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SUBTITLE IV

LOCAL & REGIONAL TRANSPORTATION.

Drafting note: A subtitle is created to organize articles and chapters that relate to local and regional transportation. Within this subtitle there are references to many local boards such as boards of supervisor or district advisory boards and so in this subtitle references to the Commonwealth Transportation Board use the full name so as not to create confusion between the different boards.

CHAPTER ~~45~~ XX.

TRANSPORTATION DISTRICT ACT OF 1964.

Drafting note: This proposed chapter, currently Chapter 45 (§ 15.2-4500 et seq.) of Title 15.2 is relocated to proposed Title 33.2 from Title 15.2, Counties, Cities and Towns, because of its relevance to transportation.

Article 1.

General Provisions.

~~§ 15.2-4500. Short title.~~

~~This chapter may be cited as the "Transportation District Act of 1964."~~

Drafting note: This section is recommended for repeal because of the Code-wide application of § 1-244, which states that the caption of a subtitle, chapter, or article serves as a short title caption.

~~§ 15.2-4501~~ 33.2-XXX. Declaration of policy.

The development of transportation systems, composed of transit facilities, public highways, and other modes of transport, is necessary for the orderly growth and development of the urban areas of the Commonwealth; for the safety, comfort, and convenience of its citizens; and for the economical utilization of public funds. The provision of the necessary facilities and services cannot be achieved by the unilateral action of the counties and cities, and the attainment thereof requires planning and action on a regional basis, conducted cooperatively and on a continuing basis, between representatives of the affected political subdivisions and the

28 Commonwealth Transportation Board. In those urban areas of the Commonwealth ~~which that~~
29 together form a single metropolitan area, solutions must be jointly sought with the affected
30 political subdivisions and highway departments. Such joint action should be conducted in a
31 manner ~~which that~~ preserves, to the extent the necessity for joint action permits, local autonomy
32 over patterns of growth and development of each participating ~~political jurisdiction~~ locality. The
33 requisite joint action may best be achieved through the device of a transportation district, having
34 the powers, functions, and duties ~~hereinafter~~ set forth in this chapter. In the provision of
35 improved or expanded transit facilities, it is the policy of the Commonwealth to make use of
36 private enterprise to the extent reasonably practicable.

37 **Drafting note: Technical changes are made to conform language with the proposed**
38 **title-wide definitions section, § 33.2-100.**

39 § ~~15.2-4502~~ 33.2-XXX. Definitions.

40 As used in this chapter, ~~the following words and terms shall have the following~~
41 ~~meanings~~, unless the context ~~clearly~~ requires a different meaning:

42 ~~(a) "District" means a transportation district authorized to be created by this chapter;~~

43 ~~(b) "Commission" or "district commission" means the governing body of a district;~~

44 ~~(c) "Agency" or "such agency" means an agency authorized by, or arising from action of,~~
45 the General Assembly ~~of Virginia~~ to plan for or provide transportation facilities and service for
46 a metropolitan area ~~partly~~ located wholly or in part in ~~Virginia; the Commonwealth.~~

47 "Commission" or "district commission" means the governing body of a district.

48 ~~(d) "Component governments" means the counties and cities comprising composing a~~
49 transportation district and the various departments, bureaus, and divisions of such counties and
50 cities;

51 "District" means a transportation district authorized to be created by this chapter.

52 ~~(e) "Governing bodies" means the boards of supervisors of counties and councils of~~
53 cities ~~comprising composing~~ a transportation district;

54 (f) "Metropolitan area" means a ~~standard~~ metropolitan statistical area as defined ~~in the~~
55 ~~pamphlet Standard Metropolitan Statistical Areas, issued by Executive Office of the President,~~
56 ~~Bureau of the Budget, 1964, by the U.S. Census Bureau and the Office of Management and~~
57 ~~Budget~~ or any contiguous counties or cities within ~~this the~~ Commonwealth ~~which that~~ together
58 constitute an urban area_;

59 (g) "Person" means an individual, partnership, association, or corporation_; or any
60 governmental agency or authority_;

61 (h) "State_;" when applied to a part of the United States, includes any of the 50 states and
62 the District of Columbia_;

63 (i) "Transportation facilities," "transit facilities_;" or "facilities" ~~mean means~~ all those
64 matters and things utilized in rendering transportation service by means of rail, bus, water_; or air
65 and any other mode of travel, including ~~without limitation~~ tracks, rights-of-way, bridges,
66 tunnels, subways, and rolling stock for rail, motor vehicle, marine_; and air transportation_;
67 stations, terminals_; and ports_; areas for parking_; buildings_; structures_; and all equipment,
68 fixtures_; and business activities reasonably required for the performance of transportation
69 service, but ~~shall does~~ not include any such facilities owned by any person, company,
70 association_; or corporation_; the major part of whose transportation service extends beyond a
71 transportation district created hereunder in this chapter.

72 **Drafting note: The term "standard metropolitan statistical area," used in the**
73 **definition of "metropolitan area," has been discontinued by the Office of Management and**
74 **Budget and the U. S. Census Bureau. See www.census.gov/population/metro/; the term has**
75 **not been used since 1983. It is replaced with "metropolitan statistical area" per current**
76 **usage by the U.S. Census Bureau and the Office of Management and Budget. The**
77 **definition of "state" amended here uses the definition from Title 1. Technical changes are**
78 **made including organizing definition by alpha order.**

79 § ~~15.2-4503~~ 33.2-XXX. ~~Conductors, etc., authorized~~ Authorization to issue summons.

80 Conductors of railroad trains, motormen, and station and depot agents of any
81 transportation district created pursuant to ~~Chapter 45 (§ 15.2-4500 et seq.)~~ of this ~~title, chapter~~
82 shall have the power to issue a summons for any violation of § 18.2-160.1 with respect to any
83 train operated by or under contract with such transportation district.

84 **Drafting note: Technical changes.**

85 Article 2.

86 Creation of Districts.

87 **Drafting note: The two sections found in existing Article 2 are interchanged so that**
88 **the section delineating the procedure for creation of districts is found first, before the**
89 **Northern Virginia Transportation District and Commission.**

90 § ~~15.2-4504~~ 33.2-XXX. Procedure for creation of districts; ~~single jurisdictional districts;~~
91 ~~application of chapter to port authorities and airport commissions.~~

92 ~~(1) A.~~ Any two or more counties or cities, ~~or combinations thereof,~~ may, in conformance
93 with the procedure set forth ~~herein in this section,~~ or as otherwise may be provided by law,
94 constitute a transportation district and shall have and exercise the powers set forth ~~herein in this~~
95 section and such additional powers as may be granted by the General Assembly. A
96 transportation district may be created by ordinance adopted by the governing body of each
97 participating county and city, which ordinances shall ~~(1) (i)~~ set forth the name of the proposed
98 transportation district ~~(which, which~~ shall include the words "transit district" or "transportation
99 district,"); ~~(2) shall (ii)~~ fix the boundaries thereof, ~~(3) shall (iii)~~ name the counties and cities
100 ~~which that~~ are in whole or in part to be embraced therein, and ~~(4) (iv)~~ contain a finding that the
101 orderly growth and development of the county or city and the comfort, convenience, and safety
102 of its citizens require an improved transportation system, composed of transit facilities, public
103 highways, and other modes of transport, and that joint action through a transportation district by
104 the counties and cities ~~which that~~ are to compose the proposed transportation district will
105 facilitate the planning and development of the needed transportation system. Such ordinances
106 shall be filed with the Secretary of the Commonwealth and, upon certification by that officer to

107 | the Tax Commissioner and the governing ~~bodies~~ body of each of the participating counties and
108 | cities that the ordinances required by this chapter have been filed and, upon the basis of the facts
109 | set forth therein, satisfy such requirements, the territory defined in such ordinances, upon the
110 | entry of such certification in the minutes of the proceedings of the governing ~~bodies~~ body of
111 | each of the counties and cities, shall be and constitute a transportation district for all of the
112 | purposes of this chapter, known and designated by the name stated in the ordinances.

113 | ~~(2)~~ B. Notwithstanding the provisions of subsection ~~(1)~~ A, any county or city may,
114 | subject to the applicable provisions of this chapter, constitute itself a transportation district in
115 | the event that no governing body of any contiguous county or city wishes to combine for such
116 | purpose, provided that the governing body of such single ~~jurisdictional~~ locality transportation
117 | district shall comply with the provisions of subsection ~~(1)~~ A by adopting an ordinance ~~which~~
118 | ~~shall (1) set that (i) sets~~ forth the name of the proposed transportation district, which shall
119 | include the words "transit district" or "transportation district," ~~(2) shall fix (ii) fixes~~, in such
120 | county or city, the boundaries thereof, ~~(3) shall name (iii) names~~ the county or city ~~which that~~ is
121 | in whole or in part to be embraced therein, and ~~(4) contain (iv) contains~~ a finding that the
122 | orderly growth and development of the county or city and the comfort, convenience, and safety
123 | of its citizens require an improved transportation district, composed of transit facilities, public
124 | highways, and other modes of transport, and that joint action with contiguous counties and cities
125 | has not been agreed to at this time, but that the formation of a transportation district will
126 | facilitate the planning and development of the needed transportation system, and shall file such
127 | ordinance in the manner and mode required by subsection ~~(1)~~ A. At such time as the governing
128 | body of any contiguous county or city desires to combine with the original ~~jurisdiction~~ locality
129 | for the formation of an enlarged transportation district, it shall enter into an agreement with the
130 | commission of the original transportation district on such terms and conditions, consistent with
131 | the provisions of this chapter, as may be agreed upon by such commission and such additional
132 | county or city, and in conformance with the following procedures. The governing body of the
133 | county or city having jurisdiction over the territory to be added to the original transportation

134 district shall adopt an ordinance specifying the area to be enlarged, containing the finding
135 specified in clause (iv) of subsection ~~(1) A~~, and a statement that a contract or agreement
136 between the county or city and the commission, specifying the terms and conditions of
137 admittance to the transportation district has been executed. The ordinance, to which shall be
138 attached a certified copy of such contract, shall be filed with the Secretary of the
139 Commonwealth, and upon certification by that officer to the Tax Commissioner, the
140 commission, and ~~to~~ the governing ~~bodies~~ body of each of the component counties and cities that
141 the ordinance required by this section has been filed, and that the terms thereof conform to the
142 requirements of this section, such additional county, or part thereof, or city, upon the entry of
143 such certification in the minutes of the proceedings of the governing body of such county or
144 city, shall become a component government of the transportation district and the county, or
145 portion thereof specified, or city shall be embraced ~~in the territory of~~ by the transportation
146 district.

147 **Drafting note: Technical changes.**

148 § ~~15.2-4503.1~~ 33.2-XXX. Northern Virginia Transportation District and Commission.

149 There is hereby created the Northern Virginia Transportation District (the District),
150 ~~comprised of~~ comprising the Counties of Arlington, Fairfax, and Loudoun, ~~and~~; the Cities of
151 Alexandria, Falls Church, and Fairfax; and such other county or city contiguous to the District
152 that agrees to join the District.

153 There is hereby established the Northern Virginia Transportation Commission (the
154 Commission) as a transportation commission pursuant to this chapter. The Commission shall
155 consist of five nonlegislative citizen members from Fairfax County, three nonlegislative citizen
156 members from Arlington County; one nonlegislative citizen member from ~~the County of~~
157 Loudoun County, two nonlegislative citizen members from the City of Alexandria, one
158 nonlegislative member from the City of Falls Church, one nonlegislative citizen member from
159 the City of Fairfax, and the Chairman of the Commonwealth Transportation Board or his
160 designee to serve ex officio with voting privileges. If a county or city contiguous to the District

161 agrees to join the District, such ~~jurisdiction~~ locality shall appoint one nonlegislative citizen
162 member to the Commission. Members from the ~~respective~~ counties and cities shall be appointed
163 from their respective governing bodies. The Commission shall also include four members of the
164 House of Delegates appointed by the Speaker of the House of Delegates for terms coincident
165 with their terms of office and two members of the Senate appointed by the Senate Committee on
166 Rules for terms coincident with their terms of office. Members may be reappointed for
167 successive terms. All members shall be citizens of the Commonwealth. Except for the Chairman
168 of the Commonwealth Transportation Board or his designee, all members of the Commission
169 shall be residents of the localities ~~comprising~~ composing the ~~Transportation~~ District. Vacancies
170 occurring other than by expiration of a term shall be filled for the unexpired term. Vacancies
171 shall be filled in the same manner as the original appointments.

172 **Drafting note: Technical changes are made. This section is unique because it is the**
173 **only regional district in the Transportation District Act.**

174 Article 3.

175 Incorporation of District; Creation, Organization, Etc., of Commission.

176 § ~~15.2-4505~~ 33.2-XXX. District a body corporate; ~~name and style~~.

177 Each transportation district created pursuant to this chapter, or pursuant to an act of the
178 General Assembly, is hereby created as a body corporate and politic under the name of, and to
179 be known by, the name of the district with the word "commission" appended.

180 **Drafting note: Technical changes.**

181 § ~~15.2-4506~~ 33.2-XXX. Creation of commission to control corporation.

182 In and for each transportation district a commission is hereby created to manage and
183 control the functions, affairs, and property of the corporation and to exercise all of the rights,
184 powers, and authority and perform all of the duties conferred or imposed upon the corporation.

185 **Drafting note: Technical changes.**

186 § ~~15.2-4507~~ 33.2-XXX. Members of transportation district commissions.

187 | A. Any transportation district commission created pursuant to this chapter shall consist
188 | of the number of members the component governments shall ~~from time to time~~ agree upon, or as
189 | may otherwise be provided by law. The governing body of each participating county and city
190 | shall appoint from among its members the number of commissioners to which the county or city
191 | is entitled; however, for those commissions with powers as set forth in subsection A of § ~~15.2-~~
192 | ~~4515 33.2-XXX~~, the governing body of each participating county or city is not limited to
193 | appointing commissioners from among its members. In addition, the governing body may
194 | appoint, from its number or otherwise, designated alternate members for those appointed to the
195 | commission who shall be able to exercise all of the powers and duties of a commission member
196 | when the regular member is absent from commission meetings. Each such appointee shall serve
197 | at the pleasure of the appointing body; however, no appointee to a commission with powers as
198 | set forth in subsection B of § ~~15.2-4515 33.2-XXX~~ may continue to serve when he is no longer
199 | a member of the appointing body. Each governing body shall inform the commission of its
200 | appointments to and removals from the commission by delivering to the commission a certified
201 | copy of the resolution making the appointment or causing the removal.

202 | In the case of a commission of a transportation district, commonly known as the
203 | Potomac and Rappahannock Transportation Commission, which was established on or after July
204 | 1, 1986, and which includes more than one ~~jurisdiction~~ locality located within the Washington,
205 | D.C., metropolitan area, such commission shall also include two members of the House of
206 | Delegates and one member of the Senate from legislative districts located wholly or in part
207 | within the boundaries of the transportation district. The members of the House of Delegates
208 | shall be appointed by the Speaker of the House for terms coincident with their terms of office,
209 | and the member of the Senate shall be appointed by the Senate Committee on Rules for a term
210 | coincident with his term of office. The members of the General Assembly shall be eligible for
211 | reappointment for successive terms. Vacancies occurring other than by expiration of a term shall
212 | be filled for the unexpired term. Vacancies shall be filled in the same manner as the original
213 | appointments.

214 In the case of the Transportation District Commission of Hampton Roads, such
215 commission shall consist of one nonlegislative citizen member appointed by the Governor from
216 each county and city embraced by the ~~Transportation District~~ transportation district. The
217 governing body of each such county or city may appoint either a member of its governing body
218 or its county or city manager to serve as an ex officio member with voting privileges. Every
219 such ex officio member shall be allowed to attend all meetings of the commission that other
220 members may be required to attend. Vacancies shall be filled in the same manner as the original
221 appointments.

222 The Chairman of the Commonwealth Transportation Board, or his designee, shall be a
223 member of each commission, ex officio with voting privileges. The ~~chairman~~ Chairman of the
224 Commonwealth Transportation Board may appoint an alternate member who may exercise all
225 the powers and duties of the ~~chairman~~ Chairman of the Commonwealth Transportation Board
226 when neither the ~~chairman~~ Chairman of the Commonwealth Transportation Board nor his
227 designee is present at a commission meeting.

228 B. Any appointed member of a commission of a transportation district, commonly
229 known as the Northern Virginia Transportation Commission, which was established prior to
230 July 1, 1986, and which includes ~~jurisdictions~~ localities located within the Washington, D.C.,
231 metropolitan ~~statistical~~ area, and the Secretary ~~of Transportation~~ or his designee, is authorized to
232 serve as a member of the board of directors of the Washington Metropolitan Area Transit
233 Authority (Chapter 627 of the Acts of Assembly of 1958, as amended) and while so serving the
234 provisions of § 2.2-2800 shall not apply to such member. In appointing Virginia members of the
235 board of directors of the Washington Metropolitan Area Transit Authority (WMATA), the
236 Northern Virginia Transportation Commission shall include the Secretary ~~of Transportation~~ or
237 his designee as a principal member on the board of directors of ~~the~~ WMATA. Any designee
238 serving as the principal member must reside in a locality served by WMATA.

239 | In selecting from its membership those members to serve on the board of directors of ~~the~~
240 | WMATA, the Northern Virginia Transportation Commission shall comply with the following
241 | requirements:

242 | 1. A board member shall not have been an employee of WMATA within one year of
243 | appointment to serve on the board of directors.

244 | 2. A board member shall have (i) experience in at least one of the ~~following:~~ fields of
245 | transit planning, transportation planning, or land use planning; transit or transportation
246 | management or other public sector management; engineering; finance; public safety; homeland
247 | security; human resources; or the law; or (ii) knowledge of the region's transportation issues
248 | derived from working on regional transportation issue resolution.

249 | 3. A board member shall be a regular patron of the services provided by WMATA.

250 | 4. ~~Members~~ Board members shall serve a term of four years with a maximum of two
251 | consecutive terms. ~~Such~~ A board member's term or terms must coincide with ~~their~~ his term on
252 | the body that appointed ~~them~~ him to the Northern Virginia Transportation Commission. Any
253 | vacancy created if a board member cannot fulfill his term because his term on the appointing
254 | body ~~had~~ has ended shall be filled for the unexpired term in the same manner as the member
255 | being replaced was appointed within 60 days of the vacancy. The initial appointments to a four-
256 | year term will be as follows: the Secretary, or his designee, for a term of four years; the second
257 | principal member for a term of three years; one alternate for a term of two years; and the
258 | remaining alternate for a term of one year. Thereafter, board members shall be appointed for
259 | terms of four years. Service on the WMATA board of directors prior to July 1, 2012, shall not
260 | be considered in determining length of service. Any person appointed to an initial ~~one or two~~
261 | year one-year or two-year term, or appointed to an unexpired term in which two years or less is
262 | remaining, shall be eligible to serve two consecutive four-year terms after serving the initial or
263 | unexpired term.

264 | 5. Members may be removed from the board of directors of ~~the~~ WMATA if they attend
265 | fewer than three-fourths of the meetings in a calendar year; if they are conflicted due to

266 employment at WMATA; or if they are found to be in violation of the State and Local
267 Government Conflict of Interests Act (§ 2.2-3100 et seq.). If a board member is removed during
268 a term, the vacancy shall be filled pursuant to the provisions of subdivision 4.

269 6. Each member of the Northern Virginia Transportation Commission appointed to the
270 board of directors of ~~the~~ WMATA shall file semiannual reports with the Secretary's ~~of~~
271 ~~Transportation's~~ office beginning July 1, 2012. The reports shall include (i) the dates of
272 attendance at WMATA board meetings, (ii) any reasons for not attending a specific meeting,
273 and (iii) dates and attendance at other WMATA-related public events.

274 Any entity that provides compensation to a WMATA board member for his service on
275 the WMATA board shall be required to submit on July 1 of each year to the Secretary ~~of~~
276 ~~Transportation~~ the amount of that compensation. Such letter will remain on file with the
277 Secretary's office and be available for public review.

278 **Drafting note: Technical changes are made. This section was amended during the**
279 **2013 Regular Session by HB 2152 which added a subsection C, however, those changes are**
280 **not reflected in this proposed chapter because HB 2152 had a delayed effective date of July**
281 **1, 2014.**

282 § ~~15.2-4508~~ 33.2-XXX. Officers of commission.

283 Within ~~thirty~~ 30 days after the appointment of the original commission members, the
284 commission shall meet on the call of any member and shall elect one of its members as
285 chairman and another as vice-chairman, each to serve for a term of one year or until his
286 successor is elected and qualified. The commission shall employ a secretary and treasurer, who
287 may or may not be a member of the commission, and, if not a commission member, fix his
288 compensation and duties. All officers shall be eligible for reelection. Each commission member,
289 before entering on the performance of his public duties, shall take and subscribe the oath or
290 affirmation specified in Article II, Section 7 of the Constitution of Virginia. Such oath may be
291 administered by any person authorized to administer oaths under § 49-4.

292 **Drafting note: Technical change.**

293 | § ~~15.2-4509~~ 33.2-XXX. Bonds of members.

294 | Each commission member shall, before entering upon the discharge of his duties under
295 | this chapter, give bond payable to the Commonwealth in a form approved by the Attorney
296 | General, in such penalty as fixed from time to time by the Governor, with some surety or
297 | guaranty company authorized to do business in ~~Virginia~~ the Commonwealth and approved by
298 | the Governor, as security, conditioned upon the faithful discharge of his duties. The premium of
299 | such bonds shall be paid by the commission and the bonds shall be filed with and preserved by
300 | the Department of the Treasury's Division of Risk Management.

301 | **Drafting note: Technical change.**

302 | § ~~15.2-4510~~ 33.2-XXX. Compensation and expenses of members.

303 | The commission members shall receive no salary but shall be entitled to reimbursement
304 | of all reasonable and necessary expenses and compensation allowed members of the
305 | Commonwealth Transportation Board for the performance of their official duties as provided in
306 | §§ 2.2-2813 and 2.2-2825.

307 | **Drafting note: Technical change.**

308 | § ~~15.2-4511~~ 33.2-XXX. Meetings of commission.

309 | Regular meetings of the commission shall be held at least once every month at such time
310 | and place as the commission shall ~~from time to time~~ prescribe. Special meetings of the
311 | commission shall be held upon mailed notice, or actual notice otherwise given, to each
312 | commission member upon call of the chairman or any two commission members, at such time
313 | and in such place within the district as such notice may specify, or at such other time and place
314 | with or without notice as all commission members may expressly approve. All regular and
315 | special meetings of the commission shall be open to the public, but the public shall not be
316 | entitled to any notice other than provided ~~herein in this section~~. Unless a meeting is called for
317 | the purpose of a public hearing, members of the public shall have no right to be heard or
318 | otherwise participate in the proceedings of the meeting, except to the extent the chairman may
319 | in specific instances grant. All commission records shall be public records.

320 **Drafting note: Technical changes.**

321 § ~~15.2-4512~~ 33.2-XXX. Quorum and action by commission.

322 A majority of the commission, which majority shall include at least one commissioner
323 from a majority of the component governments, shall constitute a quorum. Members of the
324 commission who are members of the General Assembly shall not be counted in determining a
325 quorum while the General Assembly is in session. The Chairman of the Commonwealth
326 Transportation Board or his designee may be included for the purposes of constituting a
327 quorum. The presence of a quorum and a vote of the majority of the members necessary to
328 constitute a quorum of all the members appointed to the commission, including an affirmative
329 vote from a majority of the jurisdictions represented, shall be necessary to take any action.
330 Notwithstanding the provisions of § 2.2-3708, members of the General Assembly may
331 participate in the meetings of the commission through electronic communications while the
332 General Assembly is in session.

333 **Drafting note: A technical change is made. This section was amended during the**
334 **2013 Regular Session by HB 2152, however, those changes are not reflected because HB**
335 **2152 had a delayed effective date of July 1, 2014.**

336 § ~~15.2-4513~~ 33.2-XXX. Funds of commission.

337 A. All moneys of a commission, whether derived from any contract of the commission
338 or from any other source, shall be collected, received, held, secured, and disbursed in
339 accordance with any relevant contract of the commission. This section shall apply to such
340 moneys only if and to the extent they are consistent with such commission contracts.

341 B. Such moneys shall not be required to be paid into the state treasury or into the
342 treasury or to any officer of any county or city.

343 C. All such moneys shall be deposited by the commission in a separate bank account,
344 appropriately designated, in banks or trust companies designated by the commission.

345 **Drafting note: No change.**

346 § ~~15.2-4514~~ 33.2-XXX. Accounts and records.

347 Every commission shall keep and preserve complete and accurate accounts and records
348 of all moneys received and disbursed; business and operations; and all property and funds it
349 owns, manages, or controls. Each commission shall prepare and transmit to the Governor and to
350 the governing body of each county and city within the district, annually and at such other times
351 as the Governor requires, complete and accurate reports of the state and content of such
352 accounts and records, together with other relevant information as the Governor may require.

353 **Drafting note: Technical changes.**

354 Article 4.

355 Powers and Functions of Commission.

356 ~~§ 15.2-4515~~ 33.2-XXX. Powers and functions generally.

357 A. ~~Notwithstanding Any any~~ other contrary provision of law ~~to the contrary~~
358 ~~notwithstanding~~, a commission shall, except as provided in subsection B ~~herein~~, have the
359 following powers and functions:

360 1. The commission shall prepare the transportation plan for the transportation district and
361 shall from time to time revise and amend the plan in accordance with the planning process and
362 procedures specified in Article 7 (~~§§ 15.2-4527 and 15.2-4528~~ 33.2-XXX et seq.) ~~of this~~
363 ~~chapter~~.

364 2. The commission may, when a transportation plan is adopted according to Article 7,
365 construct or acquire, by purchase or lease, the transportation facilities specified in such
366 transportation plan.

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

369 4. The commission may enter into contracts or agreements with the counties and cities
370 within the transportation district, ~~or~~ with counties and cities ~~which~~ that adjoin the transportation
371 district and are within the same planning district, or with other commissions of adjoining
372 transportation districts; to provide, or cause to be provided, transit facilities and service to such
373 counties and cities; or to provide transit facilities and other modes of transportation between

374 adjoining transportation districts. Such contracts or agreements, together with any agreements or
375 leases for the operation of such facilities, may be utilized by the transportation district to finance
376 the construction and operation of transportation facilities, and such contracts, agreements, or
377 leases shall inure to the benefit of any creditor of the transportation district.

378 ~~Notwithstanding the above, however~~ However, except in any transportation district
379 containing any or all of the Counties of Chesterfield, Hanover, and Henrico, ~~and Chesterfield~~ or
380 the City of Richmond, being so delegated by the respective local governments, the commission
381 shall not have the power to regulate services provided by taxicabs, either within municipalities
382 or across municipal boundaries, which regulation is expressly reserved to the municipalities
383 within which taxicabs operate. In any transportation district containing any or all of the Counties
384 of Chesterfield, Hanover, and Henrico, ~~and Chesterfield~~ or the City of Richmond, the
385 commission may, upon proper authority granted by the respective component governments,
386 regulate services provided by taxicabs, either within localities or across county or city
387 boundaries.

388 B. When the transportation district is located within a metropolitan area ~~which that~~
389 includes all or a portion of a state or states contiguous to ~~Virginia~~ the Commonwealth, the
390 commission:

391 1. Shall not prepare a transportation plan ~~nor or~~ construct or operate transit facilities, but
392 shall collaborate and cooperate in the manner specified in Article 7 (§§ ~~15.2-4527 and 15.2-~~
393 ~~4528~~ 33.2-XXX et seq.) with an agency in preparing, revising, and amending a transportation
394 plan for such metropolitan area.

395 2. Shall, according to Article 7 (§ 33.2-XXX et seq.) and in cooperation with the
396 governing bodies of the component governments embraced ~~within by~~ the transportation district,
397 formulate the tentative policy and decisions of the transportation district with respect to the
398 planning, design, location, construction, operation, and financing of transportation facilities.

399 3. May, when a transportation plan applicable to such a transportation district is adopted,
400 enter into contracts or agreements with an agency to contribute to the capital required for the

401 | construction ~~and/or or~~ acquisition of transportation facilities and for meeting expenses and
402 | obligations in the operations of such facilities.

403 | 4. May, when a transportation plan applicable to such transportation district is adopted,
404 | enter into contracts or agreements with the counties and cities within the transportation district
405 | to provide or cause to be provided transportation facilities and service to such counties and
406 | cities.

407 | 5. Notwithstanding any other provision ~~herein in this section~~ to the contrary:

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

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

414 | c. May, in accordance with the terms of any grant from or loan by the United States of
415 | America or the Commonwealth, or any agency or instrumentality thereof, or when necessary to
416 | preserve essential transportation service, acquire transit facilities or any carrier, ~~which that~~ is
417 | subject to the jurisdiction of the Washington Metropolitan Area Transit Commission, by
418 | acquisition of the capital stock or transit facilities and other assets of any such carrier and shall
419 | provide for the performance of transportation by any such carrier or with such transit facilities
420 | by contract or lease. However, the contract or lease shall be for a term of no more than one year,
421 | renewable for additional terms of similar duration, and, in order to assure acceptable fare levels,
422 | may provide for financial assistance by purchase of service, operating subsidies, or otherwise.
423 | No such service ~~will shall~~ be rendered ~~which that~~ will adversely affect transit service rendered
424 | by the transit facilities owned or controlled by the agency or any existing private transit or
425 | transportation company. When notified by the agency that it is authorized to perform or cause to
426 | be performed transportation services with motor vehicle facilities, the commission, upon request

427 by the agency, shall transfer such capital stock or transit facilities to the agency at a price to be
428 agreed upon; and

429 d. May prepare a plan for mass transportation services with cities, counties, agencies,
430 authorities, or commissions and may further contract with transportation companies, cities,
431 counties, commissions, authorities, agencies, and departments of the Commonwealth and
432 appropriate agencies of the federal government ~~and/or or~~ governments contiguous to ~~Virginia~~
433 the Commonwealth to provide necessary facilities, equipment, operations and maintenance,
434 access, and insurance pursuant to such plan.

435 C. The provisions of subdivisions B 1 through 4 and ~~provisions b and c of subdivision~~
436 subdivisions B 5 ~~of subsection B b and c~~ shall not apply (i) to any transportation district ~~which~~
437 that may be established on or after July 1, 1986, and which includes any one or more
438 ~~jurisdictions which localities that~~ are located within a metropolitan area, but which were not, on
439 January 1, 1986, members of any other transportation district or (ii) to any ~~jurisdiction locality~~
440 ~~which that~~, after July 1, 1989, joins a transportation district ~~which that~~ was established on or
441 before January 1, 1986. The provisions of this subsection shall ~~only~~ apply only to any
442 transportation district or ~~jurisdiction which locality that~~ is contiguous to the Northern Virginia
443 Transportation District. Any such district or ~~jurisdiction locality~~ shall be subject to the
444 provisions of subsection A ~~hereof~~, and further may exercise the powers granted by subdivision
445 B 5 a to acquire land or any interest therein by purchase, lease, gift, condemnation, or otherwise
446 and provide transportation facilities thereon for use in connection with any transportation
447 service.

448 D. Until such time as a commission enters into contracts or agreements with its
449 component governments under the provisions of subdivisions A 4 and B 4 and is receiving
450 revenues thereunder, adequate to meet the administrative expenses of the commission after
451 paying or providing for the payment of the obligations arising under said subdivisions, the
452 administrative expenses of the commission shall be borne by the component governments in the
453 manner ~~herein~~ set forth in this section. The commission annually shall submit to the governing

454 bodies of the component counties and cities a budget of its administrative requirements for the
455 next year. Except for the Northern Virginia Transportation Commission, the administrative
456 expenses of the commission, to the extent funds for such expenses are not provided from other
457 sources, shall be allocated among the component governments on the basis of population as
458 reflected by the latest population statistics of the ~~Bureau of the Census~~ U.S. Census Bureau;
459 however, upon the request of any component government, the commission shall make the
460 allocation upon estimates of population prepared in a manner approved by the commission and
461 by the governing body of the component government making such request. For the Northern
462 Virginia Transportation Commission, the administrative expenses of the Commission, to the
463 extent funds for such expenses are not provided from other sources, shall be allocated among
464 the component governments on the basis of the relative shares of state and federal transit aids
465 allocated by the Commission among its component governments. Such budget shall be limited
466 solely to the administrative expenses of the Commission and shall not include any funds for
467 construction or acquisition of transportation facilities ~~and/or or~~ the performing of transportation
468 service. In addition, the Commission annually shall submit to the governing bodies of the
469 component counties and cities a budget of its other expenses and obligations for the ensuing
470 year. Such expenses and obligations shall be borne by the component counties and cities in
471 accordance with prior arrangements made therefor.

472 E. When a transportation plan has been adopted under ~~§ 15.2-4528~~ subdivision A 4 of §
473 33.2-XXX, the commission shall determine the equitable allocation among the component
474 governments of the costs incurred by the district in providing the transportation facilities
475 proposed in the transportation plan and any expenses and obligations from the operation thereof
476 to be borne by each county and city. In making such determinations, the commission shall
477 consider the cost of the facilities located within each county and city, the population of each
478 county and city, the benefits to be derived by each county and city from the proposed
479 transportation service, and all other factors ~~which that~~ the commission determines to be relevant.
480 Such determination, however, shall not create a commitment by the counties and cities, and such

481 commitments shall be created only under the contracts or agreements specified in subdivisions
482 A 4 and B 4.

483 **Drafting note: Technical changes.**

484 ~~§ 15.2-4516 33.2-XXX. Regulation of fares, schedules, franchising agreements and~~
485 ~~routing of transit facilities~~ Commission control of transportation district.

486 The commission may exercise exclusive control, notwithstanding any provision of law
487 to the contrary, of matters of regulation of fares, schedules, franchising agreements, and routing
488 of transit facilities within the boundaries of its transportation district; however, the provisions of
489 § 5.1-7 ~~of the Code of Virginia~~ shall be applicable to airport commissions.

490 **Drafting note: Technical changes are made consistent with accurate citations and to**
491 **improve clarity with a proper catchline.**

492 ~~§ 15.2-4517 33.2-XXX.~~ Protection of employees of public transportation systems.

493 In any county or city, the commission referred to in § ~~15.2-4515 33.2-XXX~~, in addition
494 to other prohibitions, shall not operate any such transit facility, or otherwise provide or cause to
495 be provided, any transportation services, unless fair and equitable arrangements have been made
496 for the protection of employees of existing public transportation systems in the transportation
497 district or in the metropolitan area in which the transportation district is located. Such
498 protections shall include (i) assurances of employment to employees of such transportation
499 systems to the fullest extent possible consistent with sound management, and priority of
500 employment; or, if terminated or laid off, reemployment; (ii) preservation of rights, privileges,
501 and benefits ~~(, including continuation of pension rights and benefits,)~~ under existing collective
502 bargaining agreements or otherwise; (iii) continuation of collective bargaining rights; (iv)
503 protection of individual employees against a worsening of their positions with respect to their
504 employment, to the extent provided by ~~§ 13 (e) of the Urban Mass Transportation Act, as~~
505 ~~amended~~, 49 U.S.C. § 5333 (b), also known as § 13(c) of the Federal Transit Act; and (v) paid
506 training and retraining programs. Such protections shall be specified by the commission in any
507 contract or lease for the acquisition or operation of any such transit facilities or services. The

508 employees of any transit facility operated by the commission shall have the right, in the case of
509 any labor dispute relating to the terms and conditions of their employment for the purpose of
510 resolving such dispute, to submit the dispute to final and binding arbitration by an impartial
511 umpire or board of arbitration acceptable to the parties.

512 **Drafting note: Technical changes are made and a citation to the Urban Mass**
513 **Transportation Act is updated to refer to the Federal Transit Act. The Federal Transit**
514 **Act, Title 49 U.S.C., Chapter 53, provides, in general, at Section 5333(b), commonly**
515 **referred to as "Section 13(c)," that, as a condition of certain federal financial assistance by**
516 **the Department of Transportation's Federal Transit Administration (FTA) in financing**
517 **mass transportation systems, fair and equitable arrangements must be made, as**
518 **determined by the Department of Labor (the Department), to protect the interests of**
519 **employees affected by such assistance. In conjunction with the Department's role in**
520 **making such determinations, the Department is providing information concerning its**
521 **procedures for processing applications for assistance under the Federal Transit Act, and**
522 **certification by the Department of acceptable protective arrangements.**

523 | § ~~15.2-4517.1~~ 33.2-XXX. Background checks of applicants and employees.

524 A. Any commission created pursuant to this chapter may require any individual who is
525 offered a position of employment with the commission, or with any contractor of the
526 commission when such individual is to be assigned to directly provide transit services to the
527 public under a contract with the commission, to submit to fingerprinting and to provide personal
528 descriptive information to be forwarded along with the individual's fingerprints through the
529 Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of
530 obtaining criminal history record information regarding such individual. The commission shall
531 bear all costs of obtaining criminal history record information regarding such individual,
532 | including expenses incurred by the ~~Virginia~~ State Police in connection with such fingerprinting
533 or criminal records check. The commission may require such individual or contractor to
534 reimburse the commission for the cost of the fingerprinting or a criminal records check or both.

535 B. The Central Criminal Records Exchange, upon receipt of an individual's record or
536 notification that no record exists, shall make a report to the commission's chief administrative
537 officer, who must belong to a governmental entity. The information shall not be disseminated
538 except as provided for in this section.

539 **Drafting note: Technical change.**

540 ~~§ 15.2-4518~~ 33.2-XXX. Additional powers.

541 Without limiting or restricting the general powers created by this chapter, the
542 commission may:

- 543 1. Adopt and have a common seal and alter the seal at pleasure;
- 544 2. Sue and be sued;
- 545 3. Make regulations for the conduct of its business;
- 546 4. Make and enter into all contracts or agreements, as the commission may determine,
547 ~~which~~ that are necessary or incidental to the performance of its duties and to the execution of the
548 powers granted under this chapter;
- 549 5. Apply for and accept loans and grants of money or materials or property at any time
550 from the United States of America or the Commonwealth or any agency or instrumentality
551 thereof, for itself or as an agent on behalf of the component governments or any one or more of
552 them; ~~and in connection therewith;~~ purchase or lease as lessor or lessee; ~~any transit facilities~~
553 required under the terms of any such grant made to enable the commission to exercise its
554 powers under ~~§ 15.2-4515~~ subdivision B 5 of § 33.2-XXX;
- 555 6. In the name of the commission, and on its behalf, acquire, hold, ~~and~~ and dispose of its
556 contract or other revenues;
- 557 7. Exercise any power usually possessed by private corporations, including the right to
558 expend, solely from funds provided under this chapter, such funds as may be considered by the
559 commission to be advisable or necessary in the performance of its duties and functions;

560 8. Employ engineers, attorneys, other professional experts and consultants, and general
561 | and clerical employees deemed necessary; and prescribe their powers and duties and fix their
562 | compensation;

563 9. Do anything authorized by this chapter under, through₂, or by its own officers, agents₂,
564 | and employees, or by contracts with any persons;

565 10. Execute instruments and do anything necessary, convenient₂, or desirable for the
566 | purposes of the commission or to carry out the powers expressly given in this chapter;

567 11. Institute and prosecute any eminent domain proceedings to acquire any property
568 | authorized to be acquired under this title in accordance with the provisions of Chapter 2 (§ 25.1-
569 | 200 et seq.) of Title 25.1; and subject to the approval of the State Corporation Commission
570 | pursuant to § 25.1-102;

571 12. Invest in if required as a condition to obtaining insurance, participate in, or purchase
572 | insurance provided by; foreign insurance companies that insure railroad operations, provided
573 | this power is available only to those commissions that provide rail services;

574 13. Notwithstanding the provisions of § 8.01-195.3, contract to indemnify, and to obtain
575 | liability insurance to cover such indemnity, any person who is liable, or who may be subjected
576 | to liability, regardless of the character of the liability, as a result of the exercise by a commission
577 | of any of the powers conferred by this chapter. No obligation of a commission to indemnify any
578 | such person shall exceed the combined maximum limits of all liability policies, as defined in-§
579 | ~~15.2-4526 subsection C of § 33.2-XXX~~, maintained by the commission; and

580 14. Notwithstanding any other contrary provision of law ~~to the contrary~~, regulate traffic
581 | signals and other ~~vehiele~~ traffic control devices within ~~its jurisdiction~~ the district, through the
582 | use of computers and other electronic communication and control devices, so as to effect the
583 | orderly flow of traffic and to improve transportation services within ~~its jurisdiction~~ the district;
584 | however, an agreement concerning the operation of traffic control devices acceptable to all
585 | parties shall be entered into between the commission and the ~~Virginia~~ Department ~~of~~

586 ~~Transportation~~, and all the counties and cities within the transportation district prior to the
587 commencement of such regulation.

588 **Drafting note: Technical changes.**

589 Article 5.

590 Financing.

591 § ~~15.2-4519~~ 33.2-XXX. Authority to issue bonds and other obligations; ~~terms and~~
592 ~~conditions of bonds; enforcement; exemption from taxation; legal investments.~~

593 A. 1. A transportation district may issue bonds or other interest-bearing obligations, as
594 provided in this chapter, for any of its purposes and pay the principal and interest thereon from
595 any of its funds, including, ~~but not limited to~~, any moneys paid to or otherwise received by the
596 district pursuant to any law heretofore or hereafter enacted or any contract or agreement or any
597 grant, loan, or contribution authorized by this chapter. For the purposes of this chapter, bonds
598 include bonds, notes, and other interest-bearing obligations, including notes issued in
599 anticipation of the sale and issuance of bonds.

600 2. Neither the members of a transportation district nor any person executing the bonds
601 shall be liable personally on the bonds by reason of the issuance thereof. The bonds and other
602 obligations of a district (and such bonds and obligations shall so state on their face) shall not be
603 a debt of the Commonwealth or any political subdivision thereof, and only the district shall be
604 liable thereon. The bonds shall not constitute an indebtedness within the meaning of any debt
605 limitation or restriction except as provided under this section.

606 B. 1. Bonds of a transportation district shall be authorized by resolution, may be issued
607 in one or more series, shall be dated, shall mature at such times not exceeding ~~forty~~ 40 years
608 from their dates, shall bear interest at rates determined by the commission, and may be made
609 redeemable before maturity, at the option of the commission at such price or prices and under
610 such terms as the commission fixes prior to issuing the bonds. The commission shall determine
611 the form of the bonds, including any interest coupons to be attached and the manner of
612 execution of the bonds, and shall fix the denominations of the bonds and the places of payment

613 of principal and interest, which may be at any bank or trust company within or outside the
614 Commonwealth. If any officer whose signature or facsimile signature appears on any bonds or
615 coupons ceases to be such officer before delivery of such bond, such signature or facsimile shall
616 nevertheless be valid and sufficient for all purposes the same as if he had remained in office
617 until such delivery. Notwithstanding any other provisions of this article or any recitals in any
618 bonds issued under the provisions of this article, all such bonds shall be negotiable instruments
619 under the laws of the Commonwealth. The bonds may be issued in coupon or registered form or
620 both, as the commission may determine, and provision may be made for the registration of any
621 coupon bonds as to principal alone and also as to both principal and interest, and for the
622 reconversion into coupon bonds of any bonds registered as to both principal and interest. The
623 transportation district may sell such bonds in such manner, either at public or private sale, and
624 for such price, as it may determine to be for the best interests of the district. A transportation
625 district is authorized to enter into indentures or agreements with respect to all such matters, and
626 such indentures or agreements may contain such other provisions as the commission may deem
627 reasonable and proper for the security of the bondholders. The resolution may provide that the
628 bonds shall be payable from and secured by all or any part of the revenues, moneys, or funds of
629 the district as specified therein. Such pledge shall be valid and binding from the time the pledge
630 is made, and such revenues, moneys, and funds so pledged and thereafter received by the district
631 shall immediately be subject to the lien of such pledge without any physical delivery thereof or
632 further act. The lien of any such pledge shall be valid and binding as against all parties having
633 claims of any kind in tort, contract, or otherwise against the district, irrespective of whether such
634 parties have notice thereof. Neither the resolution nor any trust indenture by which a pledge is
635 created need be filed or recorded except in the records of the district. All expenses incurred in
636 carrying out the provisions of such indentures or agreements may be treated as a purpose of the
637 transportation district. A transportation district may issue refunding bonds for the purpose of
638 redeeming or retiring any bonds before or at maturity, including the payment of any premium,
639 accrued interest, and costs or expenses thereof.

640 2. Prior to the preparation of definitive bonds a transportation district may, under like
641 restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable
642 for definitive bonds when such bonds have been executed and are available for delivery. A
643 transportation district may also provide for the replacement of any bonds ~~which~~ that have been
644 mutilated, destroyed, or lost.

645 3. Bonds may be issued pursuant to this article without obtaining the consent of any
646 commission, board, bureau, or agency of the Commonwealth or of any governmental
647 subdivision, and without any referendum, other proceedings, or the happening of other
648 conditions except for those proceedings or conditions ~~which~~ that are specifically required by this
649 article.

650 C. Any holder of bonds, notes, certificates, or other evidence of borrowing issued under
651 this article or of any of the coupons appertaining thereto, and the trustee under any trust
652 indenture or agreement, except to the extent of the rights ~~herein~~ given in this article may be
653 restricted by such trust indenture or agreement, may, either at law or in equity, by suit, action,
654 injunction, mandamus, or other proceedings, protect and enforce any and all rights under the
655 laws of the Commonwealth or granted by this article or under such trust indenture or agreement
656 or the resolution authorizing the issuance of such bonds, notes, or certificates, and may enforce
657 and compel the performance of all duties required by this article or by such trust indenture or
658 agreement or resolution to be performed by the transportation district or by any officer or agent
659 thereof.

660 D. The exercise of the powers granted by this article shall be in all respects for the
661 benefit of the inhabitants of the Commonwealth, for the promotion of their safety, health,
662 welfare, convenience, and prosperity, and any facility or service ~~which~~ that a transportation
663 district is authorized to provide will constitute the performance of an essential governmental
664 function. The bonds of a district are declared to be issued for an essential public and
665 governmental purpose and their transfer and the income therefrom, including any profit made on

666 the sale thereof, shall at all times be free and exempt from taxation by the Commonwealth and
667 by any governmental subdivision thereof.

668 E. Bonds issued by a transportation district under this article are securities in which all
669 public officers and public bodies of the Commonwealth and its governmental subdivisions, and
670 all insurance companies, trust companies, banks, banking associations, investment companies,
671 executors, administrators, trustees, and other fiduciaries may properly and legally invest funds,
672 including capital in their control or belonging to them. Such bonds are securities ~~which that~~ may
673 properly and legally be deposited with and received by any state or local officer or any agency
674 or governmental subdivision of the Commonwealth for any purpose for which the deposit of
675 bonds or obligations is now or may hereafter be authorized by law.

676 **Drafting note: Technical changes are made including the removal of "but not limited to"**
677 **based on § 1-218, which states "'Includes' means includes, but not limited to."**

678 § ~~15.2-4520~~ 33.2-XXX. Judicial determination of validity of bonds.

679 The provisions of ~~§§ Article 6 (§ 15.2-2650 to 15.2-2658 et seq.) of Chapter 26 of Title~~
680 15.2 apply to all suits, actions, and proceedings of whatever nature involving the validity of
681 bonds issued by a transportation district under the provisions of this article.

682 **Drafting note: Technical change.**

683 Article 6.

684 Powers and Duties of Localities; Liability of Commonwealth and Localities.

685 § ~~15.2-4521~~ 33.2-XXX. Contracts and payment thereof.

686 A. Any county or city embraced ~~within by~~ a transportation district is authorized to enter
687 into contracts or agreements with the commission for such transportation district, or with an
688 agency, pursuant to which such transportation district, subject to the limitations ~~herein~~ contained
689 in this section, or such agency undertakes to provide the transportation facilities specified in a
690 duly adopted transportation plan, ~~and/or or~~ to render transportation service. Any obligations
691 arising from such contracts are deemed to be for a public purpose and may be paid for, in the
692 discretion of each county or city, in whole or in part, by appropriations from general revenues or

693 from the proceeds of a bond issue or issues; however, any such contract must specify the annual
694 maximum obligation of any county or city for payments to meet the expenses and obligations of
695 the transportation district or such agency or provide a formula to determine the payment of any
696 such county or city for such expenses and obligations. Each county or city desiring to contract
697 with a transportation district or an agency is authorized to do so, provided it complies with the
698 appropriate provisions of law, and thereafter is authorized to do everything necessary or proper
699 to carry out and perform every such contract and to provide for the payment or discharge of any
700 obligation thereunder by the same means and in the same manner as any other of its obligations.

701 B. Except as otherwise provided by law:

702 1. No bonded debt shall be contracted by any county to finance the payment of any
703 obligations arising from its contracts hereunder unless the voters of such county shall approve
704 by a majority vote of the voters voting in an election the contracting of any such debt, the
705 borrowing of money, and issuance of bonds. Such debt shall be contracted and bonds issued and
706 such election shall be held in the manner provided in and subject to the provisions of ~~Chapter 26~~
707 the Public Finance Act (§ 15.2-2600 et seq.) ~~of this title~~ relating to counties; and

708 2. The contracting of debt, borrowing of money, and issuance of bonds by any city to
709 finance the payment of any obligations arising from its contracts hereunder shall be effected in
710 the manner provided in and subject to the provisions of ~~Chapter 26 of this title~~ the Public
711 Finance Act (§ 15.2-2600 et seq.) relating to cities.

712 **Drafting note: Technical changes.**

713 § ~~15.2-4522~~ 33.2-XXX. Venue.

714 Every such contract shall be enforceable by the transportation district with ~~whom~~ which
715 the contract is made, as provided under the laws of ~~Virginia~~ the Commonwealth, and, if any
716 such contract is entered into with an agency or is relied upon in a contract between a
717 commission and any such agency, the agency also shall have the right to enforce the contract.
718 The venue for actions on any contract between a transportation district and a component

719 government shall be as specified in subdivision 10 of § 8.01-261. Venue in all other matters
720 arising hereunder shall be as provided by law.

721 **Drafting note: Technical changes.**

722 | § ~~15.2-4523~~ 33.2-XXX. Acquisition of median strips for transit facilities in interstate
723 highways.

724 | When the district commission, the Commonwealth Transportation Board₂, and the
725 governing bodies of the component governments determine that the time schedule for
726 construction of any interstate highway, as defined in Article ~~3~~ XXX (§ ~~33.1-48~~ 33.2-XXX et
727 seq.) of Chapter ~~1 of Title 33.1~~ XXX, within the district makes it necessary to acquire median
728 strips for transit facilities in such highway prior to the adoption of a transportation plan, each
729 county and city within the district is authorized to pay to the Commonwealth Transportation
730 Board such sums as may be agreed upon among the district commission and such counties and
731 cities to provide the Commonwealth Transportation Board with the necessary matching funds to
732 acquire the median strips. Any such acquisition shall be made by and in the name of the
733 Commonwealth Transportation Board.

734 **Drafting note: Technical changes.**

735 | § ~~15.2-4524~~ 33.2-XXX. Appropriations.

736 The governing bodies of counties and cities participating in a transportation district are
737 authorized to appropriate funds for the administrative and other expenses and obligations (i) of
738 the commission of the transportation district, as provided in ~~§ 15.2-4515 subsection D of § 33.2-~~
739 XXX, (ii) of an agency₂, and (iii) for such other purposes as may be specified in a law creating a
740 transportation district.

741 **Drafting note: Technical changes.**

742 | § ~~15.2-4525~~ 33.2-XXX. Powers granted are in addition to all other powers.

743 The powers conferred by this chapter on counties and cities are in addition and
744 supplemental to the powers conferred by any other law, and may be exercised by resolution or
745 ordinance of the governing bodies thereof, as required by law, without regard to the terms,

746 conditions, requirements, restrictions, or other provisions contained in any other law, general or
747 special, or in any charter.

748 **Drafting note: Technical changes.**

749 ~~§ 15.2-4526~~ 33.2-XXX. Liabilities of Commonwealth, counties and cities.

750 A. Except for claims cognizable under the Virginia Tort Claims Act, Article 18.1 (§
751 8.01-195.1 et seq.) of Chapter 3 of Title 8.01, no pecuniary liability of any kind shall be
752 imposed on the Commonwealth or upon any county or city constituting any part of any
753 transportation district because of any act, agreement, contract, tort, malfeasance, misfeasance, or
754 nonfeasance, by or on the part of the commission of such transportation district, or any
755 commission member, or its agents, servants, and employees, except as otherwise provided in
756 this chapter with reference to contracts and agreements between the commission or interstate
757 agency and any county or city.

758 B. Except for claims cognizable under the Virginia Tort Claims Act, Article 18.1 (§
759 8.01-195.1 et seq.) of Chapter 3 of Title 8.01, the obligations and any indebtedness of a
760 commission shall not be in any way a debt or liability of the Commonwealth, or of any county
761 or city in whole or in part embraced ~~within by~~ the transportation district, and shall not create or
762 constitute any indebtedness, liability, or obligation of the Commonwealth or of any such county
763 or city, ~~either~~ legal, moral, or otherwise, and nothing in this chapter contained shall be construed
764 to authorize a commission or district to incur any indebtedness on behalf of or in any way to
765 obligate the Commonwealth or any county or city in whole or in part embraced ~~within by~~ the
766 transportation district; however, any contracts or agreements between the commission and any
767 county or city provided for in ~~§ 15.2-4515 subdivisions~~ A 4 and B 4 of § 33.2-XXX shall inure
768 to the benefit of any creditor of the transportation district or, when applicable, to an agency as
769 therein provided.

770 C. For purposes of this section, the term "liability policy" as it is used in the Virginia
771 Tort Claims Act shall specifically include any program of self-insurance maintained by a district
772 and administered by the ~~Virginia Department of the Treasury's~~ Division of Risk Management.

773 **Drafting note: Technical changes.**

774 Article 7.

775 Planning Process and Procedures.

776 ~~§ 15.2-4527~~ 33.2-XXX. Planning process.

777 A. In performing the duties imposed under ~~§ 15.2-4515 subsections~~ A and B of § 33.2-
778 XXX, the commission shall cooperate with the governing bodies of the counties and cities
779 embraced ~~within~~ by the transportation district and agencies thereof, with the Commonwealth
780 Transportation Board, and with an agency of which members of the district commission are also
781 members, to the end that the plans, decisions₂, and policies for transportation shall be consistent
782 with and shall foster the development and implementation of the general plans and policies of
783 the counties and cities for their orderly growth and development.

784 B. Each commission member shall serve as the liaison between the commission and the
785 body by which he was appointed₂, and those commission members who are also members of an
786 agency shall provide liaison between the district commission and such agency, to the end that
787 the district commission, its component governments, the Commonwealth Transportation Board,
788 and any such agency₇, shall be continuously, comprehensively, and mutually advised of plans,
789 policies, and actions requiring consideration in the planning for transportation and in the
790 development of planned transportation facilities.

791 C. To assure that planning, policy₂, and decision-making are consistent with the
792 development plans for the orderly growth of the counties and cities and coordinated with the
793 plans and programs of the Commonwealth Transportation Board and are based on
794 comprehensive data with respect to current and prospective local conditions, including, ~~without~~
795 ~~limitation~~, land use, economic and population factors, the objectives for future urban
796 development₂, and future travel demands generated by such considerations, the commission may:

797 1. Create, subject to their appointment, technical committees from the personnel of the
798 agencies of the counties and cities and from the Commonwealth Transportation Board
799 concerned with planning, collection₂, and analysis of data relevant to decision-making in the

800 transportation planning process. Appointments to such technical committees, however, are to be
801 made by the governing bodies of the counties and cities and by the Commonwealth
802 Transportation Board, as the case may be; or

803 2. If the transportation district is located within an area ~~which~~ that has an organized
804 planning process created in conformance with the provisions of 23 U.S.C. § 134, utilize the
805 technical committees created for such planning process.

806 D. The commission, on behalf of the counties and cities within the transportation district,
807 but only upon their direction, is authorized to enter into the written agreements specified in 23
808 U.S.C. § 134 to assure conformance with the requirements of that law for continuous,
809 comprehensive transportation planning.

810 **Drafting note: Technical changes.**

811 § ~~15.2-4528~~ 33.2-XXX. Procedures.

812 A. To assure that the planning process specified in § ~~15.2-4527~~ 33.2-XXX is effectively
813 and efficiently utilized, the commission shall conform to the following procedures and may
814 prescribe such additional procedures as it deems advisable:

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

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

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

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

827 | 3. The objective of the procedures ~~herein~~ specified in this section is to develop
828 | agreement, based on the best available information, among the district commission, the
829 | governing bodies of the component governments, the Commonwealth Transportation Board,₂
830 | and an interstate agency with respect to the various factors ~~which~~ that affect the making of
831 | policies and decisions relating to a transportation plan and the implementation thereof. If any
832 | material disagreements occur in the planning process with respect to objectives and goals, the
833 | evaluation of basic data₂, or the selection of criteria and standards to be applied in the planning
834 | process, the commission shall exert its best efforts to bring about agreement and understanding
835 | on such matters. The commission, in its discretion, may hold hearings in an effort to resolve any
836 | such basic controversies.

837 | 4. Before a transportation plan is adopted, altered, revised₂, or amended by the
838 | commission or by an agency on which it is represented, the commission shall transmit such
839 | proposed plan, alteration, revision₂, or amendment to the governing bodies of the component
840 | governments, to the Commonwealth Transportation Board, and to its technical committees and
841 | shall release to the public information with respect thereto. A copy of the proposed
842 | transportation plan, amendment₂, or revision₇, shall be kept at the commission office and shall be
843 | available for public inspection. Upon ~~thirty~~ 30 days' notice, published once a week for two
844 | successive weeks in one or more newspapers of general circulation within the transportation
845 | district, a public hearing shall be held on the proposed plan, alteration, revision₂, or amendment.
846 | The ~~thirty~~ 30 days' notice period shall begin to run on the first day the notice appears in any
847 | such newspaper. The commission shall consider the evidence submitted and statements and
848 | comments made at such hearings and, if objections in writing to the whole or any part of the
849 | plan are made by the governing body of any component government, or by the Commonwealth
850 | Transportation Board, or if the commission considers any written objection made by any other
851 | person, group₂, or organization to be sufficiently significant, the commission shall reconsider the
852 | plan, alteration, revision₂, or amendment. If, upon reconsideration, the commission agrees with
853 | the objection, then the commission shall make appropriate changes to the proposed plan,

854 alteration, revision₂ or amendment₇; and may adopt them without further hearing. If, upon
855 reconsideration, the commission disagrees with the objection, the commission may adopt the
856 plan, alteration, revision₂ or amendment. No facilities shall be located in and no service
857 rendered, however, within any county or city~~which that~~ does not execute an appropriate
858 agreement with the commission or with an interstate agency as provided in §~~15.2-4521~~ 33.2-
859 XXX; but in such case, the commission shall determine whether the absence of such an
860 agreement so materially and adversely affects the feasibility of the transportation plan as to
861 require its modification or abandonment.

862 **Drafting note: Technical changes.**

863 Article 8.

864 Enlargement of Transportation Districts.

865 §~~15.2-4529~~ 33.2-XXX. Procedure for enlargement.

866 A transportation district may be enlarged to include any additional county₇ or part
867 thereof, or city or part thereof₂ contiguous thereto, upon such terms and conditions, consistent
868 with the provisions of this chapter, as may be agreed upon by the commission and such
869 additional county or city and in conformance with the following procedures. The governing
870 body of the county or city shall adopt an ordinance specifying the area to be enlarged,
871 containing the finding specified in §~~15.2-4504 of this chapter~~ 33.2-XXX and a statement that a
872 contract or agreement between the county or city and the commission₇; specifying the terms and
873 conditions of admittance to the transportation district₇; has been executed. The ordinance, to
874 which shall be attached a certified copy of the contract, shall be filed with the Secretary of the
875 Commonwealth. Upon certification by the Secretary of the Commonwealth to the Tax
876 Commissioner, the commissioner, and~~to~~ the governing bodies of each of the component
877 counties and cities that the ordinance required by this section has been filed and that its terms
878 conform to the requirements of this section, the additional county₇ or part thereof, or city or part
879 thereof, upon the entry of such certification in the minutes of the proceedings of the governing

880 body of such county or city, shall become a component government of the transportation district
881 and part of the transportation district.

882 **Drafting note: Technical changes.**

883 Article 9.

884 Withdrawal from Transportation District.

885 | § ~~15.2-4530~~ 33.2-XXX. Resolution or ordinance.

886 A county or city may withdraw from the transportation district by resolution or
887 ordinance, as may be appropriate, adopted by a majority vote of its governing body. The
888 withdrawal of any county or city shall not be effective until the resolution or ordinance of
889 withdrawal is filed with the transportation district commission and with the Secretary of the
890 Commonwealth.

891 **Drafting note: No change.**

892 | § ~~15.2-4531~~ 33.2-XXX. Financial obligations.

893 The withdrawal from the transportation district of any county or city shall not relieve the
894 county or city from any obligation or commitment made or incurred while a district member.

895 **Drafting note: No change.**

896 Article 10.

897 Exemption from Taxation; Tort Liability.

898 | § ~~15.2-4532~~ 33.2-XXX. Public purpose; exemption from taxation.

899 It is hereby found, determined, and declared that the creation of any transportation
900 district hereunder and the carrying out of the corporate purposes of any such transportation
901 | district is in all respects for the benefit of the people of ~~this~~ the Commonwealth and is a public
902 purpose and that the transportation district and the commission will be performing an essential
903 governmental function in the exercise of the powers conferred by this chapter. Accordingly, the
904 transportation district shall not be required to pay taxes or assessments upon any of the property
905 | acquired by it or under its jurisdiction, control, possession, or supervision or upon its activities
906 in the operation and maintenance of any transportation facilities or upon any revenues

907 therefrom, and the property and the income derived therefrom shall be exempt from all state,
908 municipal, and local taxation. This exemption shall include, ~~without limitation,~~ all motor vehicle
909 license fees, motor vehicle sales and use taxes, retail sales and use taxes, and motor fuel taxes.
910 The governing body of any political subdivision within a transportation district may refund in
911 whole or in part any payments for taxes or license fees or abate in whole or in part any
912 assessments for taxes or license fees on any property exempt from taxation or license fees under
913 this section that were assessed and levied prior to the acquisition of any transportation facilities
914 by a transportation district.

915 **Drafting note: Technical changes are made including the removal of "but not**
916 **limited to" based on § 1-218, which states "'Includes' means includes, but not limited to."**

917 § ~~15.2-4533~~ 33.2-XXX. Liability for torts.

918 Every district shall be liable for its torts and those of its officers, employees, and agents
919 committed in the conduct of any proprietary function but shall not be liable for any torts
920 occurring in the performance of a governmental function. However, this section shall not apply
921 to a transportation district subject to the provisions of the Virginia Tort Claims Act (§ 8.01-
922 195.1 et seq.).

923 **Drafting note: Technical change.**

924 Article 11.

925 Construction of Chapter.

926 § ~~15.2-4534~~ 33.2-XXX. Chapter liberally construed.

927 This chapter, being necessary for the welfare of the Commonwealth and its inhabitants,
928 shall be liberally construed to effect the purposes thereof.

929 **Drafting note: Technical change.**

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