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HOUSE BILL NO. 404

AMENDMENT IN THE NATURE OF A SUBSTITUTE  
(Proposed by the House Committee on/for Transportation  
on February 2, 2010)

(Patron Prior to Substitute—Delegate Oder)

A BILL to amend and reenact §§ 15.2-4838.1 and 15.2-4840 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 48.2 of Title 15.2 a section numbered 15.2-4841 and by adding in Title 33.1 a chapter numbered 10.3, consisting of sections numbered 33.1-391.17 and 33.1-391.18, a chapter numbered 10.4, consisting of sections numbered 33.1-391.19 and 33.1-391.20, a chapter numbered 10.5, consisting of sections numbered 33.1-391.21 and 33.1-391.22, and a chapter numbered 10.6, consisting of sections numbered 33.1-391.23 and 33.1-391.24, and to repeal §§ 58.1-1724.2 and 58.1-1724.4 of the Code of Virginia and the thirteenth and eighteenth 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 and in the Richmond Highway Construction District, the Staunton Highway Construction District, and the Salem Highway Construction District.

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-4838.1 and 15.2-4840 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 48.2 of Title 15.2 a section numbered 15.2-4841 and by adding in Title 33.1 a chapter numbered 10.3, consisting of sections numbered 33.1-391.17 and 33.1-391.18, a chapter numbered 10.4, consisting of sections numbered 33.1-391.19 and 33.1-391.20, a chapter numbered 10.5, consisting of sections numbered 33.1-391.21 and 33.1-391.22, and a chapter numbered 10.6, consisting of sections numbered 33.1-391.23 and 33.1-391.24, 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 Alexandria, Fairfax, and Falls Church and the County of Arlington the first 50% shall be used solely for urban or secondary road construction and improvements and for public transportation purposes, and (ii) in the remaining localities, the first 50% shall be used solely for urban or secondary road construction and improvements. The remainder, as determined solely by the applicable locality, shall be used either for additional urban or secondary road construction; for other transportation capital improvements which have been approved by the most recent long range transportation plan adopted by the Authority; or for public transportation purposes. Solely for purposes of calculating the 40% of revenues to be distributed pursuant to this subsection, the revenue generated pursuant to § 58.1-3221.3 and Article 8 (§ 15.2-2317 et seq.) of Chapter 22 of this title by the counties and cities embraced by the Authority shall be considered revenue of the Authority. None of the revenue distributed by this subsection may be used to repay debt issued before July 1, 2007. Each locality shall provide annually to the Northern Virginia Transportation Authority sufficient documentation as required by the Authority showing that the funds distributed under this subsection were used as required by this subsection.

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

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

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

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60 2009;

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

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

68 2. All transportation projects undertaken by the Northern Virginia Transportation Authority shall be  
69 completed by private contractors accompanied by performance measurement standards, and all contracts  
70 shall contain a provision granting the Authority the option to terminate the contract if contractors do not  
71 meet such standards. Notwithstanding the foregoing, any locality may provide engineering services or  
72 right-of-way acquisition for any project with its own forces. The Authority shall avail itself of the  
73 strategies permitted under the Public-Private Transportation Act (§ 56-556 et seq.) whenever feasible and  
74 advantageous. The Authority is independent of any state or local entity, including the Virginia  
75 Department of Transportation (VDOT) and the Commonwealth Transportation Board (CTB), but the  
76 Authority, VDOT and CTB shall consult with one another to avoid duplication of efforts and, at the  
77 option of the Authority, may combine efforts to complete specific projects. Notwithstanding the  
78 foregoing, at the request of the Authority, VDOT may provide the Authority with engineering services  
79 or right-of-way acquisition for the project with its own forces. When determining what projects to  
80 construct under this subsection, the Authority shall base its decisions *on what project most efficiently*  
81 *reduces congestion and then* on the combination that (i) equitably distributes the funds throughout the  
82 localities, and (ii) constructs projects that move the most people or commercial traffic in the most  
83 cost-effective manner, and on such other factors as approved by the Authority. *Of the projects selected,*  
84 *a preference shall be given to fund projects that leverage other public or private funding sources,*  
85 *including but not limited to funds from private sources pursuant to the Public-Private Transportation*  
86 *Act of 1995 (§ 56-556 et seq.), funds from tolls, or funds provided by the Northern Virginia*  
87 *Transportation Authority.*

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

90 D.C. For road construction and improvements pursuant to subsection B, the Department of  
91 Transportation may, on a reimbursement basis, provide the locality with planning, engineering,  
92 right-of-way, and construction services for projects funded in whole by the revenues provided to the  
93 locality by the Authority.

94 § 15.2-4840. Other duties and responsibilities of Authority.

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

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

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

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

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

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

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

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

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

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

121 10. Applying to and negotiating with the government of the United States, the Commonwealth of

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

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

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

137 § 15.2-4841. Revenues attributable to economic growth in Northern Virginia.

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

139 "Base state tax revenues" means the state tax revenues in the Commonwealth's fiscal year beginning  
140 July 1, 2009.

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

142 "State tax revenues" means the net revenues collected from the (i) state sales and use tax pursuant to  
143 Chapter 6 (§ 58.1-600 et seq.) of Title 58.1, (ii) individual income tax pursuant to Chapter 3 (§ 58.1-300  
144 et seq.) of Title 58.1, (iii) corporate income tax pursuant to Chapter 3 (§ 58.1-300 et seq.) of Title 58.1,  
145 plus (iv) insurance license tax pursuant to Chapter 25 (§ 58.1-2500 et seq.) of Title 58.1 for the  
146 Commonwealth's fiscal year, beginning July 1, 2009.

147 B. There is hereby appropriated to the Northern Virginia Transportation Authority ("Authority") 30  
148 percent of the growth in state tax revenues as defined in subsection A, attributable to the counties,  
149 cities, and towns embraced by the Northern Virginia Transportation Authority. The amount appropriated  
150 in each year shall be determined as follows:

151 1. For calculating the 30 percent growth in individual income tax pursuant to Chapter 3 (§ 58.1-300  
152 et seq.) of Title 58.1, the 30 percent growth share shall be based on the individual income tax liability  
153 for individuals residing in the counties, cities, and towns embraced by the Northern Virginia  
154 Transportation Authority. Annually, the Department shall establish the total amount of individual income  
155 tax liability for such residents using data from the most recent calendar year for which tax liability has  
156 been calculated and from that amount, subtract the individual income tax liability for such residents  
157 from the next previous calendar year. If such calculations show an increase in tax liability, the resulting  
158 amount shall be multiplied by 0.30 and the resulting sum shall be paid to the Northern Virginia  
159 Transportation Authority no later than January 1 of each year.

160 2. For calculating the 30 percent growth in corporate income tax pursuant to Chapter 3 (§ 58.1-300  
161 et seq.) of Title 58.1, the 30 percent growth shall be based on the corporate income tax liability for  
162 corporations located in the counties, cities, and towns embraced by the Northern Virginia  
163 Transportation Authority. Annually, the Department shall establish the total amount of individual income  
164 tax liability for such corporations using data from the most recent previous calendar year. If such  
165 calculations show an increase in tax liability, the resulting amount shall be multiplied by 0.30 and the  
166 resulting sum shall be paid to the Northern Virginia Transportation Authority no later than January 1  
167 of each year.

168 3. For calculating the 30 percent growth in insurance license tax pursuant to Chapter 25  
169 (§ 58.1-2500 et seq.) of Title 58.1, the 30 percent growth shall be based on the amount of revenue  
170 generated from the localities embraced by the Northern Virginia Transportation Authority in the most  
171 recently completed fiscal year less the revenue generated from the localities embraced by such Authority  
172 in the next previous fiscal year. The resulting amount, if positive, shall be multiplied by 0.30, and the  
173 resulting sum shall be paid to the Northern Virginia Transportation Authority no later than January 1  
174 of each year.

175 4. For calculating the 30 percent growth in state sales and use tax pursuant to Chapter 6  
176 (§ 58.1-600 et seq.) of Title 58.1, the 30 percent growth shall be based on the amount of revenue  
177 generated from the localities embraced by the Northern Virginia Transportation Authority in the most  
178 recently completed fiscal year less the revenue generated from the localities embraced by such Authority  
179 in the next previous year. The resulting amount, if positive, shall be multiplied by 0.30, and the resulting  
180 sum shall be paid to the Northern Virginia Transportation Authority no later than January 1 of each  
181 year.

182 C. The Secretary of Finance, in consultation with the Secretary of Transportation, shall determine

183 *the amount to be transferred to the Authority in each fiscal year in accordance with the provisions of*  
 184 *this section. The Secretary of Finance shall provide a written certification of the same to the*  
 185 *Comptroller by August 31 each year. The Comptroller shall then transfer such amount to the Authority*  
 186 *by making four equal deposits on the fifteenth of September, December, March, and June.*

187 *D. Notwithstanding any other provision of this section, the amount transferred to the Authority*  
 188 *pursuant to this section shall not exceed \$600 million in any fiscal year.*

#### 189 CHAPTER 10.3.

#### 190 HAMPTON ROADS TRANSPORTATION FUNDING.

191 *§ 33.1-391.17. Hampton Roads Transportation Revenue Fund established.*

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

201 *§ 33.1-391.18. Revenues attributable to economic growth from cargo marine terminals deposited into*  
 202 *the Hampton Roads Transportation Revenue Fund.*

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

204 *"Base number of cargo containers" means the cargo containers in the Commonwealth's fiscal year*  
 205 *beginning July 1, 2009.*

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

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

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

210 *"State tax revenues" means the net revenues collected from the (i) state sales tax pursuant to Chapter*  
 211 *6 (§ 58.1-600 et seq.) of Title 58.1, (ii) individual income tax pursuant to Chapter 3 (§ 58.1-300 et seq.)*  
 212 *of Title 58.1, (iii) corporate income tax pursuant to Chapter 3 (§ 58.1-300 et seq.) of Title 58.1, plus*  
 213 *(iv) insurance license tax pursuant to Chapter 25 (§ 58.1-2500 et seq.) of Title 58.1 for the*  
 214 *Commonwealth's fiscal year beginning July 1, 2009.*

215 *B. There shall be deposited into the Hampton Roads Transportation Revenue Fund established under*  
 216 *§ 33.1-391.17 a portion of the growth in state taxes attributable to economic activity generated or*  
 217 *facilitated by the Ports of Hampton Roads. The amount deposited into the Fund in each fiscal year shall*  
 218 *be determined using the following revenue ratio: state tax revenues attributable to economic activity*  
 219 *generated or facilitated by the ports/Base number of cargo containers.*

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

222 *Deposits to the Fund shall begin in the Commonwealth's fiscal year starting on July 1, 2011. For*  
 223 *such fiscal year, the amount deposited to the Fund shall be computed by:*

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

226 *2. Second multiplying such product by 30 percent.*

227 *As a result, the amount deposited into the Fund for the Commonwealth's fiscal year starting on July*  
 228 *1, 2011, shall be computed using the following formula: revenue ratio X (increase in cargo containers*  
 229 *in fiscal year 2010-2011 over the base number of cargo containers) X 0.30.*

230 *For the fiscal year starting on July 1, 2012, and for each fiscal year thereafter, the amount*  
 231 *deposited into the Fund shall be computed using such formula except that the cargo containers in the*  
 232 *most recently ended fiscal year shall be used for determining the increase over the base number of*  
 233 *cargo containers.*

234 *C. The Secretary of Finance, in consultation with the Secretary of Transportation, shall determine*  
 235 *the revenue ratio. In determining the numerator of the revenue ratio or the state tax revenues*  
 236 *attributable to economic activity generated or facilitated by the ports, the Secretary shall include state*  
 237 *tax revenues from (i) port operations, including but not limited to revenues from pilots, longshoremen,*  
 238 *truck and rail transportation, insurance, warehousing, storage, and ship servicing; (ii) the production in*  
 239 *Virginia of goods exported through the ports; (iii) imports sold to citizens of the Commonwealth or used*  
 240 *as inputs by businesses located in the Commonwealth or by Virginia state and local governmental*  
 241 *entities; and (iv) employee compensation, fuel costs, business and professional services, power, and*  
 242 *communications relating to the factors set forth in clauses (i) through (iii). The Secretary shall*  
 243 *determine the revenue ratio no later than January 1, 2011, and shall promptly report the same to the*  
 244 *chairmen of the House Committee on Appropriations, the House Committee on Finance, and the Senate*

245 Committee on Finance.

246 D. The Secretary of Finance, in consultation with the Secretary of Transportation, shall determine  
247 the amount to be deposited into the Fund in each fiscal year in accordance with the provisions of this  
248 section. The Secretary of Finance shall provide a written certification of the same to the Comptroller by  
249 August 31 each year. The Comptroller shall then deposit such amount into the Fund by making four  
250 equal deposits into the Fund on the fifteenth of September, December, March, and June.

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

253 CHAPTER 10.4.

254 STAUNTON HIGHWAY CONSTRUCTION DISTRICT TRANSPORTATION FUNDING.

255 § 33.1-391.19. Staunton Highway Construction District Transportation Revenue Fund established.

256 There is hereby created in the state treasury a special nonreverting fund to be known as the  
257 Staunton Highway Construction District Transportation Revenue Fund, hereafter referred to as "the  
258 Fund." The Fund shall be established on the books of the Comptroller. Interest earned on moneys in the  
259 Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including  
260 interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in  
261 the Fund. Moneys in the Fund shall be used solely for new transportation construction projects in the  
262 Staunton Highway Construction District as determined by the Commonwealth Transportation Board.

263 § 33.1-391.20. Revenues attributable to economic growth from cargo commerce deposited into the  
264 Staunton Highway Construction District Transportation Revenue Fund.

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

266 "Base number of cargo containers" means the cargo containers in the Commonwealth's fiscal year  
267 beginning July 1, 2009.

268 "Cargo container" means the number of cargo containers loaded onto, or unloaded at the port for  
269 commerce in a fiscal year, measured in 20-foot-equivalent units.

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

271 "Port" means the Inland Port at Front Royal.

272 "State tax revenues" means the net revenues collected from the (i) state sales tax pursuant to Chapter  
273 6 (§ 58.1-600 et seq.) of Title 58.1, (ii) individual income tax pursuant to Chapter 3 (§ 58.1-300 et seq.)  
274 of Title 58.1, (iii) corporate income tax pursuant to Chapter 3 (§ 58.1-300 et seq.) of Title 58.1, plus  
275 (iv) insurance license tax pursuant to Chapter 25 (§ 58.1-2500 et seq.) of Title 58.1 for the  
276 Commonwealth's fiscal year beginning July 1, 2009.

277 B. There shall be deposited into the Staunton Highway Construction District Transportation Revenue  
278 Fund established under § 33.1-391.19 a portion of the growth in state taxes attributable to economic  
279 activity generated or facilitated by the Port. The amount deposited into the Fund in each fiscal year  
280 shall be determined using the following revenue ratio: state tax revenues attributable to economic  
281 activity generated or facilitated by the port/Base number of cargo containers.

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

284 Deposits to the Fund shall begin in the Commonwealth's fiscal year starting on July 1, 2011. For  
285 such fiscal year, the amount deposited to the Fund shall be computed by:

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

288 2. Second multiplying such product by 30 percent (0.30).

289 As a result, the amount deposited into the Fund for the Commonwealth's fiscal year starting on July  
290 1, 2011, shall be computed using the following formula: revenue ratio X (increase in cargo containers  
291 in fiscal year 2010-2011 over the base number of cargo containers) X 0.30.

292 For the fiscal year starting on July 1, 2012, and for each fiscal year thereafter, the amount  
293 deposited into the Fund shall be computed using such formula except that the cargo containers in the  
294 most recently ended fiscal year shall be used for determining the increase over the base number of  
295 cargo containers.

296 C. The Secretary of Finance, in consultation with the Secretary of Transportation, shall determine  
297 the revenue ratio. In determining the numerator of the revenue ratio or the state tax revenues  
298 attributable to economic activity generated or facilitated by the port, the Secretary shall include state  
299 tax revenues from (i) port operations, including but not limited to revenues from truck and rail  
300 transportation, insurance, warehousing, and storage; (ii) the production in Virginia of goods carried  
301 from the port for export; (iii) imports sold to citizens of the Commonwealth or used as inputs by  
302 businesses located in the Commonwealth or by Virginia state and local governmental entities; and (iv)  
303 employee compensation, fuel costs, business and professional services, power, and communications  
304 relating to the factors set forth in clauses (i) through (iii). The Secretary shall determine the revenue  
305 ratio no later than January 1, 2011, and shall promptly report the same to the chairmen of the House

306 Committee on Appropriations, the House Committee on Finance, and the Senate Committee on Finance.

307 D. The Secretary of Finance, in consultation with the Secretary of Transportation, shall determine  
308 the amount to be deposited into the Fund in each fiscal year in accordance with the provisions of this  
309 section. The Secretary of Finance shall provide a written certification of the same to the Comptroller by  
310 August 31 each year. The Comptroller shall then deposit such amount into the Fund by making four  
311 equal deposits into the Fund on the fifteenth of September, December, March, and June.

312 E. Notwithstanding any other provision of this section, the amount deposited into the Fund pursuant  
313 to this section shall not exceed \$50 million in any fiscal year.

#### 314 CHAPTER 10.5.

#### 315 RICHMOND HIGHWAY CONSTRUCTION DISTRICT TRANSPORTATION FUNDING.

316 § 33.1-391.21. Richmond Highway Construction District Transportation Revenue Fund established.

317 There is hereby created in the state treasury a special nonreverting fund to be known as the  
318 Richmond Highway Construction District Transportation Revenue Fund, hereafter referred to as "the  
319 Fund." The Fund shall be established on the books of the Comptroller. Interest earned on moneys in the  
320 Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including  
321 interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in  
322 the Fund. Moneys in the Fund shall be used solely for new transportation construction projects in the  
323 Richmond Highway Construction District as determined by the Commonwealth Transportation Board.

324 § 33.1-391.22. Revenues attributable to economic growth from cargo marine terminals deposited into  
325 the Richmond Highway Construction District.

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

327 "Base number of cargo containers" means the cargo containers in the Commonwealth's fiscal year  
328 beginning July 1, 2009.

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

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

332 "Port" means the Port of Richmond.

333 "State tax revenues" means the net revenues collected from the (i) state sales tax pursuant to Chapter  
334 6 (§ 58.1-600 et seq.) of Title 58.1, (ii) individual income tax pursuant to Chapter 3 (§ 58.1-300 et seq.)  
335 of Title 58.1, (iii) corporate income tax pursuant to Chapter 3 (§ 58.1-300 et seq.) of Title 58.1, plus  
336 (iv) insurance license tax pursuant to Chapter 25 (§ 58.1-2500 et seq.) of Title 58.1 for the  
337 Commonwealth's fiscal year beginning July 1, 2009.

338 B. There shall be deposited into the Richmond Highway Construction District Transportation  
339 Revenue Fund established under § 33.1-391.21 a portion of the growth in state taxes attributable to  
340 economic activity generated or facilitated by the Port. The amount deposited into the Fund in each  
341 fiscal year shall be determined using the following revenue ratio: state tax revenues attributable to  
342 economic activity generated or facilitated by the port/Base number of cargo containers.

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

345 Deposits to the Fund shall begin in the Commonwealth's fiscal year starting on July 1, 2011. For  
346 such fiscal year, the amount deposited to the Fund shall be computed by:

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

349 2. Second multiplying such product by 30 percent (0.30).

350 As a result, the amount deposited into the Fund for the Commonwealth's fiscal year starting on July  
351 1, 2011, shall be computed using the following formula: revenue ratio X (increase in cargo containers  
352 in fiscal year 2010-2011 over the base number of cargo containers) X 0.30.

353 For the fiscal year starting on July 1, 2012, and for each fiscal year thereafter, the amount  
354 deposited into the Fund shall be computed using such formula except that the cargo containers in the  
355 most recently ended fiscal year shall be used for determining the increase over the base number of  
356 cargo containers.

357 C. The Secretary of Finance, in consultation with the Secretary of Transportation, shall determine  
358 the revenue ratio. In determining the numerator of the revenue ratio or the state tax revenues  
359 attributable to economic activity generated or facilitated by the port, the Secretary shall include state  
360 tax revenues from (i) port operations, including but not limited to revenues from pilots, longshoremen,  
361 truck and rail transportation, insurance, warehousing, storage, and ship servicing; (ii) the production in  
362 Virginia of goods exported through the port; (iii) imports sold to citizens of the Commonwealth or used  
363 as inputs by businesses located in the Commonwealth or by Virginia state and local governmental  
364 entities; and (iv) employee compensation, fuel costs, business and professional services, power, and  
365 communications relating to the factors set forth in clauses (i) through (iii). The Secretary shall  
366 determine the revenue ratio no later than January 1, 2011, and shall promptly report the same to the  
367 chairmen of the House Committee on Appropriations, the House Committee on Finance, and the Senate

368 Committee on Finance.

369 D. The Secretary of Finance, in consultation with the Secretary of Transportation, shall determine  
370 the amount to be deposited into the Fund in each fiscal year in accordance with the provisions of this  
371 section. The Secretary of Finance shall provide a written certification of the same to the Comptroller by  
372 August 31 each year. The Comptroller shall then deposit such amount into the Fund by making four  
373 equal deposits into the Fund on the fifteenth of September, December, March, and June.

374 E. Notwithstanding any other provision of this section, the amount deposited into the Fund pursuant  
375 to this section shall not exceed \$50 million in any fiscal year.

376

CHAPTER 10.6.

377

SALEM HIGHWAY CONSTRUCTION DISTRICT TRANSPORTATION FUNDING.

378

§ 33.1-391.23. Salem Highway Construction District Transportation Revenue Fund established.

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A. There is hereby created in the state treasury a special nonreverting fund to be known as the  
Salem Highway Construction District Transportation Revenue 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. 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 construction of the Elliston Intermodal Facility.

384

B. Moneys in the Fund shall be allocated as follows:

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386

1. Fifty percent for construction and maintenance of I-73 in the Salem Highway Construction  
District.

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2. Twenty-five for construction and maintenance of I-81 in the Salem Highway Construction District  
and twenty-five percent for construction and maintenance of I-81 in the Bristol Construction District.

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§ 33.1-391.24. Revenues attributable to economic growth deposited into the Salem Highway  
Construction District Transportation Revenue Fund.

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

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"Facility" means the Elliston Intermodal Facility.

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

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"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, 2009.

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B. There shall be deposited into the Salem Highway Construction District Transportation Revenue  
Fund established under § 33.1-391.23 a portion of the growth in state taxes expected to be generated by  
economic activity or facilitated by the Facility, in such amount as specified in the Appropriations Act.

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Deposits to the Fund shall begin in the Commonwealth's fiscal year starting on July 1, 2011, and  
continue for each fiscal year thereafter.

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2. 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.

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3. That each county or city that receives revenue from, or receives benefits from revenue  
appropriated pursuant to the provisions of this act shall for each fiscal year in which it receives  
such revenue or benefits expend or disburse for transportation purposes an amount (computed  
without regard to any revenues generated in the fiscal year from such taxes) that is at least equal  
to the total amount expended or disbursed for transportation purposes by the county or city in its  
fiscal year that began in calendar year 2009.

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5. That §§ 58.1-1724.2 and 58.1-1724.4 of the Code of Virginia, and the thirteenth and eighteenth  
enactments of Chapter 896 of the Acts of Assembly of 2007 are repealed.

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6. 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.

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