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HOUSE BILL NO. 2324

Offered January 13, 2025

Prefiled January 8, 2025

A BILL to amend and reenact § 33.2-1915 of the Code of Virginia, relating to transportation district commissions; contracts or agreements.

Patrons—Lovejoy and Oates

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That § 33.2-1915 of the Code of Virginia is amended and reenacted as follows:

§ 33.2-1915. Powers and functions generally.

A. Notwithstanding any other contrary provision of law, a commission shall, except as provided in subsection B, have the following powers and functions:

1. The commission shall prepare the transportation plan for the transportation district and shall revise and amend the plan in accordance with the planning process and procedures specified in Article 7 (§ 33.2-1928 et seq.).

2. The commission may, when a transportation plan is adopted according to Article 7 (§ 33.2-1928 et seq.), construct or acquire, by purchase or lease, the transportation facilities specified in such transportation plan.

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

4. The commission may enter into contracts or agreements with (i) the counties and cities within the transportation district; with; (ii) counties and cities that adjoin the transportation district and are within the same planning district; (iii) other counties, cities, and towns and commissions when the provision of transit facilities and other modes of transportation will include service to, through, or within such locality or transportation district; or with (iv) other commissions of adjoining transportation districts or planning districts to provide, or cause to be provided, transit facilities and service to such counties and, cities, and towns or to provide transit facilities and other modes of transportation between adjoining transportation districts or planning district commissions. Such contracts or agreements, together with any agreements or leases for the operation of such facilities, may be utilized by the transportation district to finance the construction and operation of transportation facilities, and such contracts, agreements, or leases shall inure to the benefit of any creditor of the transportation district.

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

B. The Northern Virginia Transportation Commission:

1. Shall not prepare a transportation plan or construct or operate transit facilities, but shall collaborate and cooperate in the manner specified in Article 7 (§ 33.2-1928 et seq.) with an agency in preparing, revising, and amending a transportation plan for such metropolitan area.

2. Shall, according to Article 7 (§ 33.2-1928 et seq.) and in cooperation with the governing bodies of the component governments embraced by the transportation district, formulate the tentative policy and decisions of the transportation district with respect to the planning, design, location, construction, operation, and financing of transportation facilities.

3. May, when a transportation plan applicable to such a transportation district is adopted, enter into contracts or agreements with an agency to contribute to the capital required for the construction or acquisition of transportation facilities and for meeting expenses and obligations in the operations of such facilities.

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

5. Notwithstanding any other provision in this section to the contrary:

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

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

62 c. May, in accordance with the terms of any grant from or loan by the United States of America or the
63 Commonwealth, or any agency or instrumentality thereof, or when necessary to preserve essential
64 transportation service, acquire transit facilities or any carrier that is subject to the jurisdiction of the
65 Washington Metropolitan Area Transit Commission by acquisition of the capital stock or transit facilities and
66 other assets of any such carrier and shall provide for the performance of transportation by any such carrier or
67 with such transit facilities by contract or lease. However, the contract or lease shall be for a term of no more
68 than one year, renewable for additional terms of similar duration, and, in order to assure acceptable fare
69 levels, may provide for financial assistance by purchase of service, operating subsidies, or otherwise. No such
70 service shall be rendered that will adversely affect transit service rendered by the transit facilities owned or
71 controlled by the agency or any existing private transit or transportation company. When notified by the
72 agency that it is authorized to perform or cause to be performed transportation services with motor vehicle
73 facilities, the commission, upon request by the agency, shall transfer such capital stock or transit facilities to
74 the agency at a price to be agreed upon; and

75 d. May prepare a plan for mass transportation services with cities, counties, agencies, authorities, or
76 commissions and may further contract with transportation companies, cities, counties, commissions,
77 authorities, agencies, and departments of the Commonwealth and appropriate agencies of the federal
78 government or governments contiguous to the Commonwealth to provide necessary facilities, equipment,
79 operations and maintenance, access, and insurance pursuant to such plan.

80 C. The provisions of subdivisions B 1 through 4 and subdivisions B 5 b and c shall not apply (i) to any
81 transportation district that may be established on or after July 1, 1986, and that includes any one or more
82 localities that are located within a metropolitan area, but that were not, on January 1, 1986, members of any
83 other transportation district or (ii) to any locality that, after July 1, 1989, joins a transportation district that
84 was established on or before January 1, 1986. The provisions of this subsection shall apply only to any
85 transportation district or locality that is contiguous to the Northern Virginia Transportation District. Any such
86 district or locality shall be subject to the provisions of subsection A and further may exercise the powers
87 granted by subdivision B 5 a to acquire land or any interest therein by purchase, lease, gift, condemnation, or
88 otherwise and provide transportation facilities thereon for use in connection with any transportation service.

89 D. Until such time as a commission enters into contracts or agreements with its component governments
90 under the provisions of subdivisions A 4 and B 4 and is receiving revenues thereunder adequate to meet the
91 administrative expenses of the commission after paying or providing for the payment of the obligations
92 arising under said subdivisions, the administrative expenses of the commission shall be borne by the
93 component governments in the manner set forth in this section. The commission annually shall submit to the
94 governing bodies of the component counties and cities a budget of its administrative requirements for the
95 next year.

96 E. The administrative expenses of the Northern Virginia Transportation Commission, to the extent funds
97 for such expenses are not provided from other sources, shall be allocated among the component governments
98 on the basis of population as reflected by the latest population statistics of the U.S. Census Bureau; however,
99 upon the request of any component government, the commission shall make the allocation upon estimates of
100 population prepared in a manner approved by the commission and by the governing body of the component
101 government making such request. The administrative expenses of the Northern Virginia Transportation
102 Commission, to the extent funds for such expenses are not provided from other sources, shall be allocated
103 among the component governments on the basis of the relative shares of state and federal transit aids
104 allocated by the Commission among its component governments. Such budget shall be limited solely to the
105 administrative expenses of the Commission and shall not include any funds for construction or acquisition of
106 transportation facilities or the performing of transportation service. In addition, the Northern Virginia
107 Transportation Commission annually shall submit to the governing bodies of the component counties and
108 cities a budget of its other expenses and obligations for the ensuing year. Such expenses and obligations shall
109 be borne by the component counties and cities in accordance with prior arrangements made therefor.

110 F. When a transportation plan has been adopted under subdivision 4 of § 33.2-1929, the commission shall
111 determine the equitable allocation among the component governments of the costs incurred by the district in
112 providing the transportation facilities proposed in the transportation plan and any expenses and obligations
113 from the operation thereof to be borne by each county and city. In making such determinations, the
114 commission shall consider the cost of the facilities located within each county and city, the population of
115 each county and city, the benefits to be derived by each county and city from the proposed transportation
116 service, and all other factors that the commission determines to be relevant. Such determination, however,
117 shall not create a commitment by the counties and cities, and such commitments shall be created only under
118 the contracts or agreements specified in subdivisions A 4 and B 4.