

VIRGINIA ACTS OF ASSEMBLY -- 2011 SESSION

CHAPTER 568

An Act to require the Virginia Department of Transportation to accept for review unsolicited proposals for development and operations of the Patriots Crossing project.

[H 1612]

Approved March 25, 2011

Be it enacted by the General Assembly of Virginia:

1. *§ 1. Unsolicited proposals for development and operations of the Patriots Crossing (Third Crossing) project 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) for the development and operations of the Patriots Crossing (Third Crossing) project at Hampton Roads. Unsolicited proposals shall be filed with the Department no later than September 30, 2011.

B. Upon enactment of this act, the Department shall make available on its website any and all information about the proposed Patriots Crossing (Third Crossing) project. The Department may take such measures as necessary to protect confidential or proprietary 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, the proposed scope of work for the project, a schedule for project development, the proposed cost (including design, construction, operations, and maintenance costs), a conceptual finance plan (which includes the sources and uses of funds), and a discussion of 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 the submission of any competing proposals. The Department shall review unsolicited proposals filed pursuant to this act to assess the financial and technical merit of the proposals and the proposal teams. No later than May 1, 2012, the Department shall make a recommendation to a steering committee whether to advance development of the Patriots Crossing (Third Crossing) project. The Commonwealth Transportation Commissioner shall appoint the steering committee in accordance with guidelines developed pursuant to subsection D of § 56-560 of the Code of Virginia. The Department shall afford opportunities for public comment on the proposals prior to making its recommendation to the steering committee.

E. No later than September 1, 2012, the steering committee shall make a recommendation to the Commonwealth Transportation Commissioner whether to advance development of the Patriots Crossing (Third Crossing) project by entering into an interim or comprehensive agreement with one or more of the proposal teams or by issuing a request for detailed proposals to one or more of the proposal teams pursuant to the Public-Private Transportation Act of 1995 (§ 56-556 et seq. of the Code of Virginia) and the guidelines developed in accordance with subsection D of § 56-560 of the Code of Virginia. Moneys in the Transportation Partnership Opportunity Fund may be made available to carry out the provisions of an interim or comprehensive agreement. The interim or comprehensive agreement shall also provide a schedule for the completion of the necessary reviews and approvals for construction of the Patriots Crossing (Third Crossing) project.

2. *That 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.*