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HOUSE BILL NO. 429

Offered January 8, 2020

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A BILL to amend and reenact § 33.2-613 of the Code of Virginia, relating to free use of toll facilities; teachers, firefighters, and emergency medical services personnel.

Patrons—Scott, Heretick, Ayala, Jenkins, Mugler, Rasoul, Samirah and Simon

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:**1. That § 33.2-613 of the Code of Virginia is amended and reenacted as follows:****§ 33.2-613. Free use of toll facilities by certain state officers and employees; penalties.**

A. Upon presentation of a toll pass issued pursuant to regulations promulgated by the Board, the following persons may use all toll bridges, toll ferries, toll tunnels, and toll roads in the Commonwealth without the payment of toll while in the performance of their official duties:

1. The Commissioner of Highways;
2. Members of the Commonwealth Transportation Board;
3. Employees of the Department of Transportation;
4. The Superintendent of the Department of State Police;
5. Officers and employees of the Department of State Police;
6. Members of the Board of Directors of the Virginia Alcoholic Beverage Control Authority;
7. Employees of the regulatory and hearings divisions of the Virginia Alcoholic Beverage Control Authority and special agents of the Virginia Alcoholic Beverage Control Authority;
8. The Commissioner of the Department of Motor Vehicles;
9. Employees of the Department of Motor Vehicles;
10. Local police officers;
11. Sheriffs and their deputies;
12. Regional jail officials;
13. Animal wardens;
14. The Director and officers of the Department of Game and Inland Fisheries;
15. Persons operating firefighting equipment and emergency medical services vehicles as defined in § 32.1-111.1;
16. Operators of school buses being used to transport pupils to or from schools;
17. Operators of (i) commuter buses having a capacity of 20 or more passengers, including the driver, and used to regularly transport workers to and from their places of employment and (ii) public transit buses;
18. Employees of the Department of Rail and Public Transportation;
19. Employees of any transportation facility created pursuant to the Virginia Highway Corporation Act of 1988; and
20. Law-enforcement officers of the Virginia Marine Resources Commission.

B. Notwithstanding the provision of subsection A requiring presentation of a toll pass for toll-free use of such facilities, in cases of emergency and circumstances of concern for public safety on the highways of the Commonwealth, the Department of Transportation shall, in order to alleviate an actual or potential threat or risk to the public's safety, facilitate the flow of traffic on or within the vicinity of the toll facility by permitting the temporary suspension of toll collection operations on its facilities.

1. The assessment of the threat to public safety shall be performed and the decision temporarily to suspend toll collection operations shall be made by the Commissioner of Highways or his designee.

2. Major incidents that may require the temporary suspension of toll collection operations shall include (i) natural disasters, such as hurricanes, tornadoes, fires, and floods; (ii) accidental releases of hazardous materials, such as chemical spills; (iii) major traffic accidents, such as multivehicle collisions; and (iv) other incidents deemed to present a risk to public safety. Any mandatory evacuation during a state of emergency as defined in § 44-146.16 shall require the temporary suspension of toll collection operations in affected evacuation zones on routes designated as mass evacuation routes. The Commissioner of Highways shall reinstate toll collection when the mandatory evacuation period ends.

3. In any judicial proceeding in which a person is found to be criminally responsible or civilly liable for any incident resulting in the suspension of toll collections as provided in this subsection, the court may assess against the person an amount equal to lost toll revenue as a part of the costs of the proceeding and order that such amount, not to exceed \$2,000 for any individual incident, be paid to the

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59 Department of Transportation for deposit into the toll road fund.

60 C. Any tollgate keeper who refuses to permit the persons listed in subsection A to use any toll
61 bridge, toll ferry, toll tunnel, or toll road upon presentation of such a toll pass is guilty of a
62 misdemeanor punishable by a fine of not more than \$50 and not less than \$2.50. Any person other than
63 those listed in subsection A who exhibits any such toll pass for the purpose of using any toll bridge, toll
64 ferry, toll tunnel, or toll road is guilty of a Class 1 misdemeanor.

65 D. Any vehicle operated by the holder of a valid driver's license issued by the Commonwealth or
66 any other state shall be allowed free use of all toll bridges, toll roads, and other toll facilities in the
67 Commonwealth if:

68 1. The vehicle is specially equipped to permit its operation by a handicapped person;

69 2. The driver of the vehicle has been certified, either by a physician licensed by the Commonwealth
70 or any other state or by the Adjudication Office of the U.S. Department of Veterans Affairs, as being
71 severely physically disabled and having permanent upper limb mobility or dexterity impairments that
72 substantially impair his ability to deposit coins in toll baskets;

73 3. The driver has applied for and received from the Department of Transportation a vehicle window
74 sticker identifying him as eligible for such free passage; and

75 4. Such identifying window sticker is properly displayed on the vehicle.

76 A copy of this subsection shall be posted at all toll bridges, toll roads, and other toll facilities in the
77 Commonwealth. The Department of Transportation shall provide envelopes for payments of tolls by
78 those persons exempted from tolls pursuant to this subsection and shall accept any payments made by
79 such persons.

80 E. Nothing contained in this section or in § 33.2-612 or 33.2-1718 shall operate to affect the
81 provisions of § 22.1-187.

82 F. Notwithstanding the provisions of subsections A, B, and C, only the following persons may use
83 the Chesapeake Bay Bridge-Tunnel, facilities of the Richmond Metropolitan Transportation Authority, or
84 facilities of an operator authorized to operate a toll facility pursuant to the Public-Private Transportation
85 Act of 1995 (§ 33.2-1800 et seq.) without the payment of toll when necessary and incidental to the
86 conduct of official business:

87 1. The Commissioner of Highways;

88 2. Members of the Commonwealth Transportation Board;

89 3. Employees of the Department of Transportation;

90 4. The Superintendent of the Department of State Police;

91 5. Officers and employees of the Department of State Police;

92 6. The Commissioner of the Department of Motor Vehicles;

93 7. Employees of the Department of Motor Vehicles; and

94 8. Sheriffs and deputy sheriffs.

95 However, in the event of a mandatory evacuation and suspension of tolls pursuant to subdivision B
96 2, the Commissioner of Highways or his designee shall order the temporary suspension of toll collection
97 operations on facilities of all operators authorized to operate a toll facility pursuant to the Public-Private
98 Transportation Act of 1995 (§ 33.2-1800 et seq.) that has been designated as a mass evacuation route in
99 affected evacuation zones, to the extent such order is necessary to facilitate evacuation and is consistent
100 with the terms of the applicable comprehensive agreement between the operator and the Department.
101 The Commissioner of Highways shall authorize the reinstatement of toll collections suspended pursuant
102 to this subsection when the mandatory evacuation period ends or upon the reinstatement of toll
103 collections on other tolled facilities in the same affected area, whichever occurs first.

104 G. Any vehicle operated by a quadriplegic driver shall be allowed free use of all toll facilities in
105 Virginia controlled by the Richmond Metropolitan Transportation Authority, pursuant to the requirements
106 of subdivisions D 1 through 4.

107 H. Vehicles transporting two or more persons, including the driver, may be permitted toll-free use of
108 the Dulles Toll Road during rush hours by the Board; however, notwithstanding the provisions of
109 subdivision B 1 of § 56-543, such vehicles shall not be permitted toll-free use of a roadway as defined
110 pursuant to the Virginia Highway Corporation Act of 1988 (§ 56-535 et seq.).

111 I. Upon presentation of a toll pass issued pursuant to regulations promulgated by the Board, any
112 teacher employed by a public school district, firefighter, or emergency medical services personnel, as
113 defined in § 32.1-111.1, may use all toll bridges, toll ferries, toll tunnels, and toll roads in the
114 Commonwealth without the payment of toll while traveling between his place of residence and his place
115 of employment.