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HOUSE BILL NO. 5028

Offered July 31, 2006

A BILL to amend and reenact §§ 33.1-23.2 and 33.1-23.4 of the Code of Virginia, relating to allocation of construction funds for primary and secondary system highways.

Patrons—Lingamfelter and Frederick

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 33.1-23.2 and 33.1-23.4 of the Code of Virginia are amended and reenacted as follows:

§ 33.1-23.2. Allocation of construction funds for primary system and interstate match.

A. The Commonwealth Transportation Board shall allocate such funds as are available under § 33.1-23.1 B 1 to the primary system of state highways, including the arterial network, for construction and shall apportion such funds among the nine construction districts so that each construction district shall be allocated a share of such funds equal to the proportion that such construction district bears to the Commonwealth as a whole in terms of: ~~vehicle-miles traveled on the primary system, primary road lane mileage and a primary road need factor which adjusts the weights in the allocation formula for the construction district with the largest under-allocation relative to primary needs, with vehicle-miles traveled weighted seventy percent, primary road lane mileage weighted twenty-five percent, and the primary road need factor weighted five percent~~ *population*.

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

B. Out of each district's total allocation of primary funds pursuant to paragraph 1 of subsection B of § 33.1-23.1, the Board shall allocate all needed interstate federal-aid matching funds, up to a maximum of twenty-five percent of the district's primary allocation. Any additional interstate federal-aid matching funds needed in a district shall be allocated by the Board from the Interstate Federal-Aid Matching Fund established in § 33.1-23.1:2.

C. Notwithstanding subsection A of this section, the Board may provide for exceptionally heavy expenditures for repairs or replacements made necessary by highway damage resulting from accidents, severe weather conditions, acts of God or vandalism.

D. Such funds allocated to the primary system shall, as far as possible, be allotted prior to the commencement of the fiscal year and public announcement made of such allotment but the Board shall not approve such allotment until after a public hearing at which political subdivisions of the Commonwealth and interested citizens may be heard.

In any case where any allotment of funds is made under this subsection to any county, all or a part of which subsequently is incorporated as or into a city or town, such allocation shall not be impaired thereby and the funds so allocated shall be expended as if such county or any part thereof had never become an incorporated city, but that portion of such city shall not be eligible to receive funds as a city during the same year it receives the funds allocated as a county or as any part of a county.

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

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

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

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

Before allocating funds under the foregoing provisions of this section, the Board may provide for exceptionally heavy expenditures for repairs or replacements made necessary by highway damage

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59 resulting from accidents, severe weather conditions, acts of God or vandalism.

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

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

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

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