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HOUSE BILL NO. 945

House Amendments in [] — February 1, 1996

A *BILL to amend and reenact § 33.1-269 of the Code of Virginia, relating to general powers of the Commonwealth Transportation Board.*

Patrons—McClure; Senator: Waddell

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:**1. That § 33.1-269 of the Code of Virginia is amended and reenacted as follows:**

§ 33.1-269. General powers of Board.

The Commonwealth Transportation Board may, subject to the provisions of this article:

1. Acquire by purchase or by condemnation, construct, improve, operate and maintain any one or more of the projects mentioned and included in the undertaking defined in this article;

2. Issue revenue bonds of the Commonwealth, to be known and designated as "Commonwealth of Virginia Toll Revenue Bonds," payable from earnings and from any other available sources of funds, to pay the cost of such projects;

3. Subject to the limitations and approvals of § 33.1-279.1, issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of Virginia Transportation Contract Revenue Bonds," secured by Transportation Trust Fund revenues under a payment agreement between the Board and the Treasury Board, subject to their appropriation by the General Assembly and payable first from revenues received pursuant to contracts with a primary highway transportation improvement district or transportation service district or other local revenue sources for which specific funding of any such bonds may be authorized by law; second, to the extent required, from funds appropriated and allocated, pursuant to the highway allocation formula as provided by law, to the highway construction district in which the project or projects to be financed are located or to the county or counties in which the project or projects to be financed are located; and third, to the extent required, from other legally available revenues of the Trust Fund and from any other available source of funds;

4. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of Virginia Transportation Revenue Bonds," secured (i) by revenues received from the U.S. Route 58 Corridor Development Fund, subject to their appropriation by the General Assembly, (ii) to the extent required, from revenues legally available from the Transportation Trust Fund and (iii) to the extent required, from any other legally available funds which have been appropriated by the General Assembly;

4a. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of Virginia Transportation Revenue Bonds," secured, subject to their appropriation by the General Assembly, first from (i) revenues received from the Northern Virginia Transportation District Fund, (ii) to the extent required, funds appropriated and allocated, pursuant to the highway allocation formula as provided by law, to the highway construction district in which the project or projects to be financed are located or to the city or county in which the project or projects to be financed are located, (iii) to the extent required, legally available revenues of the Transportation Trust Fund, and (iv) such other funds which may be appropriated by the General Assembly;

4b. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of Virginia Transportation Program Revenue Bonds" secured, subject to their appropriation by the General Assembly, first from (i) any revenues received from any Set-aside Fund established by the General Assembly pursuant to § 58.1-816.1, (ii) to the extent required, revenues received pursuant to any contract with a local jurisdiction or any alternative mechanism for generation of local revenues for specific funding of a project satisfactory to the Commonwealth Transportation Board, (iii) to the extent required, funds appropriated and allocated, pursuant to the highway allocation formula as provided by law, to the highway construction district in which the project or projects to be financed are located or to the city or county in which the project or projects to be financed are located, (iv) to the extent required, legally available revenues of the Transportation Trust Fund, and (v) such other funds which may be appropriated by the General Assembly. No bonds for any project or projects shall be issued under the authority of this subsection unless such project or projects are specifically included in a bill or resolution passed by the General Assembly;

5. Fix and collect tolls and other charges for the use of such projects or to refinance the cost of such projects;

6. Construct grade separations at intersections of any projects with public highways, streets or other public ways or places and change and adjust the lines and grades thereof so as to accommodate the

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60 same to the design of such grade separations, the cost of such grade separations and any damage
61 incurred in changing and adjusting the lines and grades of such highways, streets, ways and places to be
62 ascertained and paid by the Board as a part of the cost of the project;

63 7. Vacate or change the location of any portion of any public highway, street or other public way or
64 place and reconstruct the same at such new location as the Board deems most favorable for the project
65 and of substantially the same type and in as good condition as the original highway, streets, way or
66 place, the cost of such reconstruction and any damage incurred in vacating or changing the location
67 thereof to be ascertained and paid by the Board as a part of the cost of the project. Any public highway,
68 street or other public way or place vacated or relocated by the Board shall be vacated or relocated in the
69 manner provided by law for the vacation or relocation of public roads and any damages awarded on
70 account thereof may be paid by the Board as a part of the cost of the project;

71 8. Make reasonable regulations for the installation, construction, maintenance, repair, renewal and
72 relocation of pipes, mains, sewers, conduits, cables, wires, towers, poles and other equipment and
73 appliances herein called "public utility facilities," of the Commonwealth and of any municipality, county,
74 or other political subdivision ~~or~~ [, public utility] or public service corporation owning or operating the
75 same in, on, along, over or under the project. Whenever the Board determines that it is necessary that
76 any such public utility facilities should be relocated or removed, the Commonwealth or such
77 municipality, county, political subdivision, [public utility] or public service corporation shall relocate
78 or remove the same in accordance with the order of the Board; ~~however, the~~ . The cost and expense of
79 such relocation or removal, including the cost of installing such public utility facilities in a new location
80 or locations, and the cost of any lands or any rights or interests in lands, and any other rights acquired
81 to accomplish such relocation or removal shall be ascertained ~~and paid~~ by the Board as a ~~part of the~~
82 ~~cost of the project.~~

83 *On any toll project, the Board shall pay the cost and expense of relocation or removal as a part of*
84 *the cost of the project for those [public utility] facilities owned or operated by the Commonwealth or*
85 *such municipality, county, political subdivision, [public utility] or public service corporation. On all*
86 *other projects, under this article, the Board shall pay the cost and expense of relocation or removal as*
87 *a part of the cost of the project for those [public utility] facilities owned or operated by the*
88 *Commonwealth or such municipality, county, or political subdivision.* The Commonwealth or such
89 municipality, county, political subdivision, [public utility] or public service corporation may maintain
90 and operate such public utility facilities with the necessary appurtenances, in the new location or
91 locations, for as long a period and upon the same terms and conditions as it had the right to maintain
92 and operate such public utility facilities in their former location or locations;

93 9. Acquire by the exercise of the power of eminent domain any lands, property, rights, rights-of-way,
94 franchises, easements and other property, including public lands, parks, playgrounds, reservations,
95 highways or parkways, or parts thereof or rights therein, of any municipality, county or other political
96 subdivision, deemed necessary or convenient for the construction or the efficient operation of the project
97 or necessary in the restoration, replacement or relocation of public or private property damaged or
98 destroyed.

99 The cost of such projects shall be paid solely from the proceeds of Commonwealth of Virginia Toll
100 or Transportation Contract Revenue Bonds or a combination thereof or from such proceeds and from
101 any grant or contribution which may be made thereto pursuant to the provisions of this article; and

102 10. Notwithstanding any provision of this article to the contrary, the Board shall be authorized to
103 exercise the powers conferred herein, in addition to its general powers to acquire rights-of-way and to
104 construct, operate and maintain state highways, with respect to any project which the General Assembly
105 has authorized or may hereafter authorize to be financed in whole or in part through the issuance of
106 bonds of the Commonwealth pursuant to the provisions of Section 9 (c) of Article X of the Constitution
107 of Virginia.

108 **[2. That nothing in this act is intended to disturb the terms of existing permits or agreements for**
109 **placement of the public utility facilities.]**