

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact § 33.2-2605 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 33.2-2600.2 and 33.2-2600.3, relating to Hampton Roads Interstate Highway Corridor Improvement Program and Fund; Hampton Roads Highway Coastal Resilience Program and Fund; Planning District 23.

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Approved

Be it enacted by the General Assembly of Virginia:

1. That § 33.2-2605 of the Code of Virginia is amended and reenacted and the Code of Virginia is amended by adding sections numbered 33.2-2600.2 and 33.2-2600.3 as follows:

§ 33.2-2600.2. **Hampton Roads Interstate Highway Corridor Improvement Program and Fund.**

A. There is hereby created in the state treasury a special nonreverting fund for Planning District 23 to be known as the Hampton Roads Interstate Highway Corridor Improvement Fund, referred to in this chapter as "the Highway Corridor Improvement Fund," to be managed and administered by the Commission. The Highway Corridor Improvement Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Highway Corridor Improvement Fund. Interest earned on moneys in the Highway Corridor Improvement Fund shall remain in the Highway Corridor Improvement Fund and be credited to it. Any moneys remaining in the Highway Corridor Improvement Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Highway Corridor Improvement Fund. Moneys in the Highway Corridor Improvement Fund shall be used solely for (i) projects selected by the Commission in its administration of the program established pursuant to subsection B and (ii) administrative and operating expenses of the Commission as specified in subsection B of § 33.2-2605.

B. The Commission shall establish and administer the Hampton Roads Interstate Highway Corridor Improvement Program (the Program) for the purpose of planning, developing, financing, building, constructing, acquiring, controlling, or otherwise making infrastructure and safety improvements to, or maintaining the infrastructure of, (i) new or existing highway corridors connected to, surrounding, or paralleling interstate highways in Planning District 23 and (ii) new or existing highways, bridges, and tunnels that are components of three-digit interstate highways in Planning District 23, including Interstate 264 and Interstate 464. The Commission shall identify highway corridors that provide ingress and egress to and from interstate highways or that are otherwise alternative routes to interstate highways, including U.S. Routes 58 and 460, identify three-digit interstate highways that are integral to the portions of the Interstate Highway System in Planning District 23, and develop a long-term plan to address or optimize increased vehicle traffic on the highways that are part of such highway corridors or the three-digit interstate highways that support the portions of the Interstate Highway System in Planning District 23. In selecting projects for the Program, the Commission shall (a) prioritize projects based on (1) the anticipated benefits, including congestion mitigation, toll abatement, or highway safety, taking into account the throughput, actual or anticipated, of the applicable corridor and (2) the readiness of such projects for completion, including the availability of funding; (b) consult with the Hampton Roads Transportation Planning Organization and relevant localities; and (c) consider the impact of traffic from the Port of Virginia on such highways.

C. The amounts dedicated to the Highway Corridor Improvement Fund shall be deposited monthly by the Comptroller into the Highway Corridor Improvement Fund and thereafter distributed to the Commission as soon as practicable for use in accordance with this section. If the Commission determines that such moneys distributed to it exceed the amount required to meet the current needs and demands identified in this section, the Commission may invest such excess moneys to the same extent and in the same manner as provided in subsection A of § 33.2-1525 for excess funds in the Transportation Trust Fund, mutatis mutandis.

D. The amounts deposited into the Highway Corridor Improvement 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 participating localities. Further, such revenues and moneys shall not be included in any computation of, or formula for, a composite index of local ability-to-pay, upon which appropriations of state revenues to local governments for public education are determined.

§ 33.2-2600.3. **Hampton Roads Highway Coastal Resilience Program and Fund.**

A. There is hereby created in the state treasury a special nonreverting fund for Planning District 23 to be known as the Hampton Roads Highway Coastal Resilience Fund, referred to in this chapter as "the Highway Coastal Resilience Fund," to be managed and administered by the Commission. The Highway Coastal

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Resilience Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Highway Coastal Resilience Fund. Interest earned on moneys in the Highway Coastal Resilience Fund shall remain in the Highway Coastal Resilience Fund and be credited to it. Any moneys remaining in the Highway Coastal Resilience Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Highway Coastal Resilience Fund. Moneys in the Highway Coastal Resilience Fund shall be used solely for (i) projects selected by the Commission in its administration of the program established pursuant to subsection B and (ii) administrative and operating expenses of the Commission as specified in subsection B of § 33.2-2605.

B. The Commission shall establish and administer the Hampton Roads Highway Coastal Resilience Program (the Program) for the purpose of planning, developing, financing, building, constructing, and maintaining infrastructure to address transportation infrastructure that is at risk due to recurrent and coastal flooding in Planning District 23. The Commission shall identify such at-risk transportation infrastructure and develop a long-term plan to address and mitigate the effects of recurrent flooding and other coastal resilience issues on such transportation infrastructure. In selecting projects for the Program, the Commission shall consult with the Hampton Roads Planning District Commission and relevant localities.

C. The amounts dedicated to the Highway Coastal Resilience Fund shall be deposited monthly by the Comptroller into the Highway Coastal Resilience Fund and thereafter distributed to the Commission as soon as practicable for use in accordance with this section. If the Commission determines that such moneys distributed to it exceed the amount required to meet the current needs and demands identified in this section, the Commission may invest such excess moneys to the same extent and in the same manner as provided in subsection A of § 33.2-1525 for excess funds in the Transportation Trust Fund, mutatis mutandis.

D. The amounts deposited into the Highway Coastal Resilience 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 participating localities. Further, such revenues and moneys shall not be included in any computation of, or formula for, a composite index of local ability-to-pay, upon which appropriations of state revenues to local governments for public education are determined.

§ 33.2-2605. Annual budget and allocation of expenses.

A. The Commission shall adopt an annual budget and develop a funding plan and shall provide for such adoption in its bylaws. The funding plan shall provide for the expenditure of funds over a four- to six-year period and shall align with the Statewide Transportation Plan established pursuant to § 33.2-353 as much as possible. The Commission shall solicit public comment on its budget and funding plan by posting a summary of such budget and funding plan on its website and holding a public hearing. Such public hearing shall be advertised on the Commission's website and in a newspaper of general circulation in Planning District 23.

B. The administrative and operating expenses of the Commission shall be provided in an annual budget adopted by the Commission. To the extent that funds for such expenses are not provided from other sources, the expenses shall be paid from the Fund ~~and~~, the Regional Transit Fund, the Hampton Roads Interstate Highway Corridor Improvement Fund, and the Hampton Roads Highway Coastal Resilience Program Fund, as applicable, or on an approximately pro rata basis of the programs supported by the Fund ~~and~~, the Regional Transit Fund, the Hampton Roads Interstate Highway Corridor Improvement Fund, and the Hampton Roads Highway Coastal Resilience Program Fund. Such budget shall be limited solely to the administrative and operating expenses of the Commission and shall not include any funds for construction or acquisition of transportation facilities or the performance of any transportation service.

C. Members may be reimbursed for all reasonable and necessary expenses provided in §§ 2.2-2813 and 2.2-2825, if approved by the Commission. Funding for the costs of compensation and expenses of the members shall be provided by the Commission.

2. If the General Assembly or a locality located in Planning District 23 appropriates or transfers any of the additional revenues dedicated to the Hampton Roads Interstate Highway Corridor Improvement Fund or the Hampton Roads Highway Coastal Resilience Program Fund, as created by this act, for any non-transportation-related purpose or any purpose not authorized by the provisions of this act that create the fund affected by such appropriation or transfer, then the provisions of this act that generate additional revenues for the fund affected by such appropriation or transfer shall expire on December 31 of the year in which such appropriation or transfer occurs. If any provision of this act expires as provided in this enactment, the Hampton Roads Transportation Accountability Commission shall notify the Virginia Code Commission of such expiration.