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**SENATE BILL NO. 1101****AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the Senate Committee on Transportation  
on January 18, 2007)

(Patron Prior to Substitute—Senator Williams)

A *BILL to amend the Code of Virginia by adding in Title 33.1 a chapter numbered 10.2, consisting of sections numbered 33.1-391.6 through 33.1-391.11, relating to the Hampton Roads Toll Facility Authority.*

**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 10.2, consisting of sections numbered 33.1-391.6 through 33.1-391.11, as follows:**

*CHAPTER 10.2.**HAMPTON ROADS TOLL FACILITY AUTHORITY.**§ 33.1-391.6. Short title.**This chapter shall be known and may be cited as the Hampton Roads Toll Facility Authority Act.**§ 33.1-391.7. Authority created.*

*There is hereby created a body corporate and a political subdivision of the Commonwealth to be known as the Hampton Roads Toll Facility Authority, hereinafter in this chapter known as "the Authority."*

*§ 33.1-391.8. Authority to impose and collect tolls.*

*Notwithstanding any contrary provision of this title and in accordance with all applicable federal statutes and requirements, the Authority may impose and collect tolls in amounts established by the Authority for the use of any or all of the facilities enumerated in this section. The amount of any such toll may be varied from facility to facility, by lane, time of day, day of the week, vehicle type, weight, number of axles, size, or some combination thereof.*

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

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

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

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

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

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

*7. The Interstate Route 64 bridge over the Elizabeth River in Chesapeake; and*

*8. U.S. Route 17 in the City of Chesapeake.*

*The schedule of toll rates for U.S. Route 17 in the City of Chesapeake shall be based upon the results of a financing study undertaken jointly by the City of Chesapeake and the Virginia Department of Transportation and include an evaluation of tolling options for financing the cost of the reconfiguration of the highway, replacement of the "Steel Bridge" on U.S. Route 17 over the Southern Branch of the Elizabeth River, and widening of Dominion Boulevard in the City of Chesapeake. However, toll rates for use of this facility by vehicles having three or more axles shall not be lower than \$3 per trip.*

*The Authority's ability to impose tolls for use of the George P. Coleman Memorial Bridge shall be subject to requirements of any bond indenture applicable to any tolls imposed immediately prior to July 1, 2007.*

*Proceeds from any such tolls shall be used in accordance with federal requirements and to fund the Authority's expenses in carrying out its duties and obligations.*

*§ 33.1-391.9. Construction of additional facilities; funding of construction; ability to act as responsible public entity under Public-Private Transportation Act of 1995.*

*The Authority may also impose and collect tolls for use of any other bridge or tunnel within the geographical boundaries of counties and cities whose local governing bodies appoint members of the Authority as provided in § 33.1-391.10 whose construction or reconstruction is funded in whole or in part by the Authority under applicable federal law or any other required agreement. The amount of any such toll may be varied from facility to facility, by lane, time of day, day of the week, vehicle type, weight, number of axles, size, or some combination thereof. The construction or reconstruction may*

60 include expansion, alteration, rehabilitation, relocation, or other improvements to operation of the  
61 bridge or tunnel that increases capacity.

62 The Authority is a responsible public entity as defined in the Public-Private Transportation Act of  
63 1995 (§ 56-556 et seq.).

64 § 33.1-391.10. Composition of Authority; chairman and vice-chairman; quorum.

65 The Authority shall consist of 10 members as follows: (i) one member appointed by the City Council  
66 of the City of Chesapeake, (ii) one member appointed by the Board of Supervisors of Gloucester County,  
67 (iii) one member appointed by the City Council of the City of Hampton, (iv) one member appointed by  
68 the Board of Supervisors of Isle of Wight County, (v) one member appointed by the City Council of the  
69 City of Newport News, (vi) one member appointed by the City Council of the City of Norfolk, (vii) one  
70 member appointed by the City Council of the City of Portsmouth, (viii) one member appointed by the  
71 City Council of the City of Suffolk, (ix) one member appointed by the City Council of the City of  
72 Virginia Beach, and (x) one member appointed by the Board of Supervisors of York County. Each  
73 member shall be a member of the local governing body by which he is appointed and shall be appointed  
74 by a majority vote of the body by which he is appointed. Members of the Authority shall serve for terms  
75 of four years and may be reappointed for one additional term. The appointment of any member shall  
76 terminate if he ceases to be a member of the local governing body by which he was appointed.

77 For the initial appointments only: those members appointed by the City Council of the City of  
78 Chesapeake and by the Board of Supervisors of Gloucester County shall be appointed for terms of one  
79 year; those members appointed by the City Council of the City of Hampton and by the Board of  
80 Supervisors of Isle of Wight County shall be appointed for terms of two years; those members appointed  
81 by the City Council of the City of Newport News and by the City Council of the City of Norfolk shall be  
82 appointed for terms of three years; and the remaining members shall be appointed for terms of four  
83 years. Any initial appointment of two years or less shall not count against the term limitation. Vacancies  
84 shall be filled by appointment for the unexpired term by the local governing body making the original  
85 appointment.

86 The Authority shall annually elect from its membership a chairman and vice-chairman, who shall  
87 continue to hold such office until their respective successors are elected. A majority of the Authority  
88 shall constitute a quorum.

89 The members of the Authority shall be reimbursed for their actual and necessary expenses incurred  
90 in carrying out their duties and, in addition, shall be paid a per diem equal to the amount paid  
91 members of the Commonwealth Transportation Board for each day or portion thereof when engaged in  
92 Authority official business.

93 § 33.1-391.11. Additional powers of Authority.

94 The Authority shall have the following powers together with all powers incidental thereto or  
95 necessary for the performance of those hereinafter stated:

96 1. To sue and be sued and to prosecute and defend, at law or in equity, in any court having  
97 jurisdiction of the subject matter and of the parties;

98 2. To adopt and use a corporate seal and to alter it at pleasure;

99 3. To procure insurance, participate in insurance plans, and provide self-insurance; however, the  
100 purchase of insurance, participation in an insurance plan, or the creation of a self-insurance plan by  
101 the Authority shall not be deemed a waiver or relinquishment of any sovereign immunity to which the  
102 Authority or its officers, directors, employees, or agents are otherwise entitled;

103 4. To establish bylaws and make all rules and regulations, not inconsistent with the provisions of this  
104 chapter, deemed expedient for the management of the Authority's affairs;

105 5. To apply for and accept money, materials, contributions, grants, or other financial assistance from  
106 the United States and agencies or instrumentalities thereof, the Commonwealth, or any political  
107 subdivision, agency, or instrumentality of the Commonwealth;

108 6. To acquire real and personal property or any interest therein by purchase, lease, gift, or  
109 otherwise, and to hold, encumber, sell, or otherwise dispose of such land or interest, for purposes  
110 consistent with this chapter;

111 7. To construct or acquire, by purchase, lease, contract, or otherwise, highways, bridges, tunnels,  
112 railroads, and rail facilities and other transportation-related facilities;

113 8. To enter into agreements or leases with public or private entities for the operation of bridges and  
114 tunnels;

115 9. To make and execute contracts and all other instruments and agreements necessary or convenient  
116 for the performance of its duties and the exercise of its powers and functions under this chapter;

117 10. To the extent that funds are made available to the Authority to do so, to employ employees,  
118 agents, advisers, and consultants, including without limitation, attorneys, financial advisers, engineers,  
119 and other technical advisers and, the provisions of any other law to the contrary notwithstanding, to  
120 determine their duties and compensation; and

121 11. To the extent not inconsistent with other provisions of this chapter, and without limiting or

122 *restricting the powers otherwise given the Authority, to exercise all the powers given to transportation*  
123 *district commissions by §§ 15.2-4518 and 15.2- 4519.*

124 **2. That the staffs of the Hampton Roads Planning District Commission and the Virginia**  
125 **Department of Transportation shall work cooperatively to assist the proper formation and effective**  
126 **organization of the Hampton Roads Toll Facility Authority. Until such time as the Hampton**  
127 **Roads Toll Facility Authority is fully established, the staff of the Hampton Roads Planning District**  
128 **Commission shall serve as its staff, and its office facilities shall be used by the Hampton Roads**  
129 **Toll Facility Authority. The Authority shall pay the costs of such staff and office facilities as**  
130 **appropriate.**

131 **3. That, except as otherwise explicitly provided in this act, until such time as the appropriate**  
132 **parties agree in writing, the Commonwealth Transportation Board shall allocate funding to and**  
133 **the Department of Transportation shall perform or cause to be performed all maintenance and**  
134 **operation on the facilities enumerated in § 33.1-391.8 of the Code of Virginia and any other**  
135 **required activities and services in effect prior to July 1, 2007.**