Code of Virginia

Title 33.2. Highways and Other Surface Transportation Systems

Chapter 2. Transportation Entities

§ 33.2-214.1. Statewide prioritization process for project selection

For purposes of this section “resiliency” means the capability to anticipate, prepare for, respond to, and recover from significant multi-hazard threats, including but not limited to natural disasters, recurrent tidal flooding, permanent inundation resulting from relative sea level rise; or increased precipitation; with minimum damage to social well-being, health, the economy, and the environment.

A. The General Assembly declares it to be in the public interest that a prioritization process for projects funded by the Commonwealth Transportation Board be developed and implemented to improve the efficiency, ~~and~~ effectiveness and resiliency of the state's transportation system, transportation safety, transportation accessibility for people and freight, environmental quality, and economic development in the Commonwealth.

B. Subject to the limitations in subsection C, the Commonwealth Transportation Board shall develop, in accordance with federal transportation requirements, and in cooperation with metropolitan planning organizations wholly within the Commonwealth and with the Northern Virginia Transportation Authority, a statewide prioritization process for the use of funds allocated pursuant to §§ [33.2-358](http://law.lis.virginia.gov/vacode/33.2-358/), [33.2-370](http://law.lis.virginia.gov/vacode/33.2-370/), and [33.2-371](http://law.lis.virginia.gov/vacode/33.2-371/) or apportioned pursuant to 23 U.S.C. §

104. Such prioritization process shall be used for the development of the Six-Year Improvement Program pursuant to § [33.2-214](http://law.lis.virginia.gov/vacode/33.2-214/) and shall consider, at a minimum, highway, transit, rail, roadway, technology operational improvements, resiliency and transportation demand management strategies.

1. For projects submitted after July 1, 2022, ~~The~~ the Commonwealth Transportation Board shall utilize a prioritization process ~~shall be~~ based on an objective and quantifiable analysis that considers, at a minimum, the following factors relative to the cost of the project or strategy: congestion mitigation, economic development, accessibility, resiliency, safety, and environmental quality.

2. Prior to the analysis in subdivision 1, candidate projects and strategies shall be screened by the Commonwealth Transportation Board to determine whether they are consistent with the assessment of capacity needs for all for corridors of statewide significance, regional networks, and improvements to promote urban development areas established pursuant to § [15.2-2223.1](http://law.lis.virginia.gov/vacode/15.2-2223.1/), undertaken in the Statewide Transportation Plan in accordance with § [33.2-353](http://law.lis.virginia.gov/vacode/33.2-353/).

3. The Commonwealth Transportation Board shall weight the factors used in subdivision 1 for each of the state's highway construction districts. The Commonwealth Transportation Board may assign different weights to the factors, within each highway construction district, based on the unique needs and qualities of each highway construction district.

4. The Commonwealth Transportation Board shall solicit input from localities, metropolitan planning organizations, transit authorities, transportation authorities, and other stakeholders in its development of the prioritization process pursuant to this section. Further, the Board shall explicitly consider input provided by an applicable metropolitan planning organization or the Northern Virginia Transportation Authority when developing the weighting of factors pursuant to subdivision 3 for a metropolitan planning area with a population over 200,000 individuals.

C. The prioritization process developed under subsection B shall not apply to the following: projects or activities undertaken pursuant to § [33.2-352;](http://law.lis.virginia.gov/vacode/33.2-352/)projects funded by the Congestion Mitigation Air Quality funds apportioned to the state pursuant to 23 U.S.C. § 104(b)(4) and state matching funds; projects funded by the Highway Safety Improvement Program funds apportioned to the state pursuant to 23 U.S.C. § 104(b)(3) and state matching funds; projects funded by the Transportation Alternatives funds set-aside pursuant to 23 U.S.C. § 213 and state matching funds; projects funded by the revenue-sharing program pursuant to § [33.2-357;](http://law.lis.virginia.gov/vacode/33.2-357/)and projects funded by federal programs established by the federal government after June 30, 2014, with specific rules that restrict the types of projects that may be funded, excluding restrictions on the location of projects with regard to highway functional classification. The Commonwealth Transportation Board may, at its discretion, develop a prioritization process for any of the funds covered by this subsection, subject to planning and funding requirements of federal law.

2014, c. [726;](http://lis.virginia.gov/cgi-bin/legp604.exe?141%2Bful%2BCHAP0726)2015, c. [684;](http://lis.virginia.gov/cgi-bin/legp604.exe?151%2Bful%2BCHAP0684)2016, c. [129;](http://lis.virginia.gov/cgi-bin/legp604.exe?161%2Bful%2BCHAP0129)2017, cc. [166](http://lis.virginia.gov/cgi-bin/legp604.exe?171%2Bful%2BCHAP0166), [273](http://lis.virginia.gov/cgi-bin/legp604.exe?171%2Bful%2BCHAP0273).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.