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SENATE BILL NO. 639

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Finance
on February 20, 2012)

(Patron Prior to Substitute—Senator Wagner)

A BILL to amend and reenact §§ 2.2-1514, as it is currently effective and as it may become effective, 15.2-2223, 33.1-12, 33.1-23.05, 33.1-23.1, 33.1-49.1, and 58.1-638 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-1509.4, relating to transportation funding and operation.

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-1514, as it is currently effective and as it may become effective, 15.2-2223, 33.1-12, 33.1-23.05, 33.1-23.1, 33.1-49.1, and 58.1-638 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-1509.4 as follows:

§ 2.2-1509.4. Assignment of general fund revenue growth for transportation.

In submitting "The Budget Bill" pursuant to § 2.2-1509, consistent with the level of revenue growth set forth in subdivision B 1 a of § 2.2-1509.1, in years when the projected general fund revenues for a fiscal year are at least eight percent greater than the projected general fund revenues for the immediately preceding fiscal year, the Governor may provide appropriations from growth in general fund revenues to the Transportation Trust Fund or a subfund thereof. Appropriations pursuant to this section shall be at least one percent of the projected general fund revenue. Such recommendations are in addition to all other funds allocated to the Transportation Trust Fund.

§ 2.2-1514. (Contingent expiration date - see Editor's notes) Assignment of general fund for nonrecurring expenditures.

A. As used in this section:

"The Budget Bill" means the "The Budget Bill" submitted pursuant to § 2.2-1509, including any amendments to a general appropriation act pursuant to such section.

"Nonrecurring expenditures" means the acquisition or construction of capital outlay projects as defined in § 2.2-1518, the acquisition or construction of capital improvements, the acquisition of land, the acquisition of equipment, or other expenditures of a one-time nature as specified in the general appropriation act. Such term shall not include any expenditures relating to transportation, including but not limited to transportation maintenance.

B. At the end of each fiscal year, the Comptroller shall assign within his annual report pursuant to § 2.2-813 as follows: ~~one-third~~ 75 percent of the remaining amount of the general fund balance that is not otherwise restricted, committed, or assigned for other usage within the general fund shall be assigned by the Comptroller for nonrecurring expenditures, and ~~two-thirds~~ shall be assigned for deposit into the Transportation Trust Fund or a subfund thereof, and the remaining amount shall be assigned for nonrecurring expenditures. No such assignment shall be made unless the full amounts required for other restrictions, commitments, or assignments including but not limited to (i) the Revenue Stabilization Fund deposit pursuant to § 2.2-1829, (ii) the Virginia Water Quality Improvement Fund deposit pursuant to § 10.1-2128, but excluding any deposits provided under the Virginia Natural Resources Commitment Fund established under § 10.1-2128.1, (iii) capital outlay reappropriations pursuant to the general appropriation act, (iv) (a) operating expense reappropriations pursuant to the general appropriation act, and (b) reappropriations of unexpended appropriations to certain public institutions of higher education pursuant to § 2.2-5005, (v) pro rata rebate payments to certain public institutions of higher education pursuant to § 2.2-5005, (vi) the unappropriated balance anticipated in the general appropriation act for the end of such fiscal year, and (vii) interest payments on deposits of certain public institutions of higher education pursuant to § 2.2-5005 are set aside. The Comptroller shall set aside amounts required for clauses (iv) (b), (v), and (vii) beginning with the initial fiscal year as determined under § 2.2-5005 and for all fiscal years thereafter.

C. The Governor shall include in "The Budget Bill" pursuant to § 2.2-1509 recommended appropriations from the general fund or recommended amendments to general fund appropriations in the general appropriation act in effect at that time an amount for nonrecurring expenditures and an amount for deposit into the Transportation Trust Fund or a subfund thereof, and an amount for nonrecurring expenditures equal to the amounts assigned by the Comptroller for such purposes pursuant to the provisions of subsection B. Such deposit to the Transportation Trust Fund or a subfund thereof shall not preclude the appropriation of additional amounts from the general fund for transportation purposes.

§ 2.2-1514. (Contingent effective date - see Editor's notes) Assignment of general fund for nonrecurring expenditures.

A. As used in this section:

HOUSE SUBSTITUTE

SB639H1

60 "The Budget Bill" means the "The Budget Bill" submitted pursuant to § 2.2-1509, including any
61 amendments to a general appropriation act pursuant to such section.

62 "Nonrecurring expenditures" means the acquisition or construction of capital outlay projects as
63 defined in § 2.2-1518, the acquisition or construction of capital improvements, the acquisition of land,
64 the acquisition of equipment, or other expenditures of a one-time nature as specified in the general
65 appropriation act.

66 B. At the end of each fiscal year, the Comptroller shall assign within his annual report pursuant to
67 § 2.2-813 ~~an amount for nonrecurring expenditures, which shall equal the remaining amount of the~~
68 ~~general fund balance that is not otherwise restricted, committed, or assigned for other usage within the~~
69 ~~general fund as follows: 75 percent of the remaining amount of the general fund balance that is not~~
70 ~~otherwise restricted, committed, or assigned for other usage within the general fund to the~~
71 ~~Transportation Trust Fund or a subfund thereof, and the remaining amount shall be assigned for~~
72 ~~nonrecurring expenditures.~~ No such assignment shall be made unless the full amounts required for other
73 restrictions, commitments, or assignments including but not limited to (i) the Revenue Stabilization Fund
74 deposit pursuant to § 2.2-1829, (ii) the Virginia Water Quality Improvement Fund deposit pursuant to
75 § 10.1-2128, but excluding any deposits provided under the Virginia Natural Resources Commitment
76 Fund established under § 10.1-2128.1, (iii) capital outlay reappropriations pursuant to the general
77 appropriation act, (iv) (a) operating expense reappropriations pursuant to the general appropriation act,
78 and (b) reappropriations of unexpended appropriations to certain public institutions of higher education
79 pursuant to § 2.2-5005, (v) pro rata rebate payments to certain public institutions of higher education
80 pursuant to § 2.2-5005, (vi) the unappropriated balance anticipated in the general appropriation act for
81 the end of such fiscal year, and (vii) interest payments on deposits of certain public institutions of
82 higher education pursuant to § 2.2-5005 are set aside. The Comptroller shall set aside amounts required
83 for clauses (iv) (b), (v), and (vii) beginning with the initial fiscal year as determined under § 2.2-5005
84 and for all fiscal years thereafter.

85 C. The Governor shall include in "The Budget Bill" pursuant to § 2.2-1509 recommended
86 appropriations from the general fund or recommended amendments to general fund appropriations in the
87 general appropriation act in effect at that time an amount for *deposit into the Transportation Trust Fund*
88 *or a subfund thereof, and an amount for nonrecurring expenditures equal to the amount assigned by the*
89 *Comptroller for such purpose pursuant to the provisions of subsection B of this section. Such deposit to*
90 *the Transportation Trust Fund or a subfund thereof shall not preclude the appropriation of additional*
91 *amounts from the general fund for transportation purposes.*

92 § 15.2-2223. Comprehensive plan to be prepared and adopted; scope and purpose.

93 A. The local planning commission shall prepare and recommend a comprehensive plan for the
94 physical development of the territory within its jurisdiction and every governing body shall adopt a
95 comprehensive plan for the territory under its jurisdiction.

96 In the preparation of a comprehensive plan, the commission shall make careful and comprehensive
97 surveys and studies of the existing conditions and trends of growth, and of the probable future
98 requirements of its territory and inhabitants. The comprehensive plan shall be made with the purpose of
99 guiding and accomplishing a coordinated, adjusted and harmonious development of the territory which
100 will, in accordance with present and probable future needs and resources, best promote the health,
101 safety, morals, order, convenience, prosperity and general welfare of the inhabitants, including the
102 elderly and persons with disabilities.

103 The comprehensive plan shall be general in nature, in that it shall designate the general or
104 approximate location, character, and extent of each feature, including any road improvement and any
105 transportation improvement, shown on the plan and shall indicate where existing lands or facilities are
106 proposed to be extended, widened, removed, relocated, vacated, narrowed, abandoned, or changed in use
107 as the case may be.

108 B. 1. As part of the comprehensive plan, each locality shall develop a transportation plan that
109 designates a system of transportation infrastructure needs and recommendations that ~~may~~ include the
110 designation of new and expanded transportation facilities and that support the planned development of
111 the territory covered by the plan and shall include, as appropriate, but not be limited to, roadways,
112 bicycle accommodations, pedestrian accommodations, railways, bridges, waterways, airports, ports, and
113 public transportation facilities. The plan ~~should~~ *shall* recognize and differentiate among a hierarchy of
114 roads such as expressways, arterials, and collectors. The Virginia Department of Transportation shall,
115 upon request, provide localities with technical assistance in preparing such transportation plan.

116 2. *The transportation plan shall include a map that shall show road and transportation*
117 *improvements, including the cost estimates of such road and transportation improvements from the*
118 *Virginia Department of Transportation, taking into account the current and future needs of residents in*
119 *the locality while considering the current and future needs of the planning district within which the*
120 *locality is situated.*

121 3. *The transportation plan, and any amendment thereto pursuant to § 15.2-2229, shall be consistent*

with the Commonwealth Transportation Board's Statewide Transportation Plan developed pursuant to § 33.1-23.03, the Six-Year Improvement Program adopted pursuant to subdivision (9) (b) of § 33.1-12, and the location of routes to be followed by roads comprising systems of state highways pursuant to subdivision (1) of § 33.1-12. The locality shall consult with the Virginia Department of Transportation to assure such consistency is achieved. The transportation plan need reflect only those changes in the annual update of the Six-Year Improvement Program that are deemed to be significant new, expanded, or relocated roadways.

4. Prior to the adoption of the transportation plan or any amendment to the transportation plan, the locality shall submit such plan or amendment to the Department for review and comment. The Department shall conduct its review and provide written comments to the locality on the consistency of the transportation plan or any amendment to the provisions of subdivision 1. The Department shall provide such written comments to the locality within 90 days of receipt of the plan or amendment, or by such deadline as may be otherwise agreed upon by the Department and the locality.

5. The locality shall submit a copy of the adopted transportation plan or any amendment to the transportation plan to the Department for informational purposes. If the Department determines that the transportation plan or amendment is not consistent with the provisions of subdivision 1, the Department shall notify the Commonwealth Transportation Board so that the Board may take appropriate action in accordance with subdivision (9) (f) of § 33.1-12.

6. Each locality's amendments or updates to its transportation plan as required by subdivisions 2 through 5 shall be made on or before its ongoing scheduled date for updating its transportation plan.

C. The comprehensive plan, with the accompanying maps, plats, charts, and descriptive matter, shall show the locality's long-range recommendations for the general development of the territory covered by the plan. It may include, but need not be limited to:

1. The designation of areas for various types of public and private development and use, such as different kinds of residential, including age-restricted, housing; business; industrial; agricultural; mineral resources; conservation; active and passive recreation; public service; flood plain and drainage; and other areas;

2. The designation of a system of community service facilities such as parks, sports playing fields, forests, schools, playgrounds, public buildings and institutions, hospitals, nursing homes, assisted living facilities, community centers, waterworks, sewage disposal or waste disposal areas, and the like;

3. The designation of historical areas and areas for urban renewal or other treatment;

4. The designation of areas for the implementation of reasonable ground water protection measures;

5. A capital improvements program, a subdivision ordinance, a zoning ordinance and zoning district maps, mineral resource district maps and agricultural and forestal district maps, where applicable;

6. The location of existing or proposed recycling centers;

7. The location of military bases, military installations, and military airports and their adjacent safety areas; and

8. The designation of corridors or routes for electric transmission lines of 150 kilovolts or more.

D. The comprehensive plan shall include: the designation of areas and implementation of measures for the construction, rehabilitation and maintenance of affordable housing, which is sufficient to meet the current and future needs of residents of all levels of income in the locality while considering the current and future needs of the planning district within which the locality is situated.

The plan shall include: a map that shall show road improvements and transportation improvements, including the cost estimates of such road and transportation improvements as available from the Virginia Department of Transportation, taking into account the current and future needs of residents in the locality while considering the current and future needs of the planning district within which the locality is situated.

§ 33.1-12. General powers and duties of Board, etc.; definitions.

The Commonwealth Transportation Board shall be vested with the following powers and shall have the following duties:

(1) Location of routes. To locate and establish the routes to be followed by the roads comprising systems of state highways between the points designated in the establishment of such systems, except that such routes shall not include roads located within any local system of roads, within the urban system of highways, or those local roads in any county that has resumed full responsibility for all of the secondary system of highways within such county's boundaries pursuant to § 33.1-84.1. Such routes shall include corridors of statewide significance pursuant to § 33.1-23.03.

(2) Construction and maintenance contracts and activities related to passenger and freight rail and public transportation.

(a) To let all contracts to be administered by the Virginia Department of Transportation or the Department of Rail and Public Transportation for the construction, maintenance, and improvement of the roads comprising systems of state highways and for all activities related to passenger and freight rail and

183 public transportation in excess of \$5 million. The Commissioner of Highways shall have authority to let
184 all Virginia Department of Transportation-administered contracts for highway construction, maintenance,
185 and improvements up to \$5 million in value. The Director of the Department of Rail and Public
186 Transportation shall have the authority to let contracts for passenger and freight rail and public
187 transportation improvements up to \$5 million in value. The Commissioner of Highways is authorized to
188 enter into agreements with localities, authorities, and transportation districts to administer projects and to
189 allow those localities, authorities, and transportation districts to let contracts with no limit on contract
190 value, and without prior concurrence of the Commissioner of Highways or the Board for highway
191 construction, maintenance, and improvements within their jurisdictions, in accordance with those
192 provisions of the Code of Virginia providing those localities, authorities, and transportation districts the
193 ability to let such contracts. The Director of the Department of Rail and Public Transportation is
194 authorized to enter into agreements with localities, authorities, and transportation districts to administer
195 projects and to allow those localities, authorities, and transportation districts to let contracts with no limit
196 on contract value, and without prior concurrence of the Director of the Department of Rail and Public
197 Transportation or the Board for passenger and freight rail and public transportation activities within their
198 jurisdictions, in accordance with those provisions of the Code of Virginia providing those localities,
199 authorities, and transportation districts the ability to let such contracts. The Commissioner of Highways
200 and the Director of the Department of Rail and Public Transportation shall report on their respective
201 transportation contracting activities at least quarterly to the Board.

202 (b) The Commonwealth Transportation Board may award contracts for the construction of
203 transportation projects on a design-build basis. These contracts may be awarded after a written
204 determination is made by the Commissioner of Highways or the Director of the Department of Rail and
205 Public Transportation, pursuant to objective criteria previously adopted by the Board regarding the use
206 of design-build, that delivery of the projects must be expedited and that it is not in the public interest to
207 comply with the design and construction contracting procedures normally followed. Such objective
208 criteria will include requirements for prequalification of contractors and competitive bidding processes.
209 These contracts shall be of such size and scope to encourage maximum competition and participation by
210 agency prequalified and otherwise qualified contractors. Such determination shall be retained for public
211 inspection in the official records of the Department of Transportation or the Department of Rail and
212 Public Transportation, as the case may be, and shall include a description of the nature and scope of the
213 project and the reasons for the Commissioner's or Director's determination that awarding a design-build
214 contract will best serve the public interest. The provisions of this section shall supersede contrary
215 provisions of subsection D of § 2.2-4303 and § 2.2-4306.

216 (c) For transportation construction projects valued in excess of \$100 million, the Commonwealth
217 Transportation Board shall require that a financial plan be prepared. This plan shall include, but not be
218 limited to, the following: (i) a complete cost estimate for all major project elements; (ii) an
219 implementation plan with the project schedule and cost-to-complete information presented for each year;
220 (iii) identified revenues by funding source available each year to meet project costs; (iv) a detailed
221 cash-flow analysis for each year of the proposed project; and (v) efforts to be made to ensure maximum
222 involvement of private enterprise and private capital.

223 (d) The Commonwealth Transportation Board may award contracts for the provision of equipment,
224 materials, and supplies to be used in construction of transportation projects on a fixed-price basis. Any
225 such contract may provide that the price to be paid for the provision of equipment, materials, and
226 supplies to be furnished in connection with the projects shall not be increased but shall remain fixed
227 until completion of the projects specified in the contracts. Material components of any such contract for
228 annual and multi-year programs, including but not limited to maintenance, may be fixed at the outset of
229 the projects and until completion based on best achievable prices.

230 (3) Traffic regulations. To make rules and regulations, from time to time, not in conflict with the
231 laws of the Commonwealth, for the protection of and covering traffic on and the use of systems of state
232 highways and to add to, amend or repeal the same.

233 (4) Naming highways, bridges, ~~and interchanges, and other transportation facilities.~~ To give suitable
234 names to state highways, bridges, ~~and interchanges, and other transportation facilities,~~ and change the
235 names of any highways, bridges, ~~or interchanges, or other transportation facilities~~ forming a part of the
236 systems of state highways, ~~except such highways, bridges, or interchanges as have been or may~~
237 ~~hereafter be named by the General Assembly; provided that the~~ *The name of living persons private*
238 *entities, as defined in § 56-557, located within the Commonwealth* shall not be used for such purposes
239 *unless such private entity pays to the Department of Transportation an annual naming rights fee as*
240 *determined by the Board.* The Department of Transportation shall place and maintain appropriate signs
241 indicating the names of highways, bridges, ~~and interchanges, and other transportation facilities~~ named
242 by the Board or by the General Assembly. The costs of producing, placing, and maintaining these signs
243 shall be paid by the counties, cities, and towns in which they are located *or by the private entity whose*
244 *name is attached to the highway, bridge, interchange, or other transportation facility.* No name shall be

given to any state highway, bridge or interchange, or other transportation facility by the Commonwealth Transportation Board unless and until the Commonwealth Transportation Board shall have received from the local governing body of the locality within which a portion of the facility to be named is located a resolution of that governing body requesting such naming, *except in such cases where a private entity has requested such naming. No highway, bridge, interchange, or other transportation facility previously named by the Board or the General Assembly shall be eligible for renaming by a private entity, unless such naming incorporates the previous name. The Board shall develop and approve guidelines governing the naming of highways, bridges, interchanges, and other transportation facilities by private entities and the applicable fees for such naming rights. Such fees shall be deposited in the Highway Maintenance and Operating Fund.*

No name shall be eligible for the naming rights under this subdivision if it in any way reasonably connotes anything that (i) is profane, obscene, or vulgar; (ii) is sexually explicit or graphic; (iii) is excretory related; (iv) is descriptive of intimate body parts or genitals; (v) is descriptive of illegal activities or substances; (vi) condones or encourages violence; or (vii) is socially, racially, or ethnically offensive or disparaging..

(5) Compliance with federal acts. To comply fully with the provisions of the present or future federal aid acts. The Board may enter into all contracts or agreements with the United States government and may do all other things necessary to carry out fully the cooperation contemplated and provided for by present or future acts of Congress in the area of transportation.

(6) Information and statistics. To gather and tabulate information and statistics relating to transportation and disseminate the same throughout the Commonwealth. In addition, the Commissioner shall provide a report to the Governor, the General Assembly, the Commonwealth Transportation Board, and the public concerning the current status of all highway construction projects in the Commonwealth. This report shall be posted at least four times each fiscal year, but may be updated more often as circumstances allow. The report shall contain, at a minimum, the following information for every project in the Six-Year Improvement Program: (i) project description; (ii) total cost estimate; (iii) funds expended to date; (iv) project timeline and completion date; (v) statement of whether project is ahead of, on, or behind schedule; (vi) the name of the prime contractor; (vii) total expenditures of federal transportation funds in each county and city; (viii) total expenditures of state transportation funds in each county and city; (ix) statewide totals for federal, state, and local funds expended for highways; (x) statewide totals for federal, state, and local funds expended for transit; (xi) total funds expended on intercity passenger and freight rail line and trains; and (xii) total funds expended in each federal and state programmatic category. Use of one or more Internet websites may be used to satisfy this requirement. Project specific information posted on the Internet shall be updated daily as information is available.

(7) Policies and operation of Departments. To review and approve policies and transportation objectives of the Department of Transportation and the Department of Rail and Public Transportation, to assist in establishing such policies and objectives, to oversee the execution thereof, and to report thereon to the Commissioner of Highways and the Director of the Department of Rail and Public Transportation, respectively.

(8) Cooperation with other agencies and local governments.

(a) To cooperate with the federal government, the American Association of State Highway and Transportation Officials and any other organization in the numbering, signing and marking of highways, in the taking of measures for the promotion of highway safety, in research activities, in the preparation of standard specifications, in the testing of highway materials and otherwise with respect to transportation projects.

(b) To offer technical assistance and coordinate state resources to work with local governments, upon their request, in developing sound transportation components for their local comprehensive plans.

(9) Transportation.

(a) To monitor and, where necessary, approve actions taken by the Department of Rail and Public Transportation pursuant to Chapter 10.1 (§ 33.1-391.1 et seq.) of this title in order to ensure the efficient and economical development of public transportation, the enhancement of rail transportation, and the coordination of such rail and public transportation plans with highway programs.

(b) To coordinate the planning for financing of transportation needs, including needs for highways, railways, seaports, airports, and public transportation and to set aside funds as provided in § 33.1-23.03:1. To allocate funds for these needs pursuant to §§ 33.1-23.1 and 58.1-638, the Board shall adopt a Six-Year Improvement Program of anticipated projects and programs by July 1 of each year. This program shall be based on the most recent official Transportation Trust Fund revenue forecast and shall be consistent with a debt management policy adopted by the Board in consultation with the Debt Capacity Advisory Committee and the Department of the Treasury.

(c) To recommend to the General Assembly for their consideration at the next session of the General

306 Assembly, objective criteria to be used by the Board in selecting those transportation projects to be
307 advanced from the feasibility to the construction stage. If such criteria are enacted into law, such
308 objectives shall apply to the interstate, primary, and urban systems of highways.

309 (d) To enter into contracts with local districts, commissions, agencies, or other entities created for
310 transportation purposes.

311 (e) To promote increasing private investment in Virginia's transportation infrastructure, including but
312 not limited to acquisition of causeways, bridges, tunnels, highways, and other transportation facilities.

313 (f) *To integrate land use with transportation planning and programming, consistent with the efficient
314 and economical use of public funds. If the Board determines that a local transportation plan described
315 in § 15.2-2223 or any amendment as described in § 15.2-2229 or a metropolitan regional long-range
316 transportation plan or regional Transportation Improvement Program as described in § 33.1-223.2:25 is
317 not consistent with the Commonwealth Transportation Board's Statewide Transportation Plan developed
318 pursuant to § 33.1-23.03, the Six-Year Improvement Program adopted pursuant to subdivision (9) (b),
319 and the location of routes to be followed by roads comprising systems of state highways pursuant to
320 subdivision (1), the Board shall notify the locality of such inconsistency and request that the applicable
321 plan or program be amended accordingly. If, after a reasonable time, the Board determines that there is
322 a refusal to amend the plan or program, then the Board may reallocate funds that were allocated to the
323 nonconforming project as permitted by state or federal law. If a locality or metropolitan planning
324 organization requests the termination of a project or does not advance a project to the next phase of
325 construction when requested by the Board, and the Department of Transportation has expended state or
326 federal funds, the locality or the localities within the metropolitan planning organization may be
327 required to reimburse the Department of Transportation for all funds expended on the project. If a
328 locality or metropolitan planning organization requests alterations to a project that, in the aggregate,
329 exceed 10 percent of the total project costs, the locality or the localities within the metropolitan
330 planning organization may be required to reimburse the Department of Transportation for the additional
331 project costs above the original estimates for making such alterations.*

332 (10) Contracts with other states. To enter into all contracts with other states necessary for the proper
333 coordination of the location, construction, maintenance, improvement, and operation of transportation
334 systems, including the systems of state highways with the highways of such other states and, where
335 necessary, to seek the approval of such contracts by the Congress of the United States.

336 (11) Use of funds. To administer, distribute, and allocate funds in the Transportation Trust Fund as
337 provided by law. The Commonwealth Transportation Board shall ensure that the total funds allocated to
338 any highway construction project are equal to total expenditures within 12 months following completion
339 of the project. However, this requirement shall not apply to debt service apportionments pursuant to
340 § 33.1-23.3 or 33.1-23.4.

341 (12) Financial and investment advisors. With the advice of the Secretary of Finance and the State
342 Treasurer, to engage a financial advisor and investment advisor who may be anyone within or without
343 the government of the Commonwealth, to assist in planning and making decisions concerning the
344 investment of funds and the use of bonds for transportation purposes. The work of these advisors shall
345 be coordinated with the Secretary of Finance and the State Treasurer.

346 (13) The powers of the Virginia Aviation Board set out in Chapter 1 (§ 5.1-1 et seq.) of Title 5.1
347 and the Virginia Port Authority set out in Chapter 10 (§ 62.1-128 et seq.) of Title 62.1 are in no way
348 diminished by the provisions of this title.

349 (14) To enter into payment agreements with the Treasury Board related to payments on bonds issued
350 by the Commonwealth Transportation Board.

351 (15) Establishment of highway user fees for the systems of state highways. When the traffic-carrying
352 capacity of any system of state highways or a portion thereof is increased by construction or
353 improvement, the Commonwealth Transportation Board may enter into agreements with localities,
354 authorities, and transportation districts to establish highway user fees for such system of state highways
355 or portion thereof that the localities, authorities, and transportation districts maintain.

356 (16) Subject to compliance with applicable federal regulations, the Commonwealth Transportation
357 Board shall establish a plan for identification and acquisition of rights-of-way that may be needed within
358 the corridors designated on the Statewide Transportation Plan.

359 The term "public transportation" or "mass transit" as used in this title means passenger transportation
360 by rubber-tired, rail, or other surface conveyance which provides shared ride services open to the general
361 public on a regular and continuing basis. The term does not include school buses; charter or sight-seeing
362 service; vehicular ferry service that serves as a link in the highway network; or human service agency or
363 other client-restricted transportation.

364 § 33.1-23.05. Revenue-sharing funds for systems in certain counties, cities, and towns.

365 A. From revenues made available by the General Assembly and appropriated for the improvement,
366 construction, ~~or~~ reconstruction, or maintenance of the systems of state highways, the Commonwealth
367 Transportation Board may make an equivalent matching allocation to any county, city, or town for

designations by the governing body of up to \$10 million for use by the county, city, or town to improve, construct, or reconstruct the highway systems within such county, city, or town *with up to \$5 million for use by the county, city, or town to maintain the highway systems within such county, city, or town.* After adopting a resolution supporting the action, the governing body may request revenue-sharing funds to improve, construct, ~~or reconstruct,~~ *or maintain* a highway system located in another locality, between two or more localities, or to bring subdivision streets, used as such prior to the date specified in § 33.1-72.1, up to standards sufficient to qualify them for inclusion in the state primary and secondary system of highways. All requests for funding shall be accompanied by a prioritized listing of specified projects.

B. In allocating funds under this section, the Board shall give priority *first* to allocations that will accelerate projects in the Commonwealth Transportation Six-Year Improvement Program or the locality's capital plan *and next to those pavement resurfacing and bridge rehabilitation projects where the maintenance needs analysis determines that the infrastructure is below the Department of Transportation's maintenance performance targets.*

C. The Department of Transportation will contract with the county, city, or town for the implementation of the project or projects. Such contract may cover either a single project or may provide for the locality's implementation of several projects ~~during the fiscal year.~~ The county, city, or town will undertake implementation of the particular project or projects by obtaining the necessary permits from the Department of Transportation in order to ensure that the improvement is consistent with the Department's standards for such improvements. At the request of the locality, the Department may provide the locality with engineering, right-of-way acquisition, ~~and/or~~ construction, *and/or* maintenance services for a project with its own forces. The locality shall provide payment to the Department for any such services. If administered by the Department, such contract shall also require that the governing body pay to the Department within 30 days the local revenue-sharing funds upon written notice by the Department of its intent to proceed. Any project having funds allocated under this program shall be initiated in such a fashion where at least a portion of such funds have been expended within ~~two subsequent fiscal years~~ *one year* of allocation. Any revenue-sharing funds for projects not initiated after two subsequent fiscal years of allocation may be reallocated at the discretion of the Commonwealth Transportation Board.

D. Total Commonwealth funds allocated by the Board under this section shall not exceed \$200 million in any one fiscal year and no less than \$15 million each fiscal year, subject to appropriation for such purpose. *For any fiscal year in which less than the full program allocation has been allocated by the Commonwealth Transportation Board to specific governing bodies, those localities requesting the maximum allocation under subsection A may be allowed an additional allocation at the discretion of the Board.*

E. The funds allocated by the Commonwealth Transportation Board under this section shall be distributed and administered in accordance with the revenue-sharing program guidelines established by the Board.

§ 33.1-23.1. Allocation of funds among highway systems.

A. The Commonwealth Transportation Board shall allocate each year from all funds made available for highway purposes such amount as it deems reasonable and necessary for the maintenance of roads within the interstate system of highways, the primary system of state highways, the secondary system of state highways and for city and town street maintenance payments made pursuant to § 33.1-41.1 and payments made to counties which have withdrawn or elect to withdraw from the secondary system of state highways pursuant to § 33.1-23.5:1.

B. After funds are set aside for administrative and general expenses and pursuant to other provisions in this title ~~which~~ *that* provide for the disposition of funds prior to allocation for highway purposes, and after allocation is made pursuant to subsection A ~~of this section,~~ the Commonwealth Transportation Board ~~may~~ *shall* allocate *an amount determined by the Board, not to exceed \$500 million in any given year, as follows: 25 percent to bridge reconstruction and rehabilitation; 25 percent to advancing high priority projects statewide; 25 percent to reconstructing deteriorated interstate and primary system pavements determined to have a Combined Condition Index of less than 60; 15 percent to projects undertaken pursuant to the Public-Private Transportation Act of 1995 (§ 56-556 et seq.); five percent to paving unpaved roads carrying more than 200 vehicles per day; and five percent to smart roadway technology, provided that at the discretion of the Commonwealth Transportation Board, such percentages of funds may be adjusted in any given year to meet project cash flow needs or when funds cannot be expended due to legal, environmental, or other project management considerations and provided that such allocations shall cease beginning July 1, 2020. After such allocations are made, the Board may allocate each year up to 10% 10 percent of the funds remaining for highway purposes for the undertaking and financing of rail projects that, in the Board's determination, will result in mitigation of highway congestion. After the foregoing foregoing allocations have been made, the Board shall*

allocate the remaining funds available for highway purposes, exclusive of federal funds for the interstate system, among the several highway systems for construction first pursuant to §§ 33.1-23.1:1 and 33.1-23.1:2 and then as follows:

1. Forty percent of the remaining funds exclusive of federal-aid matching funds for the interstate system shall be allocated to the primary system of state highways, including the arterial network, and in addition, an amount shall be allocated to the primary system as interstate matching funds as provided in subsection B of § 33.1-23.2.

2. Thirty percent of the remaining funds exclusive of federal-aid matching funds for the interstate system shall be allocated to urban highways for state aid pursuant to § 33.1-44.

3. Thirty percent of the remaining funds exclusive of federal-aid matching funds for the interstate system shall be allocated to the secondary system of state highways.

C. In addition, the Commonwealth Transportation Board, from funds appropriated for such purpose in the general appropriation act, shall allocate additional funds to the Cities of Newport News, Norfolk, and Portsmouth and the County of Warren in such manner and apportion such funds among such localities as the Board may determine, unless otherwise provided in the general appropriation act. The localities shall use such funds to address highway maintenance and repair needs created by or associated with port operations in those localities.

D. Notwithstanding the foregoing provisions of this section, the General Assembly may, through the general appropriations act, permit the Governor to increase the amounts to be allocated to highway maintenance, highway construction, either or both.

E. As used in this section:

"Bridge reconstruction and rehabilitation" means reconstruction and rehabilitation of those bridges identified by the Department of Transportation as being functionally obsolete or structurally deficient.

"High priority projects" means those projects of regional or statewide significance identified by the Board that reduce congestion, increase safety, create jobs, or increase economic development.

"Smart roadway technology" means those projects or programs identified by the Board that reduce congestion, improve mobility, improve safety, provide up-to-date travel data, or improve emergency response.

§ 33.1-49.1. Contracts for maintenance of components of Interstate Highway System.

All maintenance on components of the Interstate Highway System in Virginia, excluding frontage roads, shall be carried out under contracts awarded by the Commissioner of Highways and approved by or the Commonwealth Transportation Board pursuant to § 33.1-12, except for instances where good and sufficient reasons for not doing so shall have been shown in advance in writing by the Commissioner of Highways to the Commonwealth Transportation Board and to the chairmen of the House Committee on Transportation, the House Committee on Appropriations, the House Committee on Finance, the Senate Committee on Transportation and the Senate Committee on Finance. Nothing in this section shall be construed to prevent the Virginia Department of Transportation from performing emergency work at any time on the Interstate System with its own employees or agents or to assume the maintenance responsibilities of a contractor who has been determined to be in default or as a result of a contract termination.

§ 58.1-638. Disposition of state sales and use tax revenue; localities' share; Game Protection Fund.

A. The Comptroller shall designate a specific revenue code number for all the state sales and use tax revenue collected under the preceding sections of this chapter.

1. The sales and use tax revenue generated by the one-half percent sales and use tax increase enacted by the 1986 Special Session of the General Assembly shall be paid, in the manner hereinafter provided in this section, to the Transportation Trust Fund as defined in § 33.1-23.03:1. Of the funds paid to the Transportation Trust Fund, an aggregate of 4.2 percent shall be set aside as the Commonwealth Port Fund as provided in this section; an aggregate of 2.4 percent shall be set aside as the Commonwealth Airport Fund as provided in this section; and an aggregate of ~~14.5 percent in fiscal year 1998-1999 and 14.7 percent in fiscal year 1999-2000 and thereafter~~ shall be set aside as the Commonwealth Mass Transit Fund as provided in this section. The Fund's share of such net revenue shall be computed as an estimate of the net revenue to be received into the state treasury each month, and such estimated payment shall be adjusted for the actual net revenue received in the preceding month. All payments shall be made to the Fund on the last day of each month.

2. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be a part of the Transportation Trust Fund and which shall be known as the Commonwealth Port Fund.

a. The Commonwealth Port Fund shall be established on the books of the Comptroller and the funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall remain in the Fund and be credited to it. Funds may be paid to any authority, locality or commission for the purposes hereinafter specified.

b. The amounts allocated pursuant to this section shall be allocated by the Commonwealth Transportation Board to the Board of Commissioners of the Virginia Port Authority to be used to

support port capital needs and the preservation of existing capital needs of all ocean, river, or tributary ports within the Commonwealth.

c. Commonwealth Port Fund revenue shall be allocated by the Board of Commissioners to the Virginia Port Authority in order to foster and stimulate the flow of maritime commerce through the ports of Virginia, including but not limited to the ports of Richmond, Hopewell and Alexandria.

3. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be part of the Transportation Trust Fund and which shall be known as the Commonwealth Airport Fund. The Commonwealth Airport Fund shall be established on the books of the Comptroller and any funds remaining in such Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on the funds shall be credited to the Fund. The funds so allocated shall be allocated by the Commonwealth Transportation Board to the Virginia Aviation Board. The funds shall be allocated by the Virginia Aviation Board to any Virginia airport which is owned by the Commonwealth, a governmental subdivision thereof, or a private entity to which the public has access for the purposes enumerated in § 5.1-2.16, or is owned or leased by the Metropolitan Washington Airports Authority (MWAA), as follows:

Any new funds in excess of \$12.1 million which are available for allocation by the Virginia Aviation Board from the Commonwealth Transportation Fund, shall be allocated as follows: 60 percent to MWAA, up to a maximum annual amount of \$2 million, and 40 percent to air carrier airports as provided in subdivision A 3 a. Except for adjustments due to changes in enplaned passengers, no air carrier airport sponsor, excluding MWAA, shall receive less funds identified under subdivision A 3 a than it received in fiscal year 1994-1995.

Of the remaining amount:

a. Forty percent of the funds shall be allocated to air carrier airports, except airports owned or leased by MWAA, based upon the percentage of enplanements for each airport to total enplanements at all air carrier airports, except airports owned or leased by MWAA. No air carrier airport sponsor, however, shall receive less than \$50,000 nor more than \$2 million per year from this provision.

b. Forty percent of the funds shall be allocated by the Aviation Board for air carrier and reliever airports on a discretionary basis, except airports owned or leased by MWAA.

c. Twenty percent of the funds shall be allocated by the Aviation Board for general aviation airports on a discretionary basis.

4. There is hereby created in the Department of the Treasury a special nonreverting fund which shall be a part of the Transportation Trust Fund and which shall be known as the Commonwealth Mass Transit Fund.

a. The Commonwealth Mass Transit Fund shall be established on the books of the Comptroller and any funds remaining in such Fund at the end of the biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall be credited to the Fund. Funds may be paid to any local governing body, transportation district commission, or public service corporation for the purposes hereinafter specified.

b. The amounts allocated pursuant to this section shall be used to support the public transportation administrative costs and the costs borne by the locality for the purchase of fuels, lubricants, tires and maintenance parts and supplies for public transportation at a state share of 80 percent in 2002 and 95 percent in 2003 and succeeding years. These amounts may be used to support up to 95 percent of the local or nonfederal share of capital project costs for public transportation and ridesharing equipment, facilities, and associated costs. Capital costs may include debt service payments on local or agency transit bonds. The term "borne by the locality" means the local share eligible for state assistance consisting of costs in excess of the sum of fares and other operating revenues plus federal assistance received by the locality.

c. Commonwealth Mass Transit Fund revenue shall be allocated by the Commonwealth Transportation Board as follows:

(1) Funds for special programs, which shall include ridesharing, experimental transit, and technical assistance, shall not exceed 1.5 percent of the Fund.

(2) The Board may allocate these funds to any locality or planning district commission to finance up to 80 percent of the local share of all costs associated with the development, implementation, and continuation of ridesharing programs.

(3) Funds allocated for experimental transit projects may be paid to any local governing body, transportation district commission, or public corporation or may be used directly by the Department of Rail and Public Transportation for the following purposes:

(a) To finance up to 95 percent of the capital costs related to the development, implementation and promotion of experimental public transportation and ridesharing projects approved by the Board.

(b) To finance up to 95 percent of the operating costs of experimental mass transportation and ridesharing projects approved by the Board for a period of time not to exceed 12 months.

552 (c) To finance up to 95 percent of the cost of the development and implementation of any other
553 project designated by the Board where the purpose of such project is to enhance the provision and use
554 of public transportation services.

555 d. Funds allocated for public transportation promotion and operation studies may be paid to any local
556 governing body, planning district commission, transportation district commission, or public transit
557 corporation, or may be used directly by the Department of Rail and Public Transportation for the
558 following purposes and aid of public transportation services:

559 (1) At the approval of the Board to finance a program administered by the Department of Rail and
560 Public Transportation designed to promote the use of public transportation and ridesharing throughout
561 Virginia.

562 (2) To finance up to 50 percent of the local share of public transportation operations planning and
563 technical study projects approved by the Board.

564 e. At least 73.5 percent of the Fund shall be distributed to each transit property in the same
565 proportion as its operating expenses bear to the total statewide operating expenses and shall be spent for
566 the purposes specified in subdivision 4 b.

567 f. The remaining 25 percent shall be distributed for capital purposes on the basis of 95 percent of the
568 nonfederal share for federal projects and 95 percent of the total costs for nonfederal projects. In the
569 event that total capital funds available under this subdivision are insufficient to fund the complete list of
570 eligible projects, the funds shall be distributed to each transit property in the same proportion that such
571 capital expenditure bears to the statewide total of capital projects. Prior to the annual adoption of the
572 Six-Year Improvement Program, the Commonwealth Transportation Board may allocate up to 20 percent
573 of the funds in the Commonwealth Mass Transit Fund designated for capital purposes to transit
574 operating assistance if operating funds for the next fiscal year are estimated to be less than the current
575 fiscal year's allocation, to attempt to maintain transit operations at approximately the same level as the
576 previous fiscal year.

577 g. There is hereby created in the Department of the Treasury a special nonreverting fund known as
578 the Commonwealth Transit Capital Fund. The Commonwealth Transit Capital Fund shall be part of the
579 Commonwealth Mass Transit Fund. The Commonwealth Transit Capital Fund subaccount shall be
580 established on the books of the Comptroller and consist of such moneys as are appropriated to it by the
581 General Assembly and of all donations, gifts, bequests, grants, endowments, and other moneys given,
582 bequeathed, granted, or otherwise made available to the Commonwealth Transit Capital Fund. Any funds
583 remaining in the Commonwealth Transit Capital Fund at the end of the biennium shall not revert to the
584 general fund, but shall remain in the Commonwealth Transit Capital Fund. Interest earned on funds
585 within the Commonwealth Transit Capital Fund shall remain in and be credited to the Commonwealth
586 Transit Capital Fund. Proceeds of the Commonwealth Transit Capital Fund may be paid to any political
587 subdivision, another public entity created by an act of the General Assembly, or a private entity as
588 defined in § 56-557 and for purposes as enumerated in subdivision 4c of § 33.1-269 or expended by the
589 Department of Rail and Public Transportation for the purposes specified in this subdivision. Revenues of
590 the Commonwealth Transit Capital Fund shall be used to support capital expenditures involving the
591 establishment, improvement, or expansion of public transportation services through specific projects
592 approved by the Commonwealth Transportation Board. Projects financed by the Commonwealth Transit
593 Capital Fund shall receive local, regional or private funding for at least 20 percent of the nonfederal
594 share of the total project cost.

595 5. Funds for Metro shall be paid by the Northern Virginia Transportation Commission (NVTC) to the
596 Washington Metropolitan Area Transit Authority (WMATA) and be a credit to the Counties of
597 Arlington and Fairfax and the Cities of Alexandria, Falls Church and Fairfax in the following manner:

598 a. Local obligations for debt service for WMATA rail transit bonds apportioned to each locality
599 using WMATA's capital formula shall be paid first by NVTC. NVTC shall use 95 percent state aid for
600 these payments.

601 b. The remaining funds shall be apportioned to reflect WMATA's allocation formulas by using the
602 related WMATA-allocated subsidies and relative shares of local transit subsidies. Capital costs shall
603 include 20 percent of annual local bus capital expenses. Hold harmless protections and obligations for
604 NVTC's jurisdictions agreed to by NVTC on November 5, 1998, shall remain in effect.

605 Appropriations from the Commonwealth Mass Transit Fund are intended to provide a stable and
606 reliable source of revenue as defined by Public Law 96-184.

607 B. The sales and use tax revenue generated by a one percent sales and use tax shall be distributed
608 among the counties and cities of this Commonwealth in the manner provided in subsections C and D.

609 C. The localities' share of the net revenue distributable under this section among the counties and
610 cities shall be apportioned by the Comptroller and distributed among them by warrants of the
611 Comptroller drawn on the Treasurer of Virginia as soon as practicable after the close of each month
612 during which the net revenue was received into the state treasury. The distribution of the localities' share
613 of such net revenue shall be computed with respect to the net revenue received into the state treasury

during each month, and such distribution shall be made as soon as practicable after the close of each such month.

D. The net revenue so distributable among the counties and cities shall be apportioned and distributed upon the basis of the latest yearly estimate of the population of cities and counties ages five to 19, provided by the Weldon Cooper Center for Public Service of the University of Virginia. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for persons who are domiciled in orphanages or charitable institutions or who are dependents living on any federal military or naval reservation or other federal property within the school division in which the institutions or federal military or naval reservation or other federal property is located. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for members of the military services who are under 20 years of age within the school division in which the parents or guardians of such persons legally reside. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for persons who are confined in state hospitals, state training schools or state training centers for the mentally retarded, mental institutions, or state or federal correctional institutions or who attend the Virginia School for the Deaf and the Blind within the school division in which the parents or guardians of such persons legally reside. Such population estimate produced by the Weldon Cooper Center for Public Service of the University of Virginia shall account for persons who attend institutions of higher education within the school division in which the student's parents or guardians legally reside. To such estimate, the Department of Education shall add the population of students with disabilities, ages two through four and 20 through 21, as provided to the Department of Education by school divisions. The revenue so apportionable and distributable is hereby appropriated to the several counties and cities for maintenance, operation, capital outlays, debt and interest payments, or other expenses incurred in the operation of the public schools, which shall be considered as funds raised from local resources. In any county, however, wherein is situated any incorporated town constituting a school division, the county treasurer shall pay into the town treasury for maintenance, operation, capital outlays, debt and interest payments, or other expenses incurred in the operation of the public schools, the proper proportionate amount received by him in the ratio that the school population of such town bears to the school population of the entire county. If the school population of any city or of any town constituting a school division is increased by the annexation of territory since the last estimate of school population provided by the Weldon Cooper Center for Public Service, such increase shall, for the purposes of this section, be added to the school population of such city or town as shown by the last such estimate and a proper reduction made in the school population of the county or counties from which the annexed territory was acquired.

E. Beginning July 1, 2000, of the remaining sales and use tax revenue, the revenue generated by a two percent sales and use tax, up to an annual amount of \$13 million, collected from the sales of hunting equipment, auxiliary hunting equipment, fishing equipment, auxiliary fishing equipment, wildlife-watching equipment, and auxiliary wildlife-watching equipment in Virginia, as estimated by the most recent U.S. Department of the Interior, Fish and Wildlife Service and U.S. Department of Commerce, Bureau of the Census National Survey of Fishing, Hunting, and Wildlife-Associated Recreation, shall be paid into the Game Protection Fund established under § 29.1-101 and shall be used, in part, to defray the cost of law enforcement. Not later than 30 days after the close of each quarter, the Comptroller shall transfer to the Game Protection Fund the appropriate amount of collections to be dedicated to such Fund. At any time that the balance in the Capital Improvement Fund, established under § 29.1-101.01, is equal to or in excess of \$35 million, any portion of sales and use tax revenues that would have been transferred to the Game Protection Fund, established under § 29.1-101, in excess of the net operating expenses of the Board, after deduction of other amounts which accrue to the Board and are set aside for the Game Protection Fund, shall remain in the general fund until such time as the balance in the Capital Improvement Fund is less than \$35 million.

F. 1. Of the net revenue generated from the one-half percent increase in the rate of the state sales and use tax effective August 1, 2004, pursuant to enactments of the 2004 Special Session I of the General Assembly, the Comptroller shall transfer from the general fund of the state treasury to the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund established under § 58.1-638.1 an amount equivalent to one-half of the net revenue generated from such one-half percent increase as provided in this subdivision. The transfers to the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund under this subdivision shall be for one-half of the net revenue generated (and collected in the succeeding month) from such one-half percent increase for the month of August 2004 and for each month thereafter.

2. For the purposes of the Comptroller making the required transfers under subdivision 1, the Tax Commissioner shall make a written certification to the Comptroller no later than the twenty-fifth of each month certifying the sales and use tax revenues generated in the preceding month. Within three calendar

675 days of receiving such certification, the Comptroller shall make the required transfers to the Public
676 Education Standards of Quality/Local Real Estate Property Tax Relief Fund.

677 *G. Beginning July 1, 2012, and ending June 30, 2014, the sales and use tax revenue generated by a*
678 *0.05 percent sales and use tax rate shall be paid, in the manner provided in this section, to the*
679 *Highway Maintenance and Operating Fund. Beginning July 1, 2014, and ending June 30, 2016, the*
680 *sales and use tax revenue generated by a 0.1 percent sales and use tax rate shall be paid, in the*
681 *manner provided in this section, to the Highway Maintenance and Operating Fund. Beginning July 1,*
682 *2016, and ending June 30, 2018, the sales and use tax revenue generated by a 0.15 percent sales and*
683 *use tax rate shall be paid, in the manner provided in this section, to the Highway Maintenance and*
684 *Operating Fund. Beginning July 1, 2018, and ending June 30, 2019 the sales and use tax revenue*
685 *generated by a 0.2 percent sales and use tax rate shall be paid, in the manner provided in this section,*
686 *to the Highway Maintenance and Operating Fund. Beginning July 1, 2019, and each year thereafter, the*
687 *sales and use tax revenue generated by a 0.25 percent sales and use tax rate shall be paid, in the*
688 *manner provided in this section, to the Highway Maintenance and Operating Fund.*

689 *In computing the amount of sales and use tax revenue under this subsection, the amount of such*
690 *revenue attributable to sales and use tax on food for human consumption, as defined in § 58.1-611.1,*
691 *shall be excluded.*

692 *The Highway Maintenance and Operating Fund's share of the net revenue distributable under this*
693 *section shall be computed as an estimate of the net revenue to be received into the state treasury each*
694 *month, and such estimated payment shall be adjusted for the actual net revenue received in the*
695 *preceding month. All payments shall be made to the Fund on the last day of each month.*

696 *H. If errors are made in any distribution, or adjustments are otherwise necessary, the errors shall be*
697 *corrected and adjustments made in the distribution for the next quarter or for subsequent quarters.*

698 ~~H. 1.~~ *The term "net revenue," as used in this section, means the gross revenue received into the*
699 *general fund or the Transportation Trust Fund of the state treasury under the preceding sections of this*
700 *chapter, less refunds to taxpayers.*

701 **2. That each locality's initial amendments to its comprehensive plans to conform to the provisions**
702 **of this act set forth in § 15.2-2223 of the Code of Virginia shall be no later than the date currently**
703 **set for the next update of its comprehensive plan. Each locality shall notify the Virginia**
704 **Department of Transportation of the date of such next update no later than January 1, 2013.**

705 **3. The Department of Transportation shall develop guidelines on the naming of highways, bridges,**
706 **interchanges, and other transportation facilities and the applicable fees for such naming rights**
707 **under § 33.1-12. Prior to adoption of such guidelines, the Commissioner shall report to the**
708 **Chairmen of the House and Senate Transportation Committees and the Chairmen of the House**
709 **Appropriations Committee and Senate Finance Committee.**