

073494366

HOUSE BILL NO. 3202

FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Delegate Jones, S.C.
on February 6, 2007)

(Patron Prior to Substitute—Delegate Howell, W.J.)

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, 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 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 a section numbered 15.2-4838.1, by adding in Title 30 a chapter numbered 42, consisting of sections numbered 30-278 through 30-283, by adding sections numbered 33.1-23.03:10 and 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, 58.1-802.1, 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, 58.1-3221.3, and 58.1-3825.1; 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.

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, 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 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 a section numbered 15.2-4838.1, by adding in Title 30 a chapter numbered 42, consisting of sections numbered 30-278 through 30-283, by adding sections numbered § 33.1-23.03:10 and 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, 58.1-802.1, 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, 58.1-3221.3, 58.1-3825.1 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 for nonrecurring expenditures, which shall equal the remaining amount of the general fund balance that is not otherwise reserved or designated.~~ *as follows: 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 deposit pursuant to § 10.1-2128, (iii) capital outlay reappropriations pursuant to the general appropriation act, (iv) (a) operating expense reappropriations pursuant to the general appropriation act, and (b) reappropriations of unexpended appropriations to certain public institutions of higher education pursuant to § 2.2-5005, (v) pro rata rebate payments to certain public institutions of higher education pursuant to § 2.2-5005, (vi) the unappropriated balance anticipated in the general appropriation act for the end of such fiscal year, and (vii) interest payments on deposits of certain public institutions of higher education pursuant to

HOUSE

SUBSTITUTE

HB3202H2

60 § 2.2-5005 are set aside. The Comptroller shall set aside amounts required for clauses (iv) (b), (v), and
61 (vii) beginning with the initial fiscal year as determined under § 2.2-5005 and for all fiscal years
62 thereafter.

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

68 § 10.1-1188. State agencies to submit environmental impact reports on major projects.

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

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

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

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

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

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

98 § 15.2-2223.1. *Comprehensive plan to include urban development areas; new urbanism.*

99 A. *Every county that has adopted zoning pursuant to Article 7 (§ 15.2-2280 et seq.) of Chapter 22 of*
100 *Title 15.2, if such locality has a population greater than 50,000 or has had population growth of twenty*
101 *percent or more from the next-to-latest to latest decennial census year, based on population reported by*
102 *the United States Bureau of the Census shall, and any other county, or any city or town may, amend its*
103 *comprehensive plan to incorporate one or more proposed urban development areas. For purposes of*
104 *this section, an urban development area is an area designated by a locality that is appropriate for*
105 *higher density development due to proximity to transportation facilities, the availability of a public or*
106 *community water and sewer system, or proximity to a city, town, or other developed area. The*
107 *comprehensive plan shall provide for commercial and residential densities within urban development*
108 *areas that are appropriate for reasonably compact development at a density of at least four residential*
109 *units per gross acre or a density at least three times greater than the area outside the urban*
110 *development area and a minimum floor area ratio of 0.4 per gross acre for commercial development.*
111 *The comprehensive plan shall designate one or more urban development areas sufficient to meet*
112 *projected residential and commercial growth in the locality for the ensuing 20-year period which may*
113 *include phasing of development within the urban development areas. Future growth shall be based on*
114 *the projections of the Virginia Employment Commission. The boundaries and size of each urban*
115 *development area shall be reexamined and revised every five years in conjunction with the update of the*
116 *comprehensive plan and in accordance with the most recent available population growth projections.*
117 *Such districts may be areas designated for redevelopment or infill development.*

118 B. *The comprehensive plan shall further incorporate principles of new urbanism and traditional*
119 *neighborhood development, which may include but need not be limited to (i) pedestrian-friendly road*
120 *design, (ii) interconnection of new local streets with existing local streets and roads, (iii) connectivity of*
121 *road and pedestrian networks, (iv) preservation of natural areas, (v) satisfaction of requirements for*

122 stormwater management, and (vi) mixed-use neighborhoods, including mixed housing types.
123 C. The comprehensive plan shall describe any financial and other incentives for development in the
124 urban development areas.

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

128 E. Any county that would be required to amend its plan pursuant to this section that determines that
129 its plan accommodates growth in a manner consistent with this section, upon adoption of a resolution
130 certifying such compliance shall not be required to further amend its plan.

131 F. Any county that amends its comprehensive plan pursuant to this section may designate one or
132 more urban development areas in any incorporated town within such county, if the governing body of
133 the town has also amended its comprehensive plan to designate the same areas as urban development
134 areas with at least the same density designated by the county.

135 Article 9.
136 Impact Fees.

137 § 15.2-2328. Applicability of article.
138 The provisions of this article shall apply in their entirety to any locality that has established an
139 urban transportation service district in accordance with § 15.2-2403.1. However, such authority may be
140 exercised only in areas outside of urban transportation service districts and on parcels that are
141 currently zoned agricultural and are being subdivided for by-right residential development. The
142 authority granted under this subsection shall expire on July 1, 2009, for any locality that has not
143 established an urban transportation service district and adopted an impact fee ordinance pursuant to
144 this article by such date.

145 § 15.2-2329. Imposition of impact fees.
146 A. Any locality that includes within its comprehensive plan a calculation of the capital costs of
147 public facilities necessary to serve residential uses may impose and collect impact fees to cover the costs
148 of issuing permits for residential uses in amounts consistent with the methodologies used in its
149 comprehensive plan to defray the capital costs of public facilities related to the residential development.

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

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

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

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

168 § 15.2-2403. Powers of service districts.
169 After adoption of an ordinance or ordinances or the entry of an order creating a service district, the
170 governing body or bodies shall have the following powers with respect to the service districts:

171 1. To construct, maintain, and operate such facilities and equipment as may be necessary or desirable
172 to provide additional, more complete, or more timely governmental services within a service district,
173 including but not limited to water supply, sewerage, garbage removal and disposal, heat, light,
174 fire-fighting equipment and power and gas systems and sidewalks; economic development services;
175 promotion of business and retail development services; beautification and landscaping; beach and
176 shoreline management and restoration; control of infestations of insects that may carry a disease that is
177 dangerous to humans, gypsy moths, cankerworms or other pests identified by the Commissioner of the
178 Department of Agriculture and Consumer Services in accordance with the Virginia Pest Law
179 (§ 3.1-188.20 et seq.); public parking; extra security, street cleaning, snow removal and refuse collection
180 services; sponsorship and promotion of recreational and cultural activities; upon petition of over 50
181 percent of the property owners who own not less than 50 percent of the property to be served,
182 construction, maintenance, and general upkeep of streets and roads that are not under the operation and

183 jurisdiction of the Virginia Department of Transportation; construction, maintenance, and general upkeep
184 of streets and roads through creation of urban transportation service districts created pursuant to
185 § 15.2-2403.1; and other services, events, or activities that will enhance the public use and enjoyment of
186 and the public safety, public convenience, and public well-being within a service district. Such services,
187 events, or activities shall not be undertaken for the sole or dominant benefit of any particular individual,
188 business or other private entity.

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

201 3. To acquire in accordance with § 15.2-1800, any such facilities and equipment and rights, title,
202 interest or easements therefor in and to real estate in such district and maintain and operate the same as
203 may be necessary and desirable to provide the governmental services authorized by subdivisions 1 and
204 2.

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

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

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

230 7. To accept the allocation, contribution or funds of, or to reimburse from, any available source,
231 including, but not limited to, any person, authority, transportation district, locality, or state or federal
232 agency for either the whole or any part of the costs, expenses and charges incident to the acquisition,
233 construction, reconstruction, maintenance, alteration, improvement, expansion, and the operation or
234 maintenance of any facilities and services in the district.

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

239 9. To create and terminate a development board or other body to which shall be granted and
240 assigned such powers and responsibilities with respect to a special service district as are delegated to it
241 by ordinance adopted by the governing body of such locality or localities. Any such board or alternative
242 body created shall be responsible for control and management of funds appropriated for its use by the
243 governing body or bodies, and such funds may be used to employ or contract with, on such terms and
244 conditions as the board or other body shall determine, persons, municipal or other governmental entities

245 or such other entities as the development board or alternative body deems necessary to accomplish the
 246 purposes for which the development board or alternative body has been created. If the district was
 247 created by court order, the ordinance creating the development board or alternative body may provide
 248 that the members appointed to the board or alternative body shall consist of a majority of the
 249 landowners who petitioned for the creation of the district, or their designees or nominees.

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

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

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

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

266 § 15.2-2403.1. *Creation of urban transportation service districts.*

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

274 B. *Any urban county that has established an urban transportation service district in accordance with*
 275 *this section shall receive an amount equal to the per lane mile maintenance payments made to cities and*
 276 *certain towns pursuant to § 33.1-41.1 for the area within the district for purposes of road maintenance.*
 277 *In addition, such locality shall receive an amount equal to the difference between the maintenance*
 278 *payments made to cities and certain towns pursuant to § 33.1-41.1 and what VDOT would be spending*
 279 *within the service district if not for the creation of such district. Such money may be spent by the*
 280 *locality on any transportation need, including new construction.*

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

287 § 15.2-4831. *Counties and cities embraced by the Authority.*

288 The Authority shall embrace the Counties of Arlington, Fairfax, Loudoun, and Prince William, and
 289 the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park; *provided, however, that*
 290 *any time any such county or city is not imposing all of the taxes and fees authorized pursuant to*
 291 *subsection B of § 46.2-332, and §§ 58.1-802.1, 58.1-2402.1, and 58.1-3221.2, then, during such period*
 292 *of time, such county or city shall not be entitled to determine transportation projects and services to be*
 293 *funded with the revenue generated by such taxes and fees and shall not receive allocation of such*
 294 *revenue.*

295 § 15.2-4838.1. *Use of certain revenues by the Authority.*

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

299 *Notwithstanding any other provision of this chapter, the revenues received by the Authority pursuant*
 300 *to subsection B of § 46.2-332, and §§ 58.1-802.1, 58.1-2402.1, and 58.1-3221.2 and the proceeds of*
 301 *bonds issued pursuant to § 15.2-4839 shall be used first to pay any debt service owing on any bonds*
 302 *issued pursuant to § 15.2-4839, and then as follows:*

303 A. *The next \$50 million each year shall be distributed to the Washington Metropolitan Area Transit*
 304 *Authority (WMATA) and shall be used for capital improvements in Virginia for WMATA's transit service*
 305 *(Metro). The Authority shall make such annual distribution from such revenues only if the County of*

306 Arlington and the City of Alexandria are imposing the fees pursuant to subsection B of § 46.2-332, and
307 §§ 58.1-802.1, 58.1-2402.1, and 58.1-3221.2. The Authority shall first make use of that portion of such
308 annual distribution as may be necessary under the requirements of federal law for the payment of
309 federal funds to WMATA, but only if the matching federal funds are exclusive of and in addition to the
310 amount of other federal funds appropriated to the Commonwealth for transportation and such other
311 federal funds are in an amount not less than the amount of such funds appropriated to the
312 Commonwealth in the fiscal year ending June 30, 2007

313 For each year after 2018 the amount distributed pursuant to this subsection shall be used for the
314 expansion of Metro or other rail service into Prince William County, but only if Prince William County
315 is imposing the fees pursuant to subsection B of § 46.2-332, and §§ 58.1-802.1, 58.1-2402.1, and
316 58.1-3221.2;

317 B. The next \$30 million each fiscal year shall be distributed to the Virginia Railway Express for
318 capital improvements, including but not limited to track lease payments, construction of parking,
319 dedicated rail on the Fredericksburg line, rolling stock, expanded service in Prince William County, and
320 service as may be needed as a result of the Base Realignment and Closure Commission regarding Fort
321 Belvoir. The Authority shall make such annual distribution from such revenues only if Prince William
322 County is imposing the fees pursuant to subsection B of § 46.2-332, and §§ 58.1-802.1, 58.1-2402.1, and
323 58.1-3221.2;

324 C. The next \$27 million each fiscal year shall be distributed as follows: \$10.5 million to the Route
325 28 Highway Transportation Improvement District Commission and \$16.5 million to the Phase I Dulles
326 rail Transportation Improvement District Commission to be used solely by each Commission to reduce
327 for the next tax year the special improvement tax rate previously established as provided in § 15.2-4607
328 by an amount, when rounded down to the nearest one tenth of one percent per \$100 of value, if levied
329 and collected in the improvement district within its jurisdiction, such that the tax rate reduction would
330 offset the distribution received from the Fund.

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

333 E. At least 45 percent of the revenues from such sources remaining after the distributions under
334 subsections A, B, C, and D shall be distributed to the localities imposing the fees pursuant to subsection
335 B of § 46.2-332, and §§ 58.1-802.1, 58.1-2402.1, and 58.1-3221.2 on a pro rata basis, with each
336 locality's share being the total of such fees and taxes received by the Authority that are generated or
337 attributable to the locality divided by the total of such fees and taxes received by the Authority. Of the
338 revenues distributed pursuant to this subsection (i) in the Cities of Falls Church and Alexandria and the
339 County of Arlington the first 50 percent shall be used solely for urban and secondary road construction
340 and improvements or for public transportation purposes in consultation with members of the General
341 Assembly representing any locality which receives such revenue, (ii) and in the remaining localities, the
342 first 50 percent shall be used solely for urban and secondary road construction and improvements in
343 consultation with members of the General Assembly representing any locality which receives such
344 revenue. The remainder, as determined solely by the applicable locality, shall be used either for
345 additional urban and secondary road construction; for other transportation capital improvements which
346 have been approved by the most recent long range transportation plan adopted by the Authority; or for
347 public transit purposes. None of the revenue distributed by this subsection may be used to repay debt
348 issued before January 1, 2008. Each locality shall provide annually to the Northern Virginia
349 Transportation Authority sufficient documentation as required by the Authority showing that the funds
350 distributed under this subsection were used as required by this subsection. The funds under this
351 subsection shall be conditioned on the following:

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

354 2. That for any county imposing the fees pursuant to subsection B of § 46.2-332, and §§ 58.1-802.1,
355 58.1-2402.1, and 58.1-3221.2, all state secondary road construction funding due such county shall be
356 transferred to such county, and the county shall assume full responsibility for planning and constructing
357 secondary roads pursuant to § 33.1-75.3. Such county may contract with the Virginia Department of
358 Transportation, or any other entity to aid in the planning and construction; and

359 F. Any remaining revenues from such sources shall be used by the Authority solely for transportation
360 projects for the localities that are imposing the fees pursuant to subsection B of § 46.2-332, and
361 §§ 58.1-802.1, 58.1-2402.1, and 58.1-3221.2, as determined by the Authority in consultation with
362 members of the governing bodies of the localities that are imposing the fees pursuant to subsection B of
363 § 46.2-332, and §§ 58.1-802.1, 58.1-2402.1, and 58.1-3221.2, and members of the General Assembly
364 representing any locality imposing the fees pursuant to subsection B of § 46.2-332, and §§ 58.1-802.1,
365 58.1-2402.1, and 58.1-3221.2, or as may be required by any other law, solely for transportation projects
366 for the localities that are imposing the fees pursuant to subsection B of § 46.2-332, and §§ 58.1-802.1,
367 58.1-2402.1, and 58.1-3221.2. All transportation projects undertaken by the Northern Virginia

368 *Transportation Authority shall be completed by private contractors accompanied by performance*
 369 *measurement standards, and all contracts shall contain a provision granting the locality the option to*
 370 *terminate the contract if contractors do not meet such standards. Notwithstanding the foregoing, any*
 371 *locality may provide engineering services or right-of-way acquisition for any project with its own forces.*
 372 *The Authority shall avail itself of the strategies permitted under the Public-Private Transportation Act*
 373 *(§ 56-556 et seq.) whenever feasible and advantageous. The Authority is independent of any state or*
 374 *local entity, including the Virginia Department of Transportation (VDOT) and the Commonwealth*
 375 *Transportation Board (CTB), but the Authority, VDOT and CTB shall consult with one another to avoid*
 376 *duplication of efforts and, at the option of the Authority, may combine efforts to complete specific*
 377 *projects. Notwithstanding the foregoing, at the request of the Authority, VDOT may provide the*
 378 *Authority with engineering services or right-of-way acquisition for the project with its own forces. When*
 379 *determining what projects to construct under this subsection, the Authority shall base its decisions on*
 380 *the combination that (i) equitably distributes the funds throughout the participating localities and (ii)*
 381 *constructs projects that move the most people or commercial traffic in the most cost-effective manner,*
 382 *and on such other factors as approved by the Authority.*

383 § 15.2-4839. Authority to issue bonds.

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

389 § 15.2-4840. Other duties and responsibilities of Authority.

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

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

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

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

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

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

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

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

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

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

414 10. Applying to and negotiating with the government of the United States, the Commonwealth of
 415 Virginia, or any agency or, instrumentality, or political subdivision thereof, for grants and any other
 416 funds available to carry out the purposes of this chapter and receiving, holding, accepting, and
 417 administering from any source gifts, bequests, grants, aid, or contributions of money, property, labor, or
 418 other things of value to be held, used and applied to carry out the purposes of this chapter subject,
 419 however, to any conditions upon which gifts, bequests, grants, aid, or contributions are made. Unless
 420 otherwise restricted by the terms of the gift, bequest, or grant, the Authority may sell, exchange, or
 421 otherwise dispose of such money, securities, or other property given or bequeathed to it in furtherance
 422 of its purposes; and

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

CHAPTER 42.

JOINT COMMISSION ON TRANSPORTATION ACCOUNTABILITY.

427 § 30-278. *Joint Commission on Transportation Accountability established; composition; terms;*
 428

429 compensation and expenses; office space; quorum; voting on recommendations.

430 There is hereby established in the legislative branch of state government the Joint Commission on
431 Transportation Accountability. The Commission shall consist of six members of the House of Delegates
432 appointed by the Speaker of the House of Delegates, of whom at least three shall be members of the
433 House Committee on Transportation; four members of the Senate appointed by the Senate Committee on
434 Rules of whom at least two shall be members of the Senate Committee on Transportation; and the
435 Auditor of Public Accounts, who shall serve as a nonvoting *ex officio* member. Members shall serve
436 terms coincident with their terms of office as members of the House of Delegates and the Senate.
437 Members may be reappointed for successive terms.

438 Members of the Commission shall receive such compensation as provided in § 30-19.12 and shall be
439 reimbursed for all their reasonable and necessary expenses incurred in the performance of their duties
440 as members of the Commission. Funding for the costs of compensation and expenses of the members
441 shall be provided from existing appropriations to the Commission. Adequate office space shall be
442 provided by the Commonwealth.

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

446 § 30-279. Director, executive staff, and personnel.

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

457 § 30-280. Powers and duties of Commission.

458 The Commission shall have the following powers and duties:

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

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

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

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

470 § 30-281. State agencies to furnish information and assistance.

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

474 § 30-282. Payment of expenses of Commission.

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

477 § 30-283. Access to information.

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

484 § 33.1-1. State Highway and Transportation Board continued as Commonwealth Transportation
485 Board; number and terms of members; removal from office; vacancies.

486 The State Highway and Transportation Board, formerly known as the State Highway and
487 Transportation Commission, is continued and shall hereafter be known as the Commonwealth
488 Transportation Board. Wherever either "Commission" or "Board" is used in this title referring to the
489 State Highway and Transportation Board or the State Highway and Transportation Commission, it shall
490 mean the Commonwealth Transportation Board.

591 The Board shall consist of seventeen members: the Secretary of Transportation, the Commonwealth
 592 Transportation Commissioner, the Director of the Department of Rail and Public Transportation, and
 593 fourteen citizen members. ~~The citizen~~ *Except for those members elected by the General Assembly as*
 594 *provided in § 33.1-2, members shall be (i) appointed by the Governor as provided in § 33.1-2, (ii)*
 595 *subject to confirmation by the General Assembly, and (iii) removable from office during their respective*
 596 *terms by the Governor at his pleasure. Appointments of citizen members shall be for terms of four years*
 597 *commencing upon July 1, upon the expiration of the terms of the existing members, respectively. The*
 598 *initial terms of the members appointed in January, 1987, shall commence when appointed and shall be*
 599 *for terms ending June 30, 1988, June 30, 1989, and June 30, 1990, respectively. Vacancies shall be*
 600 *filled by appointment by the Governor for those members appointed by the Governor and by election by*
 601 *the Joint Committee on Rules for those members elected by the General Assembly. All appointments or*
 602 *elections to fill vacancies shall be for the unexpired term and shall be effective until thirty days after the*
 603 *next meeting of the ensuing General Assembly and, if confirmed, thereafter for the remainder of the*
 604 *term. No person shall be eligible to serve more than two successive terms of four years, other than the*
 605 *Secretary of Transportation, the Commonwealth Transportation Commissioner, and the Director of the*
 606 *Department of Rail and Public Transportation. A person heretofore or hereafter appointed by the*
 607 *Governor or elected by the General Assembly to fill a vacancy may serve two additional successive*
 608 *terms.*

609 The Secretary of Transportation shall serve as Chairman of the Board. The Secretary shall have
 610 voting privileges only in the event of a tie. The Commonwealth Transportation Commissioner shall
 611 serve as Vice-Chairman of the Board. The Commissioner shall have voting privileges only in the event
 612 of a tie when he is presiding during the absence of the Chairman. The Director of the Department of
 613 Rail and Public Transportation shall serve without a vote.

614 Whenever in this title and in the Code of Virginia "State Highway Commission" or "State Highway
 615 and Transportation Board" is used, it shall mean "Commonwealth Transportation Board"; "State
 616 Highway Commissioner" or "State Highway and Transportation Commissioner" shall mean
 617 "Commonwealth Transportation Commissioner"; and all references to "Department of Highways and
 618 Transportation" shall refer to the Department of Transportation.

619 § 33.1-2. Residence requirements; statewide interest.

620 Of such Board, one member shall be a resident of the territory now included in the Bristol
 621 construction district, one in the Salem construction district, one in the Lynchburg construction district,
 622 one in the Staunton construction district, one in the Culpeper construction district, one in the
 623 Fredericksburg construction district, one in the Richmond construction district, one in the Hampton
 624 Roads construction district and one in the Northern Virginia construction district. The remaining five
 625 members shall be appointed *by a majority vote of the members present and voting in both houses of the*
 626 *General Assembly, and shall be from the Commonwealth at large, but at least two shall reside in*
 627 *standard metropolitan statistical areas and be designated as urban at-large members, and at least two*
 628 *shall reside outside standard metropolitan statistical areas and be designated as rural at-large members.*
 629 *The at-large members shall be appointed to represent rural and urban transportation needs and be*
 630 *mindful of the concerns of seaports and seaport users, airports and airport users, railways and railway*
 631 *users, and mass transit and mass transit users. Each member so appointed shall be mindful of the best*
 632 *interest of the Commonwealth at large primarily instead of those of the district from which chosen or of*
 633 *the transportation interest represented.*

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

637 § 33.1-3. Secretary to be Chairman; Commonwealth Transportation Commissioner.

638 The Chairman, ~~whose official title~~ *of the Commonwealth Transportation Board shall be the Secretary*
 639 *of Transportation, and who.*

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

647 The Commonwealth Transportation Commissioner, hereinafter in this title sometimes called "the
 648 Commissioner," shall devote his entire time and attention to his duties as chief executive officer of the
 649 Department and shall receive such compensation as shall be fixed by the Governor, subject to the
 650 approval of the ~~determined by the Commonwealth Transportation Board~~, unless such salary be fixed by
 651 the General Assembly in the appropriation act. He shall also be reimbursed for his actual travel expenses

552 while engaged in the discharge of his duties.

553 In the event of a vacancy due to the death, temporary disability, retirement, resignation or removal of
 554 the Commissioner, the Governor may appoint and thereafter remove at his pleasure an "Acting
 555 Commonwealth Transportation Commissioner" until such time as the vacancy may be filled as provided
 556 in ~~§ 33.1-11~~ by the Commonwealth Transportation Board. Such "Acting Commonwealth Transportation
 557 Commissioner" shall have all powers and perform all duties of the Commissioner as provided by law,
 558 and shall receive such compensation as may be fixed by the Governor. In the event of the temporary
 559 disability, for any reason, of the Commissioner, full effect shall be given to the provisions of § 2.2-605.

560 § 33.1-13. General powers of Commissioner.

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

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

572 § 33.1-19.1. Environmental permits for highway projects; timely review.

573 Notwithstanding any other provision of state law or regulation, any state agency, board, or
 574 commission that issues a permit required for a highway construction project pursuant to Title 10.1, 28.2,
 575 29.1, or 62.1 of the Code of Virginia shall, within 15 days of receipt of an individual or general permit
 576 application, review the application for completeness and either accept the application or request
 577 additional specific information from the Department of Transportation. Unless a shorter period is
 578 provided by law, regulation, or agreement, the state agency, board, or commission shall within ~~120~~ 30
 579 days of receipt of a complete application issue the permit, issue the permit with conditions, deny the
 580 permit, or decide whether a public meeting or hearing is required by law. If a public meeting or hearing
 581 is held, it shall be held within 45 30 days of the decision to conduct such a proceeding and a final
 582 decision as to the permit shall be made within ~~90~~ 30 days of completion of the public meeting or
 583 hearing.

584 § 33.1-23.03. Board to develop and update Statewide Transportation Plan.

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

600 It is the intent of the General Assembly that this plan assess transportation needs and assign priorities
 601 to projects on a statewide basis, avoiding the production of a plan which is an aggregation of local,
 602 district, regional, or modal plans.

603 § 33.1-23.03:8. Priority Transportation Fund established.

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

609 1. A portion of the moneys actually collected, including penalty and interest, attributable to any
 610 increase in revenues from the taxes imposed under Chapter 22 (§ 58.1-2200 et seq.) of Title 58.1, with
 611 such increase being calculated as the difference between such tax revenues collected in the manner
 612 prescribed under Chapter 22 less such tax revenues that would have been collected using the prescribed
 613 manner in effect before the effective date of Chapter 22. The portion to be deposited to the Fund shall

614 be the moneys actually collected from such increase in revenues (*but not including additional revenues*
 615 *described in subsection F of § 58.1-2289*) and allocated for highway and mass transit improvement
 616 projects as set forth in § 33.1-23.03:2, but not including any amounts that are allocated to the
 617 Commonwealth Port Fund and the Commonwealth Airport Fund under such section. There shall also be
 618 deposited into the Fund all additional federal revenues attributable to Chapter 22 (§ 58.1-2200 et seq.) of
 619 Title 58.1; and

620 2. Beginning with the fiscal year ending June 30, 2000, and for fiscal years thereafter, all revenues
 621 that exceed the official forecast, pursuant to § 2.2-1503, for (i) the Highway Maintenance and Operating
 622 Fund and (ii) the allocation to highway and mass transit improvement projects as set forth in
 623 § 33.1-23.03:2, but not including any amounts that are allocated to the Commonwealth Port Fund and
 624 the Commonwealth Airport Fund under such section; and

625 3. Any other such funds as may be transferred, allocated, or appropriated.

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

631 B. The Commonwealth Transportation Board shall use the Fund to facilitate the financing of priority
 632 transportation projects throughout the Commonwealth. The Board may use the Fund either (i) by
 633 expending amounts therein on such projects directly, (ii) by payment to any authority, locality,
 634 commission or other entity for the purpose of paying the costs thereof, or (iii) by using such amounts to
 635 support, secure, or leverage financing for such projects. No expenditures from or other use of amounts
 636 in the Fund shall be considered in allocating highway maintenance and construction funds under
 637 § 33.1-23.1 or apportioning Transportation Trust Fund funds under § 58.1-638, but shall be in addition
 638 thereto. The Board shall use the Fund to facilitate the financing of priority transportation projects as
 639 designated by the General Assembly; provided, however, that, at the discretion of the Commonwealth
 640 Transportation Board, funds allocated to projects within a transportation district may be allocated among
 641 projects within the same transportation district as needed to meet construction cash-flow needs.

642 § 33.1-23.03:10. *All the funds becoming part of the Transportation Trust Fund pursuant to*
 643 *§§ 46.2-206.1, 46.2-702.1, 46.2-1135, and 58.1-2289 shall be distributed and used pursuant to the*
 644 *allocation formula set forth under § 33.1-23.03:2 for (a) the Commonwealth Port Fund; (b) the*
 645 *Commonwealth Airport Fund; (c) the Commonwealth Mass Transit Fund; and (d) capital improvements*
 646 *including construction, reconstruction, maintenance, and improvements of highways according to the*
 647 *provisions of subsection B of § 33.1-23.1*

648 § 33.1-23.4:01. *Allocation of Commonwealth of Virginia Transportation Capital Projects Revenue*
 649 *Bonds.*

650 *The Commonwealth Transportation Board shall allocate and distribute the proceeds of any bonds it*
 651 *is authorized to issue supported in whole or in part by the Commonwealth Transportation Capital*
 652 *Projects Debt Service Fund as follows: (i) 15.7 percent shall be deposited into the Commonwealth Mass*
 653 *Transit Fund and used exclusively pursuant to the provisions of subdivision A4 of § 58.1-638, and (ii)*
 654 *the remainder shall be allocated and distributed pursuant to subdivision 4 f of § 33.1-269 first pursuant*
 655 *to the provisions of § 33.1-23.1:2 and then under the provisions of § 33.1-23.1 B. 1, B. 2. and B. 3.*
 656 *The provisions of § 33.1-23.2 shall not apply to the allocation of these proceeds. However, at its*
 657 *discretion, the Commonwealth Transportation Board is authorized to dedicate in any given year in*
 658 *which debt is issued an amount not to exceed its federal apportionment from the Interstate maintenance*
 659 *program for projects included in the Virginia Department of Transportation Six Year Improvement*
 660 *Program, which amount shall be allocated prior to the other allocations under this section.*

661 § 33.1-67. Secondary system of highways.

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

675 system of state highways, accept and place in the secondary system of state highways such additional
676 roads and streets.

677 *B. Notwithstanding the foregoing provisions of this section, any local ordinance, or any provision of*
678 *Title 15.2, on and after July 1, 2007, no street or road or any portion thereof in any county shall be*
679 *taken into the state secondary highway system for maintenance purposes unless it is designated by the*
680 *Department as a local collector or higher roadway classification. Other roads that, prior to July 1,*
681 *2007, would have been taken into the state secondary highway system shall be classified by the*
682 *Department as local subdivision roads and shall not be taken into the state secondary highway system.*
683 *A local subdivision road shall be any road, according to the Department, that primarily serves residents*
684 *living within a subdivision. These local subdivision roads shall be maintained either by the county*
685 *wherein they are located or, if they are within an area comprising a homeowners association, by the*
686 *homeowners association. This subsection shall not apply to any roads within an urban development*
687 *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 Debt Service Fund established pursuant to § 58.1-2532*
907 *or from the 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.

HOUSE

SUBSTITUTE

HB3202H2

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 Debt Service Fund pursuant to § 58.1-2532; (ii) to*
 1010 *the extent required, from revenues legally available from the Transportation Trust Fund; and (iii) to the*
 1011 *extent 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 Debt Service Fund
1152 established 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 to increase capacity on such facility (including new construction relating to, or
1165 improvements to, the bridges, tunnels, roadways, and related facilities known collectively as the
1166 Chesapeake Bay Bridge-Tunnel as described in § 33.1-391.12, pursuant to the conditions set forth in

1167 such section) constructed by the Authority or with funds provided in whole or in part by the Authority.
 1168 The amount of any such toll may be varied from facility to facility, by lane, by congestion levels, by day
 1169 of the week, time of day, type of vehicle, number of axles, or any similar combination thereof, and a
 1170 reduced rate may be established for commuters as defined by the Authority. For purposes of this
 1171 section, the Midtown and Downtown tunnels located within the Cities of Norfolk and Portsmouth shall
 1172 be considered a single transportation facility and both facilities may be tolled if improvements are made
 1173 to either tunnel. Any tolls imposed by the Authority shall be collected by an electronic toll system that,
 1174 to the extent possible, shall not impede traffic flow. For all roads tolled by the Authority, there shall be
 1175 signs erected prior to the point of toll collection that clearly state how the majority of the toll revenue
 1176 for the particular road is being spent by the 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, 58.1-802.2, 58.1-2402.2,
 1181 58.1-3221.3, and 58.1-3825.1: 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, to be appointed by the Governor, who
 1184 resides in a county or city embraced by the Authority who shall serve *ex officio* without a vote; (iii) the
 1185 Director of the Virginia Department of Rail and Public Transportation, or his designee, who shall serve
 1186 *ex officio* without a vote; (iv) the Commonwealth Transportation Commissioner, or his designee, who
 1187 shall serve *ex officio* without a vote; (v) two members of the Virginia House of Delegates who reside in
 1188 a city or county that is imposing the local transportation fees and taxes authorized by §§ 46.2-332.1,
 1189 46.2-755.1, 46.2-755.2, 46.2-1167.1, 58.1-802.2, 58.1-2402.2, 58.1-3221.3, and 58.1-3825.1, neither of
 1190 whom shall reside in the same city or county, appointed by the Speaker of the House of Delegates; and
 1191 (vi) one member of the Senate of Virginia who resides 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 58.1-802.2, 58.1-2402.2, 58.1-3221.3, and 58.1-3825.1, appointed by the Senate Committee on Rules.
 1194 Each representative of a local governing body shall be appointed by a majority vote of the respective
 1195 local governing body and shall be a member of the local governing body by which he is appointed. In
 1196 the event that a member of the Authority who is appointed by a local governing body ceases to be a
 1197 member of that local governing body, he may no longer serve as a member of the Authority. Members
 1198 of the Authority appointed by local governing bodies shall serve for terms of four years and may be
 1199 reappointed for one additional term of four years. Any member of the Authority appointed by a local
 1200 governing body who is initially appointed to serve a term of less than three years may thereafter be
 1201 appointed for two successive four-year terms. For the purpose of initial appointments and in order to
 1202 provide for staggered terms, those members appointed by the City Council of the City of Hampton, the
 1203 City Council of the City of Newport News, and the Board of Supervisors of James City County shall be
 1204 appointed for terms of two years; those members who are appointed by the City Council of the City of
 1205 Norfolk, the City Council of the City of Chesapeake, and the City Council of the City of Portsmouth
 1206 shall be appointed for terms of three years; and the remaining representatives of local governing bodies
 1207 shall be appointed for terms of four years. Legislative members shall serve terms coincident with their
 1208 terms of office. Vacancies shall be filled by appointment for the unexpired term by the same process as
 1209 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 *58.1-802.2, 58.1-2402.2, 58.1-3221.3, and 58.1-3825.1, 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 bonds for the purposes of financing the construction of*
1319 *new or additional tunnels, the Chesapeake Bay Bridge and Tunnel Commission shall obtain approval for*
1320 *the issuance from the General Assembly.*

1321 *§ 33.1-391.14. Continuing responsibilities of the Commonwealth Transportation Board and the*
1322 *Virginia Department of Transportation.*

1323 *Except as otherwise explicitly provided in this chapter, until such time as the Authority and the*
1324 *Virginia Department of Transportation, or the Authority and the Commonwealth Transportation Board,*
1325 *agree otherwise in writing, the Commonwealth Transportation Board shall allocate funding to and the*
1326 *Department of Transportation shall perform or cause to be performed all maintenance and operation of*
1327 *the bridges, tunnels, and roadways referred to in § 33.1-391.8, and shall perform such other required*
1328 *services and activities with respect to such bridges, tunnels, and roadways as were being performed on*
1329 *January 1, 2006.*

1330 *§ 33.1-391.15. Hampton Roads Planning District Commission to provide administrative services and*
1331 *office facilities.*

1332 *The staff of the Hampton Roads Planning District Commission and the Virginia Department of*
1333 *Transportation shall work cooperatively to assist the proper formation and effective organization of the*
1334 *Authority. Until such time as the Authority is fully established and functioning, the staff of the Hampton*
1335 *Roads Planning District Commission shall serve as its staff, and the Hampton Roads Planning District*
1336 *Commission shall provide the Authority with office space and administrative support. The Authority shall*
1337 *reimburse the Hampton Roads Planning District Commission for the cost of such staff, office space, and*
1338 *administrative support as appropriate.*

1339 *§ 33.1-391.16. Use of revenues by the Authority.*

1340 *Notwithstanding any other provision of this chapter, all moneys received by the Authority shall be*
1341 *used by the Authority solely for the benefit of those counties and cities imposing the local transportation*
1342 *fees and taxes authorized by §§ 46.2-332.1, 46.2-755.1, 46.2-755.2, 46.2-1167.1, 58.1-802.2,*
1343 *58.1-2402.2, 58.1-3221.3, and 58.1-3825.1, and such moneys shall be used by the Authority in a manner*
1344 *that is consistent with the purposes stated in this chapter.*

1345 *§ 33.1-391.17. Local Transportation Fees.*

1346 *A. In addition to any other taxes, fees, or other charges imposed under law, each of the governing*
1347 *bodies of the Counties of Isle of Wight, James City, and York and the Cities of Chesapeake, Hampton,*
1348 *Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, and Williamsburg may by ordinance levy*
1349 *the fees and taxes authorized by §§ 46.2-332.1, 46.2-755.1, 46.2-755.2, 46.2-1167.1, 58.1-802.2,*
1350 *58.1-2402.2, 58.1-3221.3, and 58.1-3825.1, provided that (i) the governing body of the county or city*
1351 *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,*

1352 58.1-802.2, 58.1-2402.2, 58.1-3221.3, and 58.1-3825.1, and (ii) the governing body of the county or city
 1353 appropriates the revenue collected from the additional fees to the Hampton Roads Transportation
 1354 Authority established under § 33.1-391.7.

1355 At such time as the Chesapeake Bay Bridge-Tunnel becomes subject to the control of the Hampton
 1356 Roads Transportation Authority as provided in § 33.1-391.12, each of the governing bodies of the
 1357 Counties of Accomack and Northampton may also by ordinance levy the local transportation fees and
 1358 taxes authorized by §§ 46.2-332.1, 46.2-755.1, 46.2-755.2, 46.2-1167.1, 58.1-802.2, 58.1-2402.2,
 1359 58.1-3221.3, and 58.1-3825.1, provided that the governing body of the county appropriates the revenue
 1360 generated by such fees to the Hampton Roads Transportation Authority.

1361 The Authority shall use all funds collected hereunder solely for the purposes provided in
 1362 § 33.1-391.16.

1363 B. No locality imposing the local transportation fees and taxes authorized by §§ 46.2-332.1,
 1364 46.2-755.1, 46.2-755.2, 46.2-1167.1, 58.1-802.2, 58.1-2402.2, 58.1-3221.3, and 58.1-3825.1 shall cease
 1365 to impose such fees so long as the Hampton Roads Transportation Authority (i) is currently engaged in
 1366 a transportation project within the boundaries of the locality or that benefits the locality, (ii) has
 1367 entered into a binding commitment to begin a transportation project within the boundaries of the
 1368 locality, or that benefits the locality, or (iii) has issued bonds or incurred other evidence of debt that
 1369 has not been satisfied or paid in full and that relates to a transportation project undertaken by the
 1370 Authority within the boundaries of the locality, or that benefits the locality.

1371 § 46.2-206.1. Imposition of certain additional fees on certain drivers.

1372 A. The purpose of the civil remedial fees imposed in this section is to generate revenue from drivers
 1373 whose proven dangerous driving behavior places significant financial burdens upon the Commonwealth.
 1374 The civil remedial fees established by this section shall be in addition to any other fees, costs, or
 1375 penalties imposed pursuant to the Code of Virginia.

1376 B. The civil remedial fees established by this section shall be assessed on any resident of Virginia
 1377 operating a motor vehicle on the highways of Virginia, including persons to whom Virginia driver's
 1378 licenses, commercial driver's licenses, or learner's permits have been issued pursuant to this title;
 1379 persons operating motor vehicles without licenses or whose license has been revoked or suspended; and
 1380 persons operating motor vehicles with a license issued by a jurisdiction outside Virginia.

1381 C. The court shall assess a person with the following fees upon each conviction of the following
 1382 offenses:

1383 1. Driving while his driver's license was suspended or revoked pursuant to § 18.2-272, 46.2-301,
 1384 46.2-302, 46.2-341.21, or 46.2-391 shall be assessed a fee to be paid in three annual payments of \$250
 1385 each;

1386 2. Reckless driving in violation of Article 7 (§ 46.2-852 et seq.) of Chapter 8 or aggressive driving in
 1387 violation of § 46.2-868.1 shall be assessed a fee to be paid in three annual payments of \$350 each;

1388 3. Driving while intoxicated in violation of § 18.2-266, 18.2-266.1, or 46.2-341.24 shall be assessed
 1389 a fee to be paid in three annual payments of \$750 each; and

1390 4. Any other misdemeanor conviction for a driving and/or motor vehicle related violation of Title
 1391 18.2 or this title that is not included in one of the preceding three subdivisions of this subsection shall
 1392 be assessed a fee to be paid in three annual payments of \$300 each; and

1393 5. Any felony conviction for a driving or motor vehicle-related offense under Title 18.2 or this title,
 1394 shall be assessed a fee to be paid in three annual payments of \$1,000 each.

1395 6. For the purposes of this section:

1396 a. A finding of guilty in the case of a juvenile and a conviction under substantially similar laws of
 1397 any locality, territory, other state, or of the United States, shall be a conviction.

1398 b. The fees assessed under this subsection shall be implemented in a manner whereby no convictions
 1399 prior to July 1, 2007, shall be considered.

1400 D. The court shall collect, in full, the first annual payment of the fee imposed under subsection C at
 1401 the time of conviction and shall order the person assessed a fee to submit the second annual payment to
 1402 the Department within 14 calendar months of the date of conviction and the third annual payment to the
 1403 Department within 26 months of the date of conviction. When transmitting conviction information to the
 1404 Department the court shall also transmit notice that a fee has been imposed under this section and the
 1405 deadline upon which the second and third annual payments must be submitted to the Department. The
 1406 court shall order suspension of the driver's license or privilege to drive a motor vehicle in Virginia as
 1407 provided in § 46.2-395 of any person failing to pay the first annual payment of the fee assessed under
 1408 subsection C.

1409 E. For all convictions reported to the Department for which fees are established under subsection C,
 1410 the person assessed the fee shall submit the second annual payment to the Commissioner within 14
 1411 calendar months of the date of conviction and the third annual payment within 26 months of the date of
 1412 conviction. The Department shall notify every person assessed a fee by mailing a notice of the second

1413 and the third annual payments, including the amount due and the date it is due, by first-class mail
1414 addressed to such person's most recent address as shown in the Department's records. Such mailing
1415 shall constitute notice to the person assessed a fee under this section of the amount and date by which
1416 the second and third annual payments shall be paid to the Department. The Commissioner shall suspend
1417 the driver's license or privilege to drive a motor vehicle in Virginia of any person failing to pay the
1418 second or third annual payment of the fee to the Department by the due date specified in the notice.

1419 F. In addition to any fees set forth in subsection C, any person whose driver's record with the
1420 Department shows a balance of eight or more driver demerit points on July 15 shall be assessed a fee
1421 of \$100 plus \$75 for each demerit point in excess of eight, but not greater than \$700.

1422 G. The Department shall assess the fees set forth in subsection F annually, beginning on July 1,
1423 2007.

1424 H. The Department shall notify every person assessed a fee under subsection F by mailing a notice
1425 thereof by first-class mail addressed to such person's most recent address as shown in the Department's
1426 records, and such mailing shall constitute notice to the person of the assessment of the fee. If any
1427 assessment made under this section remains unpaid 60 days following the date on which the notice of
1428 assessment was mailed, the Commissioner shall suspend the driver's license or privilege to drive a
1429 motor vehicle in Virginia of the person against whom the assessment was imposed. No license shall be
1430 reissued or reinstated until all fees assessed pursuant to this section have been paid and all other
1431 reinstatement requirements as provided in this title have been satisfied.

1432 I. In the event that a person disputes a conviction on his driver's record based upon identity, if the
1433 person presents the Department a certified copy of a petition to a court of competent jurisdiction
1434 seeking to vacate an order of such conviction, the Department shall suspend the imposition of the
1435 assessment. Such suspension shall be valid for one year from the date of the commencement or until 30
1436 days after an entry of a final order on such petition, whichever occurs first.

1437 J. Funds collected through the imposition of the fees as provided for in this section shall be used to
1438 pay the Department's cost in imposing and collecting such assessments as provided in the general
1439 appropriation act, and any remainder shall be deposited into the Transportation Trust Fund and be
1440 used according to § 33.1-23.03:10.

1441 § 46.2-332. Fees.

1442 A. On and after January 1, 1990, the fee for each driver's license other than a commercial driver's
1443 license shall be two dollars and forty cents per year. If the license is a commercial driver's license or
1444 seasonal restricted commercial driver's license, the fee shall be six dollars per year. Persons twenty-one
1445 years old or older may be issued a scenic driver's license, learner's permit, or commercial driver's license
1446 for an additional fee of five dollars. For any one or more driver's license endorsements, except a
1447 motorcycle endorsement, there shall be an additional fee of one dollar per year; for a motorcycle
1448 endorsement, there shall be an additional fee of two dollars per year. For any and all driver's license
1449 classifications, there shall be an additional fee of one dollar per year. For any revalidation of a seasonal
1450 restricted commercial driver's license, the fee shall be five dollars.

1451 A reexamination fee of two dollars shall be charged for each administration of the knowledge portion
1452 of the driver's license examination taken by an applicant who is eighteen years of age or older if taken
1453 more than once within a fifteen-day period. The reexamination fee shall be charged each time the
1454 examination is administered until the applicant successfully completes the examination, if taken prior to
1455 the fifteenth day.

1456 An applicant who is less than eighteen years of age who does not successfully complete the
1457 knowledge portion of the driver's license examination shall not be permitted to take the knowledge
1458 portion more than once in fifteen days.

1459 If the applicant for a driver's license is an employee of the Commonwealth, or of any county, city, or
1460 town who drives a motorcycle or a commercial motor vehicle solely in the line of his duty, he shall be
1461 exempt from the additional fee otherwise assessable for a motorcycle classification or a commercial
1462 motor vehicle endorsement. The Commissioner may prescribe the forms as may be requisite for
1463 completion by persons claiming exemption from additional fees imposed by this section.

1464 No additional fee above two dollars and forty cents per year shall be assessed for the driver's license
1465 or commercial driver's license required for the operation of a school bus.

1466 Excluding the two-dollar reexamination fee, one dollar and fifty cents of all fees collected for each
1467 original or renewal driver's license shall be paid into the driver education fund of the state treasury and
1468 expended as provided by law. Unexpended funds from the driver education fund shall be retained in the
1469 fund and be available for expenditure in ensuing years as provided therein.

1470 All fees for motorcycle endorsements shall be distributed as provided in § 46.2-1191.

1471 B. Beginning January 1, 2008, in addition to all other fees authorized by this chapter, the governing
1472 body of any county or city that is included in the Northern Virginia Transportation Authority established
1473 pursuant to § 15.2-4830 is authorized to impose an additional fee of \$100 for the initial issuance of a
1474 driver's license to be collected by the Commissioner.

1475 C. All revenues generated by the fee imposed pursuant to subsection B shall be appropriated to the
1476 Northern Virginia Transportation Authority and used according to the provisions of § 15.2-4838.1.

1477 D. The additional fee imposed pursuant to subsection B shall not, however, be imposed for the
1478 issuance of a driver's license to any person to whom a Virginia driver's license was previously issued
1479 but whose Virginia driver's license had expired or had been suspended or revoked. Furthermore, the
1480 amount of such additional fee, for any minor who presents proof thereof satisfactory to the
1481 Commissioner, shall be waived for the successful completion of a driver safety course approved by the
1482 Department. Any and all fees imposed pursuant to this section shall be collected by the Department of
1483 Motor Vehicles at the time the initial license is issued. The Commissioner shall maintain records of the
1484 fee imposed and collected per person and the locality and address where each person resides.

1485 E. No locality imposing the fee pursuant to this section shall cease to impose such fee so long as the
1486 Northern Virginia Transportation Authority (i) is engaged in a transportation project within the
1487 boundaries of the locality, (ii) has entered into a binding commitment to begin a transportation project
1488 within the boundaries of the locality, or (iii) has issued bonds or incurred other evidence of debt that
1489 has not been satisfied or paid in full and that relates to a transportation project undertaken by the
1490 Authority within the boundaries of the locality.

1491 § 46.2-332.1. Additional driver's license fee authorized in certain localities.

1492 A. Beginning January 1, 2008, in addition to all other fees authorized by this chapter, each of the
1493 governing bodies of the Counties of Isle of Wight, James City, and York and the Cities of Chesapeake,
1494 Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, and Williamsburg is authorized
1495 to impose an additional fee of \$20 for the issuance, whether initial or renewal, of a driver's license to
1496 be collected by the Commissioner; provided the governing body appropriates the revenue from such fee
1497 to the Hampton Roads Transportation Authority to be used for the purposes set forth in § 33.1-391.16.

1498 B. All such fees shall be remitted by the Commissioner on a monthly basis to the Hampton Roads
1499 Transportation Authority to be used for the purposes set forth in § 33.1-391.16.

1500 C. Any and all fees imposed pursuant to this section shall be collected by the Department of Motor
1501 Vehicles at the time the initial or renewed license is issued. The Commissioner shall maintain records of
1502 the fee imposed and collected per person and the locality and address where each person resides.

1503 § 46.2-694. Fees for vehicles designed and used for transportation of passengers; weights used for
1504 computing fees; burden of proof.

1505 A. The annual registration fees for motor vehicles, trailers, and semitrailers designed and used for the
1506 transportation of passengers on the highways in the Commonwealth are:

1507 1. ~~Twenty-three~~ *Thirty-three* dollars for each private passenger car or motor home if the passenger
1508 car or motor home weighs 4,000 pounds or less, provided that it is not used for the transportation of
1509 passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease
1510 without a chauffeur.

1511 2. ~~Twenty-eight~~ *Thirty-eight* dollars for each passenger car or motor home which weighs more than
1512 4,000 pounds, provided that it is not used for the transportation of passengers for compensation and is
1513 not kept or used for rent or for hire, or is not operated under a lease without a chauffeur.

1514 3. Thirty cents per 100 pounds or major fraction thereof for a private motor vehicle other than a
1515 motorcycle with a normal seating capacity of more than 10 adults including the driver if the private
1516 motor vehicle is not used for the transportation of passengers for compensation and is not kept or used
1517 for rent or for hire or is not operated under a lease without a chauffeur. In no case shall the fee be less
1518 than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000
1519 pounds.

1520 4. Thirty cents per 100 pounds or major fraction thereof for a school bus. In no case shall the fee be
1521 less than \$23 if the vehicle weighs 4,000 pounds or less or \$28 if the vehicle weighs more than 4,000
1522 pounds.

1523 5. Twenty-three dollars for each trailer or semitrailer designed for use as living quarters for human
1524 beings.

1525 6. Thirteen dollars plus \$ 0.30 per 100 pounds or major fraction thereof for each motor vehicle,
1526 trailer, or semitrailer used as a common carrier of passengers, operating either intrastate or interstate.
1527 Interstate common carriers of interstate passengers may elect to be licensed and pay the fees prescribed
1528 in subdivision 7 of this subsection on submission to the Commissioner of a declaration of operations and
1529 equipment as he may prescribe. An additional \$5 shall be charged if the motor vehicle weighs more
1530 than 4,000 pounds.

1531 7. Thirteen dollars plus \$ 0.70 per 100 pounds or major fraction thereof for each motor vehicle,
1532 trailer, or semitrailer used as a common carrier of interstate passengers if election is made to be licensed
1533 under this subsection. An additional \$5 shall be charged if the motor vehicle weighs more than 4,000
1534 pounds. In lieu of the foregoing fee of \$ 0.70 per 100 pounds, a motor carrier of passengers, operating
1535 two or more vehicles both within and outside the Commonwealth and registered for insurance purposes

1536 with the Surface Transportation Board of the United States Department of Transportation, Federal
1537 Highway Administration, may apply to the Commissioner for prorated registration. Upon the filing of
1538 such application, in such form as the Commissioner may prescribe, the Commissioner shall apportion the
1539 registration fees provided in this subsection so that the total registration fees to be paid for such vehicles
1540 of such carrier shall be that proportion of the total fees, if there were no apportionment, that the total
1541 number of miles traveled by such vehicles of such carrier within the Commonwealth bears to the total
1542 number of miles traveled by such vehicles within and outside the Commonwealth. Such total mileage in
1543 each instance is the estimated total mileage to be traveled by such vehicles during the license year for
1544 which such fees are paid, subject to the adjustment in accordance with an audit to be made by
1545 representatives of the Commissioner at the end of such license year, the expense of such audit to be
1546 borne by the carrier being audited. Each vehicle passing into or through Virginia shall be registered and
1547 licensed in Virginia and the annual registration fee to be paid for each such vehicle shall not be less
1548 than \$33. For the purpose of determining such apportioned registration fees, only those motor vehicles,
1549 trailers, or semitrailers operated both within and outside the Commonwealth shall be subject to inclusion
1550 in determining the apportionment provided for herein.

1551 8. Thirteen dollars plus \$ 0.80 per 100 pounds or major fraction thereof for each motor vehicle,
1552 trailer or semitrailer kept or used for rent or for hire or operated under a lease without a chauffeur for
1553 the transportation of passengers. An additional fee of \$5 shall be charged if the vehicle weighs more
1554 than 4,000 pounds. This subsection does not apply to vehicles used as common carriers.

1555 9. Twenty-three dollars for a taxicab or other vehicle which is kept for rent or hire operated with a
1556 chauffeur for the transportation of passengers, and which operates or should operate under permits issued
1557 by the Department as required by law. An additional fee of \$5 shall be charged if the vehicle weighs
1558 more than 4,000 pounds. This subsection does not apply to vehicles used as common carriers.

1559 10. Eighteen dollars for a motorcycle, with or without a sidecar. To this fee shall be added a
1560 surcharge of \$3 which shall be distributed as provided in § 46.2-1191.

1561 11. Twenty-three dollars for a bus used exclusively for transportation to and from church school, for
1562 the purpose of religious instruction, or church, for the purpose of divine worship. If the empty weight of
1563 the vehicle exceeds 4,000 pounds, the fee shall be \$28.

1564 12. Thirteen dollars plus \$ 0.70 per 100 pounds or major fraction thereof for other passenger-carrying
1565 vehicles.

1566 13. An additional fee of \$4 per year shall be charged and collected at the time of registration of each
1567 pickup or panel truck and each motor vehicle under subdivisions 1 through 12 of this subsection. All
1568 funds collected pursuant to this subdivision shall be paid into the state treasury and shall be set aside as
1569 a special fund to be used only for emergency medical service purposes. The moneys in the special fund
1570 shall be distributed as follows:

1571 a. Two percent shall be distributed to the State Department of Health to provide funding to the
1572 Virginia Association of Volunteer Rescue Squads to be used solely for the purpose of conducting
1573 volunteer recruitment, retention and training activities;

1574 b. Thirty percent shall be distributed to the State Department of Health to support (i) emergency
1575 medical services training programs (excluding advanced life support classes); (ii) advanced life support
1576 training; (iii) recruitment and retention programs (all funds for such support shall be used to recruit and
1577 retain volunteer emergency medical services personnel only, including public awareness campaigns,
1578 technical assistance programs, and similar activities); (iv) emergency medical services system
1579 development, initiatives, and priorities based on needs identified by the State Emergency Medical
1580 Services Advisory Board; (v) local, regional, and statewide performance contracts for emergency medical
1581 services to meet the objectives stipulated in § 32.1-111.3; (vi) technology and radio communication
1582 enhancements; and (vii) improved emergency preparedness and response. Any funds set aside for
1583 distribution under this provision and remaining undistributed at the end of any fiscal year shall revert to
1584 the Rescue Squad Assistance Fund;

1585 c. Thirty-two percent shall be distributed to the Rescue Squad Assistance Fund;

1586 d. Ten percent shall be available to the State Department of Health's Office of Emergency Medical
1587 Services for use in emergency medical services; and

1588 e. Twenty-six percent shall be returned by the Comptroller to the locality wherein such vehicle is
1589 registered, to provide funding for training of volunteer or salaried emergency medical service personnel
1590 of licensed, nonprofit emergency medical services agencies and for the purchase of necessary equipment
1591 and supplies for use in such locality for licensed, nonprofit emergency medical and rescue services.

1592 The Comptroller shall clearly designate on the warrant, check, or other means of transmitting these
1593 funds that such moneys are only to be used for purposes set forth in this subdivision. Such funds shall
1594 be in addition to any local appropriations and local governing bodies shall not use these funds to
1595 supplant local funds. Each local governing body shall report annually to the Board of Health on the use
1596 of the funds returned to it pursuant to this section. In any case in which the local governing body grants
1597 the funds to a regional emergency medical services council to be distributed to the licensed, nonprofit

1598 emergency medical and rescue services, the local governing body shall remain responsible for the proper
1599 use of the funds. If, at the end of any fiscal year, a report on the use of the funds returned to the
1600 locality pursuant to this section for that year has not been received from a local governing body, any
1601 funds due to that local governing body for the next fiscal year shall be retained until such time as the
1602 report has been submitted to the Board.

1603 B. All motor vehicles, trailers, and semitrailers registered as provided in subsection B of § 46.2-646
1604 shall pay a registration fee equal to one-twelfth of all fees required by subsection A of this section or
1605 § 46.2-697 for such motor vehicle, trailer, or semitrailer, computed to the nearest cent, multiplied by the
1606 number of months in the registration period for such motor vehicles, trailers, and semitrailers.

1607 C. The manufacturer's shipping weight or scale weight shall be used for computing all fees required
1608 by this section to be based upon the weight of the vehicle.

1609 D. The applicant for registration bears the burden of proof that the vehicle for which registration is
1610 sought is entitled by weight, design, and use to be registered at the fee tendered by the applicant to the
1611 Commissioner or to his authorized agent.

1612 § 46.2-694.1. Fees for trailers and semitrailers not designed and used for transportation of passengers.
1613 Unless otherwise specified in this title, the registration fees for trailers and semitrailers not designed
1614 and used for the transportation of passengers on the highways in the Commonwealth shall be as follows:

1615	Registered Gross Weight	1-Year Fee	2-Year Fee	Permanent Fee
1616	0-1,500 lbs	\$8.00 \$18.00	\$16.00 \$26.00	\$50.00 \$60.00
1617	1,501-4,000 lbs	\$18.50 \$28.50	\$37.00 \$47.00	\$50.00 \$60.00
1618	4,001 lbs & above	\$23.50 \$33.50	\$47.00 \$57.00	\$50.00 \$60.00

1619 From the foregoing registration fees, the following amounts, regardless of weight category, shall be
1620 paid by the Department into the state treasury and set aside for the payment of the administrative costs
1621 of the safety inspection program provided for in Article 21 (§ 46.2-1157 et seq.) of Chapter 10 of this
1622 title: (i) from each one-year registration fee, one dollar and fifty cents; (ii) from each two-year
1623 registration fee, three dollars; and (iii) from each permanent registration fee, four dollars.

1624 § 46.2-697. Fees for vehicles not designed or used for transportation of passengers.

1625 A. Except as otherwise provided in this section, the fee for registration of all motor vehicles not
1626 designed and used for the transportation of passengers shall be ~~thirteen dollars~~ \$23 plus an amount
1627 determined by the gross weight of the vehicle or combination of vehicles of which it is a part, when
1628 loaded to the maximum capacity for which it is registered and licensed, according to the schedule of
1629 fees set forth in this section. For each 1,000 pounds of gross weight, or major fraction thereof, for
1630 which any such vehicle is registered, there shall be paid to the Commissioner the fee indicated in the
1631 following schedule immediately opposite the weight group and under the classification established by the
1632 provisions of subsection B of § 46.2-711 into which such vehicle, or any combination of vehicles of
1633 which it is a part, falls when loaded to the maximum capacity for which it is registered and licensed.
1634 The fee for a pickup or panel truck shall be ~~twenty-three dollars~~ \$33 if its gross weight is 4,000 pounds
1635 or less, and ~~twenty-eight dollars~~ \$38 if its gross weight is 4,001 pounds through 6,500 pounds. The fee
1636 shall be ~~twenty-nine dollars~~ \$39 for any motor vehicle with a gross weight of 6,501 pounds through
1637 10,000 pounds.

1638	Gross Weight 1639 Groups (pounds)	Fee Per Thousand Pounds of Gross Weight	
1640		Private Carriers	For Rent or For Hire Carriers
1642	10,001 - 11,000	\$2.60 3.17	\$4.75 5.80
1643	11,001 - 12,000	2.80 3.42	4.90 5.98
1644	12,001 - 13,000	3.00 3.66	5.15 6.28
1645	13,001 - 14,000	3.20 3.90	5.40 6.59
1646	14,001 - 15,000	3.40 4.15	5.65 6.89
1647	15,001 - 16,000	3.60 4.39	5.90 7.20
1648	16,001 - 17,000	4.00 4.88	6.15 7.50
1649	17,001 - 18,000	4.40 5.37	6.40 7.81
1650	18,001 - 19,000	4.80 5.86	7.50 9.15
1651	19,001 - 20,000	5.20 6.34	7.70 9.39
1652	20,001 - 21,000	5.60 6.83	7.90 9.64
1653	21,001 - 22,000	6.00 7.32	8.10 9.88
1654	22,001 - 23,000	6.40 7.81	8.30 10.13
1655	23,001 - 24,000	6.80 8.30	8.50 10.37
1656	24,001 - 25,000	6.90 8.42	8.70 10.61

HOUSE

SUBSTITUTE

HB3202H2

1657	25,001 - 26,000	6.95 8.48	8.90
1658	26,001 - 27,000	8.25 10.07	10.35
1659	27,001 - 28,000	8.30 10.13	10.55
1660	28,001 - 29,000	8.35 10.18	10.75
1661	29,001 - 40,000	8.45 10.31	10.95
1662	40,001 - 45,000	8.55 10.43	11.15
1663	45,001 - 50,000	8.75 10.68	11.25
1664	50,001 - 55,000	9.25 11.29	13.25
1665	55,001 - 76,000	11.25 13.73	15.25
1666	76,001 - 80,000	13.25 16.17	16.25

1667 For all such motor vehicles exceeding a gross weight of 6,500 pounds, an additional fee of five
 1668 dollars shall be imposed.

1669 B. In lieu of registering any motor vehicle referred to in this section for an entire licensing year, the
 1670 owner may elect to register the vehicle only for one or more quarters of a licensing year, and in such
 1671 case, the fee shall be twenty-five percent of the annual fee plus five dollars for each quarter that the
 1672 vehicle is registered.

1673 C. When an owner elects to register and license a motor vehicle under subsection B of this section,
 1674 the provisions of §§ 46.2-646 and 46.2-688 shall not apply.

1675 D. Notwithstanding any other provision of law, no vehicle designed, equipped, and used to tow
 1676 disabled or inoperable motor vehicles shall be required to register in accordance with any gross weight
 1677 other than the gross weight of the towing vehicle itself, exclusive of any vehicle being towed.

1678 E. All registrations and licenses issued for less than a full year shall expire on the date shown on the
 1679 license and registration.

1680 § 46.2-702.1. *Distribution of certain revenue.*

1681 *The net additional revenues generated by increases in the registration fees under §§ 46.2-694,*
 1682 *46.2-694.1, and 46.2-697 pursuant to enactments of the 2007 Session of the General Assembly, shall be*
 1683 *deposited by the Comptroller into the Transportation Trust Fund and be used according to*
 1684 *§ 33.1-23.03:10.*

1685 § 46.2-755.1. *Additional annual license fees in certain localities.*

1686 A. *In addition to taxes and license fees imposed pursuant to § 46.2-752 and to all other taxes and*
 1687 *fees permitted by law, and subject to the limitations contained in § 33.1-391.17, beginning January 1,*
 1688 *2008, the governing bodies of the Counties of Isle of Wight, James City, and York and the Cities of*
 1689 *Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, and Williamsburg*
 1690 *are authorized to charge an additional annual license fee in the amount of \$10 for all vehicles for*
 1691 *which the locality is authorized to collect an annual license fee.*

1692 B. *Any and all fees imposed pursuant to this section shall be collected by the Department of Motor*
 1693 *Vehicles at the time the vehicle is registered with the Department or when its registration is renewed.*
 1694 *Each fee shall be denominated by the Department as the "Hampton Roads Improvement Fee." All such*
 1695 *fees shall be remitted by the Comptroller on a monthly basis to the Hampton Roads Transportation*
 1696 *Authority to be used for the purposes set forth in § 33.1-391.16. The Commissioner shall maintain*
 1697 *records of the fee imposed and collected and the locality and address where each vehicle is registered.*

1698 § 46.2-755.2. *Additional initial license fees in certain localities.*

1699 *In addition to taxes and license fees imposed pursuant to § 46.2-752 and to all other taxes and fees*
 1700 *permitted by law, and subject to the limitations contained in § 33.1-391.17, beginning January 1, 2008,*
 1701 *the governing bodies of the Counties of Isle of Wight, James City, and York and the Cities of*
 1702 *Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, and Williamsburg*
 1703 *are authorized to charge an additional initial, one-time license fee on all vehicles for which the locality*
 1704 *is authorized to collect an annual license fee, at the rate of 1% of the retail value of the vehicle*
 1705 *according to the National Automobile Dealers Association at the time the vehicle is first registered in*
 1706 *the locality by the owner of the vehicle. License fees authorized by this section shall be imposed only*
 1707 *once, so long as the ownership of the vehicle upon which they are imposed remains unchanged. The*
 1708 *locality shall exempt from such fee any vehicle for which a fee under this section previously has been*
 1709 *paid, and any vehicle that was registered in another locality having the authority to impose the fee*
 1710 *under this section, immediately prior to registering the vehicle in another locality having the authority*
 1711 *to impose the fee under this section.*

1712 *All such additional license fees shall be paid to and collected by the Department of Motor Vehicles,*
 1713 *and shall not be collectable or collected by any licensed dealer at the time of the sale of any vehicle.*

1714 *Any and all fees collected by the Department of Motor Vehicles under this section shall be*
 1715 *designated by the Department as the "Hampton Roads Transportation Initial Registration Fee" and shall*
 1716 *be remitted by the Comptroller on a monthly basis to the Hampton Roads Transportation Authority to*
 1717 *be used for the purposes as set forth in § 33.1-391.16. The Commissioner shall maintain records of the*

1718 *fee imposed and collected and the locality and address of where each vehicle is registered.*

1719 § 46.2-1135. Liquidated damages for violation of weight limits.

1720 A. Any person violating any weight limit as provided in this chapter or in any permit issued pursuant
1721 to Article 18 (§ 46.2-1139 et seq.) of this chapter by the Department or its designee or by local
1722 authorities pursuant to this chapter shall be assessed liquidated damages. The amount of those damages
1723 shall be:

1724	Excess weight over	Assessed
1725	the prescribed	amount per
1726	or permitted	pound limit
1727	axle weight	

1728		
1729	4,000 pounds or less	1 cent per pound

1730	4,001 to 8,000 pounds	10 cents per pound
------	----------------------------------	-------------------------------

1731	8,001 to 12,000 pounds	20 cents per pound
------	-----------------------------------	-------------------------------

1732	12,001 pounds or more	30 cents per pound
------	----------------------------------	-------------------------------

1733	<i>2,000 pounds or less</i>	<i>1 cent per pound</i>
------	-----------------------------	-------------------------

1734	<i>2,001 to 4,000 pounds</i>	<i>3 cents per pound</i>
------	------------------------------	--------------------------

1735	<i>4,001 to 8,000 pounds</i>	<i>12 cents per pound</i>
------	------------------------------	---------------------------

1736	<i>8,001 to 12,000 pounds</i>	<i>22 cents per pound</i>
------	-------------------------------	---------------------------

1737	<i>12,001 pounds or more</i>	<i>35 cents per pound</i>
------	------------------------------	---------------------------

1738	Excess weight over	Assessed
1739	the prescribed	amount per
1740	gross weight	pound
1741	limit	

1742		
1743	4,000 pounds or less	1 cent per pound

1744	4,001 to 8,000 pounds	5 cents per pound
------	----------------------------------	------------------------------

1745	8,001 to 12,000 pounds	10 cents per pound
------	-----------------------------------	-------------------------------

1746	12,001 pounds or more	15 cents per pound
------	----------------------------------	-------------------------------

1747	<i>2,000 pounds or less</i>	<i>1 cent per pound</i>
------	-----------------------------	-------------------------

1748	<i>2,001 to 4,000 pounds</i>	<i>3 cents per pound</i>
------	------------------------------	--------------------------

1749	<i>4,001 to 8,000 pounds</i>	<i>7 cents per pound</i>
------	------------------------------	--------------------------

1750	<i>8,001 to 12,000 pounds</i>	<i>12 cents per pound</i>
------	-------------------------------	---------------------------

1751	<i>12,001 pounds or more</i>	<i>20 cents per pound</i>
------	------------------------------	---------------------------

1752 All gross permit violations shall be assessed \$.20 per pound over the permitted weight limit.

1753 *In addition to all damages assessed herein, for every violation of any weight limit as provided in this*
1754 *chapter or in any permit issued pursuant to Article 18 (§ 46.2-1139 et seq.) of this chapter, there shall*
1755 *be assessed additional liquidated damages of \$20.*

1756 If a person has no prior violations under the motor vehicle weight laws, and the excess weight does
1757 not exceed ~~2,500~~1,500 pounds, the general district court may waive the liquidated damages against such
1758 person. Except as provided by § 46.2-1138, such assessment shall be entered by the court or by the
1759 Department as a judgment for the Commonwealth, the entry of which shall constitute a lien upon the
1760 overweight vehicle. Except as provided by § 46.2-1138, such sums shall be paid to the Department or
1761 collected by the attorney for the Commonwealth and forwarded to the State Treasurer and allocated to
1762 the fund appropriated for the construction and maintenance of state highways.

1763 B. If the gross weight of the vehicle exceeds lawful limits by at least 25 percent but no more than
1764 50 percent, the amount of the liquidated damages shall be two times the amount provided for in the
1765 foregoing provisions of this section; if the gross weight of the vehicle exceeds lawful limits by more
1766 than 50 percent, the amount of the liquidated damages shall be three times the amount provided for in
1767 the foregoing provisions of this section. The provisions of this subsection shall not apply to pickup or
1768 panel trucks.

1769 C. *The increases in the liquidated damages under subsection A pursuant to enactments of the 2007*
1770 *Session of the General Assembly shall not be applicable to any motor vehicle hauling forest products*
1771 *from the place where such products are first produced, cut, harvested, or felled to the location where*
1772 *they are first processed. Notwithstanding any other provision in this section, except as provided by*
1773 *§ 46.2-1138, the revenues generated by the increases in the liquidated damages under this section*
1774 *pursuant to enactments of the 2007 Session of the General Assembly shall be paid to the Department or*
1775 *collected by the attorney for the Commonwealth and forwarded to the State Treasurer and deposited*
1776 *into the into the Transportation Trust Fund and used according to § 33.1-23.03:10.. For the revenues*

HOUSE

SUBSTITUTE

HB3202H2

1777 *paid to the Department, the Commissioner of the Department shall make such written certifications as*
 1778 *are necessary for the Comptroller to make the required deposit into the Commonwealth Transportation*
 1779 *Capital Projects Fund as soon as practicable.*

1780 *§ 46.2-1167.1. Additional fee permitted in certain counties and cities.*

1781 *A. In addition to all other charges and and fees permitted by law, and subject to the limitations*
 1782 *contained in § 33.1-391.17, beginning January 1, 2008, the governing bodies of the Counties of Isle of*
 1783 *Wight, James City, and York and the Cities of Chesapeake, Hampton, Newport News, Norfolk,*
 1784 *Portsmouth, Suffolk, Virginia Beach, and Williamsburg are authorized to charge an additional fee at the*
 1785 *time of inspection in the amount of \$10 for all vehicles for which an amount is permitted to be charged*
 1786 *for inspection pursuant to § 46.2-1167.*

1787 *B. Any and all fees imposed pursuant to this section shall be collected by the official safety*
 1788 *inspection station at the time of inspection and shall be remitted on a monthly basis to the appropriate*
 1789 *to the Hampton Roads Transportation Authority to be used for the purposes set forth in § 33.1-391.16*
 1790 *The official safety inspection station shall maintain records of the fees imposed and collected.*

1791 *§ 58.1-540. Levy of the tax.*

1792 *A. Any county having a population of more than 500,000, as determined by the 1980 U. S. Census,*
 1793 *any county or city adjacent thereto, and any city contiguous to such an adjacent county or city, or any*
 1794 *city with a population of at least 265,000, is hereby authorized to levy a local income tax at any*
 1795 *increment of one-quarter percent up to a maximum rate of one percent upon the Virginia taxable income*
 1796 *as determined in § 58.1-322 for an individual, § 58.1-361 for a fiduciary of an estate or trust, or*
 1797 *§ 58.1-402 for a corporation, for each taxable year of every resident of such county or city or*
 1798 *corporation having income from sources within such county or city, subject to the limitations of*
 1799 *subsection B of this section. The same rate shall apply to individuals, fiduciaries and corporations.*

1800 *B. The authority to levy a local income tax as provided in subsection A may be exercised by a*
 1801 *county or city governing body only if (i) the county or city is not imposing any of the taxes and fees*
 1802 *authorized pursuant to subsection B of § 46.2-332, and §§ 46.2-332.1, 46.2-755.1, 46.2-755.2,*
 1803 *46.2-1167.1, 58.1-802.1, 58.1-802.2, 58.1-2402.1, 58.1-2402.2, 58.1-3221.2, 58.1-3221.3, and*
 1804 *58.1-3825.1, and (ii) approved in a referendum within the county or city. The referendum shall be held*
 1805 *in accordance with § 24.2-684. The referendum may be initiated either by a resolution of the governing*
 1806 *body of the county or city or on the filing of a petition signed by a number of registered voters of the*
 1807 *county or city equal in number to ten percent of the number of voters registered in the county or city on*
 1808 *January 1 of the year in which the petition is filed with the circuit court of such county or city. The*
 1809 *clerk of the circuit court shall publish notice of the election in a newspaper of general circulation in the*
 1810 *county or city once a week for three consecutive weeks prior to the election. The ballot used shall be*
 1811 *printed to read as follows:*

1812 *"Shall the governing body of (...name of county or city...) have the authority to levy a local income*
 1813 *tax of up to one percent for transportation purposes in accordance with § 58.1-540 of the Code of*
 1814 *Virginia?*

1815 *_ Yes*

1816 *_ No"*

1817 *If the voters by a majority vote approve the authority of the local governing body to levy a local*
 1818 *income tax, the tax may be imposed by the adoption of an ordinance by the governing body of the*
 1819 *county or city in accordance with general or special law, and the tax may be thereafter enacted,*
 1820 *modified or repealed as any other tax the governing body is empowered to levy subject only to the*
 1821 *limitations herein. No ordinance levying a local income tax shall be repealed unless and until all debts*
 1822 *or other obligations of the county or city to which such revenues are pledged or otherwise committed*
 1823 *have been paid or provision made for payment.*

1824 *§ 58.1-802.1. Northern Virginia congestion relief fee.*

1825 *A. Beginning January 1, 2008, in addition to any other tax imposed under the provisions of this*
 1826 *chapter, the governing body of each of the counties and cities that are included in the Northern Virginia*
 1827 *Transportation Authority established pursuant to § 15.2-4830 may impose a fee, delineated as the*
 1828 *"Northern Virginia congestion relief fee," on each deed, instrument, or writing by which lands,*
 1829 *tenements, or other realty is sold and is granted, assigned, transferred, or otherwise conveyed to or*
 1830 *vested in the purchaser or any other person, by such purchaser's direction. The rate of the tax, when the*
 1831 *consideration or value of the interest equals or exceeds \$100, shall be \$0.40 for each \$100 or fraction*
 1832 *thereof, exclusive of the value of any lien or encumbrance remaining thereon at the time of the sale,*
 1833 *whether such lien is assumed or the realty is sold subject to such lien or encumbrance.*

1834 *The fee imposed by this section shall be paid by the grantor, or any person who signs on behalf of*
 1835 *the grantor, of any deed, instrument, or writing subject to the fee imposed by this section.*

1836 *No such deed, instrument, or other writing shall be admitted to record without certification of the*
 1837 *clerk of the court wherein first recorded having been affixed thereto that the fee imposed by this section*
 1838 *has been paid. The clerk shall include within the certificate the amount of such fee collected thereon.*

1839 *B. All revenues generated by the fee imposed pursuant to this section shall be appropriated to the*
 1840 *Northern Virginia Transportation Authority and used according to the provisions of § 15.2-4838.1.*

1841 *C. Fees imposed by this section shall be collected as provided in § 58.1-812.*

1842 *D. No locality imposing the fee pursuant to this section shall cease to impose such fee so long as the*
 1843 *Northern Virginia Transportation Authority (i) is currently engaged in a transportation project within*
 1844 *the boundaries of the locality, (ii) has entered into a binding commitment to begin a transportation*
 1845 *project within the boundaries of the locality, or (iii) has issued bonds or incurred other evidence of debt*
 1846 *that has not been satisfied or paid in full and that relates to a transportation project undertaken by the*
 1847 *Authority within the boundaries of the locality.*

1848 *§ 58.1-802.2. Additional tax authorized in certain localities.*

1849 *A. Beginning January 1, 2008, in addition to any other tax imposed under the provisions of this*
 1850 *chapter, the governing body of the Counties of Isle of Wight, James City, and York and the Cities of*
 1851 *Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, and Williamsburg*
 1852 *may impose a fee, on each deed, instrument, or writing by which lands, tenements, or other realty is*
 1853 *sold and is granted, assigned, transferred, or otherwise conveyed to or vested in the purchaser or any*
 1854 *other person, by such purchaser's direction. The rate of the tax, when the consideration or value of the*
 1855 *interest equals or exceeds \$100, shall be \$0.30 for each \$100 or fraction thereof, exclusive of the value*
 1856 *of any lien or encumbrance remaining thereon at the time of the sale, whether such lien is assumed or*
 1857 *the realty is sold subject to such lien or encumbrance.*

1858 *The fee imposed by this section shall be paid by the grantor, or any person who signs on behalf of*
 1859 *the grantor, of any deed, instrument, or writing subject to the fee imposed by this section.*

1860 *No such deed, instrument, or other writing shall be admitted to record without certification of the*
 1861 *clerk of the court wherein first recorded having been affixed thereto that the fee imposed by this section*
 1862 *has been paid. The clerk shall include within the certificate the amount of such fee collected thereon.*

1863 *B. The governing body of the locality imposing the fee under this section shall appropriate the*
 1864 *revenues collected from such fee to the Hampton Roads Transportation Authority established under*
 1865 *§ 33.1-391.7.*

1866 *C. Fees imposed by this section shall be collected as provided in § 58.1-812.*

1867 *§ 58.1-2217. Taxes levied; rate.*

1868 *A. There is hereby levied a tax at the rate of seventeen and one-half cents per gallon on gasoline and*
 1869 *gasohol.*

1870 *B. There is hereby levied a tax at the rate of ~~sixteen~~ *seventeen and one-half* cents per gallon on*
 1871 *diesel fuel.*

1872 *C. Blended fuel that contains gasoline shall be taxed at the rate levied on gasoline. Blended fuel that*
 1873 *contains diesel fuel shall be taxed at the rate levied on diesel fuel.*

1874 *D. There is hereby levied a tax at the rate of five cents per gallon on aviation gasoline. Any person,*
 1875 *whether or not licensed under this chapter, who uses, acquires for use, sells or delivers for use in*
 1876 *highway vehicles any aviation gasoline shall be liable for the tax at the rate of seventeen and one-half*
 1877 *cents per gallon, along with any penalties and interest that may accrue.*

1878 *E. There is hereby levied a tax at the rate of five cents per gallon on aviation jet fuel purchased or*
 1879 *acquired for use by a user of aviation fuel other than an aviation consumer. There is hereby levied a tax*
 1880 *at the rate of five cents per gallon upon the first 100,000 gallons of aviation jet fuel, excluding bonded*
 1881 *aviation jet fuel, purchased or acquired for use by any aviation consumer in any fiscal year. There is*
 1882 *hereby levied a tax at the rate of one-half cent per gallon on all aviation jet fuel, excluding bonded*
 1883 *aviation jet fuel, purchased or acquired for use by an aviation consumer in excess of 100,000 gallons in*
 1884 *any fiscal year. Any person, whether or not licensed under this chapter, who uses, acquires for use, sells*
 1885 *or delivers for use in highway vehicles any aviation jet fuel taxable under this chapter shall be liable for*
 1886 *the tax imposed at the rate of ~~sixteen~~ *seventeen and one-half* cents per gallon, along with any penalties*
 1887 *and interest that may accrue.*

1888 *F. In accordance with § 62.1-44.34:13, a storage tank fee is imposed on each gallon of gasoline,*
 1889 *aviation gasoline, diesel fuel (including dyed diesel fuel), blended fuel, and heating oil sold and*
 1890 *delivered or used in the Commonwealth.*

1891 *§ 58.1-2249. Tax on alternative fuel.*

1892 *A. There is hereby levied a tax at the rate of ~~sixteen~~ *seventeen and one-half* cents per gallon on*
 1893 *liquid alternative fuel used to operate a highway vehicle by means of a vehicle supply tank that stores*
 1894 *fuel only for the purpose of supplying fuel to operate the vehicle. There is hereby levied a tax at a rate*
 1895 *equivalent to ~~sixteen~~ *seventeen and one-half* cents per gallon on all other alternative fuel used to operate*
 1896 *a highway vehicle. The Commissioner shall determine the equivalent rate applicable to such other*
 1897 *alternative fuels.*

1898 *B. In addition to any tax imposed by this article, there is hereby levied an annual license tax of fifty*
 1899 *dollars per vehicle on each highway vehicle that is fueled from a private source if the alternative fuels*

1900 tax levied under this article has not been paid on fuel used in the vehicle. If such a highway vehicle is
 1901 not in operation by January 1 of any year, the license tax shall be reduced by one-twelfth for each
 1902 complete month which shall have elapsed since the beginning of such year.

1903 § 58.1-2289. Disposition of tax revenue generally.

1904 A. ~~Unless~~*Except as* otherwise provided *subsection F and elsewhere* in this section, all taxes and fees,
 1905 including civil penalties, collected by the Commissioner pursuant to this chapter, less a reasonable
 1906 amount to be allocated for refunds, shall be promptly paid into the state treasury and shall constitute
 1907 special funds within the Commonwealth Transportation Fund. Any balances remaining in these funds at
 1908 the end of the year shall be available for use in subsequent years for the purposes set forth in this
 1909 chapter, and any interest income on such funds shall accrue to these funds. Except as provided in
 1910 § 33.1-23.03:1, no portion of the revenue derived from taxes collected pursuant to §§ 58.1-2217,
 1911 58.1-2249 or § 58.1-2701, and remaining after authorized refunds for nonhighway use of fuel, shall be
 1912 used for any purpose other than the construction, reconstruction or maintenance of the roads and projects
 1913 comprising the State Highway System, the Interstate System and the secondary system of state highways
 1914 and expenditures directly and necessarily required for such purposes, including the retirement of revenue
 1915 bonds.

1916 ~~Revenues~~*Except as provided in subsection F, revenues* collected under this chapter may be also used
 1917 for (i) contributions toward the construction, reconstruction or maintenance of streets in cities and towns
 1918 of such sums as may be provided by law and (ii) expenditures for the operation and maintenance of the
 1919 Department of Transportation, the Department of Rail and Public Transportation, the Department of
 1920 Aviation, the Virginia Port Authority, and the Department of Motor Vehicles as may be provided by
 1921 law.

1922 The Governor is hereby authorized to transfer out of such fund an amount necessary for the
 1923 inspection of gasoline and motor grease measuring and distributing equipment, and for the inspection
 1924 and analysis of gasoline for purity.

1925 B. ~~The~~*Except as provided in subsection F, the* tax collected on each gallon of aviation fuel sold and
 1926 delivered or used in this Commonwealth, less refunds, shall be paid into a special fund of the state
 1927 treasury. Proceeds of this special fund within the Commonwealth Transportation Fund shall be disbursed
 1928 upon order of the Department of Aviation, on warrants of the Comptroller, to defray the cost of the
 1929 administration of the laws of this Commonwealth relating to aviation, for the construction, maintenance
 1930 and improvement of airports and landing fields to which the public now has or which it is proposed
 1931 shall have access, and for the promotion of aviation in the interest of operators and the public generally.

1932 C. One-half cent of the tax collected on each gallon of fuel on which ~~the a~~ refund has been paid at
 1933 ~~the rate of seventeen cents per gallon, or in the case of diesel fuel, fifteen and one-half cents per gallon~~
 1934 *for gasoline, gasohol, diesel fuel, blended fuel, and alternative fuel*, for fuel consumed in tractors and
 1935 unlicensed equipment used for agricultural purposes shall be paid into a special fund of the state
 1936 treasury, known as the Virginia Agricultural Foundation Fund, to be disbursed to make certain refunds
 1937 and defray the costs of the research and educational phases of the agricultural program, including
 1938 supplemental salary payments to certain employees at Virginia Polytechnic Institute and State University,
 1939 the Department of Agriculture and Consumer Services and the Virginia Truck and Ornamentals Research
 1940 Station, including reasonable expenses of the Virginia Agricultural Council.

1941 D. One and one-half cents of the tax collected on each gallon of fuel used to propel a commercial
 1942 watercraft upon which a refund has been paid shall be paid to the credit of the Game Protection Fund of
 1943 the state treasury to be made available to the Board of Game and Inland Fisheries until expended for the
 1944 purposes provided generally in subsection C of § 29.1-701, including acquisition, construction,
 1945 improvement and maintenance of public boating access areas on the public waters of this
 1946 Commonwealth and for other activities and purposes of direct benefit and interest to the boating public
 1947 and for no other purpose. However, one and one-half cents per gallon on fuel used by commercial
 1948 fishing, oystering, clamming, and crabbing boats shall be paid to the Department of Transportation to be
 1949 used for the construction, repair, improvement and maintenance of the public docks of this
 1950 Commonwealth used by said commercial watercraft. Any expenditures for the acquisition, construction,
 1951 improvement and maintenance of the public docks shall be made according to a plan developed by the
 1952 Virginia Marine Resources Commission.

1953 From the tax collected pursuant to the provisions of this chapter from the sales of gasoline used for
 1954 the propelling of watercraft, after deduction for lawful refunds, there shall be paid into the state treasury
 1955 for use by the Marine Resources Commission, the Virginia Soil and Water Conservation Board, the
 1956 State Water Control Board, and the Commonwealth Transportation Board to (i) improve the public
 1957 docks as specified in this section, (ii) improve commercial and sports fisheries in Virginia's tidal waters,
 1958 (iii) make environmental improvements including, without limitation, fisheries management and habitat
 1959 enhancement in the Chesapeake and its tributaries, and (iv) further the purposes set forth in § 33.1-223,
 1960 a sum as established by the General Assembly.

1961 E. Notwithstanding other provisions of this section, there shall be transferred from moneys collected

1962 pursuant to this section to a special fund within the Commonwealth Transportation Fund in the state
 1963 treasury, to be used to meet the necessary expenses of the Department of Motor Vehicles, an amount
 1964 equal to one percent of a sum to be calculated as follows: the tax revenues collected pursuant to this
 1965 chapter, at the tax rates in effect on December 31, 1986, less refunds authorized by this chapter and less
 1966 taxes collected for aviation fuels.

1967 *F. The net additional revenues, as determined by the Commissioner, generated by increases in the*
 1968 *rate of taxes under this chapter pursuant to enactments of the 2007 Session of the General Assembly*
 1969 *shall be deposited by the Comptroller into the Transportation Trust Fund and be used according to*
 1970 *§ 33.1-23.03:10.*

1971 *The Commissioner shall provide a monthly certification to the Comptroller reporting such net*
 1972 *additional revenues generated in the preceding month. The certification for each month shall be*
 1973 *provided to the Comptroller no later than the twentieth of the immediately following month. The*
 1974 *Comptroller shall make the required deposits into the Transportation Trust Fund for each month's*
 1975 *revenues no later than the last day of the immediately following month.*

1976 *§ 58.1-2402.1. Local rental car transportation fee.*

1977 *A. Beginning January 1, 2008, in addition to all other taxes, fees, and other charges imposed under*
 1978 *law, the governing body of a county or city that is included in the Northern Virginia Transportation*
 1979 *Authority established pursuant to § 15.2-4830, may, by ordinance, impose a fee of 2% of the gross*
 1980 *proceeds on the rental in the locality of any daily rental vehicle regardless of whether such vehicle is*
 1981 *required to be licensed in the Commonwealth. The fee shall not be levied upon a rental to a person for*
 1982 *re-rental as an established business or part of an established business or incidental or germane to such*
 1983 *business.*

1984 *B. The governing body of any locality imposing the fee pursuant to this section shall appropriate the*
 1985 *revenues collected to the Northern Virginia Transportation Authority and the revenues shall be used*
 1986 *according to the provisions of § 15.2-4838.1.*

1987 *C. No locality imposing the fee pursuant to this section shall cease to impose such fee so long as the*
 1988 *Northern Virginia Transportation Authority (i) is currently engaged in a transportation project within*
 1989 *the boundaries of the locality, (ii) has entered into a binding commitment to begin a transportation*
 1990 *project within the boundaries of the locality, or (iii) has issued bonds or incurred other evidence of debt*
 1991 *that has not been satisfied or paid in full and that relates to a transportation project undertaken by the*
 1992 *Authority within the boundaries of the locality.*

1993 *D. Any and all fees imposed pursuant to this section shall be collected by the Department of Motor*
 1994 *Vehicles. The Commissioner shall maintain records of the fee imposed and collected by vehicle and the*
 1995 *locality.*

1996 *E. The fee imposed pursuant to the authority granted under this section shall be implemented,*
 1997 *enforced, and collected in the same manner that rental taxes under this chapter are implemented,*
 1998 *enforced, and collected.*

1999 *§ 58.1-2402.2. Local rental car transportation impact fee.*

2000 *A. Beginning January 1, 2008, in addition to all other taxes, fees, and other charges imposed under*
 2001 *law, and subject to the limitations contained in § 33.1-391.17, the governing bodies of the Counties of*
 2002 *Isle of Wight, James City, and York and the Cities of Chesapeake, Hampton, Newport News, Norfolk,*
 2003 *Portsmouth, Suffolk, Virginia Beach, and Williamsburg may, by ordinance, impose a fee of 2% of the*
 2004 *gross proceeds on the rental in the locality of any daily rental vehicle regardless of whether such*
 2005 *vehicle is required to be licensed in the Commonwealth, provided that the governing body of the locality*
 2006 *appropriates the revenues collected from such fee to the Hampton Roads Transportation Authority*
 2007 *established under § 33.1-391.7. The fee shall not be levied upon a rental to a person for re-rental as an*
 2008 *established business or part of an established business, or incidental or germane to such business.*

2009 *B. The fee imposed pursuant to the authority granted under this section shall be implemented,*
 2010 *enforced, and collected in the same manner that rental taxes under this chapter are implemented,*
 2011 *enforced, and collected.*

2012 *C. Any and all fees imposed pursuant to this section shall be collected by the Department of Motor*
 2013 *Vehicles and shall be remitted by the Comptroller on a monthly basis to the Hampton Roads*
 2014 *Transportation Authority to be used for the purposes as set forth in § 33.1-391.16. The Commissioner*
 2015 *shall maintain records of the fee imposed and collected and the locality and address of each vehicle*
 2016 *registered.*

2017 *§ 58.1-2403. Exemptions.*

2018 *No tax shall be imposed as provided in § 58.1-2402, 58.1-2402.1, or 58.1-2402.2 if the vehicle is:*

- 2019 1. Sold to, rented or used by the United States government or any governmental agency thereof;
- 2020 2. Sold to, rented or used by the Commonwealth of Virginia or any political subdivision thereof;
- 2021 3. Registered in the name of a volunteer fire department or rescue squad not operated for profit;
- 2022 4. Registered to any member of the Mattaponi, Pamunkey, or Chickahominy Indian tribes or any

- 2023 other recognized Indian tribe of the Commonwealth living on the tribal reservation;
- 2024 5. Transferred incidental to repossession under a recorded lien and ownership is transferred to the
- 2025 lienholder;
- 2026 6. A manufactured home permanently attached to real estate and included in the sale of real estate;
- 2027 7. A gift to the spouse, son, or daughter of the transferor. With the exception of a gift to a spouse,
- 2028 this exemption shall not apply to any unpaid obligation assumed by the transferee incidental to the
- 2029 transfer;
- 2030 8. Transferred from an individual or partnership to a corporation or limited liability company or from
- 2031 a corporation or limited liability company to an individual or partnership if the transfer is incidental to
- 2032 the formation, organization or dissolution of a corporation or limited liability company in which the
- 2033 individual or partnership holds the majority interest;
- 2034 9. Transferred from a wholly owned subsidiary to the parent corporation or from the parent
- 2035 corporation to a wholly owned subsidiary;
- 2036 10. Being registered for the first time in this Commonwealth and the applicant holds a valid,
- 2037 assignable title or registration issued to him by another state or a branch of the United States Armed
- 2038 Forces and (i) has owned the vehicle for longer than 12 months or (ii) has owned the vehicle for less
- 2039 than 12 months and provides evidence of a sales tax paid to another state. However, when a vehicle has
- 2040 been purchased by the applicant within the last 12 months and the applicant is unable to provide
- 2041 evidence of a sales tax paid to another state, the applicant shall pay the Virginia sales tax based on the
- 2042 fair market value of the vehicle at the time of registration in Virginia;
- 2043 11. Titled in a Virginia or non-Virginia motor vehicle dealer's name for resale;
- 2044 12. A motor vehicle having seats for more than seven passengers and sold to an urban or suburban
- 2045 bus line the majority of whose passengers use the buses for traveling a distance of less than 40 miles,
- 2046 one way, on the same day;
- 2047 13. Purchased in the Commonwealth by a nonresident and a Virginia title is issued for the sole
- 2048 purpose of recording a lien against the vehicle if the vehicle will be registered in a state other than
- 2049 Virginia;
- 2050 14. A motor vehicle designed for the transportation of 10 or more passengers, purchased by and for
- 2051 the use of a church conducted not for profit;
- 2052 15. Loaned or leased to a private nonprofit institution of learning, for the sole purpose of use in the
- 2053 instruction of driver's education when such education is a part of such school's curriculum for full-time
- 2054 students;
- 2055 16. Sold to an insurance company or local government group self-insurance pool, created pursuant to
- 2056 § 15.2-2703, for the sole purpose of disposition when such company has paid the registered owner of
- 2057 such vehicle a total loss claim;
- 2058 17. Owned and used for personal or official purposes by accredited consular or diplomatic officers of
- 2059 foreign governments, their employees or agents, and members of their families, if such persons are
- 2060 nationals of the state by which they are appointed and are not citizens of the United States;
- 2061 18. A self-contained mobile computerized axial tomography scanner sold to, rented or used by a
- 2062 nonprofit hospital or a cooperative hospital service organization as described in § 501 (e) of the United
- 2063 States Internal Revenue Code;
- 2064 19. A motor vehicle having seats for more than seven passengers and sold to a restricted common
- 2065 carrier or common carrier of passengers;
- 2066 20. Beginning July 1, 1989, a self-contained mobile unit designed exclusively for human diagnostic
- 2067 or therapeutic service, sold to, rented to, or used by a nonprofit hospital, or a cooperative hospital
- 2068 service organization as described in § 501 (e) of the United States Internal Revenue Code, or a nonprofit
- 2069 corporation as defined in § 501 (c) (3) of the Internal Revenue Code, established for research in,
- 2070 diagnosis of, or therapy for human ailments;
- 2071 21. Transferred, as a gift or through a sale to an organization exempt from taxation under § 501 (c)
- 2072 (3) of the Internal Revenue Code, provided the motor vehicle is not titled and tagged for use by such
- 2073 organization;
- 2074 22. A motor vehicle sold to an organization which is exempt from taxation under § 501 (c) (3) of the
- 2075 Internal Revenue Code and which is organized for the primary purpose of distributing food, clothing,
- 2076 medicines and other necessities of life to, and providing shelter for, needy persons in the United States
- 2077 and throughout the world;
- 2078 23. A truck, tractor truck, trailer, or semitrailer, as severally defined in § 46.2-100, except trailers and
- 2079 semitrailers not designed or used to carry property and vehicles registered under § 46.2-700, with a gross
- 2080 vehicle weight rating or gross combination weight rating of 26,001 pounds or more, in which case no
- 2081 tax shall be imposed pursuant to subdivisions 1 and 3 of subsection A of § 58.1-2402;
- 2082 24. Transferred to the trustees of a revocable inter vivos trust, when the individual titleholder of a
- 2083 Virginia titled motor vehicle and the beneficiaries of the trust are the same persons, regardless of
- 2084 whether other beneficiaries of the trust may also be named in the trust instrument, when no

2085 consideration has passed between the titleholder and the beneficiaries; and transferred to the original
2086 titleholder from the trustees holding title to the motor vehicle;

2087 25. Transferred to trustees of a revocable inter vivos trust, when the owners of the vehicle and the
2088 beneficiaries of the trust are the same persons, regardless of whether other beneficiaries may also be
2089 named in the trust instrument, or transferred by trustees of such a trust to beneficiaries of the trust
2090 following the death of the grantor, when no consideration has passed between the grantor and the
2091 beneficiaries in either case;

2092 26. Sold by a vehicle's lessor to its lessee upon the expiration of the term of the vehicle's lease, if
2093 the lessee is a natural person and this natural person has paid the tax levied pursuant to this chapter with
2094 respect to the vehicle when he leased it from the lessor, and if the lessee presents an original copy of
2095 the lease upon request of the Department of Motor Vehicles or other evidence that the sales tax has
2096 been paid to the Commonwealth by the lessee purchasing the vehicle; or

2097 27. Titled in the name of a deceased person and transferred to the spouse or heir, or under the will,
2098 of such deceased person.

2099 § 58.1-2531. *Distribution of certain revenue.*

2100 A. *Beginning with the Commonwealth's 2008-2009 fiscal year and for each fiscal year thereafter, an*
2101 *amount equal to one-third of all revenues collected by the Commission in the most recently ended fiscal*
2102 *year from the tax imposed under this chapter shall be deposited by the Comptroller first, as needed, to*
2103 *the Priority Transportation Fund established under § 33.1-23.03:8 to be used to offset the estimated*
2104 *current fiscal year debt service payment requirements of the Transportation Trust Fund established*
2105 *under § 33.1-23.03:1 attributable to Commonwealth of Virginia Federal Highway Reimbursement*
2106 *Anticipation Notes. Any remaining moneys shall be deposited into the Commonwealth Transportation*
2107 *Capital Projects Fund established under § 58.1-2532.*

2108 B. *For purposes of the Comptroller's deposits under this section, the Commissioner of the Bureau of*
2109 *Insurance shall, no later than July 15 of each year, provide a written certification to the Comptroller*
2110 *that reports one-third of all revenues collected by the Commission in the most recently ended fiscal year*
2111 *from the tax imposed under this chapter. After such one-third of all revenues have been deposited into*
2112 *the proper Funds as provided in subsection A, all remaining revenues from the tax imposed under this*
2113 *chapter shall be deposited into the general fund of the state treasury. The Comptroller shall make all*
2114 *deposits under this section as soon as practicable.*

2115 § 58.1-2532. *Commonwealth Transportation Capital Projects Bond Debt Service Fund created.*

2116 A. *There is hereby created in the state treasury a special nonreverting fund that shall be a part of*
2117 *the Transportation Trust Fund and that shall be known as the Commonwealth Transportation Capital*
2118 *Projects Bond Debt Service Fund, hereafter referred to as "the Fund." The Fund shall be established on*
2119 *the books of the Comptroller. The Fund shall consist of deposits pursuant to § 58.1-2531 and shall*
2120 *include such other funds as may be appropriated by the General Assembly from time to time and*
2121 *designated for the Fund and all interest, dividends, and appreciation that may accrue thereto. Interest*
2122 *earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in*
2123 *the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund*
2124 *but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes stated in this*
2125 *section. The Fund shall be administered by the Commonwealth Transportation Board. Expenditures and*
2126 *disbursements from the Fund shall be made by the State Treasurer on warrants issued by the*
2127 *Comptroller upon written request signed by the chairman of the Board or his designee.*

2128 B. *The Commonwealth Transportation Board shall allocate and distribute all revenues of the Fund*
2129 *received in the fiscal year solely to pay any debt service for Commonwealth of Virginia Transportation*
2130 *Capital Projects Revenue Bonds as described in subdivision 4 f of § 33.1-269.*

2131 § 58.1-2701. Amount of tax.

2132 A. Except as provided in subsection B, every motor carrier shall pay a road tax equivalent to
2133 ~~nineteen and one-half~~ *twenty-one* cents per gallon calculated on the amount of motor fuel, diesel fuel or
2134 liquefied gases (which would not exist as liquids at a temperature of sixty degrees Fahrenheit and a
2135 pressure of 14.7 pounds per square inch absolute), used in its operations within the Commonwealth.

2136 The tax imposed by this chapter shall be in addition to all other taxes of whatever character imposed
2137 on a motor carrier by any other provision of law.

2138 B. In lieu of the tax imposed in subsection A, motor carriers registering qualified highway vehicles
2139 that are not registered under the International Registration Plan shall pay a fee of ~~\$100~~ *\$150* per year
2140 for each qualified highway vehicle. The fee is due and payable when the vehicle registration fees are
2141 paid pursuant to the provisions of Article 7 (§ 46.2-685 et seq.) of Chapter 6 of Title 46.2.

2142 If a vehicle becomes a qualified highway vehicle before the end of its registration period, the fee due
2143 at the time the vehicle becomes a qualified highway vehicle shall be prorated monthly to the registration
2144 expiration month. Fees paid under this subsection shall not be refunded unless a full refund of the
2145 registration fee paid is authorized by law.

2146 C. All taxes and fees paid under the provisions of this chapter shall be credited to the Highway
 2147 Maintenance and Operating Fund, a special fund within the Commonwealth Transportation Fund.

2148 § 58.1-2706. Credit for payment of motor fuel, diesel fuel or liquefied gases tax.

2149 A. Every motor carrier subject to the road tax shall be entitled to a credit on such tax equivalent to
 2150 ~~sixteen~~ *seventeen and one-half* cents per gallon on all motor fuel, diesel fuel and liquefied gases
 2151 purchased by such carrier within the Commonwealth for use in its operations either within or without
 2152 the Commonwealth and upon which the motor fuel, diesel fuel or liquefied gases tax imposed by the
 2153 laws of the Commonwealth has been paid by such carrier. Evidence of the payment of such tax in such
 2154 form as may be required by, or is satisfactory to, the Department shall be furnished by each carrier
 2155 claiming the credit herein allowed.

2156 B. When the amount of the credit to which any motor carrier is entitled for any quarter exceeds the
 2157 amount of the tax for which such carrier is liable for the same quarter, the excess may: (i) be allowed as
 2158 a credit on the tax for which such carrier would be otherwise liable for any of the eight succeeding
 2159 quarters or (ii) be refunded, upon application, duly verified and presented and supported by such
 2160 evidence as may be satisfactory to the Department.

2161 C. The Department may allow a refund upon receipt of proper application and review. It shall be at
 2162 the discretion of the Department to determine whether an audit is required.

2163 D. The refund may be allowed without a formal hearing if the amount of refund is agreed to by the
 2164 applicant. Otherwise, a formal hearing on the application shall be held by the Department after notice of
 2165 not less than ten days to the applicant and the Attorney General.

2166 E. Whenever any refund is ordered it shall be paid out of the Highway Maintenance and
 2167 Construction Fund.

2168 F. Whenever a person operating under lease to a motor carrier to perform transport services on
 2169 behalf of the carrier purchases motor fuel, diesel fuel or liquefied gases relating to such services, such
 2170 payments or purchases may, at the discretion of the Department, be considered payment or purchases by
 2171 the carrier.

2172 § 58.1-3221.2. *Classification of commercial real property in certain localities; transportation impact*
 2173 *commercial real property tax.*

2174 A. *Beginning January 1, 2008, solely for the purposes of imposing the tax authorized pursuant to*
 2175 *this section, in the counties and cities that are included in the Northern Virginia Transportation*
 2176 *Authority established pursuant to § 15.2-4830, real estate used for commercial or industrial purposes is*
 2177 *hereby declared to be a separate class of property. Real estate used for commercial or industrial*
 2178 *purposes does not include real estate for which no permit for use has been issued for occupancy of any*
 2179 *premises for commercial use. For purposes of this section, real property that is zoned to permit*
 2180 *multiunit residential use that is primarily leased or rented to residential tenants of other occupants by*
 2181 *an owner who is engaged in such a business shall be deemed to be property in commercial use. In*
 2182 *addition to all other taxes and fees permitted by law, the governing body of any such locality may, by*
 2183 *ordinance, declare the entire locality a special regional transportation tax district and impose a*
 2184 *transportation impact commercial real property tax at the rate of 0.25% of the fair market value of such*
 2185 *property.*

2186 B. *The governing body of any locality imposing the additional tax imposed pursuant to this section*
 2187 *shall appropriate the additional revenue generated to the Northern Virginia Transportation Authority*
 2188 *and the revenue shall be used according o the provisions of § 15.2-4838.1.*

2189 C. *No locality imposing the tax pursuant to this section shall cease to impose such tax so long as the*
 2190 *Northern Virginia Transportation Authority (i) is engaged in a transportation project within the*
 2191 *boundaries of the locality, (ii) has entered into a binding commitment to begin a transportation project*
 2192 *within the boundaries of the locality, or (iii) has issued bonds or incurred other evidence of debt that*
 2193 *has not been satisfied or paid in full and that relates to a transportation project undertaken by the*
 2194 *Authority within the boundaries of the locality.*

2195 D. *The tax imposed pursuant to the authority granted under this section shall be administered,*
 2196 *enforced, and collected in the same manner as set forth in Subtitle III of Title 58.1 for the*
 2197 *administration, enforcement, and collection of local taxes.*

2198 § 58.1-3221.3. *Classification of commercial real property in certain localities; transportation impact*
 2199 *commercial real property tax.*

2200 *Solely for the purposes of imposing the tax authorized pursuant to this section, in the Counties of*
 2201 *Isle of Wight, James City, and York and the Cities of Chesapeake, Hampton, Newport News, Norfolk,*
 2202 *Portsmouth, Suffolk, Virginia Beach, and Williamsburg, commercial real estate is hereby declared to be*
 2203 *a separate class of property solely for the purpose of funding regional transportation improvements*
 2204 *pursuant to § 15.2-4838.1. As used in this section "commercial real estate" means any real estate other*
 2205 *than (i) real estate containing one to four residential units, (ii) real estate on which no buildings are*
 2206 *located, or (iii) real estate classified for assessment purposes under the provisions of Article 4*
 2207 *(§ 58.1-3230 et seq.) of Chapter 32 of Title 58.1. Commercial real estate shall not include single family*

2208 residential units, including condominiums, townhouses, apartments or homes in a subdivision when
 2209 leased on a unit by unit basis even though these units may be part of a larger building or parcel of real
 2210 estate containing more than four residential units.

2211 In addition to all other taxes and fees permitted by law, the governing body of any such locality
 2212 may, by ordinance, declare the entire locality a special regional transportation tax district and impose a
 2213 transportation impact commercial real property tax at the rate of 0.15% of the fair market value of such
 2214 property; provided that the governing body of the locality appropriates the revenues collected from such
 2215 to the Hampton Roads Transportation Authority established under § 33.1-391.7.

2216 The tax imposed pursuant to the authority granted under this section shall be administered, enforced,
 2217 and collected in the same manner as set forth in Subtitle III of Title 58.1 for the administration,
 2218 enforcement, and collection of local taxes.

2219 § 58.1-3825.1. Additional transient occupancy tax in certain counties and cities.

2220 In addition to such transient occupancy taxes as are authorized by this chapter, the Counties of Isle
 2221 of Wight, James City, and York and the Cities of Chesapeake, Hampton, Newport News, Norfolk,
 2222 Portsmouth, Suffolk, Virginia Beach, and Williamsburg may impose an additional transient occupancy
 2223 tax at the rate of \$5 per day for the occupancy of any room or space occupied, provided that the
 2224 governing body of the locality appropriates the revenues collected from such to the Hampton Roads
 2225 Transportation Authority established under § 33.1-391.7.

2226 **2. That the Commonwealth Transportation Board is authorized to issue bonds to fund**
 2227 **transportation projects throughout the Commonwealth as follows:**

2228 § 1. Title. This act shall be known and may be cited as the "Commonwealth Transportation Capital
 2229 Projects Bond Act of 2007."

2230 § 2. The Commonwealth Transportation Board is hereby authorized, by and with the consent of the
 2231 Governor, to issue, pursuant to the provisions of the State Revenue Bond Act (§ 33.1-267 et seq. of the
 2232 Code of Virginia) as amended from time to time, revenue obligations of the Commonwealth to be
 2233 designated "Commonwealth Transportation Capital Projects Notes, Series" at one or more times in
 2234 an aggregate principal amount not to exceed \$2,000,000,000, after all costs; provided that the
 2235 aggregate principal amount issued in any one fiscal year shall not exceed \$300,000,000, excluding any
 2236 refunding bonds. If the aggregate principal amount issued in any fiscal year is less than \$300,000,000,
 2237 then the amount by which such issuance is less than \$300,000,000 may be issued in a subsequent fiscal
 2238 year in addition to the \$300,000,000 authorized in the subsequent fiscal year.

2239 § 3. The net proceeds of the Notes shall be used exclusively for the purpose of providing funds for
 2240 paying the costs incurred or to be incurred for construction or funding of transportation projects
 2241 pursuant to § 33.1-23.4:01 of the Code of Virginia, including but not limited to environmental and
 2242 engineering studies, rights-of-way acquisition, improvements to all modes of transportation, acquisition,
 2243 construction and related improvements, and any financing costs and other financing expenses. Such
 2244 costs may include the payment of interest on the Notes for a period during construction and not
 2245 exceeding one year after completion of construction of the projects.

2246 § 4. The proceeds of the Notes, including any premium received on the sale thereof, shall be made
 2247 available by the Commonwealth Transportation Board to pay costs of the projects and, where
 2248 appropriate, may be paid to any authority, locality, commission, or other entity for the purposes of
 2249 paying for costs of the projects. The proceeds of the Notes may be used together with any federal, local,
 2250 or private funds that may be made available for such purpose. The proceeds of the Notes, together with
 2251 any investment earnings thereon, may, at the discretion of the Commonwealth Transportation Board,
 2252 secure the payment of principal or purchase price of and redemption premium, if any, and interest on
 2253 the Notes.

2254 § 5. The terms and structure of each issue of the Notes shall be determined by the Commonwealth
 2255 Transportation Board, subject to approval by the Treasury Board in accordance with § 2.2-2416 of the
 2256 Code of Virginia, as amended. The Notes of each issue shall be dated; shall be issued in a principal
 2257 amount (subject to the limitations set forth in § 1); shall bear interest at such rate or rates, which may
 2258 be fixed, adjustable, variable or a combination thereof and may be determined by a formula or other
 2259 method; shall mature at such time or times not exceeding 20 years after the issuance thereof; and may
 2260 be made subject to purchase or redemption before their maturity or maturities, at such price or prices
 2261 and under such terms and conditions, all as may be determined by the Commonwealth Transportation
 2262 Board. The Commonwealth Transportation Board shall determine the form of the Notes, whether the
 2263 Notes are certificated or uncertificated, and fix the authorized denomination or denominations of the
 2264 Notes and the place or places of payment of principal or purchase price of, and redemption premium, if
 2265 any, and interest on the Notes, which may be at the office of the State Treasurer or any bank or trust
 2266 company within or without the Commonwealth. The principal or purchase price of, and redemption
 2267 premium, if any, and interest on the Notes shall be made payable in lawful money of the United States
 2268 of America. Each issue of the Notes may be issued under a system of book entry for recording the

2269 ownership and transfer of ownership of rights to receive payments of principal or purchase price of and
2270 redemption premium, if any, and interest on such Notes. All Notes shall have and are hereby declared
2271 to have, as between successive holders, all of the qualities and incidents of negotiable instruments under
2272 the negotiable instruments law of the Commonwealth.

2273 The Commonwealth Transportation Board may sell the Notes from time to time at public or private
2274 sale, by competitive bidding, negotiated sale, or private placement, for such price or prices as it may
2275 determine to be in the best interests of the Commonwealth.

2276 § 6. The Notes shall be signed on behalf of the Commonwealth Transportation Board by the
2277 chairman or vice-chairman of the Commonwealth Transportation Board, or shall bear the facsimile
2278 signature of such officer, and shall bear the official seal of the Board, which shall be attested to by the
2279 manual or facsimile signature of the secretary or assistant secretary of the Commonwealth
2280 Transportation Board. In the event that the Notes shall bear the facsimile signature of the chairman or
2281 vice-chairman of the Commonwealth Transportation Board, such Notes shall be signed by such
2282 administrative assistant as the chairman of the Transportation Board shall determine or by any
2283 registrar/paying agent who may be designated by the Commonwealth Transportation Board. In case any
2284 officer whose signature or a facsimile of whose signature appears on any Notes shall cease to be such
2285 officer before the delivery of such Notes, such signature or facsimile signature nevertheless shall be
2286 valid and sufficient for all purposes as if such officer had remained in office until such delivery.

2287 § 7. All expenses incurred under this Act or in connection with the issuance of the Notes shall be
2288 paid from the proceeds of such Notes or from any available funds as the Commonwealth Transportation
2289 Board shall determine.

2290 § 8. The Commonwealth Transportation Board is hereby authorized to borrow money at such rate or
2291 rates through the execution and issuance of the Notes for the same, but only in the following
2292 circumstances and under the following conditions:

2293 a. In anticipation of the sale of the Notes, the issuance of which shall have been authorized by the
2294 Commonwealth Transportation Board and shall have been approved by the Governor, if the
2295 Commonwealth Transportation Board shall deem it advisable to postpone the issuance of such Notes; or

2296 b. For the renewal of any anticipation notes herein authorized.

2297 § 9. The proceeds of the Notes and of any anticipation notes herein authorized (except the proceeds
2298 of the Notes the issuance of which has been anticipated by such anticipation notes) shall be placed by
2299 the State Treasurer in a special fund in the state treasury, or may be placed with a trustee in
2300 accordance with § 33.1-283 of the Code of Virginia, as amended, and shall be disbursed only for the
2301 purpose for which such Notes and such anticipation notes shall be issued; provided, however, that
2302 proceeds derived from the sale of the Notes herein authorized shall be first used in the payment of any
2303 anticipation notes that may have been issued in anticipation of the sale of such Notes and any renewals
2304 of such Notes. The proceeds of the Notes and of any anticipation notes herein authorized, together with
2305 any investment earnings thereon, shall not be taken into account in computing, and shall be in addition
2306 to funds allocated pursuant to the highway allocation formula set forth in § 33.1-23.1 of the Code of
2307 Virginia, as amended.

2308 § 10. The Commonwealth Transportation Board is hereby authorized to receive any other funds that
2309 may be made available to pay costs of the projects and, subject to appropriation, to make available the
2310 same to the payment of the principal or purchase price of, and redemption premium, if any, and interest
2311 on the Notes authorized hereby and to enter into the appropriate agreements to allow for those funds to
2312 be paid into the state treasury, or to a trustee in accordance with § 33.1-283 of the Code of Virginia, as
2313 amended, to pay a part of the costs of the projects or to pay principal or purchase price of, and
2314 redemption premium, if any, and interest on the Notes.

2315 § 11. The Commonwealth Transportation Board, in connection with the issuance of the Notes, shall
2316 establish a fund in accordance with § 33.1-286 of the Code of Virginia, as amended, either in the state
2317 treasury or with a trustee in accordance with § 33.1-283 of the Code of Virginia, as amended, which
2318 shall secure and be used for the payment of the Notes to the credit of which there shall be deposited
2319 such amounts, appropriated therefor by the General Assembly, as are required to pay principal or
2320 purchase price of, and redemption premium, if any, and interest on the Notes, as and when due and
2321 payable, (i) first from revenues in the Commonwealth Transportation Capital Projects Fund pursuant to
2322 § 58.1-2532 of the Code of Virginia; (ii) then, at the discretion of the Commonwealth Transportation
2323 Board, to the extent required, from legally available revenues of the Transportation Trust Fund; and
2324 (iii) then from such other funds, if any, that may be designated by the General Assembly for such
2325 purpose.

2326 § 12. Note proceeds and moneys in any reserve funds and sinking funds in respect of the Notes shall
2327 be invested by the State Treasurer in accordance with the provisions of general law relating to the
2328 investment of such funds belonging to or in the control of the Commonwealth, or by a trustee in
2329 accordance with § 33.1-283 of the Code of Virginia, as amended.

2330 § 13. The interest income from and any profit made on the sale of the obligations issued under the

2331 *provisions of this Act shall at all times be free and exempt from taxation by the Commonwealth and by*
 2332 *any municipality, county, or other political subdivision thereof.*

2333 § 14. *All obligations issued under the provisions of this Act are hereby made securities in which all*
 2334 *persons and entities listed in § 33.1-280 of the Code of Virginia, as amended, may properly and legally*
 2335 *invest funds under their control.*

2336 3. **That the revenues generated by the provisions of this act shall not be used to calculate or**
 2337 **reduce the share of local, federal, and state revenues otherwise available to participating**
 2338 **jurisdictions. Further, such revenues and moneys shall not be included in any computation of, or**
 2339 **formula for, a locality's ability to pay for public education, upon which appropriations of state**
 2340 **revenues to local governments for public education are determined.**

2341 4. **That prior to December 1 each year beginning 2008, the Washington Metropolitan Transit**
 2342 **Authority shall submit to the Auditor of Public Accounts its annual audit report and financially**
 2343 **audited statements for the most recent fiscal year.**

2344 5. **That each governing body of a county or city adopting by ordinance any of the fees authorized**
 2345 **under subsection B of § 46.2-332, and §§ 46.2-332.1, 46.2-755.1, 46.2-755.2, 46.2-1167.1, 58.1-802.1,**
 2346 **58.1-802.2, 58.1-2402.1, 58.1-2402.2, 58.1-3221.2, 58.1-3221.3, and 58.1-3825.1 of the Code of**
 2347 **Virginia shall provide a copy of the ordinance to the Clerk of the House of Delegates and the**
 2348 **Clerk of the Senate as soon as practicable.**

2349 6. **That each county or city that imposes any of the fees authorized pursuant to subsection B of**
 2350 **§ 46.2-332, and §§ 46.2-332.1, 46.2-755.1, 46.2-755.2, 46.2-1167.1, 58.1-802.1, 58.1-802.2, 58.1-2402.1,**
 2351 **58.1-2402.2, 58.1-3221.2, 58.1-3221.3, and 58.1-3825.1 of the Code of Virginia pursuant to the**
 2352 **provisions of this act shall for each fiscal year in which it imposes such tax expend or disburse for**
 2353 **transportation purposes an amount (computed without regard to any revenues generated in the**
 2354 **fiscal year from such taxes) that is at least equal to the total amount expended or disbursed for**
 2355 **transportation purposes by the county or city in its fiscal year that began in calendar year 2006.**

2356 7. **That, if the Hampton Roads Transportation Authority becomes effective January 1, 2008,**
 2357 **pursuant to the sixth enactment of this act, the Authority shall also develop as part of a**
 2358 **long-range transportation plan performance measures for Hampton Roads relating to, but not**
 2359 **limited to, transportation congestion reduction, transit and high-occupancy vehicle (HOV) usage,**
 2360 **job/housing ratios, job and housing access to transit and pedestrian facilities, air quality, and**
 2361 **per-capita vehicle miles traveled.**

2362 8. **That the local transportation fees authorized under this act pursuant to §§ 46.2-332.1,**
 2363 **46.2-755.1, 46.2-755.2, 46.2-1167.1, 58.1-802.2, 58.1-2402.2, 58.1-3221.3, and 58.1-3825.1 of the Code**
 2364 **of Virginia shall be levied and imposed by the applicable local governing body only if such local**
 2365 **governing body first convenes a public hearing informing the public of its intention to adopt such**
 2366 **fees and adopts an ordinance, on or before December 31, 2007, to be effective January 1, 2008,**
 2367 **that also indicates the local governing body is joining the Hampton Roads Transportation**
 2368 **Authority and designates the member of the local governing body that shall serve on the**
 2369 **Authority.**

2370 9. **That the provisions of this act adding sections numbered 33.1-391.6 through 33.1-391.17, and**
 2371 **by adding §§ 46.2-332.1, 46.2-755.1, 46.2-755.2, 46.2-1167.1, 58.1-802.2, 58.1-2402.2, 58.1-3221.3,**
 2372 **and 58.1-3825.1 are effective January 1, 2008, and only if the requirements of the eighth**
 2373 **enactment of this act are met by the governing bodies of at least six localities.**

2374 10. **That \$339 million in Item 449.10 of Chapter 3 of the Acts of Assembly of the 2006 Special**
 2375 **Session I of the General Assembly shall be transferred to the Transportation Partnership**
 2376 **Opportunity Fund to advance the construction of critical highway, rail, and port projects.**
 2377 **Notwithstanding the limitations of subsections A and E of § 33.1-221.1:8, the Governor shall**
 2378 **provide sufficient grants and loans to advance critical highway, rail, and port projects constructed**
 2379 **pursuant to § 33.1-12, Chapter 22 (§ 56-556 et seq.) of Title 55.6, or § 62.1-132.6 of the Code of**
 2380 **Virginia. At the discretion of the Governor, up to \$65 million may be transferred from the**
 2381 **Transportation Partnership Opportunity Fund to the Rail Enhancement Fund and \$15 million**
 2382 **from the Transportation Partnership Opportunity Fund to the Commonwealth Port Fund,**
 2383 **provided that the Governor notifies the Chairmen of the Senate Finance and House**
 2384 **Appropriations Committees in writing at least thirty days in advance of the transfer.**

2385 11. **That \$250 million each fiscal year beginning July 1, 2008, is appropriated and shall be**
 2386 **transferred each fiscal year from the general fund and deposited into the Transportation Trust**
 2387 **Fund and used according to § 33.1-23.03:10.**

2388 12. **That the provisions of this act providing for the General Assembly to elect members of the**
 2389 **Commonwealth Transportation Board shall not affect members of the Board appointed prior to**
 2390 **July 1, 2007.**

2391 13. **That the Virginia Department of Transportation, with the advice and consent of the**

2392 Commonwealth Transportation Board, shall, on or before January 1, 2009, reconsider and
2393 reassign the various highways, bridges, and other facilities comprising the state primary,
2394 secondary, and urban highway systems so that the assignment of components to such systems is
2395 based, to the maximum degree practicable, solely upon the components' functional classification.
2396 14. That the Virginia Department of Transportation shall, on or before January 1, 2008, submit a
2397 written report to the General Assembly on its plans to create opportunities to enhance mobility
2398 and free-flowing traffic on Department-controlled toll facilities by embracing technological
2399 advances.
2400 15. That nothing in this act shall be construed to prohibit any county or city that imposes any of
2401 the fees authorized pursuant to subsection B of § 46.2-332, and §§ 46.2-332.1, 46.2-755.1,
2402 46.2-755.2, 46.2-1167.1, 58.1-802.1, 58.1-802.2, 58.1-2402.1, 58.1-2402.2, 58.1-3221.2, 58.1-3221.3,
2403 and 58.1-3825.1 pursuant to the provisions of this act, from reducing or repealing any other fees
2404 or taxes.
2405 16. That the tenth enactment clauses of Chapter 1019 and Chapter 1044 of the Acts of Assembly
2406 of 2000 are repealed effective July 1, 2008.
2407 17. That counties shall have until July 1, 2011, to amend their comprehensive plans in accordance
2408 with the provisions of § 15.2-2223.1 of the Code of Virginia pursuant to this act.
2409 18. That should any portion of this act be held unconstitutional by a court of competent
2410 jurisdiction, the remaining portions of this act shall remain in effect.
2411 19. That of the \$227 million in general fund revenue that exceeds the official revenue forecast in
2412 the appropriation act enacted by the 2006 Special Session I of the General Assembly, \$64 million
2413 shall be deposited into the Transportation Trust Fund, and the remaining \$163 million shall be
2414 deposited into the Commonwealth Transportation Capital Projects Debt Service Fund established
2415 under § 58.1-2532.
2416 20. That the Speaker of the House and Majority Leader of the Senate shall appoint a joint
2417 subcommittee to identify ways to cut expenses in the operation of state government. The joint
2418 subcommittee shall conduct a systematic review of the effectiveness of state programs and make
2419 recommendations to the General Assembly. The joint subcommittee's review shall include ways
2420 agencies may operate more economically and efficiently; ways in which agencies can provide better
2421 services to the Commonwealth and its citizens; and areas in which functions of state agencies are
2422 duplicative or overlapping, fail to accomplish legislative objectives, or for any other reason should
2423 be redefined.
2424 21. That the fees collected pursuant to § 46.2-206.1 in the fiscal year ending June 30, 2008, shall
2425 be deposited and held in a special fund in the state treasury and transferred on August 15, 2008,
2426 to the Transportation Trust Fund and used according to § 33.1-23.03:10.
2427
2428
2429