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SENATE BILL NO. 1007

Offered January 8, 2025

Prefiled January 7, 2025

A BILL to amend and reenact § 33.2-2510 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 25 of Title 33.2 a section numbered 33.2-2513 and by adding in Chapter 38 of Title 58.1 an article numbered 14, consisting of a section numbered 58.1-3855, relating to Bicycle, Pedestrian, and Safety Improvements Infrastructure Fund, Subfund, and Program; parking facility tax.

Patron—Surovell

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That § 33.2-2510 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 25 of Title 33.2 a section numbered 33.2-2513 and by adding in Chapter 38 of Title 58.1 an article numbered 14, consisting of a section numbered 58.1-3855, as follows:

§ 33.2-2510. Use of certain revenues by the Authority.

A. All moneys received by the Authority and the proceeds of bonds issued pursuant to § 33.2-2511 shall be used by the Authority solely for transportation purposes benefiting those counties and cities that are embraced by the Authority.

B. 1. Except as provided in subdivision 2, 30 percent of the revenues received by the Authority under subsection A shall be distributed on a pro rata basis, with each locality's share being the total of such fee and taxes received by the Authority that are generated or attributable to the locality divided by the total of such fee and taxes received by the Authority. Of the revenues distributed pursuant to this subsection, as determined solely by the applicable locality, such revenues shall be used for additional urban or secondary highway construction, for other capital improvements that reduce congestion, for other transportation capital improvements that have been approved by the most recent long-range transportation plan adopted by the Authority, or for public transportation purposes. None of the revenue distributed by this subsection may be used to repay debt issued before July 1, 2013. Each locality shall create a separate, special fund in which all revenues received pursuant to this subsection and from the tax imposed pursuant to § 58.1-3221.3 shall be deposited. Each locality shall provide annually to the Authority sufficient documentation as required by the Authority showing that the funds distributed under this subsection were used as required by this subsection.

2. If a locality has not deposited into its special fund (i) revenues from the tax collected under § 58.1-3221.3 pursuant to the maximum tax rate allowed under that section or (ii) an amount, from sources other than moneys received from the Authority, that is equivalent to the revenue that the locality would receive if it was imposing the maximum tax authorized by § 58.1-3221.3, then the amount of revenue distributed to the locality pursuant to subdivision 1 shall be reduced by the difference between the amount of revenue that the locality would receive if it was imposing the maximum tax authorized by such section and the amount of revenue deposited into its special fund pursuant to clause (i) or (ii), as applicable. The amount of any such reduction in revenue shall be redistributed according to subsection C. The provisions of this subdivision shall be ongoing and apply over annual periods as determined by the Authority.

C. 1. The remaining 70 percent of the revenues received by the Authority under subsection A, plus the amount of any revenue to be redistributed pursuant to subsection B, shall be used by the Authority solely to fund transportation projects selected by the Authority that are contained in the regional transportation plan in accordance with subdivision 1 of § 33.2-2500 and that have been rated in accordance with subdivision 2 of § 33.2-2500. For only those regional funds received in fiscal year 2014, the requirement for rating in accordance with subdivision 2 of § 33.2-2500 shall not apply. The Authority shall give priority to selecting projects that are expected to provide the greatest congestion reduction relative to the cost of the project and shall document this information for each project selected. Such projects selected by the Authority for funding shall be located (i) only in localities embraced by the Authority or (ii) in adjacent localities but only to the extent that such extension is an insubstantial part of the project and is essential to the viability of the project within the localities embraced by the Authority.

2. Not less than 15 days prior to any decision by the Authority for the expenditure of funds pursuant to subdivision 1 for any project to create or improve any transportation facility, the Authority shall make the following publicly available: (i) the project evaluation pursuant to subdivision 2 of § 33.2-2500, (ii) the total amount of funds from the Authority to be used for the project, (iii) the total amount of funds from sources other than the Authority to be used for the project, and (iv) any other rating or scoring of other factors to be taken into account by the Authority related to each such transportation facility.

3. All transportation projects undertaken by the Authority shall be completed by private contractors

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59 accompanied by performance measurement standards, and all contracts shall contain a provision granting the  
 60 Authority the option to terminate the contract if contractors do not meet such standards. Notwithstanding the  
 61 foregoing, any locality may provide engineering services or right-of-way acquisition for any project with its  
 62 own forces. The Authority shall avail itself of the strategies permitted under the Public-Private Transportation  
 63 Act (§ 33.2-1800 et seq.) whenever feasible and advantageous. The Authority is independent of any state or  
 64 local entity, including the Department and the Commonwealth Transportation Board, but the Authority, the  
 65 Department, and the Commonwealth Transportation Board shall consult with one another to avoid  
 66 duplication of efforts and, at the option of the Authority, may combine efforts to complete specific projects.  
 67 Notwithstanding the foregoing, at the request of the Authority, the Department may provide the Authority  
 68 with engineering services or right-of-way acquisition for the project with its own forces.

69 4. With regard to the revenues distributed under subdivision 1, each locality's total long-term benefit shall  
 70 be approximately equal to the proportion of the total of the fees and taxes received by the Authority that are  
 71 generated by or attributable to the locality divided by the total of such fees and taxes received by the  
 72 Authority.

73 D. For road construction and improvements pursuant to subsection B, the Department may, on a  
 74 reimbursement basis, provide the locality with planning, engineering, right-of-way, and construction services  
 75 for projects funded in whole by the revenues provided to the locality by the Authority.

76 E. *The provisions of subsections B and D shall not apply for purposes of § 33.2-2513.*

77 **§ 33.2-2513. Bicycle, Pedestrian, and Safety Improvements Infrastructure Fund, Subfund, and**  
 78 **Program.**

79 A. *There is hereby created in the state treasury a special nonreverting fund to be known as the Bicycle,*  
 80 *Pedestrian, and Safety Improvements Infrastructure Fund, referred to in this section as "the Fund." The Fund*  
 81 *shall be established on the books of the Comptroller. The amounts allocated to the Fund pursuant to §*  
 82 *58.1-3855 shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the F*  
 83 *und shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest*  
 84 *thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. M*  
 85 *oneys in the Fund shall be used solely for the purposes of funding the Bicycle, Pedestrian, and Safety*  
 86 *Improvements Infrastructure Program created pursuant to subsection C. Moneys in the Fund shall be*  
 87 *deposited by the Comptroller into the subfund created pursuant to subsection B in amounts and at such times*  
 88 *as are consistent with the deposit of funds into the Northern Virginia Transportation Authority Fund created*  
 89 *pursuant to § 33.2-2509.*

90 B. *The Authority shall establish a Bicycle, Pedestrian, and Safety Improvements Infrastructure Subfund*  
 91 *(the Subfund), as a subfund of the Northern Virginia Transportation Authority Fund created pursuant to §*  
 92 *33.2-2509. Moneys in the Subfund shall be allocated in the same manner as § 33.2-2510, mutatis mutandis,*  
 93 *except as herein provided, and used solely for the purpose of funding the Bicycle, Pedestrian, and Safety*  
 94 *Improvements Infrastructure Program created pursuant to subsection C.*

95 C. *The Authority shall establish the Bicycle, Pedestrian, and Safety Improvements Infrastructure Program*  
 96 *(the Program) to fund bicycle, pedestrian, and safety improvements infrastructure projects. Such projects*  
 97 *funded by the Program shall not be undertaken in conjunction with road-widening projects.*

98 D. *The Authority shall establish a prioritization process for the selection of projects for which funds from*  
 99 *the Subfund shall be distributed. Such methodology shall be based on an objective and quantifiable analysis*  
 100 *that considers (i) safety mitigation, (ii) economic development, (iii) likely usage of such infrastructure, and*  
 101 *(iv) equity. Each locality's total long-term benefit shall be approximately equal to the proportion of the total*  
 102 *of the fees and taxes received by the Authority that are generated by or attributable to the locality divided by*  
 103 *the total of such fees and taxes received by the Authority.*

104 F. *No later than November 30 of each year, the Authority shall report in writing to the Governor and*  
 105 *General Assembly on the use of moneys in the Subfund and the projects funded by the Program.*

106 **Article 14.**

107 **Parking Facility Tax.**

108 **§ 58.1-3855. Parking Facility Tax.**

109 A. *In addition to all other fees and taxes imposed under law, there is hereby imposed an additional annual*  
 110 *parking facility tax on all off-street parking facilities located in any county or city embraced by the Northern*  
 111 *Virginia Transportation Authority at the rate of \$0.50 on each parking space of such off-street parking*  
 112 *facilities. For purposes of this section, "off-street parking facility" means any privately owned parking lot,*  
 113 *parking area, parking spaces, or any other privately owned lot or building made available for parking.*  
 114 *"Off-street parking facility" does not include any parking space or parking area located on a lot of a single*  
 115 *family dwelling.*

116 B. *The tax imposed under this section shall be administered by the locality in which the off-street parking*  
 117 *facility is located in the same manner as it administers the tax authorized by § 58.1-3819 or 58.1-3840,*  
 118 *mutatis mutandis, except as herein provided. The revenue generated and collected from the tax shall be*  
 119 *deposited by the local treasurer into the state treasury pursuant to § 2.2-806 and transferred by the C*

**120** *omptroller into the Bicycle, Pedestrian, and Safety Improvements Infrastructure Fund created pursuant to §*  
**121** *33.2-2513.*

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