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**HOUSE BILL NO. 1398**

Offered January 14, 2015

Prefiled December 16, 2014

A *BILL to amend and reenact §§ 33.2-100, 33.2-321, 33.2-501, 33.2-601, 33.2-612, 33.2-613, 33.2-1024, 33.2-1025, 33.2-1027, 33.2-1230, 33.2-1509, 33.2-1726, 33.2-1915, 33.2-1929, 33.2-2103, 33.2-2205, 33.2-2216, 33.2-2300, 33.2-2915, 33.2-2916, 56-366.1, and 56-468.2 of the Code of Virginia; to amend the Code of Virginia by adding in Chapter 1 of Title 33.2 a section numbered 33.2-117 and by adding in Title 33.2 a chapter numbered 33, consisting of sections numbered 33.2-3300 through 33.2-3308; and to repeal Chapter 68 (§§ 15.2-6800 through 15.2-6809) of Title 15.2, Chapter 13 (§ 33.2-1300) of Title 33.2, and §§ 33.2-2217 and 56-355.1 of the Code of Virginia, relating to transportation.*

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 Patron—LeMunyon (By Request)
 

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 Referred to Committee on Transportation
 

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

**1. That §§ 33.2-100, 33.2-321, 33.2-501, 33.2-601, 33.2-612, 33.2-613, 33.2-1024, 33.2-1025, 33.2-1027, 33.2-1230, 33.2-1509, 33.2-1726, 33.2-1915, 33.2-1929, 33.2-2103, 33.2-2205, 33.2-2216, 33.2-2300, 33.2-2915, 33.2-2916, 56-366.1, and 56-468.2 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 1 of Title 33.2 a section numbered 33.2-117 and by adding in Title 33.2 a chapter numbered 33, consisting of sections numbered 33.2-3300 through 33.2-3308, as follows:**

**§ 33.2-100. Definitions.**

As used in this title, unless the context requires a different meaning:

"Asset management" means a systematic process of operating and maintaining the systems of state highways by combining engineering practices and analysis with sound business practices and economic theory to achieve cost-effective outcomes.

"Board" means the Commonwealth Transportation Board.

"City" has the meaning assigned to it in § 1-208.

"Commissioner" or "Commissioner of Highways" means the individual who serves as the chief executive officer of the Department of Transportation.

"Department" means the Department of Transportation.

"Federal-aid systems" are the Interstate System and the National Highway System as set forth in 23 U.S.C. § 103.

"Highway" means the entire width between the boundary lines of every way or place open to the use of the public for purposes of vehicular travel in the Commonwealth.

"Highway purpose," "highway project," or "highway construction" means highway, passenger and freight rail, or public transportation purposes.

"Interstate highway" means any highway in or component of the Interstate System.

"Interstate System" means the same as that term is defined in 23 U.S.C. § 103(c). The "Interstate System" also includes highways or highway segments in the Commonwealth that constitute a part of the Dwight D. Eisenhower National System of Interstate and Defense Highways as authorized and designated in accordance with § 7 of the Federal-Aid Highway Act of 1944 and § 108(a) of the Federal-Aid Highway Act of 1956 and are declared by resolution of the Commonwealth Transportation Board to be portions of the Interstate System.

"Locality" has the meaning assigned to it in § 1-221.

"Maintenance" means (i) ordinary maintenance; (ii) maintenance replacement; (iii) operations that include traffic signal synchronization, incident management, and other intelligent transportation system functions; and (iv) any other categories of maintenance that may be designated by the Commissioner of Highways.

"Municipality" has the meaning assigned to it in § 1-224.

"National Highway System" means the same as that term is defined in 23 U.S.C. § 103(b).

"Primary highway" means any highway in or component of the primary state highway system.

"Primary state highway system" consists of all highways and bridges under the jurisdiction and control of the Commonwealth Transportation Board and the Commissioner of Highways and not in the secondary state highway system.

"Public transportation" or "mass transit" means passenger transportation by rubber-tired, rail, or other surface conveyance that provides shared ride services open to the general public on a regular and

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HB1398

59 continuing basis. "Public transportation" or "mass transit" does not include school buses, charter or  
 60 sight-seeing services, vehicular ferry service that serves as a link in the highway network, or human  
 61 service agency or other client-restricted transportation.

62 "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular  
 63 travel. A highway may include two or more roadways if divided by a physical barrier or barriers or  
 64 unpaved areas.

65 "Secondary highway" means any highway in or component of the secondary state highway system.

66 "Secondary state highway system" consists of all public highways, causeways, bridges, landings, and  
 67 wharves in the counties of the Commonwealth not included in the primary state highway system and  
 68 that have been accepted by the Department of Transportation for supervision and maintenance.

69 "Secretary" means the Secretary of Transportation.

70 "Systems of state highways" has the meaning assigned to it in § 1-251.

71 "Urban highway system" consists of those public highways, or portions thereof, not included in the  
 72 systems of state highways, to which the Commonwealth Transportation Board directs payments pursuant  
 73 to § 33.2-319.

74 **§ 33.2-117. Statutes declaring streams and rivers to be highways continued.**

75 *All statutes heretofore enacted declaring certain streams and rivers to be highways and providing for*  
 76 *removing obstructions therefrom and from other streams shall continue in force.*

77 **§ 33.2-321. Agreements between Commonwealth Transportation Board and certain counties for**  
 78 **operation of certain devices on state highways.**

79 The Commissioner of Highways is empowered to enter into agreements with the governing bodies of  
 80 Arlington and Henrico Counties counties that have withdrawn or elect to withdraw from the secondary  
 81 state highway system pursuant to § 11 of Chapter 415 of the Acts of Assembly of 1932, upon such terms  
 82 as may be agreeable between the parties, in order to authorize such counties to install, maintain, and  
 83 control traffic signals, parking meters, lane-use control signals, and other traffic control devices at  
 84 specific locations on the primary or secondary state highway system within such counties. Such counties  
 85 and the Commissioner of Highways shall have the authority to do all things reasonable or convenient to  
 86 effectuate the purposes of this section.

87 **§ 33.2-501. Designation of HOV lanes; use of such lanes; penalties.**

88 A. In order to facilitate the rapid and orderly movement of traffic to and from urban areas during  
 89 peak traffic periods, the Board may designate one or more lanes of any highway in the Interstate  
 90 System, primary state highway system, or secondary state highway system as HOV lanes. When lanes  
 91 have been so designated and have been appropriately marked with signs or other markers as the Board  
 92 may prescribe, they shall be reserved during periods designated by the Board for the exclusive use of  
 93 buses and high-occupancy vehicles. Any local governing body may also, with respect to highways under  
 94 its exclusive jurisdiction, designate HOV lanes and impose and enforce restrictions on the use of such  
 95 lanes. Any highway for which the locality receives highway maintenance funds pursuant to § 33.2-319  
 96 shall be deemed to be within the exclusive jurisdiction of the local governing body for the purposes of  
 97 this section. HOV lanes shall be reserved for high-occupancy vehicles of a specified number of  
 98 occupants as determined by the Board or, for HOV lanes designated by a local governing body, by that  
 99 local governing body. ~~Notwithstanding the foregoing provisions of this section~~ However, no designation  
 100 of any lane or lanes of any highway as HOV lanes shall apply to the use of any such lanes by:

- 101 1. Emergency vehicles such as firefighting vehicles, ambulances, and rescue squad vehicles;
- 102 2. Law-enforcement vehicles;
- 103 3. Motorcycles;
- 104 4. a. Transit and commuter buses designed to transport 16 or more passengers, including the driver;
- 105 b. Any vehicle operating under a certificate issued under § 46.2-2075, 46.2-2080, 46.2-2096,
- 106 46.2-2099.4, or 46.2-2099.44;
- 107 5. Vehicles of public utility companies operating in response to an emergency call;
- 108 6. Vehicles bearing clean special fuel vehicle license plates issued pursuant to § 46.2-749.3, provided
- 109 such use is in compliance with federal law;
- 110 7. Taxicabs having two or more occupants, including the driver; or
- 111 8. (Contingent effective date) Any active duty military member in uniform who is utilizing Interstate
- 112 264 and Interstate 64 for the purposes of traveling to or from a military facility in the Hampton Roads
- 113 Planning District.

114 In the Hampton Roads Planning District, HOV restrictions may be temporarily lifted and HOV lanes  
 115 opened to use by all vehicles when restricting use of HOV lanes becomes impossible or undesirable and  
 116 the temporary lifting of HOV limitations is indicated by signs along or above the affected portion of  
 117 highway.

118 The Commissioner of Highways shall implement a program of the HOV facilities in the Hampton  
 119 Roads Planning District beginning not later than May 1, 2000. This program shall include the temporary  
 120 lifting of HOV restrictions and the opening of HOV lanes to all traffic when an incident resulting from

121 nonrecurring causes within the general lanes occurs such that a lane of traffic is blocked or is expected  
122 to be blocked for 10 minutes or longer. The HOV restrictions for the facility shall be reinstated when  
123 the general lane is no longer blocked and is available for use.

124 The Commissioner of Highways shall maintain necessary records to evaluate the effects of such  
125 openings on the operation of the general lanes and the HOV lanes. This program will terminate if the  
126 Federal Highway Administration requires repayment of any federal highway construction funds because  
127 of the program's impact on the HOV facilities in Hampton Roads.

128 B. In designating any lane or lanes of any highway as HOV lanes, the Board or local governing  
129 body shall specify the hour or hours of each day of the week during which the lanes shall be so  
130 reserved, and the hour or hours shall be plainly posted at whatever intervals along the lanes the Board  
131 or local governing body deems appropriate. Any person driving a motor vehicle in a designated HOV  
132 lane in violation of this section is guilty of a traffic infraction, which shall not be a moving violation,  
133 and on conviction shall be fined \$100. However, violations committed within the boundaries of Planning  
134 District 8 shall be punishable as follows:

- 135 1. For a first offense, by a fine of \$125;
- 136 2. For a second offense within a period of five years from a first offense, by a fine of \$250;
- 137 3. For a third offense within a period of five years from a first offense, by a fine of \$500; and
- 138 4. For a fourth or subsequent offense within a period of five years from a first offense, by a fine of  
139 \$1,000.

140 Upon a conviction under this section, the court shall furnish to the Commissioner of the Department  
141 of Motor Vehicles in accordance with § 46.2-383 an abstract of the record of such conviction, which  
142 shall become a part of the person's driving record. Notwithstanding the provisions of § 46.2-492, no  
143 driver demerit points shall be assessed for any violation of this section, except that persons convicted of  
144 second, third, fourth, or subsequent violations within five years of a first offense committed in Planning  
145 District 8 shall be assessed three demerit points for each such violation.

146 C. In the prosecution of an offense, committed in the presence of a law-enforcement officer, of  
147 failure to obey a road sign restricting a highway, or portion thereof, to the use of high-occupancy  
148 vehicles, proof that the vehicle described in the HOV violation summons was operated in violation of  
149 this section, together with proof that the defendant was at the time of such violation the registered  
150 owner of the vehicle, shall constitute in evidence a rebuttable presumption that such registered owner of  
151 the vehicle was the person who committed the violation. Such presumption shall be rebutted if the  
152 registered owner of the vehicle testifies in open court under oath that he was not the operator of the  
153 vehicle at the time of the violation. A summons for a violation of this section may be executed in  
154 accordance with § 19.2-76.2. Such rebuttable presumption shall not arise when the registered owner of  
155 the vehicle is a rental or leasing company.

156 D. Notwithstanding the provisions of § 19.2-76, whenever a summons for a violation of this section  
157 is served in any locality, it may be executed by mailing by first-class mail a copy thereof to the address  
158 of the owner of the vehicle as shown on the records of the Department of Motor Vehicles. If the  
159 summoned person fails to appear on the date of return set out in the summons mailed pursuant to this  
160 section, the summons shall be executed in the manner set out in § 19.2-76.3.

161 No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for his  
162 failure to appear on the return date of the summons.

163 E. Notwithstanding § 33.2-613, high-occupancy vehicles having three or more occupants (HOV-3)  
164 may be permitted to use the Omer L. Hirst-Adelard L. Brault Expressway (Dulles Toll Road) without  
165 paying a toll.

166 F. Notwithstanding the contrary provisions of this section, the following conditions shall be met  
167 before the HOV-2 designation of Interstate Route 66 outside the Capital Beltway can be changed to  
168 HOV-3 or any more restrictive designation:

169 1. The Department of Transportation shall publish a notice of its intent to change the existing  
170 designation and also immediately provide similar notice of its intent to all members of the General  
171 Assembly representing districts that touch or are directly impacted by traffic on Interstate Route 66.

172 2. The Department of Transportation shall hold public hearings in the corridor to receive comments  
173 from the public.

174 3. The Department of Transportation shall make a finding of the need for a change in such  
175 designation, based on public hearings and its internal data, and present this finding to the Board for  
176 approval.

177 4. The Board shall make written findings and a decision based upon the following criteria:

- 178 a. Is changing the HOV-2 designation to HOV-3 in the public interest?
- 179 b. Is there quantitative and qualitative evidence that supports the argument that HOV-3 will facilitate  
180 the flow of traffic on Interstate Route 66?
- 181 c. Is changing the HOV-2 designation beneficial to comply with the federal Clean Air Act

182 Amendments of 1990?

183 **§ 33.2-601. Ferry across Corrotoman River.**

184 The public free ferry across the Corrotoman River, in the County of Lancaster, authorized by ~~the act~~  
 185 ~~of March 12, 1847 Chapter 156 of the Acts of Assembly of 1847~~, shall be kept according to such act,  
 186 except as otherwise provided in this section. The Circuit Court of Lancaster may have the contract for  
 187 keeping the same let to the lowest bidder for a period of five years, and the bonds thereby directed shall  
 188 be to the County of Lancaster. Furthermore, the ferry shall cross from Merry Point to the upper side of  
 189 the wharf and canning factory at Ottoman wharf. However, the circuit court of the county shall have the  
 190 right, upon the application of the board of supervisors, to discontinue the ferry if it appears that public  
 191 necessity therefor no longer exists. No such application shall be made unless and until notice is given by  
 192 (i) publication once a week for two successive weeks in a newspaper published in the county or having  
 193 general circulation therein and (ii) posting copies of the notice at the front door of the courthouse of the  
 194 county and at both landings of the ferry. Such notice shall be posted and the first newspaper publication  
 195 made at least 30 days before the day on which the application will be made to the court.

196 **§ 33.2-612. Unlawful for Department of Transportation to permit free passage over certain toll**  
 197 **bridges and ferries; exceptions.**

198 Except for those persons exempted from tolls under § 33.2-613, it shall be unlawful for the  
 199 Department or any employee thereof to give or permit free passage over any toll bridge, tunnel, or ferry  
 200 that has been secured through the issuance of revenue bonds and which bonds are payable from the  
 201 revenues of such project. Every vehicle shall pay the same toll as others similarly situated. Except as  
 202 provided in § 33.2-613, the provisions ~~hereof of this section~~ shall apply to vehicles and employees of the  
 203 state government, local governments, or other political subdivisions and to vehicles and persons of all  
 204 other categories and descriptions, public, private, eleemosynary, or otherwise.

205 **§ 33.2-613. Free use of toll facilities by certain state officers and employees; penalties.**

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

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

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

- 243 1. The assessment of the threat to public safety shall be performed and the decision temporarily to

244 suspend toll collection operations shall be made by the Commissioner of Highways or his designee.

245 2. Major incidents that may require the temporary suspension of toll collection operations shall  
246 include (i) natural disasters such as hurricanes, tornadoes, fires, and floods; (ii) accidental releases of  
247 hazardous materials such as chemical spills; (iii) major traffic accidents, such as multivehicle collisions;  
248 and (iv) other incidents deemed to present a risk to public safety.

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

254 C. Any tollgate keeper who refuses to permit the persons listed in subsection A to use any toll  
255 bridge, toll ferry, toll tunnel, or toll road upon presentation of such a toll pass is guilty of a  
256 misdemeanor punishable by a fine of not more than \$50 and not less than \$2.50. Any person other than  
257 those listed in subsection A who exhibits any such toll pass for the purpose of using any toll bridge, toll  
258 ferry, toll tunnel, or toll road is guilty of a Class 1 misdemeanor.

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

262 1. The vehicle is specially equipped to permit its operation by a handicapped person;

263 2. The driver of the vehicle has been certified, either by a physician licensed by the Commonwealth  
264 or any other state or by the Adjudication Office of the U.S. Department of Veterans Affairs, as being  
265 severely physically disabled and having permanent upper limb mobility or dexterity impairments that  
266 substantially impair his ability to deposit coins in toll baskets;

267 3. The driver has applied for and received from the Department of Transportation a vehicle window  
268 sticker identifying him as eligible for such free passage; and

269 4. Such identifying window sticker is properly displayed on the vehicle.

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

274 E. Nothing contained in this section or in § 33.2-612 or 33.2-1718 shall operate to affect the  
275 provisions of § 22.1-187.

276 F. Notwithstanding the provisions of subsections A, B, and C, only the following persons may use  
277 the Chesapeake Bay Bridge-Tunnel, facilities of the Richmond Metropolitan Transportation Authority, or  
278 facilities of an operator authorized to operate a toll facility pursuant to the Public-Private Transportation  
279 Act of 1995 (§ 33.2-1800 et seq.) without the payment of toll when necessary and incidental to the  
280 conduct of official business:

281 1. The Commissioner of Highways;

282 2. Members of the Commonwealth Transportation Board;

283 3. Employees of the Department of Transportation;

284 4. The Superintendent of the Department of State Police;

285 5. Officers and employees of the Department of State Police;

286 6. The Commissioner of the Department of Motor Vehicles;

287 7. Employees of the Department of Motor Vehicles; and

288 8. Sheriffs and deputy sheriffs.

289 G. Any vehicle operated by a quadriplegic driver shall be allowed free use of all toll facilities in  
290 Virginia controlled by the Richmond Metropolitan Transportation Authority, pursuant to the requirements  
291 of subdivisions D 1 through 4.

292 *H. Vehicles transporting two or more persons, including the driver, may be permitted toll-free use of*  
293 *the Dulles Toll Road during rush hours by the Board; however, notwithstanding the provisions of*  
294 *subdivision B 1 of § 56-543, said vehicles shall not be permitted toll-free use of a roadway as defined*  
295 *pursuant to the Virginia Highway Corporation Act of 1988 (§ 56-535 et seq.).*

296 **§ 33.2-1024. Reformation, alteration, revision, amendment, or invalidation of certificate.**

297 Upon the recordation of such certificate, no reformation, alteration, revision, amendment, or  
298 invalidation shall be made for any purpose without the prior consent of the court wherein such  
299 certificate is recorded. The court shall have jurisdiction to reform, alter, revise, amend, or invalidate in  
300 whole or in part any certificate; to correct mistakes in the description of the property affected by such  
301 certificate; to correct the name of the owner in the certificate; to correct any other error that may exist  
302 with respect to such certificate; or for any other purpose. A petition filed by the Commissioner of  
303 Highways with the court setting forth any error made in such certificate, or the necessity of any change  
304 therein, shall be deemed sufficient basis for the reformation, alteration, revision, amendment, or

305 invalidation in whole or in part of such certificate. The court may enter an order permitting the  
 306 reformation, alteration, revision, amendment, or invalidation in whole or in part, and such order, together  
 307 with any revised certificate that may be necessary, shall be ~~spread~~ recorded in the current deed book.  
 308 The filing of any certificate pursuant to the provisions of this section shall not alter the date of taking as  
 309 established by the filing of the original certificate pursuant to § 33.2-1021 as to any land that is included  
 310 in the amended certificate, and no such amended certificate shall include any land not in the original  
 311 certificate. Nothing ~~herein contained in this section~~ shall be construed to prohibit or preclude any person  
 312 damaged thereby from showing in the proper proceeding the damage suffered by reason of such mistake  
 313 or the invalidation of a certificate of deposit as ~~herein provided in this section~~.

314 **§ 33.2-1025. When condemnation proceedings instituted; payment of compensation or damages;**  
 315 **order confirming award; recording.**

316 Within 180 days after the recordation of such certificate, if the Commissioner of Highways and the  
 317 owner of such lands or interest therein taken or damaged by the Commissioner of Highways are unable  
 318 to agree as to the compensation or damages, if any, caused thereby, or such consent cannot be obtained  
 319 due to the incapacity of the owner, or because such owner is unknown or cannot with reasonable  
 320 diligence be found within the Commonwealth, the Commissioner of Highways shall institute  
 321 condemnation proceedings, as provided in this article, unless said proceedings shall have been instituted  
 322 prior to the recordation of such certificate. The amount of such compensation and damages, if any,  
 323 awarded to the owner in such proceedings shall be paid out of the appropriations to the Department. The  
 324 final order confirming the award of the Commissioner of Highways shall confirm absolute and  
 325 indefeasible title to the land, or interest therein sought, in the Commonwealth and shall be ~~spread~~  
 326 recorded in the current deed book.

327 **§ 33.2-1027. Agreements as to compensation; petition and order of court thereon; disposition of**  
 328 **deposit.**

329 At any time after the recordation of such certificate, but prior to the institution of condemnation  
 330 proceedings, if the Commissioner of Highways and the owner of the land or interest therein taken or  
 331 damaged are able to agree as to compensation for the land taken and damages, if any, caused by such  
 332 taking, the Commissioner of Highways shall file with the court a petition so stating, with a copy of the  
 333 agreement attached. If condemnation proceedings are already pending at the time of reaching such  
 334 agreement, no such petition shall be required, but the motion for dismissal of such proceedings shall  
 335 contain an averment that such agreement has been reached. Upon the filing of such petition or motion to  
 336 dismiss, the court shall thereupon enter an order confirming absolute and indefeasible title to the land or  
 337 interest therein in the Commonwealth. Such order shall be ~~spread~~ recorded in the current deed book.  
 338 Upon entry of such order, the Commissioner of Highways and State Treasurer shall be relieved of  
 339 further obligation by virtue of having filed such certificate of deposit with the court.

340 If it shall appear from such petition and agreement, or motion to dismiss a pending suit, that no  
 341 person other than those executing such agreement are entitled to the fund on deposit, the court shall  
 342 direct that such fund, after payment therefrom of any taxes that may be charged against such land taken,  
 343 be disbursed and distributed in accordance with the statement or charge in the petition or motion among  
 344 the parties or persons entitled thereto. If it shall appear that a controversy exists as to the persons  
 345 entitled to such fund, such distribution shall be made in accordance with the provisions of § 33.2-1023.

346 **§ 33.2-1230. Adjustment or relocation of certain billboard signs.**

347 A. Notwithstanding any other provision of law, general or special, whenever land is acquired due to  
 348 the widening, construction, or reconstruction of any highway as ~~defined in § 33.2-1200~~ by purchase or  
 349 by use of the power of eminent domain by any condemnor and upon such land is situated a lawfully  
 350 erected billboard sign as ~~defined in § 33.2-1200~~ or whenever a lawfully erected billboard sign as  
 351 ~~defined in § 33.2-1200~~ is situated adjacent to such a highway and is affected by the construction of a  
 352 sound wall, such billboard sign may be relocated as provided in this section.

353 B. If a billboard sign meets all requirements under the provision of this title, the size, lighting, and  
 354 spacing requirements of a locality that is certified in accordance with 23 C.F.R. § 750.706 and the  
 355 federal-state agreement, if applicable, and § 4.1-113.1 in the case of outdoor alcoholic beverage  
 356 advertising, but is considered nonconforming solely due to a local ordinance, the owner of the billboard  
 357 sign, at his sole cost and expense, shall have the option to relocate such billboard sign to another  
 358 location as close as practicable on the same property, adjusting the height or angle of the billboard sign  
 359 to a height or angle that restores the visibility of the billboard sign to the same or comparable visibility  
 360 as before the taking or before construction of the sound wall, provided the new location also meets all  
 361 the requirements of this title and regulations adopted pursuant thereto. The billboard sign may remain in  
 362 its original location, provided the owner of the billboard sign pays monthly rent to the Commissioner of  
 363 Highways or other condemnor equivalent to the monthly rent received by the property owner for the  
 364 billboard prior to acquisition, and until such time as the Commissioner or other condemnor gives notice  
 365 to the owner of such billboard sign that the billboard sign must be removed. The notice of removal shall  
 366 be provided at least 45 days prior to the required removal date, which shall be the earlier of the

367 certification date for a highway project advertisement for construction bids or the date that utility  
368 relocations are scheduled to commence.

369 C. Nothing in this section shall authorize the owner of such billboard sign to increase the size of the  
370 sign face, and a relocated billboard sign shall continue to be nonconforming in its new location unless  
371 the relocated billboard sign becomes conforming in its new location under the local ordinance. The  
372 provisions of § 33.2-1219 shall apply to any relocation.

373 **§ 33.2-1509. Funds for access roads to economic development sites and airports; construction,**  
374 **maintenance, etc., of such roads.**

375 A. Notwithstanding any other provision of law, there shall be appropriated to the Board funds  
376 derived from taxes on motor fuels, fees and charges on motor vehicle registrations, road taxes, or any  
377 other state revenue allocated for highway purposes, which shall be used by the Board for the purposes  
378 hereinafter specified *in this section*, after deducting the costs of administration before any of such funds  
379 are distributed and allocated for any road or street purposes.

380 Such funds shall be expended by the Board for constructing, reconstructing, maintaining, or  
381 improving access roads within localities to economic development sites on which manufacturing,  
382 processing, research and development facilities, distribution centers, regional service centers, corporate  
383 headquarters, or other establishments that also meet basic employer criteria as determined by the  
384 Virginia Economic Development Partnership in consultation with the Virginia Department of Small  
385 Business and Supplier Diversity will be built under firm contract or are already constructed and to  
386 licensed, public-use airports; in the event there is no such establishment or airport already constructed or  
387 for which the construction is under firm contract, a locality may guarantee to the Board by bond or  
388 other acceptable device that such will occur and, should no establishment or airport acceptable to the  
389 Board be constructed or under firm contract within the time limits of the bond, such bond shall be  
390 forfeited. The time limits of the bond shall be based on regular review and consideration by the Board.  
391 Towns that receive highway maintenance payments under § 33.2-319 shall be considered separately from  
392 the counties in which they are located when receiving allocations of funds for access roads.

393 B. In deciding whether or not to construct or improve any such access road, and in determining the  
394 nature of the road to be constructed, the Board shall base its considerations on the cost thereof in  
395 relation to the volume and nature of the traffic to be generated as a result of developing the airport or  
396 the economic development site. Within any economic development site or airport, the total volume of  
397 traffic to be generated shall be taken into consideration in regard to the overall cost thereof. No such  
398 access road shall be constructed or improved on a privately owned economic development site.

399 C. Any access road constructed or improved under this section shall constitute a part of the  
400 secondary state highway system or the road system of the locality in which it is located and shall  
401 thereafter be constructed, reconstructed, maintained, and improved as other roads or highways in such  
402 system.

403 **§ 33.2-1726. Incidental powers of the Board.**

404 The Board may make and enter into all contracts or agreements necessary or incidental to the  
405 execution of its powers under this chapter and may employ engineering, architectural, and construction  
406 experts and inspectors, brokers, and such other employees as may be deemed necessary, who shall be  
407 paid such compensation as may be provided in accordance with law. All such compensation and all  
408 expenses incurred in carrying out the provisions of this chapter shall be paid solely from funds provided  
409 under the authority of this chapter, and no liability or obligation shall be incurred pursuant to this  
410 chapter beyond the extent to which money has been provided under the authority of this chapter. The  
411 Board may exercise any powers that are necessary or convenient for the execution of its powers under  
412 this chapter.

413 The Board shall maintain and keep in good condition and repair, or cause to be maintained and kept  
414 in good condition and repair, the projects authorized under this chapter, when acquired or constructed  
415 and opened to traffic, including any project or part thereof that may include portions of existing streets  
416 or roads within a county, municipality, or other political subdivision.

417 The Board is authorized and empowered to establish regulations for the use of any one or more of  
418 the projects defined in § 33.2-1700, as amended, including reasonable regulations relating to (i)  
419 maximum and minimum speed limits applicable to motor vehicles using such project, any other  
420 provision of law to the contrary notwithstanding; (ii) the types, kinds, and sizes of vehicles that may use  
421 such projects; (iii) the nature, size, type of materials, or substances that shall not be transported over  
422 such project; and (iv) such other matters as may be necessary or expedient in the interest of public  
423 safety with respect to the use of such project, provided that as to the project authorized under the terms  
424 of subdivision 5 of the definition of "project" in § 33.2-1700, the provisions of clauses (i), (ii), (iii), and  
425 (iv) shall not apply to existing streets within a municipality and embraced by such project, except as  
426 may be otherwise agreed upon by the Board and the municipality.

427 The projects acquired or constructed under this chapter may be policed in whole or in part by State

428 Police officers even though all or some portions of any such projects lie within the corporate limits of a  
429 municipality or other political subdivision. Such officers shall be under the exclusive control and  
430 direction of the Superintendent of State Police and shall be responsible for the preservation of public  
431 peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property,  
432 and enforcement of the laws and regulations of the Commonwealth within the limits of any such  
433 projects. All other police officers of the Commonwealth and of each locality or other political  
434 subdivision through which any project, or portion thereof, extends shall have the same powers and  
435 jurisdiction within the limits of such projects as they have beyond such limits and shall have access to  
436 the projects at any time for the purpose of exercising such powers and jurisdiction.

437 The Board is authorized and empowered to employ and appoint "project guards" for the purpose of  
438 protecting the projects and to enforce the regulations of the Board, except those paralleling state law,  
439 established for the use of such projects. Such guards may issue summons to appear or arrest on view  
440 without warrant and conduct before the nearest officer authorized by law to admit to bail any persons  
441 violating, within or upon the projects, any such rule or regulation. The provisions of §§ 46.2-936 and  
442 46.2-940 shall apply mutatis mutandis to the issuance of summons or arrests without warrants pursuant  
443 to this section.

444 The violation of any regulation adopted by the Board pursuant to the authority hereby granted shall  
445 be punishable as follows: If such violation would have been a violation of law if committed on any  
446 public street or highway in the county, city, or town in which such violation occurred, it shall be  
447 punishable in the same manner as if it had been committed on such public road, street, or highway;  
448 otherwise it shall be punishable as a *Class 1* misdemeanor.

449 The powers and duties of the Board enumerated in this chapter shall not be construed as a limitation  
450 of the general powers or duties of the Board. The Board, in addition to the powers and duties  
451 enumerated in this chapter, shall do and perform any and all things and acts necessary in the  
452 construction or acquisition, maintenance, and operation of any project to be constructed or acquired  
453 under the provisions of this chapter, to the end that such project may become and be operated free of  
454 tolls as early as possible and practicable, subject only to the express limitations of this chapter and the  
455 limitations of other laws and constitutional provisions applicable thereto.

456 **§ 33.2-1915. Powers and functions generally.**

457 A. Notwithstanding any other contrary provision of law, a commission shall, except as provided in  
458 subsection B, have the following powers and functions:

459 1. The commission shall prepare the transportation plan for the transportation district and shall revise  
460 and amend the plan in accordance with the planning process and procedures specified in Article 7  
461 (§ 33.2-1928 et seq.).

462 2. The commission may, when a transportation plan is adopted according to Article 7 (§ 33.2-1928 et  
463 seq.), construct or acquire, by purchase or lease, the transportation facilities specified in such  
464 transportation plan.

465 3. The commission may enter into agreements or leases with private companies for the operation of  
466 its facilities or may operate such facilities itself.

467 4. The commission may enter into contracts or agreements with the counties and cities within the  
468 transportation district, with counties and cities that adjoin the transportation district and are within the  
469 same planning district, or with other commissions of adjoining transportation districts to provide, or  
470 cause to be provided, transit facilities and service to such counties and cities or to provide transit  
471 facilities and other modes of transportation between adjoining transportation districts. Such contracts or  
472 agreements, together with any agreements or leases for the operation of such facilities, may be utilized  
473 by the transportation district to finance the construction and operation of transportation facilities, and  
474 such contracts, agreements, or leases shall inure to the benefit of any creditor of the transportation  
475 district.

476 However, except in any transportation district containing any or all of the Counties of Chesterfield,  
477 Hanover, and Henrico or the City of Richmond, being so delegated by the respective local governments,  
478 the commission shall not have the power to regulate services provided by taxicabs, either within  
479 municipalities or across municipal boundaries, which regulation is expressly reserved to the  
480 municipalities within which taxicabs operate. In any transportation district containing any or all of the  
481 Counties of Chesterfield, Hanover, and Henrico or the City of Richmond, the commission may, upon  
482 proper authority granted by the respective component governments, regulate services provided by  
483 taxicabs, either within localities or across county or city boundaries.

484 B. The Northern Virginia Transportation Commission:

485 1. Shall not prepare a transportation plan or construct or operate transit facilities, but shall collaborate  
486 and cooperate in the manner specified in Article 7 (§ 33.2-1928 et seq.) with an agency in preparing,  
487 revising, and amending a transportation plan for such metropolitan area.

488 2. Shall, according to Article 7 (§ 33.2-1928 et seq.) and in cooperation with the governing bodies of  
489 the component governments embraced by the transportation district, formulate the tentative policy and

490 decisions of the transportation district with respect to the planning, design, location, construction,  
491 operation, and financing of transportation facilities.

492 3. May, when a transportation plan applicable to such a transportation district is adopted, enter into  
493 contracts or agreements with an agency to contribute to the capital required for the construction or  
494 acquisition of transportation facilities and for meeting expenses and obligations in the operations of such  
495 facilities.

496 4. May, when a transportation plan applicable to such transportation district is adopted, enter into  
497 contracts or agreements with the counties and cities within the transportation district to provide or cause  
498 to be provided transportation facilities and service to such counties and cities.

499 5. Notwithstanding any other provision in this section to the contrary:

500 a. May acquire land or any interest therein by purchase, lease, gift, condemnation, or otherwise and  
501 provide transportation facilities thereon for use in connection with any transportation service;

502 b. May acquire land or any interest therein by purchase, lease, gift, condemnation, or otherwise in  
503 advance of need for sale or contribution to an agency, for use by that agency in connection with an  
504 adopted mass transit plan;

505 c. May, in accordance with the terms of any grant from or loan by the United States of America or  
506 the Commonwealth, or any agency or instrumentality thereof, or when necessary to preserve essential  
507 transportation service, acquire transit facilities or any carrier that is subject to the jurisdiction of the  
508 Washington Metropolitan Area Transit Commission by acquisition of the capital stock or transit facilities  
509 and other assets of any such carrier and shall provide for the performance of transportation by any such  
510 carrier or with such transit facilities by contract or lease. However, the contract or lease shall be for a  
511 term of no more than one year, renewable for additional terms of similar duration, and, in order to  
512 assure acceptable fare levels, may provide for financial assistance by purchase of service, operating  
513 subsidies, or otherwise. No such service shall be rendered that will adversely affect transit service  
514 rendered by the transit facilities owned or controlled by the agency or any existing private transit or  
515 transportation company. When notified by the agency that it is authorized to perform or cause to be  
516 performed transportation services with motor vehicle facilities, the commission, upon request by the  
517 agency, shall transfer such capital stock or transit facilities to the agency at a price to be agreed upon;  
518 and

519 d. May prepare a plan for mass transportation services with cities, counties, agencies, authorities, or  
520 commissions and may further contract with transportation companies, cities, counties, commissions,  
521 authorities, agencies, and departments of the Commonwealth and appropriate agencies of the federal  
522 government or governments contiguous to the Commonwealth to provide necessary facilities, equipment,  
523 operations and maintenance, access, and insurance pursuant to such plan.

524 C. The provisions of subdivisions B 1 through 4 and subdivisions B 5 b and c shall not apply (i) to  
525 any transportation district that may be established on or after July 1, 1986, and that includes any one or  
526 more localities that are located within a metropolitan area, but that were not, on January 1, 1986,  
527 members of any other transportation district or (ii) to any locality that, after July 1, 1989, joins a  
528 transportation district that was established on or before January 1, 1986. The provisions of this  
529 subsection shall apply only to any transportation district or locality that is contiguous to the Northern  
530 Virginia Transportation District. Any such district or locality shall be subject to the provisions of  
531 subsection A and further may exercise the powers granted by subdivision B 5 a to acquire land or any  
532 interest therein by purchase, lease, gift, condemnation, or otherwise and provide transportation facilities  
533 thereon for use in connection with any transportation service.

534 D. Until such time as a commission enters into contracts or agreements with its component  
535 governments under the provisions of subdivisions A 4 and B 4 and is receiving revenues thereunder  
536 adequate to meet the administrative expenses of the commission after paying or providing for the  
537 payment of the obligations arising under said subdivisions, the administrative expenses of the  
538 commission shall be borne by the component governments in the manner set forth in this section. The  
539 commission annually shall submit to the governing bodies of the component counties and cities a budget  
540 of its administrative requirements for the next year.

541 E. The administrative expenses of the Northern Virginia Transportation Commission, to the extent  
542 funds for such expenses are not provided from other sources, shall be allocated among the component  
543 governments on the basis of population as reflected by the latest population statistics of the U.S. Census  
544 Bureau; however, upon the request of any component government, the commission shall make the  
545 allocation upon estimates of population prepared in a manner approved by the commission and by the  
546 governing body of the component government making such request. The administrative expenses of the  
547 Northern Virginia Transportation Commission, to the extent funds for such expenses are not provided  
548 from other sources, shall be allocated among the component governments on the basis of the relative  
549 shares of state and federal transit aids allocated by the Commission among its component governments.  
550 Such budget shall be limited solely to the administrative expenses of the Commission and shall not

551 include any funds for construction or acquisition of transportation facilities or the performing of  
552 transportation service. In addition, the Northern Virginia Transportation Commission annually shall  
553 submit to the governing bodies of the component counties and cities a budget of its other expenses and  
554 obligations for the ensuing year. Such expenses and obligations shall be borne by the component  
555 counties and cities in accordance with prior arrangements made therefor.

556 F. When a transportation plan has been adopted under subdivision A 4 of § 33.2-1929, the  
557 commission shall determine the equitable allocation among the component governments of the costs  
558 incurred by the district in providing the transportation facilities proposed in the transportation plan and  
559 any expenses and obligations from the operation thereof to be borne by each county and city. In making  
560 such determinations, the commission shall consider the cost of the facilities located within each county  
561 and city, the population of each county and city, the benefits to be derived by each county and city  
562 from the proposed transportation service, and all other factors that the commission determines to be  
563 relevant. Such determination, however, shall not create a commitment by the counties and cities, and  
564 such commitments shall be created only under the contracts or agreements specified in subdivisions A 4  
565 and B 4.

566 **§ 33.2-1929. Procedures.**

567 A. To ensure that the planning process specified in § 33.2-1928 is effectively and efficiently utilized,  
568 the commission shall conform to the following procedures and may prescribe such additional procedures  
569 as it deems advisable:

570 1. Commission meetings shall be held at least monthly and more often in the discretion of the  
571 commission, as the proper performance of its duties requires.

572 2. At such meetings the commission shall receive and consider reports from:

573 a. Its members who are also members of an agency, as to the status and progress of the work of  
574 such agency, and if the commission deems that such reports are of concern to them, shall fully inform  
575 its component governments, committees, and the Commonwealth Transportation Board with respect  
576 thereto, as a means of developing the informed views requisite for sound policy-making; and

577 b. Its members, technical and other committees, members of the governing bodies of the component  
578 governments, and consultants, presenting and analyzing studies and data on matters affecting the making  
579 of policies and decisions on a transportation plan and the implementation thereof.

580 3. The objective of the procedures specified in this section is to develop agreement, based on the  
581 best available information, among the district commission, the governing bodies of the component  
582 governments, the Commonwealth Transportation Board, and an interstate agency with respect to the  
583 various factors that affect the making of policies and decisions relating to a transportation plan and the  
584 implementation thereof. If any material disagreements occur in the planning process with respect to  
585 objectives and goals, the evaluation of basic data, or the selection of criteria and standards to be applied  
586 in the planning process, the commission shall exert its best efforts to bring about agreement and  
587 understanding on such matters. The commission may hold hearings in an effort to resolve any such  
588 basic controversies.

589 4. Before a transportation plan is adopted, altered, revised, or amended by the commission or by an  
590 agency on which it is represented, the commission shall transmit such proposed plan, alteration, revision,  
591 or amendment to the governing bodies of the component governments, to the Commonwealth  
592 Transportation Board, and to its technical committees and shall release to the public information with  
593 respect thereto. A copy of the proposed transportation plan, amendment, or revision shall be kept at the  
594 commission office and shall be available for public inspection. Upon 30 days' notice, published once a  
595 week for two successive weeks in one or more newspapers of general circulation within the  
596 transportation district, a public hearing shall be held on the proposed plan, alteration, revision, or  
597 amendment. The 30 days' notice period shall begin to run on the first day the notice appears in any such  
598 newspaper. The commission shall consider the evidence submitted and statements and comments made  
599 at such hearings and, if objections in writing to the whole or any part of the plan are made by the  
600 governing body of any component government, or by the Commonwealth Transportation Board, or if the  
601 commission considers any written objection made by any other person, group, or organization to be  
602 sufficiently significant, the commission shall reconsider the plan, alteration, revision, or amendment. If,  
603 upon reconsideration, the commission agrees with the objection, then the commission shall make  
604 appropriate changes to the proposed plan, alteration, revision, or amendment and may adopt them  
605 without further hearing. If, upon reconsideration, the commission disagrees with the objection, the  
606 commission may adopt the plan, alteration, revision, or amendment. No facilities shall be located in and  
607 no service rendered, however, within any county or city that does not execute an appropriate agreement  
608 with the commission or with an interstate agency as provided in § 33.2-1922; but in such case, the  
609 commission shall determine whether the absence of such an agreement so materially and adversely  
610 affects the feasibility of the transportation plan as to require its modification or abandonment.

611 **§ 33.2-2103. Powers and duties of commission.**

612 The commission may:

613 1. Expend district revenues to construct, reconstruct, alter, improve, or expand; transportation  
614 improvements and make loans or otherwise provide for the cost of transportation improvements and for  
615 financial assistance to operate transportation improvements in the district for the use and benefit of the  
616 public.

617 2. Acquire by gift, purchase, lease, in-kind contribution to construction costs, or otherwise any  
618 transportation improvements in the district and sell, lease as lessor, transfer, or dispose of any part of  
619 any transportation improvements in such manner and upon such terms as the commission may determine  
620 to be in the best interests of the district. However, prior to disposing of any such property or interest  
621 therein, the commission shall conduct a public hearing with respect to such disposition. At the hearing,  
622 the residents and owners of property within the district shall have an opportunity to be heard. At least  
623 10 days' notice of the time and place of such hearing shall be published in a newspaper of general  
624 circulation in the district, as prescribed by the commission. Such public hearing may be adjourned from  
625 time to time.

626 3. Negotiate and contract with any person with regard to any matter necessary and proper to provide  
627 any transportation improvements, including the financing, acquisition, construction, reconstruction,  
628 alteration, improvement, expansion, operation, or maintenance of any transportation improvements in the  
629 district. For the purposes of this chapter, transportation improvements are within the district if they are  
630 located within the boundaries of the transportation improvement district or are reasonably deemed  
631 necessary for the construction or operation of transportation improvements within the boundaries of the  
632 transportation improvement district.

633 4. Enter into a continuing service contract for a purpose authorized by this chapter and make  
634 payments of the proceeds received from the special taxes levied pursuant to this chapter, together with  
635 any other revenues, for installments due under that service contract. The district may apply such  
636 payments annually during the term of that service contract in an amount sufficient to make the  
637 installment payments due under that contract, subject to the limitation imposed by this chapter.  
638 However, payments for any such service contract shall be conditioned upon the receipt of services  
639 pursuant to the contract. Such a contract shall not obligate a county or participating town to make  
640 payments for services of the district.

641 5. Accept the allocations, contributions, or funds of any available source or reimburse from any  
642 available source, including any person, for the whole or any part of the costs, expenses, and charges  
643 incident to the acquisition, construction, reconstruction, maintenance, alteration, improvement, and  
644 expansion or the operation of any transportation improvements in the district.

645 6. Contract for the extension and use of any public mass transit system or highway into territory  
646 outside the district on such terms and conditions as the commission determines.

647 7. Employ and fix the compensation of personnel who may be deemed necessary for the  
648 construction, operation, or maintenance of any transportation improvements in the district.

649 8. Have prepared an annual audit of the district's financial obligations and revenues, and upon review  
650 of such audit, request a tax rate adequate to provide tax revenues that, together with all other revenues,  
651 are required by the district to fulfill its annual obligations.

652 **§ 33.2-2205. Regulations of the Commission; enforcement.**

653 The Commission shall have power:

654 1. To adopt and enforce reasonable regulations that, after publication one time in full in a newspaper  
655 of general circulation published in or having general circulation in the City of Virginia Beach and a  
656 newspaper of general circulation published in or having general circulation in the County of  
657 Northampton and when posted where the using public may conveniently see such regulations, shall have  
658 the force and effect of law as to (i) maximum and minimum speed limits applicable to motor vehicles  
659 using the project and other property under control of the Commission; (ii) the types, kinds, and sizes of  
660 the vehicles that may use the project; (iii) the nature, size, type, or kind of materials or substances that  
661 shall not be transported through or over the project; and (iv) such other regulations as may be necessary  
662 or expedient in the interest of public safety with respect to the use of the project.

663 2. To punish a violation of the regulations provided for in subdivision 1 as follows:

664 a. If a violation would have been a violation of law or ordinance if committed on any public street  
665 or highway in the locality in which such violation occurred, it shall be tried and punished in the same  
666 manner as if it had been committed on such public street or highway.

667 b. If a violation occurs within one jurisdiction and is punishable within another jurisdiction, the court  
668 trying the case shall, if the accused is found guilty, apply the punishment that is prescribed for offenses  
669 occurring within the jurisdiction of the court trying the case.

670 c. All other violations shall be punishable as a *Class 1* misdemeanor.

671 3. To appoint and employ police to enforce within the area under the control of the Commission the  
672 regulations adopted by the Commission and the laws of the Commonwealth. Such police shall have the  
673 powers vested in police officers under §§ 15.2-1704 and 52-8, which sections shall apply, mutatis

674 mutandis, to police appointed pursuant to this chapter.

675 Such police appointed by the Commission may issue summons to appear, or arrest on view or on  
676 information without warrant as permitted by law, within the jurisdiction of the Commonwealth, and  
677 conduct before any police or county court of any political subdivision into which the project extends any  
678 person violating, within or upon the project or other property under the control of the Commission, any  
679 rule or regulation of the Commission or any law of the Commonwealth pertaining to the regulation and  
680 control of highway traffic on any bridge or tunnel owned or operated by the Commission, including all  
681 entrance or exit plazas and approaches adjacent or appurtenant thereto and any rule or regulation  
682 regarding the payment of tolls.

683 4. For the purpose of enforcing such laws and regulations, the courts of the City of Virginia Beach  
684 and the County of Northampton have concurrent jurisdiction of criminal offenses that constitute  
685 violations of the laws and regulations of the Commission.

686 **§ 33.2-2216. Governmental function; exemption from taxation.**

687 The exercise of the powers granted by this chapter will be in all respects for the benefit of the  
688 people of the Commonwealth and for the increase of their commerce and prosperity *and is a public*  
689 *purpose*, and as the operation and maintenance of the project will constitute the performance of essential  
690 governmental functions, the Commission shall not be required to pay any taxes or assessments upon the  
691 project or any property acquired *by the Commission or under its jurisdiction, control, possession, or*  
692 *supervision, or upon its activities in the operation and maintenance of the project*, or used by the  
693 Commission under the provisions of this chapter, or upon the income therefrom, and the bonds issued  
694 under the provisions of this chapter, their transfer, and the income therefrom, including any profit made  
695 on the sale thereof, shall at all times be free from *all state and local* taxation within the Commonwealth.

696 **§ 33.2-2300. U.S. Route 58 Corridor Development Fund.**

697 There is hereby created in the Department of the Treasury a special nonreverting fund that shall be a  
698 part of the Transportation Trust Fund and that shall be known as the U.S. Route 58 Corridor  
699 Development Fund, referred to in this chapter as "the Fund," consisting of the first \$40 million of  
700 annual collections of the state recordation taxes imposed by Chapter 8 of Title 58.1, provided, however,  
701 that this dedication shall not affect the local recordation taxes under subsection B of § 58.1-802 and  
702 § 58.1-814. The Fund shall also include such other funds as may be appropriated by the General  
703 Assembly and designated for the Fund and all interest, dividends, and appreciation that may accrue  
704 thereto. Any moneys remaining in the Fund at the end of a biennium shall not revert to the general  
705 fund, but shall remain in the Fund. Allocations from the Fund may be paid to any authority, locality, or  
706 commission for the purposes specified in § 33.2-2301.

707 **§ 33.2-2915. Acquisition of property.**

708 A. The Authority may acquire, solely from funds provided under the provisions of this chapter, such  
709 lands, structures, properties, rights, rights-of-way, franchises, easements, and other interests in lands,  
710 including lands lying under water and riparian rights, as it may deem necessary or convenient for the  
711 construction and operation of Authority facilities, upon such terms and at such prices as may be  
712 considered by it to be reasonable and can be agreed upon between it and the owner thereof.

713 B. The City of Richmond, the Counties of Henrico and Chesterfield, the Commonwealth  
714 Transportation Board, and, with the approval of the Governor, public agencies and commissions of the  
715 Commonwealth, notwithstanding any contrary provision of law, may lease, lend, grant, or convey to the  
716 Authority at its request upon such terms and conditions as the governing bodies of the City of  
717 Richmond, the Counties of Henrico and Chesterfield, the Commonwealth Transportation Board, or the  
718 proper authorities of such agencies or commissions of the Commonwealth may deem reasonable and fair  
719 and without the necessity of any advertisement, order of court, or other action or formality, other than  
720 the regular and formal action of the governing bodies or authorities concerned, any real property that  
721 may be necessary or convenient for the effectuation of the authorized purposes of the Authority,  
722 including public highways and any other real property already devoted to public use.

723 C. The City of Richmond and the Counties of Henrico and Chesterfield may, subject to the  
724 provisions of § 25.1-102, acquire by the exercise of the power of eminent domain granted to or  
725 conferred upon them, and in accordance with the procedure prescribed therefor, any real property that  
726 may be necessary or convenient for the effectuation of the authorized purposes of the Authority and  
727 lease, lend, grant, or convey such property to the Authority upon such terms and conditions as the  
728 governing bodies of the City of Richmond or Counties of Henrico and Chesterfield may deem  
729 reasonable and fair; the acquisition of such real property by the exercise of the power of eminent  
730 domain and the disposition of *the* same to the Authority as provided in this section shall be and is  
731 declared to be for a public use of such property.

732 D. In any eminent domain proceedings by the Authority, the City of Richmond, or the County of  
733 Henrico or Chesterfield under this chapter, the court having jurisdiction of the suit, action, or proceeding  
734 may make such orders as may be just to the Authority, the City of Richmond, or the County of Henrico  
735 or Chesterfield and to the owners of the property to be condemned, and may require an undertaking or

736 other security to secure such owners against any loss or damage by reason of the failure of the  
 737 Authority, the City of Richmond, or the County of Henrico or Chesterfield to accept and pay for the  
 738 property, or by reason of the taking of property occupied by such owners, but neither such undertaking  
 739 or security nor any act or obligation of the Authority, the City of Richmond, or the County of Henrico  
 740 or Chesterfield shall impose any liability upon the Commonwealth.

741 E. If the owner, lessee, or occupier of any property to be condemned or otherwise acquired pursuant  
 742 to this chapter refuses to remove his property therefrom or give up possession thereof, the Authority, the  
 743 City of Richmond, or the County of Henrico or Chesterfield may proceed to obtain possession in any  
 744 manner provided by law.

745 F. When the Authority, the City of Richmond, or the County of Henrico or Chesterfield proposes to  
 746 construct a highway across the tracks of any railroad, the exercise of the general power of eminent  
 747 domain over the property of a railroad granted by § 33.2-2902 shall be limited with respect to the  
 748 property, right-of-way, facilities, works, or appurtenances upon which the tracks at such proposed  
 749 crossing are located, to the acquisition only of an easement therein, which crossing shall be constructed  
 750 either sufficiently above or below the grade of any such railroad track so that neither the crossing then  
 751 under construction nor any part thereof, including any bridge abutments, columns, supporting structures,  
 752 and appurtenances, nor any traffic upon it shall interfere in any manner with the use, operation, or  
 753 maintenance of the trains, tracks, works, or appurtenances of the railroad or interfere with or endanger  
 754 the movement of the trains or traffic upon the tracks of the railroad. Prior to the exercise of the power  
 755 of eminent domain for such an easement, plans and specifications of that portion of the project to be  
 756 constructed across the railroad tracks showing compliance with such requirements and showing sufficient  
 757 and safe plans and specifications for such overhead or underground structure and appurtenances shall be  
 758 submitted to the railroad for examination and approval. If the railroad fails or refuses within 30 days to  
 759 approve the plans and specifications so submitted, the matter shall be submitted by the Authority, the  
 760 City of Richmond, or the County of Henrico or Chesterfield to the State Corporation Commission,  
 761 whose decision, arrived at after due consideration in accordance with its usual procedure, shall be final  
 762 as to the sufficiency and safety of such plans and specifications and as to such elevations or distances  
 763 above or below such tracks. The overhead or underground structures and appurtenances shall be  
 764 constructed in accordance with such plans and specifications and in accordance with such elevations or  
 765 distances above or below such tracks so approved by the railroad or the State Corporation Commission.  
 766 A copy of the plans and specifications approved by the railroad or the State Corporation Commission  
 767 shall be filed as an exhibit upon the institution of any proceeding brought in the exercise of the power  
 768 of eminent domain.

769 G. The Commonwealth hereby consents, subject to the approval of the Governor, to the use by the  
 770 Authority of any other lands or property owned by the Commonwealth, including lands lying under  
 771 water, that are deemed by the Authority to be necessary for the construction or operation of any project  
 772 being constructed by the Authority.

773 **§ 33.2-2916. Transfer to City of Richmond.**

774 A. If the City of Richmond has rendered financial assistance or contributed in any manner to the cost  
 775 of construction of a limited access highway by the Authority within or partly within and partly without  
 776 the corporate limits of the City of Richmond, and the Authority has issued bonds for the construction of  
 777 such limited access highway, then, when all such bonds, including refunding bonds, and the interest  
 778 thereon have been paid or a sufficient amount of cash or United States government securities have been  
 779 deposited and dedicated to the payment of all such bonds and the interest to the maturity or redemption  
 780 date thereof in trust for the benefit of the holders of such bonds, all property, real and personal, acquired  
 781 in connection with such limited access highway within the City of Richmond shall be transferred by the  
 782 Authority to the City as compensation to the City for the financial assistance rendered by the City to the  
 783 Authority in connection with the construction or acquisition of such limited access highway; ~~and such~~  
 784 *Such* highway shall upon the acceptance thereof by the City become a part of the street or highway  
 785 system of the City and shall thereafter be maintained and operated as a limited access highway by the  
 786 City. The governing body of the City of Richmond shall have the power to fix, revise, charge, and  
 787 collect tolls for transit over such limited access highway and as compensation for other uses that may be  
 788 made thereof. The proceeds from such tolls and compensation shall be first used to reimburse the City  
 789 of Richmond and the Counties of Henrico and Chesterfield for any funds or expenditures made by each  
 790 of them pursuant to contracts or agreements authorized by § 33.2-2913 for which reimbursement has not  
 791 been made, and then for the operation, maintenance, improvement, expansion, or extension of such  
 792 limited access highway and to increase its utility and benefits and for the construction, reconstruction,  
 793 maintenance, and operation of other projects or highways connected with such limited access highway or  
 794 with the federal or state highway systems, and for such purpose the City of Richmond shall succeed to  
 795 all the functions and shall have all the powers conferred on the Authority by this chapter.

796 B. If the Authority constructs a limited access highway project partly within and partly without the

797 corporate limits of the City of Richmond, any extension thereof shall be constructed or acquired only  
 798 when approved by the unanimous vote of all members of the board of directors or by a vote of  
 799 three-fourths of the directors and approval by the City Council of the City of Richmond and the Boards  
 800 of Supervisors of the Counties of Henrico and Chesterfield. If the Authority has issued bonds for the  
 801 purpose of constructing such project or for the purpose of constructing or acquiring such extensions  
 802 when all such bonds, including any refunding bonds, and the interest thereon have been paid or a  
 803 sufficient amount of cash or United States government securities have been deposited and dedicated to  
 804 the payment thereof in trust for the benefit of holders of such bonds, all property, real and personal,  
 805 acquired in connection with such project or extension thereof not required to be transferred to the City  
 806 of Richmond pursuant to subsection A shall be transferred by the Authority to the political subdivisions  
 807 in which such property is located at the time of such transfer at no cost to such political subdivisions in  
 808 the event the subdivisions adopt a resolution accepting such property. If not accepted by such  
 809 subdivisions within 30 days from the offer of the property by the Authority, then the Authority shall  
 810 transfer such property to the Commonwealth Transportation Board. If such property is accepted by the  
 811 political subdivision where the property is located, the governing body of such subdivision shall have  
 812 the power to fix, revise, charge, and collect tolls for transit over such limited access highway project or  
 813 extension and as compensation for other uses that may be made thereof. The proceeds from such tolls  
 814 and compensation shall be used first to reimburse the City of Richmond and the Counties of Henrico  
 815 and Chesterfield for any funds or expenditures made by each of them pursuant to contracts or  
 816 agreements authorized by § 33.2-2913 for which reimbursement has not been made and then for the  
 817 operation, maintenance, improvement, expansion, or extension of such limited access highway project  
 818 and to increase its utility and benefits and for the construction, reconstruction, maintenance, and  
 819 operation of other projects or highways connected with such limited access highway or with the state or  
 820 federal highway systems and for such purpose such political subdivisions shall succeed to all the  
 821 functions and shall have all the powers conferred on the Authority by this chapter with respect to such  
 822 property.

823 *CHAPTER 33.*

824 *WILLIAMSBURG AREA TRANSIT AUTHORITY.*

825 **§ 33.2-3300. Authority created.**

826 *There is hereby created a political subdivision of the Commonwealth known as the Williamsburg*  
 827 *Area Transit Authority, hereinafter known as "the Authority."*

828 *In addition to such other powers vested in the Authority by this chapter, the Authority shall have the*  
 829 *following powers and functions:*

830 *1. The Authority shall prepare a regional transit plan for all or a portion of the areas located within*  
 831 *the jurisdictional boundaries of each member locality. The regional transit plan may include all or*  
 832 *portions of those areas within the City of Williamsburg, the County of James City and such portions of*  
 833 *York County as its governing body desires to have covered, and the areas owned or operated by the*  
 834 *College of William and Mary and the Colonial Williamsburg Foundation, including transit improvements*  
 835 *of regional significance, and those improvements necessary or incidental thereto, and the Authority shall*  
 836 *from time to time revise and amend the plan.*

837 *2. The Authority may, when a transit plan is adopted according to subdivision 1, construct or*  
 838 *acquire, by purchase, lease, contract, or otherwise, the transit facilities specified in such transit plan.*

839 *3. The Authority may enter into agreements or leases with public or private entities for the operation*  
 840 *of its facilities, or may operate such facilities itself.*

841 *4. The Authority may enter into contracts or agreements with the counties and cities embraced by the*  
 842 *Authority, with other transit commissions of transportation districts adjoining any county or city*  
 843 *embraced by the Authority, with any transportation authority, or with any state, local, private, or federal*  
 844 *entity to provide, or cause to be provided, transit facilities and services to the area embraced by the*  
 845 *Authority. Such contracts or agreements, together with any agreements or leases for the operation of*  
 846 *such facilities, may be used by the Authority to finance the construction and operation of transit*  
 847 *facilities, and such contracts, agreements, or leases shall inure to the benefit of any creditor of the*  
 848 *Authority.*

849 *5. Notwithstanding any other provision of law to the contrary, the Authority may:*

850 *a. Acquire land or any interest therein by purchase, lease, or gift and provide transit facilities*  
 851 *thereon for use in connection with any transit service;*

852 *b. Acquire land or any interest therein by purchase, lease, or gift in advance of the need for sale or*  
 853 *contribution to an agency, for use by that agency in connection with an adopted transit plan; or*

854 *c. Prepare a plan for mass transit services with persons, cities, counties, agencies, authorities, or*  
 855 *transportation commissions and may further contract with any such person or other entity to provide*  
 856 *necessary facilities, equipment, operations and maintenance, access, and insurance pursuant to such*  
 857 *plan.*

858 **§ 33.2-3301. Counties and cities embraced by the Authority.**

859 Upon adoption of an approving ordinance by each of the respective governing bodies wishing to join  
860 the Authority, the Authority shall embrace the County of James City, such portions of York County as its  
861 governing body desires to have covered, and the City of Williamsburg.

862 **§ 33.2-3302. Composition of Authority; membership; terms.**

863 Upon adoption of an approving ordinance by each of the respective governing bodies wishing to join  
864 the Authority, the Authority may consist of up to seven members as follows:

865 Two members representing James City County;

866 One member representing York County; and

867 One member representing the City of Williamsburg.

868 In addition, the county and municipal corporation members may elect up to three additional  
869 members to represent the interests of higher-education facilities and private, nonprofit tourist-driven  
870 agencies in the Williamsburg area, provided that such member facilities and organizations contribute  
871 significant financial resources to the Authority.

872 The Authority shall appoint the chairman and vice-chairman.

873 **§ 33.2-3303. Staff.**

874 The Authority shall employ an executive director and such staff as it deems necessary to carry out its  
875 duties and responsibilities under this chapter. No such person shall contemporaneously serve as a  
876 member of the Authority. The Department of Transportation and the Department of Rail and Public  
877 Transportation shall make their employees available to assist the Authority, upon request.

878 **§ 33.2-3304. Decisions of Authority.**

879 A majority of the members of the Authority shall constitute a quorum. Decisions of the Authority  
880 shall require a quorum and shall be in accordance with voting procedures established by the Authority.

881 **§ 33.2-3305. Allocation of certain Authority expenses among component members.**

882 The administrative expenses of the Authority, as provided in an annual budget adopted by the  
883 Authority, to the extent funds for such expenses are not provided from other sources, shall be allocated  
884 among the component counties, city, and educational and nonprofit agencies pursuant to a funding  
885 formula as duly adopted by the Authority.

886 **§ 33.2-3306. Payment to members of Authority.**

887 The members of the Authority may be paid for their services compensation in either (i) the amount  
888 provided in the general appropriation act for members of the General Assembly engaged in legislative  
889 business between sessions or (ii) a lesser amount as determined by the Authority. Members may be  
890 reimbursed for all reasonable and necessary expenses provided in §§ 2.2-2813 and 2.2-2825, if  
891 approved by the Authority. Funding for the costs of compensation and expenses of the members shall be  
892 provided by the Authority.

893 **§ 33.2-3307. Formation of advisory committees.**

894 The Authority may, in its discretion, form advisory committees to assist the Authority.

895 **§ 33.2-3308. Other duties and responsibilities of Authority.**

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

898 1. General oversight of Williamsburg area programs involving mass transit or congestion mitigation;

899 2. Long-range transit planning in the Williamsburg area, both financially constrained and financially  
900 unconstrained;

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

903 4. Allocating to priority regional transit projects any funds made available to the Authority and, at  
904 the discretion of the Authority, directly overseeing such projects;

905 5. Recommending to the Commonwealth Transportation Board priority regional transit projects for  
906 receipt of federal and state funds;

907 6. Serving as an advocate for the transit needs of the Williamsburg area before the state and federal  
908 governments;

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

917 **§ 56-366.1. Proceedings to avoid or eliminate grade crossings by grade separation or to widen,  
918 strengthen, remodel, relocate or replace existing crossing structures on public highways.**

919 Whenever a road in the State Highway System primary or secondary state highway system or a

920 public highway maintained by a locality (i) crosses a railroad, (ii) is projected across a railroad, or (iii)  
 921 is to be so changed as to cross a railroad, or an existing overpass or underpass crossing of any such  
 922 road and a railroad is in need of widening, strengthening, remodeling, relocating or replacing, and funds  
 923 are (or are to be) allocated by the Commonwealth Transportation Board or public road authority for  
 924 payment of the locality's or state's portion of the cost of constructing such an overpass or underpass  
 925 structure or for widening, strengthening, remodeling, relocating or replacing such an existing structure,  
 926 the Commissioner of Highways or representative of the public road authority may agree with the  
 927 railroad company or companies involved, on such terms and conditions as he shall deem in the best  
 928 interests of the Commonwealth or locality regarding the plans and specifications, the method and  
 929 manner of construction and the division of costs and maintenance responsibility of any such separation  
 930 of grade structure. In case of a separation of grade by structure at a new, or an existing, grade crossing,  
 931 the project, except in special cases and under special circumstances to be mutually agreed upon by the  
 932 Commissioner of Highways, the public road authority, and the railroad company or companies involved,  
 933 shall be deemed to start at points on each side of the tracks of the railroad or railroads where the grade,  
 934 under the proposed plans and specifications, leaves the ground line to go over or under, as the case may  
 935 be, the tracks of the railroad or railroads.

936 In the event the Commissioner of Highways, the public road authority, and the railroad company or  
 937 companies involved are unable to agree on (i) the necessity for the construction of such underpass or  
 938 overpass structure or for the widening, strengthening, remodeling, relocating or replacing of any existing  
 939 overpass or underpass structure, (ii) the plans and specifications for and method or manner of  
 940 construction thereof, or (iii) the portion of the work, if any, to be done and the share of the cost of such  
 941 project, if any, to be borne by each of the railroad company or companies involved, the Commissioner  
 942 of Highways or the public road authority shall petition the State Corporation Commission setting forth  
 943 the plans and specifications for and the method and manner of construction of such project and the facts  
 944 which in his opinion justify the elimination of the crossing, the erection of a new separation of grade  
 945 structure or the widening, strengthening, remodeling, relocating or replacing of an existing structure and  
 946 the maintenance responsibility. Copies of the petition and the plans and specifications shall forthwith be  
 947 served by the State Corporation Commission on the railroad company or companies involved. Within  
 948 twenty days after service on it of such petition and plans and specifications, the railroad company or  
 949 companies shall file an answer with the State Corporation Commission setting out its objections to the  
 950 proposed project and the Commission shall hear and determine the matter as other matters are heard and  
 951 determined by that body. The Commission shall consider all the facts and circumstances surrounding the  
 952 case and shall determine (a) whether public necessity and convenience justifies or requires the  
 953 construction of such new separation of grade structure or whether an existing structure is so dangerous  
 954 to or insufficient to take care of traffic on the highway as to require the widening, strengthening,  
 955 remodeling, relocating or replacing proposed, (b) whether the plans and specifications or method and  
 956 manner of construction are proper and appropriate, and (c) what portion of the work, if any, to be done  
 957 and what share of the cost of such project, if any, to be borne by each of the railroad company or  
 958 companies involved (excluding the cost of right-of-way) is fair and reasonable, having regard to the  
 959 benefits, if any, accruing to such railroad or railroads from the elimination of such grade crossing or the  
 960 widening, strengthening, remodeling, relocating or replacing any existing overpass or underpass  
 961 structure, and either dismiss the proceeding as against the railroad company or companies involved or  
 962 enter an order deciding and disposing of all of the matters hereinbefore submitted to its jurisdiction.

963 Grade crossings shall be closed when replaced by a new public highway. However, the  
 964 Commonwealth Transportation Board or the public road authority may authorize the continued use of  
 965 the crossing for a period of two years following the construction of the new highway to familiarize the  
 966 public with the new route.

967 **§ 56-468.2. Reimbursement for relocation costs.**

968 A. After July 1, 1998, certificated providers of telecommunications services shall receive  
 969 reimbursement for eligible relocation costs incurred at the direction of a locality that imposes by  
 970 ordinance the Public Rights-of-Way Use Fee or the Department of Transportation for new installations  
 971 as defined in § 56-468.1 in any public rights-of-way in accordance with §§ 56-458 and 56-462 on the  
 972 basis of age and according to the following schedule. Such reimbursement shall be received from either  
 973 (i) the locality that granted the permit or franchise to use such right-of-way or (ii) the Commonwealth  
 974 Transportation Board if the road or street is in the ~~State Highway System or the secondary system of~~  
 975 ~~state highways~~ *primary or secondary state highway system*:

976 1. For the first three years after the completion of the installation, the certificated provider of  
 977 telecommunications service shall be reimbursed 100 percent of the eligible cost for the relocation of  
 978 facilities installed in the public rights-of-way.

979 2. For the fourth through sixth year after the completion of the installation, the certificated provider  
 980 of telecommunications service shall be reimbursed 50 percent of the eligible cost for the relocation of  
 981 facilities installed in the public rights-of-way.

- 982 3. Beginning in the seventh year, the certificated provider of telecommunications service shall be  
 983 responsible for the cost of relocating facilities installed in the public rights-of-way.
- 984 Such reimbursement shall be received from either (i) the locality that granted the permit or franchise  
 985 to use such right-of-way or (ii) the Commonwealth Transportation Board if the road or street is in the  
 986 State Highway System or the secondary system of state highways *primary or secondary state highway*  
 987 *system*.
- 988 B. The amount of relocation reimbursement in any fiscal year to be reimbursed under this section  
 989 shall not exceed the amount of Public Rights-of-Way Use Fees received by that locality either directly  
 990 or through its secondary highway fund apportionment in the preceding fiscal year. For facilities  
 991 relocated in 1998 and 1999 at the direction of the locality or the Commonwealth Transportation Board,  
 992 this limit on relocation reimbursement shall be the estimated annualized fees to be collected in that  
 993 locality in 1998 for 1998 relocations and in 1999 for 1999 relocations. If the relocation reimbursement  
 994 limit will be exhausted on a relocation project where two or more certificated providers of  
 995 telecommunications service are eligible for relocation reimbursement, then the moneys available under  
 996 the cap shall be shared by those eligible providers by prorating the reimbursement based on the  
 997 reimbursement to which each provider would be entitled absent the limit.
- 998 **2. That whenever any of the conditions, requirements, provisions, or contents of any section of**  
 999 **Chapter 68 (§ 15.2-6800 et seq.) of Title 15.2 of the Code of Virginia are transferred in the same**  
 1000 **or modified form to a new section or chapter of Title 33.2 or any other title of the Code of**  
 1001 **Virginia and whenever any such former section is given a new number in Title 33.2 or any other**  
 1002 **title of the Code of Virginia, all references to any such former section of Chapter 68 (§ 15.2-6800**  
 1003 **et seq.) of Title 15.2 of the Code of Virginia or any other title of the Code of Virginia shall be**  
 1004 **construed to apply to the new or renumbered section or chapter containing such conditions,**  
 1005 **requirements, provisions, contents, or portions thereof.**
- 1006 **3. That the regulations of any department or agency affected by the revision of Chapter 68**  
 1007 **(§ 15.2-6800 et seq.) of Title 15.2 of the Code of Virginia in effect on the effective date of this act**  
 1008 **shall continue in effect to the extent that they are not in conflict with this act and shall be deemed**  
 1009 **to be regulations adopted under this act.**
- 1010 **4. That the provisions of § 30-152 of the Code of Virginia shall apply to this act so as to give effect**  
 1011 **to other laws enacted by the 2015 Session of the General Assembly amending Chapter 68**  
 1012 **(§ 15.2-6800 et seq.) of Title 15.2 of the Code of Virginia.**
- 1013 **5. That the repeal of Chapter 68 (§ 15.2-6800 et seq.) of the Code of Virginia effective as of July 1,**  
 1014 **2015 shall not affect any act or offense done or committed, or any penalty incurred, or any right**  
 1015 **established, accrued, or accruing on or before such date, or any proceeding, prosecution, suit, or**  
 1016 **action pending on that date. Except as otherwise provided in this act, the repeal of Chapter 68**  
 1017 **(§ 15.2-6800 et seq.) of Title 15.2 of the Code of Virginia shall apply to offenses committed prior to**  
 1018 **July 1, 2015, and prosecution for such offenses shall be governed by the prior law, which is**  
 1019 **continued in effect for that purpose. For the purpose of this enactment, an offense was committed**  
 1020 **prior to July 1, 2015, if any of the essential elements of the offense occurred prior thereto.**
- 1021 **6. That any notice given, recognizance taken, or process or writ issued before July 1, 2015, shall**  
 1022 **be valid although given, taken, or to be returned to a day after such date, in like manner as if**  
 1023 **Chapter 68 (§ 15.2-6800 et seq.) of Title 15.2 of the Code of Virginia had been effective before the**  
 1024 **same was given, taken, or issued.**
- 1025 **7. That the repeal of Chapter 68 (§ 15.2-6800 et seq.) of Title 15.2 of the Code of Virginia shall**  
 1026 **not affect the validity, enforceability, or legality of any loan agreement or other contract, or any**  
 1027 **right established or accrued under such loan agreement or contract, that existed prior to such**  
 1028 **repeal.**
- 1029 **8. That the repeal of Chapter 68 (§ 15.2-6800 et seq.) of Title 15.2 of the Code of Virginia shall**  
 1030 **not affect the validity, enforceability, or legality of any bond or other debt obligation authorized,**  
 1031 **issued, or outstanding prior to such repeal.**
- 1032 **9. That Chapter 68 (§§ 15.2-6800 through 15.2-6809) of Title 15.2, Chapter 13 (§ 33.2-1300) of**  
 1033 **Title 33.2, and §§ 33.2-2217 and 56-355.1 of the Code of Virginia are repealed.**
- 1034 **10. That the provisions of § 33.2-117 of the Code of Virginia, as created by this act, shall be**  
 1035 **effective retroactively to October 1, 2014.**
- 1036 **11. That the provisions of this act shall not affect the existing terms of persons currently serving**  
 1037 **as members of any agency, board, authority, commission, or other entity and that appointees**  
 1038 **currently holding positions shall maintain their terms of appointment and continue to serve until**  
 1039 **such time as the existing terms might expire or become renewed. However, any new appointments**  
 1040 **made on or after July 1, 2015, shall be made in accordance with the provisions of this act.**