

# Agenda Item 5 Handout HB2313: HRTPO Structure and Financing

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## Outline of Potential Powers of New HRTA: Comparison with Precedent

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HRTPO Legislative Ad-hoc Committee



June 27, 2013

Outline of Potential Powers of New HRTA; Comparison with Precedent

	2007 HRTA (Repealed)	NVTA	Potential New HRTA
<b>Financial Powers</b>		<ul style="list-style-type: none"> <li>To use funds available in the Northern Virginia Transportation Authority Fund for transportation projects (Va. Code § 15.2-4838.1 (C), as amended by HB 2313).</li> </ul>	<ul style="list-style-type: none"> <li>Included as a Primary Power in the potential legislation outline.</li> </ul>
		<ul style="list-style-type: none"> <li>To issue bonds and other evidences of debt in amounts as it deems appropriate that are supported by any funds available (Va. Code § 15.2-4839).</li> </ul>	<ul style="list-style-type: none"> <li>Included as a Primary Power in the potential legislation outline.</li> </ul>
	<ul style="list-style-type: none"> <li>To control, operate, impose and collect tolls at rates established by the HRTA for the use of any new or improved project constructed by the Authority or with funds from the Authority (HB 3202 § 33.1-391.8).<sup>1</sup></li> </ul>	<ul style="list-style-type: none"> <li>To impose, collect, and set tolls for use of facilities if the facility is newly constructed or reconstructed solely with revenues of the Authority, and the tolls may be used for debt service and other costs of bonds whose proceeds are used for such construction (Va. Code § 15.2-4840 (7)).</li> </ul>	<ul style="list-style-type: none"> <li>Included as an Expanded Power in the potential legislation outline.</li> </ul>
	<ul style="list-style-type: none"> <li>To apply for and accept financial assistance from any federal, state, or private source (HB 3202 § 33.1-391.10 (5)).</li> </ul>	<ul style="list-style-type: none"> <li>To apply for, hold, and dispose of funds or other things of value to carry out the purposes of this chapter (Va. Code § 15.2-4840 (10)).</li> </ul>	<ul style="list-style-type: none"> <li>Included as a Primary Power in the potential legislation outline.</li> </ul>

<sup>1</sup> **Note:** Downtown and Mid-Town Projects treated as one facility and both facilities may be tolled if improvements are made to either tunnel.

	2007 HRTA (Repealed)	NVTA	Potential New HRTA
<b>Administrative Powers</b>	<ul style="list-style-type: none"> <li>To sue and be sued; to prosecute and defend (HB 3202 § 33.1-391.10 (1)).</li> </ul>		*
	<ul style="list-style-type: none"> <li>To adopt, use, and alter a corporate seal (HB 3202 § 33.1-391.10 (2)).</li> </ul>		*
	<ul style="list-style-type: none"> <li>To procure insurance, participate in insurance plans, and provide self-insurance (HB 3202 § 33.1-391.10 (3)).</li> </ul>		*
	<ul style="list-style-type: none"> <li>To establish bylaws, rules, and regulations for management of affairs (HB 3202 § 33.1 - 391.10 (4)).</li> </ul>		*
<b>Implementation Powers</b>		<ul style="list-style-type: none"> <li>To allocate to transportation projects any funds made available to the Authority and to directly oversee such projects (Va. Code § 5.2 - 4840 (5)).</li> </ul>	
	<ul style="list-style-type: none"> <li>To acquire, hold, encumber, and dispose of real and personal property or any interest therein (HB 3202 § 33.1 - 391.10 (6)).</li> </ul>	<ul style="list-style-type: none"> <li>To acquire land and provide transportation facilities thereon (Va. Code § 15.2-4830 (5)(a)).</li> </ul>	<ul style="list-style-type: none"> <li>Included as an Expanded Power in the potential legislation outline.</li> </ul>
		<ul style="list-style-type: none"> <li>To acquire land in advance for future sale to an agency that will use the land in connection with an adopted transportation plan (Va. Code § 15.2-4830 (5)(b)).</li> </ul>	

	<b>2007 HRTA (Repealed)</b>	<b>NVTA</b>	<b>Potential New HRTA</b>
	<ul style="list-style-type: none"> <li>To acquire and construct highways, bridges, etc. (HB 3202 § 33.1-391.10 (7)).</li> </ul>	<ul style="list-style-type: none"> <li>To construct or acquire transportation facilities specified in the transportation plan (Va. Code § 15.2-4830 (2)).</li> </ul>	<ul style="list-style-type: none"> <li>Included as an Expanded Power in the potential legislation outline.</li> </ul>
	<ul style="list-style-type: none"> <li>To repair, construct, renovate, etc. transportation facilities and to acquire property needed for such purpose (in consultation with the CTB and localities) (HB 3202 § 33.1 – 391.10 (8)).</li> </ul>		<ul style="list-style-type: none"> <li>Included as an Expanded Power in the potential legislation outline.</li> </ul>
	<ul style="list-style-type: none"> <li>To enter into agreements for the operation and maintenance of highways, bridges, etc. (HB 3202 § 33.1 - 391.10 (9)).</li> </ul>	<ul style="list-style-type: none"> <li>To enter into agreements for the operation of transportation facilities, or to operate those facilities itself (Va. Code § 15.2-4830 (3)).</li> </ul>	<ul style="list-style-type: none"> <li>Included as an Expanded Power in the potential legislation outline.</li> </ul>
	<ul style="list-style-type: none"> <li>To make and execute any contract, deed, agreements, etc. necessary or convenient for the performance of its duties (HB 3202 § 33.1 - 391.10 (10)).</li> </ul>		<ul style="list-style-type: none"> <li>Included as a Primary Power in the potential legislation outline.</li> </ul>
		<ul style="list-style-type: none"> <li>To enter into agreements with counties, cities, and other entities to provide or cause to be provided transportation facilities and services. These agreements may be used to finance the construction and operation of transportation facilities, and may inure to the benefit of creditors (Va. Code § 15.2-4830 (4)).</li> </ul>	

	2007 HRTA (Repealed)	NVTA	Potential New HRTA
<b>Miscellaneous Powers</b>	<ul style="list-style-type: none"> <li>To exercise all powers given to transportation district commissions by §§ 15.2-4518 and 15.2-4519, and undertake transportation projects included in the 2030 Regional Transportation Plan as approved by the MPO (HB 3202 § 33.1 - 391.10 (14)).<sup>2</sup></li> </ul>		
	<ul style="list-style-type: none"> <li>To act as a responsible public entity under the PPTA (HB 3202 § 33.1391.11).</li> </ul>	<ul style="list-style-type: none"> <li>To act as a responsible public entity under the PPTA (Va. Code § 15.2-4840 (11)).</li> </ul>	<ul style="list-style-type: none"> <li>Included as a Primary Power in the potential legislation outline.</li> </ul>
	<ul style="list-style-type: none"> <li>To control the Chesapeake Bay Bridge-Tunnel facilities when all outstanding bonds are paid in full. When this happens, the HRTA would have the authority vested in the Chesapeake Bay Bridge and Tunnel Commission (HB 3202 § 33.1 – 391.12).</li> </ul>		
		<ul style="list-style-type: none"> <li>The authority shall consult with VDOT and CTB to avoid duplication of efforts and may combine efforts to complete specific projects (Va. Code § 15.2-4838.1(C)(2)).</li> </ul>	<ul style="list-style-type: none"> <li>Included as a Primary Power in the potential legislation outline.</li> </ul>

<sup>2</sup> Under the 2007 HRTA (Repealed), the HRTA was permitted to undertake specific projects contained in the 2030 Regional Transportation Plan, and subdivided those projects into first phase projects and second phase projects. The statute mandates that before undertaking second phase projects, the Authority had to consider and act upon a financing plan for the maintenance, operation, and construction of the first phase projects. Because the statute encouraged public private partnerships, the Authority was not prohibited from receiving and acting on PPTA proposals on projects in either phase (HRTA § 33.1-391.11).

	2007 HRTA (Repealed)	NVTA	Potential New HRTA
<b>Employment Powers</b>	<ul style="list-style-type: none"> <li>To employ and determine duties and compensation of employees, agents, consultants, etc. (HB 3202 § 33.1 - 391.10 (11)).</li> </ul>	<ul style="list-style-type: none"> <li>The authority shall employ a chief executive officer and other staff as necessary. VDOT and Va. Dept. of Rail and Public Transportation shall make their employees available upon request (Va. Code § 15.2-4833).</li> </ul>	<ul style="list-style-type: none"> <li>Included as a Primary Power in the potential legislation outline.</li> </ul>
	<ul style="list-style-type: none"> <li>Employees, agents, etc. are to be paid out of funds that are made or become available to the Authority to do so (HB 3202 § 33.1-391.9).</li> </ul>	<ul style="list-style-type: none"> <li>To the extent not provided from other sources, administrative expenses shall be allocated among the component counties and cities on the basis of relative population (Va. Code § 15.2-4835).</li> </ul>	

\* To be considered as part of the general boiler plate language of the bill creating the new authority.