

# 2006 SPECIAL SESSION I

## HOUSE SUBSTITUTE

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### HOUSE BILL NO. 5067

#### FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Delegate Poisson  
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. *On or before 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 toll facility under its control is capable of fully automated electronic operation, employing technologies and procedures that allow electronic toll collection payments, as defined herein, and 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 on the facility. The provisions of this section shall apply equally to existing facilities and to future construction. "Electronic toll collection payments" means amounts properly deducted from a taxpayer's account through a toll payment system that automatically deducts the amount of the toll from an account each time the taxpayer's vehicle passes through the toll collection facility by means of a transponder or other electronic vehicle identification system. The provisions of this section shall also 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. Any such electronic toll collection payments collected from a taxpayer for taxable years on or after January 1, 2008, may be credited against the tax imposed by Article 2 of Chapter 3 of Title 58.1 (§ 58.1-320 et seq.) in an amount equal to 10% of the amount paid as evidenced by receipts for such use. If the amount of the credit exceeds the taxpayer's liability for such taxable year, the excess may be carried over for credit against income taxes in the next five taxable years.*

**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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