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HOUSE BILL NO. 1137

Offered January 10, 2018

Prefiled January 10, 2018

A BILL to amend and reenact § 33.2-1604 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 16 of Title 33.2 a section numbered 33.2-1605, relating to Commuter Rail Operating and Capital Fund.

Patrons—Sickles, Filler-Corn, Boysko, Delaney, Gooditis, Guzman, Hope, Hurst, Krizek, Levine, Plum, Rasoul, Rodman, Simon, Thomas and Watts; Senators: Ebbin, Howell and Marsden

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That § 33.2-1604 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 16 of Title 33.2 a section numbered 33.2-1605 as follows:

§ 33.2-1604. Funds for administration of Department of Rail and Public Transportation.

The Commonwealth Transportation Board may annually allocate up to 3.5 percent of the revenues available each year in the funds established pursuant to §§ 33.2-1601, 33.2-1602, and 33.2-1603, 33.2-1605, and subdivision A 4 of § 58.1-638 to support the costs of project development, project administration, and project compliance incurred by the Department of Rail and Public Transportation in implementing rail, public transportation, and congestion management programs and grants.

§ 33.2-1605. Commuter Rail Operating and Capital Fund.

A. The General Assembly declares it to be in the public interest that developing and continuing commuter rail operations and the development of rail infrastructure, rolling stock, and support facilities to support commuter rail service are important elements of a balanced transportation system in the Commonwealth and further declares it to be in the public interest that the retention, maintenance, improvement, and development of commuter rail-related infrastructure improvements and operations are essential to the Commonwealth's continued economic growth, vitality, and competitiveness in national and world markets.

B. There is hereby created in the state treasury a special nonreverting fund to be known as the Commuter Rail Operating and Capital Fund, referred to in this section as "the Fund," which shall be considered a special fund within the Transportation Trust Fund. The Fund shall be established on the books of the Comptroller and shall consist of funds designated as may be set forth in the appropriation act and by allocation of funds for operations and projects pursuant to this section by the Board in accordance with § 33.2-358. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely as provided in this section. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director of the Department of Rail and Public Transportation or his designee.

C. The Director of the Department of Rail and Public Transportation or his designee shall administer and expend or commit, subject to the approval of the Board, the Fund to support the cost of operating commuter rail service; acquiring, leasing, or improving railways or railroad equipment, rolling stock, rights-of-way, or facilities; or assisting other appropriate entities to acquire, lease, or improve railways or railroad equipment, rolling stock, rights-of-way, or facilities for commuter rail transportation purposes whenever the Board has determined that such acquisition, lease, or improvement is for the common good of a region of the Commonwealth or the Commonwealth as a whole. Funds provided in this section may also be used as matching funds for federal grants to support commuter rail projects.

D. Capital projects including tracks and facilities constructed and property, equipment, and rolling stock purchased with funds under this section shall be the property of the Commonwealth for the useful life of the project, as determined by the Director of the Department of Rail and Public Transportation, and shall be made available for use by all commuter rail operations and common carriers using the railway system to which they connect under the trackage rights or operating agreements between the parties. Projects undertaken pursuant to this section shall be limited to those of a region of the Commonwealth, the Commonwealth as a whole, or an adjacent jurisdiction served by commuter rail originating in the Commonwealth. Such projects undertaken pursuant to this section shall not require a matching contribution; however, projects proposed with matching funds may receive more favorable

58 *consideration. Matching funds may be provided from any source except Commonwealth Transportation*
59 *Fund revenues.*