

1 SB180
2 173510-2
3 By Senators Dial and Allen
4 RFD: Transportation and Energy
5 First Read: 09-FEB-16

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8 SYNOPSIS: This bill would establish the Alabama
9 Transportation Safety Fund for the receipt of
10 designated revenues to be utilized for the
11 maintenance, improvement, replacement, and
12 construction of state, county, and municipal roads
13 and bridges in the state. This bill would provide
14 that the fund could be expended for the payment of
15 any debt associated with a road or bridge project
16 or as matching funds for any federally-funded road
17 or bridge projects. Additionally, this bill would
18 place restrictions on the use of monies in the
19 fund. This bill would require that all new projects
20 planned for a fiscal year be publicly announced and
21 that reports of ongoing projects be made public on
22 at least an annual basis.

23
24 A BILL
25 TO BE ENTITLED
26 AN ACT
27

1 To establish the Alabama Transportation Safety Fund
2 for the receipt of designated revenues to be utilized for the
3 maintenance, improvement, replacement, and construction of
4 state, county, and municipal roads and bridges within the
5 state; to authorize monies in the fund to be expended for the
6 payment of a road or bridge project debt or as matching funds
7 for any federally-funded road or bridge projects; to restrict
8 the use of monies in the fund; and to require public
9 announcement of new projects and periodic reporting on ongoing
10 projects.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. As used in this act, the following words
13 have the following meanings:

14 (1) DEPARTMENT. The Department of Transportation.

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

16 Section 2. (a) There is hereby created the Alabama
17 Transportation Safety Fund in the State Treasury. All proceeds
18 from the revenues designated to the fund less the cost of
19 collection authorized by law shall be deposited into the fund
20 and distributed as follows: 65.9 percent shall be allocated
21 and appropriated to the department and the remaining 34.1
22 percent, which shall be the local share, shall be allocated
23 and appropriated to the counties and the municipalities as set
24 out in subsection (b). All revenues deposited into the fund
25 shall be expended only as provided in this act and shall not
26 be superseded, amended, altered, violated, or overridden by
27 any provision of the state general fund appropriation act or

1 any other annual or supplemental appropriation act,
2 administrative rule, inter-agency transfer, or executive order
3 or directive.

4 (b) The local share of fund monies allocated and
5 appropriated pursuant to this act shall be distributed to the
6 general funds of the 67 counties as follows: 45.45 percent of
7 the local share shall be allocated equally among the 67
8 counties of the state and the remaining 55.55 percent of the
9 local share shall be allocated among the 67 counties of the
10 state on the basis of the ratio of the population of each
11 county to the total population of the state according to the
12 then next preceding federal decennial census. The allocation
13 provided for in this subsection shall be made on or prior to
14 the tenth day of each month with respect to receipts
15 designated to the fund during the preceding month. Ten percent
16 of the amount paid to each county shall be distributed by the
17 county commission among the municipalities in the county on
18 the basis of the ratio of the population of each municipality
19 to the total population of all municipalities in the
20 applicable county according to the then next preceding federal
21 decennial census.

22 Section 3. (a) The monies allocated to the
23 department from the fund shall at all times be segregated and
24 kept separate from other federal or state road and bridge
25 funds allocated to the department. Monies from the fund shall
26 only be expended for the maintenance, improvement,
27 replacement, and construction of roads and bridges within the

1 state, including the payment of any debt associated with a
2 road or bridge project or as matching funds for any
3 federally-funded road or bridge projects. The department shall
4 not use monies from the fund for any of the following
5 purposes:

6 (1) Salaries, benefits, or any other form of
7 compensation for state or contract employees except those
8 costs related to or allowable for the development, management,
9 or inspection of infrastructure projects funded with monies
10 from the fund.

11 (2) The purchase, lease, or maintenance of equipment
12 except those costs related to or allowable for the
13 development, management, or inspection of infrastructure
14 projects funded with monies from the fund.

15 (3) The maintenance or construction of public
16 buildings or other structures that are not roads or bridges
17 except those costs related to or allowable for the
18 development, management, inspection, or operation of
19 infrastructure projects or facilities including but not
20 limited to traffic management structures.

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

24 (c) On or before October 1 of each year following
25 the creation of the fund, the department shall publicly
26 announce the project or projects which are projected to be
27 funded with the proceeds from the fund during the upcoming

1 fiscal year, and the current list of projects shall be listed
2 on the department's website at all times. The department's
3 website shall also include each of the following:

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

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

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

19 Section 4. (a) The monies paid to counties from the
20 fund shall be deposited into a separate fund maintained by the
21 county and expended only for one or more of the following:

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

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

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

1 (4) With the consent of the municipality, for the
2 maintenance, improvement, or replacement of
3 municipally-maintained roads and bridges.

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

7 (b) The county shall not use any monies from the
8 fund for any of the following purposes:

9 (1) Salaries, benefits, or any other form of
10 compensation for county or contract employees or for county
11 officials.

12 (2) The purchase, lease, or maintenance of
13 equipment.

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

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

19 (d) Any county project utilizing monies from the
20 fund for road or bridge maintenance, improvement, replacement,
21 or construction on roads or bridges with less than 2,500
22 average daily traffic shall be designed in a manner consistent
23 with the standards for low volume roads as established in the
24 County Road Design Policy for Low Volume Roads adopted by the
25 department. All projects for roads and bridges which have
26 greater than 2,500 average daily traffic shall be designed in
27 a manner consistent with the most current edition of the State

1 Department of Transportation Standards and Specifications for
2 Roadway Constructions.

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

20 (f) At the first meeting in January of each year
21 following the creation of the fund, the county engineer or
22 other person designated by the county commission shall present
23 the county commission with an annual written report detailing
24 expenditures made from the fund during the previous fiscal
25 year, which report shall include the status of each project
26 included in the previous fiscal year's Alabama Transportation
27 Safety Fund Plan. The report shall be entered into the minutes

1 of the county commission meeting and shall be made available
2 to the public for inspection, including posting on the
3 county's website, if available.

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

8 (1) The maintenance, improvement, replacement, and
9 construction of roads and bridges within a municipality's
10 jurisdictional limits.

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

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

15 (4) With the consent of the county, for the
16 maintenance, improvement, or replacement of county-maintained
17 roads and bridges within the municipality's jurisdictional
18 limits.

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

22 (b) The municipality shall not use monies from the
23 fund for any of the following purposes:

24 (1) Salaries, benefits, or any other form of
25 compensation for municipal or contract employees or municipal
26 officials.

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

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

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

8 (d) Any municipal project utilizing monies from the
9 fund for road or bridge maintenance, improvement, replacement,
10 or construction on roads or bridges shall be designed in a
11 manner consistent with the standards adopted by the
12 department.

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

1 other places deemed appropriate by the municipal governing
2 body. Additionally, the plan shall be posted on the
3 municipality's website, if available.

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

15 Section 6. This act shall become effective
16 immediately following its passage and approval by the
17 Governor, or its otherwise becoming law.