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## HOUSE BILL NO. 107

Offered January 11, 2012

Prefiled December 29, 2011

A *BILL to amend and reenact §§ 15.2-7001 and 15.2-7002 of the Code of Virginia, relating to Richmond Metropolitan Authority; composition of Board of Directors; powers.*

Patrons—Loupassi and Robinson

Referred to Committee on Counties, Cities and Towns

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

- 1. That §§ 15.2-7001 and 15.2-7002 of the Code of Virginia are amended and reenacted as follows:**  
 § 15.2-7001. Creation of the Authority.

There is hereby created a political subdivision and public body corporate and politic of the Commonwealth of Virginia to be known as the Richmond Metropolitan Authority, to be governed by a Board of Directors consisting of ~~11~~ 10 members appointed as follows: ~~one member to be appointed by the Board of Supervisors of Chesterfield County for a period of two years from the date of appointment;~~ ~~one member three members~~ to be appointed by the Board of Supervisors of Chesterfield County for a ~~term~~ terms of four years from the date of appointment; ~~one member to be appointed by the Board of Supervisors of Henrico County for a period of two years from the date of appointment;~~ ~~one member three members~~ to be appointed by the Board of Supervisors of Henrico County for a ~~term~~ terms of four years from the date of appointment; ~~three members to be appointed by the Mayor of the City of Richmond with the approval of the City Council for terms of two years from the date of appointment;~~ ~~three members to be appointed by the Mayor of the City of Richmond with the approval of the City Council for a term~~ terms of four years from the date of appointment; and one ex-officio member from the Commonwealth Transportation Board to be appointed by the Commissioner of Highways; and thereafter the appointive members of the Board shall be appointed for terms of four years and until their successors have been appointed and are qualified. Vacancies in the membership of the Board shall be filled in the same manner as the original appointment, for the unexpired portion of the term. The Board so appointed shall enter upon the performance of its duties and shall initially and annually thereafter elect one of its members as Chairman and another as Vice-Chairman, and shall also elect annually a Secretary or Secretary-Treasurer who need not be a member of the Board. The Chairman, or in his absence the Vice-Chairman, shall preside at all meetings of the Board, and in the absence of both the Chairman and Vice-Chairman, the Board shall elect a Chairman pro tempore who shall preside at such meetings. Six Directors shall constitute a quorum, and all action by the Board shall require the affirmative vote of a majority of the Directors present and voting. The members of the Board shall be entitled to reimbursement for expenses incurred in attendance upon meetings of the Board or while otherwise engaged in the discharge of their duties, and each member shall also be paid the sum of \$50 per day for each day or portion thereof during which he is engaged in the performance of his duties. Such expenses and compensation shall be paid out of the treasury of the Authority in such manner as shall be prescribed by the Authority.

§ 15.2-7002. Powers of the Authority.

In order to alleviate highway congestion, promote highway safety, expand highway construction, increase the utility and benefits and extend the services of public highways including bridges, tunnels and other highway facilities, both free and toll, and otherwise contribute to the economy, industrial and agricultural development, and welfare of the Commonwealth and the City of Richmond and Counties of Henrico and Chesterfield, the Authority shall have the following powers:

1. To contract and be contracted with; to sue and be sued; and to adopt and use a seal and to alter the same at its pleasure;

2. To acquire and hold real or personal property necessary or convenient for its purposes;

3. To sell, lease, or otherwise dispose of any personal or real property or rights, easements, or estates therein deemed by the Authority not necessary for its purposes;

4. ~~To~~With the approval of the Council of the City of Richmond and the Boards of Supervisors of the Counties of Henrico and Chesterfield to purchase, construct or otherwise acquire, ~~maintain, repair, and operate, or cause to be repaired, maintained, and operated,~~ limited access highways within the corporate limits of the City of Richmond and the Counties of Chesterfield and Henrico, including all bridges, tunnels, overpasses, underpasses, grade separations, interchanges, entrance plazas, approaches, tollhouses and administration, storage and other buildings and facilities that the Authority may deem necessary or convenient for the operation of such limited access highways. Title to any property acquired by the

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59 Authority shall be taken in the name of the Authority. *Without the need of approval from such local*  
60 *governing bodies, the Authority may maintain, repair and operate, or cause to be repaired, maintained,*  
61 *and operated, such limited access highways and related facilities;*

62 5. With the approval of the Council of the City of Richmond and the Boards of Supervisors of the  
63 Counties of Henrico and Chesterfield to own, operate, maintain and provide rapid and other transit  
64 facilities and services for the transportation of the public, and to enter into contracts with said City and  
65 County or Counties and any public service corporations doing business as common carriers of  
66 passengers and property for the use of Authority facilities for such purpose, to enter into contracts for  
67 the transportation of passengers and property over facilities of jurisdictions other than the Authority, as  
68 well as the property and facilities of the Authority, and construct, acquire, operate, and maintain any  
69 other properties and facilities, including such offices and commercial facilities in connection therewith as  
70 are deemed necessary or convenient by the Authority, for the relief of traffic congestion, or to provide  
71 vehicular parking, or to promote transportation of persons and property, or to promote the flow of  
72 commerce that the Council of the City of Richmond and the Boards of Supervisors of the Counties of  
73 Chesterfield and Henrico may request the Authority to provide;

74 6. With the approval of the Council of the City of Richmond and the Boards of Supervisors of the  
75 Counties of Henrico and Chesterfield to acquire land; construct, own and operate sports facilities of any  
76 nature including facilities reasonably related thereto and own a baseball stadium of sufficient seating  
77 capacity and quality for the playing of baseball at the level immediately below Major League Baseball  
78 and to lease such land, stadium, sports facilities, and attendant facilities under such terms and conditions  
79 as the Authority may prescribe. In the event of a conflict between the provisions of this subdivision and  
80 any bond indenture to which the Authority is subject, the provisions of the bond indenture shall be  
81 controlling;

82 7. To acquire by the exercise of the power of eminent domain any lands, property, rights,  
83 rights-of-way, franchises, easements, and other property, including public lands, parks, playgrounds,  
84 reservations, highways, or parkways, or parts thereof or rights therein, of any person, copartnership,  
85 association, railroad, public service, public utility or other corporation, or of any municipality, county or  
86 other political subdivision, deemed necessary or convenient for the construction or the efficient operation  
87 of the project or necessary in the restoration, replacement or relocation of public or private property  
88 damaged or destroyed, whenever a reasonable price cannot be agreed upon with the governing body of  
89 such municipality, county, or other political subdivision as to such property owned by it, or whenever  
90 the Authority cannot agree on the terms of purchase or settlement with the other owner or owners  
91 because of the incapacity of such owner or owners or because of the inability to agree on the  
92 compensation to be paid or other terms of settlement or purchase, or because such owner or owners are  
93 nonresidents of the Commonwealth, or are unknown, or are unable to convey valid title to such  
94 property. Such proceedings shall be in accordance with and subject to the provisions of any and all laws  
95 of the Commonwealth applicable to the exercise of the power of eminent domain in the name of the  
96 Commissioner of Highways and subject to the provisions of § 25.1-102 as fully as if the Authority were  
97 a corporation possessing the power of eminent domain; however, title to any property condemned by the  
98 Authority shall immediately vest in the Authority and the Authority shall be entitled to the immediate  
99 possession of such property upon the deposit with the clerk of the court in which such condemnation  
100 proceedings are originated, of the total amount of the appraised price of the property and court costs and  
101 fees as provided by said laws, notwithstanding that any of the parties to such proceedings shall appeal  
102 from any decision in such condemnation proceeding. Whenever the Authority makes such deposit in  
103 connection with any condemnation proceeding, the making of such deposit shall not preclude the  
104 Authority from appealing any decision rendered in such proceedings. Upon the deposit with the clerk of  
105 the court of the appraised price, any person entitled thereto may, upon petition to the court, be paid his  
106 or their pro rata share of 90 percent of such appraised price. The acceptance of such payment shall not  
107 preclude such person from appealing any decision rendered in such proceedings. If the appraisal is  
108 greater or less than the amount finally determined by the decision in such proceeding or by an appeal,  
109 the amount of the increase or decrease shall be paid by or refunded to the Authority.

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

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

114 8. To determine the location of any limited access highways constructed or acquired by the  
115 Authority, subject to the approval of the Commonwealth Transportation Board and to determine the  
116 design standards and materials of construction of such highways;

117 9. To designate with the approval of the Commonwealth Transportation Board the location in the  
118 City of Richmond and in the Counties of Henrico and Chesterfield, and establish, limit, and control such  
119 points of ingress to and egress from any limited access highway constructed by the Authority within the  
120 corporate limits of said City and Counties as may be necessary or desirable in the judgment of the

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

10. To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this chapter, including contracts or agreements authorized by this chapter with the Commonwealth Transportation Board, the City of Richmond, and the Counties of Henrico and Chesterfield;

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

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

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

14. To operate or permit the operation of vehicles for the transportation of persons or property for compensation on any limited access highway constructed or acquired by the Authority, provided the Department of Motor Vehicles or the Federal Motor Carrier Safety Administration shall not be divested of jurisdiction to authorize or regulate the operation of such carriers;

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

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

17. To fix, charge, and collect fees, tolls, rents, rates, and other charges for the use of Authority facilities and the several parts or sections thereof;

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

19. To employ consulting engineers, attorneys, accountants, construction and financial experts,

182 superintendents, managers, trustees, depositaries, paying agents, and such other employees and agents as  
183 may be necessary in the discretion of the Authority to construct, acquire, maintain, and operate  
184 Authority facilities and to fix their compensation;

185 20. To receive and accept from any federal agency for or in aid of the construction of any Authority  
186 facility or for or in aid of any Authority undertaking authorized by this chapter, and to receive and  
187 accept from the Commonwealth, the City of Richmond or the Counties of Henrico and Chesterfield and  
188 from any other source, grants, contributions, or other aid in such construction or undertaking, or for  
189 operation and maintenance, either in money, property, labor, materials, or other things of value; and

190 21. To do all other acts and things necessary or convenient to carry out the powers expressly granted  
191 in this chapter.

192 **2. That the terms of the additional Board members to be appointed by Chesterfield County and**  
193 **Henrico County shall commence on July 1, 2012. In order to implement the reduction in the**  
194 **Board membership appointed by the City of Richmond, the terms of all current members of the**  
195 **Board appointed by the City shall expire on July 1, 2012, and the Mayor of the City of Richmond**  
196 **shall appoint three new members, which number may include members of the Board whose terms**  
197 **expire on July 1, 2012.**