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SENATE BILL NO. 113

Offered January 14, 2004

Prefiled January 7, 2004

A BILL to amend and reenact § 33.1-44 of the Code of Virginia, relating to urban system highway construction projects.

Patron—Williams

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:**1. That § 33.1-44 of the Code of Virginia is amended and reenacted as follows:**

§ 33.1-44. Matching highway funds; funding of urban system construction projects, generally.

In any case in which an act of Congress requires that federal-aid highway funds made available for the construction or improvement of federal or state highways be matched, the Commonwealth Transportation Board shall contribute such matching funds. However, in the case of municipalities of 3,500 or more population eligible for an allocation of construction funds for urban highways under § 33.1-23.3 and the Town of Wise, the Town of Lebanon, and the Town of Altavista, the Board may contribute toward the cost of construction of any federal-aid highway or street project ~~ninety-eight~~98 percent of the necessary funds, including the federal portion, if the municipality contributes the other two percent, and provided further, that within such municipalities the Board may contribute all the required funds on highways in the interstate system.

In the case of municipalities of 3,500 or more population eligible for an allocation of construction funds for urban highways under § 33.1-23.3 and the Town of Wise, the Town of Lebanon, and the Town of Altavista, the Commonwealth Transportation Board may contribute toward the costs of construction or improvement of any highway or street project for which no federal-aid highway funds are made available ~~ninety-eight~~98 percent of the necessary funds if the municipality contributes the other two percent.

For purposes of matching highway funds, such contributions shall continue to apply to such municipality regardless of any subsequent change in population and shall cease to apply only when so specifically provided by an act of the General Assembly. All actions taken prior to July 1, 2001, by municipalities meeting the criteria of the foregoing provisions of this section are hereby confirmed.

In the case of municipalities of less than 3,500 in population that on June 30, 1985, maintained certain streets under § 33.1-80 as then in effect, the Commonwealth Transportation Board shall contribute toward the costs of construction or improvement of any highway or street project 100 percent of the necessary funds. The contribution authorized by this paragraph shall be in addition to any other contribution, and projects established in reference to municipalities of less than 3,500 in population shall not in any way be interpreted to change any other formula or manner for the distribution of funds to such municipalities for construction, improvement or maintenance of highways or streets. The Board may accept from a municipality, for right-of-way purposes, contributions of real estate to be credited, at fair market value, against the matching obligation of such municipality under the provisions of this section.

The term "construction or improvement" means the supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway, including locating, surveying, design and mapping, costs of rights-of-way, signs, signals and markings, elimination of hazards of railroad grade crossings and expenses incidental to the relocation of any utility or its facilities owned by a municipality or by a public utility district or public utility authority.

If any municipality requesting such Commonwealth Transportation Board contribution subsequently decides to cancel such construction or improvement after the Board has initiated the project at the request of the municipality, such municipality shall reimburse the Board the net amount of all funds expended by the Board for planning, engineering, right-of-way acquisition, demolition, relocation and construction between the date of initiation by the municipality and the date of cancellation. The Board shall have the authority to waive all or any portions of such reimbursement at its discretion.

For purposes of this section, on any construction or improvement project in any city having either a population of at least 130,000 but less than 150,000 or a population of at least 170,000 but less than 200,000 and funded in accordance with subdivision 2 of subsection B of § 33.1-23.1, the additional cost for placing aboveground utilities below ground may be paid from funds allocated for that project. The maximum cost due to this action shall not exceed ~~five~~ \$10 million ~~dollars~~. Nothing contained herein shall relieve utility owners of their responsibilities and costs associated with the relocation of their

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59 facilities when required to accommodate a construction or improvement project.