

1 SB180
2 174576-5
3 By Senators Dial and Allen
4 RFD: Transportation and Energy
5 First Read: 09-FEB-16

1 SB180

2
3
4 ENROLLED, An Act,

5 To establish the Alabama Transportation Safety Fund
6 for the receipt of designated revenues to be utilized for the
7 maintenance, improvement, replacement, and construction of
8 state, county, and municipal roads and bridges within the
9 state; to authorize monies in the fund to be expended for the
10 payment for road or bridge projects or as matching funds for
11 any federally-funded road or bridge projects; to restrict the
12 use of monies in the fund; to provide for the establishment of
13 the Alabama Transportation Rehabilitation and Improvement
14 Program (ATRIP) Advisory Committee and to provide that certain
15 funds would be expended only for county projects authorized by
16 the committee; and to require public announcement of new
17 projects and periodic reporting on ongoing projects.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. As used in this act, the following words
20 have the following meanings:

21 (1) DEPARTMENT. The Department of Transportation.

22 (2) FUND. The Alabama Transportation Safety Fund.

23 Section 2. There is hereby created the Alabama
24 Transportation Safety Fund in the State Treasury. All proceeds
25 from the revenues designated to the fund less the cost of

1 collection authorized by law shall be deposited into the fund
2 to be expended only as provided in this act. The provisions of
3 this act shall not be superseded, amended, altered, violated,
4 or overridden by any provision of the state general fund
5 appropriation act or any other annual or supplemental
6 appropriation act, administrative rule, inter-agency transfer,
7 or executive order or directive. The monies allocated to
8 counties and municipalities from the fund shall be in addition
9 to and shall not diminish any other revenues allocated or
10 distributed from other sources. Proceeds deposited into the
11 fund shall be distributed as follows:

12 (1) The first thirty-two million dollars
13 (\$32,000,000) of the proceeds paid into the fund annually that
14 is derived from an excise tax levied on diesel fuel and
15 designated as a revenue source for the fund shall be set aside
16 and allocated no later than the end of the first quarter in
17 each fiscal year for use on county infrastructure projects. If
18 the excise tax levied on diesel fuel and designated as a
19 revenue source for the fund is not sufficient to produce
20 thirty-two million dollars (\$32,000,000) of proceeds, other
21 proceeds paid into the fund shall be allocated to ensure a
22 total of thirty-two million (\$32,000,000) of proceeds is set
23 aside and allocated annually for use on county infrastructure
24 projects. In the event the provisions for the revenue sources
25 designated to the fund include factors for growth in the rate

1 of tax levied and the implementation of these factors for
2 growth results in an increase of at least one cent per gallon
3 of both an excise tax levied on gasoline and an excise tax
4 levied on diesel fuel that are designated as revenue sources
5 to the fund or additional revenue is designated to the fund by
6 the enactment of further legislation after January 1, 2016, an
7 additional thirty-two million dollars (\$32,000,000) of
8 proceeds paid into the fund each year shall be set aside and
9 allocated for use on county infrastructure projects. The funds
10 allocated in this subsection shall be expended only for
11 projects authorized pursuant to procedures developed and
12 adopted by the Alabama Transportation Rehabilitation and
13 Improvement Program (ATRIP) Advisory Committee as established
14 in Section 6. Following the repayment of loan or debt
15 commitments related to any tax exempt debt issued in
16 accordance with Section 6, the thirty-two million dollars
17 (\$32,000,000) of the proceeds to be paid pursuant to this
18 subsection shall either be used for an additional issue of tax
19 exempt debt or split between the counties equally. All county
20 infrastructure projects authorized pursuant to this
21 subdivision shall be let to contract rather than be performed
22 by county forces and shall be subject to the reporting
23 requirements in Section 4.

24 (2) Five hundred thousand dollars (\$500,000) shall
25 be distributed annually to each county commission of the

1 state, with quarterly distributions of one hundred twenty-five
2 thousand dollars (\$125,000) made to each county commission
3 beginning on the January 1 immediately following the effective
4 date of this act. This allocation shall be in lieu of the
5 established distribution of approximately five hundred
6 thirty-three thousand dollars (\$533,000) in federal funds
7 being distributed annually to each county of the state by the
8 Department of Transportation prior to the effective date of
9 this act. However, the department may continue to allocate
10 additional federal funds to county projects at its discretion
11 and, if required by federal law, shall also allocate such
12 future federal revenues to future projects on bridges and
13 roads under the maintenance and control of the county
14 commissions of Alabama. All funds distributed pursuant to this
15 subdivision shall be used only for county infrastructure
16 projects. All county infrastructure projects authorized
17 pursuant to this subdivision shall be let to contract by each
18 county utilizing contractors and material suppliers on the
19 department's list of approved contractors and suppliers rather
20 than be performed by county forces and shall be subject to the
21 provisions of Section 4. The department's list of approved
22 contractors and material suppliers shall include the
23 department's Certified Disadvantaged Business Enterprise List.
24 The county shall provide a list of all contractors who have
25 been awarded projects under this section to the Senate

1 President Pro Tempore and the Speaker of the House every other
2 year, beginning on October 1, 2018. The provisions of this
3 subsection shall only take effect at such time as a sufficient
4 funding mechanism for the fund also takes effect.

5 (3) 65.9 percent of the remainder of the proceeds
6 after the allocation in subdivisions (1) and (2) shall be
7 allocated and appropriated to the department as the ALDOT
8 share of funds to be used as prescribed in Section 3.

9 (4) 34.1 percent of the remainder of the proceeds
10 after the allocation in subdivisions (1) and (2) shall be
11 allocated and appropriated as the local share of funds to be
12 used as prescribed in Section 4. 45.45 percent of the local
13 share shall be allocated equally among the 67 counties of the
14 state and the remaining 54.55 percent of the local share shall
15 be allocated among the 67 counties of the state on the basis
16 of the ratio of the population of each county to the total
17 population of the state according to the then next preceding
18 federal decennial census. Ten percent of the amount paid to
19 each county shall be distributed by the county commission
20 among the municipalities in the county on the basis of the
21 ratio of the population of each municipality to the total
22 population of all municipalities in the applicable county
23 according to the then next preceding federal decennial census.
24 The allocation provided for in this subsection shall be made

1 on or prior to the tenth day of each month with respect to
2 receipts designated to the fund during the preceding month.

3 Section 3. (a) The monies allocated to the
4 department from the fund shall at all times be segregated and
5 kept separate from other federal or state road and bridge
6 funds allocated to the department. Monies from the fund shall
7 only be expended for the maintenance, improvement,
8 replacement, and construction of roads and bridges within the
9 state, including the payment of any debt associated with a
10 road or bridge project or as matching funds for any
11 federally-funded road or bridge projects. The department shall
12 not use monies from the fund for any of the following purposes
13 except in accordance with generally accepted accounting
14 principles for job cost accounting or federal cost allocation
15 regulations:

16 (1) Salaries, benefits, or any other form of
17 compensation for state or contract employees.

18 (2) The purchase, lease, or maintenance of
19 equipment.

20 (3) The maintenance or construction of public
21 buildings or other structures that are not roads or bridges.

22 (b) The funds allocated to the department shall be
23 audited by the Examiners of Public Accounts in the same manner
24 as all other department funds.

1 (c) On or before October 1 of each year following
2 the creation of the fund, the department shall publicly
3 announce the project or projects which are projected to be
4 funded with the proceeds from the fund during the upcoming
5 fiscal year, and the current list of projects shall be listed
6 on the department's website at all times. The department's
7 website shall also include each of the following:

8 (1) A list of current bid offerings, openings, and
9 awards for each project to be funded in whole or in part with
10 revenues from the fund.

11 (2) Quarterly progress reports on each ongoing
12 project funded in whole or in part with revenues from the
13 fund, including, but not limited to, costs, anticipated
14 completion dates, and any other relevant information regarding
15 a project.

16 (d) In addition to the reporting requirements set
17 out in subsection (c), no later than the first day of the
18 regular session of the Alabama Legislature in each year
19 following the creation of the fund, the department shall
20 submit an annual report detailing all expenditures from the
21 fund during the previous fiscal year to each member of the
22 Legislature.

23 Section 4. (a) Except for monies allocated pursuant
24 to subdivisions (1) and (2) of Section 2, the monies paid to
25 counties from the fund shall be deposited into a separate fund

1 maintained by the county and expended only for one or more of
2 the following:

3 (1) The maintenance, improvement, replacement, and
4 construction of county-maintained roads and bridges.

5 (2) As matching funds for federal road or bridge
6 projects.

7 (3) The payment of any debt associated with a road
8 or bridge project.

9 (4) With the consent of the municipality, for the
10 maintenance, improvement, or replacement of
11 municipally-maintained roads and bridges.

12 (5) For a joint road or bridge project with one or
13 more municipalities in the county pursuant to any agreement
14 executed under the authority of state law.

15 (b) The county shall not use any monies from the
16 fund for any of the following purposes except in accordance
17 with generally accepted accounting principles for job cost
18 accounting or federal cost allocation regulations:

19 (1) Salaries, benefits, or any other form of
20 compensation for county or contract employees or for county
21 officials.

22 (2) The purchase, lease, or maintenance of
23 equipment.

24 (3) The maintenance or construction of public
25 buildings or other structures that are not roads or bridges.

1 (c) All fund records shall be audited by the
2 Examiners of Public Accounts in the same manner as all other
3 county funds.

4 (d) Any county project utilizing monies from the
5 fund for road or bridge maintenance, improvement, replacement,
6 or construction on roads or bridges with less than 2,500
7 average daily traffic shall be designed in a manner consistent
8 with the standards for low volume roads as established in the
9 County Road Design Policy for Low Volume Roads adopted by the
10 department. All projects for roads and bridges which have
11 greater than 2,500 average daily traffic shall be designed in
12 a manner consistent with the most current edition of the State
13 Department of Transportation Standards and Specifications for
14 Roadway Constructions.

15 (e) At the first meeting in October of each year
16 following the creation of the fund, the county commission of
17 each county shall adopt an annual Transportation Safety Fund
18 Plan for the current fiscal year, which plan shall be approved
19 by affirmative vote of a majority of the members of the county
20 commission. The plan shall include only projects authorized in
21 subsection (a). The plan shall be based upon an estimate of
22 the revenues anticipated from the fund during the fiscal year.
23 The county commission shall consider the needs of each
24 district in the county in establishing its annual plan, and
25 the annual plan shall not be altered once adopted at the first

1 meeting in October. Once adopted, the annual plan shall at all
2 times be posted in conspicuous places at the county
3 courthouse, the county commission office, the county highway
4 department, and any other places deemed appropriate by the
5 county commission. Additionally, the plan shall be posted on
6 the county's website, if available.

7 (f) At the first meeting in January of each year
8 following the creation of the fund, the county engineer or
9 other person designated by the county commission shall present
10 the county commission with an annual written report detailing
11 expenditures made from the fund during the previous fiscal
12 year, which report shall include the status of each project
13 included in the previous fiscal year's Alabama Transportation
14 Safety Fund Plan. The report shall be entered into the minutes
15 of the county commission meeting and shall be made available
16 to the public for inspection, including posting on the
17 county's website, if available.

18 Section 5. (a) The monies distributed to a
19 municipality from the fund shall be deposited in a separate
20 fund maintained by the municipality and expended only for one
21 or more of the following:

22 (1) The maintenance, improvement, replacement, and
23 construction of roads and bridges within a municipality's
24 jurisdictional limits.

1 (2) As matching funds for federal road or bridge
2 projects.

3 (3) The payment of any debt associated with a road
4 or bridge project.

5 (4) With the consent of the county, for the
6 maintenance, improvement, or replacement of county-maintained
7 roads and bridges within the municipality's jurisdictional
8 limits.

9 (5) For a joint road or bridge project with the
10 county pursuant to any agreement executed under the authority
11 of state law.

12 (b) The municipality shall not use monies from the
13 fund for any of the following purposes except in accordance
14 with generally accepted accounting principles for job cost
15 accounting or federal cost allocation regulations:

16 (1) Salaries, benefits, or any other form of
17 compensation for municipal or contract employees or municipal
18 officials.

19 (2) The purchase, lease, or maintenance of
20 equipment.

21 (3) The maintenance or construction of public
22 buildings or other structures that are not roads or bridges.

23 (c) All monies allocated from the fund shall be
24 audited by the Examiners of Public Accounts in the same manner
25 as all other municipal funds.

1 (d) Any municipal project utilizing monies from the
2 fund for road or bridge maintenance, improvement, replacement,
3 or construction on roads or bridges shall be designed in a
4 manner consistent with the standards adopted by the
5 department.

6 (e) At the first meeting in October of each year
7 following the creation of the fund, the municipal governing
8 body receiving funds shall adopt an annual Municipal
9 Transportation Safety Fund Plan for the current fiscal year,
10 which plan shall be approved by affirmative vote of a majority
11 of the members of the municipal governing body. The plan shall
12 include only projects authorized in subsection (a). The plan
13 shall be based upon an estimate of the revenues anticipated
14 from the fund during the fiscal year. The municipal governing
15 body shall consider the needs of each district in the
16 municipality in establishing its annual plan and the annual
17 plan shall not be altered once adopted at the first meeting in
18 October. Once adopted, the annual plan shall at all times be
19 posted in conspicuous places at the municipal hall, the
20 mayor's office, the municipal highway department, and any
21 other places deemed appropriate by the municipal governing
22 body. Additionally, the plan shall be posted on the
23 municipality's website, if available.

24 (f) At the first meeting in January of each year
25 following the creation of the fund, the city engineer or other

1 person designated by the municipal governing body shall
2 present the municipal governing body with an annual written
3 report detailing expenditures made from the fund during the
4 previous fiscal year, which report shall include the status of
5 each project included in the previous fiscal year's Alabama
6 Transportation Safety Fund Plan. The report shall be entered
7 into the minutes of the municipal governing body meeting and
8 shall be made available to the public for inspection,
9 including posting on the municipality's website, if available.

10 Section 6. (a) There is hereby created the Alabama
11 Transportation Rehabilitation and Improvement Program (ATRIP)
12 Committee. The appointing authorities shall coordinate their
13 appointments to assure the committee membership is inclusive
14 and reflects the racial, gender, geographic, urban, rural, and
15 economic diversity of the state. All members of the ATRIP
16 Committee shall be appointed within 30 days after the
17 effective date of this act and shall serve until a successor
18 is named. Members of the ATRIP Committee shall consist of:

19 (1) The Director of the State Department of
20 Transportation who shall serve as chair of the ATRIP
21 Committee.

22 (2) The Lieutenant Governor or his or her designee.

23 (3) One member appointed by the President Pro
24 Tempore of the Senate.

1 (4) One member appointed by the Speaker of the House
2 of Representatives.

3 (5) One member appointed by the Association of
4 County Commissions of Alabama.

5 (6) One member appointed by the Alabama League of
6 Municipalities.

7 (7) One member appointed by the Business Council of
8 Alabama.

9 (8) One member appointed by the Alabama Farmers
10 Federation.

11 (9) One member appointed by the Alabama Rural
12 Electric Association of Cooperatives.

13 (10) Three members appointed by the Governor, one of
14 whom shall be a minority member of the Legislature.

15 (b) The ATRIP Committee is authorized to enter into
16 an agreement with any funding authority or bank that is
17 authorized to issue tax exempt debt for infrastructure
18 purposes in order to pledge the annual revenue proceeds
19 allocated in subdivision (1) of Section 2 as payment for any
20 loan or debt indenture. If the amount of annual revenue
21 proceeds allocated in subdivision (1) of Section 2 is
22 thirty-two million dollars (\$32,000,000) annually, the ATRIP
23 Committee is authorized to pledge thirty-two million dollars
24 (\$32,000,000) of annual revenue proceeds as payment for any
25 loan or debt indenture not to exceed three hundred million

1 dollars (\$300,000,000) of loan or debt commitments outstanding
2 at any time. If the amount of annual revenue proceeds
3 allocated in subdivision (1) of Section 2 is increased to
4 sixty-four million dollars (\$64,000,000) annually, the ATRIP
5 Committee is authorized to pledge sixty-four million dollars
6 (\$64,000,000) of annual revenue proceeds as payment for any
7 loan or debt indenture not to exceed six hundred million
8 dollars (\$600,000,000) of loan or debt commitments outstanding
9 at any time. Within 60 days after the effective date of this
10 act, the ATRIP Committee shall convene to develop and adopt
11 procedures for the pledge of any revenue proceeds allocated in
12 subdivision (1) of Section 2 and the selection and
13 authorization of projects to be funded from the revenue
14 proceeds or loan or debt proceeds, including a procedure that
15 any project selected and authorized to be funded from the
16 revenue proceeds or loan or debt proceeds shall be subject to
17 subsection (d) of Section 4. The procedures shall ensure that
18 the initial allocation of two million five hundred thousand
19 dollars (\$2,500,000) per county commission shall be utilized
20 to replace county bridges, to the extent any exists, which
21 meet all of the following criteria: (1) Are posted for traffic
22 below the maximum legal weight limit; (2) have a sufficiency
23 rating of 50 or less on the then current ALDOT bridge
24 inventory; and (3) have an average daily traffic count of 200
25 or more vehicles. In addition, the policies for the awarding

1 projects above and beyond the two million five hundred
2 thousand dollars (\$2,500,000) per county commission shall also
3 be developed with an emphasis on the impact posted bridges
4 have on the school bus detours and the economic growth and
5 stability of this state. If the revenue proceeds allocated in
6 subdivision (1) of Section 2 are pledged to secure loan or
7 debt commitments within the amounts allowed, the procedures
8 developed and adopted for the selection and authorization of
9 projects to be funded with the loan or debt proceeds shall
10 include provisions to ensure that each county commission of
11 the state shall have projects authorized totaling at least two
12 million five hundred thousand dollars (\$2,500,000). After the
13 ATRIP Committee develops and adopts procedures for the pledge
14 of any revenue proceeds and the selection and authorization of
15 projects to be funded from the revenue proceeds or loan or
16 debt proceeds, a copy of the procedures shall be distributed
17 to each of the 67 counties of the state and shall be posted on
18 the Department of Transportation website.

19 Section 7. The provisions of this act shall
20 automatically terminate two years after the effective date of
21 this act if no revenue is created.

22 Section 8. This act shall become effective
23 immediately following its passage and approval by the
24 Governor, or its otherwise becoming law.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB180

Senate 03-MAR-16

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris
Secretary

House of Representatives
Amended and passed 12-APR-16

Senate concurred in House amendment 13-APR-16

By: Senator Dial