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HOUSE BILL NO. 1580**AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the Senate Committee on Transportation
on February 19, 2009)

(Patron Prior to Substitute—Delegate Oder)

A BILL to amend and reenact §§ 33.1-23.03, 58.1-811, 58.1-2403, 58.1-2425, and 58.1-3221.3 of the Code of Virginia and to repeal Chapter 10.2 (§§ 33.1-391.6 through 33.1-391.15) of Title 33.1 and §§ 46.2-755.1, 46.2-755.2, 46.2-1167.1, 58.1-625.1, 58.1-802.1, 58.1-1724.3, 58.1-1724.5, 58.1-1724.6, 58.1-1724.7, and 58.1-2402.1 of the Code of Virginia and the fifth, sixth, fourteenth, fifteenth, and nineteenth enactments of Chapter 896 of the Acts of Assembly of 2007, relating to the Hampton Roads Transportation Authority and taxes, fees, and charges dedicated to financing its operation and programs.

Be it enacted by the General Assembly of Virginia:

1. That §§ 33.1-23.03, 58.1-811, 58.1-2403, 58.1-2425, and 58.1-3221.3 of the Code of Virginia are amended and reenacted as follows:

§ 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 shall promote economic development and all transportation modes, intermodal connectivity, environmental quality, accessibility for people and freight, and transportation safety. The plan shall include quantifiable measures and achievable goals relating to, but not limited 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 per capita vehicle miles traveled. The Board shall consider such goals in evaluating and selecting transportation improvement projects. The plan shall incorporate the approved long-range plans' measures and goals developed by the Northern Virginia Transportation Authority and the Hampton Roads Transportation Authority Metropolitan Planning Organization. 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.

§ 58.1-811. Exemptions.

A. The taxes imposed by §§ 58.1-801 and 58.1-807 shall not apply to any deed conveying real estate or lease of real estate:

1. To an incorporated college or other incorporated institution of learning not conducted for profit, where such real estate is intended to be used for educational purposes and not as a source of revenue or profit;

2. To an incorporated church or religious body or to the trustee or trustees of any church or religious body, or a corporation mentioned in § 57-16.1, where such real estate is intended to be used exclusively for religious purposes, or for the residence of the minister of any such church or religious body;

3. To the United States, the Commonwealth, or to any county, city, town, district or other political subdivision of the Commonwealth;

4. To the Virginia Division of the United Daughters of the Confederacy;

5. To any nonstock corporation organized exclusively for the purpose of owning or operating a hospital or hospitals not for pecuniary profit;

6. To a corporation upon its organization by persons in control of the corporation in a transaction which qualifies for nonrecognition of gain or loss pursuant to § 351 of the Internal Revenue Code as it exists at the time of the conveyance;

7. From a corporation to its stockholders upon complete or partial liquidation of the corporation in a transaction which qualifies for income tax treatment pursuant to § 331, 332, 333 or 337 of the Internal Revenue Code as it exists at the time of liquidation;

8. To the surviving or new corporation, partnership, limited partnership, business trust, or limited liability company upon a merger or consolidation to which two or more such entities are parties, or in a reorganization within the meaning of § 368 (a) (1) (C) and (F) of the Internal Revenue Code as amended;

60 9. To a subsidiary corporation from its parent corporation, or from a subsidiary corporation to a
61 parent corporation, if the transaction qualifies for nonrecognition of gain or loss under the Internal
62 Revenue Code as amended;

63 10. To a partnership or limited liability company, when the grantors are entitled to receive not less
64 than 50 percent of the profits and surplus of such partnership or limited liability company; provided that
65 the transfer to a limited liability company is not a precursor to a transfer of control of the assets of the
66 company to avoid recordation taxes;

67 11. From a partnership or limited liability company, when the grantees are entitled to receive not less
68 than 50 percent of the profits and surplus of such partnership or limited liability company; provided that
69 the transfer from a limited liability company is not subsequent to a transfer of control of the assets of
70 the company to avoid recordation taxes;

71 12. To trustees of a revocable inter vivos trust, when the grantors in the deed and the beneficiaries of
72 the trust are the same persons, regardless of whether other beneficiaries may also be named in the trust
73 instrument, when no consideration has passed between the grantor and the beneficiaries; and to the
74 original beneficiaries of a trust from the trustees holding title under a deed in trust;

75 13. When the grantor is the personal representative of a decedent's estate or trustee under a will or
76 inter vivos trust of which the decedent was the settlor, other than a security trust defined in § 55-58.1,
77 and the sole purpose of such transfer is to comply with a devise or bequest in the decedent's will or to
78 transfer title to one or more beneficiaries after the death of the settlor in accordance with a dispositive
79 provision in the trust instrument; or

80 14. When the grantor is an organization exempt from taxation under § 501 (c) (3) of the Internal
81 Revenue Code that is organized and operated primarily to acquire land and purchase materials to erect
82 or rehabilitate low-cost homes on such land, which homes are sold at cost to persons who otherwise
83 would be unable to afford to buy a home through conventional means, located in Amherst County or the
84 City of Lynchburg.

85 B. The taxes imposed by §§ 58.1-803 and 58.1-804 shall not apply to any deed of trust or mortgage:

86 1. Given by an incorporated college or other incorporated institution of learning not conducted for
87 profit;

88 2. Given by the trustee or trustees of a church or religious body or given by an incorporated church
89 or religious body, or given by a corporation mentioned in § 57-16.1;

90 3. Given by any nonstock corporation organized exclusively for the purpose of owning and/or
91 operating a hospital or hospitals not for pecuniary profit;

92 4. Given by any local governmental entity or political subdivision of the Commonwealth to secure a
93 debt payable to any other local governmental entity or political subdivision; or

94 5. Securing a loan made by an organization described in subdivision 14 of subsection A of this
95 section.

96 C. The tax imposed by § 58.1-802 and the fees imposed by ~~§ 58.1-802.1~~ shall not apply to any:

97 1. Transaction described in subdivisions 6 through 13 of subsection A of this section;

98 2. Instrument or writing given to secure a debt;

99 3. Deed conveying real estate from an incorporated college or other incorporated institution of
100 learning not conducted for profit;

101 4. Deed conveying real estate from the United States, the Commonwealth or any county, city, town,
102 district or other political subdivision thereof;

103 5. Conveyance of real estate to the Commonwealth or any county, city, town, district or other
104 political subdivision thereof, if such political unit is required by law to reimburse the parties taxable
105 pursuant to § 58.1-802 or subject to the fee under ~~§ 58.1-802.1~~; or

106 6. Deed conveying real estate from the trustee or trustees of a church or religious body or from an
107 incorporated church or religious body, or from a corporation mentioned in § 57-16.1.

108 D. No recordation tax shall be required for the recordation of any deed of gift between a grantor or
109 grantors and a grantee or grantees when no consideration has passed between the parties. Such deed
110 shall state therein that it is a deed of gift.

111 E. The tax imposed by § 58.1-807 shall not apply to any lease to the United States, the
112 Commonwealth, or any county, city, town, district or other political subdivision of the Commonwealth.

113 F. The taxes and fees imposed by §§ 58.1-801, 58.1-802, ~~58.1-802.1~~, 58.1-807, 58.1-808 and
114 58.1-814 shall not apply to (i) any deed of gift conveying real estate or any interest therein to The
115 Nature Conservancy or (ii) any lease of real property or any interest therein to The Nature Conservancy,
116 where such deed of gift or lease of real estate is intended to be used exclusively for the purpose of
117 preserving wilderness, natural or open space areas.

118 G. The words "trustee" or "trustees," as used in subdivision 2 of subsection A, subdivision 2 of
119 subsection B, and subdivision 6 of subsection C, include the trustees mentioned in § 57-8 and the
120 ecclesiastical officers mentioned in § 57-16.

121 H. No recordation tax levied pursuant to this chapter shall be levied on the release of a contractual

right, if the release is contained within a single deed that performs more than one function, and at least one of the other functions performed by the deed is subject to the recordation tax.

I. No recordation tax levied pursuant to this chapter shall be levied on a deed, lease, easement, release, or other document recorded in connection with a concession pursuant to the Public-Private Transportation Act of 1995 (§ 56-556 et seq.) or similar federal law.

§ 58.1-2403. Exemptions.

No tax shall be imposed as provided in § 58.1-2402 ~~or 58.1-2402.1~~ if the vehicle is:

1. Sold to, rented or used by the United States government or any governmental agency thereof;
2. Sold to, rented or used by the Commonwealth of Virginia or any political subdivision thereof;
3. Registered in the name of a volunteer fire department or rescue squad not operated for profit;
4. Registered to any member of the Mattaponi, Pamunkey, or Chickahominy Indian tribes or any other recognized Indian tribe of the Commonwealth living on the tribal reservation;

5. Transferred incidental to repossession under a recorded lien and ownership is transferred to the lienholder;

6. A manufactured home permanently attached to real estate and included in the sale of real estate;

7. A gift to the spouse, son, or daughter of the transferor. With the exception of a gift to a spouse, this exemption shall not apply to any unpaid obligation assumed by the transferee incidental to the transfer;

8. Transferred from an individual or partnership to a corporation or limited liability company or from a corporation or limited liability company to an individual or partnership if the transfer is incidental to the formation, organization or dissolution of a corporation or limited liability company in which the individual or partnership holds the majority interest;

9. Transferred from a wholly owned subsidiary to the parent corporation or from the parent corporation to a wholly owned subsidiary;

10. Being registered for the first time in this Commonwealth and the applicant holds a valid, assignable title or registration issued to him by another state or a branch of the United States Armed Forces and (i) has owned the vehicle for longer than 12 months or (ii) has owned the vehicle for less than 12 months and provides evidence of a sales tax paid to another state. However, when a vehicle has been purchased by the applicant within the last 12 months and the applicant is unable to provide evidence of a sales tax paid to another state, the applicant shall pay the Virginia sales tax based on the fair market value of the vehicle at the time of registration in Virginia;

11. a. Titled in a Virginia or non-Virginia motor vehicle dealer's name for resale; or

b. Titled in the name of an automotive manufacturer having its headquarters in Virginia, except for any commercially leased vehicle that is not described under subdivision 3 of § 46.2-602.2. For purposes of this subdivision, "automotive manufacturer" and "headquarters" means the same as such terms are defined in § 46.2-602.2;

12. A motor vehicle having seats for more than seven passengers and sold to an urban or suburban bus line the majority of whose passengers use the buses for traveling a distance of less than 40 miles, one way, on the same day;

13. Purchased in the Commonwealth by a nonresident and a Virginia title is issued for the sole purpose of recording a lien against the vehicle if the vehicle will be registered in a state other than Virginia;

14. A motor vehicle designed for the transportation of 10 or more passengers, purchased by and for the use of a church conducted not for profit;

15. Loaned or leased to a private nonprofit institution of learning, for the sole purpose of use in the instruction of driver's education when such education is a part of such school's curriculum for full-time students;

16. Sold to an insurance company or local government group self-insurance pool, created pursuant to § 15.2-2703, for the sole purpose of disposition when such company has paid the registered owner of such vehicle a total loss claim;

17. Owned and used for personal or official purposes by accredited consular or diplomatic officers of foreign governments, their employees or agents, and members of their families, if such persons are nationals of the state by which they are appointed and are not citizens of the United States;

18. A self-contained mobile computerized axial tomography scanner sold to, rented or used by a nonprofit hospital or a cooperative hospital service organization as described in § 501 (e) of the United States Internal Revenue Code;

19. A motor vehicle having seats for more than seven passengers and sold to a restricted common carrier or common carrier of passengers;

20. Beginning July 1, 1989, a self-contained mobile unit designed exclusively for human diagnostic or therapeutic service, sold to, rented to, or used by a nonprofit hospital, or a cooperative hospital service organization as described in § 501 (e) of the United States Internal Revenue Code, or a nonprofit

183 corporation as defined in § 501 (c) (3) of the Internal Revenue Code, established for research in,
184 diagnosis of, or therapy for human ailments;

185 21. Transferred, as a gift or through a sale to an organization exempt from taxation under § 501 (c)
186 (3) of the Internal Revenue Code, provided the motor vehicle is not titled and tagged for use by such
187 organization;

188 22. A motor vehicle sold to an organization which is exempt from taxation under § 501 (c) (3) of the
189 Internal Revenue Code and which is organized for the primary purpose of distributing food, clothing,
190 medicines and other necessities of life to, and providing shelter for, needy persons in the United States
191 and throughout the world;

192 23. A truck, tractor truck, trailer, or semitrailer, as severally defined in § 46.2-100, except trailers and
193 semitrailers not designed or used to carry property and vehicles registered under § 46.2-700, with a gross
194 vehicle weight rating or gross combination weight rating of 26,001 pounds or more, in which case no
195 tax shall be imposed pursuant to subdivisions 1 and 3 of subsection A of § 58.1-2402;

196 24. Transferred to the trustees of a revocable inter vivos trust, when the individual titleholder of a
197 Virginia titled motor vehicle and the beneficiaries of the trust are the same persons, regardless of
198 whether other beneficiaries of the trust may also be named in the trust instrument, when no
199 consideration has passed between the titleholder and the beneficiaries; and transferred to the original
200 titleholder from the trustees holding title to the motor vehicle;

201 25. Transferred to trustees of a revocable inter vivos trust, when the owners of the vehicle and the
202 beneficiaries of the trust are the same persons, regardless of whether other beneficiaries may also be
203 named in the trust instrument, or transferred by trustees of such a trust to beneficiaries of the trust
204 following the death of the grantor, when no consideration has passed between the grantor and the
205 beneficiaries in either case;

206 26. Sold by a vehicle's lessor to its lessee upon the expiration of the term of the vehicle's lease, if
207 the lessee is a natural person and this natural person has paid the tax levied pursuant to this chapter with
208 respect to the vehicle when he leased it from the lessor, and if the lessee presents an original copy of
209 the lease upon request of the Department of Motor Vehicles or other evidence that the sales tax has
210 been paid to the Commonwealth by the lessee purchasing the vehicle; or

211 27. Titled in the name of a deceased person and transferred to the spouse or heir, or under the will,
212 of such deceased person.

213 § 58.1-2425. Disposition of revenues.

214 A. ~~Except as provided in § 58.1-2402.1 funds collected hereunder by the Commissioner shall be~~
215 ~~forthwith paid into the state treasury.~~ Except as otherwise provided in § 58.1-2402.1 and in this section,
216 these funds shall constitute special funds within the Commonwealth Transportation Fund. Any balances
217 remaining in these funds at the end of the year shall be available for use in subsequent years for the
218 purposes set forth in this chapter, and any interest income on such funds shall accrue to these funds.
219 The revenue so derived, after refunds have been deducted, is hereby allocated for the construction,
220 reconstruction and maintenance of highways and the regulation of traffic thereon and for no other
221 purpose. However, (i) all funds collected pursuant to the provisions of this chapter from manufactured
222 homes, as defined in § 46.2-100, shall be distributed to the city, town, or county wherein such
223 manufactured home is to be situated as a dwelling; (ii) all funds collected from the additional tax
224 imposed by subdivision A 4 of § 58.1-2402 on the rental of daily rental vehicles shall be distributed
225 quarterly to the city, town, or county wherein such vehicle was delivered to the rentee; (iii) effective
226 January 1, 1987, an amount equivalent to the net additional revenues generated by enactments of the
227 1986 Special Session of the Virginia General Assembly which amended §§ 46.2-694, 46.2-697,
228 58.1-2401, 58.1-2402 and this section shall be distributed to and paid into the Transportation Trust
229 Fund, a special fund within the Commonwealth Transportation Fund, and are hereby appropriated to the
230 Commonwealth Transportation Board for transportation needs; (iv) except as otherwise provided in
231 clause (iii) of this sentence, all moneys collected from the tax on the gross proceeds from the rental in
232 Virginia of any motor vehicle pursuant to subdivision A 3 of § 58.1-2402 at the tax rate in effect on
233 December 31, 1986, shall be paid by the Commissioner into the state treasury and shall be paid into the
234 Rail Enhancement Fund established by § 33.1-221.1:1.1; and (v) all additional revenues resulting from
235 the fee imposed under subdivision A 5 of § 58.1-2402 as enacted by the 2004 Session of the General
236 Assembly shall be used to pay the debt service on the bonds issued by the Virginia Public Building
237 Authority for the Statewide Agencies Radio System (STARS) for the Department of State Police
238 pursuant to the authority granted by the 2004 Session of the General Assembly.

239 B. As provided in subsection A of § 58.1-638, of the funds becoming part of the Transportation
240 Trust Fund pursuant to clause (iii) of subsection A of this section, an aggregate of 4.2 percent shall be
241 set aside as the Commonwealth Port Fund; an aggregate of 2.4 percent shall be set aside as the
242 Commonwealth Airport Fund; and an aggregate of 14.5 percent in fiscal year 1998-1999 and 14.7
243 percent in fiscal year 1999-2000 and thereafter shall be set aside as the Commonwealth Mass Transit
244 Fund.

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

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

B. In addition to all other taxes and fees permitted by law, (i) the governing body of any locality embraced by the Northern Virginia Transportation Authority may, by ordinance, annually impose on all real property in the locality specially classified in subsection A: an amount of real property tax, in addition to such amount otherwise authorized by law, at a rate not to exceed \$0.25 per \$100 of assessed value as the governing body may, by ordinance, impose upon the annual assessed value of all real property used for or zoned to permit commercial or industrial uses; and (ii) the governing body of any locality embraced by the Hampton Roads Transportation Authority may, by ordinance, annually impose on all real property in the locality specially classified in subsection A: an amount of real property tax, in addition to such amount otherwise authorized by law, at a rate not to exceed \$0.10 per \$100 of assessed value as the governing body may, by ordinance, impose upon the annual assessed value of all real property used for or zoned to permit commercial or industrial uses. The authority granted in this subsection shall be subject to the following conditions:

(1) Upon appropriation, all revenues generated from the additional real property tax imposed shall be used exclusively for transportation purposes that benefit the locality imposing the tax; and

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

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

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

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

(2) Any local ordinance adopted in accordance with the provisions of subsection C and this subsection shall include the requirement that the additional real property taxes so authorized are to be

306 imposed annually in accordance with applicable law;

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

315 (4) The total revenues generated from the additional real property taxes imposed in accordance with
316 subsection C and this subsection shall not be less than 85% of the revenues estimated to be generated
317 when imposing the additional real property taxes in accordance with subsections A and B at the rate of
318 \$0.25 per \$100 of assessed value in any locality embraced by the Northern Virginia Transportation
319 Authority and at the rate of \$0.10 per \$100 of assessed value in any locality embraced by the Hampton
320 Roads Transportation Authority; and

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

327 **2. That the liabilities, assets, responsibilities, and functions of the Hampton Roads Transportation**
328 **Authority, abolished pursuant to this act, shall be transferred as follows (i) any outstanding**
329 **obligations of the Authority under any contract entered into by the Authority prior to its abolition**
330 **shall be transferred to and assumed by the Virginia Department of Transportation; (ii) any and all**
331 **planning responsibilities and functions vested in the Authority prior to its abolition shall be**
332 **transferred to and assumed by the Hampton Roads Metropolitan Planning Organization; (iii) the**
333 **power to impose and collect tolls for use of highways, bridges, and tunnels granted the Authority**
334 **prior to its abolition shall be transferred to and assumed by the Commonwealth Transportation**
335 **Board and, in addition, the Board shall have the power to impose and collect tolls for use of both**
336 **the Midtown and Downtown Tunnels connecting the Cities of Norfolk and Portsmouth if**
337 **improvements are made to either such tunnel that increase its traffic-carrying capacity; (iv) any**
338 **assets of the Authority shall be deposited into the Transportation Trust Fund established pursuant**
339 **to § 33.1-23.03:1 of the Code of Virginia, and allocated by the Commonwealth Transportation**
340 **Board to projects within the Hampton Roads highway construction district; and (v) in all other**
341 **regards, the Commonwealth, and where appropriate, the Commonwealth Transportation Board,**
342 **shall be the successor in interest to the Hampton Roads Transportation Authority.**
343 **Notwithstanding any other provisions of law, the member localities of the Hampton Roads**
344 **Metropolitan Planning Organization shall have the right to participate in the review and analysis**
345 **process conducted by the Virginia Department of Transportation regarding any major**
346 **transportation project proposed to be constructed in the Hampton Roads highway construction**
347 **district. Further, when a major transportation project is denied within the Hampton Roads**
348 **highway construction district, the Virginia Department of Transportation shall issue a statement of**
349 **finding detailing the justification for denial.**

350 **3. That Chapter 10.2 (§§ 33.1-391.6 through 33.1-391.15) of Title 33.1 and §§ 46.2-755.1, 46.2-755.2,**
351 **46.2-1167.1, 58.1-625.1, 58.1-802.1, 58.1-1724.3, 58.1-1724.5, 58.1-1724.6, 58.1-1724.7, and**
352 **58.1-2402.1 of the Code of Virginia and the fifth, sixth, fourteenth, fifteenth, and nineteenth**
353 **enactments of Chapter 896 of the Acts of Assembly of 2007 are repealed.**

354 **4. That the provisions of this act shall become effective on July 1, 2011, provided that no state or**
355 **local revenue has been made available to the Hampton Roads Transportation Authority that**
356 **enables the Authority to undertake construction of any two of the transportation projects that are**
357 **included in the federally mandated 2030 Regional Transportation Plan approved by the Hampton**
358 **Roads Metropolitan Planning Organization or the expansion of the Hampton Roads**
359 **Bridge-Tunnel. In the event that such state or local revenue has been made available to the**
360 **Authority for the purposes stated in this enactment, this act shall become null and void.**