



**Hampton Roads Planning District Commission
and
Hampton Roads Transportation Planning Organization**

**Joint Retreat
February 20, 2014**

The Regional Board Room, 723 Woodlake Drive, Chesapeake, Virginia

- 10:30 am
1. Call to Order
 2. Public Comment Period (Limit 3 minutes per individual)
 3. Submitted Public Comments
 4. Approval of Agenda

RETREAT AGENDA

- 10:45 am
- 11:45 am
5. Legislative Briefing
 6. HRPDC/HRTPO Organizational Structure: Succession Planning
 7. Old/New Business
- 1:00 pm
- Adjournment

AGENDA ITEM #1: CALL TO ORDER

The Retreat is scheduled to be called to order by the HRPDC and HRTPO Chairs at 10:30 a.m.

AGENDA ITEM #2: PUBLIC COMMENT PERIOD

Members of the public are invited to address the HRPDC and HRTPO. Each speaker is limited to three minutes.

AGENDA ITEM #3: SUBMITTED PUBLIC COMMENTS

There were no submitted public comments. Any new written public comments will be distributed as a handout at the Retreat.

AGENDA ITEM #4: APPROVAL OF THE AGENDA

Members are provided an opportunity to add or delete items from the agenda. Any item for which a member desires consideration by the HRPDC and HRTPO should be submitted at this time for consideration under "Old/New Business".

AGENDA ITEM #5: LEGISLATIVE BRIEFING

Executive Director Dwight Farmer and Deputy Executive Director Camelia Ravanbakht will brief the HRPDC and HRTPO on the following 2014 General Assembly proposed legislation:

- HB1253 and SB513: Creates the Hampton Roads Transportation Accountability Commission to manage regional transportation planning in Planning District 23. The bill moves the responsibility for approval of projects and the priority of such projects pursuant to the Hampton Roads Transportation Fund from the Hampton Roads Transportation Planning Organization to the new Commission.
- HB2: Provides for the development of a prioritization process for projects funded by the Commonwealth Transportation Board.

The attachments are current as of February 12, 2014. As the Virginia General Assembly is still in session, any updates will be provided as handouts at the Retreat.

Additionally, Mr. Peter Huber, Attorney with Willcox & Savage, will provide a legal review on the aforementioned proposed legislation.

Attachment 5-A House Bill 1253
Attachment 5-B Senate Bill 513
Attachment 5-C House Bill 2

14103556D

HOUSE BILL NO. 1253

House Amendments in [] — February 6, 2014

A BILL to amend and reenact § 33.1-23.5:4 of the Code of Virginia and the fifth enactment of Chapter 896 of the Acts of Assembly of 2007, as amended by Chapter 871 of the Acts of Assembly of 2009, and to amend the Code of Virginia by adding in Title 33.1 a chapter numbered 19, consisting of sections numbered 33.1-466 through 33.1-476, relating to establishment of the Hampton Roads Transportation Accountability Commission; funding.

Patron Prior to Engrossment—Delegate Jones

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That § 33.1-23.5:4 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Title 33.1 a chapter numbered 19, consisting of sections numbered 33.1-466 through 33.1-476, as follows:

§ 33.1-23.5:4. Hampton Roads Transportation Fund established.

There is hereby created in the state treasury a special nonreverting fund for Planning District 23 to be known as the Hampton Roads Transportation Fund, hereafter referred to in this section as "the 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 new construction projects on new or existing roads highways, bridges, and tunnels in the localities comprising Planning District 23 as approved by the Hampton Roads Transportation Planning Organization Accountability Commission. The Hampton Roads Transportation Planning Organization Accountability Commission shall give priority to those projects that are expected to provide the greatest impact on reducing congestion [for the greatest number of citizens residing within Planning District 23] and shall ensure that the moneys shall be used for such construction projects [in all localities comprising Planning District 23] .

The amounts dedicated to the Fund shall be deposited monthly by the Comptroller into the Fund. 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 local, federal, or state revenues otherwise available to participating jurisdictions. 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.

CHAPTER 19.

HAMPTON ROADS TRANSPORTATION ACCOUNTABILITY COMMISSION.

§ 33.1-466. Commission created.

The Hampton Roads Transportation Accountability Commission, referred to in this chapter as "the Commission," is hereby created as a body politic and as a political subdivision of the Commonwealth. The Commission shall embrace each county and city located in Planning District 23, which is established pursuant to Chapter 42 (§ 15.2-4200 et seq.) of Title 15.2.

§ 33.1-467. Composition of Commission.

The Commission shall consist of 21 members as follows:

- 1. The chief elected officer of the governing body of each of the 14 counties and cities embraced by the Commission;
2. Two members of the House of Delegates who reside in different counties or cities embraced by the Commission, appointed by the Speaker of the House, and one member of the Senate who resides in a county or city embraced by the Commission, appointed by the Senate Committee on Rules; and
3. The following four persons serving as nonvoting ex officio members of the Commission: a member of the Commonwealth Transportation Board who resides in a locality embraced by the Commission and is appointed by the Governor; the Director of the Department of Rail and Public Transportation, or his designee; the Commissioner of Highways, or his designee; the Executive Director of the Virginia Port Authority, or his designee.

All members of the Commission shall serve terms coincident with their terms of office. Vacancies shall be filled in the same manner as the original appointment.

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

ENGROSSED

HB1253E

2/6/14 17:18

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

61 **§ 33.1-468. Staff.**

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

67 **§ 33.1-469. Decisions of Commission.**

68 *A majority of the Commission, which majority shall include at least a majority of the chief elected*
69 *officers of the counties and cities embraced by the Commission, shall constitute a quorum. Decisions of*
70 *the Commission shall require a quorum and shall be in accordance with voting procedures established*
71 *by the Commission. In all cases, decisions of the Commission shall require the affirmative vote of*
72 *two-thirds of the members of the Commission present and voting, and two-thirds of the chief elected*
73 *officers of the counties and cities embraced by Planning District 23 who are present and voting and*
74 *whose counties and cities include at least two-thirds of the population embraced by the Commission;*
75 *however, no motion to fund a specific facility or service shall fail because of this population criterion if*
76 *such facility or service is not located or to be located or provided or to be provided within the county*
77 *or city whose chief elected officer's sole negative vote caused the facility or service to fail to meet the*
78 *population criterion. The population of counties and cities embraced by the Commission shall be the*
79 *population as determined by the most recently preceding decennial census, except that on July 1 of the*
80 *fifth year following such census, the population of each county and city shall be adjusted, based on*
81 *population projections made by the Weldon Cooper Center for Public Service of the University of*
82 *Virginia.*

83 **§ 33.1-470. Annual budget and allocation of expenses.**

84 *A. The Commission shall adopt an annual budget and develop a funding plan and shall provide for*
85 *such adoption in its bylaws. The funding plan shall provide for the expenditure of funds over a four- to*
86 *six-year period and shall align with the Statewide Transportation Plan established pursuant to*
87 *§ 33.1-23.03 as much as possible. The Commission shall solicit public comment on its budget and*
88 *funding plan by posting a summary of such budget and funding plan on its website and holding a public*
89 *hearing. Such public hearing shall be advertised on the Commission's website and in a newspaper of*
90 *general circulation in Planning District 23.*

91 *B. The administrative expenses of the Commission, as provided in an annual budget adopted by the*
92 *Commission, to the extent funds for such expenses are not provided from other sources, shall be*
93 *allocated among the component counties and cities on the basis of the relative population, as*
94 *determined pursuant to § 33.1-469. Such budget shall be limited solely to the administrative expenses of*
95 *the Commission and shall not include any funds for construction or acquisition of transportation*
96 *facilities or the performance of any transportation service.*

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

100 **§ 33.1-471. Authority to issue bonds.**

101 *The Commission may issue bonds and other evidences of debt as may be authorized by this section*
102 *or other law. The provisions of Article 5 (§ 15.2-4519 et seq.) of Chapter 45 of Title 15.2 shall apply,*
103 *mutatis mutandis, to the issuance of such bonds or other debt. The Commission may issue bonds or*
104 *other debt in such amounts as it deems appropriate. The bonds may be supported by any funds*
105 *available, except that funds from tolls collected pursuant to § 33.1-472 shall be used only as provided in*
106 *that section.*

107 **§ 33.1-472. Powers of the Commission.**

108 *Notwithstanding any contrary provision of this title and in accordance with all applicable federal*
109 *statutes and requirements, the Commission shall control and operate and may impose and collect tolls*
110 *in amounts established by the Commission for the use of any new or improved highway, bridge, or*
111 *tunnel, to increase capacity on such facility or to address congestion within Planning District 23,*
112 *constructed by the Commission (i) with federal, state, or local funds, (ii) solely with revenues of the*
113 *Commission, or (iii) with revenues under the control of the Commission. The amount of any such toll*
114 *may be varied from facility to facility, by lane, by congestion levels, by day of the week, by time of day,*
115 *by type or size of vehicle, by number of axles, or by any similar combination thereof or any other factor*
116 *the Commission may deem proper, and a reduced rate may be established for commuters as defined by*
117 *the Commission. All such tolls shall be used for programs and projects that are reasonably related to or*
118 *benefit the users of the new or improved highway, bridge, or tunnel, including, but not limited to, for*
119 *the debt service and other costs of bonds whose proceeds are used for construction or improvement of*
120 *such highway, bridge, or tunnel.*

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

126 **§ 33.1-473. Additional powers of the Commission.**

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

129 1. To sue and be sued and to prosecute and defend, at law or in equity, in any court having
130 jurisdiction of the subject matter and of the parties;

131 2. To adopt and use a corporate seal and to alter the same at its pleasure;

132 3. To procure insurance, participate in insurance plans, and provide self-insurance; however, the
133 purchase of insurance, participation in an insurance plan, or the creation of a self-insurance plan by
134 the Commission shall not be deemed a waiver or relinquishment of any sovereign immunity to which the
135 Commission or its officers, directors, employees, or agents are otherwise entitled;

136 4. To establish bylaws and make all rules and regulations, not inconsistent with the provisions of this
137 chapter, deemed expedient for the management of the Commission's affairs;

138 5. To apply for and accept money, materials, contributions, grants, or other financial assistance from
139 the United States and agencies or instrumentalities thereof; the Commonwealth; and any political
140 subdivision, agency, or instrumentality of the Commonwealth; and from any legitimate private source;

141 6. To acquire real and personal property or any interest therein by purchase, lease, gift, or
142 otherwise for purposes consistent with this chapter and to hold, encumber, sell, or otherwise dispose of
143 such land or interest for purposes consistent with this chapter;

144 7. To acquire by purchase, lease, contract, or otherwise, highways, bridges, or tunnels and to
145 construct the same by purchase, lease, contract, or otherwise;

146 8. In consultation with the Commonwealth Transportation Board and with each city or county in
147 which the facility or any part thereof is or is to be located, to repair, expand, enlarge, construct,
148 reconstruct, or renovate any or all highways, bridges, and tunnels within Planning District 23 and to
149 acquire any real or personal property needed for any such purpose;

150 9. To enter into agreements or leases with public or private entities for the operation and
151 maintenance of bridges, tunnels, transit and rail facilities, and highways;

152 10. To make and execute contracts, deeds, mortgages, leases, and all other instruments and
153 agreements necessary or convenient for the performance of its duties and the exercise of its powers and
154 functions under this chapter;

155 11. To the extent funds are made or become available to the Commission to do so, to employ
156 employees, agents, advisors, and consultants, including without limitation attorneys, financial advisers,
157 engineers, and other technical advisers and, the provisions of any other law to the contrary
158 notwithstanding, to determine their duties and compensation; and

159 12. To the extent not inconsistent with the other provisions of this chapter, and without limiting or
160 restricting the powers otherwise given the Commission, to exercise all of the powers given to
161 transportation district commissions by § 15.2-4518.

162 B. The Commission shall comply with the provisions governing localities contained in
163 § 15.2-2108.23.

164 **§ 33.1-474. Commission a responsible public entity under Public-Private Transportation Act of**
165 **1995.**

166 The Commission is a responsible public entity as defined in § 56-557 and shall be regulated in
167 accordance with the terms of the Public-Private Transportation Act of 1995 (§ 56-556 et seq.) and
168 regulations and guidelines adopted pursuant thereto.

169 **§ 33.1-475. Continuing responsibilities of the Commonwealth Transportation Board and the**
170 **Department of Transportation.**

171 Except as otherwise explicitly provided in this chapter, until such time as the Commission and the
172 Department of Transportation, or the Commission and the Commonwealth Transportation Board, agree
173 otherwise in writing, the Commonwealth Transportation Board shall allocate funding to and the
174 Department of Transportation shall perform or cause to be performed all maintenance and operation of
175 the bridges, tunnels, and roadways and shall perform such other required services and activities with
176 respect to such bridges, tunnels, and roadways as were being performed on July 1, 2014.

177 **§ 33.1-476. Use of revenues by the Commission.**

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

182 2. That the staff of the Hampton Roads Transportation Planning Organization and the
183 Department of Transportation shall work cooperatively to assist the proper formation and effective
184 organization of the Hampton Roads Transportation Accountability Commission. Until such time as
185 the Commission is fully established and functioning, the staff of the Hampton Roads
186 Transportation Planning Organization shall serve as its staff, and the Hampton Roads
187 Transportation Planning Organization shall provide the Commission with office space and
188 administrative support. The Commission shall reimburse the Hampton Roads Transportation
189 Planning Organization for the cost of such staff, office space, and administrative support as
190 appropriate.

191 3. That should any portion of this act be held unconstitutional by a court of competent
192 jurisdiction, the remaining portions of this act shall remain in effect.

193 4. That the fifth enactment of Chapter 896 of the Acts of Assembly of 2007, as amended by
194 Chapter 871 of the Acts of Assembly of 2009, is amended and reenacted as follows:

195 5. That the Hampton Roads Metropolitan Planning Organization, whose membership may be
196 expanded by vote of the Hampton Roads Metropolitan Planning Organization, with the
197 concurrence of the Governor, to include members of the House of Delegates as selected by the
198 Speaker of the House of Delegates and members of the Senate of Virginia as selected by the
199 Senate Committee on Rules, *Transportation Accountability Commission* shall develop as part of a
200 long-range plan quantifiable measures and achievable goals for the Hampton Roads metropolitan
201 planning area relating to embraced by *Planning District 23*, but not limited to, congestion reduction
202 and safety, transit and high-occupancy vehicle (HOV) usage, job-to-housing ratios, job and housing
203 access to transit and pedestrian facilities, air quality, and per-capita vehicle miles traveled. In
204 addition, the Northern Virginia Transportation Authority established under § 15.2-4830 of the
205 Code of Virginia shall also develop as part of a long-range plan quantifiable measures and
206 achievable goals for the area embraced by the Authority relating to, but not limited to, congestion
207 reduction and safety, transit and high-occupancy vehicle (HOV) usage, job-to-housing ratios, job
208 and housing access to transit and pedestrian facilities, air quality, and per-capita vehicle miles
209 traveled. Such goals shall be subject to the approval of the Commonwealth Transportation Board
210 on a biennial basis.

14104165D

SENATE BILL NO. 513

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Transportation
on January 22, 2014)

(Patron Prior to Substitute—Senator Wagner)

A BILL to amend and reenact § 33.1-23.5:4 of the Code of Virginia and the fifth enactment of Chapter 896 of the Acts of Assembly of 2007, as amended by Chapter 871 of the Acts of Assembly of 2009, and to amend the Code of Virginia by adding in Title 33.1 a chapter numbered 19, consisting of sections numbered 33.1-466 through 33.1-476, relating to establishment of the Hampton Roads Transportation Accountability Commission; funding.

Be it enacted by the General Assembly of Virginia:

1. That § 33.1-23.5:4 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Title 33.1 a chapter numbered 19, consisting of sections numbered 33.1-466 through 33.1-476, as follows:

§ 33.1-23.5:4. Hampton Roads Transportation Fund established.

There is hereby created in the state treasury a special nonreverting fund for Planning District 23 to be known as the Hampton Roads Transportation Fund, hereafter referred to in this section as "the 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 new construction projects on new or existing roads highways, bridges, and tunnels in the localities comprising Planning District 23 as approved by the Hampton Roads Transportation Planning Organization Accountability Commission. The Hampton Roads Transportation Planning Organization Accountability Commission shall give priority to those projects that are expected to provide the greatest impact on reducing congestion and shall ensure that the moneys shall be used for such construction projects in all localities comprising Planning District 23.

The amounts dedicated to the Fund shall be deposited monthly by the Comptroller into the Fund. 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 local, federal, or state revenues otherwise available to participating jurisdictions. 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.

CHAPTER 19.

HAMPTON ROADS TRANSPORTATION ACCOUNTABILITY COMMISSION.

§ 33.1-466. Commission created.

The Hampton Roads Transportation Accountability Commission, referred to in this chapter as "the Commission," is hereby created as a body politic and as a political subdivision of the Commonwealth. The Commission shall embrace each county and city located in Planning District 23, which is established pursuant to Chapter 42 (§ 15.2-4200 et seq.) of Title 15.2.

§ 33.1-467. Composition of Commission.

The Commission shall consist of 22 members as follows:

1. The chief elected officer of the governing body of each of the 14 counties and cities embraced by the Commission;
2. Two members of the House of Delegates who reside in different counties or cities embraced by the Commission, appointed by the Speaker of the House, and two members of the Senate who reside in different counties or cities embraced by the Commission, appointed by the Senate Committee on Rules; and
3. The following four persons serving as nonvoting ex officio members of the Commission: a member of the Commonwealth Transportation Board who resides in a locality embraced by the Commission and is appointed by the Governor; the Director of the Department of Rail and Public Transportation, or his designee; the Commissioner of Highways, or his designee; and the Executive Director of the Virginia Port Authority, or his designee.

All members of the Commission shall serve terms coincident with their terms of office. Vacancies shall be filled in the same manner as the original appointment.

The Commission 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 Commission, and the cost of such audit shall be borne by the Commission.

60 **§ 33.1-468. Staff.**

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

66 **§ 33.1-469. Decisions of Commission.**

67 *A majority of the Commission, which majority shall include at least a majority of the chief elected*
68 *officers of the counties and cities embraced by the Commission, shall constitute a quorum. Decisions of*
69 *the Commission shall require a quorum and shall be in accordance with voting procedures established*
70 *by the Commission. In all cases, decisions of the Commission shall require the affirmative vote of*
71 *two-thirds of the members of the Commission present and voting, and two-thirds of the chief elected*
72 *officers of the counties and cities embraced by Planning District 23 who are present and voting and*
73 *whose counties and cities include at least two-thirds of the population embraced by the Commission;*
74 *however, no motion to fund a specific facility or service shall fail because of this population criterion if*
75 *such facility or service is not located or to be located or provided or to be provided within the county*
76 *or city whose chief elected officer's sole negative vote caused the facility or service to fail to meet the*
77 *population criterion. The population of counties and cities embraced by the Commission shall be the*
78 *population as determined by the most recently preceding decennial census, except that on July 1 of the*
79 *fifth year following such census, the population of each county and city shall be adjusted, based on*
80 *population projections made by the Weldon Cooper Center for Public Service of the University of*
81 *Virginia.*

82 **§ 33.1-470. Annual budget and allocation of expenses.**

83 *A. The Commission shall adopt an annual budget and develop a funding plan and shall provide for*
84 *such adoption in its bylaws. The funding plan shall provide for the expenditure of funds over a four- to*
85 *six-year period and shall align with the Statewide Transportation Plan established pursuant to*
86 *§ 33.1-23.03 as much as possible. The Commission shall solicit public comment on its budget and*
87 *funding plan by posting a summary of such budget and funding plan on its website and holding a public*
88 *hearing. Such public hearing shall be advertised on the Commission's website and in a newspaper of*
89 *general circulation in Planning District 23.*

90 *B. The administrative expenses of the Commission, as provided in an annual budget adopted by the*
91 *Commission, to the extent funds for such expenses are not provided from other sources, shall be*
92 *allocated among the component counties and cities on the basis of the relative population, as*
93 *determined pursuant to § 33.1-469. Such budget shall be limited solely to the administrative expenses of*
94 *the Commission and shall not include any funds for construction or acquisition of transportation*
95 *facilities or the performance of any transportation service.*

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

99 **§ 33.1-471. Authority to issue bonds.**

100 *The Commission may issue bonds and other evidences of debt as may be authorized by this section*
101 *or other law. The provisions of Article 5 (§ 15.2-4519 et seq.) of Chapter 45 of Title 15.2 shall apply,*
102 *mutatis mutandis, to the issuance of such bonds or other debt. The Commission may issue bonds or*
103 *other debt in such amounts as it deems appropriate. The bonds may be supported by any funds*
104 *available, except that funds from tolls collected pursuant to § 33.1-472 shall be used only as provided in*
105 *that section.*

106 **§ 33.1-472. Powers of the Commission.**

107 *Notwithstanding any contrary provision of this title and in accordance with all applicable federal*
108 *statutes and requirements, the Commission shall control and operate and may impose and collect tolls*
109 *in amounts established by the Commission for the use of any new or improved highway, bridge, or*
110 *tunnel, to increase capacity on such facility or to address congestion within Planning District 23,*
111 *constructed by the Commission (i) with federal, state, or local funds, (ii) solely with revenues of the*
112 *Commission, or (iii) with revenues under the control of the Commission. The amount of any such toll*
113 *may be varied from facility to facility, by lane, by congestion levels, by day of the week, by time of day,*
114 *by type or size of vehicle, by number of axles, or by any similar combination thereof or any other factor*
115 *the Commission may deem proper, and a reduced rate may be established for commuters as defined by*
116 *the Commission. All such tolls shall be used for programs and projects that are reasonably related to or*
117 *benefit the users of the new or improved highway, bridge, or tunnel, including, but not limited to, for*
118 *the debt service and other costs of bonds whose proceeds are used for construction or improvement of*
119 *such highway, bridge, or tunnel.*

120 *Any tolls imposed by the Commission shall be collected by an electronic toll system that, to the*
121 *extent possible, shall not impede the traffic flow of the facility or prohibit a toll facility from retaining*

122 means of nonautomated toll collection in some lanes of the facility. For all facilities tolled by the
123 Commission, there shall be signs erected prior to the point of toll collection that clearly state how the
124 majority of the toll revenue is being spent by the Commission to benefit the users of the facility.

125 **§ 33.1-473. Additional powers of the Commission.**

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

128 1. To sue and be sued and to prosecute and defend, at law or in equity, in any court having
129 jurisdiction of the subject matter and of the parties;

130 2. To adopt and use a corporate seal and to alter the same at its pleasure;

131 3. To procure insurance, participate in insurance plans, and provide self-insurance; however, the
132 purchase of insurance, participation in an insurance plan, or the creation of a self-insurance plan by
133 the Commission shall not be deemed a waiver or relinquishment of any sovereign immunity to which the
134 Commission or its officers, directors, employees, or agents are otherwise entitled;

135 4. To establish bylaws and make all rules and regulations, not inconsistent with the provisions of this
136 chapter, deemed expedient for the management of the Commission's affairs;

137 5. To apply for and accept money, materials, contributions, grants, or other financial assistance from
138 the United States and agencies or instrumentalities thereof; the Commonwealth; and any political
139 subdivision, agency, or instrumentality of the Commonwealth; and from any legitimate private source;

140 6. To acquire real and personal property or any interest therein by purchase, lease, gift, or
141 otherwise for purposes consistent with this chapter and to hold, encumber, sell, or otherwise dispose of
142 such land or interest for purposes consistent with this chapter;

143 7. To acquire by purchase, lease, contract, or otherwise, highways, bridges, or tunnels and to
144 construct the same by purchase, lease, contract, or otherwise;

145 8. In consultation with the Commonwealth Transportation Board and with each city or county in
146 which the facility or any part thereof is or is to be located, to repair, expand, enlarge, construct,
147 reconstruct, or renovate any or all highways, bridges, and tunnels within Planning District 23 and to
148 acquire any real or personal property needed for any such purpose;

149 9. To enter into agreements or leases with public or private entities for the operation and
150 maintenance of bridges, tunnels, transit and rail facilities, and highways;

151 10. To make and execute contracts, deeds, mortgages, leases, and all other instruments and
152 agreements necessary or convenient for the performance of its duties and the exercise of its powers and
153 functions under this chapter;

154 11. To the extent funds are made or become available to the Commission to do so, to employ
155 employees, agents, advisors, and consultants, including without limitation attorneys, financial advisers,
156 engineers, and other technical advisers and, the provisions of any other law to the contrary
157 notwithstanding, to determine their duties and compensation; and

158 12. To the extent not inconsistent with the other provisions of this chapter, and without limiting or
159 restricting the powers otherwise given the Commission, to exercise all of the powers given to
160 transportation district commissions by § 15.2-4518.

161 B. The Commission shall comply with the provisions governing localities contained in
162 § 15.2-2108.23.

163 **§ 33.1-474. Commission a responsible public entity under Public-Private Transportation Act of**
164 **1995.**

165 The Commission is a responsible public entity as defined in § 56-557 and shall be regulated in
166 accordance with the terms of the Public-Private Transportation Act of 1995 (§ 56-556 et seq.) and
167 regulations and guidelines adopted pursuant thereto.

168 **§ 33.1-475. Continuing responsibilities of the Commonwealth Transportation Board and the**
169 **Department of Transportation.**

170 Except as otherwise explicitly provided in this chapter, until such time as the Commission and the
171 Department of Transportation, or the Commission and the Commonwealth Transportation Board, agree
172 otherwise in writing, the Commonwealth Transportation Board shall allocate funding to and the
173 Department of Transportation shall perform or cause to be performed all maintenance and operation of
174 the bridges, tunnels, and roadways and shall perform such other required services and activities with
175 respect to such bridges, tunnels, and roadways as were being performed on July 1, 2014.

176 **§ 33.1-476. Use of revenues by the Commission.**

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

181 **2. That the staff of the Hampton Roads Transportation Planning Organization and the**
182 **Department of Transportation shall work cooperatively to assist the proper formation and effective**

183 organization of the Hampton Roads Transportation Accountability Commission. Until such time as
184 the Commission is fully established and functioning, the staff of the Hampton Roads
185 Transportation Planning Organization shall serve as its staff, and the Hampton Roads
186 Transportation Planning Organization shall provide the Commission with office space and
187 administrative support. The Commission shall reimburse the Hampton Roads Transportation
188 Planning Organization for the cost of such staff, office space, and administrative support as
189 appropriate.

190 3. That should any portion of this act be held unconstitutional by a court of competent
191 jurisdiction, the remaining portions of this act shall remain in effect.

192 4. That the fifth enactment of Chapter 896 of the Acts of Assembly of 2007, as amended by
193 Chapter 871 of the Acts of Assembly of 2009, is amended and reenacted as follows:

194 5. That the Hampton Roads Metropolitan Planning Organization, whose membership may be
195 expanded by vote of the Hampton Roads Metropolitan Planning Organization, with the
196 concurrence of the Governor, to include members of the House of Delegates as selected by the
197 Speaker of the House of Delegates and members of the Senate of Virginia as selected by the
198 Senate Committee on Rules, *Transportation Accountability Commission* shall develop as part of a
199 long-range plan quantifiable measures and achievable goals for the Hampton Roads metropolitan
200 planning area relating to *embraced by Planning District 23*, but not limited to, congestion reduction
201 and safety, transit and high-occupancy vehicle (HOV) usage, job-to-housing ratios, job and housing
202 access to transit and pedestrian facilities, air quality, and per-capita vehicle miles traveled. In
203 addition, the Northern Virginia Transportation Authority established under § 15.2-4830 of the
204 Code of Virginia shall also develop as part of a long-range plan quantifiable measures and
205 achievable goals for the area embraced by the Authority relating to, but not limited to, congestion
206 reduction and safety, transit and high-occupancy vehicle (HOV) usage, job-to-housing ratios, job
207 and housing access to transit and pedestrian facilities, air quality, and per-capita vehicle miles
208 traveled. Such goals shall be subject to the approval of the Commonwealth Transportation Board
209 on a biennial basis.

14104588D

HOUSE BILL NO. 2

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Transportation
on February 4, 2014)

(Patron Prior to Substitute—Delegate Stolle)

A BILL to amend the Code of Virginia by adding in Article 1.1 of Chapter 1 of Title 33.1 a section numbered 33.1-23.5:5, relating to prioritization of projects funded by the Commonwealth Transportation Board.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1.1 of Chapter 1 of Title 33.1 a section numbered 33.1-23.5:5 as follows:

§ 33.1-23.5:5. *Statewide prioritization process for project selection.*

A. The General Assembly declares it to be in the public interest that a prioritization process for projects funded by the Commonwealth Transportation Board be developed and implemented to improve the efficiency and effectiveness of the state's transportation system, transportation safety, transportation accessibility for people and freight, and economic development in the Commonwealth.

B. Subject to the limitations in subsection C, the Commonwealth Transportation Board shall develop, in cooperation with metropolitan planning organizations wholly within the Commonwealth and with the Northern Virginia Transportation Authority, a statewide prioritization process for use of funds allocated under § 33.1-23.1 or apportioned pursuant to 23 U.S.C. § 104. The prioritization process shall be used for the development of the Six-Year Improvement Program pursuant to § 33.1-12 and shall consider highway, transit, rail, roadway, technology operational improvements, and transportation demand management strategies.

1. The prioritization process shall be based on an objective, quantifiable analysis that considers at a minimum the following factors relative to the cost of the project or strategy: congestion mitigation, economic development, accessibility, safety, and environmental quality.

2. Prior to the analysis of projects, candidate projects shall be screened to determine whether they help address a need in the assessment of the Statewide Transportation Plan for corridors of statewide significance, regional networks, or improvements to promote urban development areas pursuant to § 15.2-2223.1.

3. The Commonwealth Transportation Board shall weight factors listed in subdivision 1 for each of the state's construction districts. The Commonwealth Transportation Board may assign different weights to the factors based on geographic location and other factors.

C. The prioritization process developed under subsection B shall not apply to the following: projects or activities undertaken pursuant to § 33.1-23.02; projects funded by the Congestion Mitigation Air Quality funds apportioned to the state pursuant to 23 U.S.C. § 104(b)(4) and state matching funds; projects funded by the Highway Safety Improvement Program funds apportioned to the state pursuant to 23 U.S.C. § 104(b)(3) and state matching funds; projects funded by the Transportation Alternatives funds set-aside pursuant to 23 U.S.C. § 213 and state matching funds; projects funded by local governments pursuant to subdivisions B 2 and 3 of § 33.1-23.1; and projects funded by the revenue-sharing program pursuant to § 33.1-23.05. The Commonwealth Transportation Board may, at its discretion, develop a prioritization process for any of the funds covered by this subsection.

2. That the Commonwealth Transportation Board shall select projects for funding pursuant to the provisions of this act beginning July 1, 2016.

3. That, at the discretion of the Board, a project fully funded in the Six-Year Improvement Program that has completed the state environmental review process or the review process required by the National Environmental Policy Act may be exempt from the provisions of this act.

4. That the prioritization process developed pursuant to § 33.1-23.5:5 of the Code of Virginia, as created by this act, shall not apply to funds allocated to the Northern Virginia Transportation Authority Fund established pursuant to § 15.2-4838.01 of the Code of Virginia or the Hampton Roads Transportation Fund established pursuant to § 33.1-23.5:4 of the Code of Virginia.

5. That the Commonwealth Transportation Board shall solicit input from local governments, metropolitan planning organizations, transit authorities, other transportation authorities, and other stakeholders in the development of the prioritization process pursuant to this act. The Board shall cooperate with the applicable planning organization when developing the weighting of factors pursuant to subdivision B 3 of § 33.1-23.5:5 of the Code of Virginia, as created by this act, for a metropolitan planning area with a population over 200,000.

6. That, for Northern Virginia and Hampton Roads construction districts, the Commonwealth Transportation Board, pursuant to subdivision B 3 of § 33.1-23.5:5 of the Code of Virginia, as

60 created by this act, shall ensure that congestion mitigation, consistent with § 33.1-13.03:1 of the
61 Code of Virginia, is weighted highest among the factors in the prioritization process. For
62 metropolitan planning areas with a population over 200,000, the prioritization process shall include
63 a factor based on the quantifiable and achievable goals pursuant to § 33.1-23.03 of the Code of
64 Virginia.

AGENDA ITEM #6: HRPDC/HRTPO ORGANIZATIONAL STRUCTURE: SUCCESSION PLANNING

As discussed in Agenda Item #5, there is proposed legislation that would create a regional agency for the purpose of managing HRTF funds for the Hampton Roads region. As prescribed in the proposed legislation, the Hampton Roads Transportation Accountability Commission (HRTAC) would share office space and human resources with the HRPDC, HRTPO, and the Hampton Roads Military and Federal Facilities Alliance (HRMFFA). Currently, the HRPDC, HRTPO, and HRMFFA share a series of Memoranda of Understandings (attached) that address human/physical resources and finance to minimize costs.

With the potential addition of HRTAC and with the announcement of the Executive Director retiring on July 1, 2014, the HRPDC and HRTPO are in a position to discuss the succession planning and organizational structure of the HRPDC and HRTPO.

Executive Director Dwight Farmer will lead the HRPDC and HRTPO on this agenda item.

- Attachment 6-A First MOU between the HRTPO and the HRPDC
- Attachment 6-B Second MOU between the HRTPO and the HRPDC
- Attachment 6-C Third MOU between the HRTPO and the HRPDC
- Attachment 6-D MOU between HRMFFA and the HRPDC

**First
Memorandum of Understanding
Between
The Hampton Roads Transportation Planning Organization
And
The Hampton Roads Planning District Commission**

This Memorandum of Understanding is executed as of July 15, 2009 by and between the Hampton Roads Transportation Planning Organization, hereinafter referred to as HRTPO; and the Hampton Roads Planning District Commission, hereinafter referred to as HRPDC.

WHEREAS, the HRTPO is the Metropolitan Planning Organization for the Hampton Roads Metropolitan Planning Area; and

WHEREAS, the HRPDC shall provide the planning and administrative staff to the HRTPO, hereinafter referred to as Staff, in accordance with regulations as determined by the Federal Highway Administration and the Virginia Department of Transportation; and

WHEREAS, responsibilities of Staff are defined in the annual Unified Planning Work Program which outlines the specific work to be carried out by Staff; and

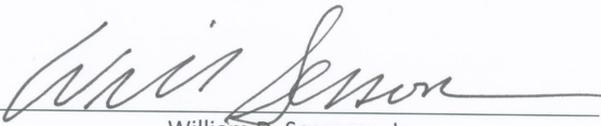
WHEREAS, Staff shall provide planning, technical, and administrative support to the HRTPO Board and Advisory Committees; and

WHEREAS, Staff will execute the following five core functions:

1. Establish a setting: Establish and manage a fair and impartial setting for effective regional decision-making in the metropolitan area.
2. Evaluate alternatives: Evaluate transportation alternatives, scaled to the size and complexity of the region, to the nature of its transportation issues, and to the realistically available options.
3. Maintain a Long-Range Transportation Plan: Develop and update a fiscally-constrained long-range transportation plan for the metropolitan area covering a planning horizon of at least 20 years that fosters
 - a. mobility and access for people and goods,
 - b. efficient system performance and preservation, and
 - c. quality of life.

4. Maintain a Transportation Improvement Program: Develop and update a fiscally-constrained program of transportation projects consistent with the long-range transportation plan. Projects must be included in the Transportation Improvement Program to be eligible for federal funding.
5. Involve the public: Involve the general public and all the significantly affected sub-groups in the four essential functions listed above.

NOW, THEREFORE, it is by mutual agreement that the staff of the HRPDC shall also serve as the staff of the HRTPO pursuant to this Memorandum of Understanding.



William D. Sessoms, Jr.
Chairman

Hampton Roads Transportation Planning Organization



Bruce C. Goodson
Chairman

Hampton Roads Planning District Commission

**Second
Memorandum of Understanding
Between
The Hampton Roads Transportation Planning Organization
And
The Hampton Roads Planning District Commission**

This Second Memorandum of Understanding is executed as of September 16, 2009, by and between the Hampton Roads Transportation Planning Organization, hereinafter referred to as HRTPO, and the Hampton Roads Planning District Commission, hereinafter referred to as HRPDC.

WHEREAS, the HRTPO and the HRPDC are separate and distinct entities that have shared certain facilities, staff and equipment in the past; and

WHEREAS, the HRTPO is fully responsible for the conduct of its affairs and the establishment and oversight of its policies but has limited legal powers under existing laws of the Commonwealth of Virginia; and

WHEREAS, the HRTPO has determined to formally provide for the continued provision of certain services by the HRPDC, and

WHEREAS, by Memorandum of Understanding dated as of July 15, 2009, the HRTPO and the HRPDC set forth certain terms by which the HRPDC will provide planning and administrative staff support to the HRTPO; and

WHEREAS, the HRTPO desires that the HRPDC serve as fiscal agent for the HRTPO, the HRPDC is willing to act in that capacity, and the parties now desire to set forth certain terms and conditions that will govern the provision of those fiscal services by the HRPDC, and the related rights and responsibilities of the respective parties with respect to those services.

WHEREAS, the HRTPO is committed to expeditiously pursue through the legislative process the codification of the rights, duties, powers and responsibilities of Metropolitan Planning Organizations in Virginia and it is the expectation of the parties that this Memorandum of Understanding will be modified accordingly upon the successful enactment of that legislation;

NOW, THEREFORE, the parties hereby agree as follows:

1. All fiscal policies, practices and decisions of the HRTPO shall be established by and under the control and direction of its Board and authorized agents and officers.
2. The HRPDC shall receive, hold and disburse grant and other funds payable or belonging to the HRTPO. All funds and other assets of the HRTPO shall be separately identified in the books and records of the HRPDC.

3. Assets of the HRTPO shall be held and invested only in such accounts or in such form as are authorized for the investment of public funds under the laws of the Commonwealth of Virginia and any other applicable law, regulation or grant requirement.
4. Monthly, the HRPDC staff shall prepare and submit to the HRTPO Board a financial report reflecting all receipts and disbursements through the period covered by the report, and cash and cash equivalents on hand as of the date of the report. The books and records of the HRPDC relating to HRTPO funds and assets shall be open to review and inspection at all times by the officers and Board of the HRTPO, or their designee, upon reasonable notice.
5. To the extent requested by the HRTPO Board or required by any third party, the HRPDC shall serve as the applicant for and recipient of state, Federal and other grants for and on behalf of the HRTPO. The HRPDC shall submit grant applications on behalf of the HRTPO upon approval by the Boards of both parties.
6. In the provision of staff services to the HRTPO, HRPDC staff shall prepare and submit to the Board of the HRTPO for its approval a proposed annual budget. Allocable costs of HRPDC staff performing services for and on behalf of the HRTPO, costs of supplies and equipment to carry out the work of the HRTPO, and allocable costs of overhead and third party services shall be reflected in the proposed budget. Upon approval of the annual budget by the HRTPO, payments and disbursements of HRTPO funds shall be made only in accordance with the approved budget and any amendments thereto approved from time to time by the HRTPO.
7. The provision of all fiscal services by the HRPDC shall in all events conform to and comply with the requirements of all applicable regulations as determined by the Federal Highway Administration, the Virginia Department of Transportation, the provisions of state, Federal or other grants, and all other applicable law.

In Witness Whereof, the parties have caused this Second Memorandum of Understanding to be executed by their duly authorized officers as of the date first set forth above.



William D. Sessoms, Jr.
Chairman

Hampton Roads Transportation Planning Organization



Bruce C. Goodson
Chairman

Hampton Roads Planning District Commission

**Third
Memorandum of Understanding
Between
The Hampton Roads Transportation Planning Organization
And
The Hampton Roads Planning District Commission**

This Memorandum of Understanding (MOU) is executed as of January 16, 2014 by and between the Hampton Roads Transportation Planning Organization, hereinafter referred to as HRTPO, and the Hampton Roads Planning District Commission, hereinafter referred to as HRPDC.

WHEREAS, the HRTPO is the Metropolitan Planning Organization for the Hampton Roads Metropolitan Area; and

WHEREAS, the HRPDC is the Regional Planning Organization for the Hampton Roads Region; and

WHEREAS, the HRPDC provides the planning and administrative staff, hereinafter referred to as Staff, to the HRTPO as per the First MOU, and responsibilities of Staff are defined in the annual Unified Planning Work Programs which outline the specific work to be carried out by Staff; and

WHEREAS, the Personnel and Budget Committee, hereinafter referred to as P&B Committee, previously established by the HRPDC, shall be reorganized to include representatives of both organizations to include: the Chair and Vice Chair of the Boards of the HRPDC and HRTPO, the Treasurer, the Secretary, two Chief Administrative Officers (CAOs) - one from the Southside and one from the Peninsula, and one additional elected official from the HRPDC.

NOW, THEREFORE, it is by mutual agreement that the P&B Committee shall serve both the HRPDC and the HRTPO pursuant to this Memorandum of Understanding.



McKinley Price, Chair
Hampton Roads
Transportation Planning Organization



Kenneth I. Wright, Chair
Hampton Roads
Planning District Commission

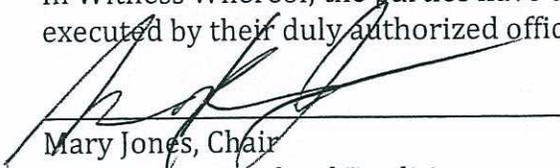
**Memorandum of Understanding
Between
The Hampton Roads Military and Federal Facilities Alliance
And
The Hampton Roads Planning District Commission**

This Memorandum of Understanding (MOU) is executed as of October 1, 2013, by and between the Hampton Roads Military and Federal Facilities Alliance, hereinafter referred to as HRMFFA, and the Hampton Roads Planning District Commission, hereinafter referred to as HRPDC.

The parties hereby agree as follows:

1. All fiscal policies, practices and decisions of HRMFFA shall be established by and under the control and direction of its Board and authorized agents and officers.
2. The HRPDC shall receive, hold and disburse grant and other funds payable to and belonging to HRMFFA. All funds and other assets of HRMFFA shall be separately identified in QuickBooks and reside in the SunTrust checking and money market accounts, and the Monarch CDs attributed to HRMFFA
3. Assets of HRMFFA shall be held and invested only in such accounts or in such form as are authorized for the investment of public funds under the laws of the Commonwealth of Virginia and any other applicable law, regulation or grant requirement.
4. Attachment A to this MOU details the services to be provided by the HRPDC to HRMFFA for an annual fee of \$20,500. It also lists various 'a-la-carte' services that the HRPDC can provide to HRMFFA for an additional fee, depending on which services HRMFFA requests.
5. Monthly, the HRPDC finance staff shall prepare and submit to HRMFFA's Executive Director a financial report reflecting all receipts, disbursements, cash, and cash equivalents on hand as of the date of the report. The books and records of HRMFFA shall be open to review and inspection at all times by the officers and Board of HRMFFA, or their designee, upon reasonable notice. The provision of all fiscal services by the HRPDC shall in all events conform to and comply with the requirements of all applicable regulations as determined by the provisions of State, Federal or other grants, and all other applicable laws.

In Witness Whereof, the parties have caused this Memorandum of Understanding to be executed by their duly authorized officers as of the date first set forth above.


Mary Jones, Chair
HR Military & Federal Facilities
Alliance


Thomas G. Shepperd, Jr., Chair
HR Planning District Commission

ATTACHMENT A
Between
The Hampton Roads Military and Federal Facilities Alliance
(HRMFFA)
And
The Hampton Roads Planning District Commission
(HRPDC)
October 1, 2013

The parties hereby agree as follows: The HRPDC will provide the following services to HRMFFA for an annual fee of \$20,500:

- Receptionist to answer incoming calls and direct visitors
- Administrative Support for routine office processes
 - Assistance with mailings, copying, letters, etc.
- Accountant
 - To administer all financial activities
 - QuickBooks
 - Reporting
 - Accounts Payable
 - Accounts Receivable
 - Payroll
- IT Support
 - Internet and phone connectivity
 - Day-to-day computer support

The HRPDC may also provide additional support to HRMFFA for an additional cost, that will be directly billed. These 'a-la-carte' services could include (but not be limited to), for example:

- Assistance with meetings
 - Set up
 - Attendance
 - Power-point assistance
 - Stenographer
 - Food
- Postage
- Copies
- Outside Printing
- Graphics
- Report creation
- Excess IT support
- Annual audit fee

AGENDA ITEM #7: OLD/NEW BUSINESS