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SENATE BILL NO. 754

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Transportation
on February 21, 2008)

(Patrons Prior to Substitute—Senators Obenshain and Edwards)

A *BILL to amend and reenact §§ 33.1-23.03:10 and 56-565 of the Code of Virginia, relating to the Public-Private Transportation Act of 1995; tolls on rural Interstate highways.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 33.1-23.03:10 and 56-565 of the Code of Virginia are amended and reenacted as follows:

§ 33.1-23.03:10. Tolls for use of Interstate Highway System components.

A. Notwithstanding any contrary provision of this title and in accordance with all applicable federal and state statutes and requirements, the Commonwealth Transportation Board may impose and collect tolls from all classes of vehicles in amounts established by the Board for the use of any component of the Interstate Highway System within the Commonwealth. *However, prior approval of the General Assembly shall be required prior to the imposition and collection of any toll for use of any component of the Interstate Highway System that includes all or any portion of Interstate Route 81.* Such funds so collected shall be deposited into the Transportation Trust Fund established pursuant to § 33.1-23.03:1, subject to allocation by the Board as provided in this section.

B. The toll facilities authorized by this section shall be subject to the provisions of federal law for the purpose of tolling motor vehicles to finance interstate construction and reconstruction, promote efficiency in the use of highways, reduce traffic congestion, improve air quality and for such other purposes as may be permitted by federal law.

C. In order to mitigate traffic congestion in the vicinity of the toll facilities, no toll facility shall be operated without high-speed automated toll collection technology designed to allow motorists to travel through the toll facilities without stopping to make payments. 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. The Board shall also consider traffic congestion and mitigation thereof and the impact on local traffic movement as factors in determining the location of the toll facilities authorized pursuant to this section.

D. The revenues collected from each toll facility established pursuant to this section shall be deposited into segregated subaccounts in the Transportation Trust Fund and may be allocated by the Commonwealth Transportation Board as the Board deems appropriate to:

1. Pay or finance all or part of the costs of programs or projects, including without limitation the costs of planning, operation, maintenance and improvements incurred in connection with the toll facility provided that such allocations shall be limited to programs and projects that are reasonably related to or benefit the users of the toll facility. The priorities of metropolitan planning organizations, planning district commissions, local governments, and transportation corridors shall be considered by the Board in making project allocations from such revenues deposited into the Transportation Trust Fund.

2. Repay funds from the Toll Facilities Revolving Account or the Transportation Partnership Opportunity Fund.

3. Pay the Board's reasonable costs and expenses incurred in the administration and management of the Toll Facility.

§ 56-565. Powers and duties of the private entity.

A. The private entity shall have all power allowed by law generally to a private entity having the same form of organization as the private entity and shall have the power to develop and/or operate the qualifying transportation facility and impose user fees and/or enter into service contracts in connection with the use thereof. ~~No~~ *However, no tolls or user fees may be imposed by the private entity without the necessary federal, state and/or local approvals on any existing rural Interstate highway without the prior approval of the General Assembly if the affected Interstate System component is Interstate Route 81.*

B. The private entity may own, lease or acquire any other right to use or develop and/or operate the qualifying transportation facility.

C. Subject to applicable permit requirements, the private entity shall have the authority to cross any canal or navigable watercourse so long as the crossing does not unreasonably interfere with then current navigation and use of the waterway.

D. In operating the qualifying transportation facility, the private entity may:

1. Make classifications according to reasonable categories for assessment of user fees; and

2. With the consent of the responsible public entity, make and enforce reasonable rules to the same

60 extent that the responsible public entity may make and enforce rules with respect to a similar
61 transportation facility.

62 E. The private entity shall:

63 1. Develop and/or operate the qualifying transportation facility in a manner that meets the standards
64 of the responsible public entity for transportation facilities operated and maintained by such responsible
65 public entity, all in accordance with the provisions of the interim agreement or the comprehensive
66 agreement;

67 2. Keep the qualifying transportation facility open for use by the members of the public in
68 accordance with the terms and conditions of the interim or comprehensive agreement after its initial
69 opening upon payment of the applicable user fees, and/or service payments; provided that the qualifying
70 transportation facility may be temporarily closed because of emergencies or, with the consent of the
71 responsible public entity, to protect the safety of the public or for reasonable construction or
72 maintenance procedures;

73 3. Maintain, or provide by contract for the maintenance of, the qualifying transportation facility;

74 4. Cooperate with the responsible public entity in establishing any interconnection with the qualifying
75 transportation facility requested by the responsible public entity; and

76 5. Comply with the provisions of the interim or comprehensive agreement and any service contract.