

2006 SPECIAL SESSION I

INTRODUCED

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HOUSE BILL NO. 5080

Offered September 18, 2006

A BILL to amend and reenact §§ 33.1-23.02, 33.1-23.05, and 33.1-23.1:1 of the Code of Virginia, relating to the definition of "maintenance" used in Title 33.1, the Revenue Sharing Fund, and the Unpaved Secondary Road Fund.

Patron—Crockett-Stark

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 33.1-23.02, 33.1-23.05, and 33.1-23.1:1 of the Code of Virginia are amended and reenacted as follows:

§ 33.1-23.02. Definition of the terms "maintenance" and "asset management".

A. For the purpose of this title, unless otherwise explicitly provided, the term "maintenance" shall include ordinary maintenance, maintenance replacement, and any other categories of maintenance which may be designated by the Commissioner. The term "maintenance" shall also include chipping and sealing of unpaved roads in the state secondary highway system.

B. 1. For the purposes of this title, unless otherwise explicitly provided, the term "asset management" shall mean a systematic process of operating and maintaining the state system of highways by combining engineering practices and analysis with sound business practices and economic theory to achieve cost-effective outcomes.

2. The Department shall develop asset management practices in the operation and maintenance of the state system of highways.

3. The Commissioner shall advise the Board, on or before June 30 of even-numbered years, of performance targets and outcomes that are expected to be achieved, based upon the funding identified for maintenance, over the biennium beginning July 1 of that year. In addition, not later than September 30 of even-numbered years, the Commissioner shall advise the Board on the Department's accomplishments relative to the expected outcomes and budget expenditures for the biennium ending June 30 of that year.

§ 33.1-23.05. Additional funds for systems in certain counties, cities, and towns.

A. From annual allocations of state funds for the maintenance, improvement, construction, or reconstruction of the systems of state highways, the Commonwealth Transportation Board shall make an equivalent matching allocation to any county, city, or town for designations by the governing body of up to \$1 million in county, city, or town general funds for use by the county, city, or town to construct, maintain, or improve the highway systems within such county, city, or town. After adopting a resolution supporting the action, the governing body may request revenue-sharing funds to construct, maintain, or improve a highway system located in another locality or to bring subdivision streets, used as such prior to July 1, 1992, up to standards sufficient to qualify them for inclusion in the state primary and secondary system of highways.

B. The allocation of funds to localities shall be only for the purposes set forth in subsection A and shall be (i) first when such governing body commits more than \$1 million in general funds for such purpose; (ii) second when such project is administered by the city, county, or town; (iii) third when the allocation will accelerate an existing project in the Six-Year Improvement Program or the locality's capital plans; and (iv) from any funds remaining, any other request that has a matching allocation from the governing body.

C. The Department 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 during the fiscal year. 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. 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 from its general fund upon written notice by the Department of its intent to proceed.

D. Up to one-half of any local government's contributions under this section may take the form of proffers accepted by the locality and deposited into their general fund.

E. C. Total Commonwealth funds allocated by the Board under this section shall not exceed be less than \$50 million in any one fiscal year.

F. No more than three months prior to the end of any fiscal year in which less than \$50 million has

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59 been allocated by the Board to specific governing bodies, those localities requesting more than \$1  
60 million may be allowed an additional allocation. The additional allocation shall be at the discretion of  
61 the Commonwealth Transportation Board among the localities receiving the maximum allocation under  
62 subsection A.

63 § 33.1-23.1:1. Unpaved secondary road fund created; allocations.

64 A. Before funds are allocated for distribution for highway construction pursuant to § 33.1-23.1 B 1,  
65 B 2, and B 3, a fund shall be established for the paving of nonsurface treated secondary roads which  
66 carry fifty vehicles or more per day. Such fund shall contain ~~5.67 percent~~ 10% of the total funds  
67 available for highway construction under § 33.1-23.1 B 1, B 2, and B 3.

68 B. Such funds shall be distributed to counties in the secondary system based on the ratio of  
69 nonsurface treated roads in each county carrying fifty vehicles or more per day to the total number of  
70 such nonsurface treated roads in the Commonwealth.

71 C. The governing body of any county may have funds allocated to the county under this section  
72 added to the county's secondary system construction funds allocated pursuant to § 33.1-23.4. For each  
73 \$250,000 or portion thereof added to secondary construction funds under this provision, the amount of  
74 the county's nonsurface treated roads used to distribute funds under this section in subsequent years shall  
75 be reduced by one mile or proportional part of one mile.