

## Department of Planning and Budget 2004 Fiscal Impact Statement

**1. Bill Number** HB151 Enrolled

**House of Origin**     Introduced     Substitute     Engrossed

**Second House**     In Committee     Substitute     Enrolled

**2. Patron**        Albo

**3. Committee**    Passed Both Houses

**4. Title**         High-occupancy toll (HOT) lanes; provisions.

**5. Summary/Purpose:**

The Commonwealth Transportation Board may designate one or more lanes of any highway, including lanes that may previously have been designated HOV lanes, as high-occupancy toll lanes, or HOT lanes. Upon a finding by a court of competent jurisdiction that the driver of a vehicle observed by a law-enforcement officer was in violation of this section, the court shall impose a fine upon the driver of such vehicle, together with applicable court costs, as follows: for a first offense, \$50; for a second offense, \$250; for a third offense within a period of two years of the second offense, \$500; and for a fourth and subsequent offense within a period of three years of the second offense, \$1,000. A person convicted under this subsection shall be guilty of a traffic infraction that shall not be a moving violation. In addition, similar civil penalties may be imposed.

**6. Fiscal Impact Estimates are:** Final, see item 8.

**7. Budget amendment necessary:** No.

**8. Fiscal implications:**

The fiscal impact of this bill cannot be determined at this time. According to the Department of Transportation (VDOT), enforcement of this provision could require the installation of electronic photo enforcement system on HOT lanes, and there may be costs associated with the operation of the violation enforcement systems and collections. VDOT is in the process of hiring a consultant to develop procurement for a statewide violation enforcement system.

However, there could be additional revenue generated by this bill, but the amount cannot be determined at this time. There is no current report from the courts on toll violation cases pursued through the courts. Funding collected from penalties would be provided to the HOT lanes' operator.

The Executive Office of the Supreme Court notes that there could be additional time spent by judges and clerks on these cases. Given this, if their overall workload increases to an unacceptable level, then additional positions may have to be added. The Supreme Court notes that additional revenue from court and costs derived from each case may be about \$49, which would be deposited to the general fund.

In addition, the HOT lanes operator and VDOT may enter into an agreement whereby the HOT lanes operator may reimburse the Department of Motor Vehicles (DMV) for their reasonable costs to develop, implement, and maintain the enforcement mechanism. Given this, there does not appear to be a fiscal impact to DMV.

**9. Specific agency or political subdivisions affected:** VDOT, DMV, and the courts.

**10. Technical amendment necessary:** No.

**11. Other comments:** None.

**Date:** 03/25/04 / jlm

**Document:** (DPB G:\Leg 04\HB151H1.DOC)

cc: Secretary of Transportation.