

14103386D

**HOUSE BILL NO. 528**

Offered January 8, 2014

Prefiled January 6, 2014

A *BILL to amend and reenact § 33.1-23.05 of the Code of Virginia, relating to use of revenue-sharing funds for drainage ditch maintenance, etc.*

Patron—Hodges

Referred to Committee on Transportation

**Be it enacted by the General Assembly of Virginia:****1. That § 33.1-23.05 of the Code of Virginia is amended and reenacted as follows:****§ 33.1-23.05. Revenue-sharing funds for systems in certain counties, cities, and towns.**

A. From revenues made available by the General Assembly and appropriated for the improvement, construction, reconstruction, or maintenance of the systems of state highways, the Commonwealth 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, *including construction and maintenance of ditches and other drainage facilities and obtaining voluntary drainage easements or voluntary permission to enter private property*. After adopting a resolution supporting the action, the governing body may request revenue-sharing funds to improve, construct, 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, *including construction and maintenance of ditches and other drainage facilities and obtaining voluntary drainage easements or voluntary permission to enter private property* 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. 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, 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 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.

INTRODUCED

HB528