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**HOUSE BILL NO. 826**

Offered January 13, 2016

Prefiled January 12, 2016

A *BILL to amend the Code of Virginia by adding in Title 33.2 a chapter numbered 34, consisting of sections numbered 33.2-3400 through 33.2-3416, relating to creation of the Prince William County Metrorail Improvement District.*

Patron—Torian

Referred to Committee on Transportation

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

**1. That the Code of Virginia is amended by adding in Title 33.2 a chapter numbered 34, consisting of sections numbered 33.2-3400 through 33.2-3416, as follows:**

**CHAPTER 34.****PRINCE WILLIAM COUNTY METRORAIL IMPROVEMENT DISTRICT.****§ 33.2-3400. Definitions.**

*As used in this chapter, unless the context requires a different meaning:*

"Commission" means the governing body of a local transportation improvement district created pursuant to this chapter.

"Cost" means all or any part of the following:

1. Acquisition, construction, reconstruction, alteration, landscaping, utilities, parking, conservation, remodeling, equipping, or enlarging of transportation improvements or any portion thereof;

2. Acquisition of land, rights-of-way, property rights, easements, and interests for construction, alteration, or expansion of transportation improvements;

3. Demolition or relocation of any structure on land so acquired, including the cost of acquisition of any lands to which such structure may be relocated;

4. All labor, materials, machinery, and equipment necessary or incidental to the construction or expansion of a transportation improvement;

5. Financing charges, insurance, interest, and reserves for interest on all bonds prior to and during construction and, if deemed advisable by the commission, for a reasonable period after completion of such construction;

6. Reserves for principal and interest;

7. Reserves for extensions, enlargements, additions, replacements, renovations, and improvements;

8. Provisions for working capital;

9. Engineering and architectural expenses and services, including surveys, borings, plans, and specifications;

10. Subsequent addition to or expansion of any project and the cost of determining the feasibility or practicability of such construction;

11. Financing construction of, addition to, or expansion of transportation improvements and operating such improvements; and

12. Expenses incurred in connection with the creation of the district, not to exceed \$150,000.

"County" means Fairfax County or Prince William County, as the context indicates.

"District" means any transportation improvement district created pursuant to this chapter.

"District advisory board" or "advisory board" means the board appointed pursuant to § 33.2-3404.

"Federal agency" means the United States of America or any department, bureau, agency, or instrumentality thereof.

"Governing body" means the governing body of a county.

"Owner" or "landowner" means the person that is assessed real property taxes pursuant to § 58.1-3281 by the commissioner of the revenue or other assessing officer of the locality in which the subject real property is located.

"Participating town" means a town that has real property within its boundaries included within a district created pursuant to this chapter. "Participating town" does not include the Town of Occoquan.

"Revenue" means all fees, tolls, rents, receipts, assessments, taxes, money, and income derived by the district, including any cash contribution or payments made to the district by the Commonwealth, any political subdivision thereof, or any other source.

"Transportation improvements" means any real or personal property acquired, constructed, improved, or used for constructing, improving, or operating any (i) extension of Metrorail from Springfield to Woodbridge or (ii) highway, or portion or interchange thereof, including parking facilities located

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HB826

59 within a district created pursuant to this chapter. Such improvements shall include public mass transit  
60 systems, public highways, and all buildings, structures, approaches, and facilities thereof and  
61 appurtenances thereto, rights-of-way, bridges, tunnels, stations, terminals, and all related equipment and  
62 fixtures.

63 **§ 33.2-3401. Creation of district.**

64 A. A district may be created in a county by a resolution of the governing body. Any such resolution  
65 shall be considered only upon the petition, to the governing body, of the owners of at least 51 percent  
66 of either the land area or the assessed value of real property that (i) is within the boundaries of the  
67 proposed district, (ii) has been zoned for commercial or industrial use or is used for such purposes, and  
68 (iii) would be subject to the annual Metrorail improvement fee authorized by § 33.2-3405 if the  
69 proposed district is created. Any proposed district within a county may include any real property within  
70 a town or towns within the boundaries of such county.

71 B. The petition to the governing body shall:

72 1. Set forth the name and describe the boundaries of the proposed district;

73 2. Describe the transportation improvements proposed within the district;

74 3. Propose a plan for providing such transportation improvements within the district and describe  
75 specific terms and conditions with respect to all commercial and industrial zoning classifications and  
76 uses, densities, and criteria related thereto that the petitioners request for the proposed district;

77 4. Describe the benefits that can be expected from the provision of such transportation improvements  
78 within the district; and

79 5. Request the governing body to establish the proposed district for the purposes set forth in the  
80 petition.

81 C. Upon the filing of such a petition, the governing body shall fix a day for a hearing on the  
82 question of whether the proposed district shall be created. The hearing shall consider whether the  
83 residents and owners of real property within the proposed district would benefit from the establishment  
84 of the proposed district. All interested persons who either reside in or own taxable real property within  
85 the proposed district shall have the right to appear and show cause why any property or properties  
86 should not be included in the proposed district. If real property within a town is included in the  
87 proposed district, a copy of the petition and notice of the public hearing shall be delivered to the town  
88 council at least 30 days prior to the public hearing, and the town council may by resolution determine  
89 if the town council wishes any property located within the town to be included in the proposed district,  
90 and any such resolution shall be delivered to the governing body prior to the public hearing required by  
91 this section. Such resolution shall be binding upon the governing body with respect to the inclusion or  
92 exclusion of such properties within the proposed district. If that resolution permits any commercial or  
93 industrial property located within a town to be included in the proposed district, then, if requested to do  
94 so by the petition, the town council of any town that has adopted a zoning ordinance also shall pass a  
95 resolution, to be effective upon creation of the proposed district, that is consistent with the requirements  
96 pursuant to subsection D, with respect to commercial and industrial zoning classifications that shall be  
97 in force in that portion of the town included in the district. The petition shall comply with the provisions  
98 of this section with respect to minimum acreage or assessed valuation. Notice of the hearing shall be  
99 given by publication once a week for three consecutive weeks in a newspaper of general circulation  
100 within the locality. At least 10 days shall intervene between the third publication and the date set for  
101 the hearing. Such public hearing may be adjourned from time to time.

102 D. If the governing body finds the creation of the proposed district would be in furtherance of a  
103 county's comprehensive plan for the development of the area; in the best interests of the residents and  
104 owners of real property within the proposed district; and in furtherance of the public health, safety, and  
105 welfare, the governing body may pass a resolution, which shall be reasonably consistent with the  
106 petition, that would create the district upon final adoption and that would provide for the appointment  
107 of an advisory board in accordance with this chapter upon final adoption. Any such resolution shall be  
108 conclusively presumed to be reasonably consistent with the petition if, following the public hearing, as  
109 provided in subsection C, the petition continues to comply with the provisions of this section with  
110 respect to the criteria relating to minimum acreage or assessed valuation. The resolution shall provide a  
111 description with specific terms and conditions of all commercial and industrial zoning classifications  
112 that apply within the district, but not within any town within the district that has adopted a zoning  
113 ordinance, that shall be in force in the district upon its creation, together with any related criteria and  
114 a term of years, not to exceed 20 years, as to which each such zoning classification and each related  
115 criterion set forth therein shall remain in force within the district without elimination, reduction, or  
116 restriction, except (i) upon the written request or approval of the owner of any property affected by a  
117 change, (ii) as required to comply with the provisions of the Chesapeake Bay Preservation Act  
118 (§ 62.1-44.15:67 et seq.) or the regulations adopted pursuant thereto, (iii) as required to comply with  
119 the provisions of the federal Clean Water Act (33 U.S.C. § 1342(p)) and regulations promulgated  
120 thereunder by the U.S. Environmental Protection Agency, or (iv) as specifically required to comply with

any other state or federal law.

A resolution creating a district shall also provide that the district shall expire either (a) 50 years from the date upon which the resolution is passed or (b) when the district is abolished in accordance with this chapter. After the public hearing, the governing body may adopt a proposed resolution creating the district. No later than two business days following the adoption of the proposed resolution, copies of the proposed resolution shall be available in the office of the clerk of the governing body for inspection and copying by the petitioning landowners and their representatives, by members of the public, and by representatives of the news media. No later than seven business days following the adoption of the proposed resolution, any petitioning landowner may notify the clerk of the governing body in writing that the petitioning landowner is withdrawing his signature from the petition. Within the same seven-day period, the owner of any property in the proposed district that will be subject to the annual Metrorail improvement fee authorized by § 33.2-3405, if the proposed district is created, or the attorney-in-fact of any such owner may notify the clerk of the governing body in writing that he is adding his signature to the petition. The governing body may then proceed to final adoption of the proposed resolution following that seven-day period. If any petitioner has withdrawn his signature from the petition during that seven-day period, then the governing body may readopt the proposed resolution only if the petition, including any landowners who have added their signatures after adoption of the proposed resolution, continues to meet the provisions of this section. After the governing body has readopted the resolution creating the district, the district shall be established and the name of the district shall be the "Prince William County Metrorail Improvement District."

**§ 33.2-3402. Commission to exercise powers of the district.**

The powers of a district created pursuant to this chapter shall be exercised by a commission consisting of six members. The commission shall consist of four members of the governing body, appointed by the governing body, plus one member of the town council of any participating town, appointed by the town council of the participating town. The Chairman of the Commonwealth Transportation Board or his designee shall be a member of the commission of any district created pursuant to this chapter. In addition, a member of the United States Armed Forces may serve in a nonvoting ex officio capacity.

The members of the commission shall elect one of their number chairman of the commission. The chairman may be the chairman or presiding officer of the governing body. In addition, the members of the commission, with the advice of the district advisory board, shall elect a secretary and a treasurer, who may be members or employees of the governing body, the town council of a participating town, or other governmental body. The offices of secretary and treasurer may be combined. A majority of the commission members shall constitute a quorum, and a majority vote shall be necessary for any action taken by the commission. No vacancy in the membership of the commission shall impair the right of a majority of the members to form a quorum or to exercise all of its rights, powers, and duties.

**§ 33.2-3403. Powers and duties of commission.**

The commission may:

1. Expend district revenues to construct, reconstruct, alter, improve, expand, or make loans or otherwise provide for the cost of transportation improvements and for financial assistance to operate transportation improvements in the district for the use and benefit of the public;

2. Acquire by gift, purchase, lease, in-kind contribution to construction costs, or otherwise any transportation improvements in the district and sell, lease as lessor, transfer, or dispose of any part of any transportation improvements in such manner and upon such terms as the commission may determine to be in the best interests of the district. However, prior to disposing of any such property or interest therein, the commission shall conduct a public hearing with respect to such disposition. At the hearing, the residents and owners of property within the district shall have an opportunity to be heard. At least 10 days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the district, as prescribed by the commission. Such public hearing may be adjourned from time to time;

3. Negotiate and contract with any person with regard to any matter necessary and proper to provide any transportation improvements, including the financing, acquisition, construction, reconstruction, alteration, improvement, expansion, operation, or maintenance of any transportation improvements in the district. For the purposes of this chapter, transportation improvements are within the district if they are located within the boundaries of the transportation improvement district or are reasonably deemed necessary for the construction or operation of transportation improvements within the boundaries of the transportation improvement district;

4. Enter into a continuing service contract for a purpose authorized by this chapter and make payments of the proceeds received from the Metrorail improvement fees levied pursuant to this chapter, together with any other revenues, for installments due under that service contract. The district may apply such payments annually during the term of that service contract in an amount sufficient to make

182 the installment payments due under that contract, subject to the limitation imposed by this chapter.  
183 However, payments for any such service contract shall be conditioned upon the receipt of services  
184 pursuant to the contract. Such a contract shall not obligate a county or participating town to make  
185 payments for services of the district;

186 5. Accept the allocations, contributions, or funds of, or reimbursement from, any available source,  
187 including any person for either the whole or any part of the costs, expenses, and charges incident to the  
188 acquisition, construction, reconstruction, maintenance, alteration, improvement, expansion, or operation  
189 of any transportation improvements in the district;

190 6. Contract for the extension and use of any public mass transit system or highway into territory  
191 outside the district on such terms and conditions as the commission determines;

192 7. Employ and fix the compensation of personnel who may be deemed necessary for the construction,  
193 operation, or maintenance of any transportation improvements in the district; and

194 8. Have prepared an annual audit of the district's financial obligations and revenues and, upon  
195 review of such audit, request a tax rate adequate to provide tax revenues that, together with all other  
196 revenues, are required by the district to fulfill its annual obligations.

197 **§ 33.2-3404. District advisory boards.**

198 Within 30 days after the establishment of a district under this chapter, the governing body shall  
199 appoint six members to a district advisory board, and the town council of any participating town shall  
200 appoint two members to that board. Three of the six members appointed by the governing body shall be  
201 chosen by the governing body from nominations submitted to the governing body by the petitioners. One  
202 of the two members appointed by a town council shall be chosen by the town council from nominations  
203 submitted to the town council by the petitioners. All members shall own or represent the owners of real  
204 property within the district zoned or used for commercial or industrial purposes. Each member shall be  
205 appointed for a term of four years, except the initial appointment of advisory board members shall  
206 provide that the terms of three of the members shall be for two years. If a vacancy occurs with respect  
207 to an advisory board member initially appointed by a governing body or a town council, or any  
208 successor of such a member, the governing body or the town council, as appropriate, shall appoint a  
209 new member who is an owner or representative of an owner of real property within the district zoned or  
210 used for commercial or industrial purposes. If a vacancy occurs with respect to an advisory board  
211 member initially nominated by the petitioners, or any successor thereof, the remaining advisory board  
212 members initially nominated by the petitioners, or the successors of such remaining advisory board  
213 members, shall nominate a new member for selection by the governing body or town council, as  
214 appropriate.

215 District advisory board members shall serve without pay, but the governing body shall provide the  
216 advisory board with facilities for the holding of meetings, and the commission shall appropriate funds  
217 needed to defray the reasonable expenses and fees of the advisory board, which shall not exceed  
218 \$20,000 annually, including expenses and fees arising out of the preparation of the annual report. Such  
219 appropriations shall be based on an annual budget, submitted by the board and approved by the  
220 commission, sufficient to carry out its responsibilities under this chapter. The advisory board shall elect  
221 a chairman and a secretary and such other officers as it deems necessary. The advisory board shall fix  
222 the time for holding regular meetings, but it shall meet at least once every year. Special meetings of the  
223 advisory board shall be called by the chairman or by two members of the advisory board upon written  
224 request to the secretary of the advisory board. A majority of the members shall constitute a quorum.

225 The advisory board shall present an annual report to the commission on the transportation needs of  
226 the district and on the activities of the advisory board, and the advisory board shall present special  
227 reports on transportation matters as requested by the commission or the governing body concerning  
228 Metrorail improvement fees to be levied pursuant to this chapter.

229 **§ 33.2-3405. Annual Metrorail improvement fee; use of revenues.**

230 Upon the written request of the commission made to the governing body, the governing body may  
231 levy and collect an annual Metrorail improvement fee on taxable real estate zoned for commercial or  
232 industrial use or used for such purposes and taxable leasehold interests in that portion of the  
233 improvement district within its jurisdiction. For the purposes of this chapter, real property that is zoned  
234 to permit multi-unit residential use but not yet used for that purpose and multi-unit residential real  
235 property that is primarily leased or rented to residential tenants or other occupants by an owner who is  
236 engaged in such a business shall be deemed to be property in commercial use and therefore subject to  
237 the Metrorail improvement fee authorized by this section. Notwithstanding the provisions of Article 4  
238 (§ 58.1-3229 et seq.) of Chapter 32 of Title 58.1, the Metrorail improvement fee shall be levied on the  
239 assessed fair market value of the taxable real property. The rate of the Metrorail improvement fee shall  
240 be agreed to upon the district advisory board and the district commission having petitioned all  
241 landowners within the boundaries of the Prince William County Metrorail Improvement District. Upon  
242 the filing of such a petition, the district advisory board and the district commission shall fix a day for a  
243 hearing on the question of how the proposed Metrorail improvement fee shall be determined. The

hearing shall comprise at least 51 percent of the commercial or industrial property holders within the proposed district. All interested persons who either reside in or own taxable real property within the proposed district shall have the right to appear and show cause as to how the Metrorail improvement fee shall be determined. Such resolution shall be binding upon the governing body with respect to the inclusion or exclusion of such properties within the proposed district. Such Metrorail improvement fees shall be collected at the same time and in the same manner as a county's taxes are collected, and the proceeds shall be kept in a separate account. The effective date of the initial levy shall be, at the discretion of the governing body, either (i) January 1 of the year following adoption of the resolution creating the district or (ii) on a prorated basis for the period from the date when the Metrorail improvement fee was first imposed through the remainder of the year. All revenues received by a county pursuant to such Metrorail improvement fees shall be paid to or at the direction of the district commission for its use pursuant to this chapter. All revenues generated from the annual Metrorail improvement fees levied by the governing body pursuant to this section shall be deemed to be contributions of that governing body in any transportation cost-sharing formula.

**§ 33.2-3406. Agreements with the Commonwealth Transportation Board; payment of Metrorail improvement fee to Transportation Trust Fund.**

A. In addition to any other power conferred by this chapter, the district may contract with the Commonwealth Transportation Board for the Board to perform any of the purposes of the district.

The district may agree by contract to pay all or a portion of the Metrorail improvement fee to the Commonwealth Transportation Board.

Prior to executing any such contract, the district shall seek the agreement of the governing body that the county's officer charged with the responsibility for preparing the county's annual budget shall submit in the budget for each fiscal year in which any Commonwealth of Virginia Transportation Contract Revenue Bonds issued for such district are outstanding all amounts to be paid to the Commonwealth Transportation Board under such contract during such fiscal year.

If the amount required to be paid to the Commonwealth Transportation Board under the contract is not so paid for a period of 60 days after such amount is due, the Commonwealth Transportation Board shall, until such amount has been paid, withhold sufficient funds from funds appropriated and allocated, pursuant to Article 5 (§ 33.2-351 et seq.) of Chapter 3, to the highway construction district in which the transportation improvements covered by such contract are located or to such locality or localities in which such transportation improvements are located and to use such funds to satisfy the contractual requirements.

B. While nothing in this chapter shall limit the authority of any county or participating town to change the classification of property zoned for commercial or industrial use or used for such purpose upon the written request or approval of the owner of any property affected by such change after the effective date of any such contract, should a change in zoning classification so requested result in a shortfall in the total annual revenues from the imposition of the Metrorail improvement fee and the payments required to be made to the Commonwealth Transportation Board pursuant to the contract, the district shall request the governing body to increase the rate of such tax by such amount up to the maximum authorized rate as may be necessary to prevent such shortfall. If, however, a deficit remains after any rezoning and adjustment of the tax rate or the rate is at the maximum authorized rate and cannot be increased, then the amount of funds otherwise appropriated and allocated, pursuant to the highway allocation formula as provided by law, to the highway construction district in which the project covered by such contract is located or the county shall be reduced by the amount of such deficit and used to satisfy the deficit.

**§ 33.2-3407. Payments for certain changes in zoning classifications or use.**

A. For any real property within the district for which a county or participating town changes its zoning classification from one that is subject to the Metrorail improvement fee authorized by § 33.2-3405 to a classification that is not subject to the Metrorail improvement fee, a county or participating town shall require the simultaneous payment from the property owner of a sum representing the present value of the future Metrorail improvement fee estimated by the county to be lost as a result of such change in classification. On a case-by-case basis, however, the governing body or town council of a participating town may, in its sole discretion, defer, for no more than 60 days, the effective date of such change in zoning classification. Upon deferral, the lump sum provided for in this subsection shall be paid to the county in immediately available funds acceptable to the county before the deferred effective date. If the landowner fails to make this lump sum payment as and when required, the change in zoning classification shall not become effective and the ordinance shall be void. Metrorail improvement fees previously paid in the year of the zoning change may be credited toward the payment on a prorated basis. The portion of the payment that may be credited shall be that portion of the year following the change in zoning classification. If at the time there is outstanding a contract by which the district has agreed to pay all or a portion of the Metrorail improvement fees to the Commonwealth

305 Transportation Board, then the district and the Commonwealth Transportation Board shall agree to a  
306 method of calculating the present value of the loss of future Metrorail improvement fees resulting from  
307 such a change in zoning classification and the procedure for payment of such funds to the  
308 Commonwealth Transportation Board. Whenever any county or participating town acts in accordance  
309 with such an agreement between the district and the Commonwealth Transportation Board, the change  
310 in zoning classification shall not be considered to have resulted in a shortfall in the total annual  
311 revenues from the imposition of the Metrorail improvement fee and the payments required to be made to  
312 the Commonwealth Transportation Board.

313 B. Any owner of any real property that is subject to the Metrorail improvement fee authorized by §  
314 33.2-3405 because it is zoned to permit multi-unit residential use but is not yet used for that purpose or  
315 because it consists of multi-unit residential real property that is primarily leased or rented to residential  
316 tenants or other occupants by an owner who is engaged in such a business who wishes to change the  
317 use of the real property to one that is not subject to the Metrorail improvement fee shall be required,  
318 prior to any such change in use, to pay to the county a sum representing the present value of the future  
319 Metrorail improvement fees estimated by the county to be lost as a result of such change in use.

320 **§ 33.2-3408. Jurisdiction of localities and officers, etc., not affected.**

321 Neither the creation of a district nor any other provision in this chapter shall affect the power,  
322 jurisdiction, or duties of the respective local governing bodies of any county or participating town;  
323 sheriffs; treasurers; commissioners of the revenue; circuit, district, or other courts; clerks of any court;  
324 magistrates; or any other local or state officer in regard to the area embraced in any district, nor  
325 restrict or prevent any county or its governing body, or participating town or its town council, from  
326 imposing and collecting taxes or assessments for public improvements as permitted by law. Any county  
327 that creates a district pursuant to this chapter and any participating town may obligate itself with  
328 respect to the zoning ordinances, zoning ordinance text, and regulations relating thereto for all  
329 commercial and industrial classifications within the district as provided in this chapter for a term not to  
330 exceed 20 years from the date on which such district is created.

331 **§ 33.2-3409. Allocation of funds to districts.**

332 The governing body of any county or town council of any participating town in which a district has  
333 been created pursuant to this chapter may advance funds or provide matching funds from money not  
334 otherwise specifically allocated or obligated. Such funds may be received or generated from whatever  
335 source, including general revenues, special fees and assessments, state allocations, and contributions  
336 from private sources to a local district to assist the local district to undertake the transportation  
337 improvements for which it was created. To assist the district with an approved transportation  
338 improvement, the Commonwealth Transportation Board may allocate to a district created pursuant to  
339 this chapter only funds allocated, pursuant to Article 5 (§ 33.2-351 et seq.) of Chapter 3 and subsection  
340 A of § 58.1-638, to the construction districts and localities in which such transportation district is  
341 located.

342 **§ 33.2-3410. Reimbursement for advances to district.**

343 To the extent that a county or participating town has made advances to the district, the commission  
344 shall direct the district treasurer to reimburse the county or participating town from any district funds  
345 not otherwise specifically allocated or obligated.

346 **§ 33.2-3411. Cooperation between districts and other political subdivisions.**

347 Any district created pursuant to this chapter may enter into agreements with counties, cities, and  
348 towns, or other political subdivisions of the Commonwealth, with the Metropolitan Washington Airports  
349 Authority, or with the Washington Metropolitan Area Transit Authority for joint or cooperative action in  
350 accordance with the standards and procedures set forth in § 15.2-1300.

351 **§ 33.2-3412. Tort liability.**

352 No pecuniary liability of any kind shall be imposed upon the Commonwealth or any county, city, or  
353 town, or landowner therein, because of any act, agreement, contract, tort, malfeasance, misfeasance, or  
354 nonfeasance by or on the part of a district or its agents, servants, or employees.

355 **§ 33.2-3413. Approval by Commonwealth Transportation Board.**

356 The district may not construct or improve a transportation improvement without the approval of the  
357 Commonwealth Transportation Board, the county in which the transportation improvement will be  
358 located, and, with respect to any improvements located within a participating town, the town's council.  
359 At the request of the commission, the Commonwealth Transportation Commissioner may exercise the  
360 powers of condemnation provided in Chapter 2 (§ 25.1-200 et seq.) of Title 25.1, Article 1 (§ 33.2-1000  
361 et seq.) of Chapter 10, or § 33.2-705 for the purpose of acquiring property for transportation  
362 improvements within the district.

363 Upon completion of such construction or improvement, the Commonwealth Transportation Board  
364 shall take any affected public highway into the appropriate system of state highways for purposes of  
365 maintenance and subsequent improvements as necessary. Upon acceptance by the Commonwealth of  
366 such highway into a system of highways, all rights, title, and interest in the rights-of-way and

improvements of any affected highway shall vest in the Commonwealth. Upon completion of construction or improvement of a mass transit system, all rights, title, and interest in the rights-of-way and improvements of such mass transit system shall vest in an agency or instrumentality of the Commonwealth designated by the Commonwealth Transportation Board.

**§ 33.2-3414. Enlargement of local districts.**

The district shall be enlarged by resolution of the governing body upon the petitions of the district commission, the owners of at least 51 percent of either the land area or the assessed value of real property of the district, and the owners of at least 51 percent of either the land area or assessed value of real property located within the territory sought to be added to the district. However, any such territory shall be contiguous to the existing district. The petition shall present the information required by § 33.2-3401. Upon receipt of such a petition, a county shall use the standards and procedures provided in § 33.2-3401, except that the residents and owners of both the existing district and the area proposed for the enlargement shall have the right to appear and show cause why any property should not be included in the proposed district. If the proposed enlargement of the district encompasses any portion of a town, then such standards and procedures shall include the requirement to obtain a resolution from the town council in the manner set forth in § 33.2-3401, which shall have the same effect as set forth in that section.

If the governing body finds the enlargement of a local district would be in accordance with the applicable comprehensive plan for the development of the area; in the best interests of the residents and owners of the property within the proposed district; and in furtherance of the public health, safety, and general welfare, and if the governing body finds that enlargement of the district does not limit or adversely affect the rights and interests of any party that has contracted with the district, the governing body may pass a resolution providing for the enlargement of the district.

**§ 33.2-3415. Abolition of local transportation districts.**

A. Any district created pursuant to this chapter may be abolished by resolutions passed by the governing body and the town council of any participating town, upon the joint petition of the commission and the owners of at least 51 percent of the land area located within the district. Joint petitions shall:

1. State whether the purposes for which the district was formed have been substantially achieved;
2. State whether all obligations incurred by the district have been fully paid;
3. Describe the benefits that can be expected from the abolition of the district; and
4. Request the governing body to abolish the district.

B. Upon receipt of such a petition, the governing body and the town council of any participating town, in considering the abolition of the district, shall use the standards and procedures described in § 33.2-3401 mutatis mutandis, except that all interested persons who either reside in or who own real property within the boundaries of the district shall have the right to appear and show cause why the district should not be abolished.

C. If the governing body and the town council of any participating town find (i) that the abolition of the district (a) is in accordance with the locality's comprehensive plan for the development of the area, (b) is in the best interests of the residents and owners of the property within the district, and (c) is in furtherance of the public health, safety, and welfare and (ii) that all debts of the district have been paid and the purposes of the district either have been, or should not be, fulfilled or find that the governing body with the approval of the voters of the county has agreed to assume the debts of the district, then the governing body and the town council of any participating town may pass resolutions abolishing the district and the district advisory board. Upon abolition of the district, the title to all funds and properties owned by the district at the time of such dissolution shall vest in the county.

**§ 33.2-3416. Chapter to constitute complete authority for acts authorized; liberal construction.**

This chapter shall constitute complete authority for the district to take the actions authorized by this chapter. This chapter, being necessary for the welfare of the Commonwealth and its inhabitants, shall be liberally construed to effect its purposes. Any court test concerning the validity of any bonds that may be issued for transportation improvements made pursuant to this chapter shall be determined pursuant to the Public Finance Act of 1991 (§ 15.2-2600 et seq.).

2. That, if federal funds are made available for such a study, the Department of Rail and Public Transportation shall work with the Washington Metropolitan Area Transit Authority, the Virginia Department of Transportation, and the affected localities to establish a possible route for the extension of Metrorail from Springfield south to Woodbridge. Rights-of-way may include the Interstate 95 and Interstate 395 corridors, and potential stations may include Fort Belvoir and the Potomac and Rappahannock Transportation Commission Transit Center in Woodbridge.

3. That no fees shall be assessed under this act unless (i) the Federal Transit Administration supports a proposed project relating to extension of Metrorail through Prince William County, (ii) the United States Congress has authorized or appropriated at least 50 percent of the estimated

428 funding for the Prince William County Metrorail Improvement District, and (iii) the Prince  
429 William County Board of Supervisors has reviewed a proposal for a possible route and adopted a  
430 resolution to join the Washington Metropolitan Area Transit Authority.

431 4. That the provisions of this act shall not become effective unless the local governing body of  
432 Prince William County passes a resolution by December 1, 2016, affirming the provisions of this  
433 act based upon a satisfactory proposal from Fairfax County regarding its plans to participate in  
434 paying for this project.

435 5. That the provisions of this act are severable, and if any of its provisions shall be held  
436 unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect  
437 or impair any of the other provisions of this act.