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**HOUSE BILL NO. 2020**

Offered January 14, 2009

Prefiled January 13, 2009

*A BILL to amend and reenact § 33.1-23.1 of the Code of Virginia, relating to allocation of funds to cover highway maintenance and operating costs.*

Patrons—Rust and Albo

Referred to Committee on Transportation

**Be it enacted by the General Assembly of Virginia:****1. That § 33.1-23.1 of the Code of Virginia is amended and reenacted as follows:**

§ 33.1-23.1. Allocation of funds among highway systems.

A. The Commonwealth Transportation Board shall allocate each year from all funds made available for highway purposes such amount as it deems reasonable and necessary for the maintenance of roads within the interstate system of highways, the primary system of state highways, the secondary system of state highways and for city and town street maintenance payments made pursuant to § 33.1-41.1 and payments made to counties which have withdrawn or elect to withdraw from the secondary system of state highways pursuant to § 33.1-23.5:1. *However, notwithstanding any contrary provision of law, beginning with fiscal year 2011, the Commonwealth Transportation Board shall determine highway maintenance and operational needs by highway system, by highway construction district, and by locality. To the extent such highway maintenance and operational needs are not addressed by revenues from the Highway Maintenance and Operating Fund, the Commonwealth Transportation Board shall allocate additional funds for maintenance and operational purposes from the highway share of the Transportation Trust Fund in the following manner:*

1. *Unmet state primary highway system maintenance and operational needs shall be addressed by deducting sufficient funds from each highway construction district, in accordance with § 33.1-23.2, to address the unmet maintenance and operational needs of that same highway construction district.*

2. *Unmet state secondary highway system maintenance and operational needs shall be addressed by deducting sufficient funds from each county's allocation, as determined by § 33.1-23.4, to address the unmet maintenance and operational needs of that same county.*

3. *Unmet urban highway system maintenance and operational needs of cities and towns, as provided in § 33.1-23.2, and those unmet maintenance and operational needs of counties that have withdrawn or elect to withdraw from the state secondary highway system shall be addressed by deducting sufficient funds from each allocation received, as determined by §§ 33.1-23.3 and 33.1-23.5:1, respectively.*

B. After funds are set aside for administrative and general expenses and pursuant to other provisions in this title which provide for the disposition of funds prior to allocation for highway purposes, and after allocation is made pursuant to subsection A of this section, the Commonwealth Transportation Board may allocate each year up to 10% of the funds remaining for highway purposes for the undertaking and financing of rail projects that, in the Board's determination, will result in mitigation of highway congestion. After the forgoing allocations have been made, the Board shall allocate the remaining funds available for highway purposes, exclusive of federal funds for the interstate system, among the several highway systems for construction first pursuant to §§ 33.1-23.1:1 and 33.1-23.1:2 and then as follows:

1. Forty percent of the remaining funds exclusive of federal-aid matching funds for the interstate system shall be allocated to the primary system of state highways, including the arterial network, and in addition, an amount shall be allocated to the primary system as interstate matching funds as provided in subsection B of § 33.1-23.2.

2. Thirty percent of the remaining funds exclusive of federal-aid matching funds for the interstate system shall be allocated to urban highways for state aid pursuant to § 33.1-44.

3. Thirty percent of the remaining funds exclusive of federal-aid matching funds for the interstate system shall be allocated to the secondary system of state highways.

C. In addition, the Commonwealth Transportation Board, from funds appropriated for such purpose in the general appropriation act, shall allocate additional funds to the Cities of Newport News, Norfolk, and Portsmouth and the County of Warren in such manner and apportion such funds among such localities as the Board may determine, unless otherwise provided in the general appropriation act. The localities shall use such funds to address highway maintenance and repair needs created by or associated with port operations in those localities.

D. Notwithstanding the foregoing provisions of this section, the General Assembly may, through the general appropriations act, permit the Governor to increase the amounts to be allocated to highway

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HB2020

**59** maintenance, highway construction, either or both.