

1 SB185
2 136302-1
3 By Senator Bedford
4 RFD: Finance and Taxation General Fund
5 First Read: 07-FEB-12

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8 SYNOPSIS: Under existing law, the proceeds of the
9 four-cent excise tax on gasoline and lubricating
10 oil are used by the Department of Transportation
11 for the construction and maintenance of public
12 roads and bridges on the state highway system; by
13 counties for the resurfacing, restoration, and
14 rehabilitation of paved county roads and bridges or
15 bridge replacement on the county road system; and
16 by municipalities for the resurfacing, restoration,
17 and rehabilitation of roads, bridges, and streets
18 within the municipality.

19 This bill would allow the proceeds of the
20 four-cent excise tax on gasoline and lubricating
21 oil distributed to counties to be used for
22 vegetation management on the rights-of-way of
23 county roads.

24
25 A BILL
26 TO BE ENTITLED

1 AN ACT

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3 To amend Section 40-17-224, Code of Alabama 1975, to
4 allow the proceeds of the four-cent excise tax on gasoline and
5 lubricating oil distributed to counties to be used for
6 vegetation management on the rights-of-way of county roads.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. Section 40-17-224, Code of Alabama 1975,
9 is amended to read as follows:

10 "§40-17-224.

11 "(a) Within the meaning of this section, the
12 following words and phrases shall have the following meaning:

13 "(1) RESURFACING, RESTORATION, AND REHABILITATION
14 (RRR). Work undertaken primarily to preserve an existing
15 facility. Restoration and rehabilitation is considered to be
16 work required to return the existing pavement or bridge deck
17 (including shoulders) to a condition of adequate structural
18 support or to a condition adequate for placement of an
19 additional state of construction (bridge deck protective
20 system or resurfacing). Resurfacing consists of the placement
21 of additional surface material over the existing, restored, or
22 rehabilitated roadway or bridge deck to improve serviceability
23 or to provide additional strength. RRR work may include
24 changes to geometric features, such as minor widening,
25 flattening curves, or improving sight distances.

1 "(2) BRIDGE REPLACEMENT. Bridge replacement includes
2 the replacement of existing bridge structures, and if
3 necessary, the realignment of the adjacent approaches.

4 "(3) VEGETATION MANAGEMENT. Action taken to maintain
5 the right-of-way of a road in a condition that is beneficial
6 to public safety and the longevity of the road infrastructure
7 including, but not limited to, restoration and maintenance of
8 the full width of the right-of-way through the use of
9 herbicides, bush hogging, and tree and limb removal.

10 "(b) It is the intent of the Legislature that the
11 proceeds of the tax collected on motor fuel, gasoline, and
12 lubricating oil under the provisions of this article shall be
13 used in the following manner:

14 "(1) Where the use is by the Department of
15 Transportation, such use shall, with the approval of the
16 Governor, be for the construction and maintenance of public
17 roads and bridges on the state highway system.

18 "(2) Where the use is by a county, such use shall be
19 for vegetation management or the resurfacing, restoration, and
20 rehabilitation of the paved county roads and bridges or bridge
21 replacement on the county road system. Such funds shall not be
22 used for new construction unless 90 percent of the county's
23 paved road system has achieved a grade of 85 percent based on
24 the State of Alabama Department of Transportation's annual
25 maintenance report of county roads and bridges. These funds
26 shall not be used for the purchase of equipment. The net tax

1 proceeds distributed to the county shall not be commingled
2 with other funds of the county, including any other gasoline
3 tax revenues, and shall be kept and disbursed by such county
4 from a special fund only for the purposes hereinabove
5 provided.

6 "(3) Where the use is by a municipality, such use
7 shall be for resurfacing, restoration, and rehabilitation of
8 roads, bridges, and streets within the municipality. The use
9 may also be for bridge replacement within the municipality.
10 Provided, however, from time to time, that where the use is by
11 a municipality such funds may also be used to construct new
12 roads and streets within such municipality. These funds shall
13 not be commingled with other funds of the municipality
14 including any other gasoline tax revenues and shall be kept
15 and disbursed by such municipality from a special fund only
16 for the purposes hereinabove provided."

17 Section 2. This act shall become effective on the
18 first day of the third month following its passage and
19 approval by the Governor, or its otherwise becoming law.