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HOUSE BILL NO. 5053

Offered September 15, 2006

A BILL to amend and reenact §§ 15.2-4832, 15.2-4834, 58.1-300, and 58.1-520 of the Code of Virginia, to amend the Code of Virginia by adding sections numbered 15.2-4838.1, 15.2-4838.2, and 58.1-816.2, and to repeal Article 22 (§ 58.1-540 et seq.) of Chapter 3 of Title 58.1 of the Code of Virginia, relating to supplemental transportation funding for Northern Virginia.

Patrons—Albo, Rust, Callahan, May, McQuigg, Sickles and Watts

Referred to Committee on Appropriations

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-4832, 15.2-4834, 58.1-300, and 58.1-520 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 15.2-4838.1, 15.2-4838.2, and 58.1-816.2 as follows:

§ 15.2-4832. Composition of Authority; membership; terms.

The Authority shall consist of 46 members as follows:

The chief elected officer of the governing body of each county and city embraced by the Authority or, in the discretion of the chief elected officer, his designee, who shall be a current elected officer of such governing body;

~~Two~~Four members of the House of Delegates who reside in different counties or cities embraced by the Authority, appointed by the Speaker of the House, to the extent practicable, from the membership of the House Committee on Appropriations, the House Committee on Finance, or the House Committee on Transportation;

~~One member~~Two members of the Senate who ~~resides in a county or city~~ reside in different counties or cities embraced by the Authority, appointed by the Senate Committee on Rules, to the extent practicable, from the membership of the Senate Committee on Finance and the Senate Committee on Transportation; ~~and~~

One mayor of a town with a population greater than 3,500 that is within any county embraced by the Authority, appointed by the Governor, with future appointees to this position rotated equally among all such towns. Two citizens who reside in different counties ~~and~~ or cities embraced by the Authority, appointed by the Governor. One gubernatorial appointment shall include a member of the Commonwealth Transportation Board who resides in a county or city embraced by the Authority. The remaining gubernatorial appointment shall be a person who has significant experience in transportation planning, finance, engineering, construction, or management and shall be a resident of a county or city embraced by the Authority, but shall not be a resident of the same county or city as the other gubernatorial appointee to the Authority.

Legislative members shall serve terms coincident with their terms of office. The gubernatorial appointee who is not a member of the Commonwealth Transportation Board shall serve for a term of four years. *The mayor of a town member shall serve for a term of two years.* Vacancies occurring other than by expiration of a term shall be filled for the unexpired term. Vacancies shall be filled in the same manner as the original appointments.

In addition, the following persons shall serve as nonvoting members of the Authority: the Director of the Virginia Department of Rail and Public Transportation, or his designee, ~~and~~ the Commonwealth Transportation Commissioner, or his designee, *and the Northern Virginia District Administrator for the Virginia Department of Transportation, or his designee.*

The Authority shall appoint the chairman and vice-chairman.

§ 15.2-4834. Decisions of Authority.

A majority of the Authority, which majority shall include at least a majority of the representatives of the counties and cities embraced by the Authority, shall constitute a quorum; *provided that members appointed from the House of Delegates or Senate shall not be considered in calculating a quorum.* Decisions of the Authority shall require a quorum and shall be in accordance with voting procedures established by the Authority. In all cases, decisions of the Authority shall require the affirmative vote of two-thirds of the members of the Authority present and voting, and two-thirds of the ~~representatives of the counties and cities~~ members whose membership is as the chief executive officer, or his designee, of each county and city embraced by the Authority who are present and voting and whose counties and cities include at least two-thirds of the population embraced by the Authority; however, no motion to fund a specific facility or service shall fail because of this population criterion if such facility or service is not located or to be located or provided or to be provided within the county or city whose

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representative's sole negative vote caused the facility or service to fail to meet the population criterion. The population of counties and cities embraced by the Authority shall be the population as determined by the most recently preceding decennial census, except that on July 1 of the fifth year following such census, the population of each county and city shall be adjusted, based on population projections made by the Weldon Cooper Center for Public Service of the University of Virginia.

The Authority shall appoint the chairman and vice-chairman.

§ 15.2-4838.1. Special Transportation Fund for Northern Virginia established.

There is hereby created in the state treasury a special nonreverting fund to be known as the Special Transportation Fund for Northern Virginia, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller. All revenues dedicated for the Fund pursuant to § 58.1-816.2, and as may be appropriated by the General Assembly shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.

Moneys in the Fund shall be used by the Authority solely for the purposes stated in this chapter. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the chairman of the Authority or his designee.

§ 15.2-4838.2. Use of certain revenues by the Authority.

Notwithstanding any other provision of this chapter, the revenues deposited into the Special Transportation Fund for Northern Virginia pursuant to § 58.1-816.2 shall be used as follows:

A. Up to the first \$50 million deposited into the Fund in each year, through the year 2017, shall be distributed to the Washington Metropolitan Area Transit Authority (WMATA) to provide funds to the Authority as may be required under federal law for the payment of certain federal funds to WMATA and shall be used for capital improvements for WMATA's transit service (Metro). The Authority shall make such annual distribution from such revenues (i) only to the extent required under federal law for the payment of federal funds to WMATA, and (ii) only if the matching federal funds are exclusive of, and in addition to, the amount of other federal funds appropriated to the Commonwealth for transportation and such other federal funds are in an amount not less than the amount of such funds appropriated to the Commonwealth in the fiscal year ending June 30, 2006. For each year after 2017 the first \$50 million deposited into the Fund shall be used for the expansion of Metro or other rail service into Prince William County;

B. The next \$30 million deposited into the Fund in each fiscal year shall be distributed to the Virginia Railway Express for capital improvements including but not limited to construction of parking, dedicated rail on the Fredericksburg line, rolling stock, expanded service to Prince William, and service as may be needed as a result of Base Realignment and Closure Commission regarding Fort Belvoir. The Authority shall make such annual distribution from such revenues only if matching state funds are appropriated, exclusive of, and in addition to the amount of state funds appropriated for such purpose in the fiscal year ending June 30, 2006;

C. At least 25% of the revenues from such sources remaining after the distributions under subsection A and B shall be dedicated for use on urban and secondary road construction and improvement for the localities that are embraced by the Authority as determined by the Authority in consultation with members of the governing bodies of the localities embraced by the Authority, and members of the General Assembly representing any locality embraced by the Authority. Such revenues shall be conditioned on the following:

1. That such funds be distributed to the localities embraced by the Northern Virginia Transportation Authority on a pro rata basis with each locality's share being equivalent to the portion of the tax revenue distributed pursuant to § 58.1-816.2 that is attributable to such tax revenue generated in the locality;

2. That urban road construction funded in whole or in part under this subsection be performed by cities pursuant to subdivision D of § 33.1-23.3;

3. That at the request of any county embraced by the Authority, all state secondary road construction funding due such county be transferred to such county, provided that the county assumes full responsibility for planning and constructing secondary roads pursuant to § 33.1-84.1.

D. At least 20% of the revenues from such sources remaining after the distributions under subsections A and B shall be distributed to the localities embraced by the Northern Virginia Transportation Authority on a pro rata basis with each locality's share being equivalent to the portion of the tax revenue distributed pursuant to § 58.1-816.2 that is attributable to such tax revenue generated in the locality;

The revenues distributed pursuant to this subsection shall be used solely for transportation capital improvements as determined solely by the applicable locality. None of this revenue may be used to repay debt undertaken before January 1, 2007. Each locality shall provide annually to the Northern Virginia Transportation Authority sufficient documentation as required by the Authority showing that the

funds distributed under this subsection were used as required by this subsection;

E. Beginning at the time the second half of the Dulles Rail project is constructed, at least \$20 million shall be dedicated annually for the Dulles Rail project, provided there are federal matching funds appropriated; and

F. All other remaining revenues from such sources shall be used by the Authority solely for transportation projects for the localities that are embraced by the Authority and towns having a population greater than 3,500 within such localities as determined by the Authority in consultation with members of the governing bodies of the localities embraced by the Authority, and members of the General Assembly representing any locality embraced by the Authority, or as may be required by any other law, solely for transportation projects for the localities that are embraced by the Authority. All transportation projects undertaken by the Northern Virginia Transportation Authority shall be completed by private contractors accompanied by performance measurement standards, and contractors who do not meet the standards shall be terminated. The Authority shall avail itself of the strategies permitted under the Public-Private Transportation Act (§ 56-556 et seq.) whenever feasible and advantageous. The Authority is independent of any state or local entity, including the Virginia Department of Transportation and the Commonwealth Transportation Board, but the Authority and VDOT and CTB shall consult with each other to avoid duplication of efforts, and, at the option of the Authority, may combine efforts to complete specific projects. When determining what projects to construct, the Authority shall base its decisions on the combination (i) equitably distributes the funds throughout the participating localities, and (ii) constructs projects that move the most people or commercial traffic in the most cost-effective manner.

§ 58.1-300. Incomes not subject to local taxation.

~~Except as provided in § 58.1-540,~~ No county, city, town or other political subdivision of this Commonwealth shall impose any tax or levy upon incomes, incomes being hereby segregated for state taxation only.

§ 58.1-520. Definitions.

As used in this article:

"Claimant agency" means any administrative unit of state, county, city or town government, including department, institution, commission, authority, or the office of Executive Secretary of the Supreme Court, any circuit or district court and the Internal Revenue Service. All state agencies and institutions shall participate in the setoff program.

"Debtor" means any individual having a delinquent debt or account with any claimant agency which obligation has not been satisfied by court order, set aside by court order, or discharged in bankruptcy.

"Delinquent debt" means any liquidated sum due and owing any claimant agency, or any restitution ordered paid to a clerk of the court pursuant to Title 19.2, including any amount of court costs or fines which have accrued through contract, subrogation, tort, operation of law, or any other legal theory regardless of whether there is an outstanding judgment for that sum which is legally collectible and for which a collection effort has been or is being made.

"Mailing date of notice" means the date of notice appearing thereon.

"Refund" means any individual's Virginia state ~~or local~~ income tax refund payable pursuant to §§ 58.1-309 and 58.1-546. This term also includes any refund belonging to a debtor resulting from the filing of a joint income tax return or a refund belonging to a debtor resulting from the filing of a return where husband and wife have elected to file a combined return and separately state their Virginia taxable incomes under the provisions of § 58.1-324 B 2.

§ 58.1-816.2. Distribution of recordation tax to certain cities and counties.

Beginning January 1, 2007, an amount equivalent to 30 cents on every \$100 or fraction thereof of the consideration or the actual value of the property conveyed, whichever is greater, for each deed or other instrument for which a tax is imposed pursuant to §§ 58.1-801 through 58.1-809 which is attributable to deeds and other instruments recorded in the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park and the Counties of Arlington, Fairfax, Loudoun, and Prince William shall be deposited by the Comptroller into the Special Transportation Fund for Northern Virginia established pursuant to § 15.2-4838.1.

2. That Article 22 (§ 58.1-540 et seq.) of Chapter 3 of Title 58.1 of the Code of Virginia is repealed.

3. That, in addition to all other expenditures and projects required of the Northern Virginia Transportation Authority under the provisions of this act, the Northern Virginia Transportation Authority shall construct the following transportation projects or contribute to the funding of such projects from the revenues distributed by this act:

Fairfax County

- Traffic lights on Route 638 at Barnack and at Route 638 and Viola.

- Acquisition of approximately 150 sq./ft of land on East Side of Gambrill at Pohick Road to

182 correct design mistake in previously constructed intersection improvement.
183 - Contribute \$1 million toward widening Silverbrook between Hooes Road and South County
184 Secondary School.
185 - Paving of Belmont Landing to allow school bus turn around.
186 - Contribute \$1 million toward widening East Elden Street.
187 - Construct a roundabout on Route 123 in the Oakton area and run tests on its effectiveness as a
188 traffic flow and control measure.
189 Prince William County
190 - Improve intersection at Graham Park Road and Route 1.
191 - Spot improvements on Delaney Road between Minnieville and Pearson in order to improve
192 traffic flow and provide access to ball fields.
193 - Expansion of Horner Road commuter parking lot.
194 - Cover inflationary costs of Route 1 bridge over Neabsco Creek not included in the Six Year
195 Improvement Plan.
196 Loudoun County
197 - Light synchronization on Route 7 in Tysons Corner and Loudoun County.
198 - Route 7 spot improvements between County Side Lane and the Loudoun Co./Fairfax Co. border.
199 City of Fairfax
200 - Lee Highway Corridor Improvements to widen Lee Highway (Route 29/50) from Eaton place to
201 Chain Bridge Road to match the existing six-lane section of Route 29/50. Approximately 1,920 feet
202 of Route 29/50 will be widened. Additionally, major improvements to the storm water system in
203 that area will be made.
204 - Construction of George Mason Boulevard from School Street to the entrance to George Mason
205 University.
206 - Improve pedestrian access along the west side of Chain Bridge Road just north of Old Town
207 Fairfax.
208 Vienna
209 - Contribute \$1 million toward reconstruction of Drake Street.
210 - Contribute \$1 million toward reconstruction of Lakewood Drive.
211 - Contribute \$1 million toward reconstruction of Center Street, South.
212 4. That, in addition to all other expenditures and projects required of the Northern Virginia
213 Transportation Authority under the provisions of this act, beginning at the time the second half of
214 the Dulles Rail project is constructed, the Northern Virginia Transportation Authority shall,
215 dedicate at least \$20 million annually for the Dulles Rail project, provided there are federal
216 matching funds appropriated.
217 5. That the revenues distributed by the provisions of this act shall not be used to calculate or
218 reduce the share of local, federal, and state revenues otherwise available to participating
219 jurisdictions, or to the Northern Virginia Transportation District. Further, such revenues and
220 moneys shall not be included in any computation of, or formula for, a locality's ability to pay for
221 public education, upon which appropriations of state revenues to local governments for public
222 education are determined.
223 6. That in the priorities of business of the Northern Virginia Transportation Authority, after
224 resolving initial organization issues, the Authority shall initiate a study, including joint efforts with
225 state and federal governments on construction of the following large projects:
226 (i) Transit on the Columbia Pike corridor in Arlington County;
227 (ii) Design and implementation to improve pedestrian access across King Street between the
228 Fairlington community in Arlington County and the Bradlee Center in the City of Alexandria;
229 (iii) Addition of a third lane of Route 50 in Fairfax County and Loudoun County;
230 (iv) Transit on Route 1 in Fairfax County;
231 (v) Construction of the South Van Dorn and Franconia Road interchange in Fairfax County; and
232 (vi) Improvements to the Route 29/Gallows Road interchange in Fairfax County;
233 (vii) Grade separated interchange at Spring Village Drive/Bonnie Mill Lane and the
234 Franconia-Springfield Parkway (Route 7900) in Fairfax County.
235 7. That prior to December 1 each year beginning December 1, 2007, the Auditor of Public
236 Accounts shall submit a report to the General Assembly on the efficiency and effectiveness of the
237 Washington Metropolitan Area Transit Authority's expenditure of funds that impact the
238 Commonwealth.
239 8. That the provisions of this act are effective January 1, 2007.