

# VIRGINIA ACTS OF ASSEMBLY -- 2003 SESSION

## CHAPTER 302

*An Act to amend and reenact §§ 33.1-55 and 33.1-221.1:2 of the Code of Virginia and to repeal §§ 33.1-26 through 33.1-30 of the Code of Virginia, Chapter 620 of the Acts of Assembly of 1983 and Chapter 504 of the Acts of Assembly of 1985, relating to the arterial network of highways.*

[H 1487]

Approved March 16, 2003

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 33.1-55 and 33.1-221.1:2 of the Code of Virginia are amended and reenacted as follows:**

§ 33.1-55. Relocation or removal of utility facilities within projects on Interstate System.

(a) Whenever the Board shall determine that it is necessary that any tracks, pipes, mains, conduits, cables, wires, towers or other structures, equipment and appliances (herein called "facilities") of any utility as herein defined, in, on, under, over or along existing streets which are to be included within any project on the Interstate System within cities or towns should be relocated or removed, the owner or operator of such facilities shall relocate or remove the same in accordance with the order of the Board. The cost of such relocation or removal, as herein defined, including the cost of installing such facilities in a new location or locations, and the cost of any lands, or any rights or interest in lands, and any other rights, required to accomplish such relocation or removal, shall be ascertained and paid by the Board as a part of the cost of such project.

For the purposes of subsection (a) of this section, the term "utility" shall include publicly, privately, and cooperatively owned utilities and the term "cost of relocation or removal" shall include the entire amount paid by such utility properly attributable to such relocation or removal after deducting therefrom any increase in the value of the new facility and any salvage value derived from the old facility.

The cost of relocating or removing utility facilities in connection with any project on the Interstate System within cities or towns is hereby declared to be a cost of highway construction.

(b) Whenever the Board shall determine that it is necessary that any tracks, pipes, mains, conduits, cables, wires, towers or other structures, equipment and appliances (herein called "facilities") of any utility as herein defined, in, on, under, over or along existing streets which are to be included within any project on the state arterial network should be relocated or removed, the owner or operator of such facilities shall relocate or remove the same in accordance with the order of the Board. The cost of such relocation or removal, as herein defined, including the cost of installing such facilities in a new location or locations, and the cost of any lands, or any rights or interest in lands, and any other rights, required to accomplish such relocation or removal, shall be ascertained and paid by the Board as a part of the cost of such project.

For the purpose of subsection (b) of this section, the term "utility" shall mean utilities owned by a county, city, town, or public authority and the term "cost of relocation or removal" shall include the entire amount paid by such utility properly attributable to such relocation or removal after deducting therefrom any increase in the value of the new facility and any salvage value derived from the old facility.

The cost of relocating or removing utility facilities owned by a county, city, town, or public authority in connection with any project on the state arterial network is hereby declared to be a cost of highway construction.

§ 33.1-221.1:2. U.S. Route 58 Corridor Development Program.

A. The General Assembly declares it to be in the public interest that the economic development needs and economic growth potential of south-central and southwestern Virginia be addressed by a special nonreverting fund which shall be a part of the Transportation Trust Fund and which shall be known as the U.S. Route 58 Corridor Development Fund as established in § 58.1-815 (the Fund). Moneys contained in the Fund shall be used for the costs of providing an adequate, modern, safe, and efficient highway system, generally along Virginia's southern boundary (the Program), including without limitation, environmental and engineering studies, rights of way acquisition, construction, improvements and financing costs.

B. Allocations from this Fund shall be made annually by the Commonwealth Transportation Board for the creation and enhancement of a safe, efficient, highway system connecting the communities, businesses, places of employment, and residents of the southwestern-most portion of the Commonwealth to the communities, businesses, places of employment, and residents of the southeastern-most portion of the Commonwealth, thereby enhancing the economic development potential, employment opportunities, mobility and quality along such highway.

C. Allocations from the Fund shall not diminish or replace allocations made or planned to be made from other sources or diminish allocations to which any highway, project, facility, district, system, or

locality would be entitled under other provisions of this title, but shall be supplemental to other allocations to the end that highway resource improvements in the U.S. Route 58 Corridor may be accelerated and augmented. Allocations from the Fund may be applied to highway projects in the interstate, primary, secondary, or urban system, contrary provisions of this title notwithstanding. Allocations under this subsection shall not be limited to projects involving only existing U.S. Route 58, but may be made to projects involving other highways, provided that the broader goal of creation of an adequate modern highway system generally along Virginia's southern boundary is served thereby.

D. The Commonwealth Transportation Board may expend such funds from all sources as may be lawfully available to initiate the Program and to support bonds and other obligations referenced in subsection F of this section. Any moneys expended from the Transportation Trust Fund for the Program, other than moneys contained in the Fund, may be reimbursed from the Fund, to the extent permitted by Article X, Section 9 of the Constitution of Virginia. In the event funds from the U.S. Route 58 Corridor Development Fund are used for projects contained in the Department's fiscal year 1988-89 Six-Year Improvement Program and related to the purposes of this section, such funds shall be reimbursed to the U.S. Route 58 Corridor Development Fund from the Transportation Trust Fund not to exceed the amounts allocated to such projects in the Program.

E. ~~To the maximum extent possible, the Route 58 Corridor shall conform to the arterial network developed by the Commonwealth Transportation Board pursuant to § 33.1-26.~~ The Commonwealth Transportation Board is encouraged to utilize the existing four-lane divided highways, available rights-of-way acquired for additional four-laning, bypasses, connectors, and alternate routes.

F. To the extent permitted by Article X, Section 9 of the Constitution of Virginia, moneys contained in the Fund may be used to secure payment of bonds or other obligations, and the interest thereon, issued in furtherance of the purposes of this section. In addition, the Commonwealth Transportation Board is authorized to receive, dedicate or use legally available Transportation Trust Fund revenues and any other available sources of funds to secure the payment of bonds or other obligations, including interest thereon, in furtherance of the Program. No bond or other obligations payable from revenues of the Fund shall be issued unless specifically approved by the General Assembly. No bond or other obligations, secured in whole or in part by revenues of the Fund, shall pledge the full faith and credit of the Commonwealth.

G. Forty million dollars shall be transferred annually to the Fund with the first such transfer to be made on July 1, 1990, or as soon thereafter as reasonably practicable. Such transfer shall be made by the issuance of a treasury loan at no interest in the amount of \$40 million to the Fund to ensure that the Fund is fully funded on the first day of the fiscal year. Such treasury loan shall be repaid from the Commonwealth's portion of the state recordation tax imposed by Chapter 8 of Title 58.1 designated for the Fund by § 58.1-815. For each fiscal year following July 1, 1990, the Secretary of Finance is authorized to make additional treasury loans in the amount of \$40 million on July 1 of such fiscal years, and such treasury loans shall be repaid in a like manner as provided in the preceding sentence.

**2. That §§ 33.1-26 through 33.1-30 of the Code of Virginia, Chapter 620 of the Acts of Assembly of 1983, and Chapter 504 of the Acts of Assembly of 1985 are repealed.**

**3. That the provisions of this act shall not be construed to alter state funding of maintenance, maintenance replacement, construction, or reconstruction of former arterial network projects within the boundaries of any city.**