

# VIRGINIA ACTS OF ASSEMBLY -- 1999 SESSION

## CHAPTER 538

*An Act to amend and reenact §§ 33.1-221.1:3 and 58.1-815.1 of the Code of Virginia; to amend and reenact § 2 of the first enactment of Chapter 8 of the Acts of Assembly of the Second Special Session of 1989; and to amend and reenact § 2 of Chapter 391 of the Acts of Assembly of 1993, as amended by Chapters 470 and 597 of the Acts of Assembly of 1994 and by Chapters 740 and 761 of the Acts of Assembly of 1998, relating to the U.S. Route 58 Commonwealth of Virginia Transportation Revenue Bond Act of 1989, the U.S. Route 58 Corridor Development Program, the issuance of bonds to finance the cost of such program, and amendments thereto relating to increasing the principal amount of bonds authorized to be issued to \$704,300,000 and designating the projects qualifying for the increase in such financing; and further relating to the Northern Virginia Transportation District Program, the issuance of bonds to finance the costs of such program, the Northern Virginia Transportation District Fund, the use of such fund to pay debt service; the amendments thereto relating to increasing the principal amount of bonds authorized to be issued to \$471,200,000 and redesignating the projects qualifying for such financing and the amounts allocated to each such project.*

[H 2088]

Approved March 27, 1999

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

**1. That §§ 33.1-221.1:3 and 58.1-815.1 of the Code of Virginia are amended and reenacted as follows:**

§ 33.1-221.1:3. Northern Virginia Transportation District Program.

A. The General Assembly declares it to be in the public interest that the economic development needs and economic growth potential of Northern Virginia be addressed by a special transportation program to provide for the costs of providing an adequate, modern, safe and efficient transportation network in Northern Virginia which shall be known as the Northern Virginia Transportation District Program (the Program), including, without limitation, environmental and engineering studies, rights-of-way acquisition, construction, improvements to all modes of transportation, and financing costs. The Program consists of the following projects: the Fairfax County Parkway, Route 234 Bypass, Metro Capital Improvements, including the Franconia-Springfield Metrorail Station and new rail car purchases, Route 7 improvements in Loudoun County ~~between Route 15 and Route 28,~~ and Fairfax County, the Route 50/Courthouse Road interchange improvements in Arlington County, the Route 28/Route 625 interchange improvements in Loudoun County, ~~and~~ Metrorail capital improvements attributable to the City of Alexandria including the King Street Metrorail Station access, *Metrorail capital improvements attributable to Arlington County, including Ballston Station improvements, Route 15 safety improvements in Loudoun County, Route 1/Route 123 interchange improvements in Prince William County, Lee Highway improvements in the City of Fairfax, Route 123 improvements in Fairfax County, Telegraph Road improvements in Fairfax County, Route 1/Route 234 interchange improvements in Prince William County, Potomac-Rappahannock Transportation Commission bus replacement program, and Dulles Corridor Enhanced Transit program.*

B. Allocations to this Program from the Northern Virginia Transportation District Fund established by § 58.1-815.1 shall be made annually by the Commonwealth Transportation Board for the creation and enhancement of a safe, efficient transportation system connecting the communities, businesses, places of employment, and residences of the Commonwealth, thereby enhancing the economic development potential, employment opportunities, mobility and quality of life in Virginia.

C. Except in the event that the Northern Virginia Transportation District Fund is insufficient to pay for the costs of the Program, allocations to the Program shall not diminish or replace allocations made from other sources or diminish allocations to which any district, system, or locality would be entitled under other provisions of this title, but shall be supplemental to other allocations to the end that transportation improvements in the Northern Virginia Transportation District may be accelerated and augmented. Allocations under this subsection shall be limited to projects specified in § 33.1-268 (2) (s).

D. The Commonwealth Transportation Board may expend such funds from all sources as may be lawfully available to initiate the Program and to support bonds and other obligations referenced in subsection E of this section.

E. The Commonwealth Transportation Board is authorized to receive, dedicate or use first from (i) revenues received from the Northern Virginia Transportation District Fund, (ii) to the extent required, funds appropriated and allocated, pursuant to the highway allocation formula as provided by law, to the highway construction district in which the project or projects to be financed are located or to the city or county in which the project or projects to be financed are located, (iii) to the extent required, legally

available revenues of the Transportation Trust Fund, and (iv) such other funds which may be appropriated by the General Assembly for the payment of bonds or other obligations, including interest thereon, issued in furtherance of the Program. No such bond or other obligations shall pledge the full faith and credit of the Commonwealth.

§ 58.1-815.1. Northern Virginia Transportation District Fund.

A. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be a part of the Transportation Trust Fund and which shall be known as the Northern Virginia Transportation District Fund, consisting of transfers pursuant to § 58.1-816 of annual collections of the state recordation taxes attributable to the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park and the Counties of Arlington, Fairfax, Loudoun, and Prince William; however, this dedication shall not affect the local recordation taxes under §§ 58.1-802 B and 58.1-814. The Fund shall also include any public rights-of-way use fees appropriated by the General Assembly; any state or local revenues, including but not limited to, any funds distributed pursuant to §§ 33.1-23.3, 33.1-23.4 or § 33.1-23.5:1, which may be deposited into the Fund pursuant to a contract between a jurisdiction participating in the Northern Virginia Transportation District Program and the Commonwealth Transportation Board; and any other funds as may be appropriated by the General Assembly from time to time and designated for this Fund and all interest, dividends and appreciation which may accrue thereto. Any moneys remaining in the Fund at the end of a biennium shall not revert to the general fund, but shall remain in the Fund, subject to the determination by the Commonwealth Transportation Board that a Category 2, 3 or 4 project or projects may be funded.

B. Allocations from this Fund may be paid (i) to any authority, locality or commission for the purposes of paying the costs of the Northern Virginia Transportation District Program which consists of the following: the Fairfax County Parkway, Route 234 Bypass, Metro Capital Improvements, including the Franconia-Springfield Metrorail Station and new rail car purchases, Route 7 improvements in Loudoun County ~~between Route 15 and Route 28, the~~ and Fairfax County, Route 50/Courthouse Road interchange improvements in Arlington County, the Route 28/Route 625 interchange improvements in Loudoun County, ~~and~~ Metrorail capital improvements attributable to the City of Alexandria, including the King Street Metrorail station access, *Metrorail capital improvements attributable to Arlington County, including Ballston Station improvements, Route 15 safety improvements in Loudoun County, Route 1/Route 123 interchange improvements in Prince William County, Lee Highway improvements in the City of Fairfax, Route 123 improvements in Fairfax County, Telegraph Road improvements in Fairfax County, Route 1/Route 234 interchange improvements in Prince William County, Potomac-Rappahannock Transportation Commission bus replacement program, and Dulles Corridor Enhanced Transit program* and (ii) for Category 4 projects as provided in § 2 of the act or acts authorizing the issuance of Bonds for the Northern Virginia Transportation District Program.

C. On or before July 15, 1994, \$19 million shall be transferred to the Fund. Such transfer shall be made by the issuance of a treasury loan at no interest in the amount of \$19 million in the event such an amount is not included for the Fund in the general appropriation act enacted by the 1994 Session of the General Assembly. Such treasury loan shall be repaid from the Commonwealth's portion of the state recordation tax imposed by Chapter 8 (§ 58.1-800 et seq.) of Title 58.1 designated for the Fund by this section and § 58.1-816.

**2. That § 2 of the first enactment of Chapter 8 of the Acts of Assembly of the Second Special Session of 1989 is amended and reenacted as follows:**

§ 2. The Commonwealth Transportation Board is hereby authorized, by and with the consent of the Governor, to issue, pursuant to the provisions of §§ 33.1-267 through 33.1-295 of the Code of Virginia, at one time or from time to time, bonds of the Commonwealth to be designated "Commonwealth of Virginia Transportation Revenue Bonds, Series .....", in an aggregate principal amount not exceeding ~~\$600,000,000~~ \$704,300,000 to finance the cost of the project plus an amount for the issuance costs, reserve funds, and other financing expenses. The proceeds of such bonds shall be used exclusively for the purpose of providing funds, with any other available funds, for paying all costs incurred or to be incurred for the construction of an adequate, modern, safe, and efficient highway system, generally along Virginia's southern boundary and which comprises the U.S. Route 58 Corridor Development Program as established in § 33.1-221.1:2, consisting of the environmental and engineering studies, rights-of-way acquisition, construction and related improvements (the Project).

*Of the \$104.3 million increase in bond issuance authorized by the 1999 Session of the General Assembly, \$82 million shall be issued for portions of the Project as follows:*

<i>Portion of the Project</i>	<i>Bond amount</i>
<i>Ben Hur to Pennington Gap in Lee County</i>	<i>\$ 9,800,000</i>
<i>Pennington Gap to Dryden in Lee County</i>	<i>\$35,600,000</i>
<i>Anticipated shortfall on the Danville</i>	

<i>Bypass, Clarksville Bypass, Stuart</i>	
<i>Bypass, and completion of a gap west</i>	
<i>of Jonesville in Lee County</i>	<i>\$35,100,000</i>
<i>Taylor's Valley in Washington County</i>	<i>\$ 1,500,000</i>
<i>Total</i>	<i>\$82,000,000</i>

*The remaining balance of the bond issuance in the amount of \$22.3 million, together with any bond issuance not necessary to complete the above projects, shall be issued for right-of-way acquisition from the Town of Stuart, in Patrick County along the Route 58 corridor to its intersection with Interstate 77 in Carroll County.*

Such revenue bonds shall be issued by the Commonwealth Transportation Board and sold through the Treasury Board, which is hereby designated the sales and paying agent of the Commonwealth Transportation Board with respect to such bonds. The Treasury Board's duties shall include the approval of the terms and structure of the bonds.

**3. That § 2 of Chapter 391 of the Acts of Assembly of 1993, as amended by Chapters 470 and 597 of the Acts of Assembly of 1994 and by Chapters 740 and 761 of the Acts of Assembly of 1998, is amended and reenacted as follows:**

§ 2. The Commonwealth Transportation Board is hereby authorized, by and with the consent of the Governor, to issue, pursuant to the provisions of §§ 33.1-267 through 33.1-295, at one time or from time to time, bonds of the Commonwealth to be designated "Commonwealth of Virginia Transportation Contract Revenue Bonds, Series .....", in an aggregate principal amount not exceeding ~~\$366,900,000~~ *471,200,000* to finance the cost of the projects plus an amount for the issuance costs, capitalized interest, reserve funds, and other financing expenses (the "Bonds"). The proceeds of the Bonds shall be used exclusively for the purpose of providing funds, with any other available funds, for paying the costs incurred or to be incurred for construction or funding of the projects which comprise the Northern Virginia Transportation District Program as hereinafter defined and as established in Article 5 (§ 33.1-267 et seq.) of Chapter 3 of Title 33.1, consisting of environmental and engineering studies, rights-of-way acquisition, improvements to all modes of transportation, construction and related improvements (the "projects"). Such costs may include the payment of interest on the Bonds for a period during construction and not exceeding one year after completion of construction of the projects.

The projects shall be classified as Category 1, Category 2, Category 3, and Category 4 projects, each category being subject to different preconditions. Bonds to finance the cost of Category 1 and Category 3 projects may be issued by the Commonwealth Transportation Board. Bonds to finance the cost of Category 2 projects may be issued by the Commonwealth Transportation Board only if the aggregate principal amount of ~~\$361,900,000~~ *466,200,000* in bonds has been issued to finance the cost of Category 1 and Category 3 projects. Category 4 projects shall not be financed through the issuance of bonds; however, after all Bonds authorized have been issued, then to the extent the Northern Virginia Transportation District Fund contains amounts in excess of the amount needed to pay annual debt service on such Bonds in a particular fiscal year, such excess amounts may be expended to pay the cost of the work identified as Category 4 projects.

The projects, and the amount of bonds authorized to be issued for each such project, are as follows and constitute the Northern Virginia Transportation District Program:

Category 1 projects	Bond amount
Metro Capital Improvements,	
including the	
Franconia-Springfield	
Metrorail Station	\$ 85,600,000
Fairfax County Parkway	\$ 87,000,000
Route 234 Bypass	\$ 73,400,000

Route 7 improvements between	
Route 15 and Route 28 in	
Loudoun County	\$ 15,000,000
Total	\$261,000,000

Category 2 projects consist of the Route 234 Bypass/Route 28 interchange improvements in Prince William County, in the amount of \$5,000,000.

Category 3 projects	Bond amount
Route 50/Courthouse	
Road interchange	\$10,000,000
Fairfax County Parkway --	
Partially-funded segments	
between Route 1 and Route 7	\$50,000,000
Route 234 Bypass from	
Route 28 to Route 234	\$15,300,000
Route 28/Route 625	
interchange	\$ 7,900,000
Metrorail Capital Improvements	
attributable to the	
City of Alexandria,	
including the King Street	
Metrorail station access	<del>\$ 4,400,000</del> 8,600,000
Metrorail Capital Improvements,	
including new	
rail car purchases	<del>\$13,300,000</del> 29,300,000
<i>Route 15 Safety Improvements</i>	
<i>Leesburg Town Line</i>	
<i>to Potomac River</i>	\$ 10,100,000
<i>Route 1/Route 123 Interchange</i>	\$ 8,200,000
<i>Lee Highway Improvements</i>	
<i>City of Fairfax</i>	\$ 3,100,000
<i>Route 123 Widening</i>	
<i>Occoquan River</i>	
<i>to Lee Chapel Road</i>	\$ 27,000,000
<i>Dulles Corridor</i>	

Enhanced Transit Program	\$ 6,000,000
Route 7 Improvements- Loudoun County Line to Reston Parkway	\$ 10,000,000
Route 7 Improvements- Reston Parkway to Dulles Toll Road	\$ 3,000,000
Telegraph Road Improvements- S. Kings Highway to Beulah St.	\$ 5,000,000
Route 1/Route 234 Interchange	\$ 4,000,000
Potomac-Rappahannock Transportation Commission Bus Replacement Program	\$ 1,500,000
Metrorail Capital Improvements attributable to Arlington County, including Ballston Station improvements	\$ 6,200,000
Total	<del>\$100,900,000</del> 205,200,000

The Commonwealth Transportation Board shall only issue the bonds for Category 3 projects in an amount or amounts necessary to expedite or complete the Category 3 projects if the following conditions are satisfied: (i) at least two of the jurisdictions participating in the Northern Virginia Transportation District Program have entered into a contract pursuant to § 58.1-815.1 and (ii) the governing bodies of at least five of the jurisdictions participating in the Northern Virginia Transportation District Program and comprising a majority of population of the jurisdictions participating in such Program have adopted resolutions endorsing the proposed sale or sales of bonds to support the Category 3 projects. Such contracts and resolutions shall remain in force so long as any debts or obligations for Category 3 projects remain outstanding.

The work identified as Category 4 projects to be funded from the Northern Virginia Transportation District Fund, to the extent there are sums in excess of the amount needed to pay debt service on the Bonds in a given fiscal year, is as follows:

Category 4 projects

Such projects as may be concurred in by the local jurisdictions participating in the Northern Virginia Transportation District Program, as evidenced by resolutions adopted by an affirmative vote of each of the jurisdictions participating in the Northern Virginia Transportation District Program and subject to such guidelines and conditions as may be promulgated by the Commonwealth Transportation Board.

The Bonds shall be issued by the Commonwealth Transportation Board and sold through the Treasury Board, which is hereby designated the sales and paying agent of the Commonwealth Transportation Board with respect to the Bonds. The Treasury Board's duties shall include the approval of the terms and structure of the Bonds. In the event the aggregate principal amount of the issuance, for the projects and amounts authorized by the 1994 amendments to Chapter 391 of the Acts of Assembly of 1993, is less than \$127,000,000, the Commonwealth Transportation Board shall cause each Category 1 project to be shared in the reduced issuance by reducing the proceeds of the Bonds for each of the Category 1 projects on a pro rata basis.

**4. That if any part of this act or the application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, such holding shall not affect the validity of the remainder of the provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.**