

## Chapter 37. Central Virginia Transportation Authority.

### § 33.2-3700. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Authority" means the Central Virginia Transportation Authority.

"Fund" means the Central Virginia Transportation Fund.

2020, c. 1235.

### § 33.2-3701. Central Virginia Transportation Fund.

A. There is hereby created in the state treasury a special nonreverting fund for Planning District 15 to be known as the Central Virginia Transportation Fund. The Fund shall be established on the books of the Comptroller. All revenues dedicated to the Fund pursuant to § 58.1-638 and Chapter 22.1 (§ 58.1-2291 et seq.) of Title 58.1 shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. The moneys deposited in the Fund shall be used solely for (i) transportation purposes benefiting the localities comprising Planning District 15 and (ii) administrative and operating expenses as specified in subsection B of § 33.2-3706.

B. The amounts dedicated to the Fund shall be deposited monthly by the Comptroller into the Fund and thereafter distributed to the Authority as soon as practicable for use in accordance with this chapter. If the Authority determines that such moneys distributed to it exceed the amount required to meet the current needs and demands to fund transportation purposes pursuant to this chapter, the Authority may invest such excess moneys to the same extent and in the same manner as provided in subsection A of § 33.2-1525 for excess funds in the Transportation Trust Fund.

C. The amounts deposited into the Fund and the distribution and expenditure of such amounts shall not be used to calculate or reduce the share of federal, state, or local revenues otherwise available to participating localities. Further, such revenues and moneys shall not be included in any computation of, or formula for, a locality's ability to pay for public education, upon which appropriations of state revenues to local governments for public education are determined.

D. After provision for the payment of administrative and operating expenses as specified in subsection B of § 33.2-3706, the revenues in the Fund shall be allocated as follows:

1. Thirty-five percent shall be retained by the Authority to be used for transportation-related purposes benefiting the localities comprising Planning District 15;
2. Fifteen percent shall be distributed to the Greater Richmond Transit Company (GRTC), or its successor, to provide transit and mobility services in Planning District 15; and
3. Fifty percent shall be returned, proportionally, to each locality located in Planning District 15 to be used to improve local mobility, which may include construction, maintenance, or expansion of roads, sidewalks, trails, mobility services, or transit located in the locality.

E. Each locality's share of the revenues returned pursuant to subdivision D 3 shall be the total of the taxes dedicated to the Fund that are generated or attributable to the locality divided by the total of such taxes dedicated to the Fund. Each locality shall create a separate, special fund in which all revenues received pursuant to subdivision D 3 shall be deposited. Each locality shall annually provide to the Authority sufficient documentation, as required by the Authority, showing that the revenues distributed under subdivision D 3 were used for the purposes set forth therein.

F. The projects and other transportation purposes supported by the revenues allocated under subdivisions D 1 and 2 shall be approved by the Authority.

G. The GRTC shall create a separate, special fund in which all revenues received pursuant to subdivision D 2 shall be deposited. The GRTC shall develop a plan for regional public transportation within Planning District 15 in collaboration with the Richmond Regional Transportation Planning Organization in conformance with the guidelines required by § 33.2-286 . The GRTC shall annually provide to the Authority sufficient documentation, as required by the Authority, showing that the revenues distributed under subdivision D 2 were applied in accordance with Authority approval and the guidelines required by § 33.2-286.

H. The Authority shall develop a prioritization process based on an objective and quantifiable analysis that considers the benefits of projects relative to their cost. Only projects evaluated using such process may be funded pursuant to subdivision D 1.

2020, c. 1235.

### **§ 33.2-3702. Central Virginia Transportation Authority created.**

The Central Virginia Transportation Authority is hereby created as a body politic and as a political subdivision of the Commonwealth. The Authority shall embrace each county, city, and town located in Planning District 15, which is established pursuant to Chapter 42 (§ 15.2-4200 et seq.) of Title 15.2.

2020, c. 1235.

### **§ 33.2-3703. Composition of Authority.**

The Authority shall consist of 16 members as follows:

1. The chief elected officer, or his designee, of the governing body of each of the counties embraced by the Authority;
2. The chief elected officer, or his designee, of the City of Richmond and the Town of Ashland;
3. One member of the House of Delegates who resides in a county or city embraced by the Authority, appointed by the Speaker of the House, and one member of the Senate who resides in a county or city embraced by the Authority, appointed by the Senate Committee on Rules;
4. A member of the Commonwealth Transportation Board who resides in a locality embraced by the Authority and is appointed by the Governor; and
5. The following four persons serving ex officio as nonvoting members of the Authority: the Director of the Department of Rail and Public Transportation, or his designee; the Commissioner of Highways, or his designee; the Chief Executive Officer of the Greater Richmond Transit Company (GRTC); and the Chief Executive Officer of the Richmond Metropolitan Transportation

Authority.

All members of the Authority shall serve terms coincident with their terms of office. Vacancies shall be filled in the same manner as the original appointment. If a member of the Authority who represents a locality as provided in subdivision 1 or 2 is unable to attend a meeting of the Authority, he may designate another current elected official of such governing body to attend such meeting of the Authority. Such designation shall be for the purposes of one meeting and shall be submitted in writing or electronically to the Chairman of the Authority at least 48 hours prior to the affected meeting.

The Authority shall elect a chairman and vice-chairman from among its voting membership.

The Auditor of Public Accounts, or his legally authorized representatives, shall annually audit the financial accounts of the Authority, and the cost of such audit shall be borne by the Authority.

2020, c. [1235](#).

**§ 33.2-3704. Staff.**

The Authority may employ a chief executive officer and such staff as it shall determine to be necessary to carry out its duties and responsibilities under this chapter. No such person shall contemporaneously serve as a member of the Authority. The Department of Transportation and the Department of Rail and Public Transportation shall make their employees available to assist the Authority, upon request.

2020, c. [1235](#).

**§ 33.2-3705. Decisions of the Authority.**

A majority of voting members of the Authority shall constitute a quorum. Vacancies shall not be considered in the establishment of a quorum. Votes of the chief elected officers of localities, or their designees, appointed to the Authority shall be weighted, based upon population of the locality, as follows: (i) the chief elected officers, or their designees, from the Counties of Chesterfield and Henrico and the City of Richmond shall each receive four votes; (ii) the chief elected officer, or his designee, from the County of Hanover shall receive three votes; (iii) the chief elected officers, or their designees, from the Counties of Goochland, New Kent, and Powhatan shall each receive two votes; and (iv) the chief elected officers, or their designees, from the Town of Ashland and the County of Charles City shall each receive one vote. The Delegate and Senator appointed to the Authority and the member of the Commonwealth Transportation Board appointed by the Governor shall each receive one vote. Decisions of the Authority shall require an affirmative vote of those present and voting whose votes represent at least four-fifths of the population embraced by the Authority; however, no motion to fund a specific facility or service shall fail because of this population criterion if such facility or service is not located or to be located or provided or to be provided within the county or city whose chief elected officer's or elected official's, or its respective designee's, sole negative vote caused the facility or service to fail to meet the population criterion. The population of counties and cities embraced by the Authority shall be the population as determined by the most recently preceding decennial census, except that on July 1 of the fifth year following such census, the population of each county and city shall be adjusted, based on population estimates made by the Weldon Cooper Center for Public Service of the University of Virginia.

2020, c. [1235](#).

**§ 33.2-3706. Annual budget and allocation of expenses.**

A. The Authority shall adopt an annual budget and develop a funding plan to be supported by the revenues allocated under subdivision D 1 of § 33.2-3701 and shall provide for such development and adoption in its bylaws. The funding plan shall provide for the expenditure of funds for transportation purposes over a four-to-six-year period and shall align with the Statewide Transportation Plan established pursuant to § 33.2-353, the long-range transportation plan of Planning District 15, or the long-range transportation plans of participating localities as much as possible. The Authority shall solicit public comment on its budget and funding plan by posting a summary of such budget and funding plan on its website and holding a public hearing. Such public hearing shall be advertised on the Authority's website and in a newspaper of general circulation in Planning District 15.

B. The administrative and operating expenses of the Authority shall be provided in an annual budget adopted by the Authority and to the extent funds for such expenses are not provided from other sources shall be paid from the Fund. Such budget shall be limited solely to the administrative and operating expenses of the Authority and shall not include any funds for construction or acquisition of transportation facilities or the maintenance or performance of any transportation service.

C. Members may be reimbursed for all reasonable and necessary expenses provided in §§ 2.2-2813 and 2.2-2825, if approved by the Authority. Funding for the costs of compensation and expenses of the members shall be provided by the Authority.

2020, c. 1235.

**§ 33.2-3707. Authority to issue bonds.**

The Authority may issue bonds and other evidences of debt as may be authorized by this section or other law. The provisions of Article 5 (§ 33.2-1920 et seq.) of Chapter 19 shall apply, mutatis mutandis, to the issuance of such bonds or other debt. The Authority may issue bonds or other debt in such amounts as it deems appropriate. The bonds may be supported by any funds available.

2020, c. 1235.

**§ 33.2-3708. Powers of the Authority.**

A. The Authority shall have the following powers together with all powers incidental thereto or necessary for the performance of those hereinafter stated:

1. To sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;
2. To adopt and use a corporate seal and to alter the same at its pleasure;
3. To procure insurance, participate in insurance plans, and provide self-insurance; however, the purchase of insurance, participation in an insurance plan, or the creation of a self-insurance plan by the Authority shall not be deemed a waiver or relinquishment of any sovereign immunity to which the Authority or its officers, directors, employees, or agents are otherwise entitled;
4. To establish bylaws and make all rules and regulations, not inconsistent with the provisions of this chapter, deemed expedient for the management of the Authority's affairs;

5. To apply for and accept money, materials, contributions, grants, or other financial assistance from the United States and agencies or instrumentalities thereof, the Commonwealth and any political subdivision, agency, or instrumentality of the Commonwealth, and any legitimate private source;
6. To acquire real and personal property or any interest therein by purchase, lease, gift, or otherwise for purposes consistent with this chapter and to hold, encumber, sell, or otherwise dispose of such land or interest for purposes consistent with this chapter;
7. To acquire by purchase, lease, contract, or otherwise, highways, bridges, or tunnels and to construct the same by purchase, lease, contract, or otherwise;
8. In consultation with the Commonwealth Transportation Board for projects that encompass a state highway, and with each city or county in which the facility or any part thereof is or is to be located, to repair, expand, enlarge, construct, reconstruct, or renovate any or all highways, bridges, and tunnels within Planning District 15 and to acquire any real or personal property needed for any such purpose;
9. To enter into agreements or leases with public or private entities for the operation and maintenance of bridges, transit and rail facilities, and highways;
10. To make and execute contracts, deeds, mortgages, leases, and all other instruments and agreements necessary or convenient for the performance of its duties and the exercise of its powers and functions under this chapter;
11. To the extent funds are made or become available to the Authority to do so, to employ employees, agents, advisors, and consultants, including without limitation attorneys, financial advisers, engineers, and other technical advisers and, the provisions of any other law to the contrary notwithstanding, to determine their duties and compensation;
12. To exercise the powers of a locality pursuant to § 33.2-269; and
13. To the extent not inconsistent with the other provisions of this chapter, and without limiting or restricting the powers otherwise given the Authority, to exercise all of the powers given to transportation district commissions by § 33.2-1919.

B. The Authority shall comply with the provisions governing localities contained in § 15.2-2108.23.

2020, c. 1235.

### **§ 33.2-3709. Additional Powers of the Authority.**

Notwithstanding any contrary provision of this title and in accordance with all applicable federal statutes and requirements, the Authority shall control and operate and may impose and collect tolls in amounts established by the Authority for the use of any new or improved highway, bridge, or tunnel, to increase capacity on such facility or to address congestion within Planning District 15, constructed by the Commission (i) with federal, state, or local funds, (ii) solely with revenues of the Authority, or (iii) with revenues under the control of the Authority. The amount of any such toll may be varied from facility to facility, by lane, by congestion levels, by day of the week, by time of day, by type or size of vehicle, by number of axles, or by any similar combination thereof or any other factor the Authority may deem proper, and a reduced rate may be established for commuters as defined by the Authority. All such tolls shall be used for programs

and projects that are reasonably related to or benefit the users of the new or improved highway, bridge, or tunnel, including, but not limited to, for the debt service and other costs of bonds whose proceeds are used for construction or improvement of such highway, bridge, or tunnel.

Any tolls imposed by the Authority shall be collected by an electronic toll system that, to the extent possible, shall not impede the traffic flow of the facility or prohibit a toll facility from retaining means of nonautomated toll collection in some lanes of the facility. For all facilities tolled by the Authority, there shall be signs erected prior to the point of toll collection that clearly state how the majority of the toll revenue is being spent by the Authority to benefit the users of the facility.

2020, c. [1235](#).

**§ 33.2-3710. Authority a responsible public entity under Public-Private Transportation Act of 1995.**

The Authority is a responsible public entity as defined in § [33.2-1800](#) and shall be regulated in accordance with the terms of the Public-Private Transportation Act of 1995 (§ [33.2-1800](#) et seq.) and regulations and guidelines adopted pursuant thereto.

2020, c. [1235](#).

**§ 33.2-3711. Continuing responsibilities of the Commonwealth Transportation Board and the Department of Transportation.**

Except as otherwise explicitly provided in this chapter, until such time as the Authority and the Department of Transportation, or the Authority and the Commonwealth Transportation Board, agree otherwise in writing, the Commonwealth Transportation Board shall allocate funding to and the Department of Transportation shall perform or cause to be performed all maintenance and operation of the bridges and roadways and shall perform such other required services and activities with respect to such bridges and roadways as were being performed on July 1, 2020.

2020, c. [1235](#).

**§ 33.2-3712. Continued responsibilities for local transit funding.**

No locality embraced by the Authority shall reduce its local funding for public transit by more than 50 percent of what it appropriated for public transit as of July 1, 2019. Starting in fiscal year 2023, the amount required to be provided by a locality pursuant to this section shall be adjusted annually based on the greater of (i) the change in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics for the U.S. Department of Labor for the previous year, or (ii) zero.

2020, c. [1235](#).

**§ 33.2-3713. Use of revenues by the Authority.**

Notwithstanding any other provision of this chapter, all moneys received by the Authority shall be used by the Authority solely for the benefit of those counties, cities, and towns that are embraced by the Authority, and such moneys shall be used by the Authority in a manner that is consistent with the purposes stated in this chapter.

2020, c. [1235](#).