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SENATE BILL NO. 865**AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the Senate Committee on Finance
on January 31, 2013)

(Patrons Prior to Substitute—Senators McEachin and Martin [SB 1338])

*A BILL to amend and reenact § 33.1-23.03:10 of the Code of Virginia, relating to tolls for the use of Interstate Highway System components.***Be it enacted by the General Assembly of Virginia:****1. That § 33.1-23.03:10 of the Code of Virginia is 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. However, 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~~ *existing component of the Interstate Highway System within the Commonwealth as of July 1, 2013, except those portions designated as high-occupancy toll lanes, as defined in § 33.1-56.1, or high-occupancy vehicle lanes.* 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.

2. That the prohibition against the imposition and collection of tolls on any existing component of the Interstate Highway System within the Commonwealth pursuant to § 33.1-23.03:10, as amended by this act, shall not prohibit the imposition or collection of tolls pursuant to agreements entered into by the Commonwealth prior to July 1, 2013.