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SENATE BILL NO. 1417

Offered January 19, 2007

A *BILL to amend and reenact §§ 2.2-1514, 10.1-1188, 15.2-2403, 33.1-1, 33.1-2, 33.1-3, 33.1-13, 33.1-19.1, 33.1-23.03, 33.1-23.03:8, 33.1-67, 33.1-69, 33.1-72.1, 33.1-223.2:12, 33.1-268, 33.1-269, 33.1-277, 46.2-694.1, 46.2-697, 46.2-1135, 58.1-2217, 58.1-2249, 58.1-2289, 58.1-2701, and 58.1-2706 of the Code of Virginia; to amend the Code of Virginia by adding a section numbered 15.2-2223.1, by adding a section numbered 15.2-2286.2, by adding in Chapter 22 of Title 15.2 an article numbered 9 consisting of sections numbered 15.2-2328 and 15.2-2329, by adding in Article 1 of Chapter 24 of Title 15.2 a section numbered 15.2-2403.1, by adding in Title 30 a chapter numbered 42, consisting of sections numbered 30-278 through 30-283, by adding sections numbered 33.1-23.4:01, 46.2-206.1, and 46.2-702.1, and by adding in Article 2 of Chapter 25 of Title 58.1 sections numbered 58.1-2531 and 58.1-2532; and to repeal the tenth enactment clauses of Chapter 1019 and Chapter 1044 of the Acts of Assembly of 2000, and to authorize the Commonwealth Transportation Board to issue certain bonds, relating to transportation funding and reform.*

Patron—Norment

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-1514, 10.1-1188, 15.2-2403, 33.1-1, 33.1-2, 33.1-3, 33.1-13, 33.1-19.1, 33.1-23.03, 33.1-23.03:8, 33.1-67, 33.1-69, 33.1-72.1, 33.1-223.2:12, 33.1-268, 33.1-269, 33.1-277, 46.2-694.1, 46.2-697, 46.2-1135, 58.1-2217, 58.1-2249, 58.1-2289, 58.1-2701, and 58.1-2706 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 15.2-2223.1, by adding a section numbered 15.2-2286.2, by adding in Chapter 22 of Title 15.2 an article numbered 9 consisting of sections numbered 15.2-2328 and 15.2-2329, by adding in Article 1 of Chapter 24 of Title 15.2 a section numbered 15.2-2403.1, by adding in Title 30 a chapter numbered 42, consisting of sections numbered 30-278 through 30-283, by adding sections numbered 33.1-23.4:01, 46.2-206.1, and 46.2-702.1, and by adding in Article 2 of Chapter 25 of Title 58.1 sections numbered 58.1-2531 and 58.1-2532 as follows:

§ 2.2-1514. Designation of general fund for nonrecurring expenditures.

A. As used in this section:

"The Budget Bill" means the "The Budget Bill" submitted pursuant to § 2.2-1509, including any amendments to a general appropriation act pursuant to such section.

"Nonrecurring expenditures" means the acquisition or construction of capital outlay projects as defined in § 2.2-1503.2, the acquisition or construction of capital improvements, the acquisition of land, the acquisition of equipment, or other expenditures of a one-time nature as specified in the general appropriation act. *Such term shall not include any expenditures relating to transportation, including but not limited to transportation maintenance.*

B. At the end of each fiscal year, the Comptroller shall designate within his annual report pursuant to § 2.2-813 ~~an amount~~ amounts for nonrecurring expenditures and for deposit into the Commonwealth Transportation Capital Projects Fund established under § 58.1-2532, which amounts combined shall equal the remaining amount of the general fund balance that is not otherwise reserved or designated. *One-half of the remaining amount of the general fund balance that is not otherwise reserved or designated shall be designated by the Comptroller for nonrecurring expenditures, and one-half shall be designated for deposit into the Transportation Trust Fund.* No such designation shall be made unless the full amounts required for other reserves or designations including, but not limited to, (i) the Revenue Stabilization Fund deposit pursuant to § 2.2-1829, (ii) the Virginia Water Quality Improvement Fund deposit pursuant to § 10.1-2128, (iii) capital outlay reappropriations pursuant to the general appropriation act, (iv) (a) operating expense reappropriations pursuant to the general appropriation act, and (b) reappropriations of unexpended appropriations to certain public institutions of higher education pursuant to § 2.2-5005, (v) pro rata rebate payments to certain public institutions of higher education pursuant to § 2.2-5005, (vi) the unappropriated balance anticipated in the general appropriation act for the end of such fiscal year, and (vii) interest payments on deposits of certain public institutions of higher education pursuant to § 2.2-5005 are set aside. The Comptroller shall set aside amounts required for clauses (iv) (b), (v), and (vii) beginning with the initial fiscal year as determined under § 2.2-5005 and for all fiscal years thereafter.

C. The Governor shall include in "The Budget Bill" pursuant to § 2.2-1509 recommended appropriations from the general fund or recommended amendments to general fund appropriations in the

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59 general appropriation act in effect at that time an amount for nonrecurring expenditures *and an amount*
60 *for deposit into the Transportation Trust Fund* equal to the ~~amount~~ *amounts* designated by the
61 Comptroller for such ~~purpose~~ *purposes* pursuant to the provisions of subsection B of ~~this section~~.

62 § 10.1-1188. State agencies to submit environmental impact reports on major projects.

63 A. All state agencies, boards, authorities and commissions or any branch of the state government
64 shall prepare and submit an environmental impact report to the Department on each major state project.

65 "Major state project" means the acquisition of an interest in land for any state facility construction,
66 or the construction of any facility or expansion of an existing facility which is hereafter undertaken by
67 any state agency, board, commission, authority or any branch of state government, including
68 state-supported institutions of higher learning, which costs \$100,000 or more. For the purposes of this
69 chapter, authority shall not include any industrial development authority created pursuant to the
70 provisions of Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2 or Chapter 643, as amended, of the 1964
71 Acts of Assembly. Nor shall authority include any housing development or redevelopment authority
72 established pursuant to state law. For the purposes of this chapter, branch of state government shall not
73 include any county, city or town of the Commonwealth.

74 Such environmental impact report shall include, but not be limited to, the following:

75 1. The environmental impact of the major state project, including the impact on wildlife habitat;

76 2. Any adverse environmental effects which cannot be avoided if the major state project is
77 undertaken;

78 3. Measures proposed to minimize the impact of the major state project;

79 4. Any alternatives to the proposed construction; and

80 5. Any irreversible environmental changes which would be involved in the major state project.

81 For the purposes of subdivision 4 of this subsection, the report shall contain all alternatives
82 considered and the reasons why the alternatives were rejected. If a report does not set forth alternatives,
83 it shall state why alternatives were not considered.

84 B. For purposes of this chapter, this subsection shall ~~not~~ *only* apply to the review of highway and
85 road construction projects or any part thereof. The Secretaries of Transportation and Natural Resources
86 shall jointly establish procedures for review and comment by state natural and historic resource agencies
87 of highway and road construction projects. Such procedures shall provide for review and comment on
88 appropriate projects and categories of projects to address the environmental impact of the project, any
89 adverse environmental effects which cannot be avoided if the project is undertaken, the measures
90 proposed to minimize the impact of the project, any alternatives to the proposed construction, and any
91 irreversible environmental changes which would be involved in the project.

92 § 15.2-2223.1. *Comprehensive plan to include urban development areas; new urbanism.*

93 A. *Every county that has adopted zoning pursuant to Article 7 (§ 15.2-2280 et seq.) of Chapter 22 of*
94 *Title 15.2 may, and any city or town may, amend its comprehensive plan to incorporate one or more*
95 *proposed urban development areas, if such locality has had population growth of 5 percent or more*
96 *from the next-to-latest to latest decennial census year, based on population reported by the United*
97 *States Bureau of the Census. For purposes of this section, an urban development area is an area*
98 *designated by a locality that is appropriate for higher density development due to proximity to*
99 *transportation facilities, the availability of a public or community water and sewer system, or proximity*
100 *to a city, town, or other developed area. The comprehensive plan shall provide for commercial and*
101 *residential densities within urban development areas that are appropriate for reasonably compact*
102 *development at a density of at least four residential units per gross acre and a floor area ratio of 0.4*
103 *per gross acre for commercial development. The comprehensive plan shall designate one or more urban*
104 *development areas sufficient to meet projected residential and commercial growth in the locality for the*
105 *ensuing 20-year period. Future growth shall be based on the projections of the Virginia Employment*
106 *Commission. The boundaries and size of each urban development area shall be reexamined and revised*
107 *every five years in conjunction with the update of the comprehensive plan and in accordance with the*
108 *most recent available population growth projections.*

109 B. *The comprehensive plan shall further incorporate principles of new urbanism and traditional*
110 *neighborhood development, which may include but need not be limited to (i) pedestrian-friendly road*
111 *design, (ii) interconnection of new local streets with existing local streets and roads, (iii) connectivity of*
112 *road and pedestrian networks, (iv) preservation of natural areas, (v) satisfaction of requirements for*
113 *stormwater management, and (vi) mixed-use neighborhoods, including mixed housing types.*

114 C. *The comprehensive plan shall describe the financial and other incentives for development in the*
115 *urban development areas.*

116 D. *No locality that has amended its comprehensive plan in accordance with this section shall limit or*
117 *prohibit development pursuant to existing zoning or any application for rezoning based solely on the*
118 *fact that the property is located outside the urban development area.*

119 E. *Any locality that has not revised its comprehensive plan to establish an urban development area*
120 *pursuant to this section on or before July 1, 2008 shall not receive 50 percent of its annual secondary*

road allocation from the Virginia Department of Transportation. Such reduced allocation shall continue until an urban development area has been established pursuant to this section.

§ 15.2-2286.2. Denying or modifying an application for rezoning.

Any locality that has established an urban transportation service district in accordance with § 15.2-2403.1 may provide in its zoning ordinance for the denial or modification of an application for rezoning when the existing and future transportation network that will serve the proposed development is inadequate to handle the anticipated transportation impact of the proposed development. In determining whether the transportation network that will serve the proposed development is inadequate, the locality shall provide in its zoning ordinance for the consideration of the following: (i) the locality's comprehensive plan, the Department of Transportation's secondary road and other transportation plans, or such other available information regarding the transportation network that will serve the proposed development; (ii) whether the proposed development reduces the level of service in the existing and future transportation network, as determined by the locality in consultation with appropriate transportation agencies; and (iii) whether the design and phasing of the proposed development, the funded capital improvements program, or other combination of public and private resources will address the anticipated transportation impact of the proposed development.

Article 9.

Impact Fees.

§ 15.2-2328. Applicability of article.

The provisions of this article shall apply in their entirety to any locality that has established an urban transportation service district in accordance with § 15.2-2403.1. However, such authority may be exercised only in areas outside of urban transportation service districts and on parcels that are currently zoned agricultural and are being subdivided for by-right residential development. The authority granted under this subsection shall expire on July 1, 2009, for any locality that has not established an urban transportation service district and adopted an impact fee ordinance pursuant to this article by such date.

§ 15.2-2329. Imposition of impact fees.

A. Any locality that includes within its comprehensive plan a calculation of the capital costs of public facilities necessary to serve residential uses may impose and collect impact fees to cover the costs of issuing permits for residential uses in amounts consistent with the methodologies used in its comprehensive plan to defray the capital costs of public facilities related to the residential development.

B. Impact fees imposed and collected pursuant to this section shall only be used for public facilities that are impacted by development; however, the fees may be used generally in the areas of development in the locality.

C. A locality imposing impact fees as provided in this section shall allow credit against the impact fees for cash proffers collected for the purpose of defraying the capital costs of public facilities related to the residential development. A locality imposing impact fees as provided in this section shall also include within its comprehensive plan a methodology for calculating credit for the value of proffered land donations to accommodate public facilities, and for the construction cost of any public facilities or public improvements the construction of which is required by proffer.

D. A locality imposing impact fees under this section may require that such impact fees be paid prior to and as a condition of the issuance of any necessary building permits for residential uses.

E. For the purposes of this section, "public facilities" shall be deemed to include: (i) roads, streets, transit and rail facilities, and bridges, including rights-of-way, traffic signals, landscaping, and any local components of federal or state highways; (ii) stormwater collection, retention, detention, treatment, and disposal facilities, flood control facilities, and bank and shore protection and enhancement improvements; (iii) parks, open space, and recreation areas and related facilities; (iv) public safety facilities, including police, fire, emergency medical, and rescue facilities; (v) primary and secondary schools and related facilities; and (vi) libraries and related facilities.

§ 15.2-2403. Powers of service districts.

After adoption of an ordinance or ordinances or the entry of an order creating a service district, the governing body or bodies shall have the following powers with respect to the service districts:

1. To construct, maintain, and operate such facilities and equipment as may be necessary or desirable to provide additional, more complete, or more timely governmental services within a service district, including but not limited to water supply, sewerage, garbage removal and disposal, heat, light, fire-fighting equipment and power and gas systems and sidewalks; economic development services; promotion of business and retail development services; beautification and landscaping; beach and shoreline management and restoration; control of infestations of insects that may carry a disease that is dangerous to humans, gypsy moths, cankerworms or other pests identified by the Commissioner of the Department of Agriculture and Consumer Services in accordance with the Virginia Pest Law (§ 3.1-188.20 et seq.); public parking; extra security, street cleaning, snow removal and refuse collection

182 services; sponsorship and promotion of recreational and cultural activities; upon petition of over 50
183 percent of the property owners who own not less than 50 percent of the property to be served,
184 construction, maintenance, and general upkeep of streets and roads ~~that are not under the operation and~~
185 ~~jurisdiction of the Virginia Department of Transportation; construction, maintenance, and general upkeep~~
186 ~~of streets and roads through creation of urban transportation service districts created pursuant to~~
187 ~~§ 15.2-2403.1; and other services, events, or activities that will enhance the public use and enjoyment of~~
188 and the public safety, public convenience, and public well-being within a service district. Such services,
189 events, or activities shall not be undertaken for the sole or dominant benefit of any particular individual,
190 business or other private entity.

191 2. To provide, in addition to services authorized by subdivision 1, transportation and transportation
192 services within a service district, including, but not limited to: public transportation systems serving the
193 district; transportation management services; road construction; rehabilitation and replacement of existing
194 transportation facilities or systems; and sound walls or sound barriers. However, any transportation
195 service, system, facility, roadway, or roadway appurtenance established under this subdivision that will
196 be operated or maintained by the Virginia Department of Transportation shall be established with the
197 involvement of the governing body of the locality and meet the appropriate requirements of the
198 Department. The proceeds from any annual tax or portion thereof collected for road construction
199 pursuant to subdivision 6 may be accumulated and set aside for such reasonable period of time as is
200 necessary to finance such construction; however, the governing body or bodies shall make available an
201 annual disclosure statement, which shall contain the amount of any such proceeds accumulated and set
202 aside to finance such road construction.

203 3. To acquire in accordance with § 15.2-1800, any such facilities and equipment and rights, title,
204 interest or easements therefor in and to real estate in such district and maintain and operate the same as
205 may be necessary and desirable to provide the governmental services authorized by subdivisions 1 and
206 2.

207 4. To contract with any person, municipality or state agency to provide the governmental services
208 authorized by subdivisions 1 and 2 and to construct, establish, maintain, and operate any such facilities
209 and equipment as may be necessary and desirable in connection therewith.

210 5. To require owners or tenants of any property in the district to connect with any such system or
211 systems, and to contract with the owners or tenants for such connections. The owners or tenants shall
212 have the right of appeal to the circuit court within 10 days from action by the governing body.

213 6. To levy and collect an annual tax upon any property in such service district subject to local
214 taxation to pay, either in whole or in part, the expenses and charges for providing the governmental
215 services authorized by subdivisions 1, 2 and 11 and for constructing, maintaining, and operating such
216 facilities and equipment as may be necessary and desirable in connection therewith; however, such
217 annual tax shall not be levied for or used to pay for schools, police, or general government services not
218 authorized by this section, and the proceeds from such annual tax shall be so segregated as to enable the
219 same to be expended in the district in which raised. In addition to the tax on property authorized herein,
220 in any city having a population of 350,000 or more and adjacent to the Atlantic Ocean, the city council
221 shall have the power to impose a tax on the base transient room rentals, excluding hotels, motels, and
222 travel campgrounds, within such service district at a rate or percentage not higher than five percent
223 which is in addition to any other transient room rental tax imposed by the city. The proceeds from such
224 additional transient room rental tax shall be deposited in a special fund to be used only for the purpose
225 of beach and shoreline management and restoration. Any locality imposing a tax pursuant to this
226 subdivision may base the tax on the full assessed value of the taxable property within the service
227 district, notwithstanding any special use value assessment of property within the service district for land
228 preservation pursuant to Article 4 (§ 58.1-3229 et seq.) of Chapter 32 of Title 58.1, provided the owner
229 of such property has given written consent. In addition to the taxes and assessments described herein, a
230 locality creating a service district may contribute from its general fund any amount of funds it deems
231 appropriate to pay for the governmental services authorized by subdivisions 1, 2, and 11 of this section.

232 7. To accept the allocation, contribution or funds of, or to reimburse from, any available source,
233 including, but not limited to, any person, authority, transportation district, locality, or state or federal
234 agency for either the whole or any part of the costs, expenses and charges incident to the acquisition,
235 construction, reconstruction, maintenance, alteration, improvement, expansion, and the operation or
236 maintenance of any facilities and services in the district.

237 8. To employ and fix the compensation of any technical, clerical, or other force and help which from
238 time to time, in their judgment may be necessary or desirable to provide the governmental services
239 authorized by subdivisions 1, 2 and 11 or for the construction, operation, or maintenance of any such
240 facilities and equipment as may be necessary or desirable in connection therewith.

241 9. To create and terminate a development board or other body to which shall be granted and
242 assigned such powers and responsibilities with respect to a special service district as are delegated to it
243 by ordinance adopted by the governing body of such locality or localities. Any such board or alternative

body created shall be responsible for control and management of funds appropriated for its use by the governing body or bodies, and such funds may be used to employ or contract with, on such terms and conditions as the board or other body shall determine, persons, municipal or other governmental entities or such other entities as the development board or alternative body deems necessary to accomplish the purposes for which the development board or alternative body has been created. If the district was created by court order, the ordinance creating the development board or alternative body may provide that the members appointed to the board or alternative body shall consist of a majority of the landowners who petitioned for the creation of the district, or their designees or nominees.

10. To negotiate and contract with any person or municipality with regard to the connections of any such system or systems with any other system or systems now in operation or hereafter established, and with regard to any other matter necessary and proper for the construction or operation and maintenance of any such system within the district.

11. To acquire by purchase, gift, devise, bequest, grant, or otherwise title to or any interests or rights of not less than five years' duration in real property that will provide a means for the preservation or provision of open-space land as provided for in the Open-Space Land Act (§ 10.1-1700 et seq.). Notwithstanding the provisions of subdivision 3, the governing body shall not use the power of condemnation to acquire any interest in land for the purposes of this subdivision.

12. To contract with any state agency or state or local authority for services within the power of the agency or authority related to the financing, construction, or operation of the facilities and services to be provided within the district; however, nothing in this subdivision shall authorize a locality to obligate its general tax revenues, or to pledge its full faith and credit.

13. In the Town of Front Royal, to construct, maintain, and operate facilities, equipment, and programs as may be necessary or desirable to control, eradicate, and prevent the infestation of rats and removal of skunks and the conditions that harbor them.

§ 15.2-2403.1. Creation of urban transportation service districts.

A. The boundaries of any urban transportation service district created pursuant to this article shall be agreed upon by both the local governing body of an urban county and by the Virginia Department of Transportation. The overall density of an urban transportation service district shall be one residential unit per acre or greater. Any disagreement over such boundaries shall be mediated by and, if necessary, decided by the Commission on Local Government. For purposes of this section, an "urban county" means any county with a population of greater than 90,000 that did not maintain its roads as of January 1, 2007.

B. Any urban county that has established an urban transportation service district in accordance with this section shall receive an amount equal to the urban allocation per lane mile for the area within the district for purposes of road maintenance. In addition, such locality shall receive an amount equal to the difference between the urban allocation and what VDOT would be spending within the service district if not for the creation of such district. Such money may be spent by the locality on any transportation need, including new construction.

C. In any instance in which a locality has taken over road maintenance within an urban transportation service district pursuant to this section, VDOT shall transfer the surplus equipment that is no longer needed for such road maintenance from VDOT to the locality. In addition, such locality shall receive a \$10,000 payment from the Commonwealth for each displaced VDOT employee who is hired by the locality. Each displaced VDOT employee who is hired by the locality shall also receive a \$10,000 payment from the Commonwealth upon completion of one year's service with the locality.

CHAPTER 42.

JOINT COMMISSION ON TRANSPORTATION ACCOUNTABILITY.

§ 30-278. Joint Commission on Transportation Accountability established; composition; terms; compensation and expenses; office space; quorum; voting on recommendations.

There is hereby established in the legislative branch of state government the Joint Commission on Transportation Accountability. The Commission shall consist of six members of the House of Delegates appointed by the Speaker of the House of Delegates, of whom at least three shall be members of the House Committee on Transportation; four members of the Senate appointed by the Senate Committee on Rules of whom at least two shall be members of the Senate Committee on Transportation; and the Auditor of Public Accounts, who shall serve as a nonvoting ex officio member. Members shall serve terms coincident with their terms of office as members of the House of Delegates and the Senate. Members may be reappointed for successive terms.

Members of the Commission shall receive such compensation as provided in § 30-19.12 and shall be reimbursed for all their reasonable and necessary expenses incurred in the performance of their duties as members of the Commission. Funding for the costs of compensation and expenses of the members shall be provided from existing appropriations to the Commission. Adequate office space shall be provided by the Commonwealth.

305 *The Commission shall annually elect a chairman and a vice-chairman from among its membership.*
306 *Meetings of the Commission shall be held upon the call of the chairman or whenever the majority of the*
307 *members so request. A majority of the members appointed to the Commission shall constitute a quorum.*

308 § 30-279. *Director, executive staff, and personnel.*

309 *The Commission shall appoint, subject to confirmation by a majority of the members of the General*
310 *Assembly, a Director and fix his duties and compensation. The Director may, with prior approval of the*
311 *Commission, employ and fix the duties and compensation of an adequate staff as may be requisite to*
312 *make the studies and conduct the research and budget analyses required by this chapter. The Director*
313 *and the executive staff shall be appointed for a term of six years and shall consist of professional*
314 *persons having experience and training in legislative budgetary procedures, management analyses, and*
315 *cost accounting. The Director and any executive staff member may be removed from office for cause by*
316 *a majority vote of the Commission. Such other professional personnel, consultants, advisers, and*
317 *secretarial and clerical employees may be engaged upon such terms and conditions as set forth by the*
318 *Commission.*

319 § 30-280. *Powers and duties of Commission.*

320 *The Commission shall have the following powers and duties:*

321 1. *To make performance reviews of operations of state agencies with transportation responsibilities*
322 *to ascertain that sums appropriated have been or are being expended for the purposes for which they*
323 *were made and to evaluate the effectiveness of programs in accomplishing legislative intent;*

324 2. *To study, on a continuing basis, the operations, practices, and duties of state agencies with*
325 *transportation responsibilities as they relate to efficiency in the use of space, personnel, equipment, and*
326 *facilities;*

327 3. *To retain such consultants and advisers as the Commission deems necessary to evaluate financial*
328 *and project management of state agencies with transportation responsibilities; and*

329 4. *To make such special studies of and reports on the operations and functions of state agencies with*
330 *transportation responsibilities as it deems appropriate and as may be requested by the General*
331 *Assembly.*

332 § 30-281. *State agencies to furnish information and assistance.*

333 *All agencies of the Commonwealth, their staff, and employees shall provide the Commission with*
334 *necessary information for the performance of its duties and afford the Commission's staff ample*
335 *opportunity to observe agency operations.*

336 § 30-282. *Payment of expenses of Commission.*

337 *The salaries, per diems, and other expenses necessary to the function of the Commission shall be*
338 *payable from funds appropriated to the Commission.*

339 § 30-283. *Access to information.*

340 *For the purpose of carrying out its duties under this chapter and notwithstanding any contrary*
341 *provision of law, the Joint Commission on Transportation Accountability shall have access to the*
342 *records and facilities of every agency whose operations are financed in whole or in part by state funds*
343 *to the extent that such records and facilities are related to the expenditure of such funds. All such*
344 *agencies shall cooperate with the Commission and, when requested, shall provide specific information in*
345 *the form requested.*

346 § 33.1-1. *State Highway and Transportation Board continued as Commonwealth Transportation*
347 *Board; number and terms of members; removal from office; vacancies.*

348 *The State Highway and Transportation Board, formerly known as the State Highway and*
349 *Transportation Commission, is continued and shall hereafter be known as the Commonwealth*
350 *Transportation Board. Wherever either "Commission" or "Board" is used in this title referring to the*
351 *State Highway and Transportation Board or the State Highway and Transportation Commission, it shall*
352 *mean the Commonwealth Transportation Board.*

353 *The Board shall consist of seventeen members: the Secretary of Transportation, the Commonwealth*
354 *Transportation Commissioner, the Director of the Department of Rail and Public Transportation, and*
355 *fourteen citizen members. ~~The citizen~~ Except for those members elected by the General Assembly as*
356 *provided in § 33.1-2, members shall be (i) appointed by the Governor as provided in § 33.1-2, (ii)*
357 *subject to confirmation by the General Assembly, and (iii) removable from office during their respective*
358 *terms by the Governor at his pleasure. Appointments of citizen members shall be for terms of four years*
359 *commencing upon July 1, upon the expiration of the terms of the existing members, respectively. The*
360 *initial terms of the members appointed in January, 1987, shall commence when appointed and shall be*
361 *for terms ending June 30, 1988, June 30, 1989, and June 30, 1990, respectively. Vacancies shall be*
362 *filled by appointment by the Governor for those members appointed by the Governor and by election by*
363 *the Joint Committee on Rules for those members elected by the General Assembly. All appointments or*
364 *elections to fill vacancies shall be for the unexpired term and shall be effective until thirty days after the*
365 *next meeting of the ensuing General Assembly and, if confirmed, thereafter for the remainder of the*
366 *term. No person shall be eligible to serve more than two successive terms of four years, other than the*

Secretary of Transportation, the Commonwealth Transportation Commissioner, and the Director of the Department of Rail and Public Transportation. A person heretofore or hereafter appointed *by the Governor or elected by the General Assembly* to fill a vacancy may serve two additional successive terms.

The Secretary of Transportation shall serve as Chairman of the Board. The Secretary shall have voting privileges only in the event of a tie. The Commonwealth Transportation Commissioner shall serve as Vice-Chairman of the Board. The Commissioner shall have voting privileges only in the event of a tie when he is presiding during the absence of the Chairman. The Director of the Department of Rail and Public Transportation shall serve without a vote.

Whenever in this title and in the Code of Virginia "State Highway Commission" or "State Highway and Transportation Board" is used, it shall mean "Commonwealth Transportation Board"; "State Highway Commissioner" or "State Highway and Transportation Commissioner" shall mean "Commonwealth Transportation Commissioner"; and all references to "Department of Highways and Transportation" shall refer to the Department of Transportation.

§ 33.1-2. Residence requirements; statewide interest.

Of such Board, one member shall be a resident of the territory now included in the Bristol construction district, one in the Salem construction district, one in the Lynchburg construction district, one in the Staunton construction district, one in the Culpeper construction district, one in the Fredericksburg construction district, one in the Richmond construction district, one in the Hampton Roads construction district and one in the Northern Virginia construction district. *The foregoing members of the Board shall be elected by a majority vote of the members present and voting in both houses of the General Assembly.* The remaining five members shall be appointed from the Commonwealth at large, but at least two shall reside in standard metropolitan statistical areas and be designated as urban at-large members, and at least two shall reside outside standard metropolitan statistical areas and be designated as rural at-large members. The at-large members shall be appointed to represent rural and urban transportation needs and be mindful of the concerns of seaports and seaport users, airports and airport users, railways and railway users, and mass transit and mass transit users. Each member so appointed shall be mindful of the best interest of the Commonwealth at large primarily instead of those of the district from which chosen or of the transportation interest represented.

Board members elected by the General Assembly shall not be removable by the Governor but may be removed from office only by a majority vote of the members present and voting in both houses of the General Assembly.

§ 33.1-3. Secretary to be Chairman; Commonwealth Transportation Commissioner.

The Chairman, ~~whose official title of the Commonwealth Transportation Board~~ shall be *the* Secretary of Transportation, ~~and who~~.

The Commonwealth Transportation Commissioner shall be the chief executive officer of the Department of Transportation. The Commissioner shall be elected by and serve at the pleasure of the Commonwealth Transportation Board for a term of four years, subject to the consent of the Governor. The Commissioner may, at the time of his appointment, be a nonresident of Virginia, shall be an experienced administrator, able to direct and guide the Department in the establishment and achievement of the Commonwealth's long-range highway and other transportation objectives and shall be appointed at large.

The Commonwealth Transportation Commissioner, hereinafter in this title sometimes called "the Commissioner," shall devote his entire time and attention to his duties as chief executive officer of the Department and shall receive such compensation as shall be ~~fixed by the Governor, subject to the approval of the~~ *determined by the Commonwealth Transportation Board*, unless such salary be fixed by the General Assembly in the appropriation act. He shall also be reimbursed for his actual travel expenses while engaged in the discharge of his duties.

In the event of a vacancy due to the death, temporary disability, retirement, resignation or removal of the Commissioner, the Governor may appoint and thereafter remove at his pleasure an "Acting Commonwealth Transportation Commissioner" until such time as the vacancy may be filled as ~~provided in § 33.1-4 by the Commonwealth Transportation Board~~. Such "Acting Commonwealth Transportation Commissioner" shall have all powers and perform all duties of the Commissioner as provided by law, and shall receive such compensation as may be fixed by the Governor. In the event of the temporary disability, for any reason, of the Commissioner, full effect shall be given to the provisions of § 2.2-605.

§ 33.1-13. General powers of Commissioner.

Except such powers as are conferred by law upon the Commonwealth Transportation Board, the Commonwealth Transportation Commissioner shall have the power to do all acts necessary or convenient for constructing, improving and maintaining the roads embraced in the systems of state highways and to further the interests of the Commonwealth in the areas of public transportation, railways, seaports, and airports. And as executive head of the Transportation Department, the

Commissioner is specifically charged with the duty of executing all orders and decisions of the Board and he may, subject to the provisions of this chapter, require that all appointees and employees perform their duties under this chapter.

In addition, the Commissioner, in order to maximize efficiency, shall take such steps as may be appropriate to outsource or privatize any of the Department's functions that might reasonably be provided by the private sector.

§ 33.1-19.1. Environmental permits for highway projects; timely review.

Notwithstanding any other provision of state law or regulation, any state agency, board, or commission that issues a permit required for a highway construction project pursuant to Title 10.1, 28.2, 29.1, or 62.1 of the Code of Virginia shall, within 15 days of receipt of an individual or general permit application, review the application for completeness and either accept the application or request additional specific information from the Department of Transportation. Unless a shorter period is provided by law, regulation, or agreement, the state agency, board, or commission shall within 120 30 days of receipt of a complete application issue the permit, issue the permit with conditions, deny the permit, or decide whether a public meeting or hearing is required by law. If a public meeting or hearing is held, it shall be held within 45 30 days of the decision to conduct such a proceeding and a final decision as to the permit shall be made within 90 30 days of completion of the public meeting or hearing.

§ 33.1-23.03. Board to develop and update Statewide Transportation Plan.

The Commonwealth Transportation Board shall conduct a comprehensive review of statewide transportation needs in a Statewide Transportation Plan setting forth an inventory of all construction needs for all systems, and based upon this inventory, establishing goals, objectives, and priorities covering a twenty-year planning horizon, in accordance with federal transportation planning requirements. This plan shall embrace all modes of transportation and include technological initiatives. This Statewide Transportation Plan shall be updated as needed, but no less than once every five years. The plan ~~will provide consideration of projects and policies affecting~~ *shall promote economic development and* all transportation modes ~~and promote economic development~~, intermodal connectivity, environmental quality, accessibility for people and freight, and transportation safety. *The plan shall include quantifiable and achievable goals relating to congestion reduction and safety, transit and high-occupancy vehicle facility use, job-to-housing ratios, job and housing access to transit and pedestrian facilities, air quality, and vehicle miles traveled. The Board shall consider such goals in evaluating and selecting transportation improvement projects.* Each such plan shall be summarized in a public document and made available to the general public upon presentation to the Governor and General Assembly.

It is the intent of the General Assembly that this plan assess transportation needs and assign priorities to projects on a statewide basis, avoiding the production of a plan which is an aggregation of local, district, regional, or modal plans.

§ 33.1-23.03:8. Priority Transportation Fund established.

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Priority Transportation Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. All funds as may be designated in the appropriation act for deposit to the Fund shall be paid into the state treasury and credited to the Fund. Such funds shall include:

1. A portion of the moneys actually collected, including penalty and interest, attributable to any increase in revenues from the taxes imposed under Chapter 22 (§ 58.1-2200 et seq.) of Title 58.1, with such increase being calculated as the difference between such tax revenues collected in the manner prescribed under Chapter 22 less such tax revenues that would have been collected using the prescribed manner in effect before the effective date of Chapter 22. The portion to be deposited to the Fund shall be the moneys actually collected from such increase in revenues (*but not including additional revenues described in subsection F of § 58.1-2289*) and allocated for highway and mass transit improvement projects as set forth in § 33.1-23.03:2, but not including any amounts that are allocated to the Commonwealth Port Fund and the Commonwealth Airport Fund under such section. There shall also be deposited into the Fund all additional federal revenues attributable to Chapter 22 (§ 58.1-2200 et seq.) of Title 58.1; and

2. Beginning with the fiscal year ending June 30, 2000, and for fiscal years thereafter, all revenues that exceed the official forecast, pursuant to § 2.2-1503, for (i) the Highway Maintenance and Operating Fund and (ii) the allocation to highway and mass transit improvement projects as set forth in § 33.1-23.03:2, but not including any amounts that are allocated to the Commonwealth Port Fund and the Commonwealth Airport Fund under such section; ~~and~~

3. *All revenues deposited into the Fund pursuant to § 58.1-2531; and*

34. Any other such funds as may be transferred, allocated, or appropriated.

The Fund shall be considered a part of the Transportation Trust Fund. Any moneys remaining in the

Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes enumerated in subsection B of this section. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller.

B. The Commonwealth Transportation Board shall use the Fund to facilitate the financing of priority transportation projects throughout the Commonwealth. The Board may use the Fund either (i) by expending amounts therein on such projects directly, (ii) by payment to any authority, locality, commission or other entity for the purpose of paying the costs thereof, ~~or~~ (iii) by using such amounts to support, secure, or leverage financing for such projects, *or (iv) for debt service payments on Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes.* No expenditures from or other use of amounts in the Fund shall be considered in allocating highway maintenance and construction funds under § 33.1-23.1 or apportioning Transportation Trust Fund funds under § 58.1-638, but shall be in addition thereto. The Board shall use the Fund to facilitate the financing of priority transportation projects as designated by the General Assembly; provided, however, that, at the discretion of the Commonwealth Transportation Board, funds allocated to projects within a transportation district may be allocated among projects within the same transportation district as needed to meet construction cash-flow needs.

§ 33.1-23.4:01. *Allocation of Commonwealth of Virginia Transportation Capital Projects Revenue Bonds.*

The Commonwealth Transportation Board shall allocate and distribute the proceeds of any bonds it is authorized to issue supported in whole or in part by the Commonwealth Transportation Capital Projects Fund pursuant to subdivision 4 f of § 33.1-269 for highway construction pursuant to § 33.1-23.1.

§ 33.1-67. Secondary system of highways.

A. The secondary system of state highways shall consist of all of the public roads, causeways, bridges, landings and wharves in the several counties of the Commonwealth not included in the State Highway System, including such roads and community roads leading to and from public school buildings, streets, causeways, bridges, landings and wharves in incorporated towns having 3,500 inhabitants or less according to the census of 1920, and in all towns having such a population incorporated since 1920, as constitute connecting links between roads in the secondary system in the several counties and between roads in the secondary system and roads in the primary system of the state highways, not, however, to exceed two miles in any one town. If in any such town, which is partly surrounded by water, less than two miles of the roads and streets therein constitute parts of the secondary system of state highways, the Commonwealth Transportation Board shall, upon the adoption of a resolution by the council or other governing body of such town designating for inclusion in the secondary system of state highways certain roads and streets in such town not to exceed a distance of two miles, less the length of such roads and streets in such town which constitute parts of the secondary system of state highways, accept and place in the secondary system of state highways such additional roads and streets.

B. *Notwithstanding the foregoing provisions of this section, any local ordinance, or any provision of Title 15.2, on and after July 1, 2007, no street or road or any portion thereof in any county shall be taken into the state secondary highway system for maintenance purposes unless it is classified by the Department as a local collector road. Other roads that, prior to July 1, 2007, would have been taken into the state secondary highway system shall be classified by the Department as local subdivision roads and shall not be taken into the state secondary highway system. A local subdivision road shall be any road, according to the Department, that primarily serves residents living within a subdivision. These local subdivision roads shall be maintained either by the county wherein they are located or, if they are within an area comprising a homeowners association, by the homeowners association. This subsection shall not apply to any roads within an urban development area as authorized under Title 15.2.*

§ 33.1-69. Control, supervision and management.

A. The control, supervision, management and jurisdiction over the secondary system of state highways shall be vested in the Department of Transportation and the maintenance and improvement, including construction and reconstruction, of such secondary system of state highways shall be by the Commonwealth under the supervision of the Commonwealth Transportation Commissioner. The boards of supervisors or other governing bodies of the several counties and the county road board or county road commission of any county operating under a county road board or county road commission shall have no control, supervision, management and jurisdiction over such public roads, causeways, bridges, landings and wharves, constituting the secondary system of state highways. Except as otherwise provided in this article, the Commonwealth Transportation Board shall be vested with the same powers, control and jurisdiction over the secondary system of state highways in the several counties and towns of the Commonwealth, and such additions as may be made from time to time, as were vested in the boards of

551 supervisors or other governing bodies of the several counties or in the county road board or county road
552 commission in any county operating under a county road board or county road commission on June 21,
553 1932, and in addition thereto shall be vested with the same power, authority and control as to the
554 secondary system of state highways as is vested in the Board in connection with the State Highway
555 System.

556 *B. Notwithstanding the foregoing provisions of this section, the Department's control, supervision,*
557 *management, and jurisdiction over the secondary system of state highways shall not extend, on and after*
558 *July 1, 2007, to any road classified by the Department as a local subdivision road, and no road*
559 *classified as a local subdivision road shall thereafter be taken into the state secondary highway system.*
560 *These local subdivision roads shall be controlled, supervised, and managed either by the county wherein*
561 *they are located or, if they are within an area comprising a homeowners association, by the*
562 *homeowners association. This subsection shall not apply to any roads within an urban development area*
563 *as authorized under Title 15.2.*

564 § 33.1-72.1. Taking certain streets into secondary system.

565 A. "Street," as used in this section, means a street or highway shown on a plat which was recorded
566 or otherwise opened to public use prior to July 1, 1992, at which time it was open to and used by motor
567 vehicles, and which, for any reason, has not been taken into the secondary system of state highways and
568 serves at least three families per mile.

569 B. "County," as used in this section, means a county in which the secondary system of the state
570 highways is constructed and maintained by the Department of Transportation and which has adopted a
571 local ordinance for control of the development of subdivision streets to the necessary standards for
572 acceptance into the secondary system.

573 C. "Speculative interest," as used in this section, means that the original developer or a successor
574 developer retains ownership in any lot abutting such street for development or speculative purposes. In
575 instances where it is determined that speculative interest is retained by the original developer,
576 developers, or successor developers and the governing body of the county deems that extenuating
577 circumstances exist, the governing body of the county shall require a pro rata participation by such
578 original developer, developers, or successor developers as prescribed in subsection G of this section as a
579 condition of the county's recommendation pursuant to this section.

580 D. "Qualifying rural addition cost," as used in this section, means that portion of the estimated
581 engineering and construction cost to improve the street to the minimum standards for acceptance
582 remaining after reducing the total estimated cost by any prorated amount deemed the responsibility of
583 others based on speculative interests as defined in subsection C.

584 E. Whenever the governing body of a county recommends in writing to the Department of
585 Transportation that any street in the county be taken into and become a part of the secondary system of
586 the state highways in such county, the Department of Transportation thereupon, within the limit of
587 available funds and the mileage available in such county for the inclusion of roads and streets in the
588 secondary system, shall take such street into the secondary system of state highways for maintenance,
589 improvement, construction and reconstruction if such street, at the time of such recommendation, either:
590 (i) has a minimum dedicated width of 40 feet or (ii) in the event of extenuating circumstances as
591 determined by the Commonwealth Transportation Commissioner, such street has a minimum dedicated
592 width of 30 feet at the time of such recommendation. In either case such streets must have easements
593 appurtenant thereto which conform to the policy of the Commonwealth Transportation Board with
594 respect to drainage. After the streets are taken into the secondary system of state highways, the
595 Department shall maintain the same in the manner provided by law.

596 F. Such street shall only be taken into the secondary system of state highways if the governing body
597 of the county has identified and made available the funds required to improve the street to the required
598 minimum standards. The county may consider the following options to fund the required improvements
599 for streets accepted under this section:

600 1. The local governing body of the county may use a portion of the county's annual secondary
601 highway system construction allocation designated as "rural addition funds" to fund the qualifying rural
602 addition costs for qualifying streets if the county agrees to contribute from county revenue or the special
603 assessment of the landowners on the street in question one-half of the qualifying rural addition cost to
604 bring the streets up to the necessary minimum standards for acceptance. No such special assessment of
605 landowners on such streets shall be made unless the governing body of the county receives written
606 declarations from the owners of 75 percent or more of the platted parcels of land abutting upon such
607 street stating their acquiescence in such assessments. The basis for such special assessments, at the
608 option of the local governing body, shall be either (i) the proportion the value of each abutting parcel
609 bears to total value of all abutting parcels on such street as determined by the current evaluation of the
610 property for real estate tax purposes, or (ii) the proportion the abutting road front footage of each parcel
611 abutting the street bears to the total abutting road front footage of all parcels abutting on the street, or
612 (iii) an equal amount for each parcel abutting on such street. No such special assessment on any parcel

shall exceed one-third of the current evaluation of such property for real estate tax purposes. Special assessments under this section shall be conducted in the manner provided in Article 2 (§ 15.2-2404 et seq.) of Chapter 24 of Title 15.2, mutatis mutandis, for assessments for local improvements.

2. The local governing body of any county may use a portion of its annual secondary highway system construction allocation designated as "rural addition funds" to fund the qualifying rural addition cost for qualifying streets within the limitation of funds and the mileage limitation of the Commonwealth Transportation Board's policy on rural additions.

3. The local governing body of any county may use revenues derived from the sale of bonds to finance the construction of rural additions to the secondary system of such county. In addition, from the funds allocated by the Commonwealth for the construction of secondary road improvements, such governing body may use funds allocated within the Commonwealth Transportation Board policy for the construction of rural additions to pay principal and interest on bonds associated with rural additions in such county, provided the revenue derived from the sale of such bonds is not used as the county matching contribution under § 33.1-23.05. The provisions of this section shall not constitute a debt or obligation of the Commonwealth Transportation Board or the Commonwealth of Virginia.

4. The local governing body of the county may expend general county revenue for the purposes of this section.

5. The local governing body of the county may permit one or more of the landowners on the street in question to pay to the county a sum equal to one-half of the qualifying rural addition cost to bring the street up to the necessary minimum standards for acceptance into the secondary system of state highways, which funds the county shall then utilize for such purpose. Thereafter, upon collection of the special assessment of landowners on such street, the county shall use such special assessment funds to reimburse, without interest, the one or more landowners for those funds which they previously advanced to the count to bring the street up to the necessary minimum standards for acceptance.

6. The local governing body of the county may utilize the allocations made to the county in accordance with § 33.1-23.05.

G. In instances where it is determined that speculative interest, as defined in subsection C, exists the basis for the pro rata percentage required of such developer, developers, or successor developers shall be the proportion that the value of the abutting parcels owned or partly owned by the developer, developers, or successor developers bears to the total value of all abutting property as determined by the current evaluation of the property for real estate purposes. The pro rata percentage shall be applied to the Department of Transportation's total estimated cost to construct such street to the necessary minimum standards for acceptance to determine the amount of costs to be borne by the developer, developers, or successor developers. Property so evaluated shall not be assessed in the special assessment for the determination of the individual pro rata share attributable to other properties. Further, when such pro rata participation is accepted by the governing body of the county from such original developer, developers, or successor developers, such amount shall be deducted from the Department of Transportation's total estimated cost and the remainder of such estimated cost, the qualifying rural addition cost, shall then be the basis of determining the assessment under the special assessment provision or determining the amount to be provided by the county when funded from general county revenue under subsection C of this section or determining the amount to be funded as a rural addition under subsection D of this section.

H. Acceptance of any street into the secondary system of state highways for maintenance, improvement, construction, and reconstruction shall not impose any obligation on the Board to acquire any additional right-of-way or easements should they be necessary by virtue of faulty construction or design.

I. "Rural addition funds" means those funds reserved from the county's annual allocation of secondary system highway construction funds, as defined in § 33.1-67, for the purpose of this section. If such funds are not used by such county for such purpose during the fiscal year they are so allocated, the funds may be held for such purpose for the four succeeding fiscal years. A maximum of five percent of the annual secondary system highway construction allocation may be reserved by the governing body for rural additions.

J. Notwithstanding the foregoing provisions of this section, any local ordinance, or any provision of Title 15.2, on and after July 1, 2007, no street or road or any portion thereof in any county shall be taken into the state secondary highway system for maintenance purposes unless it is classified by the Department as a local collector road. Any road that, prior to July 1, 2007, would have been taken into the state secondary highway system shall be classified by the Department as a local subdivision road and no road classified as a local subdivision road shall thereafter be taken into the state secondary highway system. This subsection shall not apply to any roads within an urban development area as authorized under Title 15.2.

§ 33.1-223.2:12. Tolls may vary to encourage travel during off-peak hours.

674 A. In order to provide an incentive for motorists to travel at off-peak hours, *and in accordance with*
675 *federal requirements*, wherever a toll is imposed and collected by the Department or such other entity as
676 may be responsible for imposing or collecting such toll, the amount of such toll may vary according to
677 the time of day, day of the week, traffic volume, vehicle speed, vehicle type, ~~or any or all of these~~
678 *similar variables, or combinations thereof*. The amount of such toll and the time of day when such toll
679 shall change shall be as fixed and revised by the Commonwealth Transportation Board or such other
680 entity as may be responsible for fixing or revising the amount of such toll; provided, however, that any
681 such variation shall be reasonably calculated to minimize the reduction in toll revenue generated by such
682 toll.

683 B. *Beginning July 1, 2008, every agency of the Commonwealth or any political subdivision or*
684 *instrumentality thereof having control of or day-to-day responsibility for the operation of any toll facility*
685 *in the Commonwealth shall take all necessary actions to ensure that every newly constructed toll facility*
686 *or toll lane under its control is capable of fully automated electronic operation, employing technologies*
687 *and procedures that permit the collection of tolls from users of the facility without requiring vehicles*
688 *using the facility to reduce their speed below the speed of traffic approaching the facility. An entity*
689 *operating a toll facility that substantially upgrades its equipment or substantially renovates its facility*
690 *after July 1, 2008, shall comply with the provisions of this subsection. The provisions of this section*
691 *shall apply to any nongovernmental or quasigovernmental entity operating a toll facility under a*
692 *comprehensive agreement entered into, pursuant to the Public-Private Transportation Act of 1995*
693 *(§ 56-556 et seq.), on or after January 1, 2008. Nothing in this subsection shall be construed to prohibit*
694 *a toll facility from retaining means of nonautomated toll collection in some lanes of the facility.*

695 § 33.1-268. Definitions.

696 As used in this article, the following words and terms shall have the following meanings:

697 (1) The word "Board" means the Commonwealth Transportation Board, or if the Commonwealth
698 Transportation Board is abolished, any board, commission or officer succeeding to the principal
699 functions thereof or upon whom the powers given by this article to the Board shall be given by law.

700 (2) The word "project" or "projects" means any one or more of the following:

701 (a) York River Bridges, extending from a point within the Town of Yorktown in York County, or
702 within York County across the York River to Gloucester Point or some point in Gloucester County.

703 (b) Rappahannock River Bridge, extending from Greys Point, or its vicinity, in Middlesex County,
704 across the Rappahannock River to a point in the vicinity of White Stone, in Lancaster County, or at
705 some other feasible point in the general vicinity of the two respective points.

706 (c), (d) [Reserved.]

707 (e) James River Bridge, from a point at or near Jamestown, in James City County, across the James
708 River to a point in Surry County.

709 (f), (g) [Reserved.]

710 (h) James River, Chuckatuck and Nansemond River Bridges, together with necessary connecting
711 roads, in the Cities of Newport News and Suffolk and the County of Isle of Wight.

712 (i) [Reserved.]

713 (j) Hampton Roads Bridge, Tunnel, or Bridge and Tunnel System, extending from a point or points
714 in the Cities of Newport News and Hampton on the northwest shore of Hampton Roads across Hampton
715 Roads to a point or points in the City of Norfolk or Suffolk on the southeast shore of Hampton Roads.

716 (k) The Norfolk-Virginia Beach Highway, extending from a point in the vicinity of the intersection
717 of Interstate Route 64 and Primary Route 58 at Norfolk to some feasible point between London Bridge
718 and Primary Route 60.

719 (l) The Henrico-James River Bridge, extending from a point on the eastern shore of the James River
720 in Henrico County to a point on the western shore, between Falling Creek and Bells Road interchanges
721 of the Richmond-Petersburg Turnpike; however, the project shall be deemed to include all property,
722 rights, easements and franchises relating to any of the foregoing projects and deemed necessary or
723 convenient for the operation thereof and to include approaches thereto.

724 (m) The limited access highway between the Patrick Henry Airport area and the Newport News
725 downtown area which generally runs parallel to tracks of the Chesapeake and Ohio Railroad.

726 (n) Transportation improvements in the Dulles Corridor, with an eastern terminus of the East Falls
727 Church Metrorail station at Interstate Route 66 and a western terminus of Virginia Route 772 in
728 Loudoun County, including without limitation the Dulles Toll Road, the Dulles Access Road, outer
729 roadways adjacent or parallel thereto, mass transit, including rail, bus rapid transit, and capacity
730 enhancing treatments such as High-Occupancy Vehicle lanes, High-Occupancy Toll (HOT) lanes,
731 interchange improvements, commuter parking lots, and other transportation management strategies.

732 (o), (p) [Repealed.]

733 (q) Subject to the limitations and approvals of § 33.1-279.1, any other highway for a primary
734 highway transportation improvement district or transportation service district which the Board has agreed
735 to finance under a contract with any such district or any other alternative mechanism for generation of

local revenues for specific funding of a project satisfactory to the Commonwealth Transportation Board, the financing for which is to be secured by Transportation Trust Fund revenues under any appropriation made by the General Assembly for that purpose and payable first from revenues received under such contract or other local funding source, 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 is located or to the county or counties in which the project is located and third, to the extent required from other legally available revenues of the Trust Fund and from any other available source of funds.

(r) U.S. 58 Corridor Development Program projects as defined in §§ 33.1-221.1:2 and 58.1-815.

(s) The Northern Virginia Transportation District Program as defined in § 33.1-221.1:3.

(t) Any program for highways or mass transit or transportation facilities, endorsed by the local jurisdiction or jurisdictions affected, which agree that certain distributions of state recordation taxes will be dedicated and used for the payment of any bonds or other obligations, including interest thereon, the proceeds of which were used to pay the cost of the program. Any such program shall be referred to as a "Transportation Improvement Program."

(u) Any project designated from time to time by the General Assembly financed in whole or part through the issuance of Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes.

(v) *Any project authorized by the General Assembly financed in whole or in part by funds from the Commonwealth Transportation Capital Projects Fund established pursuant to § 58.1-2532 or from the proceeds of bonds whose debt service is paid in whole or in part by funds from such Fund.*

(3) The word "undertaking" means all of the projects authorized to be acquired or constructed under this article.

(4) The word "improvements" means such repairs, replacements, additions and betterments of and to a project acquired by purchase or by condemnation as are deemed necessary to place it in a safe and efficient condition for the use of the public, if such repairs, replacements, additions and betterments are ordered prior to the sale of any bonds for the acquisition of such project.

(5) The term "cost of project" as applied to a project to be acquired by purchase or by condemnation, includes the purchase price or the amount of the award, cost of improvements, financing charges, interest during any period of disuse before completion of improvements, cost of traffic estimates and of engineering and legal expenses, plans, specifications and surveys, estimates of cost and of revenues, other expenses necessary or incident to determining the feasibility or practicability of the enterprises, administrative expenses and such other expenses as may be necessary or incident to the financing herein authorized and the acquisition of the project and the placing of the project in operation.

(6) The term "cost of project" as applied to a project to be constructed, embraces the cost of construction, the cost of all lands, properties, rights, easements and franchises acquired which are deemed necessary for such construction, the cost of acquiring by purchase or condemnation any ferry which is deemed by the Board to be competitive with any bridge to be constructed, the cost of all machinery and equipment, financing charges, interest prior to and during construction and for one year after completion of construction, cost of traffic estimates and of engineering data, engineering and legal expenses, cost of plans, specifications and surveys, estimates of cost and of revenues, other expenses necessary or incident to determining the feasibility or practicability of the enterprise, administrative expense and such other expenses as may be necessary or incident to the financing herein authorized, the construction of the project, the placing of the project in operation and the condemnation of property necessary for such construction and operation.

(7) The word "owner" includes all individuals, incorporated companies, copartnerships, societies or associations having any title or interest in any property rights, easements or franchises authorized to be acquired by this article.

(8) [Repealed.]

(9) The words "revenue" and "revenues" include tolls and any other moneys received or pledged by the Board pursuant to this article, including, without limitation, legally available Transportation Trust Fund revenues and any federal highway reimbursements and any other federal highway assistance received from time to time by the Commonwealth.

(10) The terms "toll project" and "toll projects" mean projects financed in whole or in part through the issuance of revenue bonds which are secured by toll revenues generated by such project or projects.

§ 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 Virginia Transportation Program Revenue Bonds" secured, subject to their appropriation by the General Assembly, first from (i) any revenues received from any Set-aside Fund established by the General Assembly pursuant to § 58.1-816.1, (ii) to the extent required, revenues received pursuant to any contract with a local jurisdiction or any alternative mechanism for generation of local revenues for specific funding of a project satisfactory to the Commonwealth Transportation Board, (iii) 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, (iv) to the extent required, legally available revenues of the Transportation Trust Fund, and (v) such other funds which may be appropriated by the General Assembly. No bonds for any project or projects shall be issued under the authority of this subsection unless such project or projects are specifically included in a bill or resolution passed by the General Assembly;

4c. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of Virginia Transportation Program Revenue Bonds" secured, subject to their appropriation by the General Assembly, first from (i) any revenues received from the Commonwealth Transit Capital Fund established by the General Assembly pursuant to subdivision A 4 g of § 58.1-638, (ii) to the extent required, legally available revenues of the Transportation Trust Fund, and (iii) such other funds which may be appropriated by the General Assembly. No bonds for any project or projects shall be issued under the authority of this subsection unless such project or projects are specifically included in a bill or resolution passed by the General Assembly;

4d. Issue revenue bonds of the Commonwealth from time to time to be known and designated as "Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes" secured, subject to their appropriation by the General Assembly, (i) first from any federal highway reimbursements and any other federal highway assistance received from time to time by the Commonwealth, (ii) then, at the discretion of the Board, to the extent required, from legally available revenues of the Transportation Trust Fund, and (iii) then from such other funds, if any, which are designated by the General Assembly for such purpose;

4e. Issue revenue bonds of the Commonwealth from time to time to be known and designated as "Commonwealth of Virginia Credit Assistance Revenue Bonds," secured, subject to their appropriation by the General Assembly, solely from revenues with respect to or generated by the project or projects being financed thereby and any tolls or other revenues pledged by the Board as security therefor and in accordance with the applicable federal credit assistance authorized with respect to such project or projects by the United States Department of Transportation;

4f. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of Virginia Transportation Capital Projects Revenue Bonds," secured (i) from the revenues deposited into the Commonwealth Transportation Capital Projects Fund pursuant to § 58.1-2532; (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;

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

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

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

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

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

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

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

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; and

11. Enter into any agreements or take such other actions as the Board shall determine in connection with applying for or obtaining any federal credit assistance, including without limitation loan guarantees and lines of credit, pursuant to authorization from the United States Department of Transportation with respect to any project included in the Commonwealth's long-range transportation plan and the approved State Transportation Improvement Program.

§ 33.1-277. Credit of Commonwealth not pledged.

A. Commonwealth of Virginia Toll Revenue Bonds issued under the provisions of this article shall not be deemed to constitute a debt of the Commonwealth of Virginia or a pledge of the faith and credit of the Commonwealth, but such bonds shall be payable solely from the funds herein provided therefor

920 from tolls and revenues, from bond proceeds or earnings thereon and from any other available sources
921 of funds. All such bonds shall state on their face that the Commonwealth of Virginia is not obligated to
922 pay the same or the interest thereon except from the special fund provided therefor from tolls and
923 revenues under this article, from bond proceeds or earnings thereon and from any other available sources
924 of funds and that the faith and credit of the Commonwealth are not pledged to the payment of the
925 principal or interest of such bonds. The issuance of such revenue bonds under the provisions of this
926 article shall not directly or indirectly or contingently obligate the Commonwealth to levy or to pledge
927 any form of taxation whatever therefor or to make any appropriation for their payment, other than
928 appropriate available funds derived as revenues from tolls and charges under this article or derived from
929 bond proceeds or earnings thereon and from any other available sources of funds.

930 B. Commonwealth of Virginia Transportation Contract Revenue Bonds issued under the provisions of
931 this article shall not be deemed to constitute a debt of the Commonwealth of Virginia or a pledge of the
932 faith and credit of the Commonwealth, but such bonds shall be payable solely from the funds herein
933 provided therefor (i) from revenues received pursuant to contracts with a primary highway transportation
934 district or transportation service district or any other alternative mechanism for generation of local
935 revenues for specific funding of a project satisfactory to the Commonwealth Transportation Board, (ii) to
936 the extent required, from funds appropriated and allocated, pursuant to the highway allocation formula as
937 provided by law, to the highway construction district in which the project or projects to be financed are
938 located or to the county or counties in which such project or projects are located, (iii) from bond
939 proceeds or earnings thereon, (iv) to the extent required, from other legally available revenues of the
940 Trust Fund, and (v) from any other available source of funds. All such bonds shall state on their face
941 that the Commonwealth of Virginia is not obligated to pay the same or the interest thereon except from
942 revenues in clauses (i) and (iii) hereof and that the faith and credit of the Commonwealth are not
943 pledged to the payment of the principal and interest of such bonds. The issuance of such revenue bonds
944 under the provisions of this article shall not directly or indirectly or contingently obligate the
945 Commonwealth to levy or to pledge any form of taxation whatever or to make any appropriation for
946 their payment, other than to appropriate available funds derived as revenues under this article from the
947 sources set forth in clauses (i) and (iii) hereof. Nothing in this article shall be construed to obligate the
948 General Assembly to make any appropriation of the funds set forth in clause (ii) or (iv) hereof for
949 payment of such bonds.

950 C. Commonwealth of Virginia Transportation Revenue Bonds issued under the provisions of this
951 article shall not be deemed to constitute a debt of the Commonwealth of Virginia or a pledge of the full
952 faith and credit of the Commonwealth, but such bonds shall be payable solely from the funds herein
953 provided therefor (i) from revenues received from the U.S. Route 58 Corridor Development Fund,
954 subject to their appropriation by the General Assembly, (ii) to the extent required, from revenues legally
955 available from the Transportation Trust Fund and (iii) to the extent required, from any other legally
956 available funds which shall have been appropriated by the General Assembly.

957 D. Commonwealth of Virginia Transportation Revenue Bonds issued under this article for Category 1
958 projects as provided in subdivision (2) (s) of § 33.1-268 shall not be deemed to constitute a debt of the
959 Commonwealth of Virginia or a pledge of the faith and credit of the Commonwealth. Such bonds shall
960 be payable solely, subject to their appropriation by the General Assembly, first from (i) revenues
961 received from the Northern Virginia Transportation District Fund, (ii) to the extent required, funds
962 appropriated and allocated, pursuant to the highway allocation formula as provided by law, to the
963 highway construction district in which the project or projects to be financed are located or to the city or
964 county in which the project or projects to be financed are located, (iii) to the extent required, legally
965 available revenues of the Transportation Trust Fund, and (iv) such other funds which may be
966 appropriated by the General Assembly.

967 E. Commonwealth of Virginia Transportation Program Revenue Bonds issued under this article for
968 projects defined in subdivision (2) (t) of § 33.1-268 shall not be deemed to constitute a debt of the
969 Commonwealth or a pledge of the faith and credit of the Commonwealth. Such bonds shall be payable
970 solely, subject to their appropriation by the General Assembly, first from (i) any revenues received from
971 any Set-aside Fund established by the General Assembly pursuant to § 58.1-816.1, (ii) to the extent
972 required, revenues received pursuant to any contract with a local jurisdiction or any alternative
973 mechanism for generation of local revenues for specific funding of a project satisfactory to the
974 Commonwealth Transportation Board, (iii) to the extent required, funds appropriated and allocated,
975 pursuant to the highway allocation formula as provided by law, to the highway construction district in
976 which the project or projects to be financed are located or to the city or county in which the project or
977 projects to be financed are located, (iv) to the extent required, legally available revenues from the
978 Transportation Trust Fund, and (v) such other funds which may be appropriated by the General
979 Assembly.

980 F. Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes issued under this
981 article shall not be deemed to constitute a debt of the Commonwealth of Virginia or a pledge of the full

faith and credit of the Commonwealth, but such obligations shall be payable solely, subject to appropriation by the General Assembly, (i) first from any federal highway reimbursements and any other federal highway assistance received from time to time by the Commonwealth, (ii) then, at the discretion of the Board, to the extent required, from legally available revenues of the Transportation Trust Fund, and (iii) then, from such other funds, if any, which are designated by the General Assembly for such purpose.

G. Commonwealth of Virginia Transportation Credit Assistance Revenue Bonds issued under the provisions of this article shall not be deemed to constitute a debt of the Commonwealth of Virginia or a pledge of the full faith and credit of the Commonwealth, but such obligations shall be payable solely, subject to appropriation by the General Assembly, from revenues with respect to or generated by the project or projects being financed thereby and any tolls or other revenues pledged by the Board as security therefor and in accordance with the applicable federal credit assistance authorized with respect to such project or projects by the United States Department of Transportation.

H. Commonwealth of Virginia Transportation Capital Projects Revenue Bonds issued under the provisions of this article for projects as provided in subdivision 2 v of § 33.1-268 shall not be deemed to constitute a debt of the Commonwealth of Virginia or a pledge of the full faith and credit of the Commonwealth, but such bonds shall be payable solely from the funds herein provided therefor (i) from the revenues deposited into the Commonwealth Transportation Capital Projects Fund established pursuant to § 58.1-2532; (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.

§ 46.2-206.1. Imposition of certain additional fees on certain drivers; special fund created to support transportation.

A. The purpose of the civil remedial fees imposed in this section is to generate revenue from drivers whose proven dangerous driving behavior places significant financial burdens upon the Commonwealth. The Commissioner shall impose and collect these civil remedial fees pursuant to this section, which shall be in addition to any other fees, costs, or penalties imposed pursuant to the Code of Virginia.

B. The civil remedial fees established by this section shall be assessed on any resident of Virginia operating a motor vehicle on the highways of Virginia, including any person to whom a Virginia driver's license, commercial driver's license, or learner's permit has been issued pursuant to this title, any person operating a motor vehicle without a license or whose license has been revoked or suspended, and any person operating a motor vehicle with a license issued by a jurisdiction outside Virginia.

C. In addition to fees set forth in subsection D, any person whose driver's record with the Department shows a conviction within the past three years of:

1. Driving while his driver's license was suspended or revoked pursuant to § 18.2-272, 46.2-301, 46.2-302, 46.2-341.21, or 46.2-391 shall be assessed a fee of \$250;

2. Reckless driving in violation of Article 7 (§ 46.2-852 et seq.) of Chapter 8 or aggressive driving in violation of § 46.2-868.1 shall be assessed a fee of \$350;

3. Driving while intoxicated in violation of § 18.2-266, 18.2-266.1, or 46.2-341.24 shall be assessed a fee of \$750;

4. Any other misdemeanor conviction for a driving or motor vehicle related violation of Title 18.2 or this title, shall be assessed a fee of \$300; and

5. Any felony conviction for a driving or motor vehicle related offense under Title 18.2 or this title, shall be assessed a fee of \$1,000.

6. For the purposes of this section:

a. A finding of guilty in the case of a juvenile and a conviction under substantially similar laws of any locality, territory, other state, or the United States shall be a conviction.

b. The fees assessed under this subsection shall be implemented in a manner whereby no convictions prior to July 1, 2007, shall be considered.

c. The Commissioner shall assess the fees established under this subsection within 30 days of the conviction being reported to the Department, and on the second and third year anniversary of the conviction being reported to the Department.

D. In addition to any fees set forth in subsection C, any person whose driver's record with the Department shows a balance of four or more driver demerit points on July 15 shall be assessed a fee of \$100 plus \$75 for each demerit point in excess of four, but not greater than \$700.

E. The Department shall assess the fees set forth in subsection D annually, beginning on July 15, 2007.

F. The Department shall notify every person assessed a fee under this section by mailing a notice thereof by first-class mail addressed to such person's most recent address as shown in the Department's records, and such mailing shall constitute notice to the person of the assessment of the fee. If any assessment made under this section remains unpaid 60 days following the date on which the notice of

1043 assessment was mailed, the Department shall suspend the driver's license of the person against whom
 1044 the assessment was imposed. No license shall be reissued or reinstated until all fees assessed have been
 1045 paid.

1046 G. In the event that a person disputes a conviction on his driver's record based upon identity, if the
 1047 person presents the Department a certified copy of a petition to a court of competent jurisdiction
 1048 seeking to vacate an order of such conviction, the Department shall suspend the imposition of the
 1049 assessment. Such suspension shall be valid for one year from the date of the commencement of the
 1050 petition or until 30 days after an entry of a final order on such petition, whichever occurs first.

1051 H. Funds collected through the imposition of fees as provided in this section shall be used first for
 1052 the Department's costs in imposing and collecting such assessments, and any remainder, shall be
 1053 deposited into the Commonwealth Transportation Capital Projects Fund pursuant to § 58.1-2532.

1054 § 46.2-694.1. Fees for trailers and semitrailers not designed and used for transportation of passengers.

1055 Unless otherwise specified in this title, the registration fees for trailers and semitrailers not designed
 1056 and used for the transportation of passengers on the highways in the Commonwealth shall be as follows:

1057	Registered Gross Weight	1-Year Fee	2-Year Fee	Permanent Fee
1058	0-1,500 lbs	\$8.00 \$18.00	\$16.00 \$26.00	\$50.00 \$60.00
1059	1,501-4,000 lbs	\$18.50 \$28.50	\$37.00 \$47.00	\$50.00 \$60.00
1060	4,001 lbs & above	\$23.50 \$33.50	\$47.00 \$57.00	\$50.00 \$60.00

1061 From the foregoing registration fees, the following amounts, regardless of weight category, shall be
 1062 paid by the Department into the state treasury and set aside for the payment of the administrative costs
 1063 of the safety inspection program provided for in Article 21 (§ 46.2-1157 et seq.) of Chapter 10 of this
 1064 title: (i) from each one-year registration fee, one dollar and fifty cents; (ii) from each two-year
 1065 registration fee, three dollars; and (iii) from each permanent registration fee, four dollars.

1066 § 46.2-697. Fees for vehicles not designed or used for transportation of passengers.

1067 A. Except as otherwise provided in this section, the fee for registration of all motor vehicles not
 1068 designed and used for the transportation of passengers shall be ~~thirteen dollars~~ \$23 plus an amount
 1069 determined by the gross weight of the vehicle or combination of vehicles of which it is a part, when
 1070 loaded to the maximum capacity for which it is registered and licensed, according to the schedule of
 1071 fees set forth in this section. For each 1,000 pounds of gross weight, or major fraction thereof, for
 1072 which any such vehicle is registered, there shall be paid to the Commissioner the fee indicated in the
 1073 following schedule immediately opposite the weight group and under the classification established by the
 1074 provisions of subsection B of § 46.2-711 into which such vehicle, or any combination of vehicles of
 1075 which it is a part, falls when loaded to the maximum capacity for which it is registered and licensed.
 1076 The fee for a pickup or panel truck shall be ~~twenty-three dollars~~ \$33 if its gross weight is 4,000 pounds
 1077 or less, and ~~twenty-eight dollars~~ \$38 if its gross weight is 4,001 pounds through 6,500 pounds. The fee
 1078 shall be ~~twenty-nine dollars~~ \$39 for any motor vehicle with a gross weight of 6,501 pounds through
 1079 10,000 pounds.

1080	Fee Per Thousand Pounds of Gross Weight		
1081	Gross Weight	Private	For Rent or
1082	Groups (pounds)	Carriers	For Hire Carriers
1083	-----		
1084	10,001 - 11,000	\$2.60 3.17	\$4.75 5.80
1085	11,001 - 12,000	2.80 3.42	4.90 5.98
1086	12,001 - 13,000	3.00 3.66	5.15 6.28
1087	13,001 - 14,000	3.20 3.90	5.40 6.59
1088	14,001 - 15,000	3.40 4.15	5.65 6.89
1089	15,001 - 16,000	3.60 4.39	5.90 7.20
1090	16,001 - 17,000	4.00 4.88	6.15 7.50
1091	17,001 - 18,000	4.40 5.37	6.40 7.81
1092	18,001 - 19,000	4.80 5.86	7.50 9.15
1093	19,001 - 20,000	5.20 6.34	7.70 9.39
1094	20,001 - 21,000	5.60 6.83	7.90 9.64
1095	21,001 - 22,000	6.00 7.32	8.10 9.88
1096	22,001 - 23,000	6.40 7.81	8.30 10.13
1097	23,001 - 24,000	6.80 8.30	8.50 10.37
1098	24,001 - 25,000	6.90 8.42	8.70 10.61
1099	25,001 - 26,000	6.95 8.48	8.90 10.86
1100	26,001 - 27,000	8.25 10.07	10.35 12.63
1101	27,001 - 28,000	8.30 10.13	10.55 12.87

1102	28,001 - 29,000	8.35 10.18	10.75 13.12
1103	29,001 - 40,000	8.45 10.31	10.95 13.36
1104	40,001 - 45,000	8.55 10.43	11.15 13.60
1105	45,001 - 50,000	8.75 10.68	11.25 13.73
1106	50,001 - 55,000	9.25 11.29	13.25 16.17
1107	55,001 - 76,000	11.25 13.73	15.25 18.61
1108	76,001 - 80,000	13.25 16.17	16.25 19.83

1109 For all such motor vehicles exceeding a gross weight of 6,500 pounds, an additional fee of five
1110 dollars shall be imposed.

1111 B. In lieu of registering any motor vehicle referred to in this section for an entire licensing year, the
1112 owner may elect to register the vehicle only for one or more quarters of a licensing year, and in such
1113 case, the fee shall be twenty-five percent of the annual fee plus five dollars for each quarter that the
1114 vehicle is registered.

1115 C. When an owner elects to register and license a motor vehicle under subsection B of this section,
1116 the provisions of §§ 46.2-646 and 46.2-688 shall not apply.

1117 D. Notwithstanding any other provision of law, no vehicle designed, equipped, and used to tow
1118 disabled or inoperable motor vehicles shall be required to register in accordance with any gross weight
1119 other than the gross weight of the towing vehicle itself, exclusive of any vehicle being towed.

1120 E. All registrations and licenses issued for less than a full year shall expire on the date shown on the
1121 license and registration.

1122 § 46.2-702.1. *Distribution of certain revenue.*

1123 *The net additional revenues generated by increases in the registration fees under §§ 46.2-694.1, and*
1124 *46.2-697 pursuant to enactments of the 2007 Session of the General Assembly, shall be deposited by the*
1125 *Comptroller into the Commonwealth Transportation Capital Projects Fund established under*
1126 *§ 58.1-2532.*

1127 § 46.2-1135. Liquidated damages for violation of weight limits.

1128 A. Any person violating any weight limit as provided in this chapter or in any permit issued pursuant
1129 to Article 18 (§ 46.2-1139 et seq.) of this chapter by the Department or its designee or by local
1130 authorities pursuant to this chapter shall be assessed liquidated damages. The amount of those damages
1131 shall be:

1132	Excess weight over	Assessed
1133	the prescribed	amount per
1134	or permitted	pound limit
1135	axle weight	
1136		
1137	4,000 pounds or less	1 cent per pound
1138	2,000 pounds or less	5 cents
1139	2,001 to 4,000 pounds	10 cents
1140	4,001 to 8,000 pounds	15-10 cents per pound
1141	8,001 to 12,000 pounds	25-20 cents per pound
1142	12,001 pounds or more	35-30 cents per pound
1143	Excess weight over	Assessed
1144	the prescribed	amount per
1145	gross weight	pound
1146	limit	
1147		
1148	4,000 pounds or less	1 cent per pound
1149	4,001 to 8,000 pounds	5 cents per pound
1150	2,000 pounds or less	5 cents
1151	2,001 to 8,000 pounds	10 cents
1152	8,001 to 12,000 pounds	15-10 cents per pound
1153	12,001 pounds or more	20-15 cents per pound

1154 All gross permit violations shall be assessed \$.20 per pound over the permitted weight limit.

1155 *In addition to all damages assessed herein, for every violation of any weight limit as provided in this*
1156 *chapter or in any permit issued pursuant to Article 18 (§ 46.2-1139 et seq.) of this chapter, there shall*
1157 *be assessed additional liquidated damages of \$20.*

1158 If a person has no prior violations under the motor vehicle weight laws, and the excess weight does
1159 not exceed ~~2,500~~1,500 pounds, the general district court may waive the liquidated damages against such
1160 person. Except as provided by § 46.2-1138, such assessment shall be entered by the court or by the

1161 Department as a judgment for the Commonwealth, the entry of which shall constitute a lien upon the
1162 overweight vehicle. Except as provided by § 46.2-1138, such sums shall be paid to the Department or
1163 collected by the attorney for the Commonwealth and forwarded to the State Treasurer and allocated to
1164 the fund appropriated for the construction and maintenance of state highways.

1165 B. If the gross weight of the vehicle exceeds lawful limits by at least 25 percent but no more than
1166 50 percent, the amount of the liquidated damages shall be two times the amount provided for in the
1167 foregoing provisions of this section; if the gross weight of the vehicle exceeds lawful limits by more
1168 than 50 percent, the amount of the liquidated damages shall be three times the amount provided for in
1169 the foregoing provisions of this section. The provisions of this subsection shall not apply to pickup or
1170 panel trucks.

1171 C. *The increases in the liquidated damages under subsection A pursuant to enactments of the 2007*
1172 *Session of the General Assembly shall not be applicable to any motor vehicle hauling forest products*
1173 *from the place where such products are first produced, cut, harvested, or felled to the location where*
1174 *they are first processed. Notwithstanding any other provision in this section, except as provided by*
1175 *§ 46.2-1138, the revenues generated by the increases in the liquidated damages under this section*
1176 *pursuant to enactments of the 2007 Session of the General Assembly shall be paid to the Department or*
1177 *collected by the attorney for the Commonwealth and forwarded to the State Treasurer and deposited*
1178 *into the Commonwealth Transportation Capital Projects Fund established under § 58.1-2532. For the*
1179 *revenues paid to the Department, the Commissioner of the Department shall make such written*
1180 *certifications as are necessary for the Comptroller to make the required deposit into the Commonwealth*
1181 *Transportation Capital Projects Fund as soon as practicable.*

1182 § 58.1-2217. Taxes levied; rate.

1183 A. There is hereby levied a tax at the rate of seventeen and one-half cents per gallon on gasoline and
1184 gasohol.

1185 B. There is hereby levied a tax at the rate of ~~sixteen~~ *seventeen and one-half* cents per gallon on
1186 diesel fuel.

1187 C. Blended fuel that contains gasoline shall be taxed at the rate levied on gasoline. Blended fuel that
1188 contains diesel fuel shall be taxed at the rate levied on diesel fuel.

1189 D. There is hereby levied a tax at the rate of five cents per gallon on aviation gasoline. Any person,
1190 whether or not licensed under this chapter, who uses, acquires for use, sells or delivers for use in
1191 highway vehicles any aviation gasoline shall be liable for the tax at the rate of seventeen and one-half
1192 cents per gallon, along with any penalties and interest that may accrue.

1193 E. There is hereby levied a tax at the rate of five cents per gallon on aviation jet fuel purchased or
1194 acquired for use by a user of aviation fuel other than an aviation consumer. There is hereby levied a tax
1195 at the rate of five cents per gallon upon the first 100,000 gallons of aviation jet fuel, excluding bonded
1196 aviation jet fuel, purchased or acquired for use by any aviation consumer in any fiscal year. There is
1197 hereby levied a tax at the rate of one-half cent per gallon on all aviation jet fuel, excluding bonded
1198 aviation jet fuel, purchased or acquired for use by an aviation consumer in excess of 100,000 gallons in
1199 any fiscal year. Any person, whether or not licensed under this chapter, who uses, acquires for use, sells
1200 or delivers for use in highway vehicles any aviation jet fuel taxable under this chapter shall be liable for
1201 the tax imposed at the rate of ~~sixteen~~ *seventeen and one-half* cents per gallon, along with any penalties
1202 and interest that may accrue.

1203 F. In accordance with § 62.1-44.34:13, a storage tank fee is imposed on each gallon of gasoline,
1204 aviation gasoline, diesel fuel (including dyed diesel fuel), blended fuel, and heating oil sold and
1205 delivered or used in the Commonwealth.

1206 § 58.1-2249. Tax on alternative fuel.

1207 A. There is hereby levied a tax at the rate of ~~sixteen~~ *seventeen and one-half* cents per gallon on
1208 liquid alternative fuel used to operate a highway vehicle by means of a vehicle supply tank that stores
1209 fuel only for the purpose of supplying fuel to operate the vehicle. There is hereby levied a tax at a rate
1210 equivalent to ~~sixteen~~ *seventeen and one-half* cents per gallon on all other alternative fuel used to operate
1211 a highway vehicle. The Commissioner shall determine the equivalent rate applicable to such other
1212 alternative fuels.

1213 B. In addition to any tax imposed by this article, there is hereby levied an annual license tax of fifty
1214 dollars per vehicle on each highway vehicle that is fueled from a private source if the alternative fuels
1215 tax levied under this article has not been paid on fuel used in the vehicle. If such a highway vehicle is
1216 not in operation by January 1 of any year, the license tax shall be reduced by one-twelfth for each
1217 complete month which shall have elapsed since the beginning of such year.

1218 § 58.1-2289. Disposition of tax revenue generally.

1219 A. ~~Unless~~ *Except as otherwise provided subsection F and elsewhere* in this section, all taxes and fees,
1220 including civil penalties, collected by the Commissioner pursuant to this chapter, less a reasonable
1221 amount to be allocated for refunds, shall be promptly paid into the state treasury and shall constitute
1222 special funds within the Commonwealth Transportation Fund. Any balances remaining in these funds at

the end of the year shall be available for use in subsequent years for the purposes set forth in this chapter, and any interest income on such funds shall accrue to these funds. Except as provided in § 33.1-23.03:1, no portion of the revenue derived from taxes collected pursuant to §§ 58.1-2217, 58.1-2249 or § 58.1-2701, and remaining after authorized refunds for nonhighway use of fuel, shall be used for any purpose other than the construction, reconstruction or maintenance of the roads and projects comprising the State Highway System, the Interstate System and the secondary system of state highways and expenditures directly and necessarily required for such purposes, including the retirement of revenue bonds.

Revenues Except as provided in subsection F, revenues collected under this chapter may be also used for (i) contributions toward the construction, reconstruction or maintenance of streets in cities and towns of such sums as may be provided by law and (ii) expenditures for the operation and maintenance of the Department of Transportation, the Department of Rail and Public Transportation, the Department of Aviation, the Virginia Port Authority, and the Department of Motor Vehicles as may be provided by law.

The Governor is hereby authorized to transfer out of such fund an amount necessary for the inspection of gasoline and motor grease measuring and distributing equipment, and for the inspection and analysis of gasoline for purity.

B. ~~The~~ Except as provided in subsection F, the tax collected on each gallon of aviation fuel sold and delivered or used in this Commonwealth, less refunds, shall be paid into a special fund of the state treasury. Proceeds of this special fund within the Commonwealth Transportation Fund shall be disbursed upon order of the Department of Aviation, on warrants of the Comptroller, to defray the cost of the administration of the laws of this Commonwealth relating to aviation, for the construction, maintenance and improvement of airports and landing fields to which the public now has or which it is proposed shall have access, and for the promotion of aviation in the interest of operators and the public generally.

C. One-half cent of the tax collected on each gallon of fuel on which ~~the~~ a refund has been paid ~~at the rate of seventeen cents per gallon, or in the case of diesel fuel, fifteen and one-half cents per gallon for gasoline, gasohol, diesel fuel, blended fuel, and alternative fuel,~~ for fuel consumed in tractors and unlicensed equipment used for agricultural purposes shall be paid into a special fund of the state treasury, known as the Virginia Agricultural Foundation Fund, to be disbursed to make certain refunds and defray the costs of the research and educational phases of the agricultural program, including supplemental salary payments to certain employees at Virginia Polytechnic Institute and State University, the Department of Agriculture and Consumer Services and the Virginia Truck and Ornamentals Research Station, including reasonable expenses of the Virginia Agricultural Council.

D. One and one-half cents of the tax collected on each gallon of fuel used to propel a commercial watercraft upon which a refund has been paid shall be paid to the credit of the Game Protection Fund of the state treasury to be made available to the Board of Game and Inland Fisheries until expended for the purposes provided generally in subsection C of § 29.1-701, including acquisition, construction, improvement and maintenance of public boating access areas on the public waters of this Commonwealth and for other activities and purposes of direct benefit and interest to the boating public and for no other purpose. However, one and one-half cents per gallon on fuel used by commercial fishing, oystering, clamming, and crabbing boats shall be paid to the Department of Transportation to be used for the construction, repair, improvement and maintenance of the public docks of this Commonwealth used by said commercial watercraft. Any expenditures for the acquisition, construction, improvement and maintenance of the public docks shall be made according to a plan developed by the Virginia Marine Resources Commission.

From the tax collected pursuant to the provisions of this chapter from the sales of gasoline used for the propelling of watercraft, after deduction for lawful refunds, there shall be paid into the state treasury for use by the Marine Resources Commission, the Virginia Soil and Water Conservation Board, the State Water Control Board, and the Commonwealth Transportation Board to (i) improve the public docks as specified in this section, (ii) improve commercial and sports fisheries in Virginia's tidal waters, (iii) make environmental improvements including, without limitation, fisheries management and habitat enhancement in the Chesapeake and its tributaries, and (iv) further the purposes set forth in § 33.1-223, a sum as established by the General Assembly.

E. Notwithstanding other provisions of this section, there shall be transferred from moneys collected pursuant to this section to a special fund within the Commonwealth Transportation Fund in the state treasury, to be used to meet the necessary expenses of the Department of Motor Vehicles, an amount equal to one percent of a sum to be calculated as follows: the tax revenues collected pursuant to this chapter, at the tax rates in effect on December 31, 1986, less refunds authorized by this chapter and less taxes collected for aviation fuels.

F. *The net additional revenues, as determined by the Commissioner, generated by increases in the rate of taxes under this chapter pursuant to enactments of the 2007 Session of the General Assembly*

1284 shall be deposited by the Comptroller into the Commonwealth Transportation Capital Project Fund
1285 established under § 58.1-2532.

1286 The Commissioner shall provide a monthly certification to the Comptroller reporting such net
1287 additional revenues generated in the preceding month. The certification for each month shall be
1288 provided to the Comptroller no later than the twentieth of the immediately following month. The
1289 Comptroller shall make the required deposits into the Transportation Trust Fund for each month's
1290 revenues no later than the last day of the immediately following month.

1291 § 58.1-2531. Distribution of certain revenue.

1292 A. Beginning with the Commonwealth's 2008-2009 fiscal year and for each fiscal year thereafter, an
1293 amount equal to one-third of all revenues collected by the Commission in the most recently ended fiscal
1294 year from the tax imposed under this chapter shall be deposited by the Comptroller first, as needed, to
1295 the Priority Transportation Fund established under § 33.1-23.03:8 to be used to offset the estimated
1296 current fiscal year debt service payment requirements of the Transportation Trust Fund established
1297 under § 33.1-23.03:1 attributable to Commonwealth of Virginia Federal Highway Reimbursement
1298 Anticipation Notes. Any remaining moneys shall be deposited into the Commonwealth Transportation
1299 Capital Projects Fund established under § 58.1-2532.

1300 B. For purposes of the Comptroller's deposits under this section, the Commissioner of the Bureau of
1301 Insurance shall, no later than July 15 of each year, provide a written certification to the Comptroller
1302 that reports one-third of all revenues collected by the Commission in the most recently ended fiscal year
1303 from the tax imposed under this chapter. After such one-third of all revenues have been deposited into
1304 the proper Funds as provided in subsection A, all remaining revenues from the tax imposed under this
1305 chapter shall be deposited into the general fund of the state treasury. The Comptroller shall make all
1306 deposits under this section as soon as practicable.

1307 No refund of the tax imposed under this chapter shall be paid from the revenues designated for
1308 deposit to the Priority Transportation Fund or the Commonwealth Transportation Capital Projects
1309 Fund.

1310 § 58.1-2532. Commonwealth Transportation Capital Projects Fund created.

1311 A. There is hereby created in the state treasury a special nonreverting fund that shall be a part of
1312 the Transportation Trust Fund and that shall be known as the Commonwealth Transportation Capital
1313 Projects Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the
1314 Comptroller. The Fund shall consist of deposits pursuant to §§ 2.2-1514, 46.2-206.1, 46.2-333.1,
1315 46.2-702.1, 46.2-1135, 58.1-2531, and 58.1-2289 and shall include such other funds as may be
1316 appropriated by the General Assembly from time to time and designated for the Fund and all interest,
1317 dividends, and appreciation that may accrue thereto. Interest earned on moneys in the Fund shall
1318 remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon,
1319 at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys
1320 in the Fund shall be used solely for the purposes stated in this section. The Fund shall be administered
1321 by the Commonwealth Transportation Board. Expenditures and disbursements from the Fund shall be
1322 made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the
1323 chairman of the Board or his designee.

1324 B. The Commonwealth Transportation Board shall allocate and distribute all revenues of the Fund
1325 received in the fiscal year as follows: (i) first to any debt service for Commonwealth of Virginia
1326 Transportation Capital Projects Revenue Bonds as described in subdivision 4 f of § 33.1-269 and (ii)
1327 then pursuant to the allocation formula set forth under § 33.1-23.03:2 for (a) the Commonwealth Port
1328 Fund; (b) the Commonwealth Airport Fund; (c) the Commonwealth Mass Transit Fund; and (d) capital
1329 improvements including construction, reconstruction, maintenance, and improvements of highways
1330 according to the provisions of subsection B of § 33.1-23.1.

1331 § 58.1-2701. Amount of tax.

1332 A. Except as provided in subsection B, every motor carrier shall pay a road tax equivalent to
1333 ~~nineteen and one-half~~ twenty-one cents per gallon calculated on the amount of motor fuel, diesel fuel or
1334 liquefied gases (which would not exist as liquids at a temperature of sixty degrees Fahrenheit and a
1335 pressure of 14.7 pounds per square inch absolute), used in its operations within the Commonwealth.

1336 The tax imposed by this chapter shall be in addition to all other taxes of whatever character imposed
1337 on a motor carrier by any other provision of law.

1338 B. In lieu of the tax imposed in subsection A, motor carriers registering qualified highway vehicles
1339 that are not registered under the International Registration Plan shall pay a fee of ~~\$100~~ \$150 per year
1340 for each qualified highway vehicle. The fee is due and payable when the vehicle registration fees are
1341 paid pursuant to the provisions of Article 7 (§ 46.2-685 et seq.) of Chapter 6 of Title 46.2.

1342 If a vehicle becomes a qualified highway vehicle before the end of its registration period, the fee due
1343 at the time the vehicle becomes a qualified highway vehicle shall be prorated monthly to the registration
1344 expiration month. Fees paid under this subsection shall not be refunded unless a full refund of the
1345 registration fee paid is authorized by law.

C. All taxes and fees paid under the provisions of this chapter shall be credited to the Highway Maintenance and Operating Fund, a special fund within the Commonwealth Transportation Fund.

§ 58.1-2706. Credit for payment of motor fuel, diesel fuel or liquefied gases tax.

A. Every motor carrier subject to the road tax shall be entitled to a credit on such tax equivalent to ~~sixteen~~ *seventeen and one-half* cents per gallon on all motor fuel, diesel fuel and liquefied gases purchased by such carrier within the Commonwealth for use in its operations either within or without the Commonwealth and upon which the motor fuel, diesel fuel or liquefied gases tax imposed by the laws of the Commonwealth has been paid by such carrier. Evidence of the payment of such tax in such form as may be required by, or is satisfactory to, the Department shall be furnished by each carrier claiming the credit herein allowed.

B. When the amount of the credit to which any motor carrier is entitled for any quarter exceeds the amount of the tax for which such carrier is liable for the same quarter, the excess may: (i) be allowed as a credit on the tax for which such carrier would be otherwise liable for any of the eight succeeding quarters or (ii) be refunded, upon application, duly verified and presented and supported by such evidence as may be satisfactory to the Department.

C. The Department may allow a refund upon receipt of proper application and review. It shall be at the discretion of the Department to determine whether an audit is required.

D. The refund may be allowed without a formal hearing if the amount of refund is agreed to by the applicant. Otherwise, a formal hearing on the application shall be held by the Department after notice of not less than ten days to the applicant and the Attorney General.

E. Whenever any refund is ordered it shall be paid out of the Highway Maintenance and Construction Fund.

F. Whenever a person operating under lease to a motor carrier to perform transport services on behalf of the carrier purchases motor fuel, diesel fuel or liquefied gases relating to such services, such payments or purchases may, at the discretion of the Department, be considered payment or purchases by the carrier.

2. That the Commonwealth Transportation Board is authorized to issue bonds to fund transportation projects throughout the Commonwealth as follows:

§ 1. *Title. This act shall be known and may be cited as the "Commonwealth Transportation Capital Projects Bond Act of 2007."*

§ 2. *The Commonwealth Transportation Board is hereby authorized, by and with the consent of the Governor, to issue, pursuant to the provisions of the State Revenue Bond Act (§ 33.1-267 et seq. of the Code of Virginia) as amended from time to time, revenue obligations of the Commonwealth to be designated "Commonwealth Transportation Capital Projects Notes, Series .." at one or more times in an aggregate principal amount not to exceed \$2,000,000,000; provided that the aggregate principal amount issued in any one fiscal year shall not exceed \$300,000,000.*

§ 3. *The net proceeds of the Notes shall be used exclusively for the purpose of providing funds for paying the costs incurred or to be incurred for construction or funding of transportation projects pursuant to § 33.1-23.4:01 of the Code of Virginia, including but not limited to environmental and engineering studies, rights-of-way acquisition, improvements to all modes of transportation, acquisition, construction and related improvements, and any financing costs and other financing expenses. Such costs may include the payment of interest on the Notes for a period during construction and not exceeding one year after completion of construction of the projects.*

§ 4. *The proceeds of the Notes, including any premium received on the sale thereof, shall be made available by the Commonwealth Transportation Board to pay costs of the projects and, where appropriate, may be paid to any authority, locality, commission, or other entity for the purposes of paying for costs of the projects. The proceeds of the Notes may be used together with any federal, local, or private funds that may be made available for such purpose. The proceeds of the Notes, together with any investment earnings thereon, may, at the discretion of the Commonwealth Transportation Board, secure the payment of principal or purchase price of and redemption premium, if any, and interest on the Notes.*

§ 5. *The terms and structure of each issue of the Notes shall be determined by the Commonwealth Transportation Board, subject to approval by the Treasury Board in accordance with § 2.2-2416 of the Code of Virginia, as amended. The Notes of each issue shall be dated; shall be issued in a principal amount (subject to the limitations set forth in § 1); shall bear interest at such rate or rates, which may be fixed, adjustable, variable or a combination thereof and may be determined by a formula or other method; shall mature at such time or times not exceeding 20 years after the issuance thereof; and may be made subject to purchase or redemption before their maturity or maturities, at such price or prices and under such terms and conditions, all as may be determined by the Commonwealth Transportation Board. The Commonwealth Transportation Board shall determine the form of the Notes, whether the Notes are certificated or uncertificated, and fix the authorized denomination or denominations of the*

1407 *Notes and the place or places of payment of principal or purchase price of, and redemption premium, if*
1408 *any, and interest on the Notes, which may be at the office of the State Treasurer or any bank or trust*
1409 *company within or without the Commonwealth. The principal or purchase price of, and redemption*
1410 *premium, if any, and interest on the Notes shall be made payable in lawful money of the United States*
1411 *of America. Each issue of the Notes may be issued under a system of book entry for recording the*
1412 *ownership and transfer of ownership of rights to receive payments of principal or purchase price of and*
1413 *redemption premium, if any, and interest on such Notes. All Notes shall have and are hereby declared*
1414 *to have, as between successive holders, all of the qualities and incidents of negotiable instruments under*
1415 *the negotiable instruments law of the Commonwealth.*

1416 *The Commonwealth Transportation Board may sell the Notes from time to time at public or private*
1417 *sale, by competitive bidding, negotiated sale, or private placement, for such price or prices as it may*
1418 *determine to be in the best interests of the Commonwealth.*

1419 *§ 6. The Notes shall be signed on behalf of the Commonwealth Transportation Board by the*
1420 *chairman or vice-chairman of the Commonwealth Transportation Board, or shall bear the facsimile*
1421 *signature of such officer, and shall bear the official seal of the Board, which shall be attested to by the*
1422 *manual or facsimile signature of the secretary or assistant secretary of the Commonwealth*
1423 *Transportation Board. In the event that the Notes shall bear the facsimile signature of the chairman or*
1424 *vice-chairman of the Commonwealth Transportation Board, such Notes shall be signed by such*
1425 *administrative assistant as the chairman of the Transportation Board shall determine or by any*
1426 *registrar/paying agent who may be designated by the Commonwealth Transportation Board. In case any*
1427 *officer whose signature or a facsimile of whose signature appears on any Notes shall cease to be such*
1428 *officer before the delivery of such Notes, such signature or facsimile signature nevertheless shall be*
1429 *valid and sufficient for all purposes as if such officer had remained in office until such delivery.*

1430 *§ 7. All expenses incurred under this Act or in connection with the issuance of the Notes shall be*
1431 *paid from the proceeds of such Notes or from any available funds as the Commonwealth Transportation*
1432 *Board shall determine.*

1433 *§ 8. The Commonwealth Transportation Board is hereby authorized to borrow money at such rate or*
1434 *rates through the execution and issuance of the Notes for the same, but only in the following*
1435 *circumstances and under the following conditions:*

1436 *a. In anticipation of the sale of the Notes, the issuance of which shall have been authorized by the*
1437 *Commonwealth Transportation Board and shall have been approved by the Governor, if the*
1438 *Commonwealth Transportation Board shall deem it advisable to postpone the issuance of such Notes; or*

1439 *b. For the renewal of any anticipation notes herein authorized.*

1440 *§ 9. The proceeds of the Notes and of any anticipation notes herein authorized (except the proceeds*
1441 *of the Notes the issuance of which has been anticipated by such anticipation notes) shall be placed by*
1442 *the State Treasurer in a special fund in the state treasury, or may be placed with a trustee in*
1443 *accordance with § 33.1-283 of the Code of Virginia, as amended, and shall be disbursed only for the*
1444 *purpose for which such Notes and such anticipation notes shall be issued; provided, however, that*
1445 *proceeds derived from the sale of the Notes herein authorized shall be first used in the payment of any*
1446 *anticipation notes that may have been issued in anticipation of the sale of such Notes and any renewals*
1447 *of such Notes. The proceeds of the Notes and of any anticipation notes herein authorized, together with*
1448 *any investment earnings thereon, shall not be taken into account in computing, and shall be in addition*
1449 *to funds allocated pursuant to the highway allocation formula set forth in § 33.1-23.1 of the Code of*
1450 *Virginia, as amended.*

1451 *§ 10. The Commonwealth Transportation Board is hereby authorized to receive any other funds that*
1452 *may be made available to pay costs of the projects and, subject to appropriation, to make available the*
1453 *same to the payment of the principal or purchase price of, and redemption premium, if any, and interest*
1454 *on the Notes authorized hereby and to enter into the appropriate agreements to allow for those funds to*
1455 *be paid into the state treasury, or to a trustee in accordance with § 33.1-283 of the Code of Virginia, as*
1456 *amended, to pay a part of the costs of the projects or to pay principal or purchase price of, and*
1457 *redemption premium, if any, and interest on the Notes.*

1458 *§ 11. The Commonwealth Transportation Board, in connection with the issuance of the Notes, shall*
1459 *establish a fund in accordance with § 33.1-286 of the Code of Virginia, as amended, either in the state*
1460 *treasury or with a trustee in accordance with § 33.1-283 of the Code of Virginia, as amended, which*
1461 *shall secure and be used for the payment of the Notes to the credit of which there shall be deposited*
1462 *such amounts, appropriated therefor by the General Assembly, as are required to pay principal or*
1463 *purchase price of, and redemption premium, if any, and interest on the Notes, as and when due and*
1464 *payable, (i) first from revenues in the Commonwealth Transportation Capital Projects Fund pursuant to*
1465 *§ 58.1-2532 of the Code of Virginia; (ii) then, at the discretion of the Commonwealth Transportation*
1466 *Board, to the extent required, from legally available revenues of the Transportation Trust Fund; and*
1467 *(iii) then from such other funds, if any, that may be designated by the General Assembly for such*
1468 *purpose.*

§ 12. Note proceeds and moneys in any reserve funds and sinking funds in respect of the Notes 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 by a trustee in accordance with § 33.1-283 of the Code of Virginia, as amended.

§ 13. The interest income from and any profit made on the sale of the obligations 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 obligations issued under the provisions of this Act are hereby made securities in which all persons and entities listed in § 33.1-280 of the Code of Virginia, as amended, may properly and legally invest funds under their control.

3. That \$339 million in Item 449.10 of Chapter 3 of the Acts of Assembly of the 2006 Special Session I of the General Assembly is appropriated for highway maintenance and shall be deposited into Highway Maintenance and Operating Fund.6. That \$250 million each fiscal year is appropriated and shall be transferred each fiscal year from the general fund and deposited into the Transportation Trust Fund.

4. That the provisions of this act providing for the General Assembly to elect members of the Commonwealth Transportation Board shall not affect members of the Board appointed prior to July 1, 2007.

5. That the Virginia Department of Transportation, with the advice and consent of the Commonwealth Transportation Board, shall, on or before January 1, 2008, reconsider and reassign the various highways, bridges, and other facilities comprising the state primary, secondary, and urban highway systems so that the assignment of components to such systems is based, to the maximum degree practicable, solely upon the components' functional classification.

6. That the Virginia Department of Transportation shall, on or before January 1, 2008, submit a written report to the General Assembly on its plans to create opportunities to enhance mobility and free-flowing traffic on Department-controlled toll facilities by embracing technological advances.

7. That no agreement or contract to transfer responsibility from an agency or institution of the Commonwealth for control, maintenance, or operation of any toll facility that was operated by such agency or institution of the Commonwealth on July 1, 2006, to any other public or private entity shall be entered into by the Commonwealth or any agency, instrumentality, or political subdivision thereof without prior legislative authorization from the General Assembly.

8. That the tenth enactment clauses of Chapter 1019 and Chapter 1044 of the Acts of Assembly of 2000 are repealed effective July 1, 2008.

9. That counties shall have until July 1, 2011, to amend their comprehensive plans in accordance with the provisions of § 15.2-2223.1 of the Code of Virginia pursuant to this act.

10. That should any portion of this act be held unconstitutional by a court of competent jurisdiction, the remaining portions of this act shall remain in effect.

11. That to the extent 50 percent of the general fund surplus for the fiscal year ending June 30, 2008, exceeds \$64 million, then such excess surplus shall be deposited into a special fund in the state treasury to be used solely to pay debt service on the bonds authorized by the second enactment. At such time that the amounts in this special fund together with available funds to pay such debt service under § 58.1-2531 is insufficient, then up to \$100 million of general funds shall be appropriated annually as needed to pay the debt service.

12. That the Speaker of the House and Majority Leader of the Senate shall appoint a joint subcommittee to identify ways to cut expenses in the operation of state government. The joint subcommittee shall conduct a systematic review of the effectiveness of state programs and make recommendations to the General Assembly. The joint subcommittee's review shall include ways agencies may operate more economically and efficiently; ways in which agencies can provide better services to the Commonwealth and its citizens; and areas in which functions of state agencies are duplicative or overlapping, fail to accomplish legislative objectives, or for any other reason should be redefined.