

GUIDE TO THE REVENUE SHARING PROGRAM

CHAPTER 280.

24 VAC 30-280-10. ~~Purpose.~~

~~A. The "Revenue Sharing Program" provides additional funding for the maintenance or improvement of the primary and secondary highway systems and eligible additions in the counties of the Commonwealth, including the former Nansemond County portion of the City of Suffolk.~~

~~B. The program is administered by the Department of Transportation, in cooperation with the participating localities, under the authority of § 33.1-75.1 of the Code of Virginia. An annual allocation of funds for this program is designated by the Commonwealth Transportation Board, with statutory limitations on the amount authorized per locality.~~

~~C. Application for program funding must be made by resolution of the governing body of the jurisdiction in which the road is located. Project funding is allocated by resolution of the Commonwealth Transportation Board. Construction may be accomplished by the Department of Transportation or, where appropriate, by the locality under an agreement with the department.~~

24 VAC 30-280-20. Definitions.

The following words and terms, when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

~~"Budget item number" means a multi-digit code that identifies work to be completed; it is used for minor activities that are usually done in one year. (See term "incidental improvements"). The usual format for a budget item number is rrrr-ccc-BI-yy, where rrrr is the four-digit route code, ccc is the three-digit locality code, and yy represents the last two digits of the fiscal year in which an allocation to the improvement is made.~~

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~~"Construction improvements" means operations which usually require more than one fiscal year to complete, and which change or add to the characteristics of a road, facility, or structure.~~

"Construction Projects" mean projects which usually require more than one fiscal year to complete, and which change or add to the characteristics of a road, facility, or structure.

~~"County Primary and Secondary Road Fund" means the designation given to the fund used to finance the specially funded program developed by the county government and the Department of Transportation subject to approval by the Commonwealth Transportation Board. This is more commonly referred to as the Revenue Sharing Program.~~

"Eligible Project" means work including construction, improvement, maintenance, and eligible street additions costs to which revenue sharing funds are available.

~~"Incidental improvements" means any operation, usually constructed within one year, which changes the type, width, length, location, or gradient of a road, facility, or structure; or the addition of features not originally provided for such road, facility, or structure.~~

"Maintenance" means activities involved in preserving or restoring the roadway, facility, or structure to its original condition, as nearly as possible.

"Matching Funds" means funds provided by the Commonwealth and the City of Suffolk which are allocated to eligible items of work in participating localities to supplement, on a dollar-for-dollar basis, the locality's contribution for eligible projects.

~~"New hardsurfacing (paving)" means the first-time paving of a previously unpaved roadway; usually composed of a multiple course asphalt surface treatment. In order for a road to be eligible for paving, it must meet the minimum traffic volume criteria of 50 vehicles per day (VPD).~~

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~~"New roadway" means the establishment of a new facility to be a part of the primary or secondary system of state highways. In order for a new roadway to be eligible for Revenue Sharing funding, it must be a part of a locally adopted plan such as the County Comprehensive Plan or must be expected to divert sufficient traffic from existing public roads so that those roads will not need to be improved in the foreseeable future.~~

~~"Plant mix" means an asphalt-based compound used in highway construction and maintenance.~~

~~For a road to be eligible for plant mix, it should:~~

- ~~1. Have an Average Daily Traffic (ADT) of 500 or greater;~~
- ~~2. Be a major secondary and serve as a major transportation facility in the locality; and~~
- ~~3. Be classified as "tolerable" in accordance with established standards for such determination.~~

~~"Project (eligible)" means work including construction, improvement, maintenance, and additions costs.~~

~~"Project number" means a multi-digit alphanumeric code which identifies work to be completed; it is used in conjunction with construction. The usual format for a project number is rrrr-ccc-sss, Jnnn, where rrrr is the four-digit route code, ccc is the three-digit locality code, sss is a three-digit section code, J is the phase identifier, and nnn is the job number.~~

~~"Revenue Sharing Program Fund" means the designation given to the fund used to finance the specially funded program developed by the local government and the Department of Transportation subject to approval by the Commonwealth Transportation Board.~~

~~"Rural Addition" means any street eligible for addition into the secondary system of state highways under § 33.1-72.1 of the Code of Virginia.~~

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“Six-Year Plan” means either the Six-Year Improvement Program for Interstate, Primary, and Urban Systems, developed by VDOT and the Commonwealth Transportation Board; or the Secondary Six-Year Plan, the official listing of improvements to be constructed on the secondary system, which is developed jointly by the Virginia Department of Transportation (VDOT) and the county governments (§ 33.1-70.01 of the Code of Virginia), or the Six-Year Program, formerly known as the Six-Year Improvement Program for Interstate, Primary, Urban and Secondary Highway Systems, developed by VDOT and the Commonwealth Transportation Board.

“System of State Highways” means the primary or secondary roads under the ownership, control or jurisdiction of VDOT.

“VDOT Manager” means the department employee responsible for the administration of the revenue sharing program for that locality. For counties, the VDOT manager is usually the local Residency Administrator unless otherwise indicated. For cities and towns maintaining their own streets the VDOT manager is the Urban Program manager for that locality.

24 VAC 30-280-20. Purpose.

A. The “Revenue Sharing Program” provides additional funding for use by a county, city, or town to construct, maintain, or improve the highway systems within such county, city, or town and eligible additions in certain counties of the Commonwealth. Locality funds are matched with state funds, with statutory limitations on the amount of state funds authorized per locality.

B. The program is administered by the Department of Transportation, in cooperation with the participating localities, under the authority of § 33.1-23.05 of the Code of Virginia. An annual allocation of funds for this program is designated by the Commonwealth Transportation Board.

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C. Application for program funding must be made by resolution of the governing body of the jurisdiction in which the road is located. If a locality is requesting funds for a road outside its jurisdiction, concurrence from the affected jurisdiction must be provided. Towns not maintaining their own streets are not eligible to receive Revenue Sharing Program funds directly; their requests must be included in the application of the county in which they are located. Project funding is allocated by resolution of the Commonwealth Transportation Board. Construction may be accomplished by the Department of Transportation or by the locality under an agreement with the department.

24 VAC 30-280-30. Eligible work.

A. The Revenue Sharing Program may be used to finance eligible work on a county's primary or secondary system highway systems within a locality. The Revenue Sharing Program is intended to provide funding for relatively small, immediately needed new improvements or to supplement funding for existing projects and their funding needs for the fiscal year. Larger new projects may also be considered provided the locality identifies any additional funding needed to implement the project. Revenue Sharing Program Funds are generally expected to be used to finance project costs in the same fiscal year and projects should be in active development that is leading to their completion within the near term.

B. Below is a list of types of work that could be considered eligible for Revenue Sharing Program financing and examples of each.

1. Deficits on ~~completed~~ Completed VDOT Administered construction or improvements Construction or Improvement Projects.

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When the appropriate ~~resident engineer or local preliminary engineering manager~~ has a ~~completed project~~ is completed with a deficit, the ~~county~~ locality may request that the deficit be financed by the Revenue Sharing Program ~~provided the county is willing to contribute one-half of the deficit as its portion.~~

Example:	Actual Cost	=	\$120,000
	Available project funding	=	\$100,000
			=====
	Actual Deficit	=	\$ 20,000
	County participation	=	\$ 10,000
	State match	=	\$ 10,000
			=====
	Revenue Sharing Funding	=	\$ 20,000

2. Supplemental ~~funding~~ Funding for ~~ongoing construction or improvements~~ Projects
Listed in the Adopted Six-Year Plan and Ongoing Construction or Improvement Projects.

a. When the appropriate ~~resident engineer or local preliminary engineering~~
VDOT manager or locality anticipates the cost to complete a project will exceed the financing currently committed to this work, the ~~county~~ locality may request that the anticipated deficit be financed by the Revenue Sharing Program ~~provided the county is willing to contribute one-half of the anticipated deficit as its portion.~~

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Example: Available project funding	=	\$100,000
Estimated cost	=	\$150,000
		=====
Estimated Deficit	=	\$ 50,000
County participation	=	\$ 25,000
State match	=	\$ 25,000
		=====
Revenue Sharing Funding	=	\$ 50,000

~~3. Supplemental funding for future construction or improvements listed in the adopted Six Year Plan.~~ b. When the appropriate ~~resident engineer or local preliminary engineering~~ VDOT manager anticipates allocations (in addition to those proposed in the adopted Six-Year Plan) will be required to completely finance a project, the ~~county~~ locality may request permission to provide one half of such additional financing with the remaining one half provided by state matching funds. This includes, but is not limited to, such things as signalization, additional preliminary engineering, or acquisition of additional right-of-way. This procedure may be utilized to accelerate the funding of a project and thereby permits its completion earlier than otherwise would have been possible.

~~4 3. Construction or improvements~~ Projects not included in the ~~adopted~~ Adopted Six-Year Plan.

When the appropriate ~~resident engineer or local preliminary engineering~~ VDOT manager ~~believes~~ concurs that the proposed work may be eligible for program funding, the ~~county~~

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locality may request one half the funds to construct a project not currently in the Six-Year Plan. However, in such cases, the ~~county~~ locality funds, together with the state matching funds, should finance the entire estimated cost of the project within the fiscal year involved. ~~The Revenue Sharing Program was initially intended to provide funding for relatively small, immediately needed improvements. Over time, use of the funding from the program has grown to include larger improvements that require funding over several years. When the department is administering a project, no improvement receiving funding over several years and not included in the Six-Year Plan should be advertised until the final expected year of funding because of the discretionary nature of county participation in the program. A PE only project can be established provided it is fully funded.~~

4. Improvements (Incidental).

Any operation, usually constructed within one year, which changes the type, width, length, location, or gradient of a road, facility, or structure; or the addition of features not originally provided for such road, facility, or structure. Incidental improvements are not generally included in the Six-Year Plan. This includes, but is not limited to sidewalks, trails, curb and gutter installation, plant mix placement on an existing hard surfaced road, or traffic signal installation.

5. Improvements ~~necessary~~ Necessary for the ~~acceptance~~ Acceptance of ~~specific subdivision streets otherwise eligible for acceptance into the system for maintenance~~ Specific Subdivision Streets Otherwise Eligible for Acceptance into the System for Maintenance.

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The improvements (widening, surface treating, etc.) necessary for the acceptance of certain subdivision streets otherwise eligible under § 33.1-72.1 of the Code of Virginia, known as Rural Additions, for acceptance into the secondary system of state highways may be funded by the Revenue Sharing Program. Roads in cities and towns are not eligible as additions to the urban system under § 33.1-72.1.

6. ~~Unprogrammed maintenance whose accomplishment is consistent with the department's operating policies~~ Maintenance Whose Accomplishment is Consistent with the Department's Operating Policies.

Examples of this type of work include normal maintenance replacement activities such as guardrail replacement, plant mix overlays, sidewalks and curb and gutter repair.

7. New Hardsurfacing (Paving).

The first-time paving of a previously unpaved roadway; usually composed of a multiple course asphalt surface treatment may be funded by the Revenue Sharing Program. Only roads in the state secondary system are eligible to use Revenue Sharing Program funds for new hardsurfacing. Urban system roads in cities and towns are not eligible.

8. New Roadway.

Revenue Sharing Program funds may be used to establish a new facility to be part of the system of state highways or part of the road system in the locality that VDOT provides maintenance payments for. In order for a new roadway to be eligible for Revenue Sharing Program funding, it must be a part of a locally adopted plan such as the locality's Comprehensive Plan and must be expected to divert sufficient traffic from existing public roads so that those roads will not need to be improved in the foreseeable future. Projects

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may also need to be included in the regional Constrained Long Range Plan in air quality non-attainment areas.

24 VAC 30-280-40. Application ~~process.~~

~~Application for revenue sharing funding may be made only by the governing body of the county or the City of Suffolk in which the road is located. The following process describes the steps which occur in determining the funding available for each participating locality to finance eligible projects.~~

- ~~1. VDOT's director of local assistance sends a letter inviting all county governments to participate in the Revenue Sharing Program for the coming fiscal year.~~
- ~~2. The county government determines its intent to participate in the program, and the amount of county funds to be provided. The county government and appropriate resident engineer or local preliminary engineering manager jointly prepare a prioritized plan to recommend assignment of requested funds to eligible projects. This prioritized plan should:
 - ~~a. List what is to be included for each project (example: length of road, width of road, estimated cost, etc.);~~
 - ~~b. Identify who will administer each phase of each project (see § 33.1-75.1 B of the Code of Virginia, regarding when a project may be administered by a county).~~~~

~~While there is no limit on the amount of funds the county may contribute, the amount of funds eligible for state matching funds may not exceed the statutory limitation.~~

- ~~3. The appropriate resident engineer or local preliminary engineering manager submits the detailed prioritized plan developed in Step 2 of the process with recommendations to~~

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~~the Local Assistance Division, with a copy to the appropriate District Administrator. This prioritized plan must be received by the date specified in the invitation letter.~~

~~4. VDOT's Local Assistance Division reviews the submitted prioritized plans and notifies the appropriate resident engineer or local preliminary engineering manager of the amount of state matching funds available for use in their counties, subject to the approval of the Commonwealth Transportation Board. If the total requests exceed the amount available according to statute, each participating county will receive state matching funds on a pro rata basis, and the prioritized plan will be adjusted accordingly.~~

Requests for Revenue Sharing Program funding within a locality must be made by resolution of the governing body of the locality in which the road is located. The application package must include the resolution, the detailed designation of funds form and the summary designation of funds form. Localities requesting funds for a road in another locality must provide a letter of concurrence from the locality where the road is located. Towns not maintaining their own streets may not directly apply for Revenue Sharing Program funds but may include their requests as part of the package submitted by the county in which they are located. See Guidance Document (Revenue Sharing Guide) for additional information and forms.

24 VAC 30-280-50. Approval process.

~~The following process describes the steps that occur in securing approval of the Statewide Revenue Sharing Program from the Commonwealth Transportation Board.~~

~~1. VDOT's Local Assistance Division reviews the individual plans, and if found to be acceptable, develops the statewide plan and recommends it be submitted to the~~

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~~Commonwealth Transportation Board for approval. The Local Assistance Division will review with other divisions as necessary and appropriate.~~

~~2. The Commonwealth Transportation Board approves the statewide program, including allocations to specific projects in each county's plan. Upon approval of the plan, it constitutes the "county primary and secondary road fund." Any modification of the approved program must be agreed upon by the county government and VDOT and approved by the Commonwealth Transportation Board.~~

A. Upon receipt of the requests, VDOT's Local Assistance Division reviews the application from each locality for eligibility. Once the localities' requests are found to be acceptable, the Local Assistance Division will prioritize the requests as delineated in Section 33.1-23.05 B of the Code of Virginia. Priorities for funding are divided into four tiers. The following rules apply to administration and funding of projects under each tier:

1. Tier one will be fully funded before any funds are available for tier two, tier two will be fully funded before funding is available for tier three, etc. If funds are depleted in the first tiers, no further funds will be available.

2. Tier one provides funding when the governing body commits more than \$1 million in general funds for a \$1 million match for revenue sharing projects. The total amount of the locality's requests is the basis for considering tier one funding. If locality requests in tier one exceed available revenue sharing funds for the year, localities' requests will be prioritized based on the amount of local funds committed above the matching funds. In the case of a tie, funds for those localities will be prorated. For example, if four localities

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commit \$1.1 million but only \$3 million remains in the Revenue Sharing Program Fund, each of the four localities will receive \$750,000.

3. For tiers two through four, projects will be prioritized individually. For tiers two through four, if requests within a tier exceed available revenue sharing funds, all projects within that tier will be prorated based on the total requests for that tier and funds remaining.

4. Tier two provides funding when the project is administered by the city, county, or town. Local administration must include all remaining phases of the project. If the project is changed to VDOT administration, the project will be reevaluated for tier assignment and fund availability may be affected.

5. Tier three projects may receive funds when the allocation will accelerate an existing project in the Six-Year Improvement Program or the locality's capital plans. To qualify for tier three, unscheduled projects must move into the 24 month advertisement schedule. For projects in the localities capital plan, the locality must provide documentation of an established advertisement date and show that Revenue Sharing Program funding will be able to advance the advertisement date. A project will also qualify for tier three if the addition of Revenue Sharing Program funds will keep the project advertisement date on schedule.

6. And from any funds remaining, any other requests that have a matching allocation from the governing body. These projects are considered tier four projects.

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B. Based on the project priorities, the Local Assistance Division develops the Statewide Program for submission to the Commonwealth Transportation Board for approval. The Local Assistance Division will review with other divisions as necessary and appropriate.

The Commonwealth Transportation Board approves the Statewide Revenue Sharing Program, including allocations to specific projects in each locality's request. The Commonwealth Transportation Commissioner may approve transactions, such as locality/state agreements, for revenue sharing projects prior to Commonwealth Transportation Board approval; however, no state funds may be expended on such projects until approval by the board and no project work should be conducted, prior to approval by the board, for which reimbursement from the Revenue Sharing Program is expected.

24 VAC 30-280-60. Implementation process.

~~A. VDOT administered work. The following process describes the steps which occur in the implementation of the Revenue Sharing Program, beginning with the approval by the Commonwealth Transportation Board and ending with the payment by the county and subsequent state match.~~

~~1. VDOT's Local Assistance Division authorizes the Fiscal Division to reserve the State Matching funds for the approved specific projects. These monies are placed in a special VDOT account for this purpose.~~

~~2. If applicable, the Local Assistance Division prepares county/state agreements that govern the performance of work administered by VDOT. The agreement must be executed prior to incurring any cost to be financed from the Revenue Sharing Program.~~

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~~3. Either the Fiscal Division bills the county or the appropriate resident engineer or local preliminary engineering manager requests payment from the county for its share of the estimated cost of work to be performed; the money is collected prior to the beginning of work in accordance with current billing procedures.~~

~~4. After the project is completed, the Fiscal Division makes final billing to the county for its share of the actual costs incurred, in excess of those provided in Step 3. If the county's share of the actual cost is less than the estimated cost, the difference may, if desired by the county, be refunded to the county or reassigned to another Revenue Sharing project.~~

~~If a county government wishes to cancel a project begun under the Revenue Sharing Program during Preliminary Engineering (PE) or Right of Way (R/W) phases but prior to the Construction phase, it may do so by Board of Supervisors' resolution. The department retains the sole option to require reimbursement by the county of all state matching funds spent from the time the project was begun until it is canceled.~~

~~If construction does not begin before the end of the fiscal year involved, the county must pay the department its share, or certify that the money is held in a special fund account specifically earmarked for the project or projects. This must occur by June 30 of the fiscal year or it may result in loss of state matching funds.~~

Upon Commonwealth Transportation Board approval of the statewide program, development of the individual projects begins. The state matching funds for the approved projects are reserved and placed in a special account. Projects may be developed and constructed by VDOT or the locality.

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1. VDOT will request payment from the locality for its share of the estimated cost of work to be performed; the money is collected prior to the beginning of work. After the project is completed, VDOT will make final billing to the locality for its share of the actual costs incurred, in excess of those provided at the beginning of the project. If the locality's share of the actual cost is less than the estimated cost, the difference will be refunded to the locality or the locality may transfer the remaining funds to another existing project as noted in the section describing Transfer of Funds (24 VAC 30-280-70). See Guidance Document (Revenue Sharing Guide) for additional information.
2. If a local government wishes to cancel a project begun under the Revenue Sharing Program during the Preliminary Engineering (PE) or Right of Way (RW) phases but prior to the Construction (CN) phase, it may do so by resolution of the local governing body. The department retains the sole option to require reimbursement by the locality of all state matching funds spent from the time the project was begun until it is canceled.
3. If the project does not begin before the end of the fiscal year involved, the locality must pay its share to the department, or certify that the money is held in a special fund account specifically earmarked for the project or projects. This must occur by April 1 of the fiscal year or monies will be returned to the Revenue Sharing Program Fund and made available for supplemental funding.

~~B. County administered work. The following process describes the steps which occur in the implementation of the Revenue Sharing Program, beginning with the approval by the~~

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~~Commonwealth Transportation Board and ending with the payment by the county and subsequent state match.~~

~~1. VDOT's Local Assistance Division authorizes the Fiscal Division to reserve the state matching funds for the approved specific projects. These monies are placed in a special VDOT account for this purpose.~~

~~2. The Local Assistance Division prepares county/state agreements that govern the performance of work administered by the county. The agreement must be executed prior to incurring any cost to be financed from the Revenue Sharing Program.~~

~~3. After all work is completed the county makes a final billing to VDOT for its share of the actual costs incurred. If actual cost is less than that provided by the agreement, the difference may be reassigned to another Revenue Sharing project in the county, or, if the county desires, refunded to the VDOT Revenue Sharing account.~~

~~If a county government wishes to cancel a project begun under the Revenue Sharing Program before it is completed, it may do so by Board of Supervisors' resolution. The department retains the sole option to require reimbursement by the county of all state matching funds spent from the time the project was begun until it is canceled.~~

B. Locally Administered Work.

1. VDOT has published a Guide for Local Administration of VDOT Projects that provides general guidance for locally administered projects. This guide is available on the Local Assistance Division webpage on the VDOT website (<http://www.virginiadot.org/business/local-assistance-locally%20administered.asp>). The Local Assistance Division, working with the appropriate project coordinator will prepare

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locality/state agreements that govern the performance of work administered by the locality. The agreement must be executed by both the locality and VDOT prior to incurring any cost to be financed from the Revenue Sharing Program. Locality/state agreements must be executed or VDOT must receive a certification that the funds are in a special account by April 1; otherwise monies will be returned to the Revenue Sharing Program Fund and made available for supplemental funding.

2. Once the project begins, the locality may submit monthly invoices to VDOT for eligible costs incurred. For tier one, when a locality has committed local funds in addition to the required matching funds for their total application, those additional local funds must be spent prior to any Revenue Sharing Program matching funds. After all work is completed, the locality makes a final billing to VDOT for its share of the actual eligible costs incurred. If the actual cost is less than that provided by the agreement, the remaining VDOT difference may be transferred to another existing project as noted in the section describing Transfer of Funds (24 VAC 30-70), or, if the locality desires, refunded to the VDOT Revenue Sharing Program Fund.

3. If a local government wishes to cancel a locally administered project begun under the Revenue Sharing Program before it is completed, it may do so by resolution of the local governing body. The department retains the sole option to require reimbursement by the locality of all state matching funds spent from the time the project was begun until it is canceled.

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24 VAC 30-280-70. Transfer of funds.

To implement a transfer of funds to an existing project, the County Administrator or City/Town Manager may request funds be moved from one revenue sharing project to another existing revenue sharing project in order to provide additional funds. Revenue Sharing Program funds may also be transferred to an existing project in the Six-Year Improvement Program or Secondary Six Year Plan if needed to meet the approved federal obligation schedule or to ensure a scheduled ad date can be met if approved by the Commonwealth Transportation Board.

Included in the request must be the detailed reasons for the request and status of both projects.

24 VAC 30-280-80. Additional allocations.

~~One month prior to the end of any fiscal year in which less than the total provided appropriation has been allocated from state funds under §33.1-75.1 D of the Code of Virginia, those counties requesting \$500,000 may be allowed an additional allocation. The difference between the amount allocated and the amount appropriated shall be allocated at the discretion of the Commonwealth Transportation Board among the counties receiving the maximum allocation.~~

No more than three months prior to the end of any fiscal year in which less than the total provided appropriation has been allocated, those localities committing more than \$1,000,000 may be allowed an additional allocation. The funds available for redistribution shall be allocated at the discretion of the Commonwealth Transportation Board among the localities receiving the maximum allocation.

FORMS

Detailed Designation of Funds Form - (Rev. 4/06)

Summary Designation of Funds Form – (Rev. 4/06)

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GUIDANCE DOCUMENTS

REVENUE SHARING PROGRAM GUIDE, 2006

GUIDE FOR LOCAL ADMINISTRATION OF VIRGINIA DEPARTMENT OF
TRANSPORTATION PROJECTS, 2006

CERTIFICATION

I certify that this regulation is full, true, and correctly dated.

Commonwealth Transportation Commissioner
David S. Ekern

Date