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**HOUSE BILL NO. 3202**

Offered January 19, 2007

A *BILL to amend and reenact §§ 2.2-1514, 10.1-1188, 15.2-2403, 15.2-4831, 15.2-4839, 15.2-4840, 33.1-1, 33.1-2, 33.1-3, 33.1-13, 33.1-19.1, 33.1-23.03, 33.1-23.03:8, 33.1-67, 33.1-69, 33.1-72.1, 33.1-223.2:12, 33.1-268, 33.1-269, 33.1-277, 46.2-332, 46.2-694.1, 46.2-697, 46.2-1135, 58.1-540, 58.1-2217, 58.1-2249, 58.1-2289, 58.1-2403, 58.1-2701, and 58.1-2706 of the Code of Virginia; to amend the Code of Virginia by adding a section numbered 15.2-2223.1, by adding a section numbered 15.2-2286.2, by adding in Chapter 22 of Title 15.2 an article numbered 9 consisting of sections numbered 15.2-2328 and 15.2-2329, by adding in Article 1 of Chapter 24 of Title 15.2 a section numbered 15.2-2403.1, by adding sections numbered 15.2-4838.1 and 15.2-4838.2, by adding in Title 30 a chapter numbered 42, consisting of sections numbered 30-278 through 30-283, by adding a section numbered 33.1-23.4:01, by adding in Title 33.1 a chapter numbered 10.2, consisting of sections numbered 33.1-391.6 through 33.1-391.17, by adding sections numbered 46.2-206.1, 46.2-332.1, 46.2-702.1, 46.2-755.1, 46.2-755.2, 46.2-1167.1, 58.1-609.14, 58.1-802.1, 58.1-802.2, 58.1-2402.1, and 58.1-2402.2, by adding in Article 2 of Chapter 25 of Title 58.1 sections numbered 58.1-2531 and 58.1-2532, and by adding sections numbered 58.1-3221.2 and 58.1-3221.3; and to repeal the tenth enactment clauses of Chapter 1019 and Chapter 1044 of the Acts of Assembly of 2000, and to authorize the Commonwealth Transportation Board to issue certain bonds, relating to transportation.*

Patrons—Howell, W.J., Albo, Athey, Callahan, Carrico, Cosgrove, Cox, Dudley, Griffith, Hargrove, Hurt, Jones, S.C., Kilgore, Landes, Marshall, D.W., May, Morgan, Orrock, Rust, Suit and Wardrup

Referred to Committee on Appropriations

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

1. That §§ 2.2-1514, 10.1-1188, 15.2-2403, 15.2-4831, 15.2-4839, 15.2-4840, 33.1-1, 33.1-2, 33.1-3, 33.1-13, 33.1-19.1, 33.1-23.03, 33.1-23.03:8, 33.1-67, 33.1-69, 33.1-72.1, 33.1-223.2:12, 33.1-268, 33.1-269, 33.1-277, 46.2-332, 46.2-694.1, 46.2-697, 46.2-1135, 58.1-540, 58.1-2217, 58.1-2249, 58.1-2289, 58.1-2403, 58.1-2701, and 58.1-2706 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 15.2-2223.1, by adding a section numbered 15.2-2286.2, by adding in Chapter 22 of Title 15.2 an article numbered 9 consisting of sections numbered 15.2-2328 and 15.2-2329, by adding in Article 1 of Chapter 24 of Title 15.2 a section numbered 15.2-2403.1, by adding sections numbered 15.2-4838.1 and 15.2-4838.2, by adding in Title 30 a chapter numbered 42, consisting of sections numbered 30-278 through 30-283, by adding a section numbered 33.1-23.4:01, by adding in Title 33.1 a chapter numbered 10.2, consisting of sections numbered 33.1-391.6 through 33.1-391.17, by adding sections numbered 46.2-206.1, 46.2-332.1, 46.2-702.1, 46.2-755.1, 46.2-755.2, 46.2-1167.1, 58.1-609.14, 58.1-802.1, 58.1-802.2, 58.1-2402.1, and 58.1-2402.2, by adding in Article 2 of Chapter 25 of Title 58.1 sections numbered 58.1-2531 and 58.1-2532, and by adding sections numbered 58.1-3221.2 and 58.1-3221.3, as follows:

§ 2.2-1514. Designation of general fund for nonrecurring expenditures.

A. As used in this section:

"The Budget Bill" means the "The Budget Bill" submitted pursuant to § 2.2-1509, including any amendments to a general appropriation act pursuant to such section.

"Nonrecurring expenditures" means the acquisition or construction of capital outlay projects as defined in § 2.2-1503.2, the acquisition or construction of capital improvements, the acquisition of land, the acquisition of equipment, or other expenditures of a one-time nature as specified in the general appropriation act. *Such term shall not include any expenditures relating to transportation, including but not limited to transportation maintenance.*

B. At the end of each fiscal year, the Comptroller shall designate within his annual report pursuant to § 2.2-813 ~~an amount~~ *amounts* for nonrecurring expenditures and for deposit into the Commonwealth Transportation Capital Projects Fund established under § 58.1-2532, which amounts combined shall equal the remaining amount of the general fund balance that is not otherwise reserved or designated. *One-half of the remaining amount of the general fund balance that is not otherwise reserved or designated shall be designated by the Comptroller for nonrecurring expenditures, and one-half shall be designated for deposit into the Transportation Trust Fund.* No such designation shall be made unless the full amounts required for other reserves or designations including, but not limited to, (i) the Revenue Stabilization Fund deposit pursuant to § 2.2-1829, (ii) the Virginia Water Quality Improvement Fund

58 deposit pursuant to § 10.1-2128, (iii) capital outlay reappropriations pursuant to the general appropriation  
 59 act, (iv) (a) operating expense reappropriations pursuant to the general appropriation act, and (b)  
 60 reappropriations of unexpended appropriations to certain public institutions of higher education pursuant  
 61 to § 2.2-5005, (v) pro rata rebate payments to certain public institutions of higher education pursuant to  
 62 § 2.2-5005, (vi) the unappropriated balance anticipated in the general appropriation act for the end of  
 63 such fiscal year, and (vii) interest payments on deposits of certain public institutions of higher education  
 64 pursuant to § 2.2-5005 are set aside. The Comptroller shall set aside amounts required for clauses (iv)  
 65 (b), (v), and (vii) beginning with the initial fiscal year as determined under § 2.2-5005 and for all fiscal  
 66 years thereafter.

67 C. The Governor shall include in "The Budget Bill" pursuant to § 2.2-1509 recommended  
 68 appropriations from the general fund or recommended amendments to general fund appropriations in the  
 69 general appropriation act in effect at that time an amount for nonrecurring expenditures *and an amount*  
 70 *for deposit into the Transportation Trust Fund* equal to the ~~amount~~ amounts designated by the  
 71 Comptroller for such ~~purpose~~ purposes pursuant to the provisions of subsection B of this section.

72 § 10.1-1188. State agencies to submit environmental impact reports on major projects.

73 A. All state agencies, boards, authorities and commissions or any branch of the state government  
 74 shall prepare and submit an environmental impact report to the Department on each major state project.

75 "Major state project" means the acquisition of an interest in land for any state facility construction,  
 76 or the construction of any facility or expansion of an existing facility which is hereafter undertaken by  
 77 any state agency, board, commission, authority or any branch of state government, including  
 78 state-supported institutions of higher learning, which costs \$100,000 or more. For the purposes of this  
 79 chapter, authority shall not include any industrial development authority created pursuant to the  
 80 provisions of Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2 or Chapter 643, as amended, of the 1964  
 81 Acts of Assembly. Nor shall authority include any housing development or redevelopment authority  
 82 established pursuant to state law. For the purposes of this chapter, branch of state government shall not  
 83 include any county, city or town of the Commonwealth.

84 Such environmental impact report shall include, but not be limited to, the following:

- 85 1. The environmental impact of the major state project, including the impact on wildlife habitat;
- 86 2. Any adverse environmental effects which cannot be avoided if the major state project is  
 87 undertaken;
- 88 3. Measures proposed to minimize the impact of the major state project;
- 89 4. Any alternatives to the proposed construction; and
- 90 5. Any irreversible environmental changes which would be involved in the major state project.

91 For the purposes of subdivision 4 of this subsection, the report shall contain all alternatives  
 92 considered and the reasons why the alternatives were rejected. If a report does not set forth alternatives,  
 93 it shall state why alternatives were not considered.

94 B. For purposes of this chapter, this subsection shall ~~not~~ only apply to the review of highway and  
 95 road construction projects or any part thereof. The Secretaries of Transportation and Natural Resources  
 96 shall jointly establish procedures for review and comment by state natural and historic resource agencies  
 97 of highway and road construction projects. Such procedures shall provide for review and comment on  
 98 appropriate projects and categories of projects to address the environmental impact of the project, any  
 99 adverse environmental effects which cannot be avoided if the project is undertaken, the measures  
 100 proposed to minimize the impact of the project, any alternatives to the proposed construction, and any  
 101 irreversible environmental changes which would be involved in the project.

102 § 15.2-2223.1. *Comprehensive plan to include urban development areas; new urbanism.*

103 A. *Every county that has adopted zoning pursuant to Article 7 (§ 15.2-2280 et seq.) of Chapter 22 of*  
 104 *Title 15.2 may, and any city or town may, amend its comprehensive plan to incorporate one or more*  
 105 *proposed urban development areas, if such locality has had population growth of five percent or more*  
 106 *from the next-to-latest to latest decennial census year, based on population reported by the United*  
 107 *States Bureau of the Census. For purposes of this section, an urban development area is an area*  
 108 *designated by a locality that is appropriate for higher density development due to proximity to*  
 109 *transportation facilities, the availability of a public or community water and sewer system, or proximity*  
 110 *to a city, town, or other developed area. The comprehensive plan shall provide for commercial and*  
 111 *residential densities within urban development areas that are appropriate for reasonably compact*  
 112 *development at a density of at least four residential units per gross acre and a floor area ratio of 0.4*  
 113 *per gross acre for commercial development. The comprehensive plan shall designate one or more urban*  
 114 *development areas sufficient to meet projected residential and commercial growth in the locality for the*  
 115 *ensuing 20-year period. Future growth shall be based on the projections of the Virginia Employment*  
 116 *Commission. The boundaries and size of each urban development area shall be reexamined and revised*  
 117 *every five years in conjunction with the update of the comprehensive plan and in accordance with the*  
 118 *most recent available population growth projections.*

119 B. *The comprehensive plan shall further incorporate principles of new urbanism and traditional*

120 neighborhood development, which may include but need not be limited to (i) pedestrian-friendly road  
 121 design, (ii) interconnection of new local streets with existing local streets and roads, (iii) connectivity of  
 122 road and pedestrian networks, (iv) preservation of natural areas, (v) satisfaction of requirements for  
 123 stormwater management, and (vi) mixed-use neighborhoods, including mixed housing types.

124 C. The comprehensive plan shall describe the financial and other incentives for development in the  
 125 urban development areas.

126 D. No locality that has amended its comprehensive plan in accordance with this section shall limit or  
 127 prohibit development pursuant to existing zoning or any application for rezoning based solely on the  
 128 fact that the property is located outside the urban development area.

129 E. Any locality that has not revised its comprehensive plan to establish an urban development area  
 130 pursuant to this section on or before July 1, 2008 shall not receive 50 percent of its annual secondary  
 131 road allocation from the Virginia Department of Transportation. Such reduced allocation shall continue  
 132 until an urban development area has been established pursuant to this section.

133 § 15.2-2286.2. Denying or modifying an application for rezoning.

134 Any locality that has established an urban transportation service district in accordance with  
 135 § 15.2-2403.1 may provide in its zoning ordinance for the denial or modification of an application for  
 136 rezoning when the existing and future transportation network that will serve the proposed development  
 137 is inadequate to handle the anticipated transportation impact of the proposed development. In  
 138 determining whether the transportation network that will serve the proposed development is inadequate,  
 139 the locality shall provide in its zoning ordinance for the consideration of the following: (i) the locality's  
 140 comprehensive plan, the Department of Transportation's secondary road and other transportation plans,  
 141 or such other available information regarding the transportation network that will serve the proposed  
 142 development; (ii) whether the proposed development reduces the level of service in the existing and  
 143 future transportation network, as determined by the locality in consultation with appropriate  
 144 transportation agencies; and (iii) whether the design and phasing of the proposed development, the  
 145 funded capital improvements program, or other combination of public and private resources will address  
 146 the anticipated transportation impact of the proposed development.

147 Article 9.

148 Impact Fees.

149 § 15.2-2328. Applicability of article.

150 The provisions of this article shall apply in their entirety to any locality that has established an  
 151 urban transportation service district in accordance with § 15.2-2403.1. However, such authority may be  
 152 exercised only in areas outside of urban transportation service districts and on parcels that are  
 153 currently zoned agricultural and are being subdivided for by-right residential development. The  
 154 authority granted under this subsection shall expire on July 1, 2009, for any locality that has not  
 155 established an urban transportation service district and adopted an impact fee ordinance pursuant to  
 156 this article by such date.

157 § 15.2-2329. Imposition of impact fees.

158 A. Any locality that includes within its comprehensive plan a calculation of the capital costs of  
 159 public facilities necessary to serve residential uses may impose and collect impact fees to cover the costs  
 160 of issuing permits for residential uses in amounts consistent with the methodologies used in its  
 161 comprehensive plan to defray the capital costs of public facilities related to the residential development.

162 B. Impact fees imposed and collected pursuant to this section shall only be used for public facilities  
 163 that are impacted by development; however, the fees may be used generally in the areas of development  
 164 in the locality.

165 C. A locality imposing impact fees as provided in this section shall allow credit against the impact  
 166 fees for cash proffers collected for the purpose of defraying the capital costs of public facilities related  
 167 to the residential development. A locality imposing impact fees as provided in this section shall also  
 168 include within its comprehensive plan a methodology for calculating credit for the value of proffered  
 169 land donations to accommodate public facilities, and for the construction cost of any public facilities or  
 170 public improvements the construction of which is required by proffer.

171 D. A locality imposing impact fees under this section may require that such impact fees be paid prior  
 172 to and as a condition of the issuance of any necessary building permits for residential uses.

173 E. For the purposes of this section, "public facilities" shall be deemed to include: (i) roads, streets,  
 174 transit and rail facilities, and bridges, including rights-of-way, traffic signals, landscaping, and any  
 175 local components of federal or state highways; (ii) stormwater collection, retention, detention, treatment,  
 176 and disposal facilities, flood control facilities, and bank and shore protection and enhancement  
 177 improvements; (iii) parks, open space, and recreation areas and related facilities; (iv) public safety  
 178 facilities, including police, fire, emergency medical, and rescue facilities; (v) primary and secondary  
 179 schools and related facilities; and (vi) libraries and related facilities.

180 § 15.2-2403. Powers of service districts.

181 After adoption of an ordinance or ordinances or the entry of an order creating a service district, the  
182 governing body or bodies shall have the following powers with respect to the service districts:

183 1. To construct, maintain, and operate such facilities and equipment as may be necessary or desirable  
184 to provide additional, more complete, or more timely governmental services within a service district,  
185 including but not limited to water supply, sewerage, garbage removal and disposal, heat, light,  
186 fire-fighting equipment and power and gas systems and sidewalks; economic development services;  
187 promotion of business and retail development services; beautification and landscaping; beach and  
188 shoreline management and restoration; control of infestations of insects that may carry a disease that is  
189 dangerous to humans, gypsy moths, cankerworms or other pests identified by the Commissioner of the  
190 Department of Agriculture and Consumer Services in accordance with the Virginia Pest Law  
191 (§ 3.1-188.20 et seq.); public parking; extra security, street cleaning, snow removal and refuse collection  
192 services; sponsorship and promotion of recreational and cultural activities; upon petition of over 50  
193 percent of the property owners who own not less than 50 percent of the property to be served,  
194 construction, maintenance, and general upkeep of streets and roads ~~that are not under the operation and~~  
195 ~~jurisdiction of the Virginia Department of Transportation; construction, maintenance, and general upkeep~~  
196 ~~of streets and roads through creation of urban transportation service districts created pursuant to~~  
197 ~~§ 15.2-2403.1; and other services, events, or activities that will enhance the public use and enjoyment of~~  
198 and the public safety, public convenience, and public well-being within a service district. Such services,  
199 events, or activities shall not be undertaken for the sole or dominant benefit of any particular individual,  
200 business or other private entity.

201 2. To provide, in addition to services authorized by subdivision 1, transportation and transportation  
202 services within a service district, including, but not limited to: public transportation systems serving the  
203 district; transportation management services; road construction; rehabilitation and replacement of existing  
204 transportation facilities or systems; and sound walls or sound barriers. However, any transportation  
205 service, system, facility, roadway, or roadway appurtenance established under this subdivision that will  
206 be operated or maintained by the Virginia Department of Transportation shall be established with the  
207 involvement of the governing body of the locality and meet the appropriate requirements of the  
208 Department. The proceeds from any annual tax or portion thereof collected for road construction  
209 pursuant to subdivision 6 may be accumulated and set aside for such reasonable period of time as is  
210 necessary to finance such construction; however, the governing body or bodies shall make available an  
211 annual disclosure statement, which shall contain the amount of any such proceeds accumulated and set  
212 aside to finance such road construction.

213 3. To acquire in accordance with § 15.2-1800, any such facilities and equipment and rights, title,  
214 interest or easements therefor in and to real estate in such district and maintain and operate the same as  
215 may be necessary and desirable to provide the governmental services authorized by subdivisions 1 and  
216 2.

217 4. To contract with any person, municipality or state agency to provide the governmental services  
218 authorized by subdivisions 1 and 2 and to construct, establish, maintain, and operate any such facilities  
219 and equipment as may be necessary and desirable in connection therewith.

220 5. To require owners or tenants of any property in the district to connect with any such system or  
221 systems, and to contract with the owners or tenants for such connections. The owners or tenants shall  
222 have the right of appeal to the circuit court within 10 days from action by the governing body.

223 6. To levy and collect an annual tax upon any property in such service district subject to local  
224 taxation to pay, either in whole or in part, the expenses and charges for providing the governmental  
225 services authorized by subdivisions 1, 2 and 11 and for constructing, maintaining, and operating such  
226 facilities and equipment as may be necessary and desirable in connection therewith; however, such  
227 annual tax shall not be levied for or used to pay for schools, police, or general government services not  
228 authorized by this section, and the proceeds from such annual tax shall be so segregated as to enable the  
229 same to be expended in the district in which raised. In addition to the tax on property authorized herein,  
230 in any city having a population of 350,000 or more and adjacent to the Atlantic Ocean, the city council  
231 shall have the power to impose a tax on the base transient room rentals, excluding hotels, motels, and  
232 travel campgrounds, within such service district at a rate or percentage not higher than five percent  
233 which is in addition to any other transient room rental tax imposed by the city. The proceeds from such  
234 additional transient room rental tax shall be deposited in a special fund to be used only for the purpose  
235 of beach and shoreline management and restoration. Any locality imposing a tax pursuant to this  
236 subdivision may base the tax on the full assessed value of the taxable property within the service  
237 district, notwithstanding any special use value assessment of property within the service district for land  
238 preservation pursuant to Article 4 (§ 58.1-3229 et seq.) of Chapter 32 of Title 58.1, provided the owner  
239 of such property has given written consent. In addition to the taxes and assessments described herein, a  
240 locality creating a service district may contribute from its general fund any amount of funds it deems  
241 appropriate to pay for the governmental services authorized by subdivisions 1, 2, and 11 of this section.

242 7. To accept the allocation, contribution or funds of, or to reimburse from, any available source,

243 including, but not limited to, any person, authority, transportation district, locality, or state or federal  
 244 agency for either the whole or any part of the costs, expenses and charges incident to the acquisition,  
 245 construction, reconstruction, maintenance, alteration, improvement, expansion, and the operation or  
 246 maintenance of any facilities and services in the district.

247 8. To employ and fix the compensation of any technical, clerical, or other force and help which from  
 248 time to time, in their judgment may be necessary or desirable to provide the governmental services  
 249 authorized by subdivisions 1, 2 and 11 or for the construction, operation, or maintenance of any such  
 250 facilities and equipment as may be necessary or desirable in connection therewith.

251 9. To create and terminate a development board or other body to which shall be granted and  
 252 assigned such powers and responsibilities with respect to a special service district as are delegated to it  
 253 by ordinance adopted by the governing body of such locality or localities. Any such board or alternative  
 254 body created shall be responsible for control and management of funds appropriated for its use by the  
 255 governing body or bodies, and such funds may be used to employ or contract with, on such terms and  
 256 conditions as the board or other body shall determine, persons, municipal or other governmental entities  
 257 or such other entities as the development board or alternative body deems necessary to accomplish the  
 258 purposes for which the development board or alternative body has been created. If the district was  
 259 created by court order, the ordinance creating the development board or alternative body may provide  
 260 that the members appointed to the board or alternative body shall consist of a majority of the  
 261 landowners who petitioned for the creation of the district, or their designees or nominees.

262 10. To negotiate and contract with any person or municipality with regard to the connections of any  
 263 such system or systems with any other system or systems now in operation or hereafter established, and  
 264 with regard to any other matter necessary and proper for the construction or operation and maintenance  
 265 of any such system within the district.

266 11. To acquire by purchase, gift, devise, bequest, grant, or otherwise title to or any interests or rights  
 267 of not less than five years' duration in real property that will provide a means for the preservation or  
 268 provision of open-space land as provided for in the Open-Space Land Act (§ 10.1-1700 et seq.).  
 269 Notwithstanding the provisions of subdivision 3, the governing body shall not use the power of  
 270 condemnation to acquire any interest in land for the purposes of this subdivision.

271 12. To contract with any state agency or state or local authority for services within the power of the  
 272 agency or authority related to the financing, construction, or operation of the facilities and services to be  
 273 provided within the district; however, nothing in this subdivision shall authorize a locality to obligate its  
 274 general tax revenues, or to pledge its full faith and credit.

275 13. In the Town of Front Royal, to construct, maintain, and operate facilities, equipment, and  
 276 programs as may be necessary or desirable to control, eradicate, and prevent the infestation of rats and  
 277 removal of skunks and the conditions that harbor them.

278 *§ 15.2-2403.1. Creation of urban transportation service districts.*

279 *A. The boundaries of any urban transportation service district created pursuant to this article shall*  
 280 *be agreed upon by both the local governing body of an urban county and by the Virginia Department of*  
 281 *Transportation. The overall density of an urban transportation service district shall be one residential*  
 282 *unit per acre or greater. Any disagreement over such boundaries shall be mediated by and, if necessary,*  
 283 *decided by the Commission on Local Government. For purposes of this section, an "urban county"*  
 284 *means any county with a population of greater than 90,000 that did not maintain its roads as of*  
 285 *January 1, 2007.*

286 *B. Any urban county that has established an urban transportation service district in accordance with*  
 287 *this section shall receive an amount equal to the urban allocation per lane mile for the area within the*  
 288 *district for purposes of road maintenance. In addition, such locality shall receive an amount equal to*  
 289 *the difference between the urban allocation and what VDOT would be spending within the service*  
 290 *district if not for the creation of such district. Such money may be spent by the locality on any*  
 291 *transportation need, including new construction.*

292 *C. In any instance in which a locality has taken over road maintenance within an urban*  
 293 *transportation service district pursuant to this section, VDOT shall transfer the surplus equipment that is*  
 294 *no longer needed for such road maintenance from VDOT to the locality. In addition, such locality shall*  
 295 *receive a \$10,000 payment from the Commonwealth for each displaced VDOT employee who is hired by*  
 296 *the locality. Each displaced VDOT employee who is hired by the locality shall also receive a \$10,000*  
 297 *payment from the Commonwealth upon completion of one year's service with the locality.*

298 *§ 15.2-4831. Counties and cities embraced by the Authority.*

299 The Authority shall embrace the Counties of Arlington, Fairfax, Loudoun, and Prince William, and  
 300 the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park; *provided, however, that*  
 301 *any time any such county or city is not imposing all of the taxes and fees authorized pursuant to*  
 302 *subsection B of § 46.2-332, and §§ 58.1-802.1, 58.1-2402.1, and 58.1-3221.2, then, during such period*  
 303 *of time, such county or city shall not be entitled to determine transportation projects and services to be*

304 funded with the revenue generated by such taxes and fees and shall not receive allocation of such  
305 revenue.

306 § 15.2-4838.1. Special Transportation Fund for Northern Virginia established.

307 There is hereby created in the state treasury a special nonreverting fund to be known as the Special  
308 Transportation Fund for Northern Virginia, hereafter referred to as "the Fund." All revenues deposited  
309 into the Fund shall be deposited and held in a special trust fund under the control of the Authority. The  
310 State Treasurer, as necessary, shall establish a special trust fund entitled "Special Trust Fund Account  
311 of the Northern Virginia Transportation Authority" and shall deposit monthly any amounts to be  
312 deposited into such special trust fund from revenues collected by the Commonwealth on behalf of the  
313 Authority and subsequently deposited into the Fund.

314 Moneys in the Fund shall be used by the Authority solely for the purposes stated in this chapter, and  
315 the Authority shall have the powers and functions, mutatis mutandis, set forth in §§ 15.2-4518 and  
316 15.2-4519.

317 § 15.2-4838.2. Use of certain revenues by the Authority.

318 All moneys received by the Authority and the proceeds of bonds issued pursuant to § 15.2-4839 shall  
319 be used by the Authority solely for the benefit of those counties and cities that are imposing the fees  
320 pursuant to subsection B of § 46.2-332, and §§ 58.1-802.1, 58.1-2402.1, and 58.1-3221.2.

321 Notwithstanding any other provision of this chapter, the revenues deposited into the Special  
322 Transportation Fund for Northern Virginia pursuant to subsection B of § 46.2-332, and §§ 58.1-802.1,  
323 58.1-2402.1, and 58.1-3221.2 and the proceeds of bonds issued pursuant to § 15.2-4839 shall be used  
324 first to pay any debt service owing on any bonds issued pursuant to § 15.2-4839, and then as follows:

325 A. Up to the next \$50 million deposited into the Fund in each year shall be distributed to the  
326 Washington Metropolitan Area Transit Authority (WMATA) to provide funds to the Authority as may be  
327 required under federal law for the payment of certain federal funds to WMATA and shall be used for  
328 capital improvements for WMATA's transit service (Metro). The Authority shall make such annual  
329 distribution from such revenues (i) only to the extent required under federal law for the payment of  
330 federal funds to WMATA, (ii) only if the matching federal funds are exclusive of and in addition to the  
331 amount of other federal funds appropriated to the Commonwealth for transportation and such other  
332 federal funds are in an amount not less than the amount of such funds appropriated to the  
333 Commonwealth in the fiscal year ending June 30, 2007, and (iii) only if the County of Arlington and the  
334 City of Alexandria are imposing the fees pursuant to subsection B of § 46.2-332, and §§ 58.1-802.1,  
335 58.1-2402.1, and 58.1-3221.2. For each year after 2018 the amount distributed pursuant to this  
336 subsection shall be used for the expansion of Metro or other rail service into Prince William County,  
337 but only if Prince William County is imposing the fees pursuant to subsection B of § 46.2-332, and  
338 §§ 58.1-802.1, 58.1-2402.1, and 58.1-3221.2;

339 B. The next \$30 million deposited into the Fund in each fiscal year shall be distributed to the  
340 Virginia Railway Express for capital improvements, including but not limited to construction of parking,  
341 dedicated rail on the Fredericksburg line, rolling stock, expanded service in Prince William County, and  
342 service as may be needed as a result of the Base Realignment and Closure Commission regarding Fort  
343 Belvoir. The Authority shall make such annual distribution from such revenues only if Prince William  
344 County is imposing the fees pursuant to subsection B of § 46.2-332, and §§ 58.1-802.1, 58.1-2402.1, and  
345 58.1-3221.2;

346 C. At least 45 percent of the revenues from such sources remaining after the distributions under  
347 subsections A and B shall be distributed to the localities imposing the fees pursuant to subsection B of  
348 § 46.2-332, and §§ 58.1-802.1, 58.1-2402.1, and 58.1-3221.2 on a pro rata basis, with each locality's  
349 share being the total of such fees and taxes deposited into the Fund that are generated or attributable  
350 to the locality divided by the total of such fees and taxes deposited into the Fund. Of the revenues  
351 distributed pursuant to this subsection the first 50 percent shall be used solely for urban and secondary  
352 road construction and improvements in consultation with members of the General Assembly representing  
353 any locality which receives such revenue. The remainder, as determined solely by the applicable locality,  
354 shall be used either for additional urban and secondary road construction; for other transportation  
355 capital improvements which have been approved by the most recent long range transportation plan  
356 adopted by the Authority; or for public transit purposes. None of the revenue distributed by this  
357 subsection may be used to repay debt issued before January 1, 2008. Each locality shall provide  
358 annually to the Northern Virginia Transportation Authority sufficient documentation as required by the  
359 Authority showing that the funds distributed under this subsection were used as required by this  
360 subsection. The funds under this subsection shall be conditioned on the following:

361 1. That urban road construction funded in whole or in part under this subsection be performed by  
362 cities pursuant to subsection D of § 33.1-23.3; and

363 2. That for any county imposing the fees pursuant to subsection B of § 46.2-332, and §§ 58.1-802.1,  
364 58.1-2402.1, and 58.1-3221.2, all state secondary road construction funding due such county shall be  
365 transferred to such county, and the county shall assume full responsibility for planning and constructing

366 secondary roads pursuant to § 33.1-75.3. Such county may contract with the Virginia Department of  
 367 Transportation, or any other entity to aid in the planning and construction;

368 D. Beginning at the time phase two of the Dulles Rail project begins construction, at least \$20  
 369 million shall be dedicated annually for the Dulles Rail project; and

370 E. Any remaining revenues from such sources shall be used by the Authority solely for transportation  
 371 projects for the localities that are imposing the fees pursuant to subsection B of § 46.2-332, and  
 372 §§ 58.1-802.1, 58.1-2402.1, and 58.1-3221.2, as determined by the Authority in consultation with  
 373 members of the governing bodies of the localities that are imposing the fees pursuant to subsection B of  
 374 § 46.2-332, and §§ 58.1-802.1, 58.1-2402.1, and 58.1-3221.2, and members of the General Assembly  
 375 representing any locality imposing the fees pursuant to subsection B of § 46.2-332, and §§ 58.1-802.1,  
 376 58.1-2402.1, and 58.1-3221.2, or as may be required by any other law, solely for transportation projects  
 377 for the localities that are imposing the fees pursuant to subsection B of § 46.2-332, and §§ 58.1-802.1,  
 378 58.1-2402.1, and 58.1-3221.2. All transportation projects undertaken by the Northern Virginia  
 379 Transportation Authority shall be completed by private contractors accompanied by performance  
 380 measurement standards, and all contracts shall contain a provision granting the locality the option to  
 381 terminate the contract if contractors do not meet such standards. Notwithstanding the foregoing, any  
 382 locality may provide engineering services or right-of-way acquisition for any project with its own forces.  
 383 The Authority shall avail itself of the strategies permitted under the Public-Private Transportation Act  
 384 (§ 56-556 et seq.) whenever feasible and advantageous. The Authority is independent of any state or  
 385 local entity, including the Virginia Department of Transportation (VDOT) and the Commonwealth  
 386 Transportation Board (CTB), but the Authority, VDOT and CTB shall consult with one another to avoid  
 387 duplication of efforts and, at the option of the Authority, may combine efforts to complete specific  
 388 projects. Notwithstanding the foregoing, at the request of the Authority, VDOT may provide the  
 389 Authority with engineering services or right-of-way acquisition for the project with its own forces. When  
 390 determining what projects to construct under this subsection, the Authority shall base its decisions on  
 391 the combination that (i) equitably distributes the funds throughout the participating localities and (ii)  
 392 constructs projects that move the most people or commercial traffic in the most cost-effective manner,  
 393 and on such other factors as approved by the Authority.

394 § 15.2-4839. Authority to issue bonds.

395 The Authority may issue bonds and other evidences of debt as may be authorized by *this section or*  
 396 *other law*. The provisions of Article 5 (§ 15.2-4519 et seq.) of Chapter 45 of this title shall apply,  
 397 mutatis mutandis, to the issuance of such bonds or other debt. *The Authority may issue bonds or other*  
 398 *debt in such amounts as it deems appropriate. The bonds may be supported by any funds available*  
 399 *including those from tolls imposed and collected as authorized under § 15.2-4840.*

400 § 15.2-4840. Other duties and responsibilities of Authority.

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

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

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

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

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

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

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

414 ~~7. Recommending to the Commonwealth Transportation Board use and/or changes in use of~~  
 415 ~~Imposing, collecting, and setting the amount of tolls for use of facilities in the area embraced by the~~  
 416 ~~Authority, when the facility is either newly constructed or reconstructed in such a way as to increase~~  
 417 ~~the facility's traffic capacity, with the amount of any tolls variable by time of day, day of the week,~~  
 418 ~~vehicle size or type, number of axles, or other factors as the Authority may deem proper, and with all~~  
 419 ~~tolls to be used exclusively in connection with the facility for whose use they are collected;~~

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

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

425 10. Applying to and negotiating with the government of the United States, the Commonwealth of  
 426 Virginia, or any agency or, instrumentality, or political subdivision thereof, for grants and any other



427 funds available to carry out the purposes of this chapter and receiving, holding, accepting, and  
 428 administering from any source gifts, bequests, grants, aid, or contributions of money, property, labor, or  
 429 other things of value to be held, used and applied to carry out the purposes of this chapter subject,  
 430 however, to any conditions upon which gifts, bequests, grants, aid, or contributions are made. Unless  
 431 otherwise restricted by the terms of the gift, bequest, or grant, the Authority may sell, exchange, or  
 432 otherwise dispose of such money, securities, or other property given or bequeathed to it in furtherance  
 433 of its purposes; and

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

437 CHAPTER 42.

438 JOINT COMMISSION ON TRANSPORTATION ACCOUNTABILITY.

439 § 30-278. *Joint Commission on Transportation Accountability established; composition; terms;  
 440 compensation and expenses; office space; quorum; voting on recommendations.*

441 *There is hereby established in the legislative branch of state government the Joint Commission on  
 442 Transportation Accountability. The Commission shall consist of six members of the House of Delegates  
 443 appointed by the Speaker of the House of Delegates, of whom at least three shall be members of the  
 444 House Committee on Transportation; four members of the Senate appointed by the Senate Committee on  
 445 Rules of whom at least two shall be members of the Senate Committee on Transportation; and the  
 446 Auditor of Public Accounts, who shall serve as a nonvoting ex officio member. Members shall serve  
 447 terms coincident with their terms of office as members of the House of Delegates and the Senate.  
 448 Members may be reappointed for successive terms.*

449 *Members of the Commission shall receive such compensation as provided in § 30-19.12 and shall be  
 450 reimbursed for all their reasonable and necessary expenses incurred in the performance of their duties  
 451 as members of the Commission. Funding for the costs of compensation and expenses of the members  
 452 shall be provided from existing appropriations to the Commission. Adequate office space shall be  
 453 provided by the Commonwealth.*

454 *The Commission shall annually elect a chairman and a vice-chairman from among its membership.  
 455 Meetings of the Commission shall be held upon the call of the chairman or whenever the majority of the  
 456 members so request. A majority of the members appointed to the Commission shall constitute a quorum.*

457 § 30-279. *Director, executive staff, and personnel.*

458 *The Commission shall appoint, subject to confirmation by a majority of the members of the General  
 459 Assembly, a Director and fix his duties and compensation. The Director may, with prior approval of the  
 460 Commission, employ and fix the duties and compensation of an adequate staff as may be requisite to  
 461 make the studies and conduct the research and budget analyses required by this chapter. The Director  
 462 and the executive staff shall be appointed for a term of six years and shall consist of professional  
 463 persons having experience and training in legislative budgetary procedures, management analyses, and  
 464 cost accounting. The Director and any executive staff member may be removed from office for cause by  
 465 a majority vote of the Commission. Such other professional personnel, consultants, advisers, and  
 466 secretarial and clerical employees may be engaged upon such terms and conditions as set forth by the  
 467 Commission.*

468 § 30-280. *Powers and duties of Commission.*

469 *The Commission shall have the following powers and duties:*

470 1. *To make performance reviews of operations of state agencies with transportation responsibilities  
 471 to ascertain that sums appropriated have been or are being expended for the purposes for which they  
 472 were made and to evaluate the effectiveness of programs in accomplishing legislative intent;*

473 2. *To study, on a continuing basis, the operations, practices, and duties of state agencies with  
 474 transportation responsibilities as they relate to efficiency in the use of space, personnel, equipment, and  
 475 facilities;*

476 3. *To retain such consultants and advisers as the Commission deems necessary to evaluate financial  
 477 and project management of state agencies with transportation responsibilities; and*

478 4. *To make such special studies of and reports on the operations and functions of state agencies with  
 479 transportation responsibilities as it deems appropriate and as may be requested by the General  
 480 Assembly.*

481 § 30-281. *State agencies to furnish information and assistance.*

482 *All agencies of the Commonwealth, their staff, and employees shall provide the Commission with  
 483 necessary information for the performance of its duties and afford the Commission's staff ample  
 484 opportunity to observe agency operations.*

485 § 30-282. *Payment of expenses of Commission.*

486 *The salaries, per diems, and other expenses necessary to the function of the Commission shall be  
 487 payable from funds appropriated to the Commission.*

488 § 30-283. *Access to information.*



489 *For the purpose of carrying out its duties under this chapter and notwithstanding any contrary*  
 490 *provision of law, the Joint Commission on Transportation Accountability shall have access to the*  
 491 *records and facilities of every agency whose operations are financed in whole or in part by state funds*  
 492 *to the extent that such records and facilities are related to the expenditure of such funds. All such*  
 493 *agencies shall cooperate with the Commission and, when requested, shall provide specific information in*  
 494 *the form requested.*

495 § 33.1-1. State Highway and Transportation Board continued as Commonwealth Transportation  
 496 Board; number and terms of members; removal from office; vacancies.

497 The State Highway and Transportation Board, formerly known as the State Highway and  
 498 Transportation Commission, is continued and shall hereafter be known as the Commonwealth  
 499 Transportation Board. Wherever either "Commission" or "Board" is used in this title referring to the  
 500 State Highway and Transportation Board or the State Highway and Transportation Commission, it shall  
 501 mean the Commonwealth Transportation Board.

502 The Board shall consist of seventeen members: the Secretary of Transportation, the Commonwealth  
 503 Transportation Commissioner, the Director of the Department of Rail and Public Transportation, and  
 504 fourteen citizen members. ~~The citizen~~ *Except for those members elected by the General Assembly as*  
 505 *provided in § 33.1-2, members shall be (i) appointed by the Governor as provided in § 33.1-2, (ii)*  
 506 *subject to confirmation by the General Assembly, and (iii) removable from office during their respective*  
 507 *terms by the Governor at his pleasure. Appointments of citizen members shall be for terms of four years*  
 508 *commencing upon July 1, upon the expiration of the terms of the existing members, respectively. The*  
 509 *initial terms of the members appointed in January, 1987, shall commence when appointed and shall be*  
 510 *for terms ending June 30, 1988, June 30, 1989, and June 30, 1990, respectively. Vacancies shall be*  
 511 *filled by appointment by the Governor for those members appointed by the Governor and by election by*  
 512 *the Joint Committee on Rules for those members elected by the General Assembly. All appointments or*  
 513 *elections to fill vacancies shall be for the unexpired term and shall be effective until thirty days after the*  
 514 *next meeting of the ensuing General Assembly and, if confirmed, thereafter for the remainder of the*  
 515 *term. No person shall be eligible to serve more than two successive terms of four years, other than the*  
 516 *Secretary of Transportation, the Commonwealth Transportation Commissioner, and the Director of the*  
 517 *Department of Rail and Public Transportation. A person heretofore or hereafter appointed by the*  
 518 *Governor or elected by the General Assembly to fill a vacancy may serve two additional successive*  
 519 *terms.*

520 The Secretary of Transportation shall serve as Chairman of the Board. The Secretary shall have  
 521 voting privileges only in the event of a tie. The Commonwealth Transportation Commissioner shall  
 522 serve as Vice-Chairman of the Board. The Commissioner shall have voting privileges only in the event  
 523 of a tie when he is presiding during the absence of the Chairman. The Director of the Department of  
 524 Rail and Public Transportation shall serve without a vote.

525 Whenever in this title and in the Code of Virginia "State Highway Commission" or "State Highway  
 526 and Transportation Board" is used, it shall mean "Commonwealth Transportation Board"; "State  
 527 Highway Commissioner" or "State Highway and Transportation Commissioner" shall mean  
 528 "Commonwealth Transportation Commissioner"; and all references to "Department of Highways and  
 529 Transportation" shall refer to the Department of Transportation.

530 § 33.1-2. Residence requirements; statewide interest.

531 Of such Board, one member shall be a resident of the territory now included in the Bristol  
 532 construction district, one in the Salem construction district, one in the Lynchburg construction district,  
 533 one in the Staunton construction district, one in the Culpeper construction district, one in the  
 534 Fredericksburg construction district, one in the Richmond construction district, one in the Hampton  
 535 Roads construction district and one in the Northern Virginia construction district. *The foregoing*  
 536 *members of the Board shall be elected by a majority vote of the members present and voting in both*  
 537 *houses of the General Assembly. The remaining five members shall be appointed from the*  
 538 *Commonwealth at large, but at least two shall reside in standard metropolitan statistical areas and be*  
 539 *designated as urban at-large members, and at least two shall reside outside standard metropolitan*  
 540 *statistical areas and be designated as rural at-large members. The at-large members shall be appointed to*  
 541 *represent rural and urban transportation needs and be mindful of the concerns of seaports and seaport*  
 542 *users, airports and airport users, railways and railway users, and mass transit and mass transit users.*  
 543 *Each member so appointed shall be mindful of the best interest of the Commonwealth at large primarily*  
 544 *instead of those of the district from which chosen or of the transportation interest represented.*

545 *Board members elected by the General Assembly shall not be removable by the Governor but may be*  
 546 *removed from office only by a majority vote of the members present and voting in both houses of the*  
 547 *General Assembly.*

548 § 33.1-3. Secretary to be Chairman; Commonwealth Transportation Commissioner.

549 The Chairman, whose official title of the Commonwealth Transportation Board shall be the Secretary

550 of Transportation, and who.

551 *The Commonwealth Transportation Commissioner shall be the chief executive officer of the*  
 552 *Department of Transportation. The Commissioner shall be elected by and serve at the pleasure of the*  
 553 *Commonwealth Transportation Board for a term of four years, subject to the consent of the Governor.*  
 554 *The Commissioner may, at the time of his appointment, be a nonresident of Virginia, shall be an*  
 555 *experienced administrator, able to direct and guide the Department in the establishment and achievement*  
 556 *of the Commonwealth's long-range highway and other transportation objectives and shall be appointed at*  
 557 *large.*

558 The Commonwealth Transportation Commissioner, hereinafter in this title sometimes called "the  
 559 Commissioner," shall devote his entire time and attention to his duties as chief executive officer of the  
 560 Department and shall receive such compensation as shall be fixed by the Governor, subject to the  
 561 approval of the determined by the Commonwealth Transportation Board, unless such salary be fixed by  
 562 the General Assembly in the appropriation act. He shall also be reimbursed for his actual travel expenses  
 563 while engaged in the discharge of his duties.

564 In the event of a vacancy due to the death, temporary disability, retirement, resignation or removal of  
 565 the Commissioner, the Governor may appoint and thereafter remove at his pleasure an "Acting  
 566 Commonwealth Transportation Commissioner" until such time as the vacancy may be filled as provided  
 567 in § 33.1-1 by the Commonwealth Transportation Board. Such "Acting Commonwealth Transportation  
 568 Commissioner" shall have all powers and perform all duties of the Commissioner as provided by law,  
 569 and shall receive such compensation as may be fixed by the Governor. In the event of the temporary  
 570 disability, for any reason, of the Commissioner, full effect shall be given to the provisions of § 2.2-605.

571 § 33.1-13. General powers of Commissioner.

572 Except such powers as are conferred by law upon the Commonwealth Transportation Board, the  
 573 Commonwealth Transportation Commissioner shall have the power to do all acts necessary or  
 574 convenient for constructing, improving and maintaining the roads embraced in the systems of state  
 575 highways and to further the interests of the Commonwealth in the areas of public transportation,  
 576 railways, seaports, and airports. And as executive head of the Transportation Department, the  
 577 Commissioner is specifically charged with the duty of executing all orders and decisions of the Board  
 578 and he may, subject to the provisions of this chapter, require that all appointees and employees perform  
 579 their duties under this chapter.

580 *In addition, the Commissioner, in order to maximize efficiency, shall take such steps as may be*  
 581 *appropriate to outsource or privatize any of the Department's functions that might reasonably be*  
 582 *provided by the private sector.*

583 § 33.1-19.1. Environmental permits for highway projects; timely review.

584 Notwithstanding any other provision of state law or regulation, any state agency, board, or  
 585 commission that issues a permit required for a highway construction project pursuant to Title 10.1, 28.2,  
 586 29.1, or 62.1 of the Code of Virginia shall, within 15 days of receipt of an individual or general permit  
 587 application, review the application for completeness and either accept the application or request  
 588 additional specific information from the Department of Transportation. Unless a shorter period is  
 589 provided by law, regulation, or agreement, the state agency, board, or commission shall within 120 30  
 590 days of receipt of a complete application issue the permit, issue the permit with conditions, deny the  
 591 permit, or decide whether a public meeting or hearing is required by law. If a public meeting or hearing  
 592 is held, it shall be held within 45 30 days of the decision to conduct such a proceeding and a final  
 593 decision as to the permit shall be made within 90 30 days of completion of the public meeting or  
 594 hearing.

595 § 33.1-23.03. Board to develop and update Statewide Transportation Plan.

596 The Commonwealth Transportation Board shall conduct a comprehensive review of statewide  
 597 transportation needs in a Statewide Transportation Plan setting forth an inventory of all construction  
 598 needs for all systems, and based upon this inventory, establishing goals, objectives, and priorities  
 599 covering a twenty-year planning horizon, in accordance with federal transportation planning  
 600 requirements. This plan shall embrace all modes of transportation and include technological initiatives.  
 601 This Statewide Transportation Plan shall be updated as needed, but no less than once every five years.  
 602 The plan will provide consideration of projects and policies affecting shall promote economic  
 603 development and all transportation modes and promote economic development, intermodal connectivity,  
 604 environmental quality, accessibility for people and freight, and transportation safety. *The plan shall*  
 605 *include quantifiable and achievable goals relating to congestion reduction and safety, transit and*  
 606 *high-occupancy vehicle facility use, job-to-housing ratios, job and housing access to transit and*  
 607 *pedestrian facilities, air quality, and vehicle miles traveled. The Board shall consider such goals in*  
 608 *evaluating and selecting transportation improvement projects. Each such plan shall be summarized in a*  
 609 *public document and made available to the general public upon presentation to the Governor and*  
 610 *General Assembly.*

611 It is the intent of the General Assembly that this plan assess transportation needs and assign priorities

612 to projects on a statewide basis, avoiding the production of a plan which is an aggregation of local,  
613 district, regional, or modal plans.

614 § 33.1-23.03:8. Priority Transportation Fund established.

615 A. There is hereby created in the state treasury a special nonreverting fund to be known as the  
616 Priority Transportation Fund, hereafter referred to as "the Fund." The Fund shall be established on the  
617 books of the Comptroller. Interest earned on moneys in the Fund shall remain in the Fund and be  
618 credited to it. All funds as may be designated in the appropriation act for deposit to the Fund shall be  
619 paid into the state treasury and credited to the Fund. Such funds shall include:

620 1. A portion of the moneys actually collected, including penalty and interest, attributable to any  
621 increase in revenues from the taxes imposed under Chapter 22 (§ 58.1-2200 et seq.) of Title 58.1, with  
622 such increase being calculated as the difference between such tax revenues collected in the manner  
623 prescribed under Chapter 22 less such tax revenues that would have been collected using the prescribed  
624 manner in effect before the effective date of Chapter 22. The portion to be deposited to the Fund shall  
625 be the moneys actually collected from such increase in revenues (*but not including additional revenues*  
626 *described in subsection F of § 58.1-2289*) and allocated for highway and mass transit improvement  
627 projects as set forth in § 33.1-23.03:2, but not including any amounts that are allocated to the  
628 Commonwealth Port Fund and the Commonwealth Airport Fund under such section. There shall also be  
629 deposited into the Fund all additional federal revenues attributable to Chapter 22 (§ 58.1-2200 et seq.) of  
630 Title 58.1; and

631 2. Beginning with the fiscal year ending June 30, 2000, and for fiscal years thereafter, all revenues  
632 that exceed the official forecast, pursuant to § 2.2-1503, for (i) the Highway Maintenance and Operating  
633 Fund and (ii) the allocation to highway and mass transit improvement projects as set forth in  
634 § 33.1-23.03:2, but not including any amounts that are allocated to the Commonwealth Port Fund and  
635 the Commonwealth Airport Fund under such section; ~~and~~

636 3. *All revenues deposited into the Fund pursuant to § 58.1-2531; and*

637 34. Any other such funds as may be transferred, allocated, or appropriated.

638 The Fund shall be considered a part of the Transportation Trust Fund. Any moneys remaining in the  
639 Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but  
640 shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes enumerated in  
641 subsection B of this section. Expenditures and disbursements from the Fund shall be made by the State  
642 Treasurer on warrants issued by the Comptroller.

643 B. The Commonwealth Transportation Board shall use the Fund to facilitate the financing of priority  
644 transportation projects throughout the Commonwealth. The Board may use the Fund either (i) by  
645 expending amounts therein on such projects directly, (ii) by payment to any authority, locality,  
646 commission or other entity for the purpose of paying the costs thereof, ~~or~~ (iii) by using such amounts to  
647 support, secure, or leverage financing for such projects, *or (iv) for debt service payments on*  
648 *Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes*. No expenditures from  
649 or other use of amounts in the Fund shall be considered in allocating highway maintenance and  
650 construction funds under § 33.1-23.1 or apportioning Transportation Trust Fund funds under § 58.1-638,  
651 but shall be in addition thereto. The Board shall use the Fund to facilitate the financing of priority  
652 transportation projects as designated by the General Assembly; provided, however, that, at the discretion  
653 of the Commonwealth Transportation Board, funds allocated to projects within a transportation district  
654 may be allocated among projects within the same transportation district as needed to meet construction  
655 cash-flow needs.

656 § 33.1-23.4:01. *Allocation of Commonwealth of Virginia Transportation Capital Projects Revenue*  
657 *Bonds.*

658 *The Commonwealth Transportation Board shall allocate and distribute the proceeds of any bonds it*  
659 *is authorized to issue supported in whole or in part by the Commonwealth Transportation Capital*  
660 *Projects Fund pursuant to subdivision 4 f of § 33.1-269 for highway construction pursuant to*  
661 *§ 33.1-23.1.*

662 § 33.1-67. Secondary system of highways.

663 A. The secondary system of state highways shall consist of all of the public roads, causeways,  
664 bridges, landings and wharves in the several counties of the Commonwealth not included in the State  
665 Highway System, including such roads and community roads leading to and from public school  
666 buildings, streets, causeways, bridges, landings and wharves in incorporated towns having 3,500  
667 inhabitants or less according to the census of 1920, and in all towns having such a population  
668 incorporated since 1920, as constitute connecting links between roads in the secondary system in the  
669 several counties and between roads in the secondary system and roads in the primary system of the state  
670 highways, not, however, to exceed two miles in any one town. If in any such town, which is partly  
671 surrounded by water, less than two miles of the roads and streets therein constitute parts of the  
672 secondary system of state highways, the Commonwealth Transportation Board shall, upon the adoption

673 of a resolution by the council or other governing body of such town designating for inclusion in the  
674 secondary system of state highways certain roads and streets in such town not to exceed a distance of  
675 two miles, less the length of such roads and streets in such town which constitute parts of the secondary  
676 system of state highways, accept and place in the secondary system of state highways such additional  
677 roads and streets.

678 *B. Notwithstanding the foregoing provisions of this section, any local ordinance, or any provision of*  
679 *Title 15.2, on and after July 1, 2007, no street or road or any portion thereof in any county shall be*  
680 *taken into the state secondary highway system for maintenance purposes unless it is classified by the*  
681 *Department as a local collector road. Other roads that, prior to July 1, 2007, would have been taken*  
682 *into the state secondary highway system shall be classified by the Department as local subdivision roads*  
683 *and shall not be taken into the state secondary highway system. A local subdivision road shall be any*  
684 *road, according to the Department, that primarily serves residents living within a subdivision. These*  
685 *local subdivision roads shall be maintained either by the county wherein they are located or, if they are*  
686 *within an area comprising a homeowners association, by the homeowners association. This subsection*  
687 *shall not apply to any roads within an urban development area as authorized under Title 15.2.*

688 § 33.1-69. Control, supervision and management.

689 A. The control, supervision, management and jurisdiction over the secondary system of state  
690 highways shall be vested in the Department of Transportation and the maintenance and improvement,  
691 including construction and reconstruction, of such secondary system of state highways shall be by the  
692 Commonwealth under the supervision of the Commonwealth Transportation Commissioner. The boards  
693 of supervisors or other governing bodies of the several counties and the county road board or county  
694 road commission of any county operating under a county road board or county road commission shall  
695 have no control, supervision, management and jurisdiction over such public roads, causeways, bridges,  
696 landings and wharves, constituting the secondary system of state highways. Except as otherwise provided  
697 in this article, the Commonwealth Transportation Board shall be vested with the same powers, control  
698 and jurisdiction over the secondary system of state highways in the several counties and towns of the  
699 Commonwealth, and such additions as may be made from time to time, as were vested in the boards of  
700 supervisors or other governing bodies of the several counties or in the county road board or county road  
701 commission in any county operating under a county road board or county road commission on June 21,  
702 1932, and in addition thereto shall be vested with the same power, authority and control as to the  
703 secondary system of state highways as is vested in the Board in connection with the State Highway  
704 System.

705 *B. Notwithstanding the foregoing provisions of this section, the Department's control, supervision,*  
706 *management, and jurisdiction over the secondary system of state highways shall not extend, on and after*  
707 *July 1, 2007, to any road classified by the Department as a local subdivision road, and no road*  
708 *classified as a local subdivision road shall thereafter be taken into the state secondary highway system.*  
709 *These local subdivision roads shall be controlled, supervised, and managed either by the county wherein*  
710 *they are located or, if they are within an area comprising a homeowners association, by the*  
711 *homeowners association. This subsection shall not apply to any roads within an urban development area*  
712 *as authorized under Title 15.2.*

713 § 33.1-72.1. Taking certain streets into secondary system.

714 A. "Street," as used in this section, means a street or highway shown on a plat which was recorded  
715 or otherwise opened to public use prior to July 1, 1992, at which time it was open to and used by motor  
716 vehicles, and which, for any reason, has not been taken into the secondary system of state highways and  
717 serves at least three families per mile.

718 B. "County," as used in this section, means a county in which the secondary system of the state  
719 highways is constructed and maintained by the Department of Transportation and which has adopted a  
720 local ordinance for control of the development of subdivision streets to the necessary standards for  
721 acceptance into the secondary system.

722 C. "Speculative interest," as used in this section, means that the original developer or a successor  
723 developer retains ownership in any lot abutting such street for development or speculative purposes. In  
724 instances where it is determined that speculative interest is retained by the original developer,  
725 developers, or successor developers and the governing body of the county deems that extenuating  
726 circumstances exist, the governing body of the county shall require a pro rata participation by such  
727 original developer, developers, or successor developers as prescribed in subsection G of this section as a  
728 condition of the county's recommendation pursuant to this section.

729 D. "Qualifying rural addition cost," as used in this section, means that portion of the estimated  
730 engineering and construction cost to improve the street to the minimum standards for acceptance  
731 remaining after reducing the total estimated cost by any prorated amount deemed the responsibility of  
732 others based on speculative interests as defined in subsection C.

733 E. Whenever the governing body of a county recommends in writing to the Department of  
734 Transportation that any street in the county be taken into and become a part of the secondary system of

735 the state highways in such county, the Department of Transportation thereupon, within the limit of  
 736 available funds and the mileage available in such county for the inclusion of roads and streets in the  
 737 secondary system, shall take such street into the secondary system of state highways for maintenance,  
 738 improvement, construction and reconstruction if such street, at the time of such recommendation, either:  
 739 (i) has a minimum dedicated width of 40 feet or (ii) in the event of extenuating circumstances as  
 740 determined by the Commonwealth Transportation Commissioner, such street has a minimum dedicated  
 741 width of 30 feet at the time of such recommendation. In either case such streets must have easements  
 742 appurtenant thereto which conform to the policy of the Commonwealth Transportation Board with  
 743 respect to drainage. After the streets are taken into the secondary system of state highways, the  
 744 Department shall maintain the same in the manner provided by law.

745 F. Such street shall only be taken into the secondary system of state highways if the governing body  
 746 of the county has identified and made available the funds required to improve the street to the required  
 747 minimum standards. The county may consider the following options to fund the required improvements  
 748 for streets accepted under this section:

749 1. The local governing body of the county may use a portion of the county's annual secondary  
 750 highway system construction allocation designated as "rural addition funds" to fund the qualifying rural  
 751 addition costs for qualifying streets if the county agrees to contribute from county revenue or the special  
 752 assessment of the landowners on the street in question one-half of the qualifying rural addition cost to  
 753 bring the streets up to the necessary minimum standards for acceptance. No such special assessment of  
 754 landowners on such streets shall be made unless the governing body of the county receives written  
 755 declarations from the owners of 75 percent or more of the platted parcels of land abutting upon such  
 756 street stating their acquiescence in such assessments. The basis for such special assessments, at the  
 757 option of the local governing body, shall be either (i) the proportion the value of each abutting parcel  
 758 bears to total value of all abutting parcels on such street as determined by the current evaluation of the  
 759 property for real estate tax purposes, or (ii) the proportion the abutting road front footage of each parcel  
 760 abutting the street bears to the total abutting road front footage of all parcels abutting on the street, or  
 761 (iii) an equal amount for each parcel abutting on such street. No such special assessment on any parcel  
 762 shall exceed one-third of the current evaluation of such property for real estate tax purposes. Special  
 763 assessments under this section shall be conducted in the manner provided in Article 2 (§ 15.2-2404 et  
 764 seq.) of Chapter 24 of Title 15.2, mutatis mutandis, for assessments for local improvements.

765 2. The local governing body of any county may use a portion of its annual secondary highway  
 766 system construction allocation designated as "rural addition funds" to fund the qualifying rural addition  
 767 cost for qualifying streets within the limitation of funds and the mileage limitation of the  
 768 Commonwealth Transportation Board's policy on rural additions.

769 3. The local governing body of any county may use revenues derived from the sale of bonds to  
 770 finance the construction of rural additions to the secondary system of such county. In addition, from the  
 771 funds allocated by the Commonwealth for the construction of secondary road improvements, such  
 772 governing body may use funds allocated within the Commonwealth Transportation Board policy for the  
 773 construction of rural additions to pay principal and interest on bonds associated with rural additions in  
 774 such county, provided the revenue derived from the sale of such bonds is not used as the county  
 775 matching contribution under § 33.1-23.05. The provisions of this section shall not constitute a debt or  
 776 obligation of the Commonwealth Transportation Board or the Commonwealth of Virginia.

777 4. The local governing body of the county may expend general county revenue for the purposes of  
 778 this section.

779 5. The local governing body of the county may permit one or more of the landowners on the street  
 780 in question to pay to the county a sum equal to one-half of the qualifying rural addition cost to bring  
 781 the street up to the necessary minimum standards for acceptance into the secondary system of state  
 782 highways, which funds the county shall then utilize for such purpose. Thereafter, upon collection of the  
 783 special assessment of landowners on such street, the county shall use such special assessment funds to  
 784 reimburse, without interest, the one or more landowners for those funds which they previously advanced  
 785 to the count to bring the street up to the necessary minimum standards for acceptance.

786 6. The local governing body of the county may utilize the allocations made to the county in  
 787 accordance with § 33.1-23.05.

788 G. In instances where it is determined that speculative interest, as defined in subsection C, exists the  
 789 basis for the pro rata percentage required of such developer, developers, or successor developers shall be  
 790 the proportion that the value of the abutting parcels owned or partly owned by the developer,  
 791 developers, or successor developers bears to the total value of all abutting property as determined by the  
 792 current evaluation of the property for real estate purposes. The pro rata percentage shall be applied to  
 793 the Department of Transportation's total estimated cost to construct such street to the necessary  
 794 minimum standards for acceptance to determine the amount of costs to be borne by the developer,  
 795 developers, or successor developers. Property so evaluated shall not be assessed in the special

796 assessment for the determination of the individual pro rata share attributable to other properties. Further,  
797 when such pro rata participation is accepted by the governing body of the county from such original  
798 developer, developers, or successor developers, such amount shall be deducted from the Department of  
799 Transportation's total estimated cost and the remainder of such estimated cost, the qualifying rural  
800 addition cost, shall then be the basis of determining the assessment under the special assessment  
801 provision or determining the amount to be provided by the county when funded from general county  
802 revenue under subsection C of this section or determining the amount to be funded as a rural addition  
803 under subsection D of this section.

804 H. Acceptance of any street into the secondary system of state highways for maintenance,  
805 improvement, construction, and reconstruction shall not impose any obligation on the Board to acquire  
806 any additional right-of-way or easements should they be necessary by virtue of faulty construction or  
807 design.

808 I. "Rural addition funds" means those funds reserved from the county's annual allocation of  
809 secondary system highway construction funds, as defined in § 33.1-67, for the purpose of this section. If  
810 such funds are not used by such county for such purpose during the fiscal year they are so allocated, the  
811 funds may be held for such purpose for the four succeeding fiscal years. A maximum of five percent of  
812 the annual secondary system highway construction allocation may be reserved by the governing body for  
813 rural additions.

814 *J. Notwithstanding the foregoing provisions of this section, any local ordinance, or any provision of*  
815 *Title 15.2, on and after July 1, 2007, no street or road or any portion thereof in any county shall be*  
816 *taken into the state secondary highway system for maintenance purposes unless it is classified by the*  
817 *Department as a local collector road. Any road that, prior to July 1, 2007, would have been taken into*  
818 *the state secondary highway system shall be classified by the Department as a local subdivision road*  
819 *and no road classified as a local subdivision road shall thereafter be taken into the state secondary*  
820 *highway system. This subsection shall not apply to any roads within an urban development area as*  
821 *authorized under Title 15.2.*

822 § 33.1-223.2:12. Tolls may vary to encourage travel during off-peak hours.

823 A. In order to provide an incentive for motorists to travel at off-peak hours, *and in accordance with*  
824 *federal requirements*, wherever a toll is imposed and collected by the Department or such other entity as  
825 may be responsible for imposing or collecting such toll, the amount of such toll may vary according to  
826 the time of day, day of the week, traffic volume, vehicle speed, vehicle type, ~~or any or all of these~~  
827 *similar variables, or combinations thereof.* The amount of such toll and the time of day when such toll  
828 shall change shall be as fixed and revised by the Commonwealth Transportation Board or such other  
829 entity as may be responsible for fixing or revising the amount of such toll; provided, however, that any  
830 such variation shall be reasonably calculated to minimize the reduction in toll revenue generated by such  
831 toll.

832 *B. 1. Beginning July 1, 2008, every agency of the Commonwealth or any political subdivision or*  
833 *instrumentality thereof having control of or day-to-day responsibility for the operation of any toll facility*  
834 *in the Commonwealth shall take all necessary actions to ensure that every newly constructed toll facility*  
835 *or toll lane under its control is capable of fully automated electronic operation, employing technologies*  
836 *and procedures that permit the collection of tolls from users of the facility without requiring vehicles*  
837 *using the facility to reduce their speed below the speed of traffic approaching the facility. An entity*  
838 *operating a toll facility that substantially upgrades its equipment or substantially renovates its facility*  
839 *after July 1, 2008, shall comply with the provisions of this subsection. The provisions of this section*  
840 *shall also apply to any nongovernmental or quasigovernmental entity operating a toll facility under a*  
841 *comprehensive agreement entered into, pursuant to the Public-Private Transportation Act of 1995*  
842 *(§ 56-556 et seq.), on or after January 1, 2008. Nothing in this subsection shall be construed to prohibit*  
843 *a toll facility from retaining means of nonautomated toll collection in some lanes of the facility.*

844 *2. For toll facilities within the territory embraced by the Northern Virginia Transportation Authority,*  
845 *the provisions of subdivision 1 apply to all toll facilities, regardless of whether or not they are newly*  
846 *constructed or substantially upgraded.*

847 § 33.1-268. Definitions.

848 As used in this article, the following words and terms shall have the following meanings:

849 (1) The word "Board" means the Commonwealth Transportation Board, or if the Commonwealth  
850 Transportation Board is abolished, any board, commission or officer succeeding to the principal  
851 functions thereof or upon whom the powers given by this article to the Board shall be given by law.

852 (2) The word "project" or "projects" means any one or more of the following:

853 (a) York River Bridges, extending from a point within the Town of Yorktown in York County, or  
854 within York County across the York River to Gloucester Point or some point in Gloucester County.

855 (b) Rappahannock River Bridge, extending from Greys Point, or its vicinity, in Middlesex County,  
856 across the Rappahannock River to a point in the vicinity of White Stone, in Lancaster County, or at  
857 some other feasible point in the general vicinity of the two respective points.

- 858 (c), (d) [Reserved.]
- 859 (e) James River Bridge, from a point at or near Jamestown, in James City County, across the James  
860 River to a point in Surry County.
- 861 (f), (g) [Reserved.]
- 862 (h) James River, Chuckatuck and Nansemond River Bridges, together with necessary connecting  
863 roads, in the Cities of Newport News and Suffolk and the County of Isle of Wight.
- 864 (i) [Reserved.]
- 865 (j) Hampton Roads Bridge, Tunnel, or Bridge and Tunnel System, extending from a point or points  
866 in the Cities of Newport News and Hampton on the northwest shore of Hampton Roads across Hampton  
867 Roads to a point or points in the City of Norfolk or Suffolk on the southeast shore of Hampton Roads.
- 868 (k) The Norfolk-Virginia Beach Highway, extending from a point in the vicinity of the intersection  
869 of Interstate Route 64 and Primary Route 58 at Norfolk to some feasible point between London Bridge  
870 and Primary Route 60.
- 871 (l) The Henrico-James River Bridge, extending from a point on the eastern shore of the James River  
872 in Henrico County to a point on the western shore, between Falling Creek and Bells Road interchanges  
873 of the Richmond-Petersburg Turnpike; however, the project shall be deemed to include all property,  
874 rights, easements and franchises relating to any of the foregoing projects and deemed necessary or  
875 convenient for the operation thereof and to include approaches thereto.
- 876 (m) The limited access highway between the Patrick Henry Airport area and the Newport News  
877 downtown area which generally runs parallel to tracks of the Chesapeake and Ohio Railroad.
- 878 (n) Transportation improvements in the Dulles Corridor, with an eastern terminus of the East Falls  
879 Church Metrorail station at Interstate Route 66 and a western terminus of Virginia Route 772 in  
880 Loudoun County, including without limitation the Dulles Toll Road, the Dulles Access Road, outer  
881 roadways adjacent or parallel thereto, mass transit, including rail, bus rapid transit, and capacity  
882 enhancing treatments such as High-Occupancy Vehicle lanes, High-Occupancy Toll (HOT) lanes,  
883 interchange improvements, commuter parking lots, and other transportation management strategies.
- 884 (o), (p) [Repealed.]
- 885 (q) Subject to the limitations and approvals of § 33.1-279.1, any other highway for a primary  
886 highway transportation improvement district or transportation service district which the Board has agreed  
887 to finance under a contract with any such district or any other alternative mechanism for generation of  
888 local revenues for specific funding of a project satisfactory to the Commonwealth Transportation Board,  
889 the financing for which is to be secured by Transportation Trust Fund revenues under any appropriation  
890 made by the General Assembly for that purpose and payable first from revenues received under such  
891 contract or other local funding source, second, to the extent required, from funds appropriated and  
892 allocated, pursuant to the highway allocation formula as provided by law, to the highway construction  
893 district in which the project is located or to the county or counties in which the project is located and  
894 third, to the extent required from other legally available revenues of the Trust Fund and from any other  
895 available source of funds.
- 896 (r) U.S. 58 Corridor Development Program projects as defined in §§ 33.1-221.1:2 and 58.1-815.
- 897 (s) The Northern Virginia Transportation District Program as defined in § 33.1-221.1:3.
- 898 (t) Any program for highways or mass transit or transportation facilities, endorsed by the local  
899 jurisdiction or jurisdictions affected, which agree that certain distributions of state recordation taxes will  
900 be dedicated and used for the payment of any bonds or other obligations, including interest thereon, the  
901 proceeds of which were used to pay the cost of the program. Any such program shall be referred to as a  
902 "Transportation Improvement Program."
- 903 (u) Any project designated from time to time by the General Assembly financed in whole or part  
904 through the issuance of Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes.
- 905 (v) *Any project authorized by the General Assembly financed in whole or in part by funds from the*  
906 *Commonwealth Transportation Capital Projects Fund established pursuant to § 58.1-2532 or from the*  
907 *proceeds of bonds whose debt service is paid in whole or in part by funds from such Fund.*
- 908 (3) The word "undertaking" means all of the projects authorized to be acquired or constructed under  
909 this article.
- 910 (4) The word "improvements" means such repairs, replacements, additions and betterments of and to  
911 a project acquired by purchase or by condemnation as are deemed necessary to place it in a safe and  
912 efficient condition for the use of the public, if such repairs, replacements, additions and betterments are  
913 ordered prior to the sale of any bonds for the acquisition of such project.
- 914 (5) The term "cost of project" as applied to a project to be acquired by purchase or by  
915 condemnation, includes the purchase price or the amount of the award, cost of improvements, financing  
916 charges, interest during any period of disuse before completion of improvements, cost of traffic  
917 estimates and of engineering and legal expenses, plans, specifications and surveys, estimates of cost and  
918 of revenues, other expenses necessary or incident to determining the feasibility or practicability of the



919 enterprises, administrative expenses and such other expenses as may be necessary or incident to the  
920 financing herein authorized and the acquisition of the project and the placing of the project in operation.

921 (6) The term "cost of project" as applied to a project to be constructed, embraces the cost of  
922 construction, the cost of all lands, properties, rights, easements and franchises acquired which are  
923 deemed necessary for such construction, the cost of acquiring by purchase or condemnation any ferry  
924 which is deemed by the Board to be competitive with any bridge to be constructed, the cost of all  
925 machinery and equipment, financing charges, interest prior to and during construction and for one year  
926 after completion of construction, cost of traffic estimates and of engineering data, engineering and legal  
927 expenses, cost of plans, specifications and surveys, estimates of cost and of revenues, other expenses  
928 necessary or incident to determining the feasibility or practicability of the enterprise, administrative  
929 expense and such other expenses as may be necessary or incident to the financing herein authorized, the  
930 construction of the project, the placing of the project in operation and the condemnation of property  
931 necessary for such construction and operation.

932 (7) The word "owner" includes all individuals, incorporated companies, copartnerships, societies or  
933 associations having any title or interest in any property rights, easements or franchises authorized to be  
934 acquired by this article.

935 (8) [Repealed.]

936 (9) The words "revenue" and "revenues" include tolls and any other moneys received or pledged by  
937 the Board pursuant to this article, including, without limitation, legally available Transportation Trust  
938 Fund revenues and any federal highway reimbursements and any other federal highway assistance  
939 received from time to time by the Commonwealth.

940 (10) The terms "toll project" and "toll projects" mean projects financed in whole or in part through  
941 the issuance of revenue bonds which are secured by toll revenues generated by such project or projects.

942 § 33.1-269. General powers of Board.

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

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

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

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

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

965 4a. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of  
966 Virginia Transportation Revenue Bonds," secured, subject to their appropriation by the General  
967 Assembly, first from (i) revenues received from the Northern Virginia Transportation District Fund, (ii)  
968 to the extent required, funds appropriated and allocated, pursuant to the highway allocation formula as  
969 provided by law, to the highway construction district in which the project or projects to be financed are  
970 located or to the city or county in which the project or projects to be financed are located, (iii) to the  
971 extent required, legally available revenues of the Transportation Trust Fund, and (iv) such other funds  
972 which may be appropriated by the General Assembly;

973 4b. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of  
974 Virginia Transportation Program Revenue Bonds" secured, subject to their appropriation by the General  
975 Assembly, first from (i) any revenues received from any Set-aside Fund established by the General  
976 Assembly pursuant to § 58.1-816.1, (ii) to the extent required, revenues received pursuant to any  
977 contract with a local jurisdiction or any alternative mechanism for generation of local revenues for  
978 specific funding of a project satisfactory to the Commonwealth Transportation Board, (iii) to the extent  
979 required, funds appropriated and allocated, pursuant to the highway allocation formula as provided by  
980 law, to the highway construction district in which the project or projects to be financed are located or to

981 the city or county in which the project or projects to be financed are located, (iv) to the extent required,  
982 legally available revenues of the Transportation Trust Fund, and (v) such other funds which may be  
983 appropriated by the General Assembly. No bonds for any project or projects shall be issued under the  
984 authority of this subsection unless such project or projects are specifically included in a bill or resolution  
985 passed by the General Assembly;

986 4c. Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of  
987 Virginia Transportation Program Revenue Bonds" secured, subject to their appropriation by the General  
988 Assembly, first from (i) any revenues received from the Commonwealth Transit Capital Fund established  
989 by the General Assembly pursuant to subdivision A 4 g of § 58.1-638, (ii) to the extent required, legally  
990 available revenues of the Transportation Trust Fund, and (iii) such other funds which may be  
991 appropriated by the General Assembly. No bonds for any project or projects shall be issued under the  
992 authority of this subsection unless such project or projects are specifically included in a bill or resolution  
993 passed by the General Assembly;

994 4d. Issue revenue bonds of the Commonwealth from time to time to be known and designated as  
995 "Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes" secured, subject to  
996 their appropriation by the General Assembly, (i) first from any federal highway reimbursements and any  
997 other federal highway assistance received from time to time by the Commonwealth, (ii) then, at the  
998 discretion of the Board, to the extent required, from legally available revenues of the Transportation  
999 Trust Fund, and (iii) then from such other funds, if any, which are designated by the General Assembly  
1000 for such purpose;

1001 4e. Issue revenue bonds of the Commonwealth from time to time to be known and designated as  
1002 "Commonwealth of Virginia Credit Assistance Revenue Bonds," secured, subject to their appropriation  
1003 by the General Assembly, solely from revenues with respect to or generated by the project or projects  
1004 being financed thereby and any tolls or other revenues pledged by the Board as security therefor and in  
1005 accordance with the applicable federal credit assistance authorized with respect to such project or  
1006 projects by the United States Department of Transportation;

1007 4f. *Issue revenue bonds of the Commonwealth to be known and designated as "Commonwealth of*  
1008 *Virginia Transportation Capital Projects Revenue Bonds," secured (i) from the revenues deposited into*  
1009 *the Commonwealth Transportation Capital Projects Fund pursuant to § 58.1-2532; (ii) to the extent*  
1010 *required, from revenues legally available from the Transportation Trust Fund; and (iii) to the extent*  
1011 *required, from any other legally available funds;*

1012 5. Fix and collect tolls and other charges for the use of such projects or to refinance the cost of such  
1013 projects;

1014 6. Construct grade separations at intersections of any projects with public highways, streets or other  
1015 public ways or places and change and adjust the lines and grades thereof so as to accommodate the  
1016 same to the design of such grade separations, the cost of such grade separations and any damage  
1017 incurred in changing and adjusting the lines and grades of such highways, streets, ways and places to be  
1018 ascertained and paid by the Board as a part of the cost of the project;

1019 7. Vacate or change the location of any portion of any public highway, street or other public way or  
1020 place and reconstruct the same at such new location as the Board deems most favorable for the project  
1021 and of substantially the same type and in as good condition as the original highway, streets, way or  
1022 place, the cost of such reconstruction and any damage incurred in vacating or changing the location  
1023 thereof to be ascertained and paid by the Board as a part of the cost of the project. Any public highway,  
1024 street or other public way or place vacated or relocated by the Board shall be vacated or relocated in the  
1025 manner provided by law for the vacation or relocation of public roads and any damages awarded on  
1026 account thereof may be paid by the Board as a part of the cost of the project;

1027 8. Make reasonable regulations for the installation, construction, maintenance, repair, renewal and  
1028 relocation of pipes, mains, sewers, conduits, cables, wires, towers, poles and other equipment and  
1029 appliances herein called "public utility facilities," of the Commonwealth and of any municipality, county,  
1030 or other political subdivision, public utility or public service corporation owning or operating the same  
1031 in, on, along, over or under the project. Whenever the Board determines that it is necessary that any  
1032 such public utility facilities should be relocated or removed, the Commonwealth or such municipality,  
1033 county, political subdivision, public utility or public service corporation shall relocate or remove the  
1034 same in accordance with the order of the Board. The cost and expense of such relocation or removal,  
1035 including the cost of installing such public utility facilities in a new location or locations, and the cost  
1036 of any lands or any rights or interests in lands, and any other rights acquired to accomplish such  
1037 relocation or removal shall be ascertained by the Board.

1038 On any toll project, the Board shall pay the cost and expense of relocation or removal as a part of  
1039 the cost of the project for those public utility facilities owned or operated by the Commonwealth or such  
1040 municipality, county, political subdivision, public utility or public service corporation. On all other  
1041 projects, under this article, the Board shall pay the cost and expense of relocation or removal as a part

1042 of the cost of the project for those public utility facilities owned or operated by the Commonwealth or  
1043 such municipality, county, or political subdivision. The Commonwealth or such municipality, county,  
1044 political subdivision, public utility or public service corporation may maintain and operate such public  
1045 utility facilities with the necessary appurtenances, in the new location or locations, for as long a period  
1046 and upon the same terms and conditions as it had the right to maintain and operate such public utility  
1047 facilities in their former location or locations;

1048 9. Acquire by the exercise of the power of eminent domain any lands, property, rights, rights-of-way,  
1049 franchises, easements and other property, including public lands, parks, playgrounds, reservations,  
1050 highways or parkways, or parts thereof or rights therein, of any municipality, county or other political  
1051 subdivision, deemed necessary or convenient for the construction or the efficient operation of the project  
1052 or necessary in the restoration, replacement or relocation of public or private property damaged or  
1053 destroyed.

1054 The cost of such projects shall be paid solely from the proceeds of Commonwealth of Virginia Toll  
1055 or Transportation Contract Revenue Bonds or a combination thereof or from such proceeds and from  
1056 any grant or contribution which may be made thereto pursuant to the provisions of this article;

1057 10. Notwithstanding any provision of this article to the contrary, the Board shall be authorized to  
1058 exercise the powers conferred herein, in addition to its general powers to acquire rights-of-way and to  
1059 construct, operate and maintain state highways, with respect to any project which the General Assembly  
1060 has authorized or may hereafter authorize to be financed in whole or in part through the issuance of  
1061 bonds of the Commonwealth pursuant to the provisions of Section 9 (c) of Article X of the Constitution  
1062 of Virginia; and

1063 11. Enter into any agreements or take such other actions as the Board shall determine in connection  
1064 with applying for or obtaining any federal credit assistance, including without limitation loan guarantees  
1065 and lines of credit, pursuant to authorization from the United States Department of Transportation with  
1066 respect to any project included in the Commonwealth's long-range transportation plan and the approved  
1067 State Transportation Improvement Program.

1068 § 33.1-277. Credit of Commonwealth not pledged.

1069 A. Commonwealth of Virginia Toll Revenue Bonds issued under the provisions of this article shall  
1070 not be deemed to constitute a debt of the Commonwealth of Virginia or a pledge of the faith and credit  
1071 of the Commonwealth, but such bonds shall be payable solely from the funds herein provided therefor  
1072 from tolls and revenues, from bond proceeds or earnings thereon and from any other available sources  
1073 of funds. All such bonds shall state on their face that the Commonwealth of Virginia is not obligated to  
1074 pay the same or the interest thereon except from the special fund provided therefor from tolls and  
1075 revenues under this article, from bond proceeds or earnings thereon and from any other available sources  
1076 of funds and that the faith and credit of the Commonwealth are not pledged to the payment of the  
1077 principal or interest of such bonds. The issuance of such revenue bonds under the provisions of this  
1078 article shall not directly or indirectly or contingently obligate the Commonwealth to levy or to pledge  
1079 any form of taxation whatever therefor or to make any appropriation for their payment, other than  
1080 appropriate available funds derived as revenues from tolls and charges under this article or derived from  
1081 bond proceeds or earnings thereon and from any other available sources of funds.

1082 B. Commonwealth of Virginia Transportation Contract Revenue Bonds issued under the provisions of  
1083 this article shall not be deemed to constitute a debt of the Commonwealth of Virginia or a pledge of the  
1084 faith and credit of the Commonwealth, but such bonds shall be payable solely from the funds herein  
1085 provided therefor (i) from revenues received pursuant to contracts with a primary highway transportation  
1086 district or transportation service district or any other alternative mechanism for generation of local  
1087 revenues for specific funding of a project satisfactory to the Commonwealth Transportation Board, (ii) to  
1088 the extent required, from funds appropriated and allocated, pursuant to the highway allocation formula as  
1089 provided by law, to the highway construction district in which the project or projects to be financed are  
1090 located or to the county or counties in which such project or projects are located, (iii) from bond  
1091 proceeds or earnings thereon, (iv) to the extent required, from other legally available revenues of the  
1092 Trust Fund, and (v) from any other available source of funds. All such bonds shall state on their face  
1093 that the Commonwealth of Virginia is not obligated to pay the same or the interest thereon except from  
1094 revenues in clauses (i) and (iii) hereof and that the faith and credit of the Commonwealth are not  
1095 pledged to the payment of the principal and interest of such bonds. The issuance of such revenue bonds  
1096 under the provisions of this article shall not directly or indirectly or contingently obligate the  
1097 Commonwealth to levy or to pledge any form of taxation whatever or to make any appropriation for  
1098 their payment, other than to appropriate available funds derived as revenues under this article from the  
1099 sources set forth in clauses (i) and (iii) hereof. Nothing in this article shall be construed to obligate the  
1100 General Assembly to make any appropriation of the funds set forth in clause (ii) or (iv) hereof for  
1101 payment of such bonds.

1102 C. Commonwealth of Virginia Transportation Revenue Bonds issued under the provisions of this  
1103 article shall not be deemed to constitute a debt of the Commonwealth of Virginia or a pledge of the full

1104 faith and credit of the Commonwealth, but such bonds shall be payable solely from the funds herein  
 1105 provided therefor (i) from revenues received from the U.S. Route 58 Corridor Development Fund,  
 1106 subject to their appropriation by the General Assembly, (ii) to the extent required, from revenues legally  
 1107 available from the Transportation Trust Fund and (iii) to the extent required, from any other legally  
 1108 available funds which shall have been appropriated by the General Assembly.

1109 D. Commonwealth of Virginia Transportation Revenue Bonds issued under this article for Category 1  
 1110 projects as provided in subdivision (2) (s) of § 33.1-268 shall not be deemed to constitute a debt of the  
 1111 Commonwealth of Virginia or a pledge of the faith and credit of the Commonwealth. Such bonds shall  
 1112 be payable solely, subject to their appropriation by the General Assembly, first from (i) revenues  
 1113 received from the Northern Virginia Transportation District Fund, (ii) to the extent required, funds  
 1114 appropriated and allocated, pursuant to the highway allocation formula as provided by law, to the  
 1115 highway construction district in which the project or projects to be financed are located or to the city or  
 1116 county in which the project or projects to be financed are located, (iii) to the extent required, legally  
 1117 available revenues of the Transportation Trust Fund, and (iv) such other funds which may be  
 1118 appropriated by the General Assembly.

1119 E. Commonwealth of Virginia Transportation Program Revenue Bonds issued under this article for  
 1120 projects defined in subdivision (2) (t) of § 33.1-268 shall not be deemed to constitute a debt of the  
 1121 Commonwealth or a pledge of the faith and credit of the Commonwealth. Such bonds shall be payable  
 1122 solely, subject to their appropriation by the General Assembly, first from (i) any revenues received from  
 1123 any Set-aside Fund established by the General Assembly pursuant to § 58.1-816.1, (ii) to the extent  
 1124 required, revenues received pursuant to any contract with a local jurisdiction or any alternative  
 1125 mechanism for generation of local revenues for specific funding of a project satisfactory to the  
 1126 Commonwealth Transportation Board, (iii) to the extent required, funds appropriated and allocated,  
 1127 pursuant to the highway allocation formula as provided by law, to the highway construction district in  
 1128 which the project or projects to be financed are located or to the city or county in which the project or  
 1129 projects to be financed are located, (iv) to the extent required, legally available revenues from the  
 1130 Transportation Trust Fund, and (v) such other funds which may be appropriated by the General  
 1131 Assembly.

1132 F. Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes issued under this  
 1133 article shall not be deemed to constitute a debt of the Commonwealth of Virginia or a pledge of the full  
 1134 faith and credit of the Commonwealth, but such obligations shall be payable solely, subject to  
 1135 appropriation by the General Assembly, (i) first from any federal highway reimbursements and any other  
 1136 federal highway assistance received from time to time by the Commonwealth, (ii) then, at the discretion  
 1137 of the Board, to the extent required, from legally available revenues of the Transportation Trust Fund,  
 1138 and (iii) then, from such other funds, if any, which are designated by the General Assembly for such  
 1139 purpose.

1140 G. Commonwealth of Virginia Transportation Credit Assistance Revenue Bonds issued under the  
 1141 provisions of this article shall not be deemed to constitute a debt of the Commonwealth of Virginia or a  
 1142 pledge of the full faith and credit of the Commonwealth, but such obligations shall be payable solely,  
 1143 subject to appropriation by the General Assembly, from revenues with respect to or generated by the  
 1144 project or projects being financed thereby and any tolls or other revenues pledged by the Board as  
 1145 security therefor and in accordance with the applicable federal credit assistance authorized with respect  
 1146 to such project or projects by the United States Department of Transportation.

1147 *H. Commonwealth of Virginia Transportation Capital Projects Revenue Bonds issued under the*  
 1148 *provisions of this article for projects as provided in subdivision 2 v of § 33.1-268 shall not be deemed*  
 1149 *to constitute a debt of the Commonwealth of Virginia or a pledge of the full faith and credit of the*  
 1150 *Commonwealth, but such bonds shall be payable solely from the funds herein provided therefor (i) from*  
 1151 *the revenues deposited into the Commonwealth Transportation Capital Projects Fund established*  
 1152 *pursuant to § 58.1-2532; (ii) to the extent required, from revenues legally available from the*  
 1153 *Transportation Trust Fund; and (iii) to the extent required, from any other legally available funds.*

1154 **CHAPTER 10.2. HAMPTON ROADS TRANSPORTATION AUTHORITY.**

1155 § 33.1-391.6. Short Title.

1156 *This chapter shall be known and may be cited as the Hampton Roads Transportation Authority Act.*

1157 § 33.1-391.7. Authority created.

1158 *The Hampton Roads Transportation Authority, hereinafter in this chapter known as "the Authority" is*  
 1159 *hereby created as a body politic and as a political subdivision of the Commonwealth.*

1160 § 33.1-391.8. Powers of the Authority.

1161 *Notwithstanding any contrary provision of this title and in accordance with all applicable federal*  
 1162 *statutes and requirements, the Authority shall control and operate and may impose and collect tolls in*  
 1163 *amounts established by the Authority for the use of any new or improved highway, bridge, tunnel, or*  
 1164 *transportation facility (including new construction relating to, or improvements to, the bridges, tunnels,*

1165 roadways, and related facilities known collectively as the Chesapeake Bay Bridge-Tunnel as described in  
 1166 § 33.1-391.12, pursuant to the conditions set forth in such section) constructed by the Authority or with  
 1167 funds provided in whole or in part by the Authority. The amount of any such toll may be varied from  
 1168 facility to facility, by lane, by congestion levels, by day of the week, time of day, type of vehicle, number  
 1169 of axles, or any similar combination thereof, and a reduced rate may be established for commuters as  
 1170 defined by the Authority. For purposes of this section, the Midtown and Downtown tunnels located  
 1171 within the Cities of Norfolk and Portsmouth shall be considered a single transportation facility and both  
 1172 facilities may be tolled if improvements are made to either tunnel. Any tolls imposed by the Authority  
 1173 shall be collected by an electronic toll system that, to the extent possible, shall not impede traffic flow.  
 1174 For all roads tolled by the Authority, there shall be signs erected prior to the point of toll collection  
 1175 that clearly state how the majority of the toll revenue for the particular road is being spent by the  
 1176 Authority.

1177 § 33.1-391.9. Composition of Authority; chairman and vice-chairman; quorum.

1178 The Authority shall consist of the following members: (i) one member of the local governing body of  
 1179 each of the following localities, provided that the locality imposes all of the local transportation fees  
 1180 and taxes authorized by §§ 46.2-332.1, 46.2-755.1, 46.2-755.2, 46.2-1167.1, 58.1-609.14, 58.1-802.2,  
 1181 58.1-2402.2, and 58.1-3221.3: the Counties of Isle of Wight, James City, and York and the Cities of  
 1182 Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, and Williamsburg;  
 1183 (ii) a member of the Commonwealth Transportation Board who resides in a county or city embraced by  
 1184 the Authority appointed by the Governor who shall serve *ex officio* without a vote; (iii) the Director of  
 1185 the Virginia Department of Rail and Public Transportation, or his designee, who shall serve *ex officio*  
 1186 without a vote; (iv) the Commonwealth Transportation Commissioner, or his designee, who shall serve  
 1187 *ex officio* without a vote; (v) three members of the Virginia House of Delegates who reside in a city or  
 1188 county that is imposing the local transportation fees and taxes authorized by §§ 46.2-332.1, 46.2-755.1,  
 1189 46.2-755.2, 46.2-1167.1, 58.1-609.14, 58.1-802.2, 58.1-2402.2, and 58.1-3221.3, no two of whom shall  
 1190 reside in the same city or county, appointed by the Speaker of the House of Delegates; and (vi) two  
 1191 members of the Senate of Virginia who reside in a city or county that is imposing the local  
 1192 transportation fees and taxes authorized by §§ 46.2-332.1, 46.2-755.1, 46.2-755.2, 46.2-1167.1,  
 1193 58.1-609.14, 58.1-802.2, 58.1-2402.2, and 58.1-3221.3, neither of whom shall reside in the same city or  
 1194 county, appointed by the Senate Committee on Rules. Each representative of a local governing body  
 1195 shall be appointed by a majority vote of the respective local governing body and shall be a member of  
 1196 the local governing body by which he is appointed. In the event that a member of the Authority who is  
 1197 appointed by a local governing body ceases to be a member of that local governing body, he may no  
 1198 longer serve as a member of the Authority. Members of the Authority appointed by local governing  
 1199 bodies shall serve for terms of four years and may be reappointed for one additional term of four years.  
 1200 Any member of the Authority appointed by a local governing body who is initially appointed to serve a  
 1201 term of less than three years may thereafter be appointed for two successive four-year terms. For the  
 1202 purpose of initial appointments and in order to provide for staggered terms, those members appointed  
 1203 by the City Council of the City of Hampton, the City Council of the City of Newport News, and the  
 1204 Board of Supervisors of James City County shall be appointed for terms of two years; those members  
 1205 who are appointed by the City Council of the City of Norfolk, the City Council of the City of  
 1206 Chesapeake, and the City Council of the City of Portsmouth shall be appointed for terms of three years;  
 1207 and the remaining representatives of local governing bodies shall be appointed for terms of four years.  
 1208 Legislative members shall serve terms coincident with their terms of office. Vacancies shall be filled by  
 1209 appointment for the unexpired term by the same process as used to make the original appointment.

1210 The Authority shall annually elect a chairman and vice-chairman from among its membership, each  
 1211 of whom shall continue to hold such office until their respective successors are elected.

1212 A majority of the members of the Authority shall constitute a quorum for the transaction of business.

1213 Members of the Authority shall be reimbursed for their actual and necessary expenses incurred in  
 1214 the performance of their duties and, in addition, shall be paid a *per diem* equal to the amount paid  
 1215 members of the Commonwealth Transportation Board for each day or portion thereof during which they  
 1216 are engaged in the official business of the Authority.

1217 The Auditor of Public Accounts, or his legally authorized representatives, shall annually audit the  
 1218 financial accounts of the Authority, and the cost of such audit shall be borne by the Authority.

1219 § 33.1-391.10. Additional powers of the Authority.

1220 The Authority shall have the following powers together with all powers incidental thereto or  
 1221 necessary for the performance of those hereinafter stated:

1222 1. To sue and be sued and to prosecute and defend, at law or in equity, in any court having  
 1223 jurisdiction of the subject matter and of the parties;

1224 2. To adopt and use a corporate seal and to alter the same at its pleasure;

1225 3. To procure insurance, participate in insurance plans, and provide self-insurance; however, the  
 1226 purchase of insurance, participation in an insurance plan, or the creation of a self-insurance plan by

1227 *the Authority shall not be deemed a waiver or relinquishment of any sovereign immunity to which the*  
 1228 *Authority or its officers, directors, employees, or agents are otherwise entitled;*

1229 *4. To establish bylaws and make all rules and regulations, not inconsistent with the provisions of this*  
 1230 *chapter, deemed expedient for the management of the Authority's affairs;*

1231 *5. To apply for and accept money, materials, contributions, grants, or other financial assistance from*  
 1232 *the United States and agencies or instrumentalities thereof, the Commonwealth, and any political*  
 1233 *subdivision, agency, or instrumentality of the Commonwealth, and from any legitimate private source;*

1234 *6. To acquire real and personal property or any interest therein by purchase, lease, gift, or*  
 1235 *otherwise (and to the extent not inconsistent with the provisions of § 33.1-422) for purposes consistent*  
 1236 *with this chapter; and to hold, encumber, sell, or otherwise dispose of such land or interest for purposes*  
 1237 *consistent with this chapter;*

1238 *7. To acquire by purchase, lease, contract, or otherwise (and to the extent not inconsistent with the*  
 1239 *provisions of § 33.1-422), highways, bridges, tunnels, railroads, rolling stock, and transit and rail*  
 1240 *facilities and other transportation-related facilities; and to construct the same by purchase, lease,*  
 1241 *contract, or otherwise in the manner and to the extent not inconsistent with the provisions of the first*  
 1242 *paragraph of § 33.1-422;*

1243 *8. In coordination with the Commonwealth Transportation Board and with each city or county in*  
 1244 *which the facility or any part thereof is or is to be located, to repair, expand, enlarge, construct,*  
 1245 *reconstruct, or renovate any or all of the transportation facilities referred to in § 33.1-391.8, and to*  
 1246 *acquire any real or personal property needed for any such purpose;*

1247 *9. To enter into agreements or leases with public or private entities for the operation and*  
 1248 *maintenance of bridges, tunnels, transit and rail facilities, and highways;*

1249 *10. To make and execute contracts, deeds, mortgages, leases, and all other instruments and*  
 1250 *agreements necessary or convenient for the performance of its duties and the exercise of its powers and*  
 1251 *functions under this chapter;*

1252 *11. To the extent funds are made or become available to the Authority to do so, to employ*  
 1253 *employees, agents, advisors, and consultants, including without limitation, attorneys, financial advisers,*  
 1254 *engineers, and other technical advisers and, the provisions of any other law to the contrary*  
 1255 *notwithstanding, to determine their duties and compensation;*

1256 *12. The authority shall comply with the provisions governing localities contained in § 15.2-2108.23;*  
 1257 *and*

1258 *13. To the extent not inconsistent with the other provisions of this chapter, and without limiting or*  
 1259 *restricting the powers otherwise given the Authority, to exercise all of the powers given to*  
 1260 *transportation district commissions by §§ 15.2-4518 and 15.2-4519. The Authority shall only undertake*  
 1261 *those transportation projects that are currently included in the federally mandated 2030 Regional*  
 1262 *Transportation Plan approved by the Metropolitan Planning Organization, or any successive plan, and*  
 1263 *that are located in, or which provide a benefit to, the counties and cities that are members of the*  
 1264 *Authority, subject to the limitations related to those projects contained in this section.*

1265 *The Authority shall phase construction of the transportation projects that are currently included in*  
 1266 *the federally mandated 2030 Regional Transportation Plan, or any successive plan. Except as*  
 1267 *specifically provided herein, projects listed in the second phase shall not be undertaken until the*  
 1268 *Authority has determined that there is a viable plan of construction for the projects listed in the first*  
 1269 *phase that meet the requirements of this section.*

1270 *First Phase Projects:*

1271 *Route 460 Upgrade; I-64 Widening on the Peninsula; I-64 Widening on the Southside; Midtown*  
 1272 *Tunnel/MLK Extension; Southeastern Parkway/Dominion Blvd; I-664 Widening in Newport News; I-664*  
 1273 *Widening on the Southside; I-664 Monitor Merrimac Bridge Tunnel Widening.*

1274 *Second Phase Projects:*

1275 *I-64 to the Intermodal Connector; I-564 Connector to the Monitor Merrimac Bridge Tunnel; Craney*  
 1276 *Island Connector.*

1277 *It is the intent of the General Assembly that the Authority shall encourage private sector*  
 1278 *participation in the aforementioned projects. Any cost savings realized under the PPTA relating to the*  
 1279 *construction of first phase projects may be applied to advancing the future construction of second phase*  
 1280 *projects. Further, nothing herein shall prohibit the Authority from receiving and acting on PPTA*  
 1281 *proposals on projects in either phase.*

1282 *§ 33.1-391.11. Authority a responsible public entity under Public-Private Transportation Act of 1995.*

1283 *The Authority is a responsible public entity as defined in the Public-Private Transportation Act of*  
 1284 *1995 (§ 56-556 et seq.).*

1285 *§ 33.1-391.12. Addition of the Chesapeake Bay Bridge-Tunnel to facilities controlled by Authority;*  
 1286 *expansion of Authority membership; applicability of local transportation fees to Accomack and*  
 1287 *Northampton Counties.*

1288 *The bridges, tunnels, roadways, and related facilities known collectively as the Chesapeake Bay*  
1289 *Bridge-Tunnel, which provide a vehicular connection across the mouth of the Chesapeake Bay between*  
1290 *the City of Virginia Beach and Northampton County, shall become subject to the control of the*  
1291 *Authority subject to the provisions of § 33.1-391.8, at such time as all of the bonds and other evidences*  
1292 *of debt now or hereafter issued by or on behalf of the Chesapeake Bay Bridge and Tunnel Commission*  
1293 *shall have been satisfied or paid in full. Until such bonds and other evidences of debt have been*  
1294 *satisfied or paid in full, control of and responsibility for the operation and maintenance of the*  
1295 *Chesapeake Bay Bridge-Tunnel facilities shall remain with the Chesapeake Bay Bridge and Tunnel*  
1296 *Commission.*

1297 *In discharging its responsibilities for the operation and maintenance of the Chesapeake Bay*  
1298 *Bridge-Tunnel facilities, the Authority shall have, in addition to the powers it is given by this chapter,*  
1299 *all of the powers and authority given to the Chesapeake Bay Bridge and Tunnel Commission by Chapter*  
1300 *693 of the Acts of Assembly of 1954 and by Chapter 714 of the Acts of the Assembly of 1956, as*  
1301 *amended and incorporated by reference as § 33.1-253.*

1302 *At such time as the Chesapeake Bay Bridge-Tunnel facilities become subject to the control of the*  
1303 *Authority as contemplated by this section, the Authority shall be enlarged by two members, one of whom*  
1304 *shall be a member of the governing body of the County of Accomack, provided that the County imposes*  
1305 *the local transportation fees and taxes authorized by §§ 46.2-332.1, 46.2-755.1, 46.2-755.2, 46.2-1167.1,*  
1306 *58.1-609.14, 58.1-802.2, 58.1-2402.2, and 58.1-3221.3, and one of whom shall be a member of the*  
1307 *governing body of the County of Northampton, provided that the County imposes the local*  
1308 *transportation fees and taxes authorized by §§ 46.2-332.1, 46.2-755.1, 46.2-755.2, 46.2-1167.1,*  
1309 *58.1-609.14, 58.1-802.2, 58.1-2402.2, and 58.1-3221.3. The representative of the local governing body*  
1310 *of the County of Accomack and the County of Northampton shall be appointed by a majority vote of the*  
1311 *respective local governing body and shall be a member of the local governing body by which he is*  
1312 *appointed. In the event that a member of the Authority who is appointed by the governing body of the*  
1313 *County of Accomack or the County of Northampton ceases to be a member of that local governing body,*  
1314 *he may no longer serve as a member of the Authority. Members of the Authority appointed by the*  
1315 *County of Accomack or the County of Northampton shall serve for terms of four years and may be*  
1316 *appointed for one additional term of four years.*

1317 *§ 33.1-391.13. Issuance of bonds by the Chesapeake Bay Bridge and Tunnel Commission.*

1318 *On a prospective basis, prior to issuing any bond with a maturity date that extends beyond the*  
1319 *maturity date of any bond that it refinances, the Chesapeake Bay Bridge and Tunnel Commission shall*  
1320 *provide written notice of the contemplated issuance to the Chairmen of the Senate Committee on*  
1321 *Finance and the House Committee on Appropriations at such time as when the General Assembly is in*  
1322 *regular session. This provision shall not apply to any bond issued to provide for the payment of any*  
1323 *temporary or interim financing.*

1324 *On a prospective basis, prior to issuing any bonds for the purposes of financing the construction of*  
1325 *new or additional tunnels, the Chesapeake Bay Bridge and Tunnel Commission shall provide written*  
1326 *notice of the contemplated issuance to the Chairmen of the Senate Committee on Finance and the House*  
1327 *Committee on Appropriations at such time as when the General Assembly is in regular session.*

1328 *§ 33.1-391.14. Continuing responsibilities of the Commonwealth Transportation Board and the*  
1329 *Virginia Department of Transportation.*

1330 *Except as otherwise explicitly provided in this chapter, until such time as the Authority and the*  
1331 *Virginia Department of Transportation, or the Authority and the Commonwealth Transportation Board,*  
1332 *agree otherwise in writing, the Commonwealth Transportation Board shall allocate funding to and the*  
1333 *Department of Transportation shall perform or cause to be performed all maintenance and operation of*  
1334 *the bridges, tunnels, and roadways referred to in § 33.1-391.8, and shall perform such other required*  
1335 *services and activities with respect to such bridges, tunnels, and roadways as were being performed on*  
1336 *January 1, 2006.*

1337 *§ 33.1-391.15. Hampton Roads Planning District Commission to provide administrative services and*  
1338 *office facilities.*

1339 *The staff of the Hampton Roads Planning District Commission and the Virginia Department of*  
1340 *Transportation shall work cooperatively to assist the proper formation and effective organization of the*  
1341 *Authority. Until such time as the Authority is fully established and functioning, the staff of the Hampton*  
1342 *Roads Planning District Commission shall serve as its staff, and the Hampton Roads Planning District*  
1343 *Commission shall provide the Authority with office space and administrative support. The Authority shall*  
1344 *reimburse the Hampton Roads Planning District Commission for the cost of such staff, office space, and*  
1345 *administrative support as appropriate.*

1346 *§ 33.1-391.16. Use of revenues by the Authority.*

1347 *Notwithstanding any other provision of this chapter, all moneys received by the Authority shall be*  
1348 *used by the Authority solely for the benefit of those counties and cities imposing the local transportation*  
1349 *fees and taxes authorized by §§ 46.2-332.1, 46.2-755.1, 46.2-755.2, 46.2-1167.1, 58.1-609.14,*



1350 58.1-802.2, 58.1-2402.2, and 58.1-3221.3, and such moneys shall be used by the Authority in a manner  
1351 that is consistent with the purposes stated in this chapter.

1352 § 33.1-391.17. Local Transportation Fees.

1353 A. In addition to any other taxes, fees, or other charges imposed under law, each of the governing  
1354 bodies of the Counties of Isle of Wight, James City, and York and the Cities of Chesapeake, Hampton,  
1355 Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, and Williamsburg may by ordinance levy  
1356 the fees and taxes authorized by §§ 46.2-332.1, 46.2-755.1, 46.2-755.2, 46.2-1167.1, 58.1-609.14,  
1357 58.1-802.2, 58.1-2402.2, and 58.1-3221.3, provided that (i) the governing body of the county or city  
1358 adopts all of the fees and taxes authorized by §§ 46.2-332.1, 46.2-755.1, 46.2-755.2, 46.2-1167.1,  
1359 58.1-609.14, 58.1-802.2, 58.1-2402.2, and 58.1-3221.3, and (ii) the governing body of the county or city  
1360 appropriates the revenue collected from the additional fees to the Hampton Roads Transportation  
1361 Authority established under § 33.1-391.7.

1362 At such time as the Chesapeake Bay Bridge-Tunnel becomes subject to the control of the Hampton  
1363 Roads Transportation Authority as provided in § 33.1-391.12, each of the governing bodies of the  
1364 Counties of Accomack and Northampton may also by ordinance levy the local transportation fees and  
1365 taxes authorized by §§ 46.2-332.1, 46.2-755.1, 46.2-755.2, 46.2-1167.1, 58.1-609.14, 58.1-802.2,  
1366 58.1-2402.2, and 58.1-3221.3, provided that the governing body of the county appropriates the revenue  
1367 generated by such fees to the Hampton Roads Transportation Authority.

1368 The Authority shall use all funds collected hereunder solely for the purposes provided in  
1369 § 33.1-391.16.

1370 B. No locality imposing the local transportation fees and taxes authorized by §§ 46.2-332.1,  
1371 46.2-755.1, 46.2-755.2, 46.2-1167.1, 58.1-609.14, 58.1-802.2, 58.1-2402.2, and 58.1-3221.3 shall cease  
1372 to impose such fees so long as the Hampton Roads Transportation Authority (i) is currently engaged in  
1373 a transportation project within the boundaries of the locality or that benefits the locality, (ii) has  
1374 entered into a binding commitment to begin a transportation project within the boundaries of the  
1375 locality, or that benefits the locality, or (iii) has issued bonds or incurred other evidence of debt that  
1376 has not been satisfied or paid in full and that relates to a transportation project undertaken by the  
1377 Authority within the boundaries of the locality, or that benefits the locality.

1378 § 46.2-206.1. Imposition of certain additional fees on certain drivers; special fund created to support  
1379 transportation.

1380 A. The purpose of the civil remedial fees imposed in this section is to generate revenue from drivers  
1381 whose proven dangerous driving behavior places significant financial burdens upon the Commonwealth.  
1382 The Commissioner shall impose and collect these civil remedial fees pursuant to this section, which  
1383 shall be in addition to any other fees, costs, or penalties imposed pursuant to the Code of Virginia.

1384 B. The civil remedial fees established by this section shall be assessed on any resident of Virginia  
1385 operating a motor vehicle on the highways of Virginia, including any person to whom a Virginia  
1386 driver's license, commercial driver's license, or learner's permit has been issued pursuant to this title,  
1387 any person operating a motor vehicle without a license or whose license has been revoked or  
1388 suspended, and any person operating a motor vehicle with a license issued by a jurisdiction outside  
1389 Virginia.

1390 C. In addition to fees set forth in subsection D, any person whose driver's record with the  
1391 Department shows a conviction within the past three years of:

1392 1. Driving while his driver's license was suspended or revoked pursuant to § 18.2-272, 46.2-301,  
1393 46.2-302, 46.2-341.21, or 46.2-391 shall be assessed a fee of \$250;

1394 2. Reckless driving in violation of Article 7 (§ 46.2-852 et seq.) of Chapter 8 or aggressive driving in  
1395 violation of § 46.2-868.1 shall be assessed a fee of \$350;

1396 3. Driving while intoxicated in violation of § 18.2-266, 18.2-266.1, or 46.2-341.24 shall be assessed  
1397 a fee of \$750;

1398 4. Any other misdemeanor conviction for a driving or motor vehicle related violation of Title 18.2 or  
1399 this title, shall be assessed a fee of \$300; and

1400 5. Any felony conviction for a driving or motor vehicle related offense under Title 18.2 or this title,  
1401 shall be assessed a fee of \$1,000.

1402 6. For the purposes of this section:

1403 a. A finding of guilty in the case of a juvenile and a conviction under substantially similar laws of  
1404 any locality, territory, other state, or the United States shall be a conviction.

1405 b. The fees assessed under this subsection shall be implemented in a manner whereby no convictions  
1406 prior to July 1, 2007, shall be considered.

1407 c. The Commissioner shall assess the fees established under this subsection within 30 days of the  
1408 conviction being reported to the Department, and on the second and third year anniversary of the  
1409 conviction being reported to the Department.

1410 D. In addition to any fees set forth in subsection C, any person whose driver's record with the

1411 Department shows a balance of four or more driver demerit points on July 15 shall be assessed a fee of  
1412 \$100 plus \$75 for each demerit point in excess of four, but not greater than \$700.

1413 E. The Department shall assess the fees set forth in subsection D annually, beginning on July 15,  
1414 2007.

1415 F. The Department shall notify every person assessed a fee under this section by mailing a notice  
1416 thereof by first-class mail addressed to such person's most recent address as shown in the Department's  
1417 records, and such mailing shall constitute notice to the person of the assessment of the fee. If any  
1418 assessment made under this section remains unpaid 60 days following the date on which the notice of  
1419 assessment was mailed, the Department shall suspend the driver's license of the person against whom  
1420 the assessment was imposed. No license shall be reissued or reinstated until all fees assessed have been  
1421 paid.

1422 G. In the event that a person disputes a conviction on his driver's record based upon identity, if the  
1423 person presents the Department a certified copy of a petition to a court of competent jurisdiction  
1424 seeking to vacate an order of such conviction, the Department shall suspend the imposition of the  
1425 assessment. Such suspension shall be valid for one year from the date of the commencement of the  
1426 petition or until 30 days after an entry of a final order on such petition, whichever occurs first.

1427 H. Funds collected through the imposition of fees as provided in this section shall be used first for  
1428 the Department's costs in imposing and collecting such assessments, and any remainder, shall be  
1429 deposited into the Commonwealth Transportation Capital Projects Fund pursuant to § 58.1-2532.

1430 § 46.2-332. Fees.

1431 A. On and after January 1, 1990, the fee for each driver's license other than a commercial driver's  
1432 license shall be two dollars and forty cents per year. If the license is a commercial driver's license or  
1433 seasonal restricted commercial driver's license, the fee shall be six dollars per year. Persons twenty-one  
1434 years old or older may be issued a scenic driver's license, learner's permit, or commercial driver's license  
1435 for an additional fee of five dollars. For any one or more driver's license endorsements, except a  
1436 motorcycle endorsement, there shall be an additional fee of one dollar per year; for a motorcycle  
1437 endorsement, there shall be an additional fee of two dollars per year. For any and all driver's license  
1438 classifications, there shall be an additional fee of one dollar per year. For any revalidation of a seasonal  
1439 restricted commercial driver's license, the fee shall be five dollars.

1440 A reexamination fee of two dollars shall be charged for each administration of the knowledge portion  
1441 of the driver's license examination taken by an applicant who is eighteen years of age or older if taken  
1442 more than once within a fifteen-day period. The reexamination fee shall be charged each time the  
1443 examination is administered until the applicant successfully completes the examination, if taken prior to  
1444 the fifteenth day.

1445 An applicant who is less than eighteen years of age who does not successfully complete the  
1446 knowledge portion of the driver's license examination shall not be permitted to take the knowledge  
1447 portion more than once in fifteen days.

1448 If the applicant for a driver's license is an employee of the Commonwealth, or of any county, city, or  
1449 town who drives a motorcycle or a commercial motor vehicle solely in the line of his duty, he shall be  
1450 exempt from the additional fee otherwise assessable for a motorcycle classification or a commercial  
1451 motor vehicle endorsement. The Commissioner may prescribe the forms as may be requisite for  
1452 completion by persons claiming exemption from additional fees imposed by this section.

1453 No additional fee above two dollars and forty cents per year shall be assessed for the driver's license  
1454 or commercial driver's license required for the operation of a school bus.

1455 Excluding the two-dollar reexamination fee, one dollar and fifty cents of all fees collected for each  
1456 original or renewal driver's license shall be paid into the driver education fund of the state treasury and  
1457 expended as provided by law. Unexpended funds from the driver education fund shall be retained in the  
1458 fund and be available for expenditure in ensuing years as provided therein.

1459 All fees for motorcycle endorsements shall be distributed as provided in § 46.2-1191.

1460 B. Beginning July 1, 2008, in addition to all other fees authorized by this chapter, the governing  
1461 body of any county or city that is included in the regional transportation authority established pursuant  
1462 to § 15.2-4830 is authorized to impose an additional fee of \$100 for the initial issuance of a driver's  
1463 license to be collected by the Commissioner.

1464 C. All revenues generated by the fee imposed pursuant to subsection B shall be deposited into the  
1465 Special Transportation Fund for Northern Virginia established pursuant to § 15.2-4838.1 and used for  
1466 the purposes as set forth in § 15.2-4838.2.

1467 D. The additional fee imposed pursuant to subsection B shall not, however, be imposed for the  
1468 issuance of a driver's license to any person to whom a Virginia driver's license was previously issued  
1469 but whose Virginia driver's license had expired or had been suspended or revoked. Furthermore, the  
1470 amount of such additional fee, for any minor who presents proof thereof satisfactory to the  
1471 Commissioner, shall be waived for the successful completion of a driver safety course approved by the  
1472 Department. Any and all fees imposed pursuant to this section shall be collected by the Department of

1473 *Motor Vehicles at the time the initial license is issued. The Commissioner shall maintain records of the*  
 1474 *fee imposed and collected per person and the locality and address where each person resides.*

1475 § 46.2-332.1. *Additional driver's license fee authorized in certain localities.*

1476 A. *Beginning January 1, 2008, in addition to all other fees authorized by this chapter, each of the*  
 1477 *governing bodies of the Counties of Isle of Wight, James City, and York and the Cities of Chesapeake,*  
 1478 *Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, and Williamsburg is authorized*  
 1479 *to impose an additional fee of \$20 for the issuance, whether initial or renewal, of a driver's license to*  
 1480 *be collected by the Commissioner; provided the governing body appropriates the revenue from such fee*  
 1481 *to the Hampton Roads Transportation Authority to be used for the purposes set forth in § 33.1-391.16.*

1482 B. *All such fees shall be remitted by the Commissioner on a monthly basis to the Hampton Roads*  
 1483 *Transportation Authority to be used for the purposes set forth in § 33.1-391.16.*

1484 C. *Any and all fees imposed pursuant to this section shall be collected by the Department of Motor*  
 1485 *Vehicles at the time the initial or renewed license is issued. The Commissioner shall maintain records of*  
 1486 *the fee imposed and collected per person and the locality and address where each person resides.*

1487 § 46.2-694.1. *Fees for trailers and semitrailers not designed and used for transportation of passengers.*  
 1488 *Unless otherwise specified in this title, the registration fees for trailers and semitrailers not designed*  
 1489 *and used for the transportation of passengers on the highways in the Commonwealth shall be as follows:*

| 1490 | Registered Gross Weight | 1-Year Fee                 | 2-Year Fee                 | Permanent Fee              |
|------|-------------------------|----------------------------|----------------------------|----------------------------|
| 1491 | 0-1,500 lbs             | <del>\$8.00</del> \$18.00  | <del>\$16.00</del> \$26.00 | <del>\$50.00</del> \$60.00 |
| 1492 | 1,501-4,000 lbs         | <del>\$18.50</del> \$28.50 | <del>\$37.00</del> \$47.00 | <del>\$50.00</del> \$60.00 |
| 1493 | 4,001 lbs & above       | <del>\$23.50</del> \$33.50 | <del>\$47.00</del> \$57.00 | <del>\$50.00</del> \$60.00 |

1494 From the foregoing registration fees, the following amounts, regardless of weight category, shall be  
 1495 paid by the Department into the state treasury and set aside for the payment of the administrative costs  
 1496 of the safety inspection program provided for in Article 21 (§ 46.2-1157 et seq.) of Chapter 10 of this  
 1497 title: (i) from each one-year registration fee, one dollar and fifty cents; (ii) from each two-year  
 1498 registration fee, three dollars; and (iii) from each permanent registration fee, four dollars.

1499 § 46.2-697. *Fees for vehicles not designed or used for transportation of passengers.*

1500 A. *Except as otherwise provided in this section, the fee for registration of all motor vehicles not*  
 1501 *designed and used for the transportation of passengers shall be ~~thirteen dollars~~ \$23 plus an amount*  
 1502 *determined by the gross weight of the vehicle or combination of vehicles of which it is a part, when*  
 1503 *loaded to the maximum capacity for which it is registered and licensed, according to the schedule of*  
 1504 *fees set forth in this section. For each 1,000 pounds of gross weight, or major fraction thereof, for*  
 1505 *which any such vehicle is registered, there shall be paid to the Commissioner the fee indicated in the*  
 1506 *following schedule immediately opposite the weight group and under the classification established by the*  
 1507 *provisions of subsection B of § 46.2-711 into which such vehicle, or any combination of vehicles of*  
 1508 *which it is a part, falls when loaded to the maximum capacity for which it is registered and licensed.*  
 1509 *The fee for a pickup or panel truck shall be ~~twenty-three dollars~~ \$33 if its gross weight is 4,000 pounds*  
 1510 *or less, and ~~twenty-eight dollars~~ \$38 if its gross weight is 4,001 pounds through 6,500 pounds. The fee*  
 1511 *shall be ~~twenty-nine dollars~~ \$39 for any motor vehicle with a gross weight of 6,501 pounds through*  
 1512 *10,000 pounds.*

| 1513                                                                                                                                        | Gross Weight<br>1514<br>1515<br>1516<br>Groups (pounds) | Fee Per Thousand Pounds of Gross Weight |                        |
|---------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|-----------------------------------------|------------------------|
| Private<br>1517<br>1518<br>1519<br>1520<br>1521<br>1522<br>1523<br>1524<br>1525<br>1526<br>1527<br>1528<br>1529<br>1530<br>1531<br>Carriers |                                                         | For Rent or<br>For Hire Carriers        |                        |
| 1517                                                                                                                                        | 10,001 - 11,000                                         | <del>\$2.60</del> 3.17                  | <del>\$4.75</del> 5.80 |
| 1518                                                                                                                                        | 11,001 - 12,000                                         | <del>2.80</del> 3.42                    | <del>4.90</del> 5.98   |
| 1519                                                                                                                                        | 12,001 - 13,000                                         | <del>3.00</del> 3.66                    | <del>5.15</del> 6.28   |
| 1520                                                                                                                                        | 13,001 - 14,000                                         | <del>3.20</del> 3.90                    | <del>5.40</del> 6.59   |
| 1521                                                                                                                                        | 14,001 - 15,000                                         | <del>3.40</del> 4.15                    | <del>5.65</del> 6.89   |
| 1522                                                                                                                                        | 15,001 - 16,000                                         | <del>3.60</del> 4.39                    | <del>5.90</del> 7.20   |
| 1523                                                                                                                                        | 16,001 - 17,000                                         | <del>4.00</del> 4.88                    | <del>6.15</del> 7.50   |
| 1524                                                                                                                                        | 17,001 - 18,000                                         | <del>4.40</del> 5.37                    | <del>6.40</del> 7.81   |
| 1525                                                                                                                                        | 18,001 - 19,000                                         | <del>4.80</del> 5.86                    | <del>7.50</del> 9.15   |
| 1526                                                                                                                                        | 19,001 - 20,000                                         | <del>5.20</del> 6.34                    | <del>7.70</del> 9.39   |
| 1527                                                                                                                                        | 20,001 - 21,000                                         | <del>5.60</del> 6.83                    | <del>7.90</del> 9.64   |
| 1528                                                                                                                                        | 21,001 - 22,000                                         | <del>6.00</del> 7.32                    | <del>8.10</del> 9.88   |
| 1529                                                                                                                                        | 22,001 - 23,000                                         | <del>6.40</del> 7.81                    | <del>8.30</del> 10.13  |
| 1530                                                                                                                                        | 23,001 - 24,000                                         | <del>6.80</del> 8.30                    | <del>8.50</del> 10.37  |
| 1531                                                                                                                                        | 24,001 - 25,000                                         | <del>6.90</del> 8.42                    | <del>8.70</del> 10.61  |

|      |                 |                        |       |
|------|-----------------|------------------------|-------|
| 1532 | 25,001 - 26,000 | <del>6.95</del> 8.48   | 8.90  |
| 1533 | 26,001 - 27,000 | <del>8.25</del> 10.07  | 10.35 |
| 1534 | 27,001 - 28,000 | <del>8.30</del> 10.13  | 10.55 |
| 1535 | 28,001 - 29,000 | <del>8.35</del> 10.18  | 10.75 |
| 1536 | 29,001 - 40,000 | <del>8.45</del> 10.31  | 10.95 |
| 1537 | 40,001 - 45,000 | <del>8.55</del> 10.43  | 11.15 |
| 1538 | 45,001 - 50,000 | <del>8.75</del> 10.68  | 11.25 |
| 1539 | 50,001 - 55,000 | <del>9.25</del> 11.29  | 13.25 |
| 1540 | 55,001 - 76,000 | <del>11.25</del> 13.73 | 15.25 |
| 1541 | 76,001 - 80,000 | <del>13.25</del> 16.17 | 16.25 |

1542 For all such motor vehicles exceeding a gross weight of 6,500 pounds, an additional fee of five  
 1543 dollars shall be imposed.

1544 B. In lieu of registering any motor vehicle referred to in this section for an entire licensing year, the  
 1545 owner may elect to register the vehicle only for one or more quarters of a licensing year, and in such  
 1546 case, the fee shall be twenty-five percent of the annual fee plus five dollars for each quarter that the  
 1547 vehicle is registered.

1548 C. When an owner elects to register and license a motor vehicle under subsection B of this section,  
 1549 the provisions of §§ 46.2-646 and 46.2-688 shall not apply.

1550 D. Notwithstanding any other provision of law, no vehicle designed, equipped, and used to tow  
 1551 disabled or inoperable motor vehicles shall be required to register in accordance with any gross weight  
 1552 other than the gross weight of the towing vehicle itself, exclusive of any vehicle being towed.

1553 E. All registrations and licenses issued for less than a full year shall expire on the date shown on the  
 1554 license and registration.

1555 *§ 46.2-702.1. Distribution of certain revenue.*

1556 *The net additional revenues generated by increases in the registration fees under §§ 46.2-694.1, and*  
 1557 *46.2-697 pursuant to enactments of the 2007 Session of the General Assembly, shall be deposited by the*  
 1558 *Comptroller into the Commonwealth Transportation Capital Projects Fund established under*  
 1559 *§ 58.1-2532.*

1560 *§ 46.2-755.1. Additional annual license fees in certain localities.*

1561 A. *In addition to taxes and license fees imposed pursuant to § 46.2-752 and to all other taxes and*  
 1562 *fees permitted by law, and subject to the limitations contained in § 33.1-391.17, beginning January 1,*  
 1563 *2008, the governing bodies of the Counties of Isle of Wight, James City, and York and the Cities of*  
 1564 *Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, and Williamsburg*  
 1565 *are authorized to charge an additional annual license fee in the amount of \$10 for all vehicles for*  
 1566 *which the locality is authorized to collect an annual license fee.*

1567 B. *Any and all fees imposed pursuant to this section shall be collected by the Department of Motor*  
 1568 *Vehicles at the time the vehicle is registered with the Department or when its registration is renewed.*  
 1569 *Each fee shall be denominated by the Department as the "Hampton Roads Improvement Fee." All such*  
 1570 *fees shall be remitted by the Comptroller on a monthly basis to the Hampton Roads Transportation*  
 1571 *Authority to be used for the purposes set forth in § 33.1-391.16 The Commissioner shall maintain*  
 1572 *records of the fee imposed and collected and the locality and address where each vehicle is registered.*

1573 *§ 46.2-755.2. Additional initial license fees in certain localities.*

1574 *In addition to taxes and license fees imposed pursuant to § 46.2-752 and to all other taxes and fees*  
 1575 *permitted by law, and subject to the limitations contained in § 33.1-391.17, beginning January 1, 2008,*  
 1576 *the governing bodies of the Counties of Isle of Wight, James City, and York and the Cities of*  
 1577 *Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, and Williamsburg*  
 1578 *are authorized to charge an additional initial, one-time license fee on all vehicles for which the locality*  
 1579 *is authorized to collect an annual license fee, at the rate of 1% of the retail value of the vehicle*  
 1580 *according to the National Automobile Dealers Association at the time the vehicle is first registered in*  
 1581 *the locality by the owner of the vehicle. License fees authorized by this section shall be imposed only*  
 1582 *once, so long as the ownership of the vehicle upon which they are imposed remains unchanged. The*  
 1583 *locality shall exempt from such fee any vehicle for which a fee under this section previously has been*  
 1584 *paid, and any vehicle that was registered in another locality having the authority to impose the fee*  
 1585 *under this section, immediately prior to registering the vehicle in another locality having the authority*  
 1586 *to impose the fee under this section.*

1587 *All such additional license fees shall be paid to and collected by the Department of Motor Vehicles,*  
 1588 *and shall not be collectable or collected by any licensed dealer at the time of the sale of any vehicle.*

1589 *Any and all fees collected by the Department of Motor Vehicles under this section shall be*  
 1590 *designated by the Department as the "Hampton Roads Transportation Initial Registration Fee" and shall*  
 1591 *be remitted by the Comptroller on a monthly basis to the Hampton Roads Transportation Authority to*  
 1592 *be used for the purposes as set forth in § 33.1-391.16. The Commissioner shall maintain records of the*

1593 *fee imposed and collected and the locality and address of where each vehicle is registered.*

1594 § 46.2-1135. Liquidated damages for violation of weight limits.

1595 A. Any person violating any weight limit as provided in this chapter or in any permit issued pursuant  
1596 to Article 18 (§ 46.2-1139 et seq.) of this chapter by the Department or its designee or by local  
1597 authorities pursuant to this chapter shall be assessed liquidated damages. The amount of those damages  
1598 shall be:

|      |                    |             |
|------|--------------------|-------------|
| 1599 | Excess weight over | Assessed    |
| 1600 | the prescribed     | amount per  |
| 1601 | or permitted       | pound limit |
| 1602 | axle weight        |             |

1603  
1604 ~~4,000 pounds or less 1 cent per pound~~

1605 *2,000 pounds or less 5 cents*

1606 *2,001 to 4,000 pounds 10 cents*

1607 ~~4,001 to 8,000 pounds 15-10 cents per pound~~

1608 ~~8,001 to 12,000 pounds 25-20 cents per pound~~

1609 ~~12,001 pounds or more 35-30 cents per pound~~

|      |                    |            |
|------|--------------------|------------|
| 1610 | Excess weight over | Assessed   |
| 1611 | the prescribed     | amount per |
| 1612 | gross weight       | pound      |
| 1613 | limit              |            |

1614  
1615 ~~4,000 pounds or less 1 cent per pound~~

1616 ~~4,001 to 8,000 pounds 5 cents per pound~~

1617 *2,000 pounds or less 5 cents*

1618 *2,001 to 8,000 pounds 10 cents*

1619 ~~8,001 to 12,000 pounds 15-10 cents per pound~~

1620 ~~12,001 pounds or more 20-15 cents per pound~~

1621 All gross permit violations shall be assessed \$.20 per pound over the permitted weight limit.

1622 *In addition to all damages assessed herein, for every violation of any weight limit as provided in this*  
1623 *chapter or in any permit issued pursuant to Article 18 (§ 46.2-1139 et seq.) of this chapter, there shall*  
1624 *be assessed additional liquidated damages of \$20.*

1625 If a person has no prior violations under the motor vehicle weight laws, and the excess weight does  
1626 not exceed ~~2,500~~1,500 pounds, the general district court may waive the liquidated damages against such  
1627 person. Except as provided by § 46.2-1138, such assessment shall be entered by the court or by the  
1628 Department as a judgment for the Commonwealth, the entry of which shall constitute a lien upon the  
1629 overweight vehicle. Except as provided by § 46.2-1138, such sums shall be paid to the Department or  
1630 collected by the attorney for the Commonwealth and forwarded to the State Treasurer and allocated to  
1631 the fund appropriated for the construction and maintenance of state highways.

1632 B. If the gross weight of the vehicle exceeds lawful limits by at least 25 percent but no more than  
1633 50 percent, the amount of the liquidated damages shall be two times the amount provided for in the  
1634 foregoing provisions of this section; if the gross weight of the vehicle exceeds lawful limits by more  
1635 than 50 percent, the amount of the liquidated damages shall be three times the amount provided for in  
1636 the foregoing provisions of this section. The provisions of this subsection shall not apply to pickup or  
1637 panel trucks.

1638 C. *The increases in the liquidated damages under subsection A pursuant to enactments of the 2007*  
1639 *Session of the General Assembly shall not be applicable to any motor vehicle hauling forest products*  
1640 *from the place where such products are first produced, cut, harvested, or felled to the location where*  
1641 *they are first processed. Notwithstanding any other provision in this section, except as provided by*  
1642 *§ 46.2-1138, the revenues generated by the increases in the liquidated damages under this section*  
1643 *pursuant to enactments of the 2007 Session of the General Assembly shall be paid to the Department or*  
1644 *collected by the attorney for the Commonwealth and forwarded to the State Treasurer and deposited*  
1645 *into the Commonwealth Transportation Capital Projects Fund established under § 58.1-2532. For the*  
1646 *revenues paid to the Department, the Commissioner of the Department shall make such written*  
1647 *certifications as are necessary for the Comptroller to make the required deposit into the Commonwealth*  
1648 *Transportation Capital Projects Fund as soon as practicable.*

1649 § 46.2-1167.1. *Additional fee permitted in certain counties and cities.*

1650 A. *In addition to all other charges and and fees permitted by law, and subject to the limitations*  
1651 *contained in § 33.1-391.17, beginning January 1, 2008, the governing bodies of the Counties of Isle of*

1652 *Wight, James City, and York and the Cities of Chesapeake, Hampton, Newport News, Norfolk,*  
 1653 *Portsmouth, Suffolk, Virginia Beach, and Williamsburg are authorized to charge an additional fee at the*  
 1654 *time of inspection in the amount of \$10 for all vehicles for which an amount is permitted to be charged*  
 1655 *for inspection pursuant to § 46.2-1167.*

1656 *B. Any and all fees imposed pursuant to this section shall be collected by the official safety*  
 1657 *inspection station at the time of inspection and shall be remitted on a monthly basis to the appropriate*  
 1658 *to the Hampton Roads Transportation Authority to be used for the purposes set forth in § 33.1-391.16*  
 1659 *The official safety inspection station shall maintain records of the fees imposed and collected.*

1660 § 58.1-540. Levy of the tax.

1661 *A. Any county having a population of more than 500,000, as determined by the 1980 U. S. Census,*  
 1662 *any county or city adjacent thereto, and any city contiguous to such an adjacent county or city, or any*  
 1663 *city with a population of at least 265,000, is hereby authorized to levy a local income tax at any*  
 1664 *increment of one-quarter percent up to a maximum rate of one percent upon the Virginia taxable income*  
 1665 *as determined in § 58.1-322 for an individual, § 58.1-361 for a fiduciary of an estate or trust, or*  
 1666 *§ 58.1-402 for a corporation, for each taxable year of every resident of such county or city or*  
 1667 *corporation having income from sources within such county or city, subject to the limitations of*  
 1668 *subsection B of this section. The same rate shall apply to individuals, fiduciaries and corporations.*

1669 *B. The authority to levy a local income tax as provided in subsection A may be exercised by a*  
 1670 *county or city governing body only if (i) the county or city is not imposing any of the taxes and fees*  
 1671 *authorized pursuant to subsection B of § 46.2-332, and §§ 46.2-755.1, 46.2-755.2, 58.1-802.1,*  
 1672 *58.1-2402.1, 58.1-2402.2, 58.1-3221.2, 58.1-3221.3, and 58.1-3825.2, and (ii) approved in a referendum*  
 1673 *within the county or city. The referendum shall be held in accordance with § 24.2-684. The referendum*  
 1674 *may be initiated either by a resolution of the governing body of the county or city or on the filing of a*  
 1675 *petition signed by a number of registered voters of the county or city equal in number to ten percent of*  
 1676 *the number of voters registered in the county or city on January 1 of the year in which the petition is*  
 1677 *filed with the circuit court of such county or city. The clerk of the circuit court shall publish notice of*  
 1678 *the election in a newspaper of general circulation in the county or city once a week for three*  
 1679 *consecutive weeks prior to the election. The ballot used shall be printed to read as follows:*

1680 *"Shall the governing body of (...name of county or city...) have the authority to levy a local income*  
 1681 *tax of up to one percent for transportation purposes in accordance with § 58.1-540 of the Code of*  
 1682 *Virginia?*

1683 *\_ Yes*

1684 *\_ No"*

1685 *If the voters by a majority vote approve the authority of the local governing body to levy a local*  
 1686 *income tax, the tax may be imposed by the adoption of an ordinance by the governing body of the*  
 1687 *county or city in accordance with general or special law, and the tax may be thereafter enacted,*  
 1688 *modified or repealed as any other tax the governing body is empowered to levy subject only to the*  
 1689 *limitations herein. No ordinance levying a local income tax shall be repealed unless and until all debts*  
 1690 *or other obligations of the county or city to which such revenues are pledged or otherwise committed*  
 1691 *have been paid or provision made for payment.*

1692 § 58.1-609.14. *Tax applicable to motor vehicle repairs in certain localities.*

1693 *A. Beginning January 1, 2008, subject to the limitations contained in § 33.1-391.17, the governing*  
 1694 *bodies of the Counties of Isle of Wight, James City, and York and the Cities of Chesapeake, Hampton,*  
 1695 *Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, and Williamsburg may, by ordinance,*  
 1696 *impose the tax pursuant to §§ 58.1-605 and 58.1-606 on the charges for the repair of motor vehicles*  
 1697 *that otherwise would be exempt from such taxation provided that the governing body of the locality*  
 1698 *appropriates the revenues collected from such fee to the Hampton Roads Transportation Authority*  
 1699 *established under § 33.1-391.7.*

1700 § 58.1-802.1. *Northern Virginia congestion relief fee.*

1701 *A. Beginning July 1, 2008, in addition to any other tax imposed under the provisions of this chapter,*  
 1702 *the governing body of each of the counties and cities that are included in the regional transportation*  
 1703 *authority established pursuant to § 15.2-4830 may impose a fee, delineated as the "Northern Virginia*  
 1704 *congestion relief fee," on each deed, instrument, or writing by which lands, tenements, or other realty is*  
 1705 *sold and is granted, assigned, transferred, or otherwise conveyed to or vested in the purchaser or any*  
 1706 *other person, by such purchaser's direction. The rate of the tax, when the consideration or value of the*  
 1707 *interest equals or exceeds \$100, shall be \$0.40 for each \$100 or fraction thereof, exclusive of the value*  
 1708 *of any lien or encumbrance remaining thereon at the time of the sale, whether such lien is assumed or*  
 1709 *the realty is sold subject to such lien or encumbrance.*

1710 *The fee imposed by this section shall be paid by the grantor, or any person who signs on behalf of*  
 1711 *the grantor, of any deed, instrument, or writing subject to the fee imposed by this section.*

1712 *No such deed, instrument, or other writing shall be admitted to record without certification of the*  
 1713 *clerk of the court wherein first recorded having been affixed thereto that the fee imposed by this section*

- 1714 *has been paid. The clerk shall include within the certificate the amount of such fee collected thereon.*
- 1715 *B. All revenues generated by the fee imposed pursuant to this section shall be deposited to the*
- 1716 *Special Transportation Fund for Northern Virginia established pursuant to § 15.2-4838.1 to be used for*
- 1717 *the purposes as set forth in § 15.2-4838.2.*
- 1718 *C. Fees imposed by this section shall be collected as provided in § 58.1-812.*
- 1719 *§ 58.1-802.2. Additional tax authorized in certain localities.*
- 1720 *A. Beginning January 1, 2008, in addition to any other tax imposed under the provisions of this*
- 1721 *chapter, the governing body of of the Counties of Isle of Wight, James City, and York and the Cities of*
- 1722 *Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, and Williamsburg*
- 1723 *may impose a fee, on each deed, instrument, or writing by which lands, tenements, or other realty is*
- 1724 *sold and is granted, assigned, transferred, or otherwise conveyed to or vested in the purchaser or any*
- 1725 *other person, by such purchaser's direction. The rate of the tax, when the consideration or value of the*
- 1726 *interest equals or exceeds \$100, shall be \$0.30 for each \$100 or fraction thereof, exclusive of the value*
- 1727 *of any lien or encumbrance remaining thereon at the time of the sale, whether such lien is assumed or*
- 1728 *the realty is sold subject to such lien or encumbrance.*
- 1729 *The fee imposed by this section shall be paid by the grantor, or any person who signs on behalf of*
- 1730 *the grantor, of any deed, instrument, or writing subject to the fee imposed by this section.*
- 1731 *No such deed, instrument, or other writing shall be admitted to record without certification of the*
- 1732 *clerk of the court wherein first recorded having been affixed thereto that the fee imposed by this section*
- 1733 *has been paid. The clerk shall include within the certificate the amount of such fee collected thereon.*
- 1734 *B. The governing body of the locality imposing the fee under this section shall appropriate the*
- 1735 *revenues collected from such fee to the Hampton Roads Transportation Authority established under*
- 1736 *§ 33.1-391.7.*
- 1737 *C. Fees imposed by this section shall be collected as provided in § 58.1-812.*
- 1738 *§ 58.1-2217. Taxes levied; rate.*
- 1739 *A. There is hereby levied a tax at the rate of seventeen and one-half cents per gallon on gasoline and*
- 1740 *gasohol.*
- 1741 *B. There is hereby levied a tax at the rate of ~~sixteen~~ *seventeen and one-half* cents per gallon on*
- 1742 *diesel fuel.*
- 1743 *C. Blended fuel that contains gasoline shall be taxed at the rate levied on gasoline. Blended fuel that*
- 1744 *contains diesel fuel shall be taxed at the rate levied on diesel fuel.*
- 1745 *D. There is hereby levied a tax at the rate of five cents per gallon on aviation gasoline. Any person,*
- 1746 *whether or not licensed under this chapter, who uses, acquires for use, sells or delivers for use in*
- 1747 *highway vehicles any aviation gasoline shall be liable for the tax at the rate of seventeen and one-half*
- 1748 *cents per gallon, along with any penalties and interest that may accrue.*
- 1749 *E. There is hereby levied a tax at the rate of five cents per gallon on aviation jet fuel purchased or*
- 1750 *acquired for use by a user of aviation fuel other than an aviation consumer. There is hereby levied a tax*
- 1751 *at the rate of five cents per gallon upon the first 100,000 gallons of aviation jet fuel, excluding bonded*
- 1752 *aviation jet fuel, purchased or acquired for use by any aviation consumer in any fiscal year. There is*
- 1753 *hereby levied a tax at the rate of one-half cent per gallon on all aviation jet fuel, excluding bonded*
- 1754 *aviation jet fuel, purchased or acquired for use by an aviation consumer in excess of 100,000 gallons in*
- 1755 *any fiscal year. Any person, whether or not licensed under this chapter, who uses, acquires for use, sells*
- 1756 *or delivers for use in highway vehicles any aviation jet fuel taxable under this chapter shall be liable for*
- 1757 *the tax imposed at the rate of ~~sixteen~~ *seventeen and one-half* cents per gallon, along with any penalties*
- 1758 *and interest that may accrue.*
- 1759 *F. In accordance with § 62.1-44.34:13, a storage tank fee is imposed on each gallon of gasoline,*
- 1760 *aviation gasoline, diesel fuel (including dyed diesel fuel), blended fuel, and heating oil sold and*
- 1761 *delivered or used in the Commonwealth.*
- 1762 *§ 58.1-2249. Tax on alternative fuel.*
- 1763 *A. There is hereby levied a tax at the rate of ~~sixteen~~ *seventeen and one-half* cents per gallon on*
- 1764 *liquid alternative fuel used to operate a highway vehicle by means of a vehicle supply tank that stores*
- 1765 *fuel only for the purpose of supplying fuel to operate the vehicle. There is hereby levied a tax at a rate*
- 1766 *equivalent to ~~sixteen~~ *seventeen and one-half* cents per gallon on all other alternative fuel used to operate*
- 1767 *a highway vehicle. The Commissioner shall determine the equivalent rate applicable to such other*
- 1768 *alternative fuels.*
- 1769 *B. In addition to any tax imposed by this article, there is hereby levied an annual license tax of fifty*
- 1770 *dollars per vehicle on each highway vehicle that is fueled from a private source if the alternative fuels*
- 1771 *tax levied under this article has not been paid on fuel used in the vehicle. If such a highway vehicle is*
- 1772 *not in operation by January 1 of any year, the license tax shall be reduced by one-twelfth for each*
- 1773 *complete month which shall have elapsed since the beginning of such year.*
- 1774 *§ 58.1-2289. Disposition of tax revenue generally.*



1775 A. ~~Unless~~*Except as* otherwise provided *subsection F and elsewhere* in this section, all taxes and fees,  
 1776 including civil penalties, collected by the Commissioner pursuant to this chapter, less a reasonable  
 1777 amount to be allocated for refunds, shall be promptly paid into the state treasury and shall constitute  
 1778 special funds within the Commonwealth Transportation Fund. Any balances remaining in these funds at  
 1779 the end of the year shall be available for use in subsequent years for the purposes set forth in this  
 1780 chapter, and any interest income on such funds shall accrue to these funds. Except as provided in  
 1781 § 33.1-23.03:1, no portion of the revenue derived from taxes collected pursuant to §§ 58.1-2217,  
 1782 58.1-2249 or § 58.1-2701, and remaining after authorized refunds for nonhighway use of fuel, shall be  
 1783 used for any purpose other than the construction, reconstruction or maintenance of the roads and projects  
 1784 comprising the State Highway System, the Interstate System and the secondary system of state highways  
 1785 and expenditures directly and necessarily required for such purposes, including the retirement of revenue  
 1786 bonds.

1787 ~~Revenues~~*Except as provided in subsection F, revenues* collected under this chapter may be also used  
 1788 for (i) contributions toward the construction, reconstruction or maintenance of streets in cities and towns  
 1789 of such sums as may be provided by law and (ii) expenditures for the operation and maintenance of the  
 1790 Department of Transportation, the Department of Rail and Public Transportation, the Department of  
 1791 Aviation, the Virginia Port Authority, and the Department of Motor Vehicles as may be provided by  
 1792 law.

1793 The Governor is hereby authorized to transfer out of such fund an amount necessary for the  
 1794 inspection of gasoline and motor grease measuring and distributing equipment, and for the inspection  
 1795 and analysis of gasoline for purity.

1796 B. ~~The~~*Except as provided in subsection F, the* tax collected on each gallon of aviation fuel sold and  
 1797 delivered or used in this Commonwealth, less refunds, shall be paid into a special fund of the state  
 1798 treasury. Proceeds of this special fund within the Commonwealth Transportation Fund shall be disbursed  
 1799 upon order of the Department of Aviation, on warrants of the Comptroller, to defray the cost of the  
 1800 administration of the laws of this Commonwealth relating to aviation, for the construction, maintenance  
 1801 and improvement of airports and landing fields to which the public now has or which it is proposed  
 1802 shall have access, and for the promotion of aviation in the interest of operators and the public generally.

1803 C. One-half cent of the tax collected on each gallon of fuel on which ~~the~~ a refund has been paid at  
 1804 the rate of seventeen cents per gallon, or in the case of diesel fuel, fifteen and one-half cents per gallon  
 1805 for gasoline, gasohol, diesel fuel, blended fuel, and alternative fuel, for fuel consumed in tractors and  
 1806 unlicensed equipment used for agricultural purposes shall be paid into a special fund of the state  
 1807 treasury, known as the Virginia Agricultural Foundation Fund, to be disbursed to make certain refunds  
 1808 and defray the costs of the research and educational phases of the agricultural program, including  
 1809 supplemental salary payments to certain employees at Virginia Polytechnic Institute and State University,  
 1810 the Department of Agriculture and Consumer Services and the Virginia Truck and Ornaments Research  
 1811 Station, including reasonable expenses of the Virginia Agricultural Council.

1812 D. One and one-half cents of the tax collected on each gallon of fuel used to propel a commercial  
 1813 watercraft upon which a refund has been paid shall be paid to the credit of the Game Protection Fund of  
 1814 the state treasury to be made available to the Board of Game and Inland Fisheries until expended for the  
 1815 purposes provided generally in subsection C of § 29.1-701, including acquisition, construction,  
 1816 improvement and maintenance of public boating access areas on the public waters of this  
 1817 Commonwealth and for other activities and purposes of direct benefit and interest to the boating public  
 1818 and for no other purpose. However, one and one-half cents per gallon on fuel used by commercial  
 1819 fishing, oystering, clamming, and crabbing boats shall be paid to the Department of Transportation to be  
 1820 used for the construction, repair, improvement and maintenance of the public docks of this  
 1821 Commonwealth used by said commercial watercraft. Any expenditures for the acquisition, construction,  
 1822 improvement and maintenance of the public docks shall be made according to a plan developed by the  
 1823 Virginia Marine Resources Commission.

1824 From the tax collected pursuant to the provisions of this chapter from the sales of gasoline used for  
 1825 the propelling of watercraft, after deduction for lawful refunds, there shall be paid into the state treasury  
 1826 for use by the Marine Resources Commission, the Virginia Soil and Water Conservation Board, the  
 1827 State Water Control Board, and the Commonwealth Transportation Board to (i) improve the public  
 1828 docks as specified in this section, (ii) improve commercial and sports fisheries in Virginia's tidal waters,  
 1829 (iii) make environmental improvements including, without limitation, fisheries management and habitat  
 1830 enhancement in the Chesapeake and its tributaries, and (iv) further the purposes set forth in § 33.1-223,  
 1831 a sum as established by the General Assembly.

1832 E. Notwithstanding other provisions of this section, there shall be transferred from moneys collected  
 1833 pursuant to this section to a special fund within the Commonwealth Transportation Fund in the state  
 1834 treasury, to be used to meet the necessary expenses of the Department of Motor Vehicles, an amount  
 1835 equal to one percent of a sum to be calculated as follows: the tax revenues collected pursuant to this  
 1836 chapter, at the tax rates in effect on December 31, 1986, less refunds authorized by this chapter and less

1837 taxes collected for aviation fuels.

1838 *F. The net additional revenues, as determined by the Commissioner, generated by increases in the*  
 1839 *rate of taxes under this chapter pursuant to enactments of the 2007 Session of the General Assembly*  
 1840 *shall be deposited by the Comptroller into the Commonwealth Transportation Capital Project Fund*  
 1841 *established under § 58.1-2532.*

1842 *The Commissioner shall provide a monthly certification to the Comptroller reporting such net*  
 1843 *additional revenues generated in the preceding month. The certification for each month shall be*  
 1844 *provided to the Comptroller no later than the twentieth of the immediately following month. The*  
 1845 *Comptroller shall make the required deposits into the Transportation Trust Fund for each month's*  
 1846 *revenues no later than the last day of the immediately following month.*

1847 *§ 58.1-2402.1. Local rental car transportation fee.*

1848 *A. Beginning July 1, 2008, in addition to all other taxes, fees, and other charges imposed under law,*  
 1849 *the governing body of a county or city that is included in the regional transportation authority*  
 1850 *established pursuant to § 15.2-4830, may, by ordinance, impose a fee of 2% of the gross proceeds on*  
 1851 *the rental in the locality of any daily rental vehicle regardless of whether such vehicle is required to be*  
 1852 *licensed in the Commonwealth. The fee shall not be levied upon a rental to a person for re-rental as an*  
 1853 *established business or part of an established business or incidental or germane to such business.*

1854 *B. The governing body of any locality imposing the fee pursuant to this section shall appropriate the*  
 1855 *revenues collected to the Special Transportation Fund for Northern Virginia established pursuant to*  
 1856 *§ 15.2-4838.1 to be used for the purposes as set forth in § 15.2-4838.2.*

1857 *C. No locality imposing the fee pursuant to this section shall cease to impose such fee so long as the*  
 1858 *Northern Virginia Transportation Authority (i) is currently engaged in a transportation project within*  
 1859 *the boundaries of the locality, (ii) has entered into a binding commitment to begin a transportation*  
 1860 *project within the boundaries of the locality, or (iii) has issued bonds or incurred other evidence of debt*  
 1861 *that has not been satisfied or paid in full and that relates to a transportation project undertaken by the*  
 1862 *Authority within the boundaries of the locality.*

1863 *D. Any and all fees imposed pursuant to this section shall be collected by the Department of Motor*  
 1864 *Vehicles. The Commissioner shall maintain records of the fee imposed and collected by vehicle and the*  
 1865 *locality.*

1866 *E. The fee imposed pursuant to the authority granted under this section shall be implemented,*  
 1867 *enforced, and collected in the same manner that rental taxes under this chapter are implemented,*  
 1868 *enforced, and collected.*

1869 *§ 58.1-2402.2. Local rental car transportation impact fee.*

1870 *A. Beginning January 1, 2008, in addition to all other taxes, fees, and other charges imposed under*  
 1871 *law, and subject to the limitations contained in § 33.1-391.17, the governing bodies of the Counties of*  
 1872 *Isle of Wight, James City, and York and the Cities of Chesapeake, Hampton, Newport News, Norfolk,*  
 1873 *Portsmouth, Suffolk, Virginia Beach, and Williamsburg may, by ordinance, impose a fee of 2% of the*  
 1874 *gross proceeds on the rental in the locality of any daily rental vehicle regardless of whether such*  
 1875 *vehicle is required to be licensed in the Commonwealth, provided that the governing body of the locality*  
 1876 *appropriates the revenues collected from such fee to the Hampton Roads Transportation Authority*  
 1877 *established under § 33.1-391.7. The fee shall not be levied upon a rental to a person for re-rental as an*  
 1878 *established business or part of an established business, or incidental or germane to such business.*

1879 *B. The fee imposed pursuant to the authority granted under this section shall be implemented,*  
 1880 *enforced, and collected in the same manner that rental taxes under this chapter are implemented,*  
 1881 *enforced, and collected.*

1882 *C. Any and all fees imposed pursuant to this section shall be collected by the Department of Motor*  
 1883 *Vehicles and shall be remitted by the Comptroller on a monthly basis to the Hampton Roads*  
 1884 *Transportation Authority to be used for the purposes as set forth in § 33.1-391.16. The Commissioner*  
 1885 *shall maintain records of the fee imposed and collected and the locality and address of each vehicle*  
 1886 *registered.*

1887 *§ 58.1-2403. Exemptions.*

1888 *No tax shall be imposed as provided in § 58.1-2402, 58.1-2402.1, or 58.1-2402.2 if the vehicle is:*

- 1889 1. *Sold to, rented or used by the United States government or any governmental agency thereof;*
- 1890 2. *Sold to, rented or used by the Commonwealth of Virginia or any political subdivision thereof;*
- 1891 3. *Registered in the name of a volunteer fire department or rescue squad not operated for profit;*
- 1892 4. *Registered to any member of the Mattaponi, Pamunkey, or Chickahominy Indian tribes or any*  
 1893 *other recognized Indian tribe of the Commonwealth living on the tribal reservation;*
- 1894 5. *Transferred incidental to repossession under a recorded lien and ownership is transferred to the*  
 1895 *lienholder;*
- 1896 6. *A manufactured home permanently attached to real estate and included in the sale of real estate;*
- 1897 7. *A gift to the spouse, son, or daughter of the transferor. With the exception of a gift to a spouse,*

1898 this exemption shall not apply to any unpaid obligation assumed by the transferee incidental to the  
1899 transfer;

1900 8. Transferred from an individual or partnership to a corporation or limited liability company or from  
1901 a corporation or limited liability company to an individual or partnership if the transfer is incidental to  
1902 the formation, organization or dissolution of a corporation or limited liability company in which the  
1903 individual or partnership holds the majority interest;

1904 9. Transferred from a wholly owned subsidiary to the parent corporation or from the parent  
1905 corporation to a wholly owned subsidiary;

1906 10. Being registered for the first time in this Commonwealth and the applicant holds a valid,  
1907 assignable title or registration issued to him by another state or a branch of the United States Armed  
1908 Forces and (i) has owned the vehicle for longer than 12 months or (ii) has owned the vehicle for less  
1909 than 12 months and provides evidence of a sales tax paid to another state. However, when a vehicle has  
1910 been purchased by the applicant within the last 12 months and the applicant is unable to provide  
1911 evidence of a sales tax paid to another state, the applicant shall pay the Virginia sales tax based on the  
1912 fair market value of the vehicle at the time of registration in Virginia;

1913 11. Titled in a Virginia or non-Virginia motor vehicle dealer's name for resale;

1914 12. A motor vehicle having seats for more than seven passengers and sold to an urban or suburban  
1915 bus line the majority of whose passengers use the buses for traveling a distance of less than 40 miles,  
1916 one way, on the same day;

1917 13. Purchased in the Commonwealth by a nonresident and a Virginia title is issued for the sole  
1918 purpose of recording a lien against the vehicle if the vehicle will be registered in a state other than  
1919 Virginia;

1920 14. A motor vehicle designed for the transportation of 10 or more passengers, purchased by and for  
1921 the use of a church conducted not for profit;

1922 15. Loaned or leased to a private nonprofit institution of learning, for the sole purpose of use in the  
1923 instruction of driver's education when such education is a part of such school's curriculum for full-time  
1924 students;

1925 16. Sold to an insurance company or local government group self-insurance pool, created pursuant to  
1926 § 15.2-2703, for the sole purpose of disposition when such company has paid the registered owner of  
1927 such vehicle a total loss claim;

1928 17. Owned and used for personal or official purposes by accredited consular or diplomatic officers of  
1929 foreign governments, their employees or agents, and members of their families, if such persons are  
1930 nationals of the state by which they are appointed and are not citizens of the United States;

1931 18. A self-contained mobile computerized axial tomography scanner sold to, rented or used by a  
1932 nonprofit hospital or a cooperative hospital service organization as described in § 501 (e) of the United  
1933 States Internal Revenue Code;

1934 19. A motor vehicle having seats for more than seven passengers and sold to a restricted common  
1935 carrier or common carrier of passengers;

1936 20. Beginning July 1, 1989, a self-contained mobile unit designed exclusively for human diagnostic  
1937 or therapeutic service, sold to, rented to, or used by a nonprofit hospital, or a cooperative hospital  
1938 service organization as described in § 501 (e) of the United States Internal Revenue Code, or a nonprofit  
1939 corporation as defined in § 501 (c) (3) of the Internal Revenue Code, established for research in,  
1940 diagnosis of, or therapy for human ailments;

1941 21. Transferred, as a gift or through a sale to an organization exempt from taxation under § 501 (c)  
1942 (3) of the Internal Revenue Code, provided the motor vehicle is not titled and tagged for use by such  
1943 organization;

1944 22. A motor vehicle sold to an organization which is exempt from taxation under § 501 (c) (3) of the  
1945 Internal Revenue Code and which is organized for the primary purpose of distributing food, clothing,  
1946 medicines and other necessities of life to, and providing shelter for, needy persons in the United States  
1947 and throughout the world;

1948 23. A truck, tractor truck, trailer, or semitrailer, as severally defined in § 46.2-100, except trailers and  
1949 semitrailers not designed or used to carry property and vehicles registered under § 46.2-700, with a gross  
1950 vehicle weight rating or gross combination weight rating of 26,001 pounds or more, in which case no  
1951 tax shall be imposed pursuant to subdivisions 1 and 3 of subsection A of § 58.1-2402;

1952 24. Transferred to the trustees of a revocable inter vivos trust, when the individual titleholder of a  
1953 Virginia titled motor vehicle and the beneficiaries of the trust are the same persons, regardless of  
1954 whether other beneficiaries of the trust may also be named in the trust instrument, when no  
1955 consideration has passed between the titleholder and the beneficiaries; and transferred to the original  
1956 titleholder from the trustees holding title to the motor vehicle;

1957 25. Transferred to trustees of a revocable inter vivos trust, when the owners of the vehicle and the  
1958 beneficiaries of the trust are the same persons, regardless of whether other beneficiaries may also be  
1959 named in the trust instrument, or transferred by trustees of such a trust to beneficiaries of the trust

1960 following the death of the grantor, when no consideration has passed between the grantor and the  
 1961 beneficiaries in either case;

1962 26. Sold by a vehicle's lessor to its lessee upon the expiration of the term of the vehicle's lease, if  
 1963 the lessee is a natural person and this natural person has paid the tax levied pursuant to this chapter with  
 1964 respect to the vehicle when he leased it from the lessor, and if the lessee presents an original copy of  
 1965 the lease upon request of the Department of Motor Vehicles or other evidence that the sales tax has  
 1966 been paid to the Commonwealth by the lessee purchasing the vehicle; or

1967 27. Titled in the name of a deceased person and transferred to the spouse or heir, or under the will,  
 1968 of such deceased person.

1969 § 58.1-2531. *Distribution of certain revenue.*

1970 A. *Beginning with the Commonwealth's 2008-2009 fiscal year and for each fiscal year thereafter, an*  
 1971 *amount equal to one-third of all revenues collected by the Commission in the most recently ended fiscal*  
 1972 *year from the tax imposed under this chapter shall be deposited by the Comptroller first, as needed, to*  
 1973 *the Priority Transportation Fund established under § 33.1-23.03:8 to be used to offset the estimated*  
 1974 *current fiscal year debt service payment requirements of the Transportation Trust Fund established*  
 1975 *under § 33.1-23.03:1 attributable to Commonwealth of Virginia Federal Highway Reimbursement*  
 1976 *Anticipation Notes. Any remaining moneys shall be deposited into the Commonwealth Transportation*  
 1977 *Capital Projects Fund established under § 58.1-2532.*

1978 B. *For purposes of the Comptroller's deposits under this section, the Commissioner of the Bureau of*  
 1979 *Insurance shall, no later than July 15 of each year, provide a written certification to the Comptroller*  
 1980 *that reports one-third of all revenues collected by the Commission in the most recently ended fiscal year*  
 1981 *from the tax imposed under this chapter. After such one-third of all revenues have been deposited into*  
 1982 *the proper Funds as provided in subsection A, all remaining revenues from the tax imposed under this*  
 1983 *chapter shall be deposited into the general fund of the state treasury. The Comptroller shall make all*  
 1984 *deposits under this section as soon as practicable.*

1985 *No refund of the tax imposed under this chapter shall be paid from the revenues designated for*  
 1986 *deposit to the Priority Transportation Fund or the Commonwealth Transportation Capital Projects*  
 1987 *Fund.*

1988 § 58.1-2532. *Commonwealth Transportation Capital Projects Fund created.*

1989 A. *There is hereby created in the state treasury a special nonreverting fund that shall be a part of*  
 1990 *the Transportation Trust Fund and that shall be known as the Commonwealth Transportation Capital*  
 1991 *Projects Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the*  
 1992 *Comptroller. The Fund shall consist of deposits pursuant to §§ 2.2-1514, 46.2-206.1, 46.2-702.1,*  
 1993 *46.2-1135, 58.1-2531, and 58.1-2289 and shall include such other funds as may be appropriated by the*  
 1994 *General Assembly from time to time and designated for the Fund and all interest, dividends, and*  
 1995 *appreciation that may accrue thereto. Interest earned on moneys in the Fund shall remain in the Fund*  
 1996 *and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each*  
 1997 *fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall*  
 1998 *be used solely for the purposes stated in this section. The Fund shall be administered by the*  
 1999 *Commonwealth Transportation Board. Expenditures and disbursements from the Fund shall be made by*  
 2000 *the State Treasurer on warrants issued by the Comptroller upon written request signed by the chairman*  
 2001 *of the Board or his designee.*

2002 B. *The Commonwealth Transportation Board shall allocate and distribute all revenues of the Fund*  
 2003 *received in the fiscal year as follows: (i) first to any debt service for Commonwealth of Virginia*  
 2004 *Transportation Capital Projects Revenue Bonds as described in subdivision 4 f of § 33.1-269 and (ii)*  
 2005 *then pursuant to the allocation formula set forth under § 33.1-23.03:2 for (a) the Commonwealth Port*  
 2006 *Fund; (b) the Commonwealth Airport Fund; (c) the Commonwealth Mass Transit Fund; and (d) capital*  
 2007 *improvements including construction, reconstruction, maintenance, and improvements of highways*  
 2008 *according to the provisions of subsection B of § 33.1-23.1.*

2009 § 58.1-2701. *Amount of tax.*

2010 A. *Except as provided in subsection B, every motor carrier shall pay a road tax equivalent to*  
 2011 *nineteen and one-half twenty-one cents per gallon calculated on the amount of motor fuel, diesel fuel or*  
 2012 *liquefied gases (which would not exist as liquids at a temperature of sixty degrees Fahrenheit and a*  
 2013 *pressure of 14.7 pounds per square inch absolute), used in its operations within the Commonwealth.*

2014 *The tax imposed by this chapter shall be in addition to all other taxes of whatever character imposed*  
 2015 *on a motor carrier by any other provision of law.*

2016 B. *In lieu of the tax imposed in subsection A, motor carriers registering qualified highway vehicles*  
 2017 *that are not registered under the International Registration Plan shall pay a fee of \$100 \$150 per year*  
 2018 *for each qualified highway vehicle. The fee is due and payable when the vehicle registration fees are*  
 2019 *paid pursuant to the provisions of Article 7 (§ 46.2-685 et seq.) of Chapter 6 of Title 46.2.*

2020 *If a vehicle becomes a qualified highway vehicle before the end of its registration period, the fee due*

2021 at the time the vehicle becomes a qualified highway vehicle shall be prorated monthly to the registration  
 2022 expiration month. Fees paid under this subsection shall not be refunded unless a full refund of the  
 2023 registration fee paid is authorized by law.

2024 C. All taxes and fees paid under the provisions of this chapter shall be credited to the Highway  
 2025 Maintenance and Operating Fund, a special fund within the Commonwealth Transportation Fund.

2026 § 58.1-2706. Credit for payment of motor fuel, diesel fuel or liquefied gases tax.

2027 A. Every motor carrier subject to the road tax shall be entitled to a credit on such tax equivalent to  
 2028 ~~sixteen~~ *seventeen and one-half* cents per gallon on all motor fuel, diesel fuel and liquefied gases  
 2029 purchased by such carrier within the Commonwealth for use in its operations either within or without  
 2030 the Commonwealth and upon which the motor fuel, diesel fuel or liquefied gases tax imposed by the  
 2031 laws of the Commonwealth has been paid by such carrier. Evidence of the payment of such tax in such  
 2032 form as may be required by, or is satisfactory to, the Department shall be furnished by each carrier  
 2033 claiming the credit herein allowed.

2034 B. When the amount of the credit to which any motor carrier is entitled for any quarter exceeds the  
 2035 amount of the tax for which such carrier is liable for the same quarter, the excess may: (i) be allowed as  
 2036 a credit on the tax for which such carrier would be otherwise liable for any of the eight succeeding  
 2037 quarters or (ii) be refunded, upon application, duly verified and presented and supported by such  
 2038 evidence as may be satisfactory to the Department.

2039 C. The Department may allow a refund upon receipt of proper application and review. It shall be at  
 2040 the discretion of the Department to determine whether an audit is required.

2041 D. The refund may be allowed without a formal hearing if the amount of refund is agreed to by the  
 2042 applicant. Otherwise, a formal hearing on the application shall be held by the Department after notice of  
 2043 not less than ten days to the applicant and the Attorney General.

2044 E. Whenever any refund is ordered it shall be paid out of the Highway Maintenance and  
 2045 Construction Fund.

2046 F. Whenever a person operating under lease to a motor carrier to perform transport services on  
 2047 behalf of the carrier purchases motor fuel, diesel fuel or liquefied gases relating to such services, such  
 2048 payments or purchases may, at the discretion of the Department, be considered payment or purchases by  
 2049 the carrier.

2050 § 58.1-3221.2. *Classification of commercial real property in certain localities; transportation impact*  
 2051 *commercial real property tax.*

2052 A. *Beginning July 1, 2008, solely for the purposes of imposing the tax authorized pursuant to this*  
 2053 *section, in the counties and cities that are included in the regional transportation authority established*  
 2054 *pursuant to § 15.2-4830, real estate used for commercial or industrial purposes is hereby declared to be*  
 2055 *a separate class of property. Real estate used for commercial or industrial purposes does not include*  
 2056 *real estate for which no permit for use has been issued for occupancy of any premises for commercial*  
 2057 *use. For purposes of this section, real property that is zoned to permit multiunit residential use that is*  
 2058 *primarily leased or rented to residential tenants of other occupants by an owner who is engaged in such*  
 2059 *a business shall be deemed to be property in commercial use. In addition to all other taxes and fees*  
 2060 *permitted by law, the governing body of any such locality may, by ordinance, declare the entire locality*  
 2061 *a special regional transportation tax district and impose a transportation impact commercial real*  
 2062 *property tax at the rate of 0.25% of the fair market value of such property.*

2063 B. *The governing body of any locality imposing the additional tax imposed pursuant to this section*  
 2064 *shall designate the revenue to the Special Transportation Fund for Northern Virginia established*  
 2065 *pursuant to § 15.2-4838.1 to be used for the purposes as set forth in § 15.2-4838.2.*

2066 C. *No locality imposing the tax pursuant to this section shall cease to impose such tax so long as the*  
 2067 *Northern Virginia Transportation Authority (i) is engaged in a transportation project within the*  
 2068 *boundaries of the locality, (ii) has entered into a binding commitment to begin a transportation project*  
 2069 *within the boundaries of the locality, or (iii) has issued bonds or incurred other evidence of debt that*  
 2070 *has not been satisfied or paid in full and that relates to a transportation project undertaken by the*  
 2071 *Authority within the boundaries of the locality.*

2072 D. *The tax imposed pursuant to the authority granted under this section shall be administered,*  
 2073 *enforced, and collected in the same manner as set forth in Subtitle III of Title 58.1 for the*  
 2074 *administration, enforcement, and collection of local taxes.*

2075 § 58.1-3221.3. *Classification of commercial real property in certain localities; transportation impact*  
 2076 *commercial real property tax.*

2077 *Solely for the purposes of imposing the tax authorized pursuant to this section, in the Counties of*  
 2078 *Isle of Wight, James City, and York and the Cities of Chesapeake, Hampton, Newport News, Norfolk,*  
 2079 *Portsmouth, Suffolk, Virginia Beach, and Williamsburg, commercial real estate is hereby declared to be*  
 2080 *a separate class of property solely for the purpose of funding regional transportation improvements*  
 2081 *pursuant to § 15.2-4838.1. As used in this section "commercial real estate" means any real estate other*  
 2082 *than (i) real estate containing one to four residential units, (ii) real estate on which no buildings are*

2083 located, or (iii) real estate classified for assessment purposes under the provisions of Article 4  
 2084 (§ 58.1-3230 et seq.) of Chapter 32 of Title 58.1. Commercial real estate shall not include single family  
 2085 residential units, including condominiums, townhouses, apartments or homes in a subdivision when  
 2086 leased on a unit by unit basis even though these units may be part of a larger building or parcel of real  
 2087 estate containing more than four residential units.

2088 In addition to all other taxes and fees permitted by law, the governing body of any such locality  
 2089 may, by ordinance, declare the entire locality a special regional transportation tax district and impose a  
 2090 transportation impact commercial real property tax at the rate of 0.3% of the fair market value of such  
 2091 property; provided that the governing body of the locality appropriates the revenues collected from such  
 2092 to the Hampton Roads Transportation Authority established under § 33.1-391.7.

2093 The tax imposed pursuant to the authority granted under this section shall be administered, enforced,  
 2094 and collected in the same manner as set forth in Subtitle III of Title 58.1 for the administration,  
 2095 enforcement, and collection of local taxes.

2096 **2. That the Commonwealth Transportation Board is authorized to issue bonds to fund**  
 2097 **transportation projects throughout the Commonwealth as follows:**

2098 § 1. Title. This act shall be known and may be cited as the "Commonwealth Transportation Capital  
 2099 Projects Bond Act of 2007."

2100 § 2. The Commonwealth Transportation Board is hereby authorized, by and with the consent of the  
 2101 Governor, to issue, pursuant to the provisions of the State Revenue Bond Act (§ 33.1-267 et seq. of the  
 2102 Code of Virginia) as amended from time to time, revenue obligations of the Commonwealth to be  
 2103 designated "Commonwealth Transportation Capital Projects Notes, Series ....." at one or more times in  
 2104 an aggregate principal amount not to exceed \$2,000,000,000; provided that the aggregate principal  
 2105 amount issued in any one fiscal year shall not exceed \$300,000,000.

2106 § 3. The net proceeds of the Notes shall be used exclusively for the purpose of providing funds for  
 2107 paying the costs incurred or to be incurred for construction or funding of transportation projects  
 2108 pursuant to § 33.1-23.4:01 of the Code of Virginia, including but not limited to environmental and  
 2109 engineering studies, rights-of-way acquisition, improvements to all modes of transportation, acquisition,  
 2110 construction and related improvements, and any financing costs and other financing expenses. Such  
 2111 costs may include the payment of interest on the Notes for a period during construction and not  
 2112 exceeding one year after completion of construction of the projects.

2113 § 4. The proceeds of the Notes, including any premium received on the sale thereof, shall be made  
 2114 available by the Commonwealth Transportation Board to pay costs of the projects and, where  
 2115 appropriate, may be paid to any authority, locality, commission, or other entity for the purposes of  
 2116 paying for costs of the projects. The proceeds of the Notes may be used together with any federal, local,  
 2117 or private funds that may be made available for such purpose. The proceeds of the Notes, together with  
 2118 any investment earnings thereon, may, at the discretion of the Commonwealth Transportation Board,  
 2119 secure the payment of principal or purchase price of and redemption premium, if any, and interest on  
 2120 the Notes.

2121 § 5. The terms and structure of each issue of the Notes shall be determined by the Commonwealth  
 2122 Transportation Board, subject to approval by the Treasury Board in accordance with § 2.2-2416 of the  
 2123 Code of Virginia, as amended. The Notes of each issue shall be dated; shall be issued in a principal  
 2124 amount (subject to the limitations set forth in § 1); shall bear interest at such rate or rates, which may  
 2125 be fixed, adjustable, variable or a combination thereof and may be determined by a formula or other  
 2126 method; shall mature at such time or times not exceeding 20 years after the issuance thereof; and may  
 2127 be made subject to purchase or redemption before their maturity or maturities, at such price or prices  
 2128 and under such terms and conditions, all as may be determined by the Commonwealth Transportation  
 2129 Board. The Commonwealth Transportation Board shall determine the form of the Notes, whether the  
 2130 Notes are certificated or uncertificated, and fix the authorized denomination or denominations of the  
 2131 Notes and the place or places of payment of principal or purchase price of, and redemption premium, if  
 2132 any, and interest on the Notes, which may be at the office of the State Treasurer or any bank or trust  
 2133 company within or without the Commonwealth. The principal or purchase price of, and redemption  
 2134 premium, if any, and interest on the Notes shall be made payable in lawful money of the United States  
 2135 of America. Each issue of the Notes may be issued under a system of book entry for recording the  
 2136 ownership and transfer of ownership of rights to receive payments of principal or purchase price of and  
 2137 redemption premium, if any, and interest on such Notes. All Notes shall have and are hereby declared  
 2138 to have, as between successive holders, all of the qualities and incidents of negotiable instruments under  
 2139 the negotiable instruments law of the Commonwealth.

2140 The Commonwealth Transportation Board may sell the Notes from time to time at public or private  
 2141 sale, by competitive bidding, negotiated sale, or private placement, for such price or prices as it may  
 2142 determine to be in the best interests of the Commonwealth.

2143 § 6. The Notes shall be signed on behalf of the Commonwealth Transportation Board by the

2144 chairman or vice-chairman of the Commonwealth Transportation Board, or shall bear the facsimile  
2145 signature of such officer, and shall bear the official seal of the Board, which shall be attested to by the  
2146 manual or facsimile signature of the secretary or assistant secretary of the Commonwealth  
2147 Transportation Board. In the event that the Notes shall bear the facsimile signature of the chairman or  
2148 vice-chairman of the Commonwealth Transportation Board, such Notes shall be signed by such  
2149 administrative assistant as the chairman of the Transportation Board shall determine or by any  
2150 registrar/paying agent who may be designated by the Commonwealth Transportation Board. In case any  
2151 officer whose signature or a facsimile of whose signature appears on any Notes shall cease to be such  
2152 officer before the delivery of such Notes, such signature or facsimile signature nevertheless shall be  
2153 valid and sufficient for all purposes as if such officer had remained in office until such delivery.

2154 § 7. All expenses incurred under this Act or in connection with the issuance of the Notes shall be  
2155 paid from the proceeds of such Notes or from any available funds as the Commonwealth Transportation  
2156 Board shall determine.

2157 § 8. The Commonwealth Transportation Board is hereby authorized to borrow money at such rate or  
2158 rates through the execution and issuance of the Notes for the same, but only in the following  
2159 circumstances and under the following conditions:

2160 a. In anticipation of the sale of the Notes, the issuance of which shall have been authorized by the  
2161 Commonwealth Transportation Board and shall have been approved by the Governor, if the  
2162 Commonwealth Transportation Board shall deem it advisable to postpone the issuance of such Notes; or

2163 b. For the renewal of any anticipation notes herein authorized.

2164 § 9. The proceeds of the Notes and of any anticipation notes herein authorized (except the proceeds  
2165 of the Notes the issuance of which has been anticipated by such anticipation notes) shall be placed by  
2166 the State Treasurer in a special fund in the state treasury, or may be placed with a trustee in  
2167 accordance with § 33.1-283 of the Code of Virginia, as amended, and shall be disbursed only for the  
2168 purpose for which such Notes and such anticipation notes shall be issued; provided, however, that  
2169 proceeds derived from the sale of the Notes herein authorized shall be first used in the payment of any  
2170 anticipation notes that may have been issued in anticipation of the sale of such Notes and any renewals  
2171 of such Notes. The proceeds of the Notes and of any anticipation notes herein authorized, together with  
2172 any investment earnings thereon, shall not be taken into account in computing, and shall be in addition  
2173 to funds allocated pursuant to the highway allocation formula set forth in § 33.1-23.1 of the Code of  
2174 Virginia, as amended.

2175 § 10. The Commonwealth Transportation Board is hereby authorized to receive any other funds that  
2176 may be made available to pay costs of the projects and, subject to appropriation, to make available the  
2177 same to the payment of the principal or purchase price of, and redemption premium, if any, and interest  
2178 on the Notes authorized hereby and to enter into the appropriate agreements to allow for those funds to  
2179 be paid into the state treasury, or to a trustee in accordance with § 33.1-283 of the Code of Virginia, as  
2180 amended, to pay a part of the costs of the projects or to pay principal or purchase price of, and  
2181 redemption premium, if any, and interest on the Notes.

2182 § 11. The Commonwealth Transportation Board, in connection with the issuance of the Notes, shall  
2183 establish a fund in accordance with § 33.1-286 of the Code of Virginia, as amended, either in the state  
2184 treasury or with a trustee in accordance with § 33.1-283 of the Code of Virginia, as amended, which  
2185 shall secure and be used for the payment of the Notes to the credit of which there shall be deposited  
2186 such amounts, appropriated therefor by the General Assembly, as are required to pay principal or  
2187 purchase price of, and redemption premium, if any, and interest on the Notes, as and when due and  
2188 payable, (i) first from revenues in the Commonwealth Transportation Capital Projects Fund pursuant to  
2189 § 58.1-2532 of the Code of Virginia; (ii) then, at the discretion of the Commonwealth Transportation  
2190 Board, to the extent required, from legally available revenues of the Transportation Trust Fund; and  
2191 (iii) then from such other funds, if any, that may be designated by the General Assembly for such  
2192 purpose.

2193 § 12. Note proceeds and moneys in any reserve funds and sinking funds in respect of the Notes shall  
2194 be invested by the State Treasurer in accordance with the provisions of general law relating to the  
2195 investment of such funds belonging to or in the control of the Commonwealth, or by a trustee in  
2196 accordance with § 33.1-283 of the Code of Virginia, as amended.

2197 § 13. The interest income from and any profit made on the sale of the obligations issued under the  
2198 provisions of this Act shall at all times be free and exempt from taxation by the Commonwealth and by  
2199 any municipality, county, or other political subdivision thereof.

2200 § 14. All obligations issued under the provisions of this Act are hereby made securities in which all  
2201 persons and entities listed in § 33.1-280 of the Code of Virginia, as amended, may properly and legally  
2202 invest funds under their control.

2203 3. That the revenues generated by the provisions of this act shall not be used to calculate or  
2204 reduce the share of local, federal, and state revenues otherwise available to participating  
2205 jurisdictions. Further, such revenues and moneys shall not be included in any computation of, or



- 2206 formula for, a locality's ability to pay for public education, upon which appropriations of state  
2207 revenues to local governments for public education are determined.
- 2208 4. That prior to December 1 each year beginning 2008, the Washington Metropolitan Transit  
2209 Authority shall submit to the Auditor of Public Accounts its annual audit report and financially  
2210 audited statements for the most recent fiscal year.
- 2211 5. That each governing body of a county or city adopting by ordinance any of the fees authorized  
2212 under subsection B of § 46.2-332, or §§ 46.2-332.1, 46.2-755.1, 46.2-755.2, 46.2-1167.1, 58.1-609.14,  
2213 58.1-802.1, 58.1-802.2, 58.1-2402.1, 58.1-2402.2, 58.1-3221.3, and 58.1-3221.2 of the Code of  
2214 Virginia shall provide a copy of the ordinance to the Clerk of the House of Delegates and the  
2215 Clerk of the Senate as soon as practicable.
- 2216 6. That each county or city that imposes any of the fees authorized pursuant to subsection B of  
2217 § 46.2-332, or §§ 46.2-332.1, 46.2-755.1, 46.2-755.2, 46.2-1167.1, 58.1-609.14, 58.1-802.1, 58.1-802.2,  
2218 58.1-2402.1, 58.1-2402.2, 58.1-3221.3, and 58.1-3221.2 of the Code of Virginia pursuant to the  
2219 provisions of this act shall for each fiscal year in which it imposes such tax expend or disburse for  
2220 transportation purposes an amount (computed without regard to any revenues generated in the  
2221 fiscal year from such taxes) that is at least equal to the total amount expended or disbursed for  
2222 transportation purposes by the county or city in its fiscal year that began in calendar year 2006.
- 2223 7. That each county or city that imposes the fees pursuant to subsection B of § 46.2-332, or  
2224 §§ 46.2-332.1, 46.2-755.1, 46.2-755.2, 46.2-1167.1, 58.1-609.14, 58.1-802.1, 58.1-802.2, 58.1-2402.1,  
2225 58.1-2402.2, 58.1-3221.3, and 58.1-3221.2 of the Code of Virginia pursuant to the provisions of this  
2226 act shall for each fiscal year in which it imposes such tax expend or disburse for transportation  
2227 purposes an amount (computed without regard to any revenues generated in the fiscal year from  
2228 such taxes) that is at least equal to the total amount expended or disbursed for transportation  
2229 purposes by the county or city in its fiscal year that began in calendar year 2006.
- 2230 8. That no locality shall be authorized to impose any of the fees or taxes pursuant to subsection B  
2231 of § 46.2-332, and §§ 58.1-802.1, 58.1-2402.1 and 58.1-3221.2 of the Code of Virginia, unless, as of  
2232 July 1, 2008, it is part of a regional transportation authority in which at least 60 percent of the  
2233 counties and cities embraced by the authority have at least 60 percent of their interstates and  
2234 primary highways operating at an average Level of Service of E or F during the peak period as  
2235 determined by the Virginia Department of Transportation.
- 2236 9. That, if the Hampton Roads Transportation Authority becomes effective January 1, 2008,  
2237 pursuant to the sixth enactment of this act, the Authority shall also develop as part of a  
2238 long-range transportation plan performance measures for Hampton Roads relating to, but not  
2239 limited to, transportation congestion reduction, transit and high-occupancy vehicle (HOV) usage,  
2240 job/housing ratios, job and housing access to transit and pedestrian facilities, air quality, and  
2241 per-capita vehicle miles traveled.
- 2242 10. That the local transportation fees authorized under this act pursuant to §§ 46.2-332.1,  
2243 46.2-755.1, 46.2-755.2, 46.2-1167.1, 58.1-609.14, 58.1-802.2, 58.1-2402.2, and 58.1-3221.3 of the Code  
2244 of Virginia shall be levied and imposed by the applicable local governing body adopting an  
2245 ordinance, on or before September 1, 2007, to be effective January 1, 2008, that also indicates the  
2246 local governing body is joining the Hampton Roads Transportation Authority and designates the  
2247 member of the local governing body that shall serve on the Authority.
- 2248 11. That the provisions of this act amending § 58.1-609.14, and sections numbered 33.1-391.6  
2249 through 33.1-391.17, and by adding §§ 46.2-332.1, 46.2-755.1, 46.2-755.2, 46.2-1167.1, 58.1-802.2,  
2250 58.1-2402.2, and 58.1-3221.3 are effective January 1, 2008, and only if the requirements of the  
2251 tenth enactment of this act are met by the governing bodies of at least six localities.
- 2252 12. That \$339 million in Item 449.10 of Chapter 3 of the Acts of Assembly of the 2006 Special  
2253 Session I of the General Assembly is appropriated for highway maintenance and shall be deposited  
2254 into Highway Maintenance and Operating Fund.
- 2255 13. That \$250 million each fiscal year is appropriated and shall be transferred each fiscal year  
2256 from the general fund and deposited into the Transportation Trust Fund.
- 2257 14. That the provisions of this act providing for the General Assembly to elect members of the  
2258 Commonwealth Transportation Board shall not affect members of the Board appointed prior to  
2259 July 1, 2007.
- 2260 15. That the Virginia Department of Transportation, with the advice and consent of the  
2261 Commonwealth Transportation Board, shall, on or before January 1, 2008, reconsider and  
2262 reassign the various highways, bridges, and other facilities comprising the state primary,  
2263 secondary, and urban highway systems so that the assignment of components to such systems is  
2264 based, to the maximum degree practicable, solely upon the components' functional classification.
- 2265 16. That the Virginia Department of Transportation shall, on or before January 1, 2008, submit a  
2266 written report to the General Assembly on its plans to create opportunities to enhance mobility

2267 and free-flowing traffic on Department-controlled toll facilities by embracing technological  
2268 advances.

2269 17. That no agreement or contract to transfer responsibility from an agency or institution of the  
2270 Commonwealth for control, maintenance, or operation of any toll facility that was operated by  
2271 such agency or institution of the Commonwealth on July 1, 2006, to any other public or private  
2272 entity shall be entered into by the Commonwealth or any agency, instrumentality, or political  
2273 subdivision thereof without prior legislative authorization from the General Assembly.

2274 18. That nothing in this act shall be construed to prohibit any county or city that imposes any of  
2275 the fees authorized pursuant to subsection B of § 46.2-332, and §§ 46.2-755.1, 46.2-755.2,  
2276 58.1-802.1, 58.1-2402.1, 58.1-2402.2, 58.1-3221.2, and 58.1-3221.3, pursuant to the provisions of this  
2277 act, from reducing or repealing any other fees or taxes.

2278 19. That the tenth enactment clauses of Chapter 1019 and Chapter 1044 of the Acts of Assembly  
2279 of 2000 are repealed effective July 1, 2008.

2280 20. That counties shall have until July 1, 2011, to amend their comprehensive plans in accordance  
2281 with the provisions of § 15.2-2223.1 of the Code of Virginia pursuant to this act.

2282 21. That should any portion of this act be held unconstitutional by a court of competent  
2283 jurisdiction, the remaining portions of this act shall remain in effect.

2284 22. That to the extent 50 percent of the general fund surplus for the fiscal year ending June 30,  
2285 2008, exceeds \$64 million, then such excess surplus shall be deposited into a special fund in the  
2286 state treasury to be used solely to pay debt service on the bonds authorized by the second  
2287 enactment. At such time that the amounts in this special fund together with available funds to pay  
2288 such debt service under § 58.1-2531 is insufficient, then up to \$100 million of general funds shall  
2289 be appropriated annually as needed to pay the debt service.

2290 23. That the Speaker of the House and Majority Leader of the Senate shall appoint a joint  
2291 subcommittee to identify ways to cut expenses in the operation of state government The joint  
2292 subcommittee shall conduct a systematic review of the effectiveness of state programs and make  
2293 recommendations to the General Assembly. The joint subcommittee's review shall include ways  
2294 agencies may operate more economically and efficiently; ways in which agencies can provide better  
2295 services to the Commonwealth and its citizens; and areas in which functions of state agencies are  
2296 duplicative or overlapping, fail to accomplish legislative objectives, or for any other reason should  
2297 be redefined.

2298