attributable to the City of Alexandria including the King Street Metrorail Station access, Metrorail capital improvements attributable to Arlington County, including Ballston Station improvements, Route 15 safety improvements in Loudoun County, Route 28

305 parallel roads in Loudoun County, the Route 28/Sterling Boulevard interchange in Loudoun County,
306 Route 1/Route 123 interchange improvements in Prince William County, Lee Highway improvements in
307 the City of Fairfax, Route 123 improvements in Fairfax County, Telegraph Road improvements in
308 Fairfax County, Route 123 Occoquan River Bridge, Gallows Road in Fairfax County, Route 1/Route 234
309 interchange improvements in Prince William County, *the bus replacement program formerly under the*
310 *auspices of the Potomac- and Rappahannock Transportation Commission bus replacement program*, and
311 Dulles Corridor Enhanced Transit program.

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

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

324 D. The Commonwealth Transportation Board may expend such funds from all sources as may be
325 lawfully available to initiate the Program and to support bonds and other obligations referenced in
326 subsection E.

327 E. The Commonwealth Transportation Board is authorized to receive, dedicate or use first from (i)
328 revenues received from the Northern Virginia Transportation District Fund; (ii) to the extent required,
329 funds appropriated and allocated, pursuant to the highway allocation formula as provided by law, to the
330 highway construction district in which the project or projects to be financed are located or to the city or
331 county in which the project or projects to be financed are located; (iii) to the extent required, legally
332 available revenues of the Transportation Trust Fund; and (iv) such other funds which may be
333 appropriated by the General Assembly for the payment of bonds or other obligations, including interest
334 thereon, issued in furtherance of the Program. No such bond or other obligations shall pledge the full
335 faith and credit of the Commonwealth.

336 § 46.2-753. Additional license fees in certain localities.

337 Notwithstanding any other provision of law, the governing bodies of Alexandria, Arlington, Fairfax
338 County, Fairfax City, and Falls Church are authorized to charge annual license fees, in addition to those
339 specified in § 46.2-752, on passenger cars not used for the transportation of passengers for
340 compensation. The additional fee shall be no more than five dollars. The total local license fee shall be
341 no more than twenty-five dollars on any vehicle and this license fee shall not be imposed on any motor
342 vehicle exempted under § 46.2-739.

343 The governing bodies are also authorized to charge additional annual license fees on the motor
344 vehicles, trailers, and semitrailers as specified in § 46.2-697 in an amount of no more than five dollars
345 for each such vehicle. This authorization shall not increase the maximum chargeable by more than five
346 dollars or affect any existing exemption.

347 Any funds acquired in excess of those allowed by § 46.2-752, shall be allocated to the Northern
348 Virginia Transportation Commission *account of the Northern Virginia Transportation Authority* to be a
349 credit to that jurisdiction making the payment for its share of any operating deficit assigned to it by the
350 Washington Metropolitan Area Transit Authority.

351 § 58.1-3. Secrecy of information; penalties.

352 A. Except in accordance with a proper judicial order or as otherwise provided by law, the Tax
353 Commissioner or agent, clerk, commissioner of the revenue, treasurer, or any other state or local tax or
354 revenue officer or employee, or any person to whom tax information is divulged pursuant to § 58.1-512
355 or 58.1-2712.2, or any former officer or employee of any of the aforementioned offices shall not divulge
356 any information acquired by him in the performance of his duties with respect to the transactions,
357 property, including personal property, income or business of any person, firm or corporation. Such
358 prohibition specifically includes any copy of a federal return or federal return information required by
359 Virginia law to be attached to or included in the Virginia return. This prohibition shall apply to any
360 reports, returns, financial documents or other information filed with the Attorney General pursuant to the
361 provisions of Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2. Any person violating the
362 provisions of this section shall be guilty of a Class 2 misdemeanor. The provisions of this subsection
363 shall not be applicable, however, to:

- 364 1. Matters required by law to be entered on any public assessment roll or book;
- 365 2. Acts performed or words spoken or published in the line of duty under the law;
- 366 3. Inquiries and investigations to obtain information as to the process of real estate assessments by a

duly constituted committee of the General Assembly, or when such inquiry or investigation is relevant to its study, provided that any such information obtained shall be privileged;

4. The sales price, date of construction, physical dimensions or characteristics of real property, or any information required for building permits;

5. Copies of or information contained in an estate's probate tax return, filed with the clerk of court pursuant to § 58.1-1714, when requested by a beneficiary of the estate or an heir at law of the decedent;

6. Information regarding nonprofit entities exempt from sales and use tax under § 58.1-609.11, when requested by the General Assembly or any duly constituted committee of the General Assembly.

B. Nothing contained in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns and the items thereof or the publication of delinquent lists showing the names of taxpayers who are currently delinquent, together with any relevant information which in the opinion of the Department may assist in the collection of such delinquent taxes. This section shall not be construed to prohibit a local tax official from disclosing whether a person, firm or corporation is licensed to do business in that locality and divulging, upon written request, the name and address of any person, firm or corporation transacting business under a fictitious name. Additionally, notwithstanding any other provision of law, the commissioner of revenue is authorized to provide, upon written request stating the reason for such request, the Tax Commissioner with information obtained from local tax returns and other information pertaining to the income, sales and property of any person, firm or corporation licensed to do business in that locality.

C. Notwithstanding the provisions of subsection A or B or any other provision of this title, the Tax Commissioner is authorized to: (i) divulge tax information to any commissioner of the revenue, director of finance or other similar collector of county, city or town taxes who, for the performance of his official duties, requests the same in writing setting forth the reasons for such request; (ii) provide to the Commissioner of the Department of Social Services, upon written request, information on the amount of income, filing status, number and type of dependents, and whether a federal earned income tax credit has been claimed as reported by persons on their state income tax returns who have applied for public assistance or social services benefits as defined in § 63.2-100; (iii) provide to the chief executive officer of the designated student loan guarantor for the Commonwealth of Virginia, upon written request, the names and home addresses of those persons identified by the designated guarantor as having delinquent loans guaranteed by the designated guarantor; (iv) provide current address information upon request to state agencies and institutions for their confidential use in facilitating the collection of accounts receivable, and to the clerk of a circuit or district court for their confidential use in facilitating the collection of fines, penalties and costs imposed in a proceeding in that court; (v) provide to the Commissioner of the Virginia Employment Commission, after entering into a written agreement, such tax information as may be necessary to facilitate the collection of unemployment taxes and overpaid benefits; (vi) provide to the Alcoholic Beverage Control Board, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of state and local taxes and the administration of the alcoholic beverage control laws; (vii) provide to the Director of the State Lottery Department such tax information as may be necessary to identify those lottery ticket retailers who owe delinquent taxes; (viii) provide to the Department of the Treasury for its confidential use such tax information as may be necessary to facilitate the location of owners and holders of unclaimed property, as defined in § 55-210.2; (ix) provide to the State Corporation Commission, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of taxes and fees administered by the Commission; (x) provide to the Executive Director of the ~~Potomac and Rappahannock Transportation Commission~~ *Northern Virginia Transportation Authority* for his confidential use such tax information as may be necessary to facilitate the collection of the motor vehicle fuel sales tax; (xi) provide to the Commissioner of the Department of Agriculture and Consumer Services such tax information as may be necessary to identify those applicants for registration as a supplier of charitable gaming supplies who have not filed required returns or who owe delinquent taxes; (xii) provide to the Department of Housing and Community Development for its confidential use such tax information as may be necessary to facilitate the administration of the remaining effective provisions of the Enterprise Zone Act (§ 59.1-270 et seq.), and the Enterprise Zone Grant Program (§ 59.1-538 et seq.); (xiii) provide current name and address information to private collectors entering into a written agreement with the Tax Commissioner, for their confidential use when acting on behalf of the Commonwealth or any of its political subdivisions; however, the Tax Commissioner is not authorized to provide such information to a private collector who has used or disseminated in an unauthorized or prohibited manner any such information previously provided to such collector; (xiv) provide current name and address information as to the identity of the wholesale or retail dealer that affixed a tax stamp to a package of cigarettes to any person who manufactures or sells at retail or wholesale cigarettes and who may bring an action for injunction or other equitable relief for violation of Chapter 10.1, Enforcement of Illegal Sale or Distribution of Cigarettes Act; (xv) provide to the Commissioner of

428 Labor and Industry, upon entering into a written agreement, such tax information as may be necessary to
429 facilitate the collection of unpaid wages under § 40.1-29; (xvi) provide to the Director of the Department
430 of Human Resource Management, upon entering into a written agreement, such tax information as may
431 be necessary to identify persons receiving workers' compensation indemnity benefits who have failed to
432 report earnings as required by § 65.2-712; and (xvii) provide to any commissioner of the revenue,
433 director of finance, or any other officer of any county, city, or town performing any or all of the duties
434 of a commissioner of the revenue and to any dealer registered for the collection of the Communications
435 Sales and Use Tax, a list of the names, business addresses, and dates of registration of all dealers
436 registered for such tax; and (xviii) provide to the Executive Director of the Northern Virginia
437 Transportation Commission for his confidential use such tax information as may be necessary to
438 facilitate the collection of the motor vehicle fuel sales tax. The Tax Commissioner is further authorized
439 to enter into written agreements with duly constituted tax officials of other states and of the United
440 States for the inspection of tax returns, the making of audits, and the exchange of information relating to
441 any tax administered by the Department of Taxation. Any person to whom tax information is divulged
442 pursuant to this section shall be subject to the prohibitions and penalties prescribed herein as though he
443 were a tax official.

444 D. Notwithstanding the provisions of subsection A or B or any other provision of this title, the
445 commissioner of revenue or other assessing official is authorized to (i) provide, upon written request
446 stating the reason for such request, the chief executive officer of any county or city with information
447 furnished to the commissioner of revenue by the Tax Commissioner relating to the name and address of
448 any dealer located within the county or city who paid sales and use tax, for the purpose of verifying the
449 local sales and use tax revenues payable to the county or city; (ii) provide to the Department of
450 Professional and Occupational Regulation for its confidential use the name, address, and amount of gross
451 receipts of any person, firm or entity subject to a criminal investigation of an unlawful practice of a
452 profession or occupation administered by the Department of Professional and Occupational Regulation,
453 only after the Department of Professional and Occupational Regulation exhausts all other means of
454 obtaining such information; and (iii) provide to any representative of a condominium unit owners'
455 association, property owners' association or real estate cooperative association, or to the owner of
456 property governed by any such association, the names and addresses of parties having a security interest
457 in real property governed by any such association; however, such information shall be released only
458 upon written request stating the reason for such request, which reason shall be limited to proposing or
459 opposing changes to the governing documents of the association, and any information received by any
460 person under this subsection shall be used only for the reason stated in the written request. The treasurer
461 or other local assessing official may require any person requesting information pursuant to clause (iii) of
462 this subsection to pay the reasonable cost of providing such information. Any person to whom tax
463 information is divulged pursuant to this subsection shall be subject to the prohibitions and penalties
464 prescribed herein as though he were a tax official.

465 Notwithstanding the provisions of subsection A or B or any other provisions of this title, the
466 treasurer or other collector of taxes for a county, city or town is authorized to provide information
467 relating to any motor vehicle, trailer or semitrailer obtained by such treasurer or collector in the course
468 of performing his duties to the commissioner of the revenue or other assessing official for such
469 jurisdiction for use by such commissioner or other official in performing assessments.

470 This section shall not be construed to prohibit a local tax official from imprinting or displaying on a
471 motor vehicle local license decal the year, make, and model and any other legal identification
472 information about the particular motor vehicle for which that local license decal is assigned.

473 E. Notwithstanding any other provisions of law, state agencies and any other administrative or
474 regulatory unit of state government shall divulge to the Tax Commissioner or his authorized agent, upon
475 written request, the name, address, and social security number of a taxpayer, necessary for the
476 performance of the Commissioner's official duties regarding the administration and enforcement of laws
477 within the jurisdiction of the Department of Taxation. The receipt of information by the Tax
478 Commissioner or his agent which may be deemed taxpayer information shall not relieve the
479 Commissioner of the obligations under this section.

480 F. Additionally, it shall be unlawful for any person to disseminate, publish, or cause to be published
481 any confidential tax document which he knows or has reason to know is a confidential tax document. A
482 confidential tax document is any correspondence, document, or tax return that is prohibited from being
483 divulged by subsection A, B, C, or D of this section and includes any document containing information
484 on the transactions, property, income, or business of any person, firm, or corporation that is required to
485 be filed with any state official by § 58.1-512. This prohibition shall not apply if such confidential tax
486 document has been divulged or disseminated pursuant to a provision of law authorizing disclosure. Any
487 person violating the provisions of this subsection shall be guilty of a Class 2 misdemeanor.

488 § 58.1-638. Disposition of state sales and use tax revenue; localities' share; Game Protection Fund.

489 A. The Comptroller shall designate a specific revenue code number for all the state sales and use tax

revenue collected under the preceding sections of this chapter.

1. The sales and use tax revenue generated by the one-half percent sales and use tax increase enacted by the 1986 Special Session of the General Assembly shall be paid, in the manner hereinafter provided in this section, to the Transportation Trust Fund as defined in § 33.1-23.03:1. Of the funds paid to the Transportation Trust Fund, an aggregate of 4.2 percent shall be set aside as the Commonwealth Port Fund as provided in this section; an aggregate of 2.4 percent shall be set aside as the Commonwealth Airport Fund as provided in this section; and an aggregate of 14.5 percent in fiscal year 1998-1999 and 14.7 percent in fiscal year 1999-2000 and thereafter shall be set aside as the Commonwealth Mass Transit Fund as provided in this section. The Fund's share of such net revenue shall be computed as an estimate of the net revenue to be received into the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the Fund on the last day of each month.

2. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be a part of the Transportation Trust Fund and which shall be known as the Commonwealth Port Fund.

a. The Commonwealth Port Fund shall be established on the books of the Comptroller and the funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall remain in the Fund and be credited to it. Funds may be paid to any authority, locality or commission for the purposes hereinafter specified.

b. The amounts allocated pursuant to this section shall be allocated by the Commonwealth Transportation Board to the Board of Commissioners of the Virginia Port Authority to be used to support port capital needs and the preservation of existing capital needs of all ocean, river, or tributary ports within the Commonwealth.

c. Commonwealth Port Fund revenue shall be allocated by the Board of Commissioners to the Virginia Port Authority in order to foster and stimulate the flow of maritime commerce through the ports of Virginia, including but not limited to the ports of Richmond, Hopewell and Alexandria.

3. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be a part of the Transportation Trust Fund and which shall be known as the Commonwealth Airport Fund. The Commonwealth Airport Fund shall be established on the books of the Comptroller and any funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on the funds shall be credited to the Fund. The funds so allocated shall be allocated by the Commonwealth Transportation Board to the Virginia Aviation Board. The funds shall be allocated by the Virginia Aviation Board to any Virginia airport which is owned by the Commonwealth, a governmental subdivision thereof, or a private entity to which the public has access for the purposes enumerated in § 5.1-2.16, or is owned or leased by the Metropolitan Washington Airports Authority (MWAA), as follows:

Any new funds in excess of \$12.1 million which are available for allocation by the Virginia Aviation Board from the Commonwealth Transportation Fund, shall be allocated as follows: 60 percent to MWAA, up to a maximum annual amount of \$2 million, and 40 percent to air carrier airports as provided in subdivision A 3 a. Except for adjustments due to changes in enplaned passengers, no air carrier airport sponsor, excluding MWAA, shall receive less funds identified under subdivision A 3 a than it received in fiscal year 1994-1995.

Of the remaining amount:

a. Forty percent of the funds shall be allocated to air carrier airports, except airports owned or leased by MWAA, based upon the percentage of enplanements for each airport to total enplanements at all air carrier airports, except airports owned or leased by MWAA. No air carrier airport sponsor, however, shall receive less than \$50,000 nor more than \$2 million per year from this provision.

b. Forty percent of the funds shall be allocated by the Aviation Board for air carrier and reliever airports on a discretionary basis, except airports owned or leased by MWAA.

c. Twenty percent of the funds shall be allocated by the Aviation Board for general aviation airports on a discretionary basis.

4. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be a part of the Transportation Trust Fund and which shall be known as the Commonwealth Mass Transit Fund.

a. The Commonwealth Mass Transit Fund shall be established on the books of the Comptroller and any funds remaining in such Fund at the end of the biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall be credited to the Fund. Funds may be paid to any local governing body, transportation district commission, or public service corporation for the purposes hereinafter specified.

b. The amounts allocated pursuant to this section shall be used to support the public transportation administrative costs and the costs borne by the locality for the purchase of fuels, lubricants, tires and maintenance parts and supplies for public transportation at a state share of 80 percent in 2002 and 95

551 percent in 2003 and succeeding years. These amounts may be used to support up to 95 percent of the
552 local or nonfederal share of capital project costs for public transportation and ridesharing equipment,
553 facilities, and associated costs. Capital costs may include debt service payments on local or agency
554 transit bonds. The term "borne by the locality" means the local share eligible for state assistance
555 consisting of costs in excess of the sum of fares and other operating revenues plus federal assistance
556 received by the locality.

557 c. Commonwealth Mass Transit Fund revenue shall be allocated by the Commonwealth
558 Transportation Board as follows:

559 (1) Funds for special programs, which shall include ridesharing, experimental transit, and technical
560 assistance, shall not exceed 1.5 percent of the Fund.

561 (2) The Board may allocate these funds to any locality or planning district commission to finance up
562 to 80 percent of the local share of all costs associated with the development, implementation, and
563 continuation of ridesharing programs.

564 (3) Funds allocated for experimental transit projects may be paid to any local governing body,
565 transportation district commission, or public corporation or may be used directly by the Department of
566 Rail and Public Transportation for the following purposes:

567 (a) To finance up to 95 percent of the capital costs related to the development, implementation and
568 promotion of experimental public transportation and ridesharing projects approved by the Board.

569 (b) To finance up to 95 percent of the operating costs of experimental mass transportation and
570 ridesharing projects approved by the Board for a period of time not to exceed 12 months.

571 (c) To finance up to 95 percent of the cost of the development and implementation of any other
572 project designated by the Board where the purpose of such project is to enhance the provision and use
573 of public transportation services.

574 d. Funds allocated for public transportation promotion and operation studies may be paid to any local
575 governing body, planning district commission, transportation district commission, or public transit
576 corporation, or may be used directly by the Department of Rail and Public Transportation for the
577 following purposes and aid of public transportation services:

578 (1) At the approval of the Board to finance a program administered by the Department of Rail and
579 Public Transportation designed to promote the use of public transportation and ridesharing throughout
580 Virginia.

581 (2) To finance up to 50 percent of the local share of public transportation operations planning and
582 technical study projects approved by the Board.

583 e. At least 73.5 percent of the Fund shall be distributed to each transit property in the same
584 proportion as its operating expenses bear to the total statewide operating expenses and shall be spent for
585 the purposes specified in subdivision 4 b.

586 f. The remaining 25 percent shall be distributed for capital purposes on the basis of 95 percent of the
587 nonfederal share for federal projects and 95 percent of the total costs for nonfederal projects. In the
588 event that total capital funds available under this subdivision are insufficient to fund the complete list of
589 eligible projects, the funds shall be distributed to each transit property in the same proportion that such
590 capital expenditure bears to the statewide total of capital projects. Prior to the annual adoption of the
591 Six-Year Improvement Program, the Commonwealth Transportation Board may allocate up to 20 percent
592 of the funds in the Commonwealth Mass Transit Fund designated for capital purposes to transit
593 operating assistance if operating funds for the next fiscal year are estimated to be less than the current
594 fiscal year's allocation, to attempt to maintain transit operations at approximately the same level as the
595 previous fiscal year.

596 g. There is hereby created in the Department of the Treasury a special nonreverting fund known as
597 the Commonwealth Transit Capital Fund. The Commonwealth Transit Capital Fund shall be part of the
598 Commonwealth Mass Transit Fund. The Commonwealth Transit Capital Fund subaccount shall be
599 established on the books of the Comptroller and consist of such moneys as are appropriated to it by the
600 General Assembly and of all donations, gifts, bequests, grants, endowments, and other moneys given,
601 bequeathed, granted, or otherwise made available to the Commonwealth Transit Capital Fund. Any funds
602 remaining in the Commonwealth Transit Capital Fund at the end of the biennium shall not revert to the
603 general fund, but shall remain in the Commonwealth Transit Capital Fund. Interest earned on funds
604 within the Commonwealth Transit Capital Fund shall remain in and be credited to the Commonwealth
605 Transit Capital Fund. Proceeds of the Commonwealth Transit Capital Fund may be paid to any political
606 subdivision, another public entity created by an act of the General Assembly, or a private entity as
607 defined in § 56-557 and for purposes as enumerated in subdivision 4c of § 33.1-269 or expended by the
608 Department of Rail and Public Transportation for the purposes specified in this subdivision. Revenues of
609 the Commonwealth Transit Capital Fund shall be used to support capital expenditures involving the
610 establishment, improvement, or expansion of public transportation services through specific projects
611 approved by the Commonwealth Transportation Board. Projects financed by the Commonwealth Transit
612 Capital Fund shall receive local, regional or private funding for at least 20 percent of the nonfederal

share of the total project cost.

5. Funds for Metro shall be paid by the Northern Virginia Transportation Commission (NVTC) Authority (NVTA), from the Northern Virginia Transportation Commission account to the Washington Metropolitan Area Transit Authority (WMATA) and be a credit to the Counties of Arlington and Fairfax and the Cities of Alexandria, Falls Church and Fairfax in the following manner:

a. Local obligations for debt service for WMATA rail transit bonds apportioned to each locality using WMATA's capital formula shall be paid first by NVTC NVTA. NVTC NVTA shall use 95 percent state aid for these payments.

b. The remaining funds shall be apportioned to reflect WMATA's allocation formulas by using the related WMATA-allocated subsidies and relative shares of local transit subsidies. Capital costs shall include 20 percent of annual local bus capital expenses. Hold harmless protections and obligations for NVTC's NVTA's jurisdictions agreed to by the former Northern Virginia Transportation Commission NVTC on November 5, 1998, shall remain in effect.

Appropriations from the Commonwealth Mass Transit Fund are intended to provide a stable and reliable source of revenue as defined by Public Law 96-184.

B. The sales and use tax revenue generated by a one percent sales and use tax shall be distributed among the counties and cities of this Commonwealth in the manner provided in subsections C and D.

C. The localities' share of the net revenue distributable under this section among the counties and cities shall be apportioned by the Comptroller and distributed among them by warrants of the Comptroller drawn on the Treasurer of Virginia as soon as practicable after the close of each month during which the net revenue was received into the state treasury. The distribution of the localities' share of such net revenue shall be computed with respect to the net revenue received into the state treasury during each month, and such distribution shall be made as soon as practicable after the close of each such month.

D. The net revenue so distributable among the counties and cities shall be apportioned and distributed upon the basis of the latest yearly estimate of the population of cities and counties ages five to 19, provided by the Weldon Cooper Center for Public Service of the University of Virginia. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for persons who are domiciled in orphanages or charitable institutions or who are dependents living on any federal military or naval reservation or other federal property within the school division in which the institutions or federal military or naval reservation or other federal property is located. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for members of the military services who are under 20 years of age within the school division in which the parents or guardians of such persons legally reside. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for persons who are confined in state hospitals, state training schools or state training centers for the mentally retarded, mental institutions, or state or federal correctional institutions or who attend the Virginia School for the Deaf and the Blind within the school division in which the parents or guardians of such persons legally reside. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for persons who attend institutions of higher education within the school division in which the student's parents or guardians legally reside. To such estimate, the Department of Education shall add the population of students with disabilities, ages two through four and 20 through 21, as provided to the Department of Education by school divisions. The revenue so apportionable and distributable is hereby appropriated to the several counties and cities for maintenance, operation, capital outlays, debt and interest payments, or other expenses incurred in the operation of the public schools, which shall be considered as funds raised from local resources. In any county, however, wherein is situated any incorporated town constituting a school division, the county treasurer shall pay into the town treasury for maintenance, operation, capital outlays, debt and interest payments, or other expenses incurred in the operation of the public schools, the proper proportionate amount received by him in the ratio that the school population of such town bears to the school population of the entire county. If the school population of any city or of any town constituting a school division is increased by the annexation of territory since the last estimate of school population provided by the Weldon Cooper Center for Public Service, such increase shall, for the purposes of this section, be added to the school population of such city or town as shown by the last such estimate and a proper reduction made in the school population of the county or counties from which the annexed territory was acquired.

E. Beginning July 1, 2000, of the remaining sales and use tax revenue, the revenue generated by a two percent sales and use tax, up to an annual amount of \$13 million, collected from the sales of hunting equipment, auxiliary hunting equipment, fishing equipment, auxiliary fishing equipment, wildlife-watching equipment, and auxiliary wildlife-watching equipment in Virginia, as estimated by the most recent U.S. Department of the Interior, Fish and Wildlife Service and U.S. Department of

674 Commerce, Bureau of the Census National Survey of Fishing, Hunting, and Wildlife-Associated
675 Recreation, shall be paid into the Game Protection Fund established under § 29.1-101 and shall be used,
676 in part, to defray the cost of law enforcement. Not later than 30 days after the close of each quarter, the
677 Comptroller shall transfer to the Game Protection Fund the appropriate amount of collections to be
678 dedicated to such Fund. At any time that the balance in the Capital Improvement Fund, established
679 under § 29.1-101.1, is equal to or in excess of \$35 million, any portion of sales and use tax revenues
680 that would have been transferred to the Game Protection Fund, established under § 29.1-101, in excess
681 of the net operating expenses of the Board, after deduction of other amounts which accrue to the Board
682 and are set aside for the Game Protection Fund, shall remain in the general fund until such time as the
683 balance in the Capital Improvement Fund is less than \$35 million.

684 F. 1. Of the net revenue generated from the one-half percent increase in the rate of the state sales
685 and use tax effective August 1, 2004, pursuant to enactments of the 2004 Special Session I of the
686 General Assembly, the Comptroller shall transfer from the general fund of the state treasury to the
687 Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund established under
688 § 58.1-638.1 an amount equivalent to one-half of the net revenue generated from such one-half percent
689 increase as provided in this subdivision. The transfers to the Public Education Standards of
690 Quality/Local Real Estate Property Tax Relief Fund under this subdivision shall be for one-half of the
691 net revenue generated (and collected in the succeeding month) from such one-half percent increase for
692 the month of August 2004 and for each month thereafter.

693 2. For the purposes of the Comptroller making the required transfers under subdivision 1, the Tax
694 Commissioner shall make a written certification to the Comptroller no later than the twenty-fifth of each
695 month certifying the sales and use tax revenues generated in the preceding month. Within three calendar
696 days of receiving such certification, the Comptroller shall make the required transfers to the Public
697 Education Standards of Quality/Local Real Estate Property Tax Relief Fund.

698 G. If errors are made in any distribution, or adjustments are otherwise necessary, the errors shall be
699 corrected and adjustments made in the distribution for the next quarter or for subsequent quarters.

700 H. The term "net revenue," as used in this section, means the gross revenue received into the general
701 fund or the Transportation Trust Fund of the state treasury under the preceding sections of this chapter,
702 less refunds to taxpayers.

703 § 58.1-815.1. Northern Virginia Transportation District Fund.

704 A. There is hereby created in the Department of the Treasury a special nonreverting fund which shall
705 be a part of the Transportation Trust Fund and which shall be known as the Northern Virginia
706 Transportation District Fund, consisting of transfers pursuant to § 58.1-816 of annual collections of the
707 state recordation taxes attributable to the Cities of Alexandria, Fairfax, Falls Church, Manassas, and
708 Manassas Park and the Counties of Arlington, Fairfax, Loudoun, and Prince William; however, this
709 dedication shall not affect the local recordation taxes under §§ 58.1-802 B and 58.1-814. The Fund shall
710 also include any public rights-of-way use fees appropriated by the General Assembly; any state or local
711 revenues, including but not limited to, any funds distributed pursuant to § 33.1-23.3, 33.1-23.4 or
712 33.1-23.5:1, which may be deposited into the Fund pursuant to a contract between a jurisdiction
713 participating in the Northern Virginia Transportation District Program and the Commonwealth
714 Transportation Board; and any other funds as may be appropriated by the General Assembly from time
715 to time and designated for this Fund and all interest, dividends and appreciation which may accrue
716 thereto. Any moneys remaining in the Fund at the end of a biennium shall not revert to the general
717 fund, but shall remain in the Fund, subject to the determination by the Commonwealth Transportation
718 Board that a Category 2, 3 or 4 project or projects may be funded.

719 B. Allocations from this Fund may be paid (i) to any authority, locality or commission for the
720 purposes of paying the costs of the Northern Virginia Transportation District Program which consists of
721 the following: the Fairfax County Parkway, Route 234 Bypass, Metrorail Capital Improvements
722 attributable to Fairfax County including Metro parking expansions, Metro Capital Improvements,
723 including the Franconia-Springfield Metrorail Station and new rail car purchases, Route 7 improvements
724 in Loudoun County and Fairfax County, the Route 50/Courthouse Road interchange improvements in
725 Arlington County, the Route 28/Route 625 interchange improvements in Loudoun County, Metrorail
726 capital improvements attributable to the City of Alexandria including the King Street Metrorail Station
727 access, Metrorail capital improvements attributable to Arlington County, including Ballston Station
728 improvements, Route 15 safety improvements in Loudoun County, Route 28 parallel roads in Loudoun
729 County, the Route 28/Sterling Boulevard interchange in Loudoun County, Route 1/Route 123
730 interchange improvements in Prince William County, Lee Highway improvements in the City of Fairfax,
731 Route 123 improvements in Fairfax County, Telegraph Road improvements in Fairfax County, Route
732 123 Occoquan River Bridge, Gallows Road in Fairfax County, Route 1/Route 234 interchange
733 improvements in Prince William County, *the bus replacement program formerly under the auspices of*
734 *the Potomac- and Rappahannock Transportation Commission bus replacement program*, and Dulles
735 Corridor Enhanced Transit program and (ii) for Category 4 projects as provided in § 2 of the act or acts

authorizing the issuance of Bonds for the Northern Virginia Transportation District Program.

C. On or before July 15, 1994, \$19 million shall be transferred to the Fund. Such transfer shall be made by the issuance of a treasury loan at no interest in the amount of \$19 million in the event such an amount is not included for the Fund in the general appropriation act enacted by the 1994 Session of the General Assembly. Such treasury loan shall be repaid from the Commonwealth's portion of the state recordation tax imposed by Chapter 8 (§ 58.1-800 et seq.) of Title 58.1 designated for the Fund by this section and § 58.1-816.

2. That effective July 1, 2012, all duties, responsibilities, and powers of the Northern Virginia Transportation Commission, as set forth in § 15.2-4503.1 of the Code of Virginia, and the Potomac and Rappahannock Transportation Commission, as set forth in § 15.2-4507 of the Code of Virginia, shall be transferred to the Northern Virginia Transportation Authority.