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HOUSE BILL NO. 2088

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Appropriations
on February 3, 1999)

(Patrons Prior to Substitute—Delegates Clement, Day [HB's 1730 and 2202], Puller [HB 2150] and Rollison [HB 2239])

A Bill to (i) authorize the issuance of Commonwealth of Virginia Transportation Revenue Bonds Series, by and with the consent of the Governor pursuant to the provisions of §§ 33.1-267 through 33.1-295 of the Code of Virginia and as permitted by Article X, Section 9 (d) of the Constitution of Virginia, in a principal amount not exceeding \$300,000,000 so as to continue financing the cost of the U.S. Route 58 Corridor Development Program project plus an amount for the issuance costs, reserve funds, and other expenses, for the purpose of providing additional funds, with any other available funds, for paying all or a portion of the additional costs incurred or to be incurred for the continued construction of an adequate, modern, safe, and efficient highway system, generally along Virginia's southern boundary and comprising the U.S. Route 58 Corridor Development Program; authorize the Commonwealth Transportation Board to fix the details of such bonds and provide for the sale of such bonds at public or private sale; provide for the pledge under a payment agreement with the Treasury Board of Transportation Trust Fund revenues, including the U.S. Route 58 Corridor Development Fund revenues; and provide that the interest income from such bonds shall be exempt from all taxation within the Commonwealth; (ii) to amend and reenact §§ 33.1-269 and 58.1-638 of the Code of Virginia and to authorize the issuance of Commonwealth of Virginia Mass Transit Bonds, by and with the consent of the Governor pursuant to the provisions of Article 5 (§ 33.1-267 et seq.) of Chapter 3 of Title 33.1 of the Code of Virginia and as permitted by Section 9 (d) of Article X of the Constitution of Virginia, in a principal amount not exceeding \$59,000,000 so as to finance the cost of the projects for the improvement of mass transit in the Commonwealth, plus an amount for the issuance costs, capitalized interest, reserve funds, and other financing expenses, for the purpose of providing funds, with any other available funds, for paying all or a portion of the costs incurred or to be incurred for the projects to improve mass transit in the Commonwealth; authorize the Commonwealth Transportation Board to fix the details of such bonds and to provide for the sale of such bonds at public or private sale; provide for the pledge of revenues under a payment agreement with the Treasury Board first from revenues deposited into the Transit Capital Fund pursuant to subsection A. 4a of § 58.1-638, second, to the extent required, from legally available funds of the Transportation Trust Fund, and then from such other funds which may be appropriated by the General Assembly; and provide that the interest income from such bonds shall be exempt from all taxation within the Commonwealth; and (iii) to amend and reenact §§ 33.1-221.1:3 and 58.1-815.1 of the Code of Virginia and § 2 of Chapter 391 of the Acts of Assembly of 1993, as amended by Chapters 470 and 597 of the Acts of Assembly of 1994 and by Chapters 740 and 761 of the Acts of Assembly of 1998; the issuance of bonds to finance the costs of such program; the Northern Virginia Transportation District Fund; the use of such fund to pay debt service; the amendments thereto to increase the principal amount of bonds authorized to be issued to \$666,900,000 and redesignating the projects qualifying for such financing and the amounts allocated to each such project, relating to the issuance of bonds for transportation needs.

Be it enacted by the General Assembly of Virginia:

1. That the following shall be the U.S. Route 58 Commonwealth of Virginia Transportation Revenue Bond Act of 1999.

§ 1. That there is hereby created the "U. S. Route 58 Commonwealth of Virginia Transportation Revenue Bond Act of 1999."

§ 2. The Commonwealth Transportation Board is hereby authorized, by and with the consent of the Governor, to issue, pursuant to the provisions of §§ 33.1-267 through 33.1-295 of the Code of Virginia, at one time or from time to time, bonds of the Commonwealth to be designated "Commonwealth of Virginia Transportation Revenue Bonds, Series..." in an aggregate principal amount not exceeding \$300,000,000 to continue to finance the cost of the U.S. Route 58 Corridor Development Program (the Project), established in § 33.1-221.1:2, plus an amount for the issuance costs, reserve funds, and other financing expenses. The proceeds of such bonds shall be used exclusively for the purpose of providing funds, with any other available funds, for paying all additional costs incurred or to be incurred for continuing the construction of an adequate, modern, safe, and efficient highway system which comprises the U. S. Route 58 Corridor Development Program; such costs include environmental and engineering studies, rights-of-way acquisition, construction and related improvements.

The revenue bonds shall be issued by the Commonwealth Transportation Board and sold through the

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60 Treasury Board, which is hereby designated the sales and paying agent of the Commonwealth
61 Transportation Board with respect to such bonds. The Treasury Board's duties shall include the
62 approval of the terms and structure of the bonds.

63 § 3. The proceeds of the bonds herein authorized shall be expended by the Transportation Board for
64 the purpose for which they were issued.

65 The proceeds of the bonds may be used with any local, private or federal funds which may be made
66 available for the Project.

67 § 4. The bonds of each issue shall be dated, shall bear interest at such rate or rates, shall mature at
68 such time or times not exceeding thirty years from their date or dates, as may be determined by the
69 Commonwealth Transportation Board and may be made redeemable before their maturity or maturities
70 at such price or prices and under such terms and conditions as may be fixed by the Commonwealth
71 Transportation Board prior to the issuance of the bonds. The principal of and the interest on said bonds
72 shall be made payable in lawful money of the United States of America. The Commonwealth
73 Transportation Board shall determine the form of the bonds and fix the denomination or denominations
74 of the bonds and the place or places of payment of the principal and interest thereof, which may be at
75 the office of the State Treasurer or any bank or trust company within or without the Commonwealth.

76 All bonds issued under the provisions of this act shall have and are hereby declared to have, as
77 between successive holders, all the qualities and incidents of negotiable instruments under the negotiable
78 instruments law of the Commonwealth.

79 The bonds may be issued in coupon or in registered form or both, and in book entry form, as the
80 Commonwealth Transportation Board may determine, and provision may be made for the registration of
81 any coupon bonds as to principal alone and also as to both principal and interest, and for the
82 reconversion of any bonds registered as to both principal and interest into coupon bonds.

83 Such bonds may be sold at public or private sale for such price or prices as the Commonwealth
84 Transportation Board may determine to be in the best interest of the Commonwealth.

85 § 5. The bonds shall be signed on behalf of the Commonwealth by the Commonwealth Transportation
86 Commissioner, or bear his facsimile signature, and shall bear the official seal of the Commonwealth
87 Transportation Board and be attested by the Secretary of such Board. Any interest coupons shall bear a
88 facsimile of the signature of the Commissioner. In the event that such bonds shall bear the facsimile
89 signature of the Commissioner, the bonds shall be signed by such administrative assistant as the
90 Commissioner shall determine or by any registrar/paying agent that may be designated by the Treasury
91 Board. In case any officer whose signature, or facsimile signature, appears on any bonds or coupons
92 ceases to be such officer before the delivery of the bonds, such signature, or facsimile signature, shall
93 nevertheless be valid and sufficient for all purposes as if he had remained in office until such delivery.

94 § 6. All expenses incurred under this act shall be paid from the proceeds of the bonds or from any
95 available funds as the Commonwealth Transportation Board shall determine. Any advance made by the
96 Board may be reimbursed from the Transportation Trust Fund or from the proceeds of the bonds or
97 notes.

98 § 7. The Commonwealth Transportation Board is hereby authorized to borrow money through the
99 execution and issuance of notes of the Commonwealth for the same, but only in the following
100 circumstances and under the following conditions:

101 a. In anticipation of the sale of the bonds the issuance of which shall have been authorized by the
102 Commonwealth Transportation Board and shall have been approved by the Governor, if the
103 Commonwealth Transportation Board shall deem it advisable to postpone the issuance of the bonds.

104 b. For the renewal of any loan evidenced by notes herein authorized.

105 § 8. The proceeds, excluding any premium, of such bonds and of the bond anticipation notes herein
106 authorized (except the proceeds of bonds the issuance of which has been anticipated by such bond
107 anticipation notes) shall be placed by the State Treasurer in a special fund in the state treasury, or with
108 his concurrence may be placed in accordance with § 33.1-283, and shall be disbursed only for the
109 purpose for which such bonds and such bond anticipation notes shall be issued, provided that proceeds
110 derived from the sale of bonds or renewal herein authorized shall be first used in the payment of any
111 bond anticipation notes that may have been issued in anticipation of the sale of such bonds and any
112 renewals of such notes.

113 § 9. The Commonwealth Transportation Board is hereby authorized to receive any other funds that
114 may be made available to pay the cost of the Project and to make available such funds for the payment
115 of the principal of and interest on the debt authorized hereby, and to enter into the appropriate
116 agreements to allow for those funds to be paid into the state treasury to pay a part of the cost of the
117 Project or to pay the principal of and interest on such debt.

118 § 10. The Commonwealth Transportation Board, prior to the issuance of such bonds, may establish a
119 minimum reserve fund requirement for the bonds.

120 § 11. The Commonwealth Transportation Board prior to the issuance of the bonds shall establish a
121 sinking fund for the payment of the bonds to the credit of which fund there shall be deposited such

amounts as are required to pay debt service on the bonds when due and payable for such fiscal years from (i) first, revenues received by the U. S. Route 58 Corridor Development Fund pursuant to § 58.1-815, (ii) then, to the extent required, revenues legally available from the Transportation Trust Fund, and (iii) finally, to the extent required for the payment of the bonds, any other legally available funds which shall have been appropriated by the General Assembly.

§ 12. Bond proceeds and moneys in any reserve funds and sinking funds shall be invested by the State Treasurer in accordance with the provisions of general law relating to the investment of such funds belonging to or in the control of the Commonwealth, or with the State Treasurer's concurrence by a trustee in accordance with § 33.1-283.

§ 13. The interest income from, but not any profit made on the sale of the bonds, notes and coupons, if any, issued under the provisions of this act, shall at all times be free and exempt from taxation by the Commonwealth and by any municipality, county, or other political subdivision thereof.

§ 14. All bonds and notes issued under the provisions of this act are hereby made securities in which all public officers and bodies of the Commonwealth, all counties, cities, and towns and municipal subdivisions, all insurance companies and associations, all savings banks and savings institutions, including savings and loan associations, administrators, guardians, executors, trustees, and other fiduciaries in the Commonwealth may properly and legally invest funds under their control.

§ 15. If any part of this act or the application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, such holding shall not affect the validity of the remainder of the provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

2. That the amount of bonds issued pursuant to the U.S. Route 58 Commonwealth of Virginia Transportation Revenue Bond Act of 1999 shall be limited to \$104,300,000 through June 30, 2000. Not later than December 1, 1999, the Commonwealth Transportation Board shall present to the Governor and General Assembly a detailed plan with regard to the timing, debt service schedule and sources of repayment for the authorized bonds in excess of \$104,300,000, and such bonds shall not be issued until an appropriation for the debt service thereon has been approved by the Governor and General Assembly.

3. That §§ 33.1-269 and 58.1-638 of the Code of Virginia are amended and reenacted as follows:

§ 33.1-269. General powers of Board.

The Commonwealth Transportation Board may, subject to the provisions of this article:

1. Acquire by purchase or by condemnation, construct, improve, operate and maintain any one or more of the projects mentioned and included in the undertaking defined in this article;

2. Issue revenue bonds of the Commonwealth, to be known and designated as "Commonwealth of Virginia Toll Revenue Bonds," payable from earnings and from any other available sources of funds, to pay the cost of such projects;

3. Subject to the limitations and approvals of § 33.1-279.1, issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of Virginia Transportation Contract Revenue Bonds," secured by Transportation Trust Fund revenues under a payment agreement between the Board and the Treasury Board, subject to their appropriation by the General Assembly and payable first from revenues received pursuant to contracts with a primary highway transportation improvement district or transportation service district or other local revenue sources for which specific funding of any such bonds may be authorized by law; second, to the extent required, from funds appropriated and allocated, pursuant to the highway allocation formula as provided by law, to the highway construction district in which the project or projects to be financed are located or to the county or counties in which the project or projects to be financed are located; and third, to the extent required, from other legally available revenues of the Trust Fund and from any other available source of funds;

4. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of Virginia Transportation Revenue Bonds," secured (i) by revenues received from the U.S. Route 58 Corridor Development Fund, subject to their appropriation by the General Assembly, (ii) to the extent required, from revenues legally available from the Transportation Trust Fund and (iii) to the extent required, from any other legally available funds which have been appropriated by the General Assembly;

4a. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of Virginia Transportation Revenue Bonds," secured, subject to their appropriation by the General Assembly, first from (i) revenues received from the Northern Virginia Transportation District Fund, (ii) to the extent required, funds appropriated and allocated, pursuant to the highway allocation formula as provided by law, to the highway construction district in which the project or projects to be financed are located or to the city or county in which the project or projects to be financed are located, (iii) to the extent required, legally available revenues of the Transportation Trust Fund, and (iv) such other funds which may be appropriated by the General Assembly;

4b. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of

183 Virginia Transportation Program Revenue Bonds," secured, subject to their appropriation by the General
184 Assembly, first from (i) any revenues received from any Set-aside Fund established by the General
185 Assembly pursuant to § 58.1-816.1, (ii) to the extent required, revenues received pursuant to any
186 contract with a local jurisdiction or any alternative mechanism for generation of local revenues for
187 specific funding of a project satisfactory to the Commonwealth Transportation Board, (iii) to the extent
188 required, funds appropriated and allocated, pursuant to the highway allocation formula as provided by
189 law, to the highway construction district in which the project or projects to be financed are located or to
190 the city or county in which the project or projects to be financed are located, (iv) to the extent required,
191 legally available revenues of the Transportation Trust Fund, and (v) such other funds which may be
192 appropriated by the General Assembly. No bonds for any project or projects shall be issued under the
193 authority of this subsection unless such project or projects are specifically included in a bill or resolution
194 passed by the General Assembly;

195 *4c. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of*
196 *Virginia Mass Transit Bonds," secured, subject to their appropriation by the General Assembly, from (i)*
197 *any revenues received from the Commonwealth Transit Capital Fund, (ii) to the extent required, legally*
198 *available revenues of the Transportation Trust Fund, and (iii) such other funds as may be appropriated*
199 *by the General Assembly.*

200 5. Fix and collect tolls and other charges for the use of such projects or to refinance the cost of such
201 projects;

202 6. Construct grade separations at intersections of any projects with public highways, streets or other
203 public ways or places and change and adjust the lines and grades thereof so as to accommodate the
204 same to the design of such grade separations, the cost of such grade separations and any damage
205 incurred in changing and adjusting the lines and grades of such highways, streets, ways and places to be
206 ascertained and paid by the Board as a part of the cost of the project;

207 7. Vacate or change the location of any portion of any public highway, street or other public way or
208 place and reconstruct the same at such new location as the Board deems most favorable for the project
209 and of substantially the same type and in as good condition as the original highway, streets, way or
210 place, the cost of such reconstruction and any damage incurred in vacating or changing the location
211 thereof to be ascertained and paid by the Board as a part of the cost of the project. Any public highway,
212 street or other public way or place vacated or relocated by the Board shall be vacated or relocated in the
213 manner provided by law for the vacation or relocation of public roads and any damages awarded on
214 account thereof may be paid by the Board as a part of the cost of the project;

215 8. Make reasonable regulations for the installation, construction, maintenance, repair, renewal and
216 relocation of pipes, mains, sewers, conduits, cables, wires, towers, poles and other equipment and
217 appliances herein called "public utility facilities," of the Commonwealth and of any municipality, county,
218 or other political subdivision, public utility or public service corporation owning or operating the same
219 in, on, along, over or under the project. Whenever the Board determines that it is necessary that any
220 such public utility facilities should be relocated or removed, the Commonwealth or such municipality,
221 county, political subdivision, public utility or public service corporation shall relocate or remove the
222 same in accordance with the order of the Board. The cost and expense of such relocation or removal,
223 including the cost of installing such public utility facilities in a new location or locations, and the cost
224 of any lands or any rights or interests in lands, and any other rights acquired to accomplish such
225 relocation or removal shall be ascertained by the Board.

226 On any toll project, the Board shall pay the cost and expense of relocation or removal as a part of
227 the cost of the project for those public utility facilities owned or operated by the Commonwealth or such
228 municipality, county, political subdivision, public utility or public service corporation. On all other
229 projects, under this article, the Board shall pay the cost and expense of relocation or removal as a part
230 of the cost of the project for those public utility facilities owned or operated by the Commonwealth or
231 such municipality, county, or political subdivision. The Commonwealth or such municipality, county,
232 political subdivision, public utility or public service corporation may maintain and operate such public
233 utility facilities with the necessary appurtenances, in the new location or locations, for as long a period
234 and upon the same terms and conditions as it had the right to maintain and operate such public utility
235 facilities in their former location or locations;

236 9. Acquire by the exercise of the power of eminent domain any lands, property, rights, rights-of-way,
237 franchises, easements and other property, including public lands, parks, playgrounds, reservations,
238 highways or parkways, or parts thereof or rights therein, of any municipality, county or other political
239 subdivision, deemed necessary or convenient for the construction or the efficient operation of the project
240 or necessary in the restoration, replacement or relocation of public or private property damaged or
241 destroyed.

242 The cost of such projects shall be paid solely from the proceeds of Commonwealth of Virginia Toll
243 or Transportation Contract Revenue Bonds or a combination thereof or from such proceeds and from
244 any grant or contribution which may be made thereto pursuant to the provisions of this article; and

10. Notwithstanding any provision of this article to the contrary, the Board shall be authorized to exercise the powers conferred herein, in addition to its general powers to acquire rights-of-way and to construct, operate and maintain state highways, with respect to any project which the General Assembly has authorized or may hereafter authorize to be financed in whole or in part through the issuance of bonds of the Commonwealth pursuant to the provisions of Section 9 (c) of Article X of the Constitution of Virginia.

§ 58.1-638. Disposition of state sales and use tax revenue; localities' share; Game Protection Fund.

A. The Comptroller shall designate a specific revenue code number for all the state sales and use tax revenue collected under the preceding sections of this chapter.

1. The sales and use tax revenue generated by the one-half percent sales and use tax increase enacted by the 1986 Special Session of the General Assembly shall be paid, in the manner hereinafter provided in this section, to the Transportation Trust Fund as defined in § 33.1-23.03:1. Of the funds paid to the Transportation Trust Fund, an aggregate of 4.2 percent shall be set aside as the Commonwealth Port Fund as hereinafter provided; an aggregate of 2.4 percent shall be set aside as the Commonwealth Airport Fund as hereinafter provided; and an aggregate of 14.5 percent in fiscal year 1998-1999 and 14.7 percent in fiscal year 1999-2000 and thereafter shall be set aside as the Commonwealth Mass Transit Fund as hereinafter provided. The Fund's share of such net revenue shall be computed as an estimate of the net revenue to be received into the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the Fund on the last day of each month.

2. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be a part of the Transportation Trust Fund and which shall be known as the Commonwealth Port Fund.

a. The Commonwealth Port Fund shall be established on the books of the Comptroller and the funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall remain in the Fund and be credited to it. Funds may be paid to any authority, locality or commission for the purposes hereinafter specified.

b. The amounts allocated pursuant to this section shall be allocated by the Commonwealth Transportation Board to the Board of Commissioners of the Virginia Port Authority to be used to support port capital needs and the preservation of existing capital needs of all ocean, river, or tributary ports within the Commonwealth.

c. Commonwealth Port Fund revenue shall be allocated by the Board of Commissioners to the Virginia Port Authority in order to foster and stimulate the flow of maritime commerce through the ports of Virginia, including but not limited to the ports of Richmond, Hopewell and Alexandria.

3. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be part of the Transportation Trust Fund and which shall be known as the Commonwealth Airport Fund. The Commonwealth Airport Fund shall be established on the books of the Comptroller and any funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on the funds shall be credited to the Fund. The funds so allocated shall be allocated by the Commonwealth Transportation Fund to the Virginia Aviation Board. The funds shall be allocated by the Virginia Aviation Board to any Virginia airport which is owned by the Commonwealth, a governmental subdivision thereof, or a private entity to which the public has access for the purposes enumerated in § 5.1-2.16, or is owned or leased by the Metropolitan Washington Airports Authority (MWAA), as follows:

From July 1, 1995, through June 30, 2000, any new funds in excess of \$12.1 million which are available for allocation by the Virginia Aviation Board from the Commonwealth Transportation Fund, shall be allocated as follows: sixty percent to MWAA, up to a maximum annual amount of two million dollars, and forty percent to air carrier airports as provided in subdivision A 3 a. Except for adjustments due to changes in enplaned passengers, no air carrier airport sponsor, excluding MWAA, shall receive less funds identified under subdivision A 3 a than it received in fiscal year 1994-95.

Of the remaining amount:

a. Forty percent of the funds shall be allocated to air carrier airports, except airports owned or leased by MWAA, based upon the percentage of enplanements for each airport to total enplanements at all air carrier airports, except airports owned or leased by MWAA. No air carrier airport sponsor, however, shall receive less than \$50,000 nor more than \$2 million per year from this provision.

b. Forty percent of the funds shall be allocated by the Aviation Board for air carrier and reliever airports on a discretionary basis, except airports owned or leased by MWAA.

c. Twenty percent of the funds shall be allocated by the Aviation Board for general aviation airports on a discretionary basis.

4. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be a part of the Transportation Trust Fund and which shall be known as the Commonwealth Mass Transit Fund.

306 a. The Commonwealth Mass Transit Fund shall be established on the books of the Comptroller and
307 any funds remaining in such Fund at the end of the biennium shall not revert to the general fund but
308 shall remain in the Fund. Interest earned on such funds shall be credited to the Fund. Funds may be
309 paid to any local governing body, transportation district commission, or public service corporation for
310 the purposes hereinafter specified.

311 b. The amounts allocated pursuant to this section may be used to support a maximum of fifty percent
312 of the public transportation administrative costs and up to eighty percent of the costs of ridesharing
313 programs borne by the locality. These amounts may be used to support up to ninety-five percent of the
314 local or nonfederal share of capital project costs for public transportation and ridesharing equipment,
315 facilities, and associated costs. Capital costs may include debt service payments on local or agency
316 transit bonds. Further, these amounts may be used to support a maximum of ninety-five percent of the
317 costs borne by the locality for the purchase of fuels, lubricants, tires and maintenance parts and supplies
318 for public transportation. The term "borne by the locality" shall mean the local share eligible for state
319 assistance consisting of costs in excess of the sum of fares and other operating revenues plus federal
320 assistance received by the locality.

321 c. Commonwealth Mass Transit Fund revenue shall be allocated by the Commonwealth
322 Transportation Board as follows:

323 (1) Funds for special programs, which shall include ridesharing, experimental transit, and technical
324 assistance, shall not exceed 1.5 percent of the Fund.

325 (2) The Board may allocate these funds to any locality or planning district commission to finance up
326 to eighty percent of the local share of all costs associated with the development, implementation, and
327 continuation of ridesharing programs.

328 (3) Funds allocated for experimental transit projects may be paid to any local governing body,
329 transportation district commission, or public corporation or may be used directly by the Department of
330 Rail and Public Transportation for the following purposes:

331 (a) To finance up to ninety-five percent of the capital costs related to the development,
332 implementation and promotion of experimental public transportation and ridesharing projects approved
333 by the Board.

334 (b) To finance up to ninety-five percent of the operating costs of experimental mass transportation
335 and ridesharing projects approved by the Board for a period of time not to exceed twelve months.

336 (c) To finance up to ninety-five percent of the cost of the development and implementation of any
337 other project designated by the Board where the purpose of such project is to enhance the provision and
338 use of public transportation services.

339 d. Funds allocated for public transportation promotion and operation studies may be paid to any local
340 governing body, planning district commission, transportation district commission, or public transit
341 corporation, or may be used directly by the Department of Rail and Public Transportation for the
342 following purposes and aid of public transportation services:

343 (1) At the approval of the Board to finance a program administered by the Department of Rail and
344 Public Transportation designed to promote the use of public transportation and ridesharing throughout
345 Virginia.

346 (2) To finance up to fifty percent of the local share of public transportation operations planning and
347 technical study projects approved by the Board.

348 e. At least 73.5 percent of the Fund shall be distributed to each transit property in the same
349 proportion as its operating expenses bear to the total statewide operating expenses and shall be spent for
350 the purposes specified in subdivision 4 b.

351 f. The remaining twenty-five percent shall be distributed for capital purposes on the basis of
352 ninety-five percent of the nonfederal share for federal projects and ninety-five percent of the total costs
353 for nonfederal projects. In the event that total capital funds available under this paragraph are
354 insufficient to fund the complete list of eligible projects, the funds shall be distributed to each transit
355 property in the same proportion that such capital expenditure bears to the statewide total of capital
356 projects.

357 4a. *There is hereby created in the Department of Treasury a special nonreverting fund known as the*
358 *Commonwealth Transit Capital Fund. The Commonwealth Transit Capital Fund shall be established on*
359 *the books of the Comptroller and consist of such Commonwealth transportation funds and any other*
360 *funds as may be appropriated to it by the General Assembly and of all donations, gifts, bequests, grants,*
361 *endowments and any other moneys given, bequeathed, granted or otherwise made available to the*
362 *Commonwealth Transit Capital Fund. Any funds remaining at the end of the biennium shall not revert*
363 *to the general fund, but shall remain in the Transit Capital Fund. Interest earned on funds within the*
364 *Transit Capital Fund shall remain in and be credited to the Transit Capital Fund. Proceeds of the*
365 *Transit Capital Fund may be paid to any local governing body, transportation district commission, or*
366 *public service corporation or expended by the Department of Rail and Public Transportation to support*
367 *the establishment, improvement, or expansion of public transportation services through mass transit*

projects which (i) are specifically approved by the General Assembly, (ii) receive significant federal discretionary funding or federal mass transit program funding, and (iii) receive local, regional or private funding for at least twenty percent of the non-federal share of the total project cost.

5. Funds for Metro shall be paid by the Northern Virginia Transportation Commission to the Washington Metropolitan Area Transit Authority (WMATA) and be a credit to the Counties of Arlington and Fairfax and the Cities of Alexandria, Falls Church and Fairfax in the following manner:

a. Local payments of WMATA rail transit bonds shall be paid first and apportioned to each locality using the WMATA capital formula.

b. The remaining funds shall be apportioned by calculating twenty-five percent of the capital and operating costs and seventy-five percent of the capital and operating subsidies applied to each locality. Capital costs may include twenty percent of annual local bus capital expenses.

Appropriations from the Commonwealth Mass Transit Fund are intended to provide a stable and reliable source of revenue as defined by Public Law 96-184.

B. The sales and use tax revenue generated by a one percent sales and use tax shall be distributed among the counties and cities of this Commonwealth in the manner hereafter in this section provided.

C. The localities' share of the net revenue distributable under this section among the counties and cities shall be apportioned by the Comptroller and distributed among them by warrants of the Comptroller drawn on the Treasurer of Virginia as soon as practicable after the close of each month during which the net revenue was received into the state treasury. The distribution of the localities' share of such net revenue shall be computed with respect to the net revenue received into the state treasury during each month, and such distribution shall be made as soon as practicable after the close of each such month.

D. The net revenue so distributable among the counties and cities shall be apportioned and distributed upon the basis as certified to the Comptroller by the Department of Education, of the number of children in each county and city according to the most recent statewide census of school population taken by the Department of Education pursuant to § 22.1-284, as adjusted in the manner hereinafter provided. No special school population census, other than a statewide census, shall be used as the basis of apportionment and distribution except that in any calendar year in which a statewide census is not reported, the Department of Education shall adjust such school population figures by the same percent of annual change in total population estimated for each locality by The Center for Public Service. The revenue so apportionable and distributable is hereby appropriated to the several counties and cities for maintenance, operation, capital outlays, debt and interest payments, or other expenses incurred in the operation of the public schools, which shall be considered as funds raised from local resources. In any county, however, wherein is situated any incorporated town constituting a school division, the county treasurer shall pay into the town treasury for maintenance, operation, capital outlays, debt and interest payments, or other expenses incurred in the operation of the public schools, the proper proportionate amount received by him in the ratio that the school population of such town bears to the school population of the entire county. If the school population of any city or of any town constituting a school division is increased by the annexation of territory since the last preceding school population census, such increase shall, for the purposes of this section, be added to the school population of such city or town as shown by the last such census and a proper reduction made in the school population of the county or counties from which the annexed territory was acquired.

E. Beginning July 1, 2000, of the remaining sales and use tax revenue, the revenue generated by a two percent sales and use tax, up to an annual amount of \$13 million, collected from the sales of hunting equipment, auxiliary hunting equipment, fishing equipment, auxiliary fishing equipment, wildlife-watching equipment, and auxiliary wildlife-watching equipment in Virginia, as estimated by the most recent U.S. Department of the Interior, Fish and Wildlife Service and U.S. Department of Commerce, Bureau of the Census National Survey of Fishing, Hunting, and Wildlife-Associated Recreation, shall be paid into the Game Protection Fund established under § 29.1-101 and shall be used, in part, to defray the cost of law enforcement. Not later than thirty days after the close of each quarter, the Comptroller shall transfer to the Game Protection Fund the appropriate amount of collections to be dedicated to such Fund. At any time that the balance in the Capital Improvement Fund, established under § 29.1-101.1, is equal to or in excess of \$35 million, any portion of sales and use tax revenues that would have been transferred to the Game Protection Fund, established under § 29.1-101, in excess of the net operating expenses of the Board, after deduction of other amounts which accrue to the Board and are set aside for the Game Protection Fund, shall remain in the general fund until such time as the balance in the Capital Improvement Fund is less than \$35 million.

F. If errors are made in any distribution, or adjustments are otherwise necessary, the errors shall be corrected and adjustments made in the distribution for the next quarter or for subsequent quarters.

G. The term "net revenue," as used in this section, means the gross revenue received into the general fund or the Transportation Trust Fund of the state treasury under the preceding sections of this chapter,

less refunds to taxpayers.

4. That the following shall be the Commonwealth of Virginia Mass Transit Bond Act of 1999.

§ 1. That there is hereby created the "Commonwealth of Virginia Mass Transit Bond Act of 1999."

§ 2. The Commonwealth Transportation Board is hereby authorized, by and with the consent of the Governor, to issue, pursuant to the provisions of §§ 33.1-267 through 33.1-295, at one time or from time to time, bonds of the Commonwealth to be designated "Commonwealth of Virginia Mass Transit Bonds, Series" (the "bonds"), in an aggregate principal amount not exceeding \$59,000,000 to finance the cost of the projects plus an amount for the issuance costs, capitalized interest, reserve funds, and other financing expenses. The proceeds of the bonds shall be used exclusively for the purpose of providing funds, with any other available funds, for paying the costs incurred or to be incurred for construction or funding of the projects to improve mass transit in the Commonwealth, consisting of environmental and engineering studies, rights-of-way acquisition, acquisition of personal property essential to enhanced mass transit, improvements to all modes of transportation, construction and related improvements (the "project"). Such costs may include the payment of interest on the bonds for the period during construction and not exceeding one year after completion of construction of the projects.

The bonds shall be issued by the Commonwealth Transportation Board and sold through the Treasury Board, which is hereby designated the sales and paying agent of the Commonwealth Transportation Board with respect to the bonds. The Treasury Board's duties shall include the approval of the terms and structure of the bonds.

§ 3. The proceeds of the bonds herein authorized shall be made available by the Commonwealth Transportation Board to pay the costs of the project and, where appropriate, may be paid to any authority, locality or commission for the purposes of paying for the costs of the project pursuant to the requirements set forth in subdivision A 4a of § 58.1-638. The proceeds of the bonds may be used with any federal, regional, local or private funds which may be made available for said purpose.

§ 4. The bonds of each issue shall be dated, shall bear interest at such rate or rates, shall mature at such time or times not exceeding thirty years from their date or dates, as may be determined by the Commonwealth Transportation Board, and may be made redeemable before their maturity or maturities, at such price or prices and under such terms and conditions as may be fixed by the Commonwealth Transportation Board prior to the issuance of the bonds. The principal of and the interest on the bonds shall be made payable in lawful money of the United States of America. The Commonwealth Transportation Board shall determine the form of the bonds and fix the denomination or denominations of the bonds and the place or places of payment of the principal and interest thereof, which may be at the office of the State Treasurer or any bank or trust company within or without the Commonwealth.

All bonds issued under the provisions of this act shall have and are hereby declared to have, as between successive holders, all the qualities and incidents of negotiable instruments under the negotiable instruments law of the Commonwealth.

The bonds may be issued under a system of book entry for recording the ownership and transfer of ownership of rights to receive payments of principal of, and premium, if any, and interest on the bonds.

The bonds may be sold at a public or private sale for such price or prices as the Commonwealth Transportation Board may determine to be in the best interests of the Commonwealth.

§ 5. The bonds shall be signed on behalf of the Commonwealth by the Chairman of the Commonwealth Transportation Board or bear his facsimile signature, and shall bear the official seal of the Commonwealth Transportation Board and be attested by the Secretary of such Board. Any interest coupons shall bear a facsimile of the signature of the Chairman of the Commonwealth Transportation Board. In the event that the bonds shall bear the facsimile signature of the Chairman, the bonds shall be signed by such administrative assistant as the Chairman of the Commonwealth Transportation Board shall determine or by any Registrar/Paying Agent that may be designated by the Treasury Board. In case any officer, whose signature, or facsimile signature, appears on any bonds or coupons, ceases to be such officer before the delivery of such bonds, his signature, or facsimile signature, shall nevertheless be valid and sufficient for all purposes as if he had remained in office until such delivery.

§ 6. All expenses incurred under this act shall be paid from the proceeds of the bonds or from any available funds as the Commonwealth Transportation Board shall determine.

§ 7. The Commonwealth Transportation Board is hereby authorized to borrow money through the execution and issuance of notes of the Commonwealth for the same, but only in the following circumstances and under the following conditions:

1. In anticipation of the sale of the bonds the issuance of which shall have been authorized by the Commonwealth Transportation Board and approved by the Governor, if the Commonwealth Transportation Board shall deem it advisable to postpone the issuance of the bonds.

2. For the renewal of any loan evidenced by notes herein authorized.

§ 8. The proceeds of the bonds and of the bond anticipation notes herein authorized (except the proceeds of bonds the issuance of which has been anticipated by such bond anticipation notes) shall be

placed by the State Treasurer in a special fund in the state treasury, or with his concurrence may be placed in accordance with § 33.1-283, and shall be disbursed only for the purpose for which such bonds and such bond anticipation notes shall be issued; however, proceeds derived from the sale of bonds or renewal herein authorized shall be first used in the payment of any bond anticipation notes that may have been issued in anticipation of the sale of such bonds and any renewals of such notes.

§ 9. The Commonwealth Transportation Board is hereby authorized to receive any other funds that may be made available to pay the cost of the project and to make available such funds for the payment of the principal of and interest on the debt authorized hereby and to enter into the appropriate agreements to allow for those funds to be paid into the state treasury to pay a part of the cost of the project or to pay the principal of and the interest on such debt.

§ 10. The Commonwealth Transportation Board, prior to the issuance of the bonds, may establish a minimum reserve fund requirement for the bonds.

§ 11. The Commonwealth Transportation Board, prior to the issuance of the bonds, shall establish a sinking fund for the payment of the bonds to the credit of which fund there shall be deposited such amounts as are required to pay debt service on the bonds when due and payable for such fiscal years first from revenues deposited into the Commonwealth Mass Transit Fund pursuant to §§ 33.1-23.03:2 and 33.1-46.1 and then from such other funds which may be appropriated by the General Assembly.

§ 12. Bond proceeds and moneys in any reserve funds and sinking funds shall be invested by the State Treasurer in accordance with the provisions of general law relating to the investment of such funds belonging to or in the control of the Commonwealth, or with the State Treasurer's concurrence by a trustee in accordance with § 33.1-283.

§ 13. The interest income from, but not any profit made on the sale of the bonds, notes and coupons, if any, issued under the provisions of this act, shall at all times be free and exempt from taxation by the Commonwealth and by any municipality, county or other political subdivision thereof.

§ 14. All bonds and notes issued under the provisions of this act are hereby made securities in which all public officers and bodies of the Commonwealth; all counties, cities, towns and municipal subdivisions; all insurance companies and associations; all savings banks and savings institutions, including savings and loan associations; administrators; guardians; executors; trustees; and other fiduciaries in the Commonwealth may properly and legally invest funds under their control.

5. That the amount of bonds issued pursuant to the Commonwealth of Virginia Mass Transit Bond Act of 1999 shall be limited to \$59,000,000 through June 30, 2000. Not later than December 1, 1999, the Commonwealth Transportation Board shall present to the Governor and General Assembly a detailed plan with regard to the proposed project, and the timing, debt service schedule and sources of repayment for any funds authorized pursuant to the Commonwealth Mass Transit Bond Act of 1999.

6. That §§ 33.1-221.1:3 and 58.1-815.1 are amended and reenacted as follows:

§ 33.1-221.1:3. Northern Virginia Transportation District Program.

A. The General Assembly declares it to be in the public interest that the economic development needs and economic growth potential of Northern Virginia be addressed by a special transportation program to provide for the costs of providing an adequate, modern, safe and efficient transportation network in Northern Virginia which shall be known as the Northern Virginia Transportation District Program (the Program), including, without limitation, environmental and engineering studies, rights-of-way acquisition, construction, improvements to all modes of transportation, and financing costs. The Program consists of the following projects: the Fairfax County Parkway, Route 234 Bypass, Metro Capital Improvements, including the Franconia-Springfield Metrorail Station and new rail car purchases, Route 7 improvements in Loudoun County ~~between Route 15 and Route 28, and Fairfax County,~~ the Route 50/Courthouse Road interchange improvements in Arlington County, the Route 28/Route 625 interchange improvements in Loudoun County, ~~and~~ Metrorail capital improvements attributable to the City of Alexandria including the King Street Metrorail Station access, ~~Metrorail capital improvements attributable to Arlington County, including Ballston Station improvements, Route 15 safety improvements in Loudoun County, Route 1/Route 123 interchange improvements in Prince William County, Lee Highway improvements in the City of Fairfax, Route 123 improvements in Fairfax County, Telegraph Road improvements in Fairfax County, Route 1/Route 234 interchange improvements in Prince William County, Potomac-Rappahannock Transportation Commission bus replacement program, and Dulles Corridor Enhanced Transit program.~~

B. Allocations to this Program from the Northern Virginia Transportation District Fund established by § 58.1-815.1 shall be made annually by the Commonwealth Transportation Board for the creation and enhancement of a safe, efficient transportation system connecting the communities, businesses, places of employment, and residences of the Commonwealth, thereby enhancing the economic development potential, employment opportunities, mobility and quality of life in Virginia.

C. Except in the event that the Northern Virginia Transportation District Fund is insufficient to pay

for the costs of the Program, allocations to the Program shall not diminish or replace allocations made from other sources or diminish allocations to which any district, system, or locality would be entitled under other provisions of this title, but shall be supplemental to other allocations to the end that transportation improvements in the Northern Virginia Transportation District may be accelerated and augmented. Allocations under this subsection shall be limited to projects specified in § 33.1-268 (2) (s).

D. The Commonwealth Transportation Board may expend such funds from all sources as may be lawfully available to initiate the Program and to support bonds and other obligations referenced in subsection E of this section.

E. The Commonwealth Transportation Board is authorized to receive, dedicate or use first from (i) revenues received from the Northern Virginia Transportation District Fund, (ii) to the extent required, funds appropriated and allocated, pursuant to the highway allocation formula as provided by law, to the highway construction district in which the project or projects to be financed are located or to the city or county in which the project or projects to be financed are located, (iii) to the extent required, legally available revenues of the Transportation Trust Fund, and (iv) such other funds which may be appropriated by the General Assembly for the payment of bonds or other obligations, including interest thereon, issued in furtherance of the Program. No such bond or other obligations shall pledge the full faith and credit of the Commonwealth.

§ 58.1-815.1. Northern Virginia Transportation District Fund.

A. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be a part of the Transportation Trust Fund and which shall be known as the Northern Virginia Transportation District Fund, consisting of transfers pursuant to § 58.1-816 of annual collections of the state recordation taxes attributable to the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park and the Counties of Arlington, Fairfax, Loudoun, and Prince William; however, this dedication shall not affect the local recordation taxes under §§ 58.1-802 B and 58.1-814. The Fund shall also include any public rights-of-way use fees appropriated by the General Assembly; any state or local revenues, including but not limited to any funds distributed pursuant to §§ 33.1-23.3, 33.1-23.4 or § 33.1-23.5:1, which may be deposited into the Fund pursuant to a contract between a jurisdiction participating in the Northern Virginia Transportation District Program and the Commonwealth Transportation Board; and any other funds as may be appropriated by the General Assembly from time to time and designated for this Fund and all interest, dividends and appreciation which may accrue thereto. Any moneys remaining in the Fund at the end of a biennium shall not revert to the general fund, but shall remain in the Fund, subject to the determination by the Commonwealth Transportation Board that a Category 2, 3 or 4 project or projects may be funded.

B. Allocations from this Fund may be paid (i) to any authority, locality or commission for the purposes of paying the costs of the Northern Virginia Transportation District Program which consists of the following: the Fairfax County Parkway, Route 234 Bypass, Metro Capital Improvements, including the Franconia-Springfield Metrorail Station and new rail car purchases, Route 7 improvements in Loudoun County ~~between Route 15 and Route 28, the~~ and Fairfax County, Route 50/Courthouse Road interchange improvements in Arlington County, the Route 28/Route 625 interchange improvements in Loudoun County, and Metrorail capital improvements attributable to the City of Alexandria, including the King Street Metrorail station access, *Metrorail capital improvements attributable to Arlington County, including Ballston Station improvements, Route 15 safety improvements in Loudoun County, Route 1/Route 123 interchange improvements in Prince William County, Lee Highway improvements in the City of Fairfax, Route 123 improvements in Fairfax County, Telegraph Road improvements in Fairfax County, Route 1/Route 234 interchange improvements in Prince William County, Potomac-Rappahannock Transportation Commission bus replacement program, and Dulles Corridor Enhanced Transit program.* and (ii) for Category 4 projects as provided in § 2 of the act or acts authorizing the issuance of Bonds for the Northern Virginia Transportation District Program.

C. On or before July 15, 1994, \$19 million shall be transferred to the Fund. Such transfer shall be made by the issuance of a treasury loan at no interest in the amount of \$19 million in the event such an amount is not included for the Fund in the general appropriation act enacted by the 1994 Session of the General Assembly. Such treasury loan shall be repaid from the Commonwealth's portion of the state recordation tax imposed by Chapter 8 (§ 58.1-800 et seq.) of Title 58.1 designated for the Fund by this section and § 58.1-816.

7. That § 2 of Chapter 391 of the Acts of Assembly of 1993, as amended by Chapters 470 and 597 of the Acts of Assembly of 1994 and by Chapters 740 and 761 of the Acts of Assembly of 1998, is amended and reenacted as follows:

§ 2. The Commonwealth Transportation Board is hereby authorized, by and with the consent of the Governor, to issue, pursuant to the provisions of §§ 33.1-267 through 33.1-295, at one time or from time to time, bonds of the Commonwealth to be designated "Commonwealth of Virginia Transportation Contract Revenue Bonds, Series, " in an aggregate principal amount not exceeding ~~\$366,900,000~~ 666,900,000 to finance the cost of the projects plus an amount for the issuance costs,

capitalized interest, reserve funds, and other financing expenses (the "Bonds"). The proceeds of the Bonds shall be used exclusively for the purpose of providing funds, with any other available funds, for paying the costs incurred or to be incurred for construction or funding of the projects which comprise the Northern Virginia Transportation District Program as hereinafter defined and as established in Article 5 (§ 33.1-267 et seq.) of Chapter 3 of Title 33.1, consisting of environmental and engineering studies, rights-of-way acquisition, improvements to all modes of transportation, construction and related improvements (the "projects"). Such costs may include the payment of interest on the Bonds for a period during construction and not exceeding one year after completion of construction of the projects.

The projects shall be classified as Category 1, Category 2, Category 3, and Category 4 projects, each category being subject to different preconditions. Bonds to finance the cost of Category 1 and Category 3 projects may be issued by the Commonwealth Transportation Board. Bonds to finance the cost of Category 2 projects may be issued by the Commonwealth Transportation Board only if the aggregate principal amount of ~~\$361,900,000~~ 466,000,000 in bonds has been issued to finance the cost of Category 1 and Category 3 projects. Category 4 projects shall not be financed through the issuance of bonds; however, after all Bonds authorized have been issued, then to the extent the Northern Virginia Transportation District Fund contains amounts in excess of the amount needed to pay annual debt service on such Bonds in a particular fiscal year, such excess amounts may be expended to pay the cost of the work identified as Category 4 projects.

The projects, and the amount of bonds authorized to be issued for each such project, are as follows and constitute the Northern Virginia Transportation District Program:

Category 1 projects	Bond amount
Metro Capital Improvements,	
including the	
Franconia-Springfield	
Metrorail Station	\$ 85,600,000
Fairfax County Parkway	\$ 87,000,000
Route 234 Bypass	\$ 73,400,000
Route 7 improvements between	
Route 15 and Route 28 in	
Loudoun County	\$ 15,000,000
Total	\$261,000,000

Category 2 projects consist of the Route 234 Bypass/Route 28 interchange improvements in Prince William County, in the amount of \$5,000,000.

Category 3 projects	Bond amount
Route 50/Courthouse	
Road interchange	\$10,000,000
Fairfax County Parkway --	
Partially-funded segments	
between Route 1 and Route 7	\$50,000,000
Route 234 Bypass from	

672		
673	Route 28 to Route 234	\$15,300,000
674		
675	Route 28/Route 625	
676		
677	interchange	\$ 7,900,000
678		
679	Metrorail Capital Improvements	
680		
681	attributable to the	
682		
683	City of Alexandria,	
684		
685	including the King Street	
686		
687	Metrorail station access	\$4,400,000 8,600,000
688		
689	Metrorail Capital Improvements,	
690		
691	including new	
692		
693	rail car purchases	\$13,300,000 29,300,000
694		
695	Route 15 Safety Improvements	
696	Leesburg Town Line	
697	to Potomac River	\$ 10,100,000
698	Route 1/Route 123 Interchange	\$ 8,200,000
699	Lee Highway Improvements	
700	City of Fairfax	\$ 3,100,000
701	Route 123 Widening	
702	Ocquan River	
703	to Lee Chapel Road	\$ 27,000,000
704	Dulles Corridor	
705	Enhanced Transit Program	\$ 6,000,000
706	Route 7 Improvements-	
707	Loudoun County Line	
708	to Reston Parkway	\$ 10,000,000
709	Route 7 Improvements-	
710	Reston Parkway	
711	to Dulles Toll Road	\$ 3,000,000
712	Telegraph Road Improvements-	
713	S. Kings Highway	
714	to Beulah St.	\$ 5,000,000
715	Route 1/Route 234 Interchange	\$ 4,000,000
716	Potomac-Rappahannock	
717	Transportation Commission	
718	Bus Replacement Program	\$ 1,500,000
719	Metrorail Capital Improvements	
720	attributable to	
721	Arlington County, including	
722	Ballston Station improvements	\$ 6,200,000
723		
724	Total	\$100,900,000 205,200,000
725		

726 The Commonwealth Transportation Board shall only issue the bonds for Category 3 projects in an
727 amount or amounts necessary to expedite or complete the Category 3 projects if the following conditions
728 are satisfied: (i) at least two of the jurisdictions participating in the Northern Virginia Transportation

District Program have entered into a contract pursuant to § 58.1-815.1 and (ii) the governing bodies of at least five of the jurisdictions participating in the Northern Virginia Transportation District Program and comprising a majority of population of the jurisdictions participating in such Program have adopted resolutions endorsing the proposed sale or sales of bonds to support the Category 3 projects. Such contracts and resolutions shall remain in force so long as any debts or obligations for Category 3 projects remain outstanding.

The work identified as Category 4 projects to be funded from the Northern Virginia Transportation District Fund, to the extent there are sums in excess of the amount needed to pay debt service on the Bonds in a given fiscal year, is as follows:

Category 4 projects

Such projects as may be concurred in by the local jurisdictions participating in the Northern Virginia Transportation District Program, as evidenced by resolutions adopted by an affirmative vote of each of the jurisdictions participating in the Northern Virginia Transportation District Program and subject to such guidelines and conditions as may be promulgated by the Commonwealth Transportation Board.

The Bonds shall be issued by the Commonwealth Transportation Board and sold through the Treasury Board, which is hereby designated the sales and paying agent of the Commonwealth Transportation Board with respect to the Bonds. The Treasury Board's duties shall include the approval of the terms and structure of the Bonds. In the event the aggregate principal amount of the issuance, for the projects and amounts authorized by the 1994 amendments to Chapter 391 of the Acts of Assembly of 1993, is less than \$127,000,000, the Commonwealth Transportation Board shall cause each Category 1 project to be shared in the reduced issuance by reducing the proceeds of the Bonds for each of the Category 1 projects on a pro rata basis.

8. That the amount of Commonwealth of Virginia Transportation Contract Revenue Bonds issued shall be limited to \$466,200,000 through June 30, 2000. Not later than December 1, 1999, the Commonwealth Transportation Board shall present to the Governor and General Assembly a detailed plan with regard to the timing, debt service schedule and sources of repayment for the authorized bonds in excess of \$466,200,000 and such bonds shall not be issued until an appropriation for the debt service thereon has been approved by the Governor and General Assembly.

9. That if any part of this act or the application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, such holding shall not affect the validity of the remainder of the provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.