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## SENATE BILL NO. 532

Offered January 26, 1998

*A BILL to amend and reenact §§ 33.1-23.2, 33.1-23.3, and 33.1-23.4 of the Code of Virginia, relating to allocation of highway construction funds.*

Patron—Marye

Referred to the Committee on Transportation

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

**1. That §§ 33.1-23.2, 33.1-23.3, and 33.1-23.4 of the Code of Virginia are amended and reenacted as follows:**

§ 33.1-23.2. Allocation of construction funds for primary system and interstate match.

A. The Commonwealth Transportation Board shall allocate such funds as are available under § 33.1-23.1 B 1 to the primary system of state highways, including the arterial network, for construction and shall apportion such funds among the nine construction districts so that each construction district shall be allocated a share of such funds equal to the proportion that such construction district bears to the Commonwealth as a whole in terms of: vehicle-miles traveled on the primary system, primary road lane mileage and a primary road need factor which adjusts the weights in the allocation formula for the construction district with the largest under-allocation relative to primary needs, with vehicle-miles traveled weighted seventy percent, primary road lane mileage weighted twenty-five percent, and the primary road need factor weighted five percent.

B. Out of each district's total allocation of primary funds pursuant to ~~paragraph~~ subdivision 1 of subsection B of § 33.1-23.1, the Board shall allocate all needed interstate federal-aid matching funds, up to a maximum of twenty-five percent of the district's primary allocation. Any additional interstate federal-aid matching funds needed in a district shall be allocated by the Board from the Interstate Federal-Aid Matching Fund established in § 33.1-23.1:2.

C. Notwithstanding subsection A of this section, the Board may provide for exceptionally heavy expenditures for repairs or replacements made necessary by highway damage resulting from accidents, severe weather conditions, acts of God or vandalism.

D. Such funds allocated to the primary system shall, as far as possible, be allotted prior to the commencement of the fiscal year and public announcement made of such allotment but the Board shall not approve such allotment until after a public hearing at which political subdivisions of the Commonwealth and interested citizens may be heard.

In any case where any allotment of funds is made under this subsection to any county, all or a part of which subsequently is incorporated as or into a city or town, such allocation shall not be impaired thereby and the funds so allocated shall be expended as if such county or any part thereof had never become an incorporated city, but that portion of such city shall not be eligible to receive funds as a city during the same year it receives the funds allocated as a county or as any part of a county.

*E. No funds shall be allocated under this section for the construction of any new projects unless adequate funds have already been allocated under this section to complete all existing construction projects in the interstate and primary highway systems.*

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

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

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

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60 apportioned prior to any other distribution under this section in the fiscal year requested by the city or  
61 town.

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

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

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

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

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

83 *C. No funds shall be allocated under this section for the construction of any new projects unless*  
84 *adequate funds have already been allocated under this section to complete all existing construction*  
85 *projects in the urban highway system.*

86 § 33.1-23.4. Allocation of construction funds within secondary system.

87 ~~A., B. [Repealed.]~~

88 ~~EA.~~ Such funds as are allocated to the secondary system of state highways pursuant to ~~paragraph~~  
89 ~~subdivision 3~~ of subsection B of § 33.1-23.1 shall be apportioned among the several counties in the  
90 secondary system by the Commonwealth Transportation Board so that each such county shall be  
91 allocated a share of such funds equal to the proportion that such county bears to the Commonwealth as  
92 a whole in terms of area and population with population being weighted eighty percent, and area being  
93 weighted twenty percent. For the purpose of this section, "area" means the total land area of a county  
94 reduced by the area of any military reservations and state or national parks or forests within its  
95 boundaries and such other similar areas and facilities of five square miles in area or more, as may be  
96 determined by the Commonwealth Transportation Board.

97 For the purposes of this section, the term "population" shall mean either population according to the  
98 latest United States census or the latest population estimate of the Center for Public Service of the  
99 University of Virginia, whichever is more recent.

100 ~~DB.~~ Before allocating funds under subsection ~~E~~ A of this section, the Board may provide for  
101 exceptionally heavy expenditures for repairs or replacements made necessary by highway damage  
102 resulting from accidents, severe weather conditions, acts of God or vandalism.

103 *EC. No funds shall be allocated under this section for the construction of any new projects unless*  
104 *adequate funds have already been allocated under this section to complete all existing construction*  
105 *projects in the secondary highway system.*