

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4 [H 1612]

5 Approved

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

7 **1. § 1. Unsolicited proposals for development and operations of the Patriots Crossing (Third Crossing)**
8 **project to be accepted for review by the Virginia Department of Transportation; procedure.**

9 *A. The Virginia Department of Transportation is hereby directed to accept for review unsolicited*
10 *proposals under the Public-Private Transportation Act of 1995 (§ 56-556 et seq. of the Code of*
11 *Virginia) for the development and operations of the Patriots Crossing (Third Crossing) project at*
12 *Hampton Roads. Unsolicited proposals shall be filed with the Department no later than September 30,*
13 *2011.*

14 *B. Upon enactment of this act, the Department shall make available on its website any and all*
15 *information about the proposed Patriots Crossing (Third Crossing) project. The Department may take*
16 *such measures as necessary to protect confidential or proprietary information or to protect vital state*
17 *and national security interests that may be contained in such information.*

18 *C. Unsolicited proposals filed pursuant to this act shall provide information regarding team*
19 *qualifications and experience, the proposed scope of work for the project, a schedule for project*
20 *development, the proposed cost (including design, construction, operations, and maintenance costs), a*
21 *conceptual finance plan (which includes the sources and uses of funds), and a discussion of public*
22 *benefits of the project. The Department shall develop a process that would permit a private entity that is*
23 *part of a proposal team to assist with the development of state or federally mandated environmental*
24 *reviews or permits required to complete the project. Completion of such reviews or permits shall not be*
25 *necessary prior to a decision by the Department to advance consideration of conceptual proposals.*

26 *D. Within 30 days of the receipt of unsolicited proposals, the Department shall post a public notice*
27 *of the unsolicited proposals and provide 120 days for the submission of any competing proposals. The*
28 *Department shall review unsolicited proposals filed pursuant to this act to assess the financial and*
29 *technical merit of the proposals and the proposal teams. No later than May 1, 2012, the Department*
30 *shall make a recommendation to a steering committee whether to advance development of the Patriots*
31 *Crossing (Third Crossing) project. The Commonwealth Transportation Commissioner shall appoint the*
32 *steering committee in accordance with guidelines developed pursuant to subsection D of § 56-560 of the*
33 *Code of Virginia. The Department shall afford opportunities for public comment on the proposals prior*
34 *to making its recommendation to the steering committee.*

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

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

ENROLLED

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