

2006 SPECIAL SESSION I

HOUSE SUBSTITUTE

065805400

HOUSE BILL NO. 5067

FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Delegate May
on September 28, 2006)

(Patron Prior to Substitute—Delegate Welch)

A *BILL to amend and reenact § 33.1-223.2:12 of the Code of Virginia, relating to electronic operation of toll facilities.*

Be it enacted by the General Assembly of Virginia:

1. That § 33.1-223.2:12 of the Code of Virginia is amended and reenacted as follows:

§ 33.1-223.2:12. Tolls may vary to encourage travel during off-peak hours; certain toll facilities to fully electronic.

A. In order to provide an incentive for motorists to travel at off-peak hours, *and in accordance with federal requirements*, wherever a toll is imposed and collected by the Department or such other entity as may be responsible for imposing or collecting such toll, the amount of such toll may vary according to the time of day, day of the week, traffic volume, vehicle speed, vehicle type, or ~~any or all of these~~ *similar variables or combination thereof*. The amount of such toll and the time of day when such toll shall change shall be as fixed and revised by the Commonwealth Transportation Board or such other entity as may be responsible for fixing or revising the amount of such toll; provided, however, that any such variation shall be reasonably calculated to minimize the reduction in toll revenue generated by such toll.

B. *Beginning July 1, 2008, every agency of the Commonwealth or any political subdivision or instrumentality thereof having control of or day-to-day responsibility for the operation of any toll facility in the Commonwealth shall take all necessary actions to ensure that every newly constructed toll facility or toll lane under its control is capable of fully automated electronic operation, employing technologies and procedures that permit the collection of tolls from users of the facility without requiring vehicles using the facility to reduce their speed below the speed of traffic approaching the facility. An entity operating a toll facility that substantially upgrades its equipment or substantially renovates its facility after July 1, 2008 shall comply with the provisions of this subsection. The provisions of this section shall apply to any non-governmental or quasi-governmental entity operating a toll facility under a comprehensive agreement entered into, pursuant to the Public-Private Transportation Act of 1995 (§ 56-556 et seq.), on or after January 1, 2008. Nothing in this subsection shall be construed to prohibit a toll facility from retaining means of non-automated toll collection in some lanes of the facility.*

2. That the Virginia Department of Transportation shall, on or prior to July 1, 2007, submit a written report to the General Assembly on its plans to create opportunities to enhance mobility and free-flowing traffic on Department-controlled toll facilities by embracing technological advances.

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