

16103522D

**HOUSE BILL NO. 911**

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 33.2-3408, relating to creating the Dulles Greenway Authority and providing for the Authority to, among other things, purchase, operate, and maintain the Dulles Greenway.*

Patrons—Minchew, Bell, John J. and Plum

Referred to Committee on Commerce and Labor

**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 33.2-3408, as follows:**

**CHAPTER 34.****DULLES GREENWAY AUTHORITY ACT.****§ 33.2-3400. Definitions.**

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

*"Authority" means the Dulles Greenway Authority created by this chapter, or if the Authority is abolished, the board, body, commission, or agency succeeding to the principal functions thereof or on whom the powers given by this chapter to the Authority shall be conferred by law.*

*"Authority facility" means the Dulles Greenway, any interest in real estate acquired by the Authority, any parking facility operated by the Authority, or any other property under the control of the Authority.*

*"Board" means the board of directors of the Dulles Greenway Authority.*

*"Dulles Greenway" means that toll road, and any appurtenances thereto, extending approximately 14 miles from Washington Dulles International Airport to the Town of Leesburg and connecting the same. The "Dulles Greenway" shall also include any parking facility.*

*"Parking facility" means any commuter vehicle parking facility used primarily by Dulles Greenway commuters or Dulles Toll Road commuters, or any buildings, structures, parking areas, appurtenances, or other property needed to operate such facility with such parking facility or buildings, structures, parking areas, appurtenances, or other property needed to operate the facility located within one mile of any part of the Dulles Greenway.*

**§ 33.2-3401. Dulles Greenway Authority; board of directors; membership.**

*A. There is hereby created a political subdivision and public body corporate and politic of the Commonwealth to be known as the Dulles Greenway Authority to be governed by a board of directors. The Board shall consist of 13 voting members as follows: six members appointed by the Board of Supervisors of Loudoun County, two members appointed by the Town of Leesburg, two members of the House of Delegates whose districts encompass part of the Dulles Greenway appointed by the Speaker of the House of Delegates, one member of the Senate, whose district encompasses part of the Dulles Greenway, appointed by the Senate Committee on Rules, and two members appointed by the Governor. All terms shall be for a period of four years. Vacancies in the membership of the Board shall be filled by the appointing authority for the unexpired term. No person shall be eligible to serve more than two consecutive terms of four years. A person appointed to fill a vacancy may serve two additional consecutive terms.*

*The Secretary of Transportation shall serve as a nonvoting ex officio member of the Board.*

*B. The Board shall enter upon the performance of its duties and shall initially and annually elect a chairman and vice-chairman from among the appointed members of the Board. The Board shall also annually elect 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 the vice-chairman, the Board shall elect a chairman pro tempore who shall preside at such meetings.*

*A majority of the members appointed to the Board, which majority shall include at least a majority of the members appointed by the Governor, shall constitute a quorum. Decisions of the Board shall require a quorum and shall be in accordance with voting procedures established by the Board. In all cases, decisions of the Board shall require the affirmative vote of a majority of the votes cast by the Board members 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. Such expenses*

INTRODUCED

HB911

59 shall be paid out of the moneys of the Authority in such manner as shall be prescribed by the Board.

60 C. The Board shall employ an Executive Director of the Authority, who shall serve at the pleasure of  
61 the Board, to direct the day-to-day operations and activities of the Authority and carry out the powers  
62 and duties conferred upon him by the Board. The Executive Director's compensation from the Authority  
63 shall be fixed by the Board and shall be payable from the moneys of the Authority. The Executive  
64 Director shall employ such staff as deemed necessary and approved by the Board to carry out the  
65 powers and duties of the Authority.

66 **§ 33.2-3402. Powers of the Authority.**

67 The Authority shall have the following powers and duties:

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

70 2. To acquire, by purchase or eminent domain, and hold interests in real or personal property  
71 necessary for its purposes, including without limitation leasehold interests and licenses, with the title to  
72 such interest taken in the name of the Authority;

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

75 4. To purchase, operate, maintain, and administer the Dulles Greenway on behalf of the  
76 Commonwealth using revenues from tolls and other such moneys as provided to the Authority for the  
77 same;

78 5. To collect all tolls and other charges established by the Commonwealth Transportation Board for  
79 the use of the Dulles Greenway or the several parts or sections thereof and to deposit the same into the  
80 state treasury as soon as practicable;

81 6. To purchase, and install as needed, electronic tolling equipment or other equipment determined  
82 necessary by the Authority for operating, maintaining, or administering the Dulles Greenway and to  
83 purchase such equipment using such moneys as provided to the Authority for the same;

84 7. To make and enter into all contracts and agreements necessary or incidental to the performance  
85 of its duties and the execution of its powers under this chapter, including contracts or agreements with  
86 the Metropolitan Washington Airports Authority for the coordinated operations, maintenance, or  
87 administration of the Dulles Toll Road and the Dulles Greenway. Such coordinated operations may  
88 involve the use of the same electronic tolling equipment or tolling technology;

89 8. To establish reasonable regulations for the installation, construction, maintenance, repair,  
90 renewal, relocation, or removal of pipes, mains, sewers, conduits, cables, wires, towers, poles, or other  
91 equipment or appliances, referred to herein as "public utility facilities" of the County of Loudoun, the  
92 Town of Leesburg, any public utility, any public service corporation, or any person, firm, or other  
93 corporation rendering similar services in, on, along, over, or under the Dulles Greenway; and whenever  
94 the Authority shall determine that it is necessary that any public utility facilities should be relocated or  
95 removed, the Authority may relocate or remove the public utility facilities in accordance with the  
96 regulations of the Authority, and the cost and expense of such relocation or removal, including the cost  
97 of installing the public utility facilities in a new location or locations and the cost of any lands, rights,  
98 or interest in lands, or any other rights acquired to accomplish such relocation or removal, shall be  
99 paid by the Authority as a part of the costs of operating and maintaining the Dulles Greenway, and the  
100 owner or operator of the public utility facilities may maintain and operate the public utility facilities  
101 with the necessary appurtenances in the new location or locations for as long a period and upon the  
102 same terms and conditions as it had the right to maintain and operate the public utility facilities in their  
103 former location or locations;

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

107 10. To employ and fix the compensation of consulting engineers, attorneys, accountants,  
108 superintendents, managers, or such other employees or agents as may be necessary in the discretion of  
109 the Authority to operate, maintain, and administer Authority facilities;

110 11. To receive and accept from any federal agency or the Washington Metropolitan Airports  
111 Authority for or in aid of the operation, maintenance, or administration of any Authority facility, and to  
112 receive and accept from the Commonwealth, or from a county, city, or town or any other source, grants,  
113 contributions, or other aid for or in support of such operation, maintenance, or administration, either in  
114 money, property, labor, materials, or other things of value;

115 12. Issue revenue bonds to be known as Dulles Greenway Authority Toll Revenue Bonds, payable  
116 from toll revenues collected or pledged, any other available sources, and earnings on all such funds.  
117 Bonds issued under the provisions of this chapter shall not be deemed to constitute a debt of the  
118 Commonwealth or a pledge of the full faith and credit of the Commonwealth, but such bonds shall be  
119 payable solely from the funds provided therefor pursuant to this chapter, from bond proceeds or  
120 earnings thereon, and from any other available sources of funds. All such bonds shall state on their face

that the Commonwealth is not obligated to pay the same or the interest thereon and that the full faith and credit of the Commonwealth are not pledged to the payment of the principal or interest of such bonds.

13. To promote the use of any Authority facility by appropriate means, including advertising or marketing, as the Authority determines appropriate and to treat the expenses thereof as operating expenses of the Authority; and

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

**§ 33.2-3403. Limitations on powers of the Authority.**

The Authority shall not in any way dispose of or encumber any Authority facility owned by the Commonwealth. The Authority shall not establish or fix any toll, rent, fee, or other charge for the use or enjoyment of any Authority facility owned by the Commonwealth.

**§ 33.2-3404. Exemption from taxation.**

All property of the Authority, real or personal, and all rights or interests therein and the income of the Authority shall at all times be free from taxation or assessment by the Commonwealth or by any municipality, county, or other political subdivision thereof.

**§ 33.2-3405. Powers of the Commonwealth Transportation Board and the Department.**

A. The Commonwealth Transportation Board is authorized and empowered to transfer right-of-way from the control of the Department to the Authority for operation and maintenance of the Dulles Greenway.

B. The Department is authorized and empowered:

1. To enter into and perform contracts or agreements with the Authority to furnish it with surveys, plans, specifications or other technical services, or data, the cost of which shall be reimbursed by the Authority;

2. Subject to appropriation, to allocate to the Authority funds for purchasing, operating (including the purchase of equipment), maintaining, and administering the Dulles Greenway and to pay to the Authority such funds as may be or become available to the Department for such purposes; and

3. To transfer right-of-way from the control of the Department to the Authority for operation and maintenance of the Dulles Greenway.

**§ 33.2-3406. Exemptions.**

The Authority is hereby exempt from the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.) and the Virginia Personnel Act (§ 2.2-2900 et seq.) in the exercise of any of its powers and duties, provided that the Board adopts procedures to ensure fairness and competitiveness in the procurement of goods and services and the employment of personnel. The Authority shall be exempt from the provisions of §§ 2.2-1124, 2.2-1131.1, 2.2-1136, 2.2-1149, 2.2-1153, 2.2-1154, and 2.2-1156. These exemptions shall remain in effect so long as the Board has adopted regulations consistent with the requirements of such sections and such regulations remain in effect. Regulations promulgated by the Authority shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.).

**§ 33.2-3407. Constitutional construction.**

The provisions of this chapter are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the other provisions of this chapter.

**§ 33.2-3408. Inconsistent laws inapplicable.**

All other general or special laws inconsistent with any provision of this chapter are hereby declared to be inapplicable to the provisions of this chapter and any Authority facility.