

## Department of Planning and Budget 2009 Fiscal Impact Statement

**1. Bill Number:** SB1232

House of Origin      X      Introduced                  Substitute                  Engrossed  
Second House                 In Committee              Substitute                  Enrolled

**2. Patron:**        Barker

**3. Committee:** Senate Transportation

**4. Title:**         **HOT lane construction contracts.**

**5. Summary:** The proposed legislation would require that any HOT lane construction contract that includes a segment of I-95 in Fairfax and Prince William Counties contain requirements for minimum average speed for vehicles using the facility.

A high occupancy vehicle toll (HOT) lane facility is a transportation concept which converts high occupancy vehicle (HOV) lanes into toll lanes. Vehicles meeting the minimum occupancy requirements may travel the facility for free, while those with fewer occupants may utilize the facility after paying a toll.

VDOT and a private partner, under the provisions of the Public-Private Transportation Act of 1995 (PPTA), have signed an interim agreement to construct HOT lanes on I-95/395 from Arlington to Spotsylvania County. The project would utilize toll revenues to expand the existing HOV system from two to three lanes between Arlington and Dumfries, and would construct two new HOV lanes from Dumfries to Spotsylvania. Currently the environmental study is in the process of being completed. Under the current timeline, VDOT expects to negotiate a comprehensive agreement with the private partner in the spring or summer of 2009. Construction on the first phase of the project would begin late 2009 or early 2010.

**6. Fiscal Impact Estimates:** Indeterminate. See Item 8.

**7. Budget Amendment Necessary:** None.

**8. Fiscal Implications:** The bill provides that any contract for construction of HOT lanes must specify monetary penalties to be paid by the contractor or operator of the HOT lanes if such average vehicle speeds are not met. It cannot be determined at this time what revenue may be generated by such monetary penalties. The proposed legislation does not specify a use for any such revenues. It is not clear what impact the provisions of the bill may have on the final comprehensive agreement signed with the private partner.

**9. Specific Agency or Political Subdivisions Affected:** Department of Transportation

**10. Technical Amendment Necessary:** None.

**11. Other Comments:** None.

**Date:** 2/2/2009 dpb/smc

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cc: Secretary of Transportation