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**HOUSE BILL NO. 1244**

Offered January 19, 2016

A *BILL to amend and reenact §§ 33.2-309, 33.2-1807, and 33.2-2512 of the Code of Virginia and to provide for the submission to the voters of a question to approve the imposition and collection of tolls on Interstate 66 outside the Capital Beltway, relating to tolls for use of Interstate 66 outside the Capital Beltway.*

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Patron—Marshall, R.G.

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Referred to Committee on Privileges and Elections

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

**1. That §§ 33.2-309, 33.2-1807, and 33.2-2512 of the Code of Virginia are amended and reenacted as follows:**

**§ 33.2-309. Tolls for use of Interstate System components.**

A. Notwithstanding any contrary provision of this title and in accordance with all applicable federal and state statutes and requirements, the 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 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 66 outside the Capital Beltway or Interstate 81*. Prior approval of the General Assembly shall also be required prior to the imposition or collection of any toll for use of Interstate 95 south of Fredericksburg pursuant to the Interstate System Reconstruction or Rehabilitation Pilot Program. ~~Such funds so collected shall be deposited into the Transportation Trust Fund established pursuant to § 33.2-1524, 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, and 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 nonautomated 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 Board as the Board deems appropriate to:

1. Pay or finance all or part of the costs of programs or projects, including 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.

**§ 33.2-1807. Powers and duties of the private entity.**

A. The private entity shall have all power allowed by law generally to a private entity having the same form of organization as the private entity and shall have the power to develop and/or operate the qualifying transportation facility and impose user fees and/or enter into service contracts in connection with the use thereof. However, no tolls or user fees may be imposed by the private entity on *Interstate 66 outside the Capital Beltway or Interstate 81* without the prior approval of the General Assembly. Prior approval of the General Assembly shall also be required prior to the imposition or collection of any toll for use of Interstate 95 south of Fredericksburg pursuant to the Interstate System Reconstruction or Rehabilitation Pilot Program.

B. The private entity may own, lease, or acquire any other right to use or develop and/or operate the

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59 qualifying transportation facility.

60 C. Subject to applicable permit requirements, the private entity shall have the authority to cross any  
61 canal or navigable watercourse so long as the crossing does not unreasonably interfere with then current  
62 navigation and use of the waterway.

63 D. In operating the qualifying transportation facility, the private entity may:

64 1. Make classifications according to reasonable categories for assessment of user fees; and

65 2. With the consent of the responsible public entity, make and enforce reasonable rules to the same  
66 extent that the responsible public entity may make and enforce rules with respect to a similar  
67 transportation facility.

68 E. The private entity shall:

69 1. Develop and/or operate the qualifying transportation facility in a manner that meets the standards  
70 of the responsible public entity for transportation facilities operated and maintained by such responsible  
71 public entity, all in accordance with the provisions of the interim agreement or the comprehensive  
72 agreement;

73 2. Keep the qualifying transportation facility open for use by the members of the public in  
74 accordance with the terms and conditions of the interim or comprehensive agreement after its initial  
75 opening upon payment of the applicable user fees and/or service payments, provided that the qualifying  
76 transportation facility may be temporarily closed because of emergencies or, with the consent of the  
77 responsible public entity, to protect the safety of the public or for reasonable construction or  
78 maintenance procedures;

79 3. Maintain, or provide by contract for the maintenance of, the qualifying transportation facility;

80 4. Cooperate with the responsible public entity in establishing any interconnection with the qualifying  
81 transportation facility requested by the responsible public entity; and

82 5. Comply with the provisions of the interim or comprehensive agreement and any service contract.

83 **§ 33.2-2512. Other duties and responsibilities of Authority.**

84 In addition to other powers granted in this chapter, the Authority shall have the following duties and  
85 responsibilities:

86 1. Providing general oversight of regional programs involving mass transit or congestion mitigation,  
87 including carpooling, vanpooling, and ridesharing;

88 2. Providing long-range regional planning, both financially constrained and unconstrained;

89 3. Recommending to federal, state, and regional agencies regional transportation priorities, including  
90 public-private transportation projects and funding allocations;

91 4. Developing, in coordination with affected counties and cities, regional priorities and policies to  
92 improve air quality;

93 5. Allocating to priority regional transportation projects funds made available to the Authority and, at  
94 the discretion of the Authority, directly overseeing such projects;

95 6. Recommending to the Commonwealth Transportation Board priority regional transportation  
96 projects for receipt of federal and state funds;

97 7. Imposing, collecting, and setting the amount of tolls for use of facilities in the area embraced by  
98 the Authority *except on Interstate 66 outside the Capital Beltway*, when the facility is either newly  
99 constructed or reconstructed solely with revenues of the Authority or solely with revenues under the  
100 control of the Authority in such a way as to increase the facility's traffic capacity, with the amount of  
101 tolls variable by time of day, day of the week, vehicle size or type, number of axles, or other factors as  
102 the Authority may deem proper, and with all such tolls to be used for programs and projects that are  
103 reasonably related to or benefit the users of the applicable facility, including for the debt service and  
104 other costs of bonds whose proceeds are used for such construction or reconstruction;

105 8. Providing general oversight of regional transportation issues of a multijurisdictional nature,  
106 including intelligent transportation systems, signalization, and preparation for and response to  
107 emergencies;

108 9. Serving as an advocate for the transportation needs of Northern Virginia before the state and  
109 federal governments;

110 10. Applying to and negotiating with the government of the United States, the Commonwealth, or  
111 any agency, instrumentality, or political subdivision thereof for grants and other funds available to carry  
112 out the purposes of this chapter and receiving, holding, accepting, and administering from any source  
113 gifts, bequests, grants, aid, or contributions of money, property, labor, or other things of value to be  
114 held, used, and applied to carry out the purposes of this chapter subject, however, to any condition upon  
115 which gifts, bequests, grants, aid, or contributions are made. Unless otherwise restricted by the terms of  
116 the gift, bequest, or grant, the Authority may sell, exchange, or otherwise dispose of such money,  
117 securities, or other property given or bequeathed to it in furtherance of its purposes;

118 11. Acting as a "responsible public entity" for the purpose of the acquisition, construction,  
119 improvement, maintenance, or operation, or any combination thereof, of a "qualifying transportation  
120 facility" under the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.); and

121 12. Deciding on and voting to impose certain fees and taxes authorized under law for imposition or  
122 assessment by the Authority, provided that any such fee or tax assessed or imposed is assessed or  
123 imposed in all counties and cities embraced by the Authority. The revenues from such certain fees and  
124 taxes shall be kept in a separate account and shall be used only for the purposes provided in this  
125 chapter.

126 **2. That the provisions of the first enactment of this act shall become effective on January 1, 2017,**  
127 **if a majority of those voting on the question in the third enactment of this act vote in the negative.**

128 3. § 1. It shall be the duty of the election officers of all counties and cities in Planning District 8 that  
129 are located wholly or partially outside the Capital Beltway conducting the general election on November  
130 8, 2016, at the places appointed for holding the same, to open a poll and take the sense of the qualified  
131 voters of such counties and cities on the question stated below. The State Board of Elections shall have  
132 notice of the referendum published in accordance with the provisions of § 30-19.10 of the Code of  
133 Virginia.

134 The ballots to be used at the election shall pose the question in substantially the following form:

135 QUESTION: "Should tolls be imposed and collected outside the Capital Beltway on Interstate 66?"

136 The ballots shall be prepared, distributed, and voted, and the results thereof ascertained and certified,  
137 in the manner prescribed by Title 24.2 of the Code of Virginia. The State Board of Elections shall  
138 comply with § 30-19.10 of the Code of Virginia and shall cause to be sent to the electoral board of each  
139 county and city in Planning District 8 that is located wholly or partially outside the Capital Beltway  
140 sufficient copies of the question contained herein and a neutral explanation of the question for the  
141 officers of election to post in each polling place on election day.

142 The electoral board of each county and city in Planning District 8 that is located wholly or partially  
143 outside the Capital Beltway shall make out, certify, and forward an abstract of the votes cast for and  
144 against the question in the manner now prescribed by law in relation to votes cast in general elections.

145 The State Board of Elections shall open and canvass such abstracts and examine and report the  
146 whole number of votes cast at the election for and against the question in the manner now prescribed by  
147 law in relation to votes cast in general elections. The State Board of Elections shall announce the results  
148 of the referendum.

149 The expenses incurred in conducting this referendum shall be defrayed as in the case of other  
150 November general elections.