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**HOUSE BILL NO. 1254**

Offered January 17, 2014

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

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Patron—Marshall, R.G.

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Referred to Committee on Appropriations**Be it enacted by the General Assembly of Virginia:****1. That § 15.2-4838.1 of the Code of Virginia is amended and reenacted as follows:****§ 15.2-4838.1. Use of certain revenues by the Authority.**

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

B. 1. Except as provided in subdivision 2, 30 percent of the revenues received by the Authority under subsection A shall be distributed on a pro rata basis, with each locality's share being the total of such fee and taxes received by the Authority that are generated or attributable to the locality divided by the total of such fee and taxes received by the Authority. Of the revenues distributed pursuant to this subsection, as determined solely by the applicable locality, such revenues shall be used for additional urban or secondary road construction; for other capital improvements that reduce congestion; for other transportation capital improvements which have been approved by the most recent long range transportation plan adopted by the Authority; or for public transportation purposes. None of the revenue distributed by this subsection may be used to repay debt issued before July 1, 2013. Each locality shall create a separate, special fund in which all revenues received pursuant to this subsection and from the tax imposed pursuant to § 58.1-3221.3 shall be deposited. Each locality shall provide annually to the Northern Virginia Transportation Authority sufficient documentation as required by the Authority showing that the funds distributed under this subsection were used as required by this subsection.

2. If a locality has not deposited into its special fund (i) revenues from the tax collected under § 58.1-3221.3 pursuant to the maximum tax rate allowed under that section or (ii) an amount, from sources other than moneys received from the Authority, that is equivalent to the revenue that the locality would receive if it was imposing the maximum tax authorized by § 58.1-3221.3, then the amount of revenue distributed to the locality pursuant to subdivision 1 shall be reduced by the difference between the amount of revenue that the locality would receive if it was imposing the maximum tax authorized by such section and the amount of revenue deposited into its special fund pursuant to clause (i) or (ii), as applicable. The amount of any such reduction in revenue shall be redistributed according to subsection C. The provisions of this subdivision shall be ongoing and apply over annual periods as determined by the Authority.

C. 1. The remaining 70 percent of the revenues received by the Authority under subsection A, plus the amount of any revenue to be redistributed pursuant to subsection B, shall be used by the Authority solely to fund (i) transportation projects selected by the Authority that are contained in the regional transportation plan in accordance with § 15.2-4830 and that have been rated in accordance with § 33.1-13.03:1 or (ii) mass transit capital projects that increase capacity. For only those regional funds received in fiscal year 2014, the requirement for rating in accordance with § 33.1-13.03:1 shall not apply. The Authority shall give priority to selecting projects that are expected to provide the greatest congestion reduction relative to the cost of the project and shall document this information for each project selected. Such projects selected by the Authority for funding shall be located (a) only in localities embraced by the Authority or (b) in adjacent localities but only to the extent that such extension is an insubstantial part of the project and is essential to the viability of the project within the localities embraced by the Authority.

2. All transportation projects undertaken by the Northern Virginia Transportation Authority shall be completed by private contractors accompanied by performance measurement standards, and all contracts shall contain a provision granting the Authority the option to terminate the contract if contractors do not meet such standards. Notwithstanding the foregoing, any locality may provide engineering services or right-of-way acquisition for any project with its own forces. The Authority shall avail itself of the strategies permitted under the Public-Private Transportation Act (§ 56-556 et seq.) whenever feasible and advantageous. The Authority is independent of any state or local entity, including the Virginia Department of Transportation (VDOT) and the Commonwealth Transportation Board (CTB), but the Authority, VDOT and CTB shall consult with one another to avoid duplication of efforts and, at the

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59 option of the Authority, may combine efforts to complete specific projects. Notwithstanding the  
60 foregoing, at the request of the Authority, VDOT may provide the Authority with engineering services  
61 or right-of-way acquisition for the project with its own forces.

62 3. With regard to the revenues distributed under subdivision 1, each locality's total long-term benefit  
63 shall be approximately equal to the proportion of the total of the fees and taxes received by the  
64 Authority that are generated by or attributable to the locality divided by the total of such fees and taxes  
65 received by the Authority.

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

70 *E. Before undertaking any mass transit project, the Authority shall identify both the capital and*  
71 *operating costs of the project per rider. Except for acquisition of rolling stock, all Authority*  
72 *expenditures on mass transit projects shall be limited exclusively to projects in Virginia.*

73 *F. Before undertaking any highway project, the Authority shall compare the costs and benefits of at*  
74 *least three competing projects potentially eligible for the same source of funding.*

75 *G. Once an Authority project has been funded, no new or additional funding of that project shall be*  
76 *added by the Authority except after the costs and benefits of doing so are compared with at least three*  
77 *competing projects potentially eligible for the same source of funding.*