

999623152

HOUSE BILL NO. 2088

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Finance
on February 17, 1999)

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

A BILL to amend and reenact §§ 33.1-221.1:3 and 58.1-815.1 of the Code of Virginia; to amend and reenact § 2 of the first enactment of Chapter 8 of the Acts of Assembly of the Second Special Session of 1989; and to amend and reenact § 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, relating to the U.S. Route 58 Commonwealth of Virginia Transportation Revenue Bond Act of 1989, the U.S. Route 58 Corridor Development Program, the issuance of bonds to finance the cost of such program, and amendments thereto relating to increasing the principal amount of bonds authorized to be issued to \$704,300,000 and designating the projects qualifying for the increase in such financing; and further relating to the Northern Virginia Transportation District Program, 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 relating to increasing the principal amount of bonds authorized to be issued to \$471,200,000 and redesignating the projects qualifying for such financing and the amounts allocated to each such project.

Be it enacted by the General Assembly of Virginia:

1. 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 45 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

60 county in which the project or projects to be financed are located, (iii) to the extent required, legally
 61 available revenues of the Transportation Trust Fund, and (iv) such other funds which may be
 62 appropriated by the General Assembly for the payment of bonds or other obligations, including interest
 63 thereon, issued in furtherance of the Program. No such bond or other obligations shall pledge the full
 64 faith and credit of the Commonwealth.

65 § 58.1-815.1. Northern Virginia Transportation District Fund.

66 A. There is hereby created in the Department of the Treasury a special nonreverting fund which shall
 67 be a part of the Transportation Trust Fund and which shall be known as the Northern Virginia
 68 Transportation District Fund, consisting of transfers pursuant to § 58.1-816 of annual collections of the
 69 state recordation taxes attributable to the Cities of Alexandria, Fairfax, Falls Church, Manassas, and
 70 Manassas Park and the Counties of Arlington, Fairfax, Loudoun, and Prince William; however, this
 71 dedication shall not affect the local recordation taxes under §§ 58.1-802 B and 58.1-814. The Fund shall
 72 also include any public rights-of-way use fees appropriated by the General Assembly; any state or local
 73 revenues, including but not limited to any funds distributed pursuant to §§ 33.1-23.3, 33.1-23.4 or
 74 § 33.1-23.5:1, which may be deposited into the Fund pursuant to a contract between a jurisdiction
 75 participating in the Northern Virginia Transportation District Program and the Commonwealth
 76 Transportation Board; and any other funds as may be appropriated by the General Assembly from time
 77 to time and designated for this Fund and all interest, dividends and appreciation which may accrue
 78 thereto. Any moneys remaining in the Fund at the end of a biennium shall not revert to the general
 79 fund, but shall remain in the Fund, subject to the determination by the Commonwealth Transportation
 80 Board that a Category 2, 3 or 4 project or projects may be funded.

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

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

102 **2. That § 2 of the first enactment of Chapter 8 of the Acts of Assembly of the Second Special**
 103 **Session of 1989 is amended and reenacted as follows:**

104 § 2. The Commonwealth Transportation Board is hereby authorized, by and with the consent of the
 105 Governor, to issue, pursuant to the provisions of §§ 33.1-267 through 33.1-295 of the Code of Virginia,
 106 at one time or from time to time, bonds of the Commonwealth to be designated "Commonwealth of
 107 Virginia Transportation ~~Contract~~ Revenue Bonds, Series", in an aggregate principal amount not
 108 exceeding ~~\$600,000,000~~ \$704,300,000 to finance the cost of the project plus an amount for the issuance
 109 costs, reserve funds, and other financing expenses. The proceeds of such bonds shall be used exclusively
 110 for the purpose of providing funds, with any other available funds, for paying all costs incurred or to be
 111 incurred for the construction of an adequate, modern, safe, and efficient highway system, generally along
 112 Virginia's southern boundary and which comprises the U.S. Route 58 Corridor Development Program as
 113 established in § 33.1-221.1:2, consisting of the environmental and engineering studies, rights of way
 114 acquisition, construction and related improvements (the Project).

115 *Of the \$104.3 million increase in bond issuance authorized by the 1999 Session of the General*
 116 *Assembly, \$82 million shall be issued for portions of the Project as follows:*

117	Portion of the Project	Bond amount
118		
119	Ben Hur to Pennington Gap in Lee County	\$9,800,000

120

Pennington Gap to Dryden in Lee County	\$35,600,000
Anticipated shortfall on the Danville	
Bypass, Clarksville Bypass, Stuart	
Bypass, and completion of a gap west	
of Jonesville in Lee County	\$35,100,000
Taylors Valley in Washington County	\$1,500,000
Total	\$82,000,000

Such revenue 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 such bonds. The Treasury Board's duties shall include the approval of the terms and structure of the bonds.

3. 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~~ 471,200,000 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~~ 466,200,000 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

180
 181 Route 7 improvements between
 182
 183 Route 15 and Route 28 in
 184
 185 Loudoun County \$ 15,000,000
 186
 187 Total \$261,000,000
 188
 189 Category 2 projects consist of the Route 234 Bypass/Route 28 interchange improvements in Prince
 190 William County, in the amount of \$5,000,000.
 191 .
 192 Category 3 projects Bond amount
 193
 194 Route 50/Courthouse
 195
 196 Road interchange \$10,000,000
 197
 198 Fairfax County Parkway --
 199
 200 Partially-funded segments
 201
 202 between Route 1 and Route 7 \$50,000,000
 203
 204 Route 234 Bypass from
 205
 206 Route 28 to Route 234 \$15,300,000
 207
 208 Route 28/Route 625
 209
 210 interchange \$ 7,900,000
 211
 212 Metrorail Capital Improvements
 213
 214 attributable to the
 215
 216 City of Alexandria,
 217
 218 including the King Street
 219
 220 Metrorail station access ~~\$ 4,400,000~~ 8,600,000
 221
 222 Metrorail Capital Improvements,
 223
 224 including new
 225
 226 rail car purchases ~~\$13,300,000~~ 29,300,000
 227
 228 *Route 15 Safety Improvements*
 229 *Leesburg Town Line*
 230 *to Potomac River* \$ 10,100,000
 231 *Route 1/Route 123 Interchange* \$ 8,200,000
 232 *Lee Highway Improvements*
 233 *City of Fairfax* \$ 3,100,000
 234 *Route 123 Widening*
 235 *Occoquan River*
 236 *to Lee Chapel Road* \$ 27,000,000

237	Dulles Corridor	
238	Enhanced Transit Program	\$ 6,000,000
239	Route 7 Improvements-	
240	Loudoun County Line	
241	to Reston Parkway	\$ 10,000,000
242	Route 7 Improvements-	
243	Reston Parkway	
244	to Dulles Toll Road	\$ 3,000,000
245	Telegraph Road Improvements-	
246	S. Kings Highway	
247	to Beulah St.	\$ 5,000,000
248	Route 1/Route 234 Interchange	\$ 4,000,000
249	Potomac-Rappahannock	
250	Transportation Commission	
251	Bus Replacement Program	\$ 1,500,000
252	Metrorail Capital Improvements	
253	attributable to	
254	Arlington County, including	
255	Ballston Station improvements	\$ 6,200,000
256		
257	Total	\$100,900,000 205,200,000

259 The Commonwealth Transportation Board shall only issue the bonds for Category 3 projects in an
 260 amount or amounts necessary to expedite or complete the Category 3 projects if the following conditions
 261 are satisfied: (i) at least two of the jurisdictions participating in the Northern Virginia Transportation
 262 District Program have entered into a contract pursuant to § 58.1-815.1 and (ii) the governing bodies of
 263 at least five of the jurisdictions participating in the Northern Virginia Transportation District Program
 264 and comprising a majority of population of the jurisdictions participating in such Program have adopted
 265 resolutions endorsing the proposed sale or sales of bonds to support the Category 3 projects. Such
 266 contracts and resolutions shall remain in force so long as any debts or obligations for Category 3
 267 projects remain outstanding.

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

271 Category 4 projects
 272 Such projects as may be concurred in by the local jurisdictions participating in the Northern Virginia
 273 Transportation District Program, as evidenced by resolutions adopted by an affirmative vote of each of
 274 the jurisdictions participating in the Northern Virginia Transportation District Program and subject to
 275 such guidelines and conditions as may be promulgated by the Commonwealth Transportation Board.

276 The Bonds shall be issued by the Commonwealth Transportation Board and sold through the
 277 Treasury Board, which is hereby designated the sales and paying agent of the Commonwealth
 278 Transportation Board with respect to the Bonds. The Treasury Board's duties shall include the approval
 279 of the terms and structure of the Bonds. In the event the aggregate principal amount of the issuance, for
 280 the projects and amounts authorized by the 1994 amendments to Chapter 391 of the Acts of Assembly
 281 of 1993, is less than \$127,000,000, the Commonwealth Transportation Board shall cause each Category
 282 1 project to be shared in the reduced issuance by reducing the proceeds of the Bonds for each of the
 283 Category 1 projects on a pro rata basis.

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