

18105706D

SENATE BILL NO. 898

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Transportation
on January 31, 2018)

(Patrons Prior to Substitute—Senators Black and McPike [SB 643])

*A BILL to amend and reenact §§ 33.2-309 and 33.2-502 of the Code of Virginia, relating to tolling; Northern Virginia.***Be it enacted by the General Assembly of Virginia:****1. That §§ 33.2-309 and 33.2-502 of the Code of Virginia are amended and reenacted as follows:****§ 33.2-309. Tolls for use of Interstate System components.**

A. Subject to the limitations provided in § 33.2-119 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.

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.

E. The Department shall refund the holder of an electronic toll collection device for any sum of tolls collected from such holder of such electronic toll collection device for travel on Interstate 66 east of mile marker 67 that totals over \$200 per calendar month per electronic toll collection device.

§ 33.2-502. Designation of HOT lanes; tolling hours.

The Board may designate one or more lanes of any highway, including lanes that may previously have been designated HOV lanes under § 33.2-501, in the Interstate System, primary state highway system, or National Highway System, or any portion thereof, as HOT lanes. In making HOT lanes designations, the Board shall also specify the high-occupancy requirement and conditions for use of such HOT lanes or may authorize the Commissioner of Highways to make such determination consistent with the terms of a comprehensive agreement executed pursuant to § 33.2-1808. The high-occupancy requirement for a HOT lanes facility constructed or operated as a result of the Public-Private Transportation Act (§ 33.2-1800 et seq.) shall not be less than three.

The tolling hours for any HOT lanes on Interstate 66 east of mile marker 67 shall be from 6:30 a.m. to 9:00 a.m. and from 4:00 p.m. to 6:30 p.m.

2. That the Department of Transportation shall implement a program through E-ZPass that provides for a refund on tolling on Interstate 66 east of mile marker 67 such that a holder of an electronic toll collection device associated with an E-ZPass Flex account is refunded for any sum of tolls collected or imposed for travel on Interstate 66 east of mile marker 67 totaling more than \$200 per calendar month per electronic toll collection device.

3. That the provisions of this act providing for (i) a refund of aggregate tolls or (ii) the tolling hours of any HOT lanes on Interstate 66 east of mile marker 67 shall expire upon the completion

60 of the widening of a four-mile segment of eastbound Interstate 66 from the Dulles Connector Road
61 to Fairfax Drive.
62 4. That the Department of Transportation (the Department) shall activate tolling on Interstate 66
63 east of mile marker 67 of reverse commuters (i.e., tolling of westbound lanes from 6:30 a.m. to
64 9:00 a.m. and tolling of eastbound lanes from 4:00 p.m. to 6:30 p.m.). Any toll revenue received
65 from such reverse tolling by the Department shall be deposited in the Commuter Choice Program
66 administered by the Northern Virginia Transportation Commission.