

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 33.1-23.4 of the Code of Virginia, relating to allocation of funds for*
3 *secondary system highway construction.*

4 [H 485]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 33.1-23.4 of the Code of Virginia is amended and reenacted as follows:**

8 § 33.1-23.4. Allocation of construction funds within secondary system.

9 A. Such funds as are allocated to the secondary system of state highways pursuant to paragraph 3 of
10 subsection B of § 33.1-23.1 shall be apportioned among the several counties in the secondary system by
11 the Commonwealth Transportation Board so that each such county shall be allocated a share of such
12 funds equal to the proportion that such county bears to the Commonwealth as a whole in terms of area
13 and population with population being weighted 80 percent, and area being weighted 20 percent. For the
14 purpose of this section, "area" means the total land area of a county reduced by the area of any military
15 reservations and state or national parks or forests within its boundaries and such other similar areas and
16 facilities of five square miles in area or more, as may be determined by the Commonwealth
17 Transportation Board.

18 For the purposes of this section, the term "population" shall mean either population according to the
19 latest United States census or the latest population estimate of the Center for Public Service of the
20 University of Virginia, whichever is more recent.

21 If so requested in a resolution adopted by the local governing body, funds allocated to any county
22 under this section may be used to support primary highway system construction projects within the
23 county.

24 Before allocating funds under the foregoing provisions of this section, the Board may provide for
25 exceptionally heavy expenditures for repairs or replacements made necessary by highway damage
26 resulting from accidents, severe weather conditions, acts of God or vandalism.

27 B. Notwithstanding other provisions of this section, not more than one-third of the annual secondary
28 system highway funds apportioned to a county under this section may be used to reimburse the county
29 for (i) debt service for bonds or (ii) eligible project costs incurred on approved projects included in the
30 county's Secondary Six-Year Plan and the county's capital improvement program. Such funds may also
31 be used by the county for debt service for bonds issued for, or eligible project costs incurred or to be
32 incurred on, approved projects included, at the time such bonds are issued or such costs are incurred or
33 are to be incurred, in the Six-Year Improvement Program of the Commonwealth Transportation Board
34 and the county's capital improvement program. Any such funds so apportioned to and received by such
35 county, or any portion thereof, may be deposited in a special fund that shall be established separate and
36 apart from any other funds, general or special.

37 When a county presents a resolution requesting that a portion of its annual secondary construction
38 allocation be set aside for reimbursement for, or payment of, debt service under this section for a
39 specific eligible project, the Commonwealth Transportation Board shall, subject to appropriation and
40 allocation, set aside no more than one-third of the anticipated annual allocation of secondary system
41 construction funding to the county for such purpose, provided such funds have not been previously
42 committed for projects contained in the county's Secondary Six-Year Plan.

43 The setting aside and use of funds under this section for reimbursement for, or payment of, debt
44 service shall be subject to such terms and conditions as may be prescribed by the Commonwealth
45 Transportation Commissioner.

46 The provisions of this section shall not constitute a debt or obligation of the Commonwealth
47 Transportation Board or the Commonwealth of Virginia.

ENROLLED

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