

17104122D

**HOUSE BILL NO. 2448**

Offered January 20, 2017

A *BILL to amend and reenact §§ 15.2-2403.1 and 33.2-319 of the Code of Virginia and to amend the Code of Virginia by adding in Article 3 of Chapter 3 of Title 58.1 a section numbered 58.1-339.13, relating to measures to relieve traffic congestion in certain areas of the Commonwealth.*

\_\_\_\_\_  
 Patron—Marshall, R.G.

\_\_\_\_\_  
 Referred to Committee on Appropriations

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

**1. That §§ 15.2-2403.1 and 33.2-319 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 3 of Chapter 3 of Title 58.1 a section numbered 58.1-339.13 as follows:**

**§ 15.2-2403.1. Creation of urban transportation service districts.**

A. The boundaries of any urban transportation service district created pursuant to this article shall be agreed upon by both the local governing body of an urban county and by the Commonwealth Transportation Board. The overall density of an urban transportation service district shall be one residential unit per gross acre or greater. In the event of a disagreement between the Board and the governing body of an urban county in regard to the boundaries of an urban transportation service district, the parties may request that the Commission on Local Government serve as a mediator. For purposes of this section, an "urban county" means any county with a population of greater than 90,000, according to the United States Census of 2000, that did not maintain its roads as of January 1, 2007.

B. Any urban county that has established an urban transportation service district in accordance with this section shall maintain the roads within such district. Any such county shall receive an amount equal to the ~~per lane mile~~ maintenance payments made to cities and certain towns *based on moving-lane-miles and vehicle miles traveled on highways or portions thereof* pursuant to § 33.2-319 for the area within the district for purposes of road maintenance.

**§ 33.2-319. Payments to cities and certain towns for maintenance of certain highways.**

The Commissioner of Highways, subject to the approval of the Board, shall make payments for maintenance, construction, or reconstruction of highways to all cities and towns eligible for funds under this section. Such payments, however, shall only be made if those highways functionally classified as principal and minor arterial roads are maintained to a standard satisfactory to the Department. Whenever any city or town qualifies under this section for allocation of funds, such qualification shall continue to apply to such city or town regardless of any subsequent change in population and shall cease to apply only when so specifically provided by an act of the General Assembly.

Funds are allocated to urban highways in (i) all towns that have a population of more than 3,500 according to the last preceding United States census; (ii) all towns that, according to evidence satisfactory to the Board, have attained a population of more than 3,500 since the last preceding United States census; (iii) Chase City, Elkton, Grottoes, Narrows, Pearisburg, and Saltville, which, on June 30, 1985, maintained certain streets under former § 33.1-80 as then in effect; (iv) all cities regardless of their populations; and (v) the Towns of Altavista, Lebanon, and Wise.

No payments shall be made to any such city or town unless the portion of the highway for which such payment is made either (a) has (1) an unrestricted right-of-way at least 50 feet wide and (2) a hard-surface width of at least 30 feet; (b) has (1) an unrestricted right-of-way at least 80 feet wide, (2) a hard-surface width of at least 24 feet, and (3) approved engineering plans for the ultimate construction of an additional hard-surface width of at least 24 feet within the same right-of-way; (c)(1) is a cul-de-sac, (2) has an unrestricted right-of-way at least 40 feet wide, and (3) has a turnaround that meets applicable standards set by the Department; (d) either (1) has been paved and has constituted part of the primary or secondary state highway system prior to annexation or incorporation or (2) has constituted part of the secondary state highway system prior to annexation or incorporation and is paved to a minimum width of 16 feet subsequent to such annexation or incorporation and with the further exception of streets or portions thereof that have previously been maintained under the provisions of § 33.2-339 or 33.2-340; (e) was eligible for and receiving such payments under the laws of the Commonwealth in effect on June 30, 1985; (f) is a street established prior to July 1, 1950, that has an unrestricted right-of-way width of not less than 30 feet and a hard-surface width of not less than 16 feet; (g) is a street functionally classified as a local street that was constructed on or after January 1, 1996, and that at the time of approval by the city or town met the criteria for pavement width and right-of-way of the then-current design standards for subdivision streets as set forth in regulations adopted by the Board; (h)

INTRODUCED

HB2448

59 is a street previously eligible to receive street payments that is located in the City of Norfolk or the City  
60 of Richmond and is closed to public travel, pursuant to legislation enacted by the governing body of the  
61 locality in which it is located, for public safety reasons, within the boundaries of a publicly funded  
62 housing development owned and operated by the local housing authority; or (i) is a local street,  
63 otherwise eligible, containing one or more physical protuberances placed within the right-of-way for the  
64 purpose of controlling the speed of traffic.

65 However, the Commissioner of Highways may waive the requirements as to hard-surface pavement  
66 or right-of-way width for highways where the width modification is at the request of the governing body  
67 of the locality and is to protect the quality of the affected locality's drinking water supply or, for  
68 highways constructed on or after July 1, 1994, to accommodate some other special circumstance where  
69 such action would not compromise the health, safety, or welfare of the public. The modification is  
70 subject to such conditions as the Commissioner of Highways may prescribe.

71 For the purpose of calculating allocations and making payments under this section, the Department  
72 shall divide affected highways into two categories, which shall be distinct from but based on functional  
73 classifications established by the Federal Highway Administration: (A) principal and minor arterial roads  
74 and (B) collector roads and local streets. ~~Payments~~ *Fifty percent of payments* made to affected localities  
75 shall be based on the number of moving-lane-miles of highways or portions thereof available to  
76 peak-hour traffic in that locality. *The remaining 50 percent of payments made to affected localities shall*  
77 *be based on the ratio of vehicle miles traveled on highways or portions thereof within that locality to*  
78 *the total vehicle miles traveled on highways or portions thereof in the Commonwealth.* Any city  
79 converting an existing moving-lane that qualifies for payments under this section to a transit-only lane  
80 after July 1, 2014, shall remain eligible for such payments but shall not receive additional funds as a  
81 result of such conversion.

82 The Department shall recommend to the Board an annual rate per category to be computed using the  
83 base rate of growth planned for the Department's Highway Maintenance and Operations program. The  
84 Board shall establish the annual rates of such payments as part of its allocation for such purpose, and  
85 the Department shall use those rates to calculate and put into effect annual changes in each qualifying  
86 city's or town's payment under this section.

87 The payments by the Department shall be paid in equal sums in each quarter of the fiscal year, and  
88 payments shall not exceed the allocation of the Board.

89 The chief administrative officer of the city or town receiving these funds shall make annual  
90 categorical reports of expenditures to the Department, in such form as the Board shall prescribe,  
91 accounting for all expenditures, certifying that none of the money received has been expended for other  
92 than maintenance, construction, or reconstruction of the streets, and reporting on their performance as  
93 specified in subsection B of § 33.2-352. Such reports shall be included in the scope of the annual audit  
94 of each municipality conducted by independent certified public accountants.

95 **§ 58.1-339.13. Income tax credit for tolls paid on Interstate Route 66.**

96 *For taxable years beginning on and after January 1, 2017, but before January 1, 2022, a taxpayer*  
97 *shall be eligible to earn a refundable credit against any tax due under Article 2 (§ 58.1-320 et seq.) in*  
98 *an amount equal to 50 percent of the value of any tolls paid within the Commonwealth during the*  
99 *taxable year for driving on Interstate Route 66. The Department shall develop guidelines implementing*  
100 *the provisions of this section, including procedures that govern the application for and claiming of*  
101 *credit under this section.*