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1 **HOUSE BILL NO. 762**

2 Offered January 14, 2026

3 Prefiled January 13, 2026

4 *A BILL to amend and reenact §§ 33.2-214.1, 33.2-2500, and 33.2-2510 of the Code of Virginia, relating to*
5 *transportation funding; project prioritization; sidewalks.*

6 Patron—Seibold

7 Committee Referral Pending

8 **Be it enacted by the General Assembly of Virginia:**9 **1. That §§ 33.2-214.1, 33.2-2500, and 33.2-2510 of the Code of Virginia are amended and reenacted as**
10 **follows:**11 **§ 33.2-214.1. Statewide prioritization process for project selection.**12 A. The General Assembly declares it to be in the public interest that a prioritization process for projects
13 funded by the Commonwealth Transportation Board be developed and implemented to improve the efficiency
14 and effectiveness of the state's transportation system, transportation safety, transportation accessibility for
15 people and freight, environmental quality, and economic development in the Commonwealth.16 B. Subject to the limitations in subsection C, the Commonwealth Transportation Board shall develop, in
17 accordance with federal transportation requirements, and in cooperation with metropolitan planning
18 organizations wholly within the Commonwealth and with the Northern Virginia Transportation Authority, a
19 statewide prioritization process for the use of funds allocated pursuant to §§ 33.2-358, 33.2-370, and
20 33.2-371 or apportioned pursuant to 23 U.S.C. § 104. Such prioritization process shall be used for the
21 development of the Six-Year Improvement Program pursuant to § 33.2-214 and shall consider, at a minimum,
22 highway, transit, rail, roadway, technology operational improvements, and transportation demand
23 management strategies.24 1. The prioritization process shall be based on an objective and quantifiable analysis that considers, at a
25 minimum, the following factors relative to the cost of the project or strategy: congestion mitigation, economic
26 development, accessibility, safety, and environmental quality. *New sidewalk projects in Planning District 8*
27 *or urban areas that reduce single-occupant motor vehicle use shall be considered a form of congestion*
28 *mitigation for purposes of such factors.*29 2. Prior to the analysis in subdivision 1, candidate projects and strategies shall be screened by the
30 Commonwealth Transportation Board to determine whether they are consistent with the assessment of
31 capacity needs for all ~~for~~ corridors of statewide significance, regional networks, and improvements to
32 promote urban development areas established pursuant to § 15.2-2223.1, undertaken in the Statewide
33 Transportation Plan in accordance with § 33.2-353. *In assessing such capacity needs, the Commonwealth*
34 *Transportation Board may, if consistent with the Statewide Transportation Plan, consider sidewalk projects*
35 *as a provision of alternative means of transportation that assist in meeting such capacity needs.*36 3. The Commonwealth Transportation Board shall weight the factors used in subdivision 1 for each of the
37 state's highway construction districts. The Commonwealth Transportation Board may assign different weights
38 to the factors, within each highway construction district, based on the unique needs and qualities of each
39 highway construction district.40 4. The Commonwealth Transportation Board shall solicit input from localities, metropolitan planning
41 organizations, transit authorities, transportation authorities, and other stakeholders in its development of the
42 prioritization process pursuant to this section. Further, the Board shall explicitly consider input provided by
43 an applicable metropolitan planning organization or the Northern Virginia Transportation Authority when
44 developing the weighting of factors pursuant to subdivision 3 for a metropolitan planning area with a
45 population over 200,000 individuals.46 C. The prioritization process developed under subsection B shall not apply to the following: projects or
47 activities undertaken pursuant to § 33.2-352; projects funded by the Congestion Mitigation Air Quality funds
48 apportioned to the state pursuant to 23 U.S.C. § 104(b)(4) and state matching funds; projects funded by the
49 Highway Safety Improvement Program funds apportioned to the state pursuant to 23 U.S.C. § 104(b)(3) and
50 state matching funds; projects funded by the Transportation Alternatives funds set-aside pursuant to 23
51 U.S.C. § 213 and state matching funds; projects funded by the revenue-sharing program pursuant to
52 § 33.2-357; and projects funded by federal programs established by the federal government after June 30,
53 2014, with specific rules that restrict the types of projects that may be funded, excluding restrictions on the
54 location of projects with regard to highway functional classification. The Commonwealth Transportation
55 Board may, at its discretion, develop a prioritization process for any of the funds covered by this subsection,
56 subject to planning and funding requirements of federal law.

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59 § 33.2-2500. Northern Virginia Transportation Authority created.

60 There is hereby created a political subdivision of the Commonwealth known as the Northern Virginia
61 Transportation Authority, for purposes of this chapter referred to as "the Authority."

62 In addition to such other powers vested in the Authority by this chapter, the Authority shall have the
63 following powers and functions:

64 1. The Authority shall prepare a regional transportation plan for Planning District 8 that includes
65 transportation improvements of regional significance and those improvements necessary or incidental thereto
66 and shall revise and amend the plan. The provisions of Article 7 (§ 33.2-1928 et seq.) of Chapter 19 shall
67 apply, mutatis mutandis, to preparation of such transportation plan.

68 2. The Authority shall evaluate all significant transportation projects, including highway, mass transit, and
69 technology projects, in and near Planning District 8, to the extent that funds are available for such purpose.
70 The evaluation shall provide an objective, quantitative rating for each project according to the degree to
71 which the project is expected to reduce congestion, *including through the provision of new sidewalks that*
72 *reduce single-occupant motor vehicle use*, and, to the extent feasible, the degree to which the project is
73 expected to improve regional mobility in the event of a homeland security emergency. Such evaluation shall
74 rely on analytical techniques and transportation modeling, including those that employ computer simulations
75 currently and customarily employed in transportation planning. The Authority may rely on the results of
76 transportation modeling performed by other entities, including the Department of Transportation and private
77 entities contracted for this purpose, provided that such modeling is in accordance with this section. The
78 Authority shall publicize the quantitative ratings determined for each project on its website and complete the
79 evaluation at least once every four years, with interim progress reports provided on the website at least once
80 every six months.

81 For purposes of this section, the significant transportation projects to be evaluated may include:

82 a. Projects included in the version of the Financially Constrained Long-Range Transportation Plan of the
83 National Capital Region Transportation Planning Board in effect when the evaluation is made, plus additional
84 projects in the plan adopted according to subdivision 1; and

85 b. Other highway, rail, bus, and technology projects that could make a significant impact on mobility in
86 the region, including additional Potomac River crossings west and south of Washington, D.C.; extension of
87 the Metro Orange Line, Metro Yellow Line, and Metro Blue Line; bus rapid transit on Interstate 66; vehicle
88 capacity and mass transit improvements on the U.S. Route 1 corridor; and implementation of relevant
89 portions of the Statewide Transportation Plan established pursuant to § 33.2-353.

90 3. The Authority may, when a transportation plan is adopted according to subdivision 1, construct or
91 acquire, by purchase, lease, contract, or otherwise, the transportation facilities specified in such transportation
92 plan.

93 4. The Authority may enter into agreements or leases with public or private entities for the operation of its
94 facilities or may operate such facilities itself.

95 5. The Authority may enter into contracts or agreements with the counties and cities embraced by the
96 Authority, with other transportation commissions of transportation districts adjoining any county or city
97 embraced by the Authority, with any transportation authority, or with any federal, state, local, or private
98 entity to provide, or cause to be provided, transportation facilities and services to the area embraced by the
99 Authority. Such contracts or agreements, together with any agreements or leases for the operation of such
100 facilities, may be used by the Authority to finance the construction and operation of transportation facilities
101 and such contracts, agreements, or leases shall inure to the benefit of any creditor of the Authority.

102 Notwithstanding subdivisions 1 through 5, the Authority shall not have the power to regulate services
103 provided by taxicabs, either within municipalities or across municipal boundaries; such regulation is
104 expressly reserved to the municipalities within which taxicabs operate.

105 6. Notwithstanding any other provision of law to the contrary, the Authority may:

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

108 b. Acquire land or any interest therein by purchase, lease, or gift in advance of the need for sale or
109 contribution to an agency, for use by that agency in connection with an adopted transportation plan; and

110 c. Prepare a plan for mass transportation services with persons, counties, cities, agencies, authorities, or
111 transportation commissions and may further contract with any such person or entity to provide necessary
112 facilities, equipment, operations and maintenance, access, and insurance pursuant to such plan.

113 § 33.2-2510. Use of certain revenues by the Authority.

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

117 B. 1. Except as provided in subdivision 2, 30 percent of the revenues received by the Authority under
118 subsection A shall be distributed on a pro rata basis, with each locality's share being the total of such fee and
119 taxes received by the Authority that are generated or attributable to the locality divided by the total of such
120 fee and taxes received by the Authority. Of the revenues distributed pursuant to this subsection, as

121 determined solely by the applicable locality, such revenues shall be used for (i) additional urban or secondary
 122 highway construction; ~~for~~; (ii) other capital improvements that reduce congestion, ~~for including new sidewalk~~
 123 projects; (iii) other transportation capital improvements that have been approved by the most recent
 124 long-range transportation plan adopted by the Authority; or ~~for~~ (iv) public transportation purposes. None of
 125 the revenue distributed by this subsection may be used to repay debt issued before July 1, 2013. Each locality
 126 shall create a separate, special fund in which all revenues received pursuant to this subsection and from the
 127 tax imposed pursuant to § 58.1-3221.3 shall be deposited. Each locality shall provide annually to the
 128 Authority sufficient documentation as required by the Authority showing that the funds distributed under this
 129 subsection were used as required by this subsection.

130 2. If a locality has not deposited into its special fund (i) revenues from the tax collected under
 131 § 58.1-3221.3 pursuant to the maximum tax rate allowed under that section or (ii) an amount, from sources
 132 other than moneys received from the Authority, that is equivalent to the revenue that the locality would
 133 receive if it was imposing the maximum tax authorized by § 58.1-3221.3, then the amount of revenue
 134 distributed to the locality pursuant to subdivision 1 shall be reduced by the difference between the amount of revenue
 135 that the locality would receive if it was imposing the maximum tax authorized by such section and
 136 the amount of revenue deposited into its special fund pursuant to clause (i) or (ii), as applicable. The amount
 137 of any such reduction in revenue shall be redistributed according to subsection C. The provisions of this
 138 subdivision shall be ongoing and apply over annual periods as determined by the Authority.

139 C. 1. The remaining 70 percent of the revenues received by the Authority under subsection A, plus the
 140 amount of any revenue to be redistributed pursuant to subsection B, shall be used by the Authority solely to
 141 fund transportation projects selected by the Authority that are contained in the regional transportation plan in
 142 accordance with subdivision 1 of § 33.2-2500 and that have been rated in accordance with subdivision 2 of
 143 § 33.2-2500. For only those regional funds received in fiscal year 2014, the requirement for rating in
 144 accordance with subdivision 2 of § 33.2-2500 shall not apply. The Authority shall give priority to selecting
 145 projects that are expected to provide the greatest congestion reduction, *including any reduction of single-*
 146 *occupant motor vehicle use as a result of new sidewalks serving as an alternative means of transportation*,
 147 relative to the cost of the project and shall document this information for each project selected. Such projects
 148 selected by the Authority for funding shall be located (i) only in localities embraced by the Authority or (ii) in
 149 adjacent localities but only to the extent that such extension is an insubstantial part of the project and is
 150 essential to the viability of the project within the localities embraced by the Authority.

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

157 3. All transportation projects undertaken by the Authority shall be completed by private contractors
 158 accompanied by performance measurement standards, and all contracts shall contain a provision granting the
 159 Authority the option to terminate the contract if contractors do not meet such standards. Notwithstanding the
 160 foregoing, any locality may provide engineering services or right-of-way acquisition for any project with its
 161 own forces. The Authority shall avail itself of the strategies permitted under the Public-Private Transportation
 162 Act (§ 33.2-1800 et seq.) whenever feasible and advantageous. The Authority is independent of any state or
 163 local entity, including the Department and the Commonwealth Transportation Board, but the Authority, the
 164 Department, and the Commonwealth Transportation Board shall consult with one another to avoid
 165 duplication of efforts and, at the option of the Authority, may combine efforts to complete specific projects.
 166 Notwithstanding the foregoing, at the request of the Authority, the Department may provide the Authority
 167 with engineering services or right-of-way acquisition for the project with its own forces.

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

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