

# VIRGINIA ACTS OF ASSEMBLY -- 2014 SESSION

## CHAPTER 726

*An Act to amend the Code of Virginia by adding in Article 1.1 of Chapter 1 of Title 33.1 a section numbered 33.1-23.5:5, relating to prioritization of projects funded by the Commonwealth Transportation Board.*

[H 2]

Approved April 6, 2014

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

**1. That the Code of Virginia is amended by adding in Article 1.1 of Chapter 1 of Title 33.1 a section numbered 33.1-23.5:5 as follows:**

**§ 33.1-23.5:5. Statewide prioritization process for project selection.**

*A. The General Assembly declares it to be in the public interest that a prioritization process for projects funded by the Commonwealth Transportation Board be developed and implemented to improve the efficiency and effectiveness of the state's transportation system, transportation safety, transportation accessibility for people and freight, environmental quality, and economic development in the Commonwealth.*

*B. Subject to the limitations in subsection C, the Commonwealth Transportation Board shall develop, in accordance with federal transportation requirements, and in cooperation with metropolitan planning organizations wholly within the Commonwealth and with the Northern Virginia Transportation Authority, a statewide prioritization process for the use of funds allocated pursuant to § 33.1-23.1 or apportioned pursuant to 23 U.S.C. § 104. Such prioritization process shall be used for the development of the Six-Year Improvement Program pursuant to § 33.1-12 and shall consider, at a minimum, highway, transit, rail, roadway, technology operational improvements, and transportation demand management strategies.*

*1. The prioritization process shall be based on an objective and quantifiable analysis that considers, at a minimum, the following factors relative to the cost of the project or strategy: congestion mitigation, economic development, accessibility, safety, and environmental quality.*

*2. Prior to the analysis in subdivision 1, candidate projects and strategies shall be screened by the Commonwealth Transportation Board to determine whether they are consistent with the assessment of capacity needs for all for corridors of statewide significance, regional networks, and improvements to promote urban development areas established pursuant to § 15.2-2223.1, undertaken in the Statewide Transportation Plan in accordance with § 33.1-23.03.*

*3. The Commonwealth Transportation Board shall weight the factors used in subdivision 1 for each of the state's highway construction districts. The Commonwealth Transportation Board may assign different weights to the factors, within each highway construction district, based on the unique needs and qualities of each highway construction district.*

*4. The Commonwealth Transportation Board shall solicit input from localities, metropolitan planning organizations, transit authorities, transportation authorities, and other stakeholders in its development of the prioritization process pursuant to this section. Further, the Board shall explicitly consider input provided by an applicable metropolitan planning organization or the Northern Virginia Transportation Authority when developing the weighting of factors pursuant to subdivision 3 for a metropolitan planning area with a population over 200,000 individuals.*

*C. The prioritization process developed under subsection B shall not apply to the following: projects or activities undertaken pursuant to § 33.1-23.02; projects funded by the Congestion Mitigation Air Quality funds apportioned to the state pursuant to 23 U.S.C. § 104(b)(4) and state matching funds; projects funded by the Highway Safety Improvement Program funds apportioned to the state pursuant to 23 U.S.C. § 104(b)(3) and state matching funds; projects funded by the Transportation Alternatives funds set-aside pursuant to 23 U.S.C. § 213 and state matching funds; projects funded pursuant to subdivisions B 2 and 3 of § 33.1-23.1; projects funded by the revenue-sharing program pursuant to § 33.1-23.05; and projects funded by federal programs established by the federal government after June 30, 2014, with specific rules that restrict the types of projects that may be funded, excluding restrictions on the location of projects with regard to highway functional classification. The Commonwealth Transportation Board may, at its discretion, develop a prioritization process for any of the funds covered by this subsection, subject to planning and funding requirements of federal law. However, the Board shall defer to individual local governments for projects funded pursuant to subdivisions B 2 and 3 of § 33.1-23.1.*

*D. The Commonwealth Transportation Board shall make public, in an accessible format, the results of the screening and analysis of candidate projects and strategies under subsection B, including the weighting of factors, in a timely fashion.*

2. That the Commonwealth Transportation Board shall select projects for funding pursuant to the provisions of this act beginning July 1, 2016.
3. That, at the discretion of the Board, a project fully funded in the Six-Year Improvement Program that has completed the state environmental review process or the review process required by the National Environmental Policy Act may be exempt from the provisions of this act.
4. That the prioritization process developed pursuant to § 33.1-23.5:5 of the Code of Virginia, as created by this act, shall not apply to funds allocated to the Northern Virginia Transportation Authority Fund established pursuant to § 15.2-4838.01 of the Code of Virginia, the Hampton Roads Transportation Fund established pursuant to § 33.1-23.5:4 of the Code of Virginia, or federal funds subject to 23 U.S.C. 133(d)(1)(A)(i).
5. That the Commonwealth Transportation Board in implementing § 33.1-23.5:5 as created by this act shall comply with the allocation of funds pursuant to § 33.1-23.1.
6. That, for Northern Virginia and Hampton Roads highway construction districts, the Commonwealth Transportation Board, pursuant to subdivision B 3 of § 33.1-23.5:5 as created by this act, shall ensure that congestion mitigation, consistent with § 33.1-13.03:1 of the Code of Virginia, is weighted highest among the factors in the prioritization process. For metropolitan planning areas with a population over 200,000, the prioritization process shall also include a factor based on the quantifiable and achievable goals pursuant to subsection B of § 33.1-23.03 of the Code of Virginia.
7. That notwithstanding § 33.1-23.5:5 as created by this act, the Commonwealth Transportation Board shall ensure that no project shall be undertaken primarily for economic development purposes.
8. That if any portion of this act shall be adjudged unconstitutional in any court of competent jurisdiction, the remaining portions of this act shall remain in effect.