

1 | CHAPTER ~~15~~ .

2 | TRANSPORTATION DISTRICTS WITHIN CERTAIN COUNTIES.

3 | **Drafting note: Existing Chapter 15 of Title 33.1, Transportation Districts within**
4 | **Certain Counties, is retained as Chapter of proposed Title 33.2 and placed within**
5 | **Subtitle IV on Local and Regional Transportation.**

6 | § ~~33.1-430~~ 33.2-XXX. Definitions.

7 | ~~The following words and phrases when As~~ used in this chapter ~~shall have the meanings~~
8 | ~~respectively ascribed to them in this section except in those instances where, unless~~ the context
9 | ~~clearly indicates~~ requires a different meaning:

10 | "Commission" means the governing body of a local transportation improvement district
11 | created pursuant to this chapter.

12 | "Cost" means all or any part of the following:

13 | 1. Acquisition, construction, reconstruction, alteration, landscaping, utilities, parking,
14 | conservation, remodeling, equipping, or enlarging of transportation improvements or any
15 | portion thereof;

16 | 2. Acquisition of land, rights-of-way, property rights, easements, and interests for
17 | construction, alteration, or expansion of transportation improvements;

18 | 3. Demolishing or relocating any structure on land so acquired, including the cost of
19 | acquiring any lands to which such structure may be relocated;

20 | 4. All labor, materials, machinery, and equipment necessary or incidental to the
21 | construction or expansion of a transportation improvement;

22 | 5. Financing charges, insurance, interest, and reserves for interest on all bonds prior to
23 | and during construction and, if deemed advisable by the commission, for a reasonable period
24 | after completion of such construction;

25 | 6. Reserves for principal and interest;

26 | 7. Reserves for extensions, enlargements, additions, replacements, renovations, and
27 | improvements;

28 8. Provisions for working capital;

29 9. Engineering and architectural expenses and services, including ~~but not limited to~~
30 surveys, borings, plans, and specifications;

31 10. Subsequent addition to or expansion of any project and the cost of determining the
32 feasibility or practicability of such construction;

33 11. Financing construction of, addition to, or expansion of transportation improvements
34 and operating such improvements; and

35 12. Expenses incurred in connection with the creation of the district, not to exceed
36 \$150,000.

37 "County" means any county having a population of more than 500,000.

38 "District" means any transportation improvement district created pursuant to this
39 chapter.

40 "District advisory board" or "advisory board" means the board appointed pursuant to §
41 ~~33.1-434~~ 33.2-XXX.

42 "Federal agency" means the United States of America or any department, bureau,
43 agency, or instrumentality thereof.

44 "Governing body" means the governing body of a county.

45 "Owner" or "landowner" means the person that is assessed with real property taxes
46 pursuant to § 58.1-3281 by the commissioner of the revenue or other assessing officer of the
47 locality in which the subject real property is located.

48 "Participating town" means a town that has real property within its boundaries included
49 within a district created pursuant to this chapter.

50 "Revenue" means any or all fees, tolls, rents, receipts, assessments, taxes, money, and
51 income derived by the district, including any cash contribution or payments made to the district
52 by the Commonwealth, any political subdivision thereof, or any other source.

53 "Transportation improvements" means any real or personal property acquired,
54 constructed, improved, or used for constructing, improving, or operating any (i) public mass

55 transit system or (ii) highway, or portion or interchange thereof, including parking facilities
56 located within a district created pursuant to this chapter. Such improvements ~~shall~~ include,
57 ~~without limitation~~, public mass transit systems, public highways, and all buildings, structures,
58 approaches, and facilities thereof and appurtenances thereto, rights-of-way, bridges, tunnels,
59 stations, terminals, and all related equipment and fixtures.

60 **Drafting note: Technical changes.**

61 § ~~33.1-431~~ 33.2-XXX. Creation of district.

62 A. A district may be created in a county by a resolution of the governing body. Any such
63 resolution shall be considered only upon the petition, to the governing body, of the owners of at
64 least 51 percent of either the land area or the assessed value of real property that (i) is within the
65 boundaries of the proposed district, (ii) has been zoned for commercial or industrial use or is
66 used for such purposes, and (iii) would be subject to the annual special improvement tax
67 authorized by § ~~33.1-435~~ 33.2-XXX if the proposed district is created. Any proposed district
68 within a county may include any real property within a town or towns within the boundaries of
69 such county.

70 B. The petition to the governing body shall:

- 71 1. Set forth the name and describe the boundaries of the proposed district;
- 72 2. Describe the transportation improvements proposed within the district;
- 73 3. Propose a plan for providing such transportation improvements within the district and
74 describe specific terms and conditions with respect to all commercial and industrial zoning
75 classifications and uses, densities, and criteria related thereto that the petitioners request for the
76 proposed district;
- 77 4. Describe the benefits that can be expected from the provision of such transportation
78 improvements within the district; and
- 79 5. Request the governing body to establish the proposed district for the purposes set forth
80 in the petition.

81 C. Upon the filing of such a petition, the governing body shall fix a day for a hearing on
82 the question of whether the proposed district shall be created. The hearing shall consider
83 whether the residents and owners of real property within the proposed district would benefit
84 from the establishment of the proposed district. All interested persons who either reside in or
85 own taxable real property within the proposed district shall have the right to appear and show
86 cause why any property or properties should not be included in the proposed district. If real
87 property within a town is included in the proposed district, a copy of the petition and notice of
88 the public hearing shall be delivered to the town council at least 30 days prior to the public
89 hearing, and the town council may by resolution determine if the town council wishes any
90 property located within the town to be included within the proposed district and any such
91 resolution shall be delivered to the governing body prior to the public hearing required by this
92 section. Such resolution shall be binding upon the governing body with respect to the inclusion
93 or exclusion of such properties within the proposed district. If that resolution permits any
94 commercial or industrial property located within a town to be included in the proposed district,
95 then, if requested to do so by the petition, the town council of any town that has adopted a
96 zoning ordinance also shall pass a resolution, to be effective upon creation of the proposed
97 district, that is consistent with the requirements of ~~the third sentence of~~ subsection ~~D~~E with
98 respect to commercial and industrial zoning classifications that shall be in force in that portion
99 of the town included in the district. The petition shall comply with the provisions of this section
100 with respect to minimum acreage or assessed valuation. Notice of the hearing shall be given by
101 publication once a week for three consecutive weeks in a newspaper of general circulation
102 within the locality. At least 10 days shall intervene between the third publication and the date set
103 for the hearing. Such public hearing may be adjourned from time to time.

104 D. If the governing body finds the creation of the proposed district would be in
105 furtherance of the county's comprehensive plan for the development of the area^{3.2} in the best
106 interests of the residents and owners of real property within the proposed district^{3.2} and in
107 furtherance of the public health, safety, and welfare, the governing body may pass a resolution;

108 ~~which shall be~~ that is reasonably consistent with the petition, that ~~would create~~ creates the
109 district upon final adoption, and that ~~would provide~~ provides for the appointment of an advisory
110 board in accordance with this chapter upon final adoption. Any such resolution shall be
111 conclusively presumed to be reasonably consistent with the petition if, following the public
112 hearing, as provided in the following provisions of this section, the petition continues to comply
113 with the provisions of this section with respect to the criteria relating to minimum acreage or
114 assessed valuation.

115 E. The resolution shall provide a description with specific terms and conditions of all
116 commercial and industrial zoning classifications that apply within the district, but not within any
117 town within the district that has adopted a zoning ordinance, that shall be in force in the district
118 upon its creation, together with any related criteria and a term of years, not to exceed 20 years,
119 as to which each such zoning classification and each related criterion set forth therein shall
120 remain in force within the district without elimination, reduction, or restriction, except (i) upon
121 the written request or approval of the owner of any property affected by a change, (ii) as
122 required to comply with the provisions of the Chesapeake Bay Preservation Act (§ 10.1-2100 et
123 seq.) or the regulations adopted pursuant thereto, (iii) as required to comply with the provisions
124 of the federal Clean Water Act regarding municipal and industrial stormwater discharges (33
125 U.S.C. § ~~1342(P)~~ 1342(p)) and regulations promulgated thereunder by the federal
126 Environmental Protection Agency, or (iv) as specifically required to comply with any other state
127 or federal law.

128 F. A resolution creating a district shall also provide either that the district shall expire
129 ~~either~~ (i) 50 years from the date upon which the resolution is passed or (ii) when the district is
130 abolished in accordance with ~~this chapter § 33.2-xxx~~ [§ 33.1-445]. After the public hearing, the
131 governing body may adopt a proposed resolution creating the district. No later than two business
132 days following the adoption of the proposed resolution, copies of the proposed resolution shall
133 be available in the office of the clerk of the governing body for inspection and copying by the
134 petitioning landowners and their representatives, by members of the public, and by

135 representatives of the news media. No later than seven business days following the adoption of
136 the proposed resolution, any petitioning landowner may notify the clerk of the governing body
137 in writing that the petitioning landowner is withdrawing his signature from the petition. Within
138 the same seven-day period, the owner of any property in the proposed district that will be
139 subject to the annual special improvements tax authorized by § ~~33.1-435~~ 33.2-XXX, if the
140 proposed district is created, or the attorney-in-fact of any such owner may notify the clerk of the
141 governing body in writing that he is adding his signature to the petition. The governing body
142 may then proceed to final adoption of the proposed resolution following that seven-day period.
143 If any petitioner has withdrawn his signature from the petition during that seven-day period,
144 then the governing body may readopt the proposed resolution only if the petition, including any
145 landowners who have added their signatures after adoption of the proposed resolution, continues
146 to meet the provisions of this section. After the governing body has readopted the resolution
147 creating the district, the district shall be established and the name of the district shall be "The
148 Transportation Improvement District."

149 **Drafting note: Technical changes are made. Two new subsections are created in**
150 **order to clarify internal references. The reference to the Clean Water Act now specifically**
151 **includes which section of the Clean Water Act is referred to in new subsection E.**

152 § ~~33.1-432~~ 33.2-XXX. Commission to exercise powers of the district.

153 The powers of a district created pursuant to this chapter shall be exercised by a
154 commission. The commission shall consist of four members of the governing body, appointed
155 by the governing body, plus one member of the town council of any participating town,
156 appointed by the town council of the participating town. In addition to the ~~foregoing appointed~~
157 members, the Chairman of the Commonwealth Transportation Board or his designee shall be a
158 member of the commission of any district created pursuant to this chapter.

159 The ~~members of the~~ commission shall elect ~~one of their number~~ a chairman ~~of the~~
160 commission from its membership. The chairman may be the chairman or presiding officer of the
161 governing body. In addition, the ~~members of the~~ commission, with the advice of the district

162 advisory board, shall elect a secretary and a treasurer, who may be members or employees of the
163 governing body, the town council of a participating town, or other governmental body. The
164 offices of secretary and treasurer may be combined. A majority of the commission members
165 shall constitute a quorum, and a majority vote shall be necessary for any action taken by the
166 commission. No vacancy in the membership of the commission shall impair the right of a
167 majority of the members to form a quorum or to exercise all of its rights, powers, and duties.

168 **Drafting note: Technical changes.**

169 § ~~33.1-433~~ 33.2-XXX. Powers and duties of commission.

170 The commission may:

171 1. Expend district revenues to construct, reconstruct, alter, improve, expand, or make
172 loans or otherwise provide for the cost of transportation improvements and for financial
173 assistance to operate transportation improvements in the district for the use and benefit of the
174 public.

175 2. Acquire by gift, purchase, lease, in-kind contribution to construction costs, or
176 otherwise any transportation improvements in the district and sell, lease as lessor, transfer, or
177 dispose of any part of any transportation improvements in such manner and upon such terms as
178 the commission may determine to be in the best interests of the district. However, prior to
179 disposing of any such property or interest therein, the commission shall conduct a public hearing
180 with respect to such disposition. At the hearing, the residents and owner of property within the
181 district shall have an opportunity to be heard. At least 10 days' notice of the time and place of
182 such hearing shall be published in a newspaper of general circulation in the district, as
183 prescribed by the commission. Such public hearing may be adjourned from time to time.

184 3. Negotiate and contract with any person with regard to any matter necessary and
185 proper to provide any transportation improvements, including, ~~but not limited to,~~ the financing,
186 acquisition, construction, reconstruction, alteration, improvement, expansion, operation, or
187 maintenance of any transportation improvements in the district. For the purposes of this chapter,
188 transportation improvements are within the district if they are located within the boundaries of

189 the transportation improvement district or are reasonably deemed necessary for the construction
190 or operation of transportation improvements within the boundaries of the transportation
191 improvement district.

192 4. Enter into a continuing service contract for a purpose authorized by this chapter and
193 make payments of the proceeds received from the special taxes levied pursuant to this chapter,
194 together with any other revenues, for installments due under that service contract. The district
195 may apply such payments annually during the term of that service contract in an amount
196 sufficient to make the installment payments due under that contract, subject to the limitation
197 imposed by this chapter. However, payments for any such service contract shall be conditioned
198 upon the receipt of services pursuant to the contract. Such a contract shall not obligate a county
199 or participating town to make payments for services of the district.

200 5. Accept the allocations, contributions, or funds of any available source; or ~~to~~ reimburse
201 from; any available source, including, ~~but not limited to~~, any person, for ~~either~~ the whole or any
202 part of the costs, expenses, and charges incident to the acquisition, construction, reconstruction,
203 maintenance, alteration, improvement, and expansion or the operation of any transportation
204 improvements in the district.

205 6. Contract for the extension and use of any public mass transit system or highway into
206 territory outside the district on such terms and conditions as the commission determines.

207 7. Employ and fix the compensation of personnel who may be deemed necessary for the
208 construction, operation, or maintenance of any transportation improvements in the district.

209 8. Have prepared an annual audit of the district's financial obligations and revenues, and;
210 upon review of such audit, request a tax rate adequate to provide tax revenues ~~which that~~,
211 together with all other revenues, are required by the district to fulfill its annual obligations.

212 **Drafting note: Technical changes.**

213 § ~~33.1-434~~ 33.2-XXX. District advisory boards.

214 Within ~~thirty~~ 30 days after the establishment of a district under this chapter, the
215 governing body shall appoint six members to a district advisory board, and the town council of

216 any participating town shall appoint two members to that board. Three of the six members
217 appointed by the governing body shall be chosen by the governing body from nominations
218 submitted to the governing body by the petitioners. If any members are subject to appointment
219 by a town council as provided ~~above in this section~~, then one of the two members so appointed
220 shall be chosen by the town council from nominations submitted to the town council by the
221 petitioners. All members shall own or represent the owners of real property within the district
222 zoned or used for commercial or industrial purposes. Each member shall be appointed for a term
223 of four years, except the initial appointment of advisory board members shall provide that the
224 terms of three of the members shall be for two years. If a vacancy occurs with respect to an
225 advisory board member initially appointed by a governing body or a town council, or any
226 successor of such a member, the governing body or the town council, as appropriate, shall
227 appoint a new member who is an owner or representative of an owner of real property within the
228 district zoned or used for commercial or industrial purposes. If a vacancy occurs with respect to
229 an advisory board member initially nominated by the petitioners, or any successor thereof, the
230 remaining advisory board members initially nominated by the petitioners, or the successors of
231 such remaining advisory board members, shall nominate a new member for selection by the
232 governing body or town council, as appropriate.

233 District advisory board members shall serve without pay, but the governing body shall
234 provide the advisory board with facilities for the holding of meetings, and the commission shall
235 appropriate funds needed to defray the reasonable expenses and fees of the advisory board,
236 ~~which that~~ shall not exceed \$20,000 annually, including ~~without limitation~~ expenses and fees
237 arising out of the preparation of the annual report. Such appropriations shall be based on an
238 annual budget submitted by the board, and approved by the commission, sufficient to carry out
239 its responsibilities under this chapter. The advisory board shall elect a chairman and a secretary
240 and such other officers as it deems necessary. The advisory board shall fix the time for holding
241 regular meetings, but it shall meet at least once every year. Special meetings of the advisory
242 board shall be called by the chairman or by two members of the advisory board upon written

243 request to the secretary of the advisory board. A majority of the members shall constitute a
244 quorum.

245 The advisory board shall present an annual report to the commission on the
246 transportation needs of the district and on the activities of the advisory board, and the advisory
247 board shall present special reports on transportation matters as requested by the commission or
248 the governing body concerning taxes to be levied pursuant to this chapter.

249 **Drafting note: Technical changes.**

250 | § ~~33.1-435~~ 33.2-XXX. Annual special improvements tax; use of revenues.

251 Upon the written request of the commission made to the governing body, the governing
252 body may levy and collect an annual special improvements tax on taxable real estate zoned for
253 commercial or industrial use or used for such purposes and taxable leasehold interests in that
254 portion of the improvement district within its jurisdiction. For the purposes of this chapter, real
255 property that is zoned to permit multiunit residential use but not yet used for that purpose and
256 multiunit residential real property that is primarily leased or rented to residential tenants or other
257 occupants by an owner who is engaged in such a business shall be deemed to be property in
258 commercial use and therefore subject to the special improvements tax authorized by this section.
259 Notwithstanding the provisions of Article 4 (§ 58.1-3229 et seq.) of Chapter 32 of Title 58.1, the
260 tax shall be levied on the assessed fair market value of the taxable real property. The rate of the
261 | special improvements tax shall not be more than ~~\$.40~~ 40 cents (\$0.40) per \$100 of the assessed
262 fair market value of any taxable real estate or the assessable value of taxable leasehold property
263 as specified by § 58.1-3203; however, if all the owners in any district so request in writing, this
264 limitation on rate shall not apply. Such special improvements taxes shall be collected at the
265 same time and in the same manner as the county's taxes are collected, and the proceeds shall be
266 kept in a separate account. The effective date of the initial levy shall be, at the discretion of the
267 governing body, either (i) January 1 of the year following adoption of the resolution creating the
268 district or (ii) on a prorated basis for the period from the date when the special improvements
269 tax was first imposed through the remainder of the year. All revenues received by the county

270 pursuant to such taxes shall be paid to or at the direction of the district commission for its use
271 pursuant to this chapter. All revenues generated from the annual special improvements taxes
272 levied by the governing body pursuant to this section shall be deemed to be contributions of that
273 governing body in any transportation cost-sharing formula.

274 **Drafting note: Technical change.**

275 § ~~33.1-436~~ 33.2-XXX. Agreements with the Commonwealth Transportation Board;
276 payment of special improvements tax to Transportation Trust Fund.

277 A. In addition to any other power conferred by this chapter, the district may contract
278 with the Commonwealth Transportation Board for the Board to perform any of the purposes of
279 the district.

280 The district may agree by contract to pay all or a portion of the special improvements tax
281 to the Commonwealth Transportation Board.

282 Prior to executing any such contract, the district shall seek the agreement of the
283 governing body that the county's officer, charged with the responsibility for preparing the
284 county's annual budget, shall submit in the budget for each fiscal year in which any
285 Commonwealth of Virginia Transportation Contract Revenue Bonds issued for such district are
286 outstanding, all amounts to be paid to the Commonwealth Transportation Board under such
287 contract during such fiscal year.

288 If the amount required to be paid to the Commonwealth Transportation Board under the
289 contract is not so paid for a period of ~~sixty~~ 60 days after such amount is due, the Commonwealth
290 Transportation Board shall, until such amount has been paid, withhold sufficient funds from
291 funds appropriated and allocated, pursuant to Article ~~1.1~~ 4 (§ ~~33.1-23.01~~ 33.2-XXX et seq.) of
292 Chapter 1 ~~of Title 33.1~~, to the highway construction district in which the transportation
293 improvements covered by such contract are located or to such locality or localities in which
294 such transportation improvements are located and to use such funds to satisfy the contractual
295 requirements.

296 B. While nothing in this chapter shall limit the authority of any county or participating
297 town to change the classification of property zoned for commercial or industrial use or used for
298 such purpose upon the written request or approval of the owner of any property affected by such
299 change after the effective date of any such contract, should a change in zoning classification so
300 requested result in a shortfall in the total annual revenues from the imposition of the special
301 improvements tax and the payments required to be made to the Commonwealth Transportation
302 Board pursuant to the contract, the district shall request the governing body to increase the rate
303 of such tax by such amount up to the maximum authorized rate as may be necessary to prevent
304 such shortfall. If, however, a deficit remains after any rezoning and adjustment of the tax rate or
305 the rate is at the maximum authorized rate and cannot be increased, then the amount of funds
306 otherwise appropriated and allocated, pursuant to the highway allocation formula as provided by
307 law, to the highway construction district in which the project covered by such contract is located
308 or to the county, shall be reduced by the amount of such deficit and used to satisfy the deficit.

309 **Drafting note: Technical changes.**

310 § ~~33.1-437~~ 33.2-XXX. Payments for certain changes in zoning classifications or use.

311 A. For any real property within the district for which a county or participating town
312 changes its zoning classification from one that is subject to the special improvements tax
313 authorized by § ~~33.1-436~~ 33.2-XXX to a classification that is not subject to that tax, ~~then~~
314 county or participating town shall require the simultaneous payment from the property owner of
315 a sum representing the present value of the future special improvements taxes estimated by the
316 county to be lost as a result of such change in classification. On a case-by-case basis, however,
317 the governing body or town council of a participating town may, in its sole discretion, defer, for
318 no more than ~~sixty~~ 60 days, the effective date of such change in zoning classification. Upon
319 deferral, the lump sum provided for in this subsection shall be paid to the county in immediately
320 available funds acceptable to the county before the deferred effective date. If the landowner fails
321 to make this lump sum payment as and when required, the change in zoning classification shall
322 not become effective and the ordinance shall be void. Special improvements taxes previously

323 paid in the year of the zoning change may be credited toward the payment on a prorated basis.
324 The portion of the payment that may be credited shall be that portion of the year following the
325 change in zoning classification. If at the time there is outstanding a contract by which the district
326 has agreed to pay all or a portion of the special improvements tax to the Commonwealth
327 Transportation Board, then the district and the Commonwealth Transportation Board shall agree
328 to a method of calculating the present value of the loss of future special improvements taxes
329 resulting from such a change in zoning classification and the procedure for payment of such
330 funds to the Commonwealth Transportation Board. Whenever any county or participating town
331 acts in accordance with such an agreement between the district and the Commonwealth
332 Transportation Board, the change in zoning classification shall not be considered to have
333 resulted in a shortfall in the total annual revenues from the imposition of the special
334 improvements tax and the payments required to be made to the Commonwealth Transportation
335 Board.

336 B. Any owner of any real property that is subject to the special improvements tax
337 authorized by § ~~33.1-436~~ 33.2-XXX because it is zoned to permit multiunit residential use but is
338 not yet used for that purpose or because it consists of multiunit residential real property that is
339 primarily leased or rented to residential tenants or other occupants by an owner who is engaged
340 in such a business; who wishes to change the use of the real property to one that is not subject to
341 that tax; shall be required, prior to any such change in use, to pay to the county a sum
342 representing the present value of the future special improvements taxes estimated by the county
343 to be lost as a result of such change in use.

344 **Drafting note: Technical changes.**

345 § ~~33.1-438~~ 33.2-XXX. Jurisdiction of localities and officers, etc., not affected.

346 Neither the creation of a district nor any other provision in this chapter shall affect the
347 power, jurisdiction, or duties of the respective local governing bodies of any county or
348 participating town; sheriffs; treasurers; commissioners of the revenue; circuit, district, or other
349 courts; clerks of any court; magistrates; or any other local or state officer in regard to the area

350 | embraced in any district, ~~not or~~ restrict or prevent any county or its governing body, or
351 | participating town or its town council, from imposing and collecting taxes or assessments for
352 | public improvements as permitted by law. Any county that creates a district pursuant to this
353 | chapter and any participating town may obligate itself with respect to the zoning ordinances,
354 | zoning ordinance text, and regulations relating thereto for all commercial and industrial
355 | classifications within the district as provided in this chapter for a term not to exceed ~~twenty~~ 20
356 | years from the date on which such district is created.

357 | **Drafting note: Technical changes.**

358 | ~~§ 33.1-439~~ 33.2-XXX. Allocation of funds to districts.

359 | The governing body ~~of any county~~ or the town council of ~~any a~~ participating town in
360 | which a district has been created pursuant to this chapter may advance funds or provide
361 | matching funds from money not otherwise specifically allocated or obligated. Such funds may
362 | be received or generated from whatever source, including, ~~without limitation,~~ general revenues,
363 | special fees and assessments, state allocations, and contributions from private sources to a local
364 | district to assist the local district to undertake the transportation improvements for which it was
365 | created. To assist the district with an approved transportation improvement, the Commonwealth
366 | Transportation Board may allocate to a district created pursuant to this chapter only funds
367 | allocated, pursuant to Article ~~1.1 4~~ (§ ~~33.1-23.01~~ 33.2-XXX et seq.) of Chapter 1 ~~of Title 33.1,~~
368 | and subsection A of § 58.1-638, to the construction districts and localities in which such
369 | transportation district is located.

370 | **Drafting note: The reference to the "governing body of any county" is changed to**
371 | **"governing body" per the definitions for this chapter. Technical changes are also made.**

372 | ~~§ 33.1-440~~ 33.2-XXX. Reimbursement for advances to district.

373 | To the extent that a county or participating town has made advances to the district, the
374 | commission shall direct the district treasurer to reimburse the county or participating town from
375 | any district funds not otherwise specifically allocated or obligated.

376 | **Drafting note: No changes.**

377 § ~~33.1-441~~ 33.2-XXX. Cooperation between districts and other political subdivisions.

378 Any district created pursuant to this chapter may enter into agreements with counties,
379 cities, and towns, or other political subdivisions of the Commonwealth, with the Metropolitan
380 Washington Airports Authority, or with the Washington Metropolitan Area Transit Authority
381 for joint or cooperative action in accordance with the standards and procedures set forth in §
382 15.2-1300.

383 **Drafting note: Technical change.**

384 § ~~33.1-442~~ 33.2-XXX. Tort liability.

385 No pecuniary liability of any kind shall be imposed upon the Commonwealth or any
386 county, city, or town, or landowner therein because of any act, agreement, contract, tort,
387 malfeasance, misfeasance, or nonfeasance by or on the part of a district, or its agents, servants,
388 or employees.

389 **Drafting note: Technical change.**

390 § ~~33.1-443~~ 33.2-XXX. Approval by Commonwealth Transportation Board.

391 The district may not construct or improve a transportation improvement without the
392 approval of the Commonwealth Transportation Board, the county in which the transportation
393 improvement will be located, and, with respect to any improvements located within a
394 participating town, its town council. At the request of the commission, the Commissioner of
395 Highways may exercise the powers of condemnation provided in Chapter 2 (§ 25.1-200 et seq.)
396 of Title 25.1, §§ ~~33.1-89~~ 33.2-XXX through ~~33.1-132~~ 33.2-XXX, or § ~~33.1-229~~, 33.2-XXX for
397 the purpose of acquiring property for transportation improvements within the district.

398 Upon completion of such construction or improvement, the Commonwealth
399 Transportation Board shall take any affected public highway into the appropriate state highway
400 system ~~of state highways~~ for purposes of maintenance and subsequent improvements as
401 necessary. Upon acceptance by the Commonwealth of such highway into a state highway
402 system ~~of highways~~, all rights, title, and interest in the right-of-way and improvements of any
403 affected highway shall vest in the Commonwealth. Upon completion of construction or

404 improvement of a mass transit system, all rights, title, and interest in the right-of-way and
405 improvements of such mass transit system shall vest in an agency or instrumentality of the
406 Commonwealth designated by the Commonwealth Transportation Board.

407 **Drafting note: Technical changes.**

408 § ~~33.1-444~~ 33.2-XXX. Enlargement of local districts.

409 The district shall be enlarged by resolution of the governing body upon the petitions of
410 the district commission and the owners of at least ~~fifty-one~~ 51 percent of either the land area or
411 the assessed value of real property of the district; and of at least ~~fifty-one~~ 51 percent of either the
412 land area or assessed value of real property located within the territory sought to be added to the
413 district. However, any such territory shall be contiguous to the existing district. The petition
414 shall present the information required by § ~~33.1-431~~ 33.2-XXX. Upon receipt of such a petition,
415 the county shall use the standards and procedures provided in § ~~33.1-431~~ 33.2-XXX, except that
416 the residents and owners of both the existing district and the area proposed for the enlargement
417 shall have the right to appear and show cause why any property should not be included in the
418 proposed district. If the proposed enlargement of the district encompasses any portion of a town,
419 then such standards and procedures shall include the requirement to obtain a resolution from the
420 town council in the manner set forth in § ~~33.1-431~~ 33.2-XXX, which shall have the same effect
421 as set forth in that section.

422 If the governing body finds the enlargement of a local district would be in accordance
423 with the applicable comprehensive plan for the development of the area, in the best interests of
424 the residents and owners of the property within the proposed district, and in furtherance of the
425 public health, safety, and general welfare, and if the governing body finds that enlargement of
426 the district does not limit or adversely affect the rights and interests of any party that has
427 contracted with the district, the governing body may pass a resolution providing for the
428 enlargement of the district.

429 **Drafting note: Technical changes.**

430 § ~~33.1-445~~ 33.2-XXX. Abolition of local transportation districts.

431 A. Any district created pursuant to this chapter may be abolished by resolutions passed
432 by the governing body and the town council of any participating town, upon the joint petition of
433 the commission and the owners of at least ~~fifty-one~~ 51 percent of the land area located within
434 the district. Joint petitions shall:

435 1. State whether the purposes for which the district was formed have been substantially
436 achieved;

437 2. State whether all obligations incurred by the district have been fully paid;

438 3. Describe the benefits that can be expected from the abolition of the district; and

439 4. Request the governing body to abolish the district.

440 B. Upon receipt of such a petition, the governing body and the town council of any
441 participating town, in considering the abolition of the district, shall use the standards and
442 procedures described in § ~~33.1-431~~ 33.2-XXX mutatis mutandis, except that all interested
443 persons who either reside on or who own real property within the boundaries of the district shall
444 have the right to appear and show cause why the district should not be abolished.

445 C. If the governing body and the town council of any participating town find that (i) the
446 abolition of the district ~~(i)~~ is in accordance with the locality's comprehensive plan for the
447 development of the area; (ii) the abolition of the district is in the best interests of the residents
448 and owners of the property within the district; (iii) the abolition of the district is in furtherance
449 of the public health, safety, and welfare; and ~~(iv) that~~ all debts of the district have been paid and
450 the purposes of the district either have been, or should not be, fulfilled or finds that the
451 governing body with the approval of the voters of the county has agreed to assume the debts of
452 the district, then the governing body and the town council of any participating town may pass
453 resolutions abolishing the district and the district advisory board. Upon abolition of the district,
454 the title to all funds and properties owned by the district at the time of such dissolution shall vest
455 in the county.

456 **Drafting note: Technical changes.**

457 | § ~~33.1-446~~ 33.2-XXX. Chapter to constitute complete authority for acts authorized;
458 liberal construction.

459 This chapter shall constitute complete authority for the district to take the actions
460 authorized by this chapter. This chapter, being necessary for the welfare of the Commonwealth
461 and its inhabitants, shall be liberally construed to effect its purposes. Any court test concerning
462 the validity of any bonds that may be issued for transportation improvements made pursuant to
463 this chapter shall be determined pursuant to the Public Finance Act of 1991 (§ 15.2-2600 et
464 seq.).

465 **Drafting note: No changes.**