

SENATE BILL NO. 1035

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Transportation

on January 26, 2023)

(Patron Prior to Substitute--Senator McPike)

A BILL to amend and reenact § 33.2-369 of the Code of Virginia, relating to bridges; state of good repair; allocation of funds.

Be it enacted by the General Assembly of Virginia:

1. That § 33.2-369 of the Code of Virginia is amended and reenacted as follows:

§ 33.2-369. State of good repair.

A. ~~As used in~~ For purposes of this section, "state:

"General condition rating" means a rating of a major bridge component collected in accordance with 23 C.F.R. § 650.315, as may be amended.

"State of good repair purposes" means improvement of deficient pavement conditions and improvement of ~~structurally deficient~~ bridges with a general condition rating of no more than five for at least one major bridge component.

B. The Board shall use funds allocated in ~~§ §§ 33.2-358 and § 58.1-1741~~ to state of good repair purposes for (i) reconstruction and replacement, and other improvements anticipated to extend the useful life by at least 10 years of ~~structurally deficient~~ state and locally owned bridges with a general condition rating of no more than five for at least one major bridge component and (ii) reconstruction and rehabilitation of pavement on the Interstate System and primary state highway system determined to be deteriorated by the Board, including municipality-maintained primary extensions.

The Board shall allocate these funds to projects in all nine highway construction districts for state of good repair purposes based on a priority ranking system that takes into consideration ~~(i)~~ (a) the number, condition, and costs of ~~structurally deficient~~ bridges with a general condition rating of no more than five for at least one major bridge component and ~~(ii)~~ (b) the mileage, condition, and costs to replace

27 deteriorated pavements. The Board shall ensure ~~an equitable~~ a needs-based distribution of funding among
28 the highway construction districts, ~~with no district receiving more than 17.5 percent or less than 5.5~~
29 ~~percent of the total funding allocated in any given year. The Board may, by a duly adopted resolution,~~
30 ~~waive the cap provided in this section for a fiscal year only when it determines that due to extraordinary~~
31 ~~circumstances or needs the cap inhibits the ability of the Department to address a key pavement or bridge~~
32 ~~need that has been identified.~~

33 C. In any year in which the Department has not met the established targets for secondary
34 pavements developed in accordance with § 33.2-232 and before making the allocations in subsection B,
35 the Board may allocate up to 20 percent of these funds to all nine highway construction districts to improve
36 the condition of secondary pavements. The Board shall ensure an equitable needs-based distribution of
37 funds among highway construction districts based on the mileage, condition, and cost to improve
38 secondary pavements.

39 **2. That the provisions of this act shall apply to new project allocations made by the Board after June**
40 **1, 2024, pursuant to subsection B of § 33.2-369 of the Code of Virginia, as amended by this act.**

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