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HOUSE BILL NO. 198

Offered January 11, 2006

Prefiled January 3, 2006

A *BILL to amend the Code of Virginia by adding a section numbered 33.1-223.01 and by adding in Title 33.1 a chapter numbered 10.2, consisting of sections numbered 33.1-391.6 through 33.1-391.9, relating to the Interstate Route 81 Development Authority; imposition of tolls for use of Interstate Route 81 by certain vehicles; disposition of toll proceeds.*

Patron—Marshall, R.G.

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 33.1-223.01 and by adding in Title 33.1 a chapter numbered 10.2, consisting of section numbered 33.1-391.6 through 33.1-391.9 as follows:

§ 33.1-223.01. *Collection of tolls for use of Interstate Route 81 by certain vehicles; transfer of proceeds to Interstate Route 81 Development Authority.*

The Department shall charge and collect a toll for the use of Interstate Route 81 or any portion thereof by any truck, tractor truck, or combination of vehicles drawn by a truck or tractor truck. The amount of such toll shall be determined and may be revised by the Commonwealth Transportation Board in its discretion. The net proceeds of such toll collections, after deducting the Department's collection and administrative costs, shall be paid quarterly to the Interstate Route 81 Development Authority to be used to support the issuance of bonds whose proceeds shall be used to undertake projects that will improve highway safety in the Interstate Route 81 corridor and facilitate the movement of cargo within and through the Interstate Route 81 corridor by rail rather than by truck.

CHAPTER 10.2.**INTERSTATE ROUTE 81 DEVELOPMENT AUTHORITY.**

§ 33.1-391.6. *Short title.*

This chapter shall be known and may be cited as the Interstate Route 81 Development Authority Act.

§ 33.1-391.7. *Authority created; purpose.*

There is hereby created a body corporate and a political subdivision of the Commonwealth to be known as the Interstate Route 81 Development Authority, hereinafter in this chapter known as "the Authority." The Authority shall have the responsibility of identifying projects that will improve highway safety in the Interstate Route 81 corridor and facilitate the movement of cargo within and through the Commonwealth by rail rather than by truck, and finance the construction or undertaking of such projects through the use of proceeds from the issuance of bonds, supported by the imposition and collection of tolls pursuant to § 33.1-223.01.

§ 33.1-391.8. *Composition of Authority; chairman and vice-chairman; quorum; administrative support services.*

The Authority shall consist of nine voting members appointed by the Governor, subject to confirmation by the General Assembly, who shall serve for terms of four years and may be reappointed for one additional term. For the initial appointments only, four of the appointments may be for terms of two years so as to allow for staggered terms. Such initial two-year terms shall not count against the term limitation. Vacancies shall be filled by gubernatorial appointment for any unexpired term.

The Authority shall annually elect from its membership a chairman and vice-chairman, who shall continue to hold such office until their respective successors are elected. Five members of the Authority shall constitute a quorum.

The members of the Authority shall be reimbursed their actual and necessary expenses incurred in carrying out their duties and, in addition, shall be paid the same per diem as provided in the general appropriation act for members of the General Assembly engaged in legislative business between sessions.

The Virginia Department of Rail and Public Transportation and the Virginia Department of Transportation shall provide administrative support services for the Authority.

§ 33.1-391.9. *Powers of Authority.*

The Authority shall have the following powers together with all powers incidental thereto or necessary for the performance of those hereinafter stated:

1. To sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;

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HB198

2. To adopt and use a corporate seal and to alter the same at pleasure;

3. To procure insurance, participate in insurance plans, and provide self-insurance; however, the purchase of insurance, participation in an insurance plan, or the creation of a self-insurance plan by the Authority shall not be deemed a waiver or relinquishment of any sovereign immunity to which the Authority or its officers, directors, employees, or agents are otherwise entitled;

4. To establish bylaws and make all rules and regulations, not inconsistent with the provisions of this chapter, deemed expedient for the management of the Authority's affairs;

5. To apply for and accept money, materials, contributions, grants, or other financial assistance from the United States and agencies or instrumentalities thereof, the Commonwealth, or any political subdivision, agency, or instrumentality of the Commonwealth;

6. To issue, in accordance with applicable law, bonds, and other evidences of debt, that shall not be secured by the full faith and credit of the Commonwealth and shall not constitute tax-supported debt of the Commonwealth, in order to finance or assist in the financing of rail transportation projects undertaken under the Public-Private Transportation Act of 1995 (§ 56-556 et seq.) or any other highway or rail transportation project in the Commonwealth determined by the Authority to be in the public interest;

7. To make loans or grants for purposes that are consistent with this chapter and otherwise to receive and expend moneys on behalf of the Authority;

8. To acquire real and personal property or any interest therein by purchase, lease, gift, or otherwise, and to hold, encumber, sell, or otherwise dispose of such land or interest, for purposes consistent with this chapter;

9. To construct or acquire, by purchase, lease, contract, or otherwise, highway and rail transportation facilities;

10. To enter into agreements or leases with public or private entities for the operation of highway and rail transportation facilities it has acquired;

11. To make and execute contracts and all other instruments and agreements necessary or convenient for the performance of its duties and the exercise of its powers and functions under this chapter;

12. To the extent funds are made available to the Authority to do so, to employ employees, agents, advisors, and consultants through the Virginia Department of Rail and Public Transportation and the Virginia Department of Transportation, including without limitation, attorneys, financial advisers, engineers, and other technical advisers and, the provisions of any other law to the contrary notwithstanding, to determine their duties and compensation;

13. To establish and collect fees, charges, or other revenue for the use of the property, equipment, or facilities of the Authority, and to pledge such fees, charges, or other revenues to service debt authorized under this Act; and

14. To the extent not inconsistent with other provisions of this chapter, and without limiting or restricting the powers otherwise given the Authority, to exercise all the powers given to transportation district commissions by § 15.2-4518.

No provision of this chapter shall be construed as authorizing the Authority to (i) impose fees, financial obligations, or mandates of any kind on any common carrier freight railroad without the express consent of the common carrier railroad or (ii) exercise the power of eminent domain.

2. The provisions of this act shall expire upon receipt by the Governor of a written communication from the Administrator of the Federal Highway Administration to the effect that the provisions of this act contravene federal law.