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**HOUSE BILL NO. 2076**

Offered January 14, 2009

Prefiled January 13, 2009

*A BILL to amend and reenact §§ 33.1-23.03:10 and 33.1-391.8 of the Code of Virginia, relating to imposition and collection of tolls for the use of a portion of Interstate Route 64 and Interstate Route 664.*

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Referred to Committee on Transportation

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

**1. That §§ 33.1-23.03:10 and 33.1-391.8 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 *except (i) Interstate Route 64 between the Virginia Route 143 (Jefferson Avenue) interchange in the City of Newport News and the Hampton Roads Bridge-Tunnel and (ii) Interstate Route 664 between Interstate Route 64 and the Monitor-Merrimac Memorial Bridge-Tunnel.* ~~However~~ Furthermore, 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 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.

§ 33.1-391.8. Powers of the Authority.

Notwithstanding any contrary provision of this title and in accordance with all applicable federal statutes and requirements, the Authority shall control and operate and may impose and collect tolls in amounts established by the Authority for the use of any new or improved highway, bridge, tunnel, or transportation facility to increase capacity on such facility (including new construction relating to, or improvements to, the bridges, tunnels, roadways, and related facilities known collectively as the Chesapeake Bay Bridge-Tunnel as described in § 33.1-391.12, pursuant to the conditions set forth in such section) constructed by the Authority or solely with revenues of the Authority or revenues under the control of the Authority. The amount of any such toll may be varied from facility to facility, by lane, by congestion levels, by day of the week, time of day, type of vehicle, number of axles, or any

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59 similar combination thereof, and a reduced rate may be established for commuters as defined by the  
60 Authority. For purposes of this section, the Midtown and Downtown tunnels located within the Cities of  
61 Norfolk and Portsmouth shall be considered a single transportation facility and both facilities may be  
62 tolled if improvements are made to either tunnel. Any tolls imposed by the Authority shall be collected  
63 by an electronic toll system that, to the extent possible, shall not impede the traffic flow of the facility  
64 or prohibit a toll facility from retaining means of nonautomated toll collection in some lanes of the  
65 facility. For all facilities tolled by the Authority, there shall be signs erected prior to the point of toll  
66 collection that clearly state how the majority of the toll revenue is being spent by the Authority to  
67 benefit the users of the facility. *The foregoing provisions of this section authorizing the imposition and*  
68 *collection of tolls shall not be construed to authorize imposition or collection of tolls for use of (i)*  
69 *Interstate Route 64 between the Virginia Route 143 (Jefferson Avenue) interchange in the City of*  
70 *Newport News and the Hampton Roads Bridge-Tunnel and (ii) Interstate Route 664 between Interstate*  
71 *Route 64 and the Monitor-Merrimac Memorial Bridge-Tunnel.*