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# VIRGINIA STATE BUDGET

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2001 Special Session I

## Budget Bill - HB3 (Introduced)

Bill Order » Office of Transportation » Item 506

Secretary of Transportation

Item 506	First Year - FY2001	Second Year - FY2002
<b>Administrative and Support Services (71900)</b>	<b>\$516,888</b>	<b>\$517,276</b>
General Management and Direction (71901)	\$516,888	\$517,276
Fund Sources:		
Commonwealth Transportation	\$516,888	\$517,276

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Authority: Title 2.1, Chapter 5.10 and § 2.1-51.10:l, Code of Virginia.

A.1. The Commonwealth Transportation Board is hereby authorized to enter into project agreements with the United States Government to secure the maximum level of federal funding for transportation programs in the Commonwealth, including agreements that provide for the allocation of funds necessary to comply with federal law but which may differ from formulae provided in the Code of Virginia in the following areas:

- a. Funds apportioned under federal law for the Interstate System and the National Highway System shall be treated, for state formulae matching purposes, as interstate funds, pursuant to § 33.1-23.1, Code of Virginia; except that the Commonwealth Transportation Board is authorized to transfer amounts that may be necessary to maintain allocations to the primary, secondary and urban systems as set out in § 33.1-23.1 on a consistent basis. For FY 2001, that amount is anticipated to be ~~\$40~~ \$52.4 million and for FY 2002, that amount is anticipated to be ~~\$37~~ \$49.4 million.
- b. Funds apportioned under federal law for congestion mitigation and air quality improvement shall be allocated to designated projects in clean air nonattainment and maintenance areas of the Commonwealth in addition to funds allocated to these areas pursuant to § 33.1-23.1, Code of Virginia.
- c. Funds apportioned under federal law for the Surface Transportation Program shall be distributed and administered in accordance with federal requirements, as follows:
  - d.1) Ten percent shall be set aside for a statewide enhancement program that is equal in size each year for the period FY 1999-2003, less the amounts allowed for transfer to the state primary, secondary and urban systems as set out in § 33.1-23.1, with grants made to projects across the state. The amount set aside each year may be adjusted to correspond to revised federal apportionment estimates.
  - 2) Ten percent shall be set aside for a statewide safety program that is equal in size each year for the period FY 1999-2003, with grants made to projects across the state. The amount set aside each year may be adjusted to correspond to revised federal apportionment estimates.
  - 3) Fifty percent shall be allocated on the basis of population, as prescribed by federal law; and
  - 4) Twenty-four percent shall be allocated pursuant to § 33.1-23.1 of the Code of Virginia.

5) Six percent shall be allocated for public transit purposes.

e. Funds apportioned under federal law for the ~~Minimum Guarantee Equity program and the Bridge Replacement and Rehabilitation program~~ shall be allocated as required by federal law and through the state allocation formula set out in § 33.1-23.1, ~~except for those Minimum Guarantee funds allocated to eligible projects at the discretion of the Commonwealth Transportation Board. Ten percent of Minimum Guarantee funding shall be allocated to transit projects. After each action to allocate funds under this provision, the Commonwealth Transportation Board shall submit to the House Appropriations and Senate Finance Committees a list of such approved discretionary projects and the rationale for such approval. The amount of discretionary Minimum Guarantee federal funds is anticipated to be no more than \$34.8 million in FY 2001 and \$34.2 million in FY 2002.~~

f. Funds allocated pursuant to § 33.1-23.1 B 2 and B 3, Code of Virginia, may be utilized on any project eligible under Title 23, United States Code, Section 133, upon request of the local governing body and approval of the Commonwealth Transportation Board.

g. The required matching funds for the Congressionally-designated High Priority projects are to be provided by the mode, system or recipient of the federal-aid funding.

h. Federal funds provided to the National Highway System, Surface Transportation Program, Minimum Guarantee Program and Congestion Mitigation and Air Quality categories as well as the required State matching funds may be allocated by the Commonwealth Transportation Board for transit purposes under the same rules and conditions authorized by federal law. The Commonwealth Transportation Board, in consultation with the appropriate local and regional entities, may allocate to local and regional public transit operators, for operating and/or capital purposes, state revenues designated by formula for primary, urban, and secondary highways.

*i. Funds apportioned under federal law for the Minimum Guarantee Equity program shall be allocated in the first year as follows: \$16,957,500 to eligible projects at the discretion of the Commonwealth Transportation Board, \$10,062,500 for debt service interest payments for the Federal Highway Reimbursement Anticipation Notes issued by the Commonwealth Transportation Board during fiscal year 2001, \$4,000,000 for the Virginia Railway Express, and \$3,849,000 for mass transit projects. In the second year, funds apportioned under federal law for the Minimum Guarantee Equity program shall be allocated as follows: 1) ten percent of total Minimum Guarantee Equity funds, an amount estimated at \$7,339,000, shall be allocated to mass transit projects; 2) \$34,179,000 shall be allocated equally between the secondary and urban systems of highways in accordance with the allocation formulas in § 33.1-23.3 and § 33.1-23.4 of the Code of Virginia; 3) \$4,000,000 for the Virginia Railway Express; and 4) the remaining Minimum Guarantee Equity funds shall be distributed through the state allocation formula set out in § 33.1-23.1 of the Code of Virginia.*

*j. It is the intent of the General Assembly that the percentage of federal funds appropriated to mass transit in this Item through the Surface Transportation Program and the Minimum Guarantee Equity program shall be assumed to continue through the entire planning years included in the 2001-02 Virginia Transportation Development Plan and shall be a reliable and stable funding source.*

2. The Commonwealth Transportation Board is hereby directed to continue its efforts to secure additional federal transportation funding from the TEA-21 discretionary and transit programs and through the annual federal appropriations processes to further the Commonwealth's transportation objectives.

3. The provisions of this Item expire June 30, 2002.

B. Notwithstanding any other provision of law, the Secretary of Transportation is authorized to transfer funds from the Commonwealth Transportation Fund to the Department of Motor Vehicles for their continuing operations. The transfer shall not exceed \$2 million in the biennium. The Secretary of Transportation shall report to the Chairmen of the House Appropriations Committee and Senate Finance Committee any transfer to the Department of Motor

Vehicles from the Commonwealth Transportation Fund. By December 1, 2000, the Commissioner of the Department of Motor Vehicles shall report to the Chairmen of the Senate Finance Committee and the House Appropriations Committee on the short-term and long-term financial condition of the department and on efforts to minimize the need for such transfers.

C. The Secretary of Transportation and the Commissioner of the Department of Motor Vehicles shall report to the Chairmen of the Senate Finance and House Appropriations Committees by November 1 of each year on the actual and projected disbursements under the Commonwealth's Personal Property Tax Relief (PPTR) program. Such report shall include the actual reimbursements by locality from the program through the most recent fiscal year, its variance from the official estimate, and the projected disbursements by locality for the upcoming two fiscal years. In addition, the report also shall include the methodology used in developing the projection for the upcoming two fiscal years and such other data as may be requested.

D. The Secretary of Transportation, the Secretary of Technology, and the Secretary of Finance shall conduct a study of the potential benefits of teleworking to the Commonwealth of Virginia. Such study shall be reported to the Governor and the Chairmen of the Senate Finance Committee and the House Appropriations Committee by November 1, 2001. The study shall include the following: 1) the definition of teleworking; 2) costs of teleworking to employers and to government; 3) the impact of teleworking on congestion; 4) the applicability of teleworking in all regions of the state; 5) performance measures that can adequately and appropriately gauge the benefits of teleworking to the employee and employer as well as congestion relief; and 6) alternatives for encouraging the use of teleworking in Virginia.

E. The Secretary of Transportation is authorized to negotiate a lawful memorandum of understanding agreement with proponents of magnetic levitation technology and other parties, including a local government or a local transportation authority, that could result in a financing agreement for a magnetic levitation research demonstration project which will be placed into passenger/revenue service. Any allocation or loan of state transportation funds by the Commonwealth Transportation Board for a demonstration project shall not exceed \$7,000,000, and shall require an equal amount of private matching funds. Any memorandum of understanding shall require approval by the Board, and require that funds advanced for the demonstration project shall be restored to the Commonwealth out of the proceeds of this and future magnetic levitation projects which utilize the demonstrated technology, in accordance with terms agreeable to the parties. For the purposes of this project, any public bodies which are parties to the agreement will be exempt from the capital appropriations process and the requirements of § 2.1-504.2, Code of Virginia, and from state and local procurement requirements. The agreement shall provide for semiannual reports to the Chairmen of the House Appropriations and Senate Finance Committees on the progress of the project, including an account of how funds have been expended to date and the project's spending plans for the next six months. The Board will notify the Chairmen of the House Appropriations and Senate Finance Committees of the terms and conditions of any agreement at least 30 days prior to the effective date of the agreement.

F.1. The appropriation, expenditure, or allocation of the general fund amounts included in Item 525, as a condition of the appropriation, shall be made in accordance with or determined solely by the terms and conditions of ~~Senate Bill 33/House Bill 608, as passed by the 2000 Session of the General Assembly and as such bill becomes law. Notwithstanding the provisions of this act, including Part 4: General Provisions (§ 4-1.00 et. seq.), or any other law,~~ the general fund amounts in Item 525 shall not be appropriated, expended, unencumbered or otherwise allocated unless ~~Senate Bill 33/House Bill 608, as passed by the 2000 Session of the General Assembly, becomes law. In the event that Senate Bill 33/House Bill 608, as passed by the 2000 Session of the General Assembly, does not become law,~~ the general fund amounts included in Item 525 shall not be appropriated, expended, unencumbered or otherwise allocated, but rather shall remain unallocated, unexpended, encumbered and reserved through June 30, 2002 Chapter 1019 and Chapter 1044, Acts of Assembly of 2000, as may be amended from time to time by the General Assembly. The provisions of this item shall be narrowly construed so as to effectuate the purpose set forth herein.

2. The Secretary of Transportation shall report to the Chairmen of the Senate Finance, Senate and House Transportation, House Finance, and House Appropriations Committees on the implementation of ~~Senate Bill 33/House Bill 608 as passed by the 2000 Session of the General Assembly and as such bill becomes law~~ *Chapter 1019 and Chapter 1044, Acts of Assembly of 2000*. Such reports shall be by November 1, March 1, and August 15 of each year and shall include information on: 1) any deposits, expenditures, and transfers resulting from the bill; 2) the schedule of any debt issue and the projects and funding levels included in each; and 3) the expenditures on each project and their remaining cost to complete. In addition, the Secretary of Transportation shall provide the tentative FY 2001 Commonwealth Transportation Board's Six-Year Improvement Program to the Committees for their review and comment. Such review and comment shall be considered prior to the adoption of the final Six-Year Improvement Program by the Commonwealth Transportation Board.

*G. Notwithstanding any other provision of law, the Secretary of Transportation is authorized to transfer funds from the Commonwealth Transportation Fund to the Department of Transportation to provide for an internship for civil engineering students. The internship program shall be open to qualified students matriculating and any certified engineering program at an accredited institution of higher education in the United States. The transfer shall not exceed \$375,000 in the biennium.*