

1 CHAPTER ~~71~~ \_\_.

2 CHARLOTTESVILLE-ALBEMARLE REGIONAL TRANSIT AUTHORITY.

3 **Drafting note:** Existing Chapter 71 (§ 15.2-7022 et seq.) of Title 15.2,  
4 Charlottesville-Albemarle Regional Transit Authority, is relocated as Chapter \_\_ of  
5 proposed Title 33.2 in order to have it located with other regional transit law associated  
6 with Charlottesville and Albemarle, found in Chapter \_\_.

7 ~~§ 15.2-7022. Short title.~~

8 ~~This chapter shall be known and may be cited as the Charlottesville-Albemarle Regional~~  
9 ~~Transit Authority.~~

10 **Drafting note:** This section is deleted as unnecessary because of the Code-wide  
11 application of § 1-244, which states that the caption of a subtitle, chapter, or article serves  
12 as a short title citation.

13 ~~§ 15.2-7023~~ 33.2-XXX. Charlottesville-Albemarle Regional Transit Authority created.

14 There is hereby created a political subdivision of the Commonwealth known as the  
15 Charlottesville-Albemarle Regional Transit Authority, ~~hereinafter known for purposes of this~~  
16 ~~chapter referred to~~ as "the Authority."

17 **Drafting note:** Technical changes.

18 ~~§ 15.2-7024~~ 33.2-XXX. Powers of the Charlottesville-Albemarle Regional Transit  
19 Authority.

20 The Authority is hereby granted all powers necessary or appropriate to carry out the  
21 purposes of this ~~act, including the following, chapter, including the power and authority~~ to:

22 1. Prepare a regional transit plan for all or a portion of the areas located within the  
23 ~~jurisdictional~~ boundaries of each member locality. The regional transit plan may include all or  
24 portions of those areas within the City of Charlottesville and the County of Albemarle ~~and~~, shall  
25 include, ~~but not necessarily be limited to~~, transit improvements of regional significance, and  
26 those improvements necessary or incidental thereto, and shall from time to time ~~revise be~~  
27 revised and ~~amend the plan amended~~;

28           2. When a transit plan is adopted according to subdivision 1, construct or acquire, by  
29 purchase, lease, contract, or otherwise, the transit facilities specified in such transit plan;

30           3. Make, assume, and enter into all contracts, agreements, arrangements, and leases with  
31 public or private entities as the Authority may determine, ~~which~~ are necessary or incidental to  
32 the operation of its facilities or to the execution of the powers granted by this chapter, or may  
33 operate such facilities itself;

34           4. Enter into contracts or agreements with the counties and cities embraced by the  
35 Authority, with other transit commissions of transportation districts adjoining any county or city  
36 embraced by the Authority, with any transportation authority, or with any federal, state, local, or  
37 private, ~~or federal~~ entity to provide, or cause to be provided, transit facilities and services to the  
38 area embraced by the Authority. Such contracts or agreements, together with ~~any~~ all agreements  
39 or leases for the operation of such facilities, may be used by the Authority to finance the  
40 construction and operation of transit facilities and such contracts, agreements, or leases shall  
41 inure to the benefit of any creditor of the Authority;

42           5. Notwithstanding any other provision of law to the contrary ~~to~~:

43           a. Acquire land or any interest therein by purchase, lease, or gift and provide transit  
44 facilities thereon for use in connection with any transit service; and

45           b. Prepare a plan for mass transit services with persons, ~~cities, counties~~ counties, cities,  
46 agencies, authorities, or transportation commissions and contract with any such person or ~~other~~  
47 entity to provide necessary facilities, equipment, operations and maintenance, access, and  
48 insurance pursuant to such plan;

49           6. Adopt, amend, or repeal bylaws, rules, and regulations, not inconsistent with this  
50 chapter or the general laws of the Commonwealth, for the regulation of its affairs and the  
51 conduct of its business and ~~to~~ carry into effect its powers and purposes;

52           7. Adopt an official seal and alter ~~the same at pleasure~~ it;

53           8. Maintain an office at such place or places as it designates;

54           9. Sue and be sued;

55 10. Determine and set fees, rates, and charges for transit services;

56 11. Establish retirement, group life insurance, and group accident and sickness insurance  
57 plans or systems for its employees in the same manner as localities are permitted under §§ 51.1-  
58 801 and 51.1-802;

59 12. Provide by resolution for the issuance of revenue bonds of the Authority for the  
60 purpose of paying the whole or any part of the cost of operating any transit system. Revenue  
61 bonds issued under the provisions of this chapter shall not constitute a pledge of the faith and  
62 credit of the Commonwealth or of any political subdivision. All bonds shall contain a statement  
63 on their face substantially to the effect that neither the faith and credit of the Commonwealth nor  
64 the faith and credit of any political subdivision are pledged to the payment of the principal of or  
65 the interest on the bonds. The issuance of revenue bonds under the provisions of this chapter  
66 shall ~~not~~ neither directly ~~or~~ nor indirectly ~~or~~ nor contingently obligate the Commonwealth or  
67 any political subdivision to levy ~~any~~ taxes or to make any appropriation for their payment  
68 except from the funds pledged under the provisions of this chapter;

69 13. Appoint, employ, or engage such officers, employees, architects, engineers,  
70 attorneys, accountants, financial advisors, investment bankers, and other advisors, consultants,  
71 and agents as may be necessary or appropriate, and ~~to~~ pay compensation and fix their duties;  
72 and

73 14. Contract with any participating political subdivision for such subdivision to provide  
74 legal services, engineering services, and depository and accounting services, including an  
75 annual independent audit, and procurement of goods and services; and ~~to~~ act as fiscal agent for  
76 the Authority.

77 **Drafting note: Technical changes.**

78 § ~~15.2-7025~~ 33.2-XXX. Counties and cities initially embraced by the Authority.

79 The Authority shall initially embrace the City of Charlottesville and all or such portions  
80 of the County of Albemarle as its governing body desires to have included. The City of

81 Charlottesville and the County of Albemarle shall be the initial members of the Authority upon  
82 adoption of an approving ordinance or resolution by each of their respective governing bodies.

83 **Drafting note: No changes.**

84 § ~~15.2-7026~~ 33.2-XXX. Joinder of other counties, agencies, institutions, and facilities.

85 The Counties of Fluvanna, Greene, Louisa, and Nelson may join the Authority, and the  
86 Authority shall embrace all or such portions as the ~~counties' governing bodies desire governing~~  
87 body of each county desires to have covered. Additionally, private nonprofit tourist-driven  
88 agencies, higher education facilities of the Charlottesville-Albemarle area, and public  
89 transportation agencies serving ~~the aforementioned such~~ counties may join the Authority. ~~Such~~  
90 ~~counties, agencies, institutions, and facilities' governing bodies~~ The governing body of any  
91 county, agency, institution, or facility wishing to join the Authority and the governing bodies of  
92 the localities, agencies, institutions, and facilities then members of the Authority shall by  
93 concurrent resolution or ordinance or by agreement provide for the joinder of such county,  
94 agency, institution, ~~and/or or~~ facility.

95 **Drafting note: Technical changes are made consistent with the 2012**  
96 **recommendation of the Virginia Code Commission that "and/or" no longer be placed in**  
97 **the Code.**

98 § ~~15.2-7027~~ 33.2-XXX. Governance of Authority; composition; terms.

99 The Authority shall be governed by a ~~Board of Directors~~ board of directors, ~~hereinafter~~  
100 ~~known~~ for purposes of this chapter referred to as the "Authority Board," which shall consist of  
101 the following:

102 1. Two directors representing the County of Albemarle, each of whom shall be a  
103 member of the governing body of the county;

104 2. Two directors representing the City of Charlottesville, each of whom shall be a  
105 member of the governing body of the city;

106 3. One director representing each county that joins the Authority pursuant to § ~~15.2-7026~~  
107 ~~33.2-XXX~~, each of whom shall be a member of the governing body of each respective county;  
108 and

109 4. Up to four additional directors, who shall be nonvoting, representing the interests of  
110 such agencies, institutions, and facilities described in § ~~15.2-7026~~ ~~33.2-XXX~~ that join the  
111 Authority.

112 All members of the Authority shall serve terms coincident with their terms of office.  
113 Vacancies shall be filled in the same manner as the original appointments.

114 The Authority shall appoint a chair and vice-chair from among its members.

115 **Drafting note: Technical changes.**

116 § ~~15.2-7028~~ ~~33.2-XXX~~. Staff.

117 The Authority shall employ an executive director and such staff as it shall determine to  
118 be necessary to carry out its duties and responsibilities under this chapter. No such person shall  
119 contemporaneously serve as a director of the Authority Board. The ~~Virginia~~ Department of  
120 Transportation and the ~~Virginia~~ Department of Rail and Public Transportation shall make their  
121 employees available to assist the Authority, upon request.

122 **Drafting note: Technical changes.**

123 § ~~15.2-7029~~ ~~33.2-XXX~~. Decisions of Authority.

124 A majority of the Authority Board shall constitute a quorum. Decisions of the Authority  
125 Board shall require a quorum and shall be in accordance with voting procedures established by  
126 the Authority.

127 **Drafting note: No changes.**

128 § ~~15.2-7030~~ ~~33.2-XXX~~. Allocation of certain Authority expenses.

129 The administrative expenses of the Authority, as provided in an annual budget adopted  
130 by the Authority, to the extent funds for such expenses are not provided from other sources,  
131 shall be allocated among the participating counties, city, agencies, institutions, and facilities  
132 pursuant to a funding formula as duly adopted by the Authority.

133           **Drafting note: No changes.**

134           § ~~15.2-7031~~ 33.2-XXX. Payment to directors of the Authority Board.

135           The directors of the Authority Board may be paid for their services in either (i) the  
136 amount provided in the general appropriation act for members of the General Assembly engaged  
137 in legislative business between sessions or (ii) a lesser amount as determined by the Authority.  
138 Directors of the Authority Board may be reimbursed for all reasonable and necessary expenses  
139 as provided in §§ 2.2-2813 and 2.2-2825, if approved by the Authority. Funding for the costs of  
140 compensation and expenses of the directors of the Authority Board shall be provided by the  
141 Authority.

142           **Drafting note: No changes.**

143           § ~~15.2-7032~~ 33.2-XXX. Formation of advisory committees.

144           The Authority may, in its discretion, form advisory committees to assist the Authority.

145           **Drafting note: No changes.**

146           § ~~15.2-7033~~ 33.2-XXX. Other duties and responsibilities of Authority.

147           In addition to other powers ~~herein~~ granted in this chapter, the Authority shall have the  
148 following duties and responsibilities:

149           1. ~~General~~ Providing general oversight of Charlottesville-Albemarle area programs  
150 involving mass transit or congestion mitigation;

151           2. ~~Long-range~~ Providing long-range transit planning in the Charlottesville-Albemarle  
152 area, both financially constrained and unconstrained;

153           3. Recommending to federal, state, and regional, ~~and federal~~ agencies regional transit  
154 priorities, including public-private transit projects and funding allocations;

155           4. Allocating to priority regional transit projects ~~any~~ funds made available to the  
156 Authority and, at the discretion of the Authority, directly overseeing such projects;

157           5. Recommending to the Commonwealth Transportation Board priority regional transit  
158 projects for receipt of federal and state funds;

159 6. Serving as an advocate for the transit needs of the Charlottesville-Albemarle area  
160 before the ~~state and~~ federal and state governments; and

161 7. Applying to and negotiating with the government of the United States, the  
162 Commonwealth ~~of Virginia~~, or any agency or instrumentality thereof, for grants and ~~any~~ other  
163 funds available to carry out the purposes of this chapter and receiving, holding, accepting, and  
164 administering from any source gifts, bequests, grants, aid, or contributions of money, property,  
165 labor, or other things of value to be held, used, and applied to carry out the purposes of this  
166 chapter subject, however, to any ~~conditions~~ condition upon which gifts, bequests, grants, aid, or  
167 contributions are made. Unless otherwise restricted by the terms of the gift, bequest, or grant,  
168 the Authority may sell, exchange, or otherwise dispose of such money, securities, or other  
169 property given or bequeathed to it in furtherance of its purposes.

170 **Drafting note: Technical changes.**

171 § ~~15.2-7034~~ 33.2-XXX. Withdrawal from the Authority.

172 A member of the Authority may withdraw from the participation in and the obligations  
173 of the Authority by a resolution or an ordinance of its governing body, and pursuant to such  
174 conditions and procedures adopted by the Authority. However, if the Authority has ~~any~~  
175 outstanding bonds or other debt, no member may withdraw from the Authority without the  
176 unanimous consent of all the holders of such bonds unless such bonds have been paid or cashed  
177 or United States government obligations have been deposited for their payment.

178 **Drafting note: Technical changes.**

179 § ~~15.2-7035~~ 33.2-XXX. Dissolution of the Authority.

180 Whenever the Authority Board by resolution determines that the purposes for which the  
181 Authority was formed have been substantially complied with and all bonds ~~theretofore~~ issued  
182 and all obligations ~~theretofore~~ incurred by the Authority have been fully paid or adequate  
183 provisions have been made for the payment, the Authority Board shall execute and file for  
184 record with the participating localities, agencies, institutions, and facilities a resolution declaring  
185 such facts and providing for the disposition of the Authority assets, consistent with applicable

186 state and federal law. If the participating localities, agencies, institutions, and facilities are of the  
187 opinion that the facts stated in the Authority's resolution are true and the Authority should be  
188 dissolved, they shall so resolve and the Authority shall stand dissolved as of the date on which  
189 the last participating locality, agency, institution ~~and/or, or~~ facility adopts such resolution.

190 **Drafting note: Technical changes are made consistent with the 2012**  
191 **recommendation of the Virginia Code Commission that "and/or" no longer be placed in**  
192 **the Code.**