

068819848

SENATE BILL NO. 192

Offered January 11, 2006

Prefiled January 10, 2006

A BILL to amend and reenact §§ 5 and 6, as amended, of Chapter 693 of the Acts of Assembly of 1954 and to amend Chapter 693 by adding sections numbered 6-A and 6-B, relating to composition and responsibilities of the Chesapeake Bay Bridge and Tunnel Commission; imposition, collection, and use of tolls; annual payments to Commission by Commonwealth Transportation Board; construction of additional facilities; exercise of the power of eminent domain; funding of new construction.

Patron—Williams

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 5 and 6, as amended, of Chapter 693 of the Acts of Assembly of 1954 are amended and reenacted and that Chapter 693 is amended by adding sections numbered 6-A and 6-B as follows:

§ 5. Chesapeake Bay Bridge and Tunnel District.-A political subdivision of the State of Virginia to be known as the "Chesapeake Bay Bridge and Tunnel District" is hereby created. The district shall comprise the area now included in the boundaries of Accomack, Princess Anne and Norfolk Counties, Northampton County, including the town of Cape Charles, Gloucester, Isle of Wight, and York Counties within the corporate limits of and the cities of Chesapeake, Virginia Beach, Hampton, Newport News, South Norfolk, the former city of Warwick, Norfolk and Portsmouth, Virginia, and Suffolk and the area of Chesapeake Bay between these political subdivisions, and by the name Chesapeake Bay Bridge and Tunnel District may sue and be sued, and by and through the Chesapeake Bay Bridge and Tunnel Commission hereinafter created as the governing board thereof, the district may plead and be impleaded, and contract with, individuals, partnerships, associations, private corporations, municipal corporations, political subdivisions of the State of Virginia, and the federal government or any agency thereof having any interest or title in and to property, rights, easements or franchises authorized to be acquired by this act.

§ 6. Chesapeake Bay Bridge and Tunnel Commission.-A Commission, to be known as the "Chesapeake Bay Bridge and Tunnel Commission," is hereby created as the governing board of the Chesapeake Bay Bridge and Tunnel District created by this act. The Commission shall consist of the following eleven members: (i) one member of the Commonwealth Transportation Board, (ii) two members from Accomack County, (iii) two members from Northampton County, (iv) one member from the City of Portsmouth, (v) one member from the City of Chesapeake, (vi) one member from the City of Hampton, (vii) one member from the City of Newport News, (viii) one member from the City of Norfolk, and (ix) one member from the City of Virginia Beach. The members of said Commission appointed under the provisions of this section shall be residents of the counties or cities from which they are appointed appointed by the City Council of the City of Chesapeake, (ii) one member appointed by the Board of Supervisors of Gloucester County, (iii) one member appointed by the City Council of the City of Hampton, (iv) one member appointed by the Board of Supervisors of Isle of Wight County, (v) one member appointed by the City Council of the City of Newport News, (vi) one member appointed by the City Council of the City of Norfolk, (vii) one member appointed by the Board of Supervisors of Northampton County, (viii) one member appointed by the City Council of the City of Portsmouth, (ix) one member appointed by the City Council of the City of Suffolk, (x) one member appointed by the City Council of the City of Virginia Beach, and (xi) one member appointed by the Board of Supervisors of York County. Each member shall be selected by a majority vote of the local governing body by which he is appointed. The provisions of this section shall not affect the appointment of any member of the Commission appointed by the Governor prior to July 1, 2006. Gubernatorial appointments shall continue to serve until the expiration of the term for which they were appointed.

Any member of the Commission appointed or reappointed on or after July 1, 1998, shall be appointed by the Governor, subject to confirmation by each house of the General Assembly. Commission members shall be appointed to serve four-year terms. Any member of the Commission shall be eligible for reappointment to may serve a second four-year term, but, except for appointments persons selected to fill vacancies for portions of unexpired terms, shall be ineligible for appointment to any additional term. When a vacancy in the membership occurs, the Governor shall appoint a new member shall be appointed by the same local governing body that selected the former member to complete the unexpired portion of the term, subject to confirmation by each house of the General Assembly.

The Commission shall select a chairman annually from its membership. Within thirty days after the

INTRODUCED

SB192

59 appointment of the original members of the Commission, the Commission shall meet on the call of any
60 member and elect one of its members as chairman and another as vice-chairman. The Commission shall
61 employ a secretary and treasurer (who may or may not be a member of the Commission) and if not a
62 member of the Commission, fix his compensation and duties. Any member of the Commission may be
63 removed from office for cause by the ~~Governor~~ *local governing body by which he was selected*. Each
64 member of the Commission, immediately following his appointment, shall take an oath of office,
65 prescribed by Article II, Section 7 of the Constitution of Virginia, before any judge, clerk, or deputy
66 clerk of any court of record; judge of a district court in the Commonwealth; the Secretary of the
67 Commonwealth or his deputy; or a member of the State Corporation Commission. No member of the
68 Commission shall receive any salary but shall be entitled to expenses and the per diem pay allowed
69 members of the Commonwealth Transportation Board. Six members of the Commission shall constitute
70 a quorum. The records of the Commission shall be public records. The Commission is authorized to do
71 all things necessary or incidental to the performance of its duties and the execution of its powers under
72 this act. The route for any bridge or tunnel or combination thereof, built by the Commission, shall be
73 selected, subject to the approval of the Commonwealth Transportation Board.

74 § 6-A. *Control of certain facilities previously controlled by Department of*
75 *Transportation.-Notwithstanding any contrary provision of Title 33.1 of the Code of Virginia, beginning*
76 *on July 1, 2006, the Commission, in addition to any other powers and responsibilities granted by this*
77 *chapter or by Chapter 714 of the Acts of Assembly of 1956 as amended, shall be responsible for*
78 *control, operation, maintenance, expansion, and reconstruction of and improvements to the following*
79 *facilities previously controlled by the Virginia Department of Transportation:*

80 1. *The George P. Coleman Memorial Bridge (U.S. Route 17 bridge across the York River between*
81 *Gloucester County and Yorktown);*

82 2. *The James River Bridge (U.S. Routes 17 and 258 and Virginia Route 32 bridge between Newport*
83 *News and Isle of Wight County);*

84 3. *The Monitor Merrimac Memorial Bridge-Tunnel (Interstate Route 664 bridge-tunnel*
85 *across/beneath Hampton Roads between Newport News and Suffolk);*

86 4. *The Hampton Roads Bridge-Tunnel (Interstate Route 64 and U.S. Route 60 bridge-tunnel*
87 *across/beneath Hampton Roads between Hampton and Norfolk);*

88 5. *The Midtown Tunnel (U.S. Route 58 tunnel beneath the Elizabeth River between Norfolk and*
89 *Portsmouth); and*

90 6. *The Downtown Tunnel (Interstate Route 264 tunnel beneath the Elizabeth River between Norfolk*
91 *and Portsmouth).*

92 *The Commission may impose and collect tolls, in amounts established by the Commission, for use of*
93 *any or all of these facilities. The amount of any such toll may be varied from facility to facility, by time*
94 *of day, or by day of the week so as to generate sufficient revenues to cover the costs of making*
95 *necessary improvements and managing traffic flows to enable all facilities under the Commission's*
96 *control to operate at no worse than level of service "C," as that term is described in the Highway*
97 *Capacity Manual. Proceeds from any such tolls shall also be used to cover the Commission's expenses*
98 *in operating the facilities and the costs of any control, operation, maintenance, expansion, and*
99 *reconstruction of and improvements to any such facilities as may be necessary for their safe and*
100 *efficient operation.*

101 *Imposition and collection of tolls for use of any component of the Interstate Highway System shall be*
102 *subject to receipt of any required federal approval; imposition of tolls for use of the George P. Coleman*
103 *Memorial Bridge shall be subject to requirements of any bond indenture applicable to any tolls imposed*
104 *immediately prior to July 1, 2006.*

105 *In addition to revenues derived from the imposition and collection of tolls as provided for in the*
106 *preceding provisions of this section, beginning with fiscal year 2006-2007, the Commonwealth*
107 *Transportation Board shall annually allocate and pay to the Commission a sum equal to the total of all*
108 *allocations made from the Transportation Trust Fund and the Highway Maintenance and Operating*
109 *Fund for the control, operation, maintenance, expansion, and reconstruction of and improvements to any*
110 *and all of the six facilities enumerated in the foregoing provisions of this section. The amount of such*
111 *allocation and payment shall be increased annually in the same percentage as the percentage increase*
112 *in total moneys flowing into the Transportation Trust Fund and Highway Maintenance and Operating*
113 *Fund, as compared to the previous fiscal year. These moneys shall be used by the Commission for the*
114 *control, operation, maintenance, expansion, and reconstruction of and improvements to these facilities.*

115 § 6-B. *Construction of additional facilities; funding of construction; exercise of the power of eminent*
116 *domain by Commonwealth Transportation Commissioner on behalf of Commission; ability to act as*
117 *responsible public entity under Public-Private Transportation Act of 1995.-If the Commission concludes*
118 *that carrying out its responsibilities under § 6-A requires the construction of a new facility or facilities,*
119 *the Commission may do so. In so doing the Commonwealth Transportation Commissioner shall exercise*
120 *his power of eminent domain in connection with the construction of any such new facility upon request*

121 *of the Commission, in the same manner and to the same extent as authorized on behalf of municipalities*
122 *under subsection B of § 33.1-89 of the Code of Virginia. Any such construction project shall be funded*
123 *by the Commonwealth Transportation Board from funds available for allocation to construction projects*
124 *in the highway system of which the new facility would be a part. The Commission, in its discretion, may*
125 *also construct additional facilities by acting as a responsible public entity under the Public-Private*
126 *Transportation Act of 1995 (§ 56-556 et seq.).*

127 **2. That in carrying out the provisions of this act, the Commission shall not divert the proceeds**
128 **derived from tolls on the Chesapeake Bay Bridge-Tunnel to the support of any other facility or**
129 **improvements to any other facility until all bonds and other financial obligations of the authority**
130 **issued or entered into prior to July 1, 2006, have been paid in full.**

131 **3. That no provision of this act shall be so construed as to infringe any indenture or contract**
132 **associated with any bonds or other financial obligations entered into by the Commissioner prior to**
133 **July 1, 2006.**