

# VIRGINIA ACTS OF ASSEMBLY -- 2010 SESSION

## CHAPTER 126

*An Act to require the Virginia Department of Transportation to accept for review unsolicited proposals to add physical capacity to the Hampton Roads Bridge-Tunnel.*

[H 402]

Approved March 11, 2010

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

**1.** *§ 1. Unsolicited proposals to add capacity to the Hampton Roads Bridge-Tunnel to be accepted for review by the Virginia Department of Transportation; procedure.*

*A. The Virginia Department of Transportation is hereby directed to accept for review unsolicited proposals under the Public-Private Transportation Act of 1995 (§ 56-556 et seq. of the Code of Virginia) to add physical capacity to the Interstate 64 Hampton Roads Bridge-Tunnel between Hampton and Norfolk. Unsolicited proposals shall be filed with the Department no later than September 30, 2010.*

*B. Upon enactment of this act, the Department shall make available on its website the following: (i) any and all information about the existing Hampton Roads Bridge-Tunnel, including traffic counts, maintenance records, and current plans and specifications and (ii) any and all information, studies, and reports analyzing potential scenarios for the physical expansion of the Hampton Roads Bridge-Tunnel. The Department may take such measures as necessary to protect confidential information or to protect vital state and national security interests that may be contained in such information.*

*C. Unsolicited proposals filed pursuant to this act shall provide information regarding team qualifications and experience, project structure, a schedule for project development, the proposed cost and outline public benefits of the project. The Department shall develop a process that would permit a private entity that is part of a proposal team to assist with the development of state or federally mandated environmental reviews or permits required to complete the project. Completion of such reviews or permits shall not be necessary prior to a decision by the Department to advance consideration of conceptual proposals.*

*D. Within 30 days of the receipt of unsolicited proposals, the Department shall post a public notice of the unsolicited proposals and provide 120 days for any competing proposals. Following an internal analysis of the proposals to determine the financial and technical merit of the proposals and the proposal teams, the Department shall make a recommendation no later than May 1, 2011, to the Commonwealth Transportation Board whether to advance no more than two proposals to an Independent Review Panel. The Panel, which shall be appointed by the Secretary of Transportation, shall afford opportunities for public comment on the proposals and provide additional review and analysis of the remaining proposals.*

*E. No later than September 1, 2011, the Department shall make a recommendation to the Commonwealth Transportation Commissioner whether to execute an interim agreement to continue design, environmental reviews, and preliminary right-of-way acquisitions and to take any other steps necessary to advance the development of the project. Moneys in the Transportation Partnership Opportunity Fund may be made available to carry out the provisions of the interim agreement. The interim agreement shall also provide a schedule for the completion of the necessary reviews and approvals for construction of the project.*

**2.** *The Virginia Department of Transportation shall promptly inform the Joint Commission on Transportation Accountability, as authorized by Chapter 43 (§ 30-282 et seq.) of Title 30 of the Code of Virginia, by written update, of its completion of each requirement of this act.*