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HOUSE BILL NO. 852

Offered January 25, 1994

A *BILL to amend and reenact §§ 15.1-1344 and 15.1-1357 of the Code of Virginia, relating to transportation districts.*

Patron—Brickley

Referred to Committee on Roads and Internal Navigation

Be it enacted by the General Assembly of Virginia:**1. That §§ 15.1-1344 and 15.1-1357 of the Code of Virginia are amended and reenacted as follows:****§ 15.1-1344. Definitions.**

As used in this chapter, the following words and terms shall have the following meanings, unless the context clearly requires a different meaning:

(a) "District" means a transportation district authorized to be created by this chapter;
 (b) "Commission" or "district commission" means the governing body of a district;
 (c) "Agency" or "such agency" means an agency authorized by, or arising from action of, the General Assembly of Virginia to plan for or provide transportation facilities and service for a metropolitan area partly located in Virginia;

(d) "Component governments" means the counties and cities comprising a transportation district and the various departments, bureaus and divisions of such counties and cities;

(e) "Governing bodies" means the boards of supervisors of counties and councils of cities comprising a transportation district;

(f) "Metropolitan area" means a standard metropolitan statistical area as defined in the pamphlet Standard Metropolitan Statistical Areas, issued by Executive Office of the President, Bureau of the Budget, 1964, or any contiguous counties or cities within this Commonwealth which together constitute an urban area;

(g) "Person" means an individual, partnership, association, corporation, or any governmental agency or authority;

(h) "State" includes the District of Columbia;

(i) "*Time easement*" means the right of access to transportation facilities for specific, predetermined periods of time for the purpose of providing transportation services during those specified times. Time easements may be obtained by a commission through the condemnation powers granted by this chapter.

The value of time easements shall be payable on an annual basis and shall be determined by assigning to the commission acquiring rights of access, for payment in those years in which such rights of access are intended to be utilized, the costs incurred by the owner of the transportation facilities solely for the benefit of the commission, plus a proportionate share of all other costs of providing the right of access that are incurred by the owner of the transportation facilities for the common benefit of the commission and such owner of the transportation facilities. The proportionate share of such other costs assigned to a commission shall be based on relative measures of volume of car operations, tonnage, or other factors that reasonably reflect the relative use of the transportation facilities. A commission may continue to utilize rights of access acquired hereunder only so long as the commission appropriates in any year in which such rights of access are utilized, sufficient funds for such purpose.

(i) (j) "Transportation facilities," "transit facilities" or "facilities" mean all those matters and things utilized in rendering transportation service by means of rail, bus, water or air and any other mode of travel, including without limitation tracks, rights-of-way, bridges, tunnels, subways, rolling stock for rail, motor vehicle, marine and air transportation, stations, terminals and ports, areas for parking, buildings, structures and all equipment, fixtures and business activities reasonably required for the performance of transportation service, *including maintenance and dispatching*, but shall not include any such facilities owned by any person, company, association or corporation, the major part of whose transportation service extends beyond a transportation district created hereunder.

§ 15.1-1357. Powers and functions generally.

(a) Any other provision of law to the contrary notwithstanding, a commission shall, except as provided in subsection (b) herein, have the following powers and functions:

(1) The commission shall prepare the transportation plan for the transportation district and shall from time to time revise and amend said plan in accordance with the planning process and procedures specified in Article 6 (§§ 15.1-1365 and 15.1-1366) of this chapter;

(2) The commission may, when such a transportation plan is adopted in the manner set forth in Article 6 hereof, construct or acquire, by purchase or lease, the transportation facilities specified in such

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60 transportation plan;

61 (3) The commission may enter into agreements or leases with private companies for the operation of
62 its facilities, or may operate such facilities itself;

63 (4) The commission may enter into contracts or agreements with the counties and cities embraced
64 within the transportation district, or with counties and cities which are adjoining the transportation
65 district and within the same planning district, or with other commissions of adjoining transportation
66 districts, to provide, or cause to be provided, transit facilities and service to such counties and cities, or
67 to provide transit facilities and other modes of transportation between adjoining transportation districts.
68 Such contracts or agreements, together with any agreements or leases for the operation of such facilities,
69 may be utilized by the transportation district to finance the construction and operation of transportation
70 facilities and such contracts, agreements or leases shall inure to the benefit of any creditor of the
71 transportation district.

72 Notwithstanding the above, however, except in any transportation district containing any or all of the
73 Counties of Hanover, Henrico, and Chesterfield or the City of Richmond, being so delegated by the
74 respective local governments, the commission shall not have the power to regulate services provided by
75 taxicabs, either within municipalities or across municipal boundaries, which regulation is expressly
76 reserved to the municipalities within which taxicabs operate. In any transportation district containing any
77 or all of the Counties of Hanover, Henrico, and Chesterfield or the City of Richmond, the commission
78 may upon proper authority granted by the respective component governments, regulate services provided
79 by taxicabs, either within localities or across county or city boundaries.

80 (b) When the transportation district is located within a metropolitan area, which includes all or a
81 portion of a state or states contiguous to Virginia, the commission:

82 (1) Shall not prepare a transportation plan nor construct or operate transit facilities, but shall
83 collaborate and cooperate in the manner specified in Article 6 (§§ 15.1-1365 and 15.1-1366) hereof with
84 an agency in the preparation of a transportation plan for such metropolitan area and the revision and
85 amendment thereof from time to time;

86 (2) Shall, in the manner specified in Article 6 hereof, in cooperation with the governing bodies of the
87 component governments embraced within the transportation district, formulate the tentative policy and
88 decisions of the transportation district with respect to the planning, design, location, construction,
89 operation and financing of transportation facilities;

90 (3) May, when a transportation plan applicable to such a transportation district is adopted, enter into
91 contracts or agreements with an agency to contribute to the capital required for the construction and/or
92 acquisition of transportation facilities and for meeting expenses and obligations in the operations of such
93 facilities;

94 (4) May, when a transportation plan applicable to such transportation district is adopted, enter into
95 contracts or agreements with the counties and cities embraced within the transportation district to
96 provide or cause to be provided transportation facilities and service to such counties and cities;

97 (5) Notwithstanding any other provision herein to the contrary:

98 (i) May acquire land or any interest therein by purchase, lease, gift, condemnation, *time easement* or
99 otherwise and provide transportation facilities thereon for use in connection with any transportation
100 service;

101 (ii) May acquire land or any interest therein by purchase, lease, gift, condemnation or otherwise in
102 advance of need for sale or contribution to an agency, for use by that agency in connection with an
103 adopted mass transit plan;

104 (iii) May, in accordance with the terms of any grant from or loan by the United States of America or
105 the Commonwealth of Virginia, or any agency or instrumentality thereof, or when necessary to preserve
106 essential transportation service, acquire transit facilities or any carrier, which is subject to the jurisdiction
107 of the Washington Metropolitan Area Transit Commission, by acquisition of the capital stock or transit
108 facilities and other assets of any such carrier and shall provide for the performance of transportation by
109 any such carrier or with such transit facilities by contract or lease; provided, that any such contract or
110 lease shall be for a term of not in excess of one year, renewable for additional terms of similar duration,
111 and, in order to assure acceptable fare levels, may provide for financial assistance by purchase of
112 service, operating subsidies or otherwise; provided, further, that no such service will be rendered which
113 will adversely affect transit service rendered by the transit facilities owned or controlled by the agency
114 or any existing private transit or transportation company; and provided, further, that when notified by
115 the agency that it is authorized to perform or cause to be performed transportation with motor vehicle
116 facilities, the commission, upon request by the agency, shall transfer such capital stock or transit
117 facilities to the agency at a price to be agreed upon; and

118 (iv) May prepare a plan for mass transportation services with cities, counties, agencies, authorities, or
119 commissions and may further contract with transportation companies, cities, counties, commissions,
120 authorities, agencies, and departments of the Commonwealth and appropriate agencies of the federal
121 government and/or governments contiguous to Virginia to provide necessary facilities, equipment,

operations and maintenance, access, and insurance pursuant to such plan.

(6) The provisions of subdivisions (1) through (4) and provisions (ii) and (iii) of subdivision (5) of this subsection shall not apply (i) to any transportation district which may be established on or after July 1, 1986, and which includes any one or more jurisdictions which are located within a metropolitan area, but which were not, on January 1, 1986, members of any other transportation district, or (ii) to any jurisdiction which, after July 1, 1989, joins a transportation district which was established on or before January 1, 1986. The provisions of this subdivision (6) shall only apply to any transportation district or jurisdiction which is contiguous to the Northern Virginia Transportation District. Any such district or jurisdiction shall be subject to the provisions of subsection (a) hereof, and further may exercise the powers granted by subdivision (b) (5) (i) to acquire land or any interest therein by purchase, lease, gift, condemnation or otherwise and provide transportation facilities thereon for use in connection with any transportation service.

(c) Until such time as a commission enters into contracts or agreements with its component governments under the provisions of subdivisions (a) (4) and (b) (4) and is receiving revenues thereunder, adequate to meet the administrative expenses of the commission after paying or making provision for the payment of the obligations arising under said subdivisions, the administrative expenses of the commission shall be borne by the component governments in the manner herein set forth. The commission annually shall submit to the governing bodies of the component counties and cities a budget of its administrative requirements for the next ensuing year. Except in the case of the Northern Virginia Transportation Commission, the administrative expenses of the commission to the extent funds for such expenses are not provided from other sources, shall be allocated among the component governments on the basis of population as reflected by the latest population statistics of the Bureau of the Census; provided, however, upon the request of any component government, the commission shall make the allocation upon estimates of population prepared in a manner approved by the commission and by the governing body of the component government making such request. For the Northern Virginia Transportation Commission, the administrative expenses of the Commission, to the extent funds for such expenses are not provided from other sources, shall be allocated among the component governments on the basis of the relative shares of state and federal transit aids allocated by the Commission among its component governments. 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 and/or the performing of transportation service. In addition, the commission annually shall submit to the governing bodies of the component counties and cities a budget of its other expenses and obligations for the ensuing year and such expenses and obligations shall be borne by the component counties and cities in accordance with prior arrangements made therefor.

(d) When a transportation plan has been adopted in the manner provided in § 15.1-1366 (a) (4), the commission shall make a determination of the equitable allocation among the component governments of the costs incurred by the district in providing the transportation facilities proposed in such transportation plan and the expenses and obligations, if any, from the operation thereof to be borne by each county and city. In making such determinations, the commission shall take into consideration the cost of the facilities located within each county and city, the population of each county and city, the benefits to be derived by each county and city from the transportation service to be rendered by the proposed transportation facilities and all other factors which the commission determines to be relevant. Such determination, however, shall not create a commitment by the counties and cities and such commitments shall be created only under the contracts or agreements specified in subdivisions (a) (4) and (b) (4).