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HOUSE BILL NO. 281

Offered January 8, 2014

Prefiled December 31, 2013

A BILL to amend and reenact §§ 15.2-4830 and 15.2-4840 of the Code of Virginia, relating to contracts between the Northern Virginia Transportation Authority and another state or the District of Columbia.

Patrons—Albo and LeMunyon

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-4830 and 15.2-4840 of the Code of Virginia are amended and reenacted as follows: § 15.2-4830. Authority created.

There is hereby created a political subdivision of the Commonwealth known as the Northern Virginia Transportation Authority, hereinafter known as "the Authority."

In addition to such other powers vested in the Authority by this chapter, the Authority shall have the following powers and functions:

1. The Authority shall prepare a regional transportation plan for Planning District Eight, to include, but not necessarily be limited to, transportation improvements of regional significance, and those improvements necessary or incidental thereto, and shall from time to time revise and amend the plan. The provisions of Article 7 (§ 15.2-4527 et seq.) of Chapter 45 of this title shall apply, mutatis mutandis, to preparation of such transportation plan.

2. The Authority may, when a transportation plan is adopted according to subdivision 1, construct or acquire, by purchase, lease, contract, or otherwise, the transportation facilities specified in such transportation plan.

3. The Authority may enter into agreements or leases with public or private entities for the operation of its facilities, or may operate such facilities itself.

4. The Authority may enter into contracts or agreements with the counties and cities embraced by the Authority, with other transportation commissions of transportation districts adjoining any county or city embraced by the Authority, with any transportation authority, or with any state, local, private or federal entity to provide, or cause to be provided, transportation facilities and services to the area embraced by the Authority. Such contracts or agreements, together with any agreements or leases for the operation of such facilities, may be used by the Authority to finance the construction and operation of transportation facilities and such contracts, agreements or leases shall inure to the benefit of any creditor of the Authority.

Notwithstanding the above, however, the Authority shall not have the power to regulate services provided by taxicabs, either within municipalities or across municipal boundaries, which regulation is expressly reserved to the municipalities within which taxicabs operate.

In addition, the Authority shall not directly or indirectly fund or otherwise expend moneys in support of a transportation-related project being undertaken with (i) the District of Columbia or another state, or (ii) any political subdivision, corporation, agency, or unit of government of the District of Columbia or of another state unless the Authority has entered into a contract that provides for all costs of the project including initial costs, acquisition costs, capital, machinery and equipment, labor, administrative costs, maintenance, ongoing costs, and all other costs of the project to be borne equally among the Authority and such other entities set forth in clause (i) or clause (ii) with which the Authority is undertaking the project.

5. Notwithstanding any other provision of law to the contrary the Authority may:

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

b. Acquire land or any interest therein by purchase, lease, or gift in advance of the need for sale or contribution to an agency, for use by that agency in connection with an adopted transportation plan;

c. Prepare a plan for mass transportation services with persons, cities, counties, agencies, authorities, or transportation commissions and may further contract with any such person or other entity to provide necessary facilities, equipment, operations and maintenance, access, and insurance pursuant to such plan.

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

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,

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59 but not necessarily limited to, carpooling, vanpooling, and ridesharing;

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

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

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

65 5. ~~Allocating~~ *Subject to the prohibitions under subdivision 4 of § 15.2-4830, allocating* to priority
66 regional transportation projects any funds made available to the Authority and, at the discretion of the
67 Authority, directly overseeing such projects;

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

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

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

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

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

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

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

99 **2. That the provisions of this act shall be applicable to contracts entered into by the Northern**
100 **Virginia Transportation Authority on or after July 1, 2014.**