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SENATE BILL NO. 425

FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Delegate Fralin
on February 28, 2006)

(Patron Prior to Substitute—Senator Williams)

A BILL to amend the Code of Virginia by adding in Title 33.1 a chapter numbered 17, consisting of a section numbered 33.1-464, relating to the Interstate Public-Private Partnership Compact.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 33.1 a chapter numbered 17, consisting of a section numbered 33.1-464, as follows:

CHAPTER 17.

INTERSTATE PUBLIC-PRIVATE PARTNERSHIP COMPACT.

§ 33.1-464. Interstate Public-Private Partnership Compact; form of compact.

The Interstate Public-Private Partnership Compact is enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

Article I. Short Title.

This act shall be known and may be cited as the Interstate Transportation Compact.

Article II. Compact established.

Pursuant to Public Law 109-59 (Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users), and applicable provisions of Title 23 U.S.C., there is hereby established the Interstate Transportation Compact (the Compact).

Article III. Agreement.

The Commonwealth of Virginia may enter into agreement with one or more signatory states and, upon adoption of this compact, agree as follows:

1. To study, develop, and promote a plan for the design, construction, financing, and operation of interstate transportation projects of strategic interest to the signatory states;

2. To coordinate efforts to establish a common legal framework in all the signatory states to authorize and facilitate design, construction, financing, and operation of such projects either as publicly operated transportation facilities or through public-private partnerships similar to those authorized and facilitated by Virginia's Public-Private Transportation Act of 1995, (§§ 56-557 et seq. of the Code of Virginia);

3. To advocate for federal funding to support the establishment of interstate transportation projects of interest to all signatory states;

4. To make available to such interstate transportation projects funding and resources that are or may become appropriated and allocated for that purpose; and

5. To do all things necessary or convenient to facilitate and coordinate the transportation plans and programs of the Commonwealth of Virginia, and the other signatory states, to the extent such plans and programs are not inconsistent with federal law and the laws of the Commonwealth of Virginia or other signatory states.

Article IV. Compact Commission established; membership; chairman; meetings; and report.

Each signatory state to the Compact shall establish a compact commission. In Virginia, the Interstate Transportation Compact Commission (the Commission) shall be established as a regional instrumentality and common agency of the Commonwealth of Virginia and the signatory states. The compact commissions of the signatory states shall be empowered to carry out the purposes of their respective Compacts.

The Interstate Transportation Compact Commission shall consist of a total of 15 members, consisting of five members each representing the other signatory states to be appointed pursuant to the laws of the signatory states, and five legislative members of the Virginia delegation to the Commission to be appointed as follows: two members of the Senate to be appointed by the Senate Committee on Rules, three members of the House of Delegates to be appointed by the Speaker of the House in accordance with the principles of proportional representation contained in the Rules of the House of Delegates. The chairman of the Commission shall be elected by the members of the Commission from among its membership. The chairman shall serve for a term of one year, and the chairmanship shall rotate among the signatory states.

The Commission shall meet not less than twice annually; however, the Commission shall not meet more than once annually in the same state. The Commission shall issue an annual report of its activities to the Governor and legislature of each signatory state.

Article V. Powers and duties of the Commission.

In order to carry out the purposes of this Compact, the Commission shall be authorized to or may

60 authorize a private entity to fix, revise, and collect a schedule of toll rates to provide for the design,
61 acquisition, construction, reconstruction, operation, and maintenance of any Interstate project
62 undertaken by the signatory states in accordance with applicable state and federal laws and as
63 approved by the Commission.

64 *Article VI. Funding and compensation.*

65 *The Commission may utilize for its operation and expenses funds appropriated to it for such*
66 *purposes by the General Assembly of Virginia and the legislatures of the other signatory states, federal*
67 *funds, and revenues collected for the use of any project approved by the Commission.*

68 *Members of the Virginia delegation to the Commission shall receive such compensation as provided*
69 *in § 30-19.12, and shall be reimbursed for reasonable and necessary expenses incurred in the*
70 *performance of their duties to the Commission as provided in §§ 2.2-2813 and 2.2-2825. However, all*
71 *such compensation and expenses shall be paid from existing appropriations, federal funds, or other*
72 *revenues collected for the use of any project approved by the Commission. Members of the Commission*
73 *representing other signatory states shall receive compensation and reimbursement of expenses incurred*
74 *in the performance of their duties to the Commission in accordance with the applicable laws of the*
75 *respective signatory states.*

76 *Article VII. Staff support.*

77 *The Virginia Department of Transportation and the appropriate transportation agencies of the other*
78 *signatory states shall provide staff support to the Commission.*

79 **2. That the provisions of this act shall become effective upon its enactment by the Commonwealth**
80 **of Virginia and the other signatory states in accordance with federal law.**