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HOUSE BILL NO. 1732

Offered January 9, 2013

Prefiled January 8, 2013

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

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

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

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

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

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

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

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

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

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

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

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

2. That the terms of the additional Board members to be appointed by Chesterfield County and Henrico County shall commence on July 1, 2013. In order to implement the reduction in the Board membership appointed by the City of Richmond, the terms of all current members of the Board appointed by the City shall expire on July 1, 2013, and the Mayor of the City of Richmond shall appoint three new members, which number may include members of the Board whose terms expire on July 1, 2013.