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HOUSE BILL NO. 6055

FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Delegate Oder on July 9, 2008)

(Patron Prior to Substitute - Delegate Hamilton)

House Amendments in [] - July 9, 2008

A *BILL to amend and reenact §§ 15.2-4838.1, 15.2-4840, and 58.1-3221.3 of the Code of Virginia; to amend the Code of Virginia by adding a section numbered 15.2-4841, and by adding Chapter 10.3 of Title 33.1, consisting of sections numbered 33.1-391.17 and 33.1-391.18; and to repeal Chapter 10.2 (§§ 33.1-391.6 through 33.1-391.15) of Title 33.1, §§ 46.2-755.2 and 58.1-625.1, and Article 4.1 (§§ 58.1-1724.2 through 58.1-1724.7) of Chapter 17 of Title 58.1 of the Code of Virginia, and the fifth, sixth, thirteenth, fourteenth, fifteenth, eighteenth, and nineteenth enactments of Chapter 896 of the Acts of Assembly of 2007, relating to transportation funding and administration in the Northern Virginia and Hampton Roads areas.*

Whereas, the demand for and use of transportation facilities within a region increase as the population and density of development increase and the rate of increase in population and density of development is far greater in the Northern Virginia Transportation District and the Hampton Roads Transportation District; and

Whereas, the federal government has recognized the importance of transportation planning on a regional basis; and

Whereas, as of January 1, 2008, only the localities wholly embraced within the study area of the Hampton Roads Metropolitan Planning Organization and the Metropolitan Washington Transportation Planning Board within the Commonwealth have on an aggregate basis a population density greater than 800 people per square mile and 300 housing units per square mile based on the 2000 United States Census, far more than any other transportation districts; and

Whereas, the General Assembly has established the Hampton Roads Transportation District and the Northern Virginia Transportation District for planning and construction of transportation projects within the localities embraced by these districts; and

Whereas, the two most populous regions of the Commonwealth are embraced by the Hampton Roads Transportation District and the Northern Virginia Transportation District; and

Whereas, the highways within the localities embraced by the Hampton Roads Transportation District and the Northern Virginia Transportation District have more daily vehicle miles traveled per lane mile than any other highways embraced by any other transportation districts in the Commonwealth; and

Whereas, there are more than 37,500,000 and more than 48,900,000 daily vehicle miles traveled in the localities embraced by the Hampton Roads Transportation District and the Northern Virginia Transportation District, respectively, which is far more than any other transportation districts; and

Whereas, more than 22 percent of the daily vehicle miles traveled in the Commonwealth are in the localities embraced by the Northern Virginia Transportation District; and

Whereas, the Northern Virginia and Hampton Roads areas' characteristics differ (for example they have different economies, demographics, land values, and number of vehicles), and each area's ability to raise revenue for transportation improvements differ; now, therefore,

The General Assembly declares it to be in the public interest that the economic development needs and economic growth potential of Hampton Roads and Northern Virginia be addressed by special transportation revenues to provide for the costs of providing an adequate, modern, safe, and efficient transportation network in Hampton Roads and Northern Virginia and hereby enacts the following legislation to provide for the same.

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-4838.1, 15.2-4840, and 58.1-3221.3 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 15.2-4841 and by adding Chapter 10.3 of Title 33.1, consisting of sections numbered 33.1-391.17 and 33.1-391.18 as follows:

§ 15.2-4838.1. Use of certain revenues by the Authority.

A. All moneys received by the Authority and the proceeds of bonds issued pursuant to § 15.2-4839 shall be used by the Authority solely for transportation purposes benefiting those counties and cities that are embraced by the Authority.

B. Forty percent of the revenues shall be distributed on a pro rata basis, with each locality's share being the total of such fees and taxes assessed or imposed by the Authority and received by the Authority that are generated or attributable to the locality divided by the total of such fees and taxes assessed or imposed by the Authority and received by the Authority. Of the revenues distributed pursuant to this subsection (i) in the Cities of Falls Church and Alexandria and the County of Arlington

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60 the first 50% shall be used solely for urban or secondary road construction and improvements and for
61 public transportation purposes; and (ii) in the remaining localities, the first 50% shall be used solely for
62 urban or secondary road construction and improvements. The remainder, as determined solely by the
63 applicable locality, shall be used either for additional urban or secondary road construction; for other
64 transportation capital improvements which have been approved by the most recent long range
65 transportation plan adopted by the Authority; or for public transportation purposes. Solely for purposes
66 of calculating the 40% of revenues to be distributed pursuant to this subsection, the revenue generated
67 pursuant to ~~§ 58.1-3221.3~~ and Article 8 (~~§ 15.2-2317~~ et seq.) of Chapter 22 of this title by the counties
68 and cities embraced by the Authority shall be considered revenue of the Authority. None of the revenue
69 distributed by this subsection may be used to repay debt issued before July 1, 2007. Each locality shall
70 provide annually to the Northern Virginia Transportation Authority sufficient documentation as required
71 by the Authority showing that the funds distributed under this subsection were used as required by this
72 subsection.

73 ~~¶ B.~~ The remaining 60% of the ~~The revenues from such sources moneys received by the Authority~~
74 shall be used by the Authority solely for transportation projects and purposes that benefit the counties
75 and cities embraced by the Authority *in consultation with members of the General Assembly and as may*
76 *be required by any other law.*

77 1. ~~The Notwithstanding any other provisions of this chapter,~~ revenues under this subsection shall be
78 used first to pay any debt service owing on any bonds issued pursuant to § 15.2-4839, and then as
79 follows:

80 a. The next \$50 million each fiscal year shall be distributed to the Washington Metropolitan Area
81 Transit Authority (WMATA) and shall be used for capital improvements benefiting the area embraced
82 by the Authority for WMATA's transit service (Metro). The Authority shall first make use of that
83 portion of such annual distribution as may be necessary under the requirements of federal law for the
84 payment of federal funds to WMATA, but only if the matching federal funds are exclusive of and in
85 addition to the amount of other federal funds appropriated for such purposes and are in an amount not
86 less than the amount of such funds appropriated in the federal fiscal year ending September 30, 2007
87 2008;

88 For each year after 2018 any portion of the amount distributed pursuant to this subsection may be
89 used for mass transit improvements in Prince William County;

90 b. The next \$25 million each fiscal year shall be distributed to the Virginia Railway Express for
91 operating and capital improvements, including but not limited to track lease payments, construction of
92 parking, dedicated rail on the Fredericksburg line, rolling stock, expanded service in Prince William
93 County, and service as may be needed as a result of the Base Realignment and Closure Commission's
94 action regarding Fort Belvoir.

95 2. All transportation projects undertaken by the Northern Virginia Transportation Authority shall be
96 completed by private contractors accompanied by performance measurement standards, and all contracts
97 shall contain a provision granting the Authority the option to terminate the contract if contractors do not
98 meet such standards. Notwithstanding the foregoing, any locality may provide engineering services or
99 right-of-way acquisition for any project with its own forces. The Authority shall avail itself of the
100 strategies permitted under the Public-Private Transportation Act (§ 56-556 et seq.) whenever feasible and
101 advantageous. The Authority is independent of any state or local entity, including the Virginia
102 Department of Transportation (VDOT) and the Commonwealth Transportation Board (CTB), but the
103 Authority, VDOT and CTB shall consult with one another to avoid duplication of efforts and, at the
104 option of the Authority, may combine efforts to complete specific projects. Notwithstanding the
105 foregoing, at the request of the Authority, VDOT may provide the Authority with engineering services
106 or right-of-way acquisition for the project with its own forces. When determining what projects to
107 construct under this subsection, the Authority shall base its decisions *on what project most efficiently*
108 *reduces congestion and then* on the combination that (i) equitably distributes the funds throughout the
109 localities, and (ii) constructs projects that move the most people or commercial traffic in the most
110 cost-effective manner, and on such other factors as approved by the Authority.

111 3. All revenues deposited to the credit of the Authority shall be used for projects benefiting the
112 localities embraced by the Authority.

113 ~~¶ C.~~ For road construction and improvements, the Department of Transportation may, on a
114 reimbursement basis, provide the locality with planning, engineering, right-of-way, and construction
115 services for projects funded in whole by the revenues provided to the locality by the Authority.

116 § 15.2-4840. Other duties and responsibilities of Authority.

117 In addition to other powers herein granted, the Authority shall have the following duties and
118 responsibilities:

119 1. General oversight of regional programs involving mass transit or congestion mitigation, including,
120 but not necessarily limited to, carpooling, vanpooling, and ridesharing;

121 2. Long-range regional planning, both financially constrained and unconstrained;

3. Recommending to state, regional, and federal agencies regional transportation priorities, including public-private transportation projects, and funding allocations;

4. Developing, in coordination with affected counties and cities, regional priorities and policies to improve air quality;

5. Allocating to priority regional transportation projects any funds made available to the Authority and, at the discretion of the Authority, directly overseeing such projects;

6. Recommending to the Commonwealth Transportation Board priority regional transportation projects for receipt of federal and state funds;

7. Imposing, collecting, and setting the amount of tolls for use of facilities in the area embraced by the Authority, when the facility is either newly constructed or reconstructed solely with revenues of the Authority or solely with revenues under the control of the Authority in such a way as to increase the facility's traffic capacity, with the amount of any tolls variable by time of day, day of the week, vehicle size or type, number of axles, or other factors as the Authority may deem proper, and with all such tolls to be used for programs and projects that are reasonably related to or benefit the users of the applicable facility, including, but not limited to, for the debt service and other costs of bonds whose proceeds are used for such construction or reconstruction;

8. General oversight of regional transportation issues of a multijurisdictional nature, including but not limited to intelligent transportation systems, signalization, and preparation for and response to emergencies;

9. Serving as an advocate for the transportation needs of Northern Virginia before the state and federal governments;

10. Applying to and negotiating with the government of the United States, the Commonwealth of Virginia, or any agency, instrumentality, or political subdivision thereof, for grants and any other funds available to carry out the purposes of this chapter and receiving, holding, accepting, and administering from any source gifts, bequests, grants, aid, or contributions of money, property, labor, or other things of value to be held, used and applied to carry out the purposes of this chapter subject, however, to any conditions upon which gifts, bequests, grants, aid, or contributions are made. Unless otherwise restricted by the terms of the gift, bequest, or grant, the Authority may sell, exchange, or otherwise dispose of such money, securities, or other property given or bequeathed to it in furtherance of its purposes; and

11. Acting as a "responsible public entity" for the purpose of the acquisition, construction, improvement, maintenance and/or operation of a "qualifying transportation facility" under the Public-Private Transportation Act of 1995 (§ 56-556 et seq.); and

~~12. To decide and vote to impose certain fees and taxes authorized under law for imposition or assessment by the Authority, provided that any such fee or tax assessed or imposed is assessed or imposed in all counties and cities embraced by the Authority. The revenues from such certain fees and taxes shall be kept in a separate account and shall be used only for the purposes provided in this chapter.~~

12. To the extent not inconsistent with the other provisions of this chapter, and without limiting or restricting the powers otherwise given the Authority, to exercise all of the powers given to transportation district commissions by §§ 15.2-4518 and 15.2-4519. The Authority shall only undertake those transportation projects that are included in the Regional Transportation Plan approved by the Metropolitan Planning Organization or as adopted pursuant to subsection B of § 15.2-4830, or any successive plan, and that are located in, or which provide a benefit to, the counties and cities that are members of the Authority, subject to the limitations related to those projects contained in this section.

§ 15.2-4841. Revenues attributable to economic growth from Dulles International Airport and the Ronald Reagan National Airport appropriated to the Northern Virginia Transportation Authority.

A. As used in this section, unless the context clearly shows otherwise:

"Airports" means the Dulles International Airport and the Ronald Reagan National Airport.

"Cargo container" means the number of cargo containers loaded onto, or unloaded from, airplanes in the airports for commerce in a fiscal year, measured in 20-foot-equivalent units.

"Net revenues" means the gross revenues less the applicable portion of any refunds.

"State tax revenues" means the net revenues collected from the (i) state sales tax pursuant to Chapter 6 (§ 58.1-600 et seq.) of Title 58.1, (ii) individual income tax pursuant to Chapter 3 (§ 58.1-300 et seq.) of Title 58.1, (iii) corporate income tax pursuant to Chapter 3 (§ 58.1-300 et seq.) of Title 58.1, plus (iv) insurance license tax pursuant to Chapter 25 (§ 58.1-2500 et seq.) of Title 58.1 for the Commonwealth's fiscal year beginning July 1, 2008.

B. There is hereby appropriated to the Northern Virginia Transportation Authority ("Authority") a portion of the growth in state taxes attributable to economic activity generated or facilitated by the Dulles International Airport and the Ronald Reagan National Airport. The amount appropriated in each fiscal year shall be determined using the following revenue ratio: state tax revenues attributable to economic activity generated or facilitated by the airports/Base number of passengers and cargo

183 containers.

184 The General Assembly intends for the revenue ratio to be a measure of the state revenues
185 attributable to economic activity of the airports on a per passenger and per cargo container basis.

186 Appropriations to the Authority shall begin in the Commonwealth's fiscal year starting on July 1,
187 2010. For such fiscal year, the amount deposited to the Fund shall be computed by:

188 1. First multiplying the revenue ratio by the increase in passengers and cargo containers for the
189 most recently ended fiscal year over the base number of passengers and cargo containers, and

190 2. Second multiplying such product by 30 percent (.30).

191 As a result, the amount appropriated to the Authority for the Commonwealth's fiscal year starting on
192 July 1, 2010, shall be computed using the following formula: revenue ratio X (Increase in passengers
193 and cargo containers in Fiscal Year 2009-2010 over the base number of passengers and cargo
194 containers) X .30.

195 For the fiscal year starting on July 1, 2011, and for each fiscal year thereafter, the amount
196 appropriated shall be computed using such formula except that the passengers and cargo containers in
197 the most recently ended fiscal year shall be used for determining the increase over the base number of
198 passengers and cargo containers.

199 C. The Secretary of Finance, in consultation with the Secretary of Transportation, shall determine
200 the revenue ratio. In determining the numerator of the revenue ratio or the state tax revenues
201 attributable to economic activity generated or facilitated by the airports, the Secretary shall include
202 state tax revenues from (i) operations at the airports, (ii) the production in Virginia of goods exported
203 through the airports; (iii) imports sold to citizens of the Commonwealth or used as inputs by businesses
204 located in the Commonwealth or by Virginia state and local governmental entities; and (iv) employee
205 compensation, fuel costs, business and professional services, power, and communications relating to the
206 factors set forth in clauses (i) through (iii). The Secretary shall determine the revenue ratio no later
207 than January 1, 2010, and shall promptly report the same to the chairmen of the House Committee on
208 Appropriations, House Committee on Finance, and the Senate Committee on Finance.

209 ~~D. [The Secretary of Finance, in consultation with the Secretary of Transportation, shall determine~~
210 ~~the amount to be transferred to the Authority in each fiscal year in accordance with the provisions of~~
211 ~~this section. The Secretary of Finance shall provide a written certification of the same to the~~
212 ~~Comptroller by August 31 each year. The Comptroller shall then transfer such amount to the Authority~~
213 ~~by making four equal deposits into the Fund on the 15th of September, December, March, and June.~~

214 ~~E.]~~ Notwithstanding any other provision of this section, the amount transferred to the Authority
215 pursuant to this section shall not exceed \$600 million in any fiscal year.

216 § 33.1-391.17. Hampton Roads Transportation Revenue Fund established.

217 There is hereby created in the state treasury a special nonreverting fund to be known as the
218 Hampton Roads Transportation Revenue Fund, hereafter referred to as "the Fund." The Fund shall be
219 established on the books of the Comptroller. Interest earned on moneys in the Fund shall remain in the
220 Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of
221 each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund
222 shall be used solely for new transportation construction projects in the Counties of Isle of Wight, James
223 City, and York and the Cities of Chesapeake, Hampton, Newport News, Norfolk, Poquoson, Portsmouth,
224 Suffolk, Virginia Beach, and Williamsburg, as required by law; and then as determined by the Hampton
225 Roads Metropolitan Planning Organization.

226 § 33.1-391.18. Revenues attributable to economic growth from cargo marine terminals deposited into
227 the Hampton Roads Transportation Revenue Fund.

228 A. As used in this section, unless the context clearly shows otherwise:

229 "Base number of cargo containers" means the cargo containers in the Commonwealth's fiscal year
230 beginning July 1, 2008.

231 "Cargo container" means the number of cargo containers loaded onto, or unloaded from, ships in
232 the ports for commerce in a fiscal year, measured in 20-foot-equivalent units.

233 "Net revenues" means the gross revenues less the applicable portion of any refunds.

234 "Ports" means the public and private general cargo marine terminals located in Hampton Roads.

235 "State tax revenues" means the net revenues collected from the (i) state sales tax pursuant to Chapter
236 6 (§ 58.1-600 et seq.) of Title 58.1, (ii) individual income tax pursuant to Chapter 3 (§ 58.1-300 et seq.)
237 of Title 58.1, (iii) corporate income tax pursuant to Chapter 3 (§ 58.1-300 et seq.) of Title 58.1, plus
238 (iv) insurance license tax pursuant to Chapter 25 (§ 58.1-2500 et seq.) of Title 58.1 for the
239 Commonwealth's fiscal year beginning July 1, 2008.

240 B. There shall be deposited into the Hampton Roads Transportation Revenue Fund established under
241 § 33.1-391.17 a portion of the growth in state taxes attributable to economic activity generated or
242 facilitated by the ports of Hampton Roads. The amount deposited into the Fund in each fiscal year shall
243 be determined using the following revenue ratio: state tax revenues attributable to economic activity
244 generated or facilitated by the ports/Base number of cargo containers.

245 The General Assembly intends for the revenue ratio to be a measure of the state revenues
246 attributable to economic activity of the ports on a per-cargo-container basis.

247 Deposits to the Fund shall begin in the Commonwealth's fiscal year starting on July 1, 2010. For
248 such fiscal year, the amount deposited to the Fund shall be computed by:

249 1. First multiplying the revenue ratio by the increase in cargo containers for the most recently ended
250 fiscal year over the base number of cargo containers, and

251 2. Second multiplying such product by 30 percent (.30).

252 As a result, the amount deposited into the Fund for the Commonwealth's fiscal year starting on July
253 1, 2010, shall be computed using the following formula: revenue ratio X (Increase in cargo containers
254 in Fiscal Year 2009-2010 over the base number of cargo containers) X .30.

255 For the fiscal year starting on July 1, 2011, and for each fiscal year thereafter, the amount
256 deposited into the Fund shall be computed using such formula except that the cargo containers in the
257 most recently ended fiscal year shall be used for determining the increase over the base number of
258 cargo containers.

259 C. The Secretary of Finance, in consultation with the Secretary of Transportation, shall determine
260 the revenue ratio. In determining the numerator of the revenue ratio or the state tax revenues
261 attributable to economic activity generated or facilitated by the ports, the Secretary shall include state
262 tax revenues from (i) port operations, including but not limited to revenues from pilots, longshoremen,
263 truck and rail transportation, insurance, warehousing, storage, and ship servicing; (ii) the production in
264 Virginia of goods exported through the ports; (iii) imports sold to citizens of the Commonwealth or used
265 as inputs by businesses located in the Commonwealth or by Virginia state and local governmental
266 entities; and (iv) employee compensation, fuel costs, business and professional services, power, and
267 communications relating to the factors set forth in clauses (i) through (iii). The Secretary shall
268 determine the revenue ratio no later than January 1, 2010, and shall promptly report the same to the
269 chairmen of the House Committee on Appropriations, House Committee on Finance, and the Senate
270 Committee on Finance.

271 D. [The Secretary of Finance, in consultation with the Secretary of Transportation, shall determine
272 the amount to be deposited into the Fund in each fiscal year in accordance with the provisions of this
273 section. The Secretary of Finance shall provide a written certification of the same to the Comptroller by
274 August 31 each year. The Comptroller shall then deposit such amount into the Fund by making four
275 equal deposits into the Fund on the 15th of September, December, March, and June.

276 E.] Notwithstanding any other provision of this section, the amount deposited into the Fund
277 pursuant to this section shall not exceed \$300 million in any fiscal year.

278 § 58.1-3221.3. Classification of certain commercial and industrial real property and taxation of such
279 property by certain localities.

280 A. Beginning January 1, 2008, and solely for the purposes of imposing the tax authorized pursuant to
281 this section, in the counties and cities that are embraced by the Northern Virginia Transportation
282 Authority and the Hampton Roads Transportation Authority, and in the Counties of Isle of Wight, James
283 City, and York and the Cities of Chesapeake, Hampton, Newport News, Norfolk, Poquoson, Portsmouth,
284 Suffolk, Virginia Beach, and Williamsburg all real property used for or zoned to permit commercial or
285 industrial uses is hereby declared to be a separate class of real property for local taxation. Such
286 classification of real property shall exclude all residential uses and all multifamily residential uses,
287 including but not limited to single family residential units, cooperatives, condominiums, townhouses,
288 apartments, or homes in a subdivision when leased on a unit by unit basis even though these units may
289 be part of a larger building or parcel of real estate containing more than four residential units.

290 B. In addition to all other taxes and fees permitted by law, (i) the governing body of any locality
291 embraced by the Northern Virginia Transportation Authority may, by ordinance, annually impose on all
292 real property in the locality specially classified in subsection A: an amount of real property tax, in
293 addition to such amount otherwise authorized by law, at a rate not to exceed \$0.25 per \$100 of assessed
294 value as the governing body may, by ordinance, impose upon the annual assessed value of all real
295 property used for or zoned to permit commercial or industrial uses; and (ii) the governing body of any
296 locality embraced by the Hampton Roads Transportation Authority each of the Counties of Isle of Wight,
297 James City, and York and the Cities of Chesapeake, Hampton, Newport News, Norfolk, Poquoson,
298 Portsmouth, Suffolk, Virginia Beach, and Williamsburg may, by ordinance, annually impose on all real
299 property in the locality specially classified in subsection A: an amount of real property tax, in addition
300 to such amount otherwise authorized by law, at a rate not to exceed \$0.10 per \$100 of assessed value as
301 the governing body may, by ordinance, impose upon the annual assessed value of all real property used
302 for or zoned to permit commercial or industrial uses. The authority granted in this subsection shall be
303 subject to the following conditions:

304 (1) Upon appropriation, all revenues generated from the additional real property tax imposed shall be
305 used exclusively for new transportation construction purposes or public transit construction or operating

306 *expenses* that benefit the locality imposing the tax; and

307 (2) The additional real property tax imposed shall be levied, administered, enforced, and collected in
308 the same manner as set forth in Subtitle III of Title 58.1 for the levy, administration, enforcement, and
309 collection of local taxes. In addition, the local assessor shall separately assess and set forth upon the
310 locality's land book the fair market value of that portion of property that is defined as a separate class of
311 real property for local taxation in accordance with the provisions of this section.

312 C. Beginning January 1, 2008, in lieu of the authority set forth in subsections A and B above and
313 solely for the purposes of imposing the tax authorized pursuant to this section, in the counties and cities
314 embraced by the Northern Virginia Transportation Authority and the Hampton Roads Transportation
315 Authority, all real property used for or zoned to permit commercial or industrial uses is hereby declared
316 to be a separate class of real property for local taxation. Such classification of real property shall
317 exclude all residential uses and all multifamily residential uses, including but not limited to single family
318 residential units, cooperatives, condominiums, townhouses, apartments, or homes in a subdivision when
319 leased on a unit by unit basis even though these units may be part of a larger building or parcel of real
320 estate containing more than four residential units.

321 D. In addition to all other taxes and fees permitted by law, (i) the governing body of any locality
322 embraced by the Northern Virginia Transportation Authority may, by ordinance, create within its
323 boundaries, one or more special regional transportation tax districts and, thereafter, may, by ordinance,
324 impose upon the real property located in special regional transportation tax districts specially classified
325 in subsection C within such special regional transportation tax districts: an amount of real property tax,
326 in addition to such amounts otherwise authorized by law, at a rate not to exceed \$0.25 per \$100 of
327 assessed value as the governing body may, by ordinance, impose upon the annual assessed value of all
328 real property used for or zoned to permit commercial or industrial uses; and, (ii) the governing body of
329 any locality embraced by the Hampton Roads Transportation Authority may, by ordinance, create within
330 its boundaries, one or more special regional transportation tax districts and, thereafter, may, by
331 ordinance, impose upon the real property specially classified in subsection C within such special regional
332 transportation tax districts: an amount of real property tax, in addition to such amounts otherwise
333 authorized by law, at a rate not to exceed \$0.10 per \$100 of assessed value as the governing body may,
334 by ordinance, impose upon the annual assessed value of all real property used for or zoned to permit
335 commercial or industrial uses. The authority granted in this subsection shall be subject to the following
336 conditions:

337 (1) Notwithstanding any other provisions of law to the contrary, upon appropriation, all revenues
338 generated from the additional real property taxes imposed in accordance with subsection C and this
339 subsection shall be used for transportation purposes that benefit the special regional transportation tax
340 district to which such revenue is attributable;

341 (2) Any local ordinance adopted in accordance with the provisions of subsection C and this
342 subsection shall include the requirement that the additional real property taxes so authorized are to be
343 imposed annually in accordance with applicable law;

344 (3) Any locality that imposes the additional real property taxes set forth in subsections A and B shall
345 not be permitted to also impose the additional real property taxes set forth in subsection C and this
346 subsection. In addition, any locality electing to impose the additional real property taxes on all real
347 property located in such locality that is specially classified in subsections A and B must do so in the
348 manner prescribed in subsections A and B and not by creation of a special transportation tax district as
349 set forth in subsection C and this subsection. The creation of such special regional transportation tax
350 districts shall not, however, affect the authority of a locality to establish tax districts pursuant to other
351 provisions of law;

352 (4) The total revenues generated from the additional real property taxes imposed in accordance with
353 subsection C and this subsection shall not be less than 85% of the revenues estimated to be generated
354 when imposing the additional real property taxes in accordance with subsections A and B at the rate of
355 \$0.25 per \$100 of assessed value in any locality embraced by the Northern Virginia Transportation
356 Authority and at the rate of \$0.10 per \$100 of assessed value in any locality embraced by the Hampton
357 Roads Transportation Authority; and

358 (5) The additional real property taxes imposed pursuant to subsection C and this subsection shall be
359 levied, administered, enforced, and collected, in the same manner as set forth in Subtitle III of Title 58.1
360 for the levy, administration, enforcement, and collection of all local taxes. In addition, the local assessor
361 shall separately assess and set forth upon the locality's land book the fair market value of that portion of
362 property that is defined as separate class of real property for local taxation in accordance with the
363 provisions of this section

364 2. § 1. That within 90 days of the effective date of this act, the Virginia Department of
365 Transportation (VDOT) shall develop and distribute requests for proposals for the following under the
366 Public-Private Transportation Act of 1995 (§ 56-556 et seq. of the Code of Virginia), either as
367 concession agreements or otherwise:

1. Construction of the Third Crossing of Hampton Roads, linking the City of Newport News to the City of Suffolk and the City of Norfolk;

2. Construction of the Southeastern Expressway/Dominion Boulevard system in the City of Chesapeake and the City of Virginia Beach;

3. Widening of Interstate Route 64 in the City of Chesapeake from Battlefield Boulevard to Bowers Hill, including the High Rise Bridge over the Southern Branch of the Elizabeth River;

4. Widening of Interstate Route 64 from Bland Boulevard in the City of Newport News to Virginia Route 199 in James City County;

5. Widening of Interstate Route 64 from Virginia Route 199 in James City County to exit 200 to I-295 in New Kent County; and

6. Expansion of the Hampton Roads Bridge-Tunnel between the City of Hampton and the City of Norfolk by construction of a third bridge-tunnel structure.

§ 2. All requests for proposals developed and distributed pursuant to this act shall allow for individual project submissions, multiple project submissions, and cooperative agreements from corporations that may wish to cooperate in responding to these requests for proposals.

All such requests for proposals issued by VDOT under this act shall require that proposals submitted in response to such requests be submitted within 60 days of the issuance of the request for proposal to which it is a response.

§ 3. Notwithstanding any contrary provision of the Public-Private Transportation Act of 1995, all proposals submitted pursuant to this act shall be reviewed by a committee comprised as follows:

Three members of the Commonwealth Transportation Board appointed by the Commonwealth Transportation Commissioner; one Senator from the Peninsula and one Senator from Southside Hampton Roads, appointed by the Senate Committee on Rules; two Delegates from the Peninsula and two Delegates from Southside Hampton Roads, appointed by the Speaker of the House of Delegates; the Virginia Secretary of Transportation; the District Administrator of the Suffolk highway construction district; the chairman of the Hampton Roads Metropolitan Planning Organization; and two residents of Hampton Roads, appointed by the Governor.

This committee will review the proposals and decide which, if any, proposals it will accept, and provide to the General Assembly, VDOT, and the Commonwealth Transportation Board no later than 60 days after submissions are closed, a list of the proposals it will accept. Such proposals shall then be accepted and carried out by VDOT and the Commonwealth Transportation Board. Any funds that may be needed by VDOT and the Commonwealth Transportation Board to carry out the approved recommendations may be withdrawn from the Hampton Roads Transportation Revenue Fund established by § 33.1-391.16 of the Code of Virginia, in addition to using any other funds appropriated for the projects.

§ 4. Any funds received from private entities pursuant to the concession agreements, or other similar agreements, for the projects set forth in § 1, shall be deposited into the state treasury. All such funds shall be remitted by the Comptroller on a monthly basis from the general fund of the state treasury to the Hampton Roads Transportation Revenue Fund established by § 33.1-391.16 of the Code of Virginia.

3. That Chapter 10.2 (§§ 33.1-391.6 through 33.1-391.15) of Title 33.1, §§ 46.2-755.2 and 58.1-625.1, and Article 4.1 (§§ 58.1-1724.2 through 58.1-1724.7) of Chapter 17 of Title 58.1 of the Code of Virginia, and the fifth, sixth, thirteenth, fourteenth, fifteenth, eighteenth, and nineteenth enactments of Chapter 896 of the Acts of Assembly of 2007 are repealed.

4. That the revenues generated by the provisions of this act shall not be used to calculate or reduce the share of local, federal, and state revenues otherwise available to any locality. Further, such revenues and moneys shall not be included in any computation of, or formula for, a locality's ability to pay for public education, upon which appropriations of state revenues to local governments for public education are determined.

5. That the liabilities, assets, responsibilities, and functions of the Hampton Roads Transportation Authority [former Chapter 10.2 (§ 33.1-391.6 et seq.) of Title 33.1 of the Code of Virginia], which Authority is abolished pursuant to the third enactment clause of this act, shall be transferred as follows:

(i) Any outstanding obligations of the Authority under any contract entered into by the Authority prior to such abolition shall be transferred to and assumed by the Virginia Department of Transportation, provided that any outstanding liabilities or debts of the Authority shall be satisfied from funds in the Hampton Roads Transportation Revenue Fund established under § 33.1-391.16 of the Code of Virginia;

(ii) Any and all planning responsibilities vested in the Authority prior to such abolition, except as otherwise provided by law, shall be transferred to and assumed by the Hampton Roads Metropolitan Planning Organization;

(iii) Any assets of the Authority shall be deposited into the state treasury and as soon as

429 practicable after such deposit shall then be deposited by the Comptroller into the Hampton Roads
430 Transportation Revenue Fund; and

431 (iv) In all other regards, including, but not limited to the authority to issue bonds, the
432 Commonwealth Transportation Board, shall be the successor in interest to the Hampton Roads
433 Transportation Authority, except as otherwise provided by law.

434 6. That the fifth enactment of Chapter 896 of the Acts of Assembly of 2007 is amended and
435 reenacted as follows:

436 5. That the Hampton Roads Authority established under ~~§ 33.1-391.7~~ of the Code of Virginia
437 *Metropolitan Planning Organization* shall develop as part of a long-range plan quantifiable
438 measures and achievable goals for the area collectively embraced by the ~~Authority~~ *Counties of*
439 *Isle of Wight, James City, and York and the Cities of Chesapeake, Hampton, Newport News,*
440 *Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg,* relating to, but not
441 limited to, congestion reduction and safety, transit and high-occupancy vehicle (HOV) usage,
442 job-to-housing ratios, job and housing access to transit and pedestrian facilities, air quality, and
443 per-capita vehicle miles traveled. In addition, the Northern Virginia Transportation Authority
444 established under § 15.2-4830 of the Code of Virginia shall also develop as part of a long-range
445 plan quantifiable measures and achievable goals for the area embraced by the Authority
446 relating to, but not limited to, congestion reduction and safety, transit and high-occupancy
447 vehicle (HOV) usage, job-to-housing ratios, job and housing access to transit and pedestrian
448 facilities, air quality, and per-capita vehicle miles traveled. Such goals shall be subject to the
449 approval of the Commonwealth Transportation Board on a biennial basis.

450 7. That each county or city that receives revenue from, or receives benefits from revenue
451 appropriated pursuant to the provisions of this act shall for each fiscal year in which it receives
452 such revenue or benefits, expend or disburse for transportation purposes an amount (computed
453 without regard to any revenues generated in the fiscal year from such taxes) that is at least equal
454 to the total amount expended or disbursed for transportation purposes by the county or city in its
455 fiscal year that began in calendar year 2007.

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