

## 2008 SPECIAL SESSION II

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### SENATE BILL NO. 6007

Offered June 23, 2008

A BILL to amend and reenact §§ 33.1-23.03:10, 56-565, and 58.1-2217 of the Code of Virginia, relating to tolls for use of Interstate Highway System components; imposition and collection of tolls by private entities under the Public-Private Transportation Act of 1995; motor fuel tax rates.

Patron—Stolle

Referred to Committee on Finance

#### Be it enacted by the General Assembly of Virginia:

1. That §§ 33.1-23.03:10, 56-565, and 58.1-2217 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 shall, on and after January 1, 2010,~~ impose and collect tolls from all classes of vehicles in amounts established by the Board for the use of ~~any component~~ *all components* 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 all or any portion of Interstate Route 81. Such The amount of such tolls shall be determined by the Commonwealth Transportation Board based on distance traveled and vehicle class, and shall be sufficient to generate \$1 billion annually. One-half of all funds so collected shall be deposited into the Highway Maintenance and Operating Fund and the remainder 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 all toll facility facilities established pursuant to this section shall be operated without with~~ 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. ~~However, no~~ *No* tolls or user fees may be imposed by the private entity ~~on any existing rural Interstate highway without the prior approval of the General Assembly if the affected Interstate System component is Interstate Route 81 without the necessary federal approval.~~

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

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59 canal or navigable watercourse so long as the crossing does not unreasonably interfere with then current  
60 navigation and use of the waterway.

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

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

63 2. With the consent of the responsible public entity, make and enforce reasonable rules to the same  
64 extent that the responsible public entity may make and enforce rules with respect to a similar  
65 transportation facility.

66 E. The private entity shall:

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

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

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

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

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

81 § 58.1-2217. Taxes levied; rate.

82 A. There is hereby levied a tax at the rate of seventeen and one-half cents per gallon on gasoline and  
83 gasohol *until January 1, 2010; on and after January 1, 2010, at the rate of twelve and one-half cents*  
84 *per gallon.*

85 B. (Contingent expiration date - see Editor's notes) There is hereby levied a tax at the rate of  
86 seventeen and one-half cents per gallon on diesel fuel *until January 1, 2010; on and after January 1,*  
87 *2010, at the rate of twelve and one-half cents per gallon.*

88 B. (Contingent effective date - see Editor's notes) There is hereby levied a tax at the rate of sixteen  
89 cents per gallon on diesel fuel.

90 C. Blended fuel that contains gasoline shall be taxed at the rate levied on gasoline. Blended fuel that  
91 contains diesel fuel shall be taxed at the rate levied on diesel fuel.

92 D. There is hereby levied a tax at the rate of five cents per gallon on aviation gasoline. Any person,  
93 whether or not licensed under this chapter, who uses, acquires for use, sells or delivers for use in  
94 highway vehicles any aviation gasoline shall be liable for the tax at the rate of seventeen and one-half  
95 cents per gallon, along with any penalties and interest that may accrue.

96 E. (Contingent expiration date - see Editor's notes) There is hereby levied a tax at the rate of five  
97 cents per gallon on aviation jet fuel purchased or acquired for use by a user of aviation fuel other than  
98 an aviation consumer. There is hereby levied a tax at the rate of five cents per gallon upon the first  
99 100,000 gallons of aviation jet fuel, excluding bonded aviation jet fuel, purchased or acquired for use by  
100 any aviation consumer in any fiscal year. There is hereby levied a tax at the rate of one-half cent per  
101 gallon on all aviation jet fuel, excluding bonded aviation jet fuel, purchased or acquired for use by an  
102 aviation consumer in excess of 100,000 gallons in any fiscal year. Any person, whether or not licensed  
103 under this chapter, who uses, acquires for use, sells or delivers for use in highway vehicles any aviation  
104 jet fuel taxable under this chapter shall be liable for the tax imposed at the rate of seventeen and  
105 one-half cents per gallon, along with any penalties and interest that may accrue.

106 E. (Contingent effective date - see Editor's notes) There is hereby levied a tax at the rate of five  
107 cents per gallon on aviation jet fuel purchased or acquired for use by a user of aviation fuel other than  
108 an aviation consumer. There is hereby levied a tax at the rate of five cents per gallon upon the first  
109 100,000 gallons of aviation jet fuel, excluding bonded aviation jet fuel, purchased or acquired for use by  
110 any aviation consumer in any fiscal year. There is hereby levied a tax at the rate of one-half cent per  
111 gallon on all aviation jet fuel, excluding bonded aviation jet fuel, purchased or acquired for use by an  
112 aviation consumer in excess of 100,000 gallons in any fiscal year. Any person, whether or not licensed  
113 under this chapter, who uses, acquires for use, sells or delivers for use in highway vehicles any aviation  
114 jet fuel taxable under this chapter shall be liable for the tax imposed at the rate of sixteen cents per  
115 gallon, along with any penalties and interest that may accrue.

116 F. In accordance with § 62.1-44.34:13, a storage tank fee is imposed on each gallon of gasoline,  
117 aviation gasoline, diesel fuel (including dyed diesel fuel), blended fuel, and heating oil sold and  
118 delivered or used in the Commonwealth.