

## VIRGINIA ACTS OF ASSEMBLY — CHAPTER

*An Act to amend and reenact §§ 15.2-1535, 15.2-7000, 15.2-7001, 15.2-7002, 33.1-23.03:1, 33.1-252, 33.1-287, and 33.1-288 of the Code of Virginia, relating to Richmond Metropolitan Authority; composition of Board of Directors; powers.*

[H 597]

Approved

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 15.2-1535, 15.2-7000, 15.2-7001, 15.2-7002, 33.1-23.03:1, 33.1-252, 33.1-287, and 33.1-288 of the Code of Virginia are amended and reenacted as follows:**

**§ 15.2-1535. Members of governing body not to be elected or appointed by governing body to certain offices.**

A. Pursuant to Article VII, Section 6 of the Constitution of Virginia, no member of a governing body of a locality shall be eligible, during the term of office for which he was elected or appointed, to hold any office filled by the governing body by election or appointment, except that a member of a governing body may be named a member of such other boards, commissions, and bodies as may be permitted by general law and except that a member of a governing body may be named to fill a vacancy in the office of mayor or board chairman if permitted by general or special law.

B. Pursuant to Article VII, Section 6 of the Constitution of Virginia, and without limiting any other provision of general law, a governing body member may be named by the governing body to one or more of the following positions:

1. Director of emergency management pursuant to § 44-146.19;
2. Member of a planning district commission pursuant to § 15.2-4203;
3. Member of a transportation district commission pursuant to § 15.2-4507;
4. Member of a behavioral health authority board pursuant to Chapter 6 (§ 37.2-600 et seq.) of Title 37.2;
5. Member of a hospital or health center commission pursuant to Chapter 51 (§ 15.2-5100 et seq.) of Title 15.2;
6. Member of a community services board pursuant to Chapter 5 (§ 37.2-500 et seq.) of Title 37.2;
7. Member of a park authority pursuant to Chapter 57 (§ 15.2-5700 et seq.) of Title 15.2;
8. Member of a detention or other residential care facilities commission pursuant to Article 13 (§ 16.1-315 et seq.) of Chapter 11 of Title 16.1;
9. Member of a board of directors, governing board or advisory council of an area agency on aging pursuant to § 51.5-135;
10. Member of a regional jail or jail farm board, pursuant to § 53.1-106 or of a regional jail authority or jail authority pursuant to Article 3.1 (§ 53.1-95.2 et seq.) of Chapter 3 of Title 53.1;
11. With respect to members of the governing body of a town under 3,500 population, member of an industrial development authority's board of directors pursuant to Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2;
12. Member of the board of directors, governing board, or advisory council or committee of an airport commission or authority;
13. Member of a Board of Directors of a Regional Industrial Facility Authority pursuant to Chapter 64 (§ 15.2-6400 et seq.) of Title 15.2;
14. Member of a local parks and recreation commission; ~~and~~
15. Member of the Board of the Richmond Ambulance Authority; *and*
16. *Member of the Board of Directors of the Richmond Metropolitan Transportation Authority pursuant to § 15.2-7001.*

C. If any governing body member is appointed or elected by the governing body to any office, his qualification in that office shall be void except as provided in subsection B or by other general law.

D. Except as specifically provided in general or special law, no appointed body listed in subsection B shall be comprised of a majority of elected officials as members, nor shall any locality be represented on such appointed body by more than one elected official.

E. For the purposes of this section, "governing body" includes the mayor of a municipality and the county board chairman.

## CHAPTER 70.

## RICHMOND METROPOLITAN TRANSPORTATION AUTHORITY.

## § 15.2-7000. Definitions.

The following words and phrases when used in this chapter shall, for the purposes of this chapter, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

"Authority" means the Richmond Metropolitan *Transportation* Authority created by § 15.2-7001, or if the Authority is abolished, the board, body, commission, or agency succeeding to the principal functions thereof or on whom the powers given by this chapter to the Authority are conferred by law, but shall not include the City of Richmond or the Counties of Chesterfield and Henrico.

"Authority facility" means any or all facilities purchased, constructed or otherwise acquired by the Authority pursuant to the provisions of this chapter, and all extensions, and improvements thereof.

"Bonds" or "revenue bonds" means revenue bonds or revenue refunding bonds of the Authority issued under the provisions of this chapter.

"Cost," as applied to any project shall include the cost of construction, landscaping and conservation; the cost of acquisition of all land, rights-of-way, property, rights, easements and interests acquired by the Authority for such construction, landscaping and conservation; the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved; the cost of all machinery and equipment; financing charges interest prior to and during construction and for a period of time after completion of construction as deemed advisable by the Authority; cost of traffic estimates and of engineering and legal services, plans, specifications, surveys, estimates of cost and of revenues, other expenses necessary or incident to determining the feasibility or practicability of constructing the project; administrative expenses; and payments to the Virginia Department of Transportation or others for services during the period of construction, initial working capital, debt service reserves, and such other expenses as may be necessary or incident to the construction of the project, the financing of such construction, and the placing of the project in operation. Any obligation or expense incurred by the Commonwealth Transportation Board or by the City of Richmond, or the County of Henrico or Chesterfield before or after the effective date of this chapter, for surveys, engineering, borings, plans and specifications, legal and other professional and technical services, reports, studies and data in connection with the construction of a project shall be repaid or reimbursed by the Authority and the amounts thereof shall be included as a part of the cost of the project.

"Limited access highway" means a highway especially designed for through traffic over or to which owners or occupants of abutting property or other persons have no easement of or right to light, air, view, or access by reason of the fact that their property abuts upon such highway, and access to which highway is controlled by the Authority, the Commonwealth, the City of Richmond or the County of Henrico or Chesterfield so as to give preference to through traffic by providing access connections with selected public roads only and by prohibiting crossings at grade or direct private driveway connections.

"Owner" includes all individuals, partnerships, associations, organizations, and corporations, the City of Richmond, the County of Henrico, the County of Chesterfield, and all public agencies and instrumentalities having any title or interest in any property, rights, easements, and interests authorized to be acquired by this chapter.

"Project" means any single facility constituting an Authority facility, as described in the resolution or trust agreement providing for the construction thereof, including extensions and improvements thereof.

"Public highways" shall include public highways, roads, and streets, whether maintained by the Commonwealth or the City of Richmond or the County of Henrico or Chesterfield.

"Revenues" means any or all fees, tolls, rents, rates, receipts, moneys and income derived by the Authority through the ownership and operation of Authority facilities, and shall include any cash contributions made to the Authority by the Commonwealth or any agency or department thereof, the City of Richmond, and the Counties of Henrico and Chesterfield not specifically dedicated by the contributor for a capital improvement.

#### **§ 15.2-7001. Creation of the Authority.**

There is hereby created a political subdivision and public body corporate and politic of the Commonwealth of Virginia to be known as the Richmond Metropolitan *Transportation* Authority, to be governed by a Board of Directors consisting of ~~14~~ 16 members appointed as follows: ~~one member to be appointed by the Board of Supervisors of Chesterfield County for a period of two years from the date of appointment; one member~~ five members to be appointed by the Board of Supervisors of Chesterfield County for a ~~term~~ terms of four years from the date of appointment; ~~one member to be appointed by the Board of Supervisors of Henrico County for a period of two years from the date of appointment; one member~~ five members to be appointed by the Board of Supervisors of Henrico County for a ~~term~~ terms of four years from the date of appointment; ~~three members to be appointed by the Mayor of the City of Richmond with the approval of the City Council for terms of two years from the date of appointment; three~~ five members to be appointed by the Mayor of the City of Richmond with the approval of the City Council for a ~~term~~ terms of four years from the date of appointment; and one ~~ex-officio~~ *ex officio*

member from the Commonwealth Transportation Board to be appointed by the Commissioner of Highways; and thereafter the appointive members of the Board shall be appointed for terms of four years and until their successors have been appointed and are qualified. Any of the three localities may, in its discretion, appoint as one of its Board members an elected officeholder who is a member of the governing body of that locality. Vacancies in the membership of the Board shall be filled in the same manner as the original appointment, for the unexpired portion of the term. The Board so appointed shall enter upon the performance of its duties and shall initially and annually thereafter elect one of its members as Chairman and another as Vice-Chairman, and shall also elect annually a Secretary or Secretary-Treasurer who need not be a member of the Board. The Chairman, or in his absence the Vice-Chairman, shall preside at all meetings of the Board, and in the absence of both the Chairman and Vice-Chairman, the Board shall elect a Chairman pro tempore who shall preside at such meetings. Six Nine Directors shall constitute a quorum, and all action by the Board shall require the affirmative vote of a majority of the Directors present and voting. The members of the Board shall be entitled to reimbursement for expenses incurred in attendance upon meetings of the Board or while otherwise engaged in the discharge of their duties, and each member shall also be paid the sum of \$50 per day for each day or portion thereof during which he is engaged in the performance of his duties. Such expenses and compensation shall be paid out of the treasury of the Authority in such manner as shall be prescribed by the Authority. No member of the Board shall receive health insurance, dental insurance, retirement benefits, or other such benefits as compensation for his service on the Board.

**§ 15.2-7002. Powers of the Authority.**

In order to alleviate highway congestion, promote highway safety, expand highway construction, increase the utility and benefits and extend the services of public highways including bridges, tunnels, and other highway facilities, both free and toll, and otherwise contribute to the economy, industrial and agricultural development, and welfare of the Commonwealth and the City of Richmond and Counties of Henrico and Chesterfield, the Authority shall have the following powers:

1. To contract and be contracted with; to sue and be sued; and to adopt and use a seal and to alter the same at its pleasure;

2. To acquire and hold real or personal property necessary or convenient for its purposes;

3. To sell, lease, or otherwise dispose of any personal or real property or rights, easements, or estates therein deemed by the Authority not necessary for its purposes;

4. ~~To~~ With the approval of the Mayor and the Council of the City of Richmond and the Boards of Supervisors of the Counties of Henrico and Chesterfield, to purchase, construct, or otherwise acquire, maintain, repair, and operate, or cause to be repaired, maintained, and operated, ownership of or rights to manage limited access highways within the corporate limits of the City of Richmond and the Counties of Chesterfield and Henrico, including all bridges, tunnels, overpasses, underpasses, grade separations, interchanges, entrance plazas, approaches, tollhouses and administration buildings, storage buildings, and other buildings and facilities, and rights or licenses to operate existing toll roads that the Authority may deem necessary or convenient for the operation of such limited access highways. Title to any property acquired by the Authority shall be taken in the name of the Authority. Without the need of approval from such local governing bodies, the Authority may maintain, repair, and operate, or cause to be repaired, maintained, and operated, such limited access highways and related facilities;

5. With the approval of the Mayor and the Council of the City of Richmond and the Boards of Supervisors of the Counties of Henrico and Chesterfield to own, operate, maintain, and provide rapid and other transit facilities and services for the transportation of the public, and to enter into contracts with said City and County or Counties and any public service corporations doing business as common carriers of passengers and property for the use of Authority facilities for such purpose, to enter into contracts for the transportation of passengers and property over facilities of jurisdictions other than the Authority, as well as the property and facilities of the Authority, and construct, acquire, operate, and maintain any other properties and facilities, including such offices and commercial facilities in connection therewith as are deemed necessary or convenient by the Authority, for the relief of traffic congestion, or to provide vehicular parking, or to promote transportation of persons and property, or to promote the flow of commerce that the Council of the City of Richmond and the Boards of Supervisors of the Counties of Chesterfield and Henrico may request the Authority to provide;

6. With the approval of the Mayor and the Council of the City of Richmond and the Boards of Supervisors of the Counties of Henrico and Chesterfield to acquire land; construct, own and operate sports facilities of any nature including facilities reasonably related thereto and own a baseball stadium of sufficient seating capacity and quality for the playing of baseball at the level immediately below Major League Baseball and to lease such land, stadium, sports facilities, and attendant facilities under such terms and conditions as the Authority may prescribe. In the event of a conflict between the provisions of this subdivision and any bond indenture to which the Authority is subject, the provisions of the bond indenture shall be controlling;

179 7. To acquire by the exercise of the power of eminent domain any lands, property, rights,  
 180 rights-of-way, franchises, easements, and other property, including public lands, parks, playgrounds,  
 181 reservations, highways, or parkways, or parts thereof or rights therein, of any person, copartnership,  
 182 association, railroad, public service, public utility or other corporation, or of any municipality, county or  
 183 other political subdivision, deemed necessary or convenient for the construction or the efficient operation  
 184 of the project or necessary in the restoration, replacement or relocation of public or private property  
 185 damaged or destroyed, whenever a reasonable price cannot be agreed upon with the governing body of  
 186 such municipality, county, or other political subdivision as to such property owned by it, or whenever  
 187 the Authority cannot agree on the terms of purchase or settlement with the other owner or owners  
 188 because of the incapacity of such owner or owners or because of the inability to agree on the  
 189 compensation to be paid or other terms of settlement or purchase, or because such owner or owners are  
 190 nonresidents of the Commonwealth, or are unknown, or are unable to convey valid title to such  
 191 property. Such proceedings shall be in accordance with and subject to the provisions of any and all laws  
 192 of the Commonwealth applicable to the exercise of the power of eminent domain in the name of the  
 193 Commissioner of Highways and subject to the provisions of § 25.1-102 as fully as if the Authority were  
 194 a corporation possessing the power of eminent domain; however, title to any property condemned by the  
 195 Authority shall immediately vest in the Authority and the Authority shall be entitled to the immediate  
 196 possession of such property upon the deposit with the clerk of the court in which such condemnation  
 197 proceedings are originated, of the total amount of the appraised price of the property and court costs and  
 198 fees as provided by said laws, notwithstanding that any of the parties to such proceedings shall appeal  
 199 from any decision in such condemnation proceeding. Whenever the Authority makes such deposit in  
 200 connection with any condemnation proceeding, the making of such deposit shall not preclude the  
 201 Authority from appealing any decision rendered in such proceedings. Upon the deposit with the clerk of  
 202 the court of the appraised price, any person entitled thereto may, upon petition to the court, be paid his  
 203 or their pro rata share of 90 percent of such appraised price. The acceptance of such payment shall not  
 204 preclude such person from appealing any decision rendered in such proceedings. If the appraisal is  
 205 greater or less than the amount finally determined by the decision in such proceeding or by an appeal,  
 206 the amount of the increase or decrease shall be paid by or refunded to the Authority.

207 The terms "appraised price" and "appraisement" as used in this subdivision mean the value  
 208 determined by two competent real estate appraisers appointed by the Authority for such purposes.

209 The acquisition of any such property by condemnation or by the exercise of the power of eminent  
 210 domain shall be and is hereby declared to be a public use of such property;

211 8. To determine the location of any limited access highways constructed or acquired by the  
 212 Authority, subject to the approval of the Commonwealth Transportation Board and to determine the  
 213 design standards and materials of construction of such highways;

214 9. To designate with the approval of the Commonwealth Transportation Board the location in the  
 215 City of Richmond and in the Counties of Henrico and Chesterfield, and establish, limit, and control such  
 216 points of ingress to and egress from any limited access highway constructed by the Authority within the  
 217 corporate limits of said City and Counties as may be necessary or desirable in the judgment of the  
 218 Authority to insure the proper operation and maintenance of such highway; to prohibit entrance to and  
 219 exit from such highway from any point or points not so designated; and to construct, maintain, repair,  
 220 and operate service roads connecting with points of ingress to and egress from such highway at such  
 221 locations in the City of Richmond and in the Counties of Henrico and Chesterfield as may be designated  
 222 by the Authority;

223 10. To make and enter into all contracts and agreements necessary or incidental to the performance  
 224 of its duties and the execution of its powers under this chapter, including contracts or agreements  
 225 authorized by this chapter with the Commonwealth Transportation Board, the City of Richmond, and the  
 226 Counties of Henrico and Chesterfield;

227 11. To construct grade separations at intersections of any limited access highway constructed by the  
 228 Authority with public highways, streets or other public ways or places, and to change and adjust the  
 229 lines and grades thereof so as to accommodate the same to the design of the grade separation; the cost  
 230 of such grade separations and any damage incurred in changing and adjusting the lines and grades of  
 231 such highways, streets, ways and places shall be ascertained and paid by the Authority as a part of the  
 232 cost of such highway;

233 12. To vacate or change the location of any portion of any public highway, street or other public  
 234 way or place, public utility, sewer, pipe, main, conduit, cable, wire, tower, pole, and other equipment  
 235 and appliance of the Commonwealth, the City of Richmond or of the Counties of Henrico and  
 236 Chesterfield, and to reconstruct the same in such new location as shall be designated by the Authority,  
 237 and of substantially the same type and in as good condition as the original highway, street, way, place,  
 238 public utility, sewer, pipe, main, conduit, cable, wire, tower, pole, equipment or appliance; with the cost  
 239 of such reconstruction and any damage incurred in vacating or changing the location thereof shall be

ascertained and paid by the Authority as a part of the cost of the project in connection with which such expenditures were made; and any public highway, street or other public way or place vacated or relocated by the Authority shall be vacated or relocated in the manner provided by law for the vacation or relocation of public roads, and any damages awarded on account thereof shall be paid by the Authority as a part of the cost of said project;

13. To enter upon any lands, waters, and premises for the purpose of making such surveys, soundings, borings, and examinations as the Authority may deem necessary or convenient for its purposes, and such entry shall not be deemed a trespass, nor shall an entry for such purposes be deemed an entry under any condemnation proceedings; however, the Authority shall pay any actual damage resulting to such lands, water, and premises as a result of such entry and activities;

14. To operate or permit the operation of vehicles for the transportation of persons or property for compensation on any limited access highway constructed or acquired by the Authority, provided the Department of Motor Vehicles or the Federal Motor Carrier Safety Administration shall not be divested of jurisdiction to authorize or regulate the operation of such carriers;

15. To establish reasonable regulations for the installation, construction, maintenance, repair, renewal, relocation, and removal of pipes, mains, sewers, conduits, cables, wires, towers, poles, and other equipment and appliances (herein referred to as public utility facilities) of the City of Richmond and the Counties of Henrico and Chesterfield and of public utility and public service corporations and of any person, firm or other corporation rendering similar services, owning or operating public utility facilities in, on, along, over or under highways constructed by the Authority; and whenever the Authority shall determine that it is necessary that any public utility facilities should be relocated or removed, the Authority may relocate or remove the public utility facilities in accordance with the regulations of the Authority, and the cost and expense of such relocation or removal, including the cost of installing the public utility facilities in a new location or locations and the cost of any lands or any rights or interests in lands and any other rights acquired to accomplish such relocation or removal shall be paid by the Authority as a part of the cost of such highway, and the owner or operator of the public utility facilities may maintain and operate the public utility facilities with the necessary appurtenances in the new location or locations for as long a period and upon the same terms and conditions as it had the right to maintain and operate the public utility facilities in their former location or locations;

16. ~~To~~ *With the approval of the Mayor and the Council of the City of Richmond and the Boards of Supervisors of the Counties of Henrico and Chesterfield,* to borrow money and issue bonds, notes, or other evidences of indebtedness for any of its corporate purposes, such bonds, notes, or other evidences of indebtedness to be payable solely from the revenues or other unencumbered funds available to the Authority that are pledged to the payment of such bonds, notes, or other evidences of indebtedness;

17. To fix, charge, and collect fees, tolls, rents, rates, and other charges for the use of Authority facilities and the several parts or sections thereof;

18. To establish rules and regulations for the use of any of the Authority facilities as may be necessary or expedient in the interest of public safety with respect to the use of Authority facilities and property under the control of the Authority;

19. To employ consulting engineers, attorneys, accountants, construction and financial experts, superintendents, managers, trustees, depositaries, paying agents, and such other employees and agents as may be necessary in the discretion of the Authority to construct, acquire, maintain, and operate Authority facilities and to fix their compensation;

20. To receive and accept from any federal agency for or in aid of the construction of any Authority facility or for or in aid of any Authority undertaking authorized by this chapter, and to receive and accept from the Commonwealth, the City of Richmond or the Counties of Henrico and Chesterfield and from any other source, grants, contributions, or other aid in such construction or undertaking, or for operation and maintenance, either in money, property, labor, materials, or other things of value; and

21. To do all other acts and things necessary or convenient to carry out the powers expressly granted in this chapter.

### **§ 33.1-23.03:1. Transportation Trust Fund.**

There is hereby created in the Department of the Treasury a special nonreverting fund to be known as the Transportation Trust Fund, consisting of:

1. Funds remaining for highway construction purposes, among the several highway systems pursuant to § 33.1-23.1.

2. [Repealed.]

3. The additional revenues generated by enactments of Chapters 11, 12, and 15 of the Acts of Assembly, 1986 Special Session, and designated for this fund.

4. Tolls and other revenues derived from the projects financed or refinanced pursuant to this title which are payable into the state treasury and tolls and other revenues derived from other transportation projects, which may include upon the request of the applicable appointed governing body, as soon as

their obligations have been satisfied, such tolls and revenue derived for transportation projects pursuant to § 33.1-253 (Chesapeake Bay Bridge and Tunnel District) and to the Richmond Metropolitan Transportation Authority, established in Chapter 70 (§ 15.2-7000 et seq.) of Title 15.2, or if the appointed governing body requests refunding or advanced refunding by the Board and such refunding or advanced refunding is approved by the General Assembly. Such funds shall be held in separate subaccounts of the Transportation Trust Fund to the extent required by law or the Board.

5. Tolls and other revenues derived from the Richmond-Petersburg Turnpike, provided that such funds shall be held in a separate subaccount of the Transportation Trust Fund and allocated as set forth in Chapter 574 of the Acts of Assembly of 1983 until expiration of that Act.

6. Such other funds as may be appropriated by the General Assembly from time to time, and designated for this fund.

7. All interest, dividends and appreciation which may accrue to the Transportation Trust Fund and the Highway Maintenance and Construction Fund, except that interest on funds becoming part of the Transportation Trust Fund under subdivision 1 and the Highway Maintenance and Construction Fund shall not become part of the Transportation Trust Fund until July 1, 1988.

8. All amounts required by contract to be paid over to the Transportation Trust Fund.

9. Concession payments paid to the Commonwealth by a private entity pursuant to the Public-Private Transportation Act of 1995 (§ 56-556 et seq.).

**§ 33.1-252. Free use of toll facilities by certain state officers and employees; penalties.**

A. Vehicles transporting two or more persons, including the driver, may be permitted toll-free use of the Dulles Toll Road during rush hours by the Commonwealth Transportation Board; however, notwithstanding the provisions of subdivision B 1 of § 56-543 said vehicles shall not be permitted toll-free use of a roadway as defined pursuant to the Virginia Highway Corporation Act of 1988 (§ 56-535 et seq.). Upon presentation of a toll pass issued pursuant to regulations promulgated by the Commonwealth Transportation Board, the following persons may use all toll bridges, toll ferries, toll tunnels, and toll roads in this Commonwealth without the payment of toll while in the performance of their official duties:

1. The Commissioner of Highways;
2. Members of the Commonwealth Transportation Board;
3. Employees of the Virginia Department of Transportation;
4. The Superintendent of the Department of State Police;
5. Officers and employees of the Department of State Police;
6. Members of the Alcoholic Beverage Control Board;
7. Employees of the regulatory and hearings divisions of the Department of Alcoholic Beverage Control and special agents of the Department of Alcoholic Beverage Control;
8. The Commissioner of the Department of Motor Vehicles;
9. Employees of the Department of Motor Vehicles;
10. Local police officers;
11. Sheriffs and their deputies;
12. Regional jail officials;
13. Animal wardens;
14. The Director and officers of the Department of Game and Inland Fisheries;
15. Persons operating fire-fighting equipment and ambulances owned by a political subdivision of the Commonwealth or a nonprofit association or corporation;
16. Operators of school buses being used to transport pupils to or from schools;
17. Operators of (i) commuter buses having a capacity of 20 or more passengers, including the driver, and used to regularly transport workers to and from their places of employment and (ii) public transit buses;
18. Employees of the Department of Rail and Public Transportation;
19. Employees of any transportation facility created pursuant to the Virginia Highway Corporation Act of 1988; and
20. Law-enforcement officers of the Virginia Marine Resources Commission.

Notwithstanding the foregoing provision of this subsection requiring presentation of a toll pass for toll-free use of such facilities, in cases of emergency and circumstances of concern for public safety on the highways of the Commonwealth, the Department shall, in order to alleviate an actual or potential threat or risk to the public's safety, facilitate the flow of traffic on or within the vicinity of the toll facility by permitting the temporary suspension of toll collection operations on its facilities.

a. The assessment of the threat to public safety shall be performed and the decision temporarily to suspend toll collection operations shall be made by the Commissioner or his designee.

b. Major incidents that may require the temporary suspension of toll collection operations shall include, but not necessarily be limited to (i) natural disasters such as hurricanes, tornadoes, fires, and

floods; (ii) accidental releases of hazardous materials such as chemical spills; (iii) major traffic accidents such as multivehicle collisions; and (iv) other incidents deemed to present a risk to public safety.

c. In any judicial proceeding in which a person is found to be criminally responsible or civilly liable for any incident resulting in the suspension of toll collections as provided in this subsection, the court may assess against the person an amount equal to lost toll revenue as a part of the costs of the proceeding and order that such amount, not to exceed \$2,000 for any individual incident, be paid to the Department for deposit into the toll road fund.

B. Any tollgate keeper who shall refuse to permit the persons listed in subsection A of this section to pass through such tollgate or over such toll bridge or ferry, or toll road or toll tunnel upon presentation of such a toll pass, shall be guilty of a misdemeanor and punished by a fine of not more than \$50, and not less than \$2.50. Any person other than those listed in subsection A who shall exhibit any such toll pass for the purpose of using any toll bridge, toll tunnel or ferry shall be guilty of a Class 1 misdemeanor and punished accordingly.

B1. Any vehicle operated by the holder of a valid driver's license issued by Virginia or any other state shall be allowed free use of all toll bridges, toll roads, and other toll facilities in Virginia if:

1. The vehicle is specially equipped to permit its operation by a handicapped person;
2. The driver of the vehicle has been certified, either by a physician licensed by Virginia or any other state or by the Adjudication Office of the United States Veterans Administration, as being severely physically disabled and having permanent upper limb mobility or dexterity impairments which substantially impair his ability to deposit coins in toll baskets;
3. The driver has applied for and received from the Department of Transportation a vehicle window sticker identifying him as eligible for such free passage; and
4. Such identifying window sticker is properly displayed on the vehicle.

A copy of this subsection shall be posted at all toll bridges, toll roads, and other toll facilities in Virginia. The Department of Transportation shall provide envelopes for payments of tolls by those persons exempted from tolls pursuant to this subsection and shall accept any payments made by such persons.

C. Nothing contained in this section or in § 33.1-251 or 33.1-285 shall operate to affect the provisions of § 22.1-187.

D. Notwithstanding the provisions of subsections A and B, only the following persons may use the Chesapeake Bay Bridge-Tunnel, facilities of the Richmond Metropolitan *Transportation* Authority, or facilities of an operator authorized to operate a toll facility pursuant to the Public-Private Transportation Act of 1995 (§ 56-556 et seq.) without the payment of toll when necessary and incidental to the conduct of official business:

1. The Commissioner of Highways;
2. Members of the Commonwealth Transportation Board;
3. Employees of the Department of Transportation;
4. The Superintendent of the Department of State Police;
5. Officers and employees of the Department of State Police;
6. The Commissioner of the Department of Motor Vehicles;
7. Employees of the Department of Motor Vehicles; and
8. Sheriffs and deputy sheriffs.

E. Any vehicle operated by a quadriplegic driver shall be allowed free use of all toll facilities in Virginia controlled by the Richmond Metropolitan *Transportation* Authority, pursuant to the requirements of subdivisions 1 through 4 of subsection B1.

#### **§ 33.1-287. Cessation of tolls.**

When the particular revenue bonds issued for any project or projects and the interest thereon have been paid, or a sufficient amount has been provided for their payment and continues to be held for that purpose, the Board shall cease to charge tolls for the use of such project or projects and thereafter such project or projects shall be free; however, the Board may thereafter charge tolls for the use of any such project when tolls are required for maintaining, repairing, operating, improving, and reconstructing such project, when such tolls have been or are pledged by the Board to the payment of revenue bonds issued under the provisions of the article for another project or projects on approval of the General Assembly or when such tolls are designated by the Board to be deposited into the Transportation Trust Fund. But any such pledge of tolls of a project to the payment of bonds issued for another project shall not be effectual until the principal and interest of the bonds issued for the first mentioned project shall have been paid or provision made for their payment.

The foregoing provisions shall also apply to tolls on projects constructed pursuant to (i) the acts incorporated by reference by § 33.1-253 (Chesapeake Bay Bridge and Tunnel District), and (ii) to the Richmond Metropolitan *Transportation* Authority, established in Chapter 70 (§ 15.2-7000 et seq.) of Title 15.2, provided their governing bodies have acted as set forth in subdivision 4 of § 33.1-23.03:1.

**§ 33.1-288. Use of certain funds by Board.**

The Board may, in its discretion, use any part of funds available for the construction of state highways, in any construction district in which any project authorized for toll revenue bond financing by the Commonwealth Transportation Board as described in § 33.1-268 or by the Richmond Metropolitan *Transportation* Authority as described by Chapter 70 (§ 15.2-7000 et seq.) of Title 15.2 is wholly or partly located, to aid in the payment of the cost of such projects and for the payment, purchase or redemption of revenue bonds issued in connection with any such project, or in connection with any such project and any one or more other projects. The Board may also, in its discretion, use any part of funds available for the maintenance of state highways, in any construction district in which any such project is wholly or partly located, to provide for the operation, maintenance and repair of any such project and for the payment of interest on revenue bonds issued in connection with any such project, or in connection with any such project and any one or more other projects; provided further, the Commonwealth Transportation Board may, in its discretion, use funds under the terms of this section for the emergency operation, maintenance and repair of the project of the Chesapeake Bay Bridge and Tunnel Commission as described by § 33.1-253 in the event of damage to the bridge under a repayment agreement approved by the bond trustee, and may also pay to the Chesapeake Bay Bridge and Tunnel Commission, for aid in the maintenance of the project, the same amounts authorized by § 33.1-41.1 for payments for maintenance to certain incorporated towns and cities.

Provided, however, that in the event the Board uses any part of the fund available to itself for the construction of roads in the State Highway System without reference to construction districts, commonly called the "gap fund," for any purpose permitted by this section, it shall not expend in excess of three eighths of the amount of such fund, including other amounts of such fund that may be expended in the three districts in which such projects are located; and provided, further, that in no case shall any of the funds of any construction district other than those in which the projects are located be used for the purposes of this article.

**2. That the terms of the additional members of the Board of Directors of the Richmond Metropolitan Transportation Authority (the Board) to be appointed by Chesterfield County and Henrico County as provided in this act shall commence on July 1, 2014. In order to implement the reduction in the number of members of the Board appointed by the City of Richmond, the terms of all current members of the Board appointed by the City of Richmond shall expire on July 1, 2014, and the Mayor of the City of Richmond shall appoint with the approval of the City Council five new members, which number may include members of the Board whose terms expire on July 1, 2014.**