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SENATE BILL NO. 1716

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Joint Conference Committee
on February 22, 2019)

(Patrons Prior to Substitute—Senators Obenshain and Carrico)

A *BILL to amend the Code of Virginia by adding in Title 33.2 a chapter numbered 36, consisting of sections numbered 33.2-3600 through 33.2-3605, relating to the Interstate 81 corridor; Interstate 81 Corridor Improvement Fund; report.*

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 33.2 a chapter numbered 36, consisting of sections numbered 33.2-3600 through 33.2-3605, as follows:

CHAPTER 36.

INTERSTATE 81 CORRIDOR IMPROVEMENT PROGRAM AND FUND.

§ 33.2-3600. *Definitions.*

As used in this chapter, unless the context requires a different meaning:

"Committee" means the Interstate 81 Committee established pursuant to § 33.2-3603.

"Fund" means the Interstate 81 Corridor Improvement Fund.

"Interstate 81 corridor" means Interstate 81, Route 11, and other parallel highways, parallel railways, and related transportation facilities that help move people and goods.

"Plan" means the Interstate 81 Corridor Improvement Plan adopted by the Board on December 5, 2018, and any updates or amendments made thereto in accordance with the provisions of this chapter.

"Program" means an Interstate 81 Corridor Improvement Program.

§ 33.2-3601. *Interstate 81 Corridor Improvement Fund.*

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Interstate 81 Corridor Improvement Fund. The Fund shall be established on the books of the Comptroller. All revenues dedicated to the Fund, any other funds that may be appropriated by the General Assembly, and any funds that may be received for credit to the Fund from any other sources 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.

B. Moneys in the Fund shall be used only for capital, operating, and other improvement costs identified in the Plan.

C. The amounts deposited into the Fund and the distribution and expenditure of such amounts shall not be used to calculate or reduce the share of federal, state, or local revenues otherwise available to jurisdictions along the Interstate 81 corridor. Further, such revenues and moneys shall not be included in any computation of, or formula for, a locality's ability to pay for public education, upon which appropriations of state revenues to local governments for public education are determined.

§ 33.2-3602. *Interstate 81 Corridor Improvement Program; report.*

A. The Board shall adopt an Interstate 81 Corridor Improvement Program. The Program shall, at a minimum:

1. Allocate year by year the revenues, if any, from the Fund and bond proceeds, if any, backed by the Fund to projects and strategies identified in the Plan adopted by the Board;

2. Include a financing plan to support such allocation; and

3. Include a schedule for all new projects and strategies identified in the Plan adopted by the Board.

B. Prior to the adoption of such Program, the Board shall review the recommendations of and consult with the Committee.

C. The Board shall update the Program annually by July 1.

D. By December 15 of each year, the Board shall report to the General Assembly regarding the status and progress of implementation of the Program. The report shall be submitted to the Chairmen of the House Committees on Appropriations and Transportation and the Senate Committees on Finance and Transportation. Prior to the submission of such report each year, the Board shall consult with the Committee. The report shall include, at a minimum:

1. The safety and performance of the Interstate 81 corridor, including the number of incidents, the average duration of incidents, the number and average duration of incidents involving lane closures, and the person-hours of delay along the Interstate 81 corridor;

2. An assessment of the effectiveness of the operational strategies and capital projects implemented and funded through the Program;

3. The status of capital projects funded through the Program; and

4. The current and projected balances of the Fund.

60 **§ 33.2-3603. Interstate 81 Committee.**

61 A. The Board shall establish an Interstate 81 Committee.

62 B. The purpose of the Committee shall be to provide advice and recommendations to the Board
63 regarding (i) the development of the Program pursuant to § 33.2-3602 and (ii) updates to the Plan
64 pursuant to § 33.2-3604.

65 C. The Committee shall hold at least four meetings each year and consult with interested
66 stakeholders. The Committee's meetings shall rotate between locations in Planning Districts 3, 4, 5, 6,
67 and 7.

68 D. The Committee shall be composed of 15 voting members and two ex officio members as follows:

69 1. The chairs of planning district commissions for Planning Districts 3, 4, 5, 6, and 7, or in the
70 discretion of a chairman, his designee, who shall be a current elected official serving on such
71 commission;

72 2. Four members of the House of Delegates, each of whom resides in Planning District 3, 4, 5, 6, or
73 7, to be appointed by the Speaker of the House of Delegates. None of the four members shall live in the
74 same planning district;

75 3. Three members of the Senate, each of whom resides in Planning District 3, 4, 5, 6, or 7, to be
76 appointed by the Senate Committee on Rules. None of the three members shall live in the same planning
77 district;

78 4. The three members of the Board representing the Bristol, Salem, and Staunton highway
79 construction districts; and

80 5. The Commissioner of Highways and the Commissioner of the Department of Rail and Public
81 Transportation shall serve ex officio with nonvoting privileges.

82 E. The Committee shall elect a chairman and vice-chairman from among its membership. A majority
83 of the members shall constitute a quorum.

84 F. All members of the Committee shall serve terms coincident with their terms in office or position.
85 Vacancies shall be filled in the same manner as the original appointment.

86 G. The Office of Intermodal Planning and Investment, the Department of Transportation, and the
87 Department of Rail and Public Transportation shall support the Committee, as appropriate.

88 **§ 33.2-3604. Updates to the Interstate 81 Corridor Improvement Plan; requirements.**

89 A. The Board, in consultation with the Committee and with the support of the Office of Intermodal
90 Planning and Investment, shall regularly update the Plan. In updating the Plan, the Board and
91 Committee shall, at a minimum:

92 1. Analyze existing conditions of the Interstate 81 corridor to identify key needs related to safety,
93 congestion, and incident-related delays;

94 2. Identify potential improvements to address the needs identified pursuant to subdivision 1, including
95 roadway improvements, multimodal improvements, speed enforcement strategies, operational strategies,
96 and upgrades to adjacent and parallel transportation facilities;

97 3. Prioritize potential improvements in a manner consistent with § 33.2-214.1;

98 4. Identify corridor-wide incident management strategies;

99 5. Analyze and review truck parking needs along the Interstate 81 corridor;

100 6. Hold public meetings throughout the Interstate 81 corridor; and

101 7. Consider any other items deemed appropriate by the Board.

102 B. Technical assistance shall be provided to the Board by the Department of Transportation, the
103 Department of Motor Vehicles, and the Department of State Police. All agencies of the Commonwealth
104 shall provide assistance to the Board to fulfill the requirements of this section, upon request.

105 **§ 33.2-3605. Continuing responsibilities of the Commonwealth Transportation Board and**
106 **Department of Transportation.**

107 The Board shall allocate funding to, and the Department shall perform or cause to be performed, all
108 maintenance and operation of bridges, tunnels, and roadways and shall perform such other required
109 services and activities with respect to such bridges, tunnels, and roadways as were being performed on
110 July 1, 2019.

111 **2. That the General Assembly finds that (i) an adequate, efficient, and safe Interstate 81 corridor**
112 **is essential to the economic well-being of the communities located along the corridor and for the**
113 **Commonwealth; (ii) Interstate 81 carries 42 percent of all truck vehicle miles traveled in the**
114 **Commonwealth; (iii) trucks make up 20 to 30 percent of all traffic on Interstate 81; (iv) there are**
115 **more than 2,000 traffic accidents each year on Interstate 81, and 30 of those accidents require**
116 **more than six hours to clear; (v) the lack of parallel routes and automated traffic management**
117 **systems on Interstate 81 increases the impact of traffic accidents on Interstate 81; (vi) due to these**
118 **conditions and the high volume of truck traffic, the Interstate 81 corridor does not meet the needs**
119 **of the surrounding communities; and (vii) current statewide transportation revenues are**
120 **insufficient to implement necessary improvements to the Interstate 81 corridor.**

121 **3. That the Interstate 81 Committee (the Committee) created by this act shall review the Interstate**

122 81 Corridor Improvement Plan adopted by the Commonwealth Transportation Board on
123 December 5, 2018, as it relates to funding options for improvements to the Interstate 81 corridor
124 and the prioritization of projects in the Interstate 81 corridor. The Committee shall conduct
125 regional public meetings on options for funding and improvements and seek input from the public
126 and stakeholder organizations. The Committee shall report to the Governor and the General
127 Assembly by December 15, 2019, regarding its recommendations for funding and prioritization of
128 projects.