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**HOUSE BILL NO. 2571**

Offered January 9, 2019

Prefiled January 9, 2019

A *BILL to amend the Code of Virginia by adding in Title 33.2 a chapter numbered 36, consisting of sections numbered 33.2-3600 through 33.2-3610, relating to creation of the Interstate 81 Corridor Transportation Commission; funding.*

Patron—LaRock

Referred to Committee on Appropriations

**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 36, consisting of sections numbered 33.2-3600 through 33.2-3610, as follows:**

**CHAPTER 36.****INTERSTATE 81 CORRIDOR TRANSPORTATION COMMISSION.****§ 33.2-3600. Interstate 81 Corridor Transportation Fund established.**

There is hereby created in the state treasury a special nonreverting fund to be known as the Interstate 81 Corridor Transportation Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All revenues from sources dedicated to the Fund by the General Assembly and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. 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 for the purposes of improvements in the Interstate 81 Corridor, which includes Interstate 81, Route 11, and other parallel highways, parallel railways, and related transportation facilities, as approved by the Interstate 81 Corridor Transportation Commission. The Interstate 81 Corridor Transportation Commission shall give priority to those projects that are expected to provide the greatest impact for the greatest number of citizens along the Interstate 81 Corridor.

The amounts dedicated to the Fund shall be deposited monthly by the Comptroller into the Fund. The amounts deposited into the Fund and the distribution and expenditure of such amounts shall not be used to calculate or reduce the share of federal, state, or local revenues otherwise available to participating jurisdictions. Further, such revenues shall not be included in any computation of, or formula for, a locality's ability to pay for public education, upon which appropriations of state revenues to local government for public education are determined.

**§ 33.2-3601. Interstate 81 Corridor Transportation Commission created.**

The Interstate 81 Corridor Transportation Commission, referred to in this chapter as "the Commission," is hereby created as a body politic and as a political subdivision of the Commonwealth. The Commission shall embrace each county and city located in Planning Districts 3, 4, 5, 6, and 7 as established pursuant to Chapter 42 (§ 15.2-4200 et seq.) of Title 15.2.

**§ 33.2-3602. Composition of Commission.**

A. The Commission shall consist of the following members:

1. The chief elected officer of the governing body of each of the counties and cities embraced by the Commission;

2. Two members of the House of Delegates who reside in different counties or cities embraced by the Commission, appointed by the Speaker of the House, and two members of the Senate who reside in different counties or cities embraced by the Commission, appointed by the Senate Committee on Rules; and

3. A member of the Commonwealth Transportation Board who resides in a locality embraced by the Commission and is appointed by the Governor; the Director of the Department of Rail and Public Transportation or his designee; and the Commissioner of Highways or his designee, each of whom shall serve *ex officio* without voting privileges.

B. All members of the Commission shall serve terms coincident with their terms of office. Vacancies shall be filled in the same manner as the original appointment. If a member of the Commission who represents a locality as provided in subdivision A 1 is unable to attend a meeting of the Commission, he may designate another current elected official of such governing body to attend the meeting of the Commission. Such designation shall be for the purposes of one meeting and shall be submitted in writing or electronically to the chairman of the Commission at least 48 hours prior to the affected meeting.

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C. The Commission shall elect a chairman and vice-chairman from among its voting membership.

D. The Auditor of Public Accounts, or his legally authorized representative, shall annually audit the financial accounts of the Commission, and the cost of such audit shall be borne by the Commission.

**§ 33.2-3603. Staff.**

The Commission may employ a chief executive officer and such staff as it shall determine to be necessary to carry out its duties and responsibilities under this chapter. No such person shall contemporaneously serve as a member of the Commission. The Department of Transportation and the Department of Rail and Public Transportation shall make their employees available to assist the Commission, upon request.

**§ 33.2-3604. Decisions of the Commission.**

A majority of the Commission, which majority shall include at least a majority of the chief elected officers of the counties and cities that are members of the Commission, shall constitute a quorum. Decisions of the Commission shall require a quorum and shall be in accordance with voting procedures established by the Commission. In all cases, decisions of the Commission shall require the affirmative vote of two-thirds of the members of the Commission present and voting and two-thirds of the chief elected officers of the counties and cities that are members of the Commission who are present and voting and whose counties and cities include at least two-thirds of the population embraced by the Commission; however, no motion to fund a specific facility or service shall fail because of this population criterion if such facility or service is not located or to be located or provided or to be provided within the county or city whose chief elected officer's sole negative vote caused the facility or service to fail to meet the population criterion. The population of counties and cities embraced by the Commission shall be the population as determined by the most recently preceding decennial census, except that on July 1 of the fifth year following such census, the population of each county and city shall be adjusted, based on population projections made by the Weldon Cooper Center for Public Service of the University of Virginia.

**§ 33.2-3605. Annual budget and allocation of expenses.**

A. The Commission shall adopt an annual budget and develop a funding plan and shall provide for such adoption in its bylaws. The funding plan shall provide for the expenditure of funds over a four-year to six-year period and shall align with the Statewide Transportation Plan established pursuant to § 33.2-353 to the extent possible. The Commission shall solicit public comment on its budget and funding plan by posting a summary of such budget and funding plan on its website and holding a public hearing. Such public hearing shall be advertised on the Commission's website and in newspapers of general circulation with general readership in the localities that are members of the Commission.

B. The administrative expenses of the Commission, as provided in an annual budget adopted by the Commission, to the extent that funds for such expenses are not provided from other sources, shall be paid from the Fund. Such budget shall be limited solely to the administrative expenses of the Commission and shall not include any funds for construction or acquisition of transportation facilities or the performance of any transportation service.

C. Members may be reimbursed for all reasonable and necessary expenses as provided in §§ 2.2-2813 and 2.2-2825, if approved by the Commission. Funding for the costs of compensation and expenses of the members shall be provided by the Commission.

**§ 33.2-3606. Authority to issue bonds.**

The Commission may issue bonds and other evidences of debt as may be authorized by this section or other law. The provisions of Article 5 (§ 33.2-1920 et seq.) of Chapter 19 shall apply, mutatis mutandis, to the issuance of such bonds or other debt. The Commission may issue bonds or other debt in such amounts as it deems appropriate. The bonds may be supported by any funds available.

**§ 33.2-3607. Additional powers of the Commission.**

A. The Commission shall have the following powers together with all powers incidental thereto or necessary for the performance of those hereinafter stated:

1. To sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;

2. To adopt and use a corporate seal and to alter the same at its pleasure;

3. To procure insurance, participate in insurance plans, and provide self-insurance; however, the purchase of insurance, participation in an insurance plan, or the creation of a self-insurance plan by the Commission shall not be deemed a waiver or relinquishment of any sovereign immunity to which the Commission or its officers, directors, employees, or agents are otherwise entitled;

4. To establish bylaws and make all rules and regulations, not inconsistent with the provisions of this chapter, deemed expedient for the management of the Commission's affairs;

5. To apply for and accept money, materials, contributions, grants, or other financial assistance from the United States and agencies or instrumentalities thereof; the Commonwealth; and any political subdivision, agency, or instrumentality of the Commonwealth; and from any legitimate private source;

6. To acquire real and personal property or any interest therein by purchase, lease, gift, or

otherwise for purposes consistent with this chapter and to hold, encumber, sell, or otherwise dispose of such land or interest for purposes consistent with this chapter;

7. To acquire, by purchase, lease, contract, or otherwise, highways, bridges, or tunnels and to construct the same by purchase, lease, contract, or otherwise;

8. In consultation with the Commonwealth Transportation Board and with each city or county in which the facility or any part thereof is or is to be located, to repair, expand, enlarge, construct, reconstruct, or renovate any or all highways, bridges, and tunnels within the localities that are members of the Commission and to acquire any real or personal property needed for any such purpose;

9. To enter into agreements or leases with public or private entities for the operation and maintenance of bridges, tunnels, transit and rail facilities, and highways;

10. To make and execute contracts, deeds, mortgages, leases, and all other instruments and agreements necessary or convenient for the performance of its duties and the exercise of its powers and functions under this chapter;

11. To the extent that funds are made or become available to the Commission to do so, to employ employees, agents, advisors, and consultants, including without limitation attorneys, financial advisers, engineers, and other technical advisers, and, the provisions of any other law to the contrary notwithstanding, to determine their duties and compensation; and

12. To the extent not inconsistent with the other provisions of this chapter, and without limiting or restricting the powers otherwise given the Commission, to exercise all of the powers given to transportation district commissions by § 33.2-1919.

B. The Commission shall comply with the provisions governing localities contained in § 15.2-2108.23.

**§ 33.2-3608. Commission a responsible public entity under Public-Private Transportation Act of 1995.**

The Commission is a responsible public entity as defined in § 33.2-1800 and shall be regulated in accordance with the terms of the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) and regulations and guidelines adopted pursuant thereto.

**§ 33.2-3609. Continuing responsibilities of the Commonwealth Transportation Board and the Department of Transportation.**

Except as otherwise explicitly provided in this chapter, until such time as the Commission and the Department of Transportation, or the Commission and the Commonwealth Transportation Board, agree otherwise in writing, the Commonwealth Transportation Board shall allocate funding to and the Department of Transportation shall perform or cause to be performed all maintenance and operation of the bridges, tunnels, and roadways in the Interstate 81 corridor and shall perform such other required services and activities with respect to such bridges, tunnels, and roadways as were being performed on July 1, 2019.

**§ 33.2-3610. Use of revenues by the Commission.**

Notwithstanding any other provision of this chapter, all moneys received by the Commission shall be used by the Commission solely for the benefit of those counties and cities that are embraced by the Commission, and such moneys shall be used by the Commission in a manner that is consistent with the purposes stated in this chapter.