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SENATE BILL NO. 754

Offered January 18, 2008

A *BILL to amend and reenact § 56-565 of the Code of Virginia, relating to the Public-Private Transportation Act of 1995; tolls on rural Interstate highways.*

Patrons—Obenshain, Edwards, Deeds, Newman, Puckett, Smith, Vogel and Wampler

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:**1. That § 56-565 of the Code of Virginia is amended and reenacted as follows:**

§ 56-565. 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. ~~No~~ *However, no* tolls or user fees may be imposed by the private entity ~~without the necessary federal, state and/or local approvals on any existing rural Interstate highway without the prior approval of the General Assembly.~~

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

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

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

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

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

E. The private entity shall:

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

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

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

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

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

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