

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 33.1-23.3 of the Code of Virginia, relating to construction funds*
3 *allocated to urban system highways.*

4 [H 2303]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 33.1-23.3 of the Code of Virginia is amended and reenacted as follows:**

8 § 33.1-23.3. Allocation of construction funds for urban highways.

9 A. Such funds as are allocated to urban highways in municipalities having 3,500 or more inhabitants
10 pursuant to subdivision 2 of subsection B of § 33.1-23.1 and those incorporated towns which, on June
11 30, 1985, maintained certain streets under § 33.1-80, as then in effect, shall be apportioned among the
12 cities and towns of this Commonwealth by the Commonwealth Transportation Board in such a manner
13 that each city or town to which these funds are allocable receives the same proportion of total funds
14 available as the population of that city or town bears to the total population of all cities and towns
15 among which such funds are allocable. For the purposes of this section, the term "population" ~~shall~~
16 ~~mean~~ *means* either the population according to the latest United States census or the latest population
17 estimate of the Center for Public Service, whichever is more recent.

18 B. No apportionment hereunder shall be made to any city or town which does not have an urban
19 project or projects approved by the Commonwealth Transportation Board and in no case shall the
20 apportionment to any city or town exceed the total estimated cost of the project or projects for which
21 funds are allocated. Such funds shall, as far as possible, be allotted prior to the commencement of the
22 fiscal year and public announcement made of such allotment. Any apportionment due but not received
23 by any city or town in a fiscal year for use under this section shall accrue as a credit to such city or
24 town and be held for its construction projects for five succeeding fiscal years. Funds accrued shall be
25 apportioned prior to any other distribution under this section in the fiscal year requested by the city or
26 town.

27 Notwithstanding other provisions of this section, not more than one-third of the annual urban system
28 highway funds apportioned to a city or town under this section may be used to reimburse the locality
29 for debt service for bonds or eligible project costs incurred on approved projects included in the Six
30 Year Improvement Program of the Commonwealth Transportation Board and the city's or town's capital
31 improvement program.

32 *A portion of allocations made to any city or town under this section may be used on streets*
33 *functionally classified as arterial for (i) the purchase of residue parcels of land resulting from highway*
34 *system construction or reconstruction projects where the purchase will result in necessary access control*
35 *or land use control directly related to the purpose and need for the project, (ii) improvements to traffic*
36 *safety, (iii) improvements to traffic flow and transportation system utilization, or a combination of (i),*
37 *(ii), and (iii).*

38 When the city or town presents a resolution requesting that a portion of its annual urban system
39 apportionment be set aside for reimbursement under this section for a specific eligible project, the
40 Commonwealth Transportation Board shall, subject to appropriation and allocation, set aside no more
41 than one-third of the anticipated annual apportionment of urban system funding to the city or town for
42 such purpose, provided such funds have not been previously committed by the Board for projects
43 contained in the Six Year Improvement Program.

44 Reimbursement to localities under this section shall be subject to such terms and conditions as may
45 be prescribed by the Commonwealth Transportation Commissioner.

46 The provisions of this section shall not constitute a debt or obligation of the Commonwealth
47 Transportation Board or the Commonwealth of Virginia.