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HOUSE BILL NO. 1095

Offered January 9, 2014

A *BILL to amend and reenact § 33.1-23.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 33.1-23.06, relating to the Innovation and Technology Transportation Fund.*

Patrons—Peace, Minchew, Hugo, Stolle and Yancey

Referred to Committee on Appropriations

Be it enacted by the General Assembly of Virginia:

1. That § 33.1-23.1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 33.1-23.06 as follows:

§ 33.1-23.06. Innovation and Technology Transportation Fund.

There is hereby created in the state treasury a special nonreverting fund to be known as the Innovation and Technology Transportation Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. Five percent of the amount allocated pursuant to subsection B of § 33.1-23.1 and any funds as may be appropriated by the General Assembly shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of funding pilot programs and fully developed initiatives pertaining to high-tech infrastructure improvements. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Secretary of Transportation.

§ 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and for city and town street maintenance payments made pursuant to § 33.1-41.1 and payments made to counties which have withdrawn or elect to withdraw from the secondary system of state highways pursuant to § 33.1-23.5:1.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 that provide for the disposition of funds prior to allocation for highway purposes, and after allocation is made pursuant to subsection A, the Commonwealth Transportation Board 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~~ *the Innovation and Technology Transportation Fund established pursuant to § 33.1-23.06*, 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 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 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.

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HB1095

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

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

68 E. As used in this section:

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

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

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