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SENATE BILL NO. 898

Offered January 19, 2018

A *BILL to amend and reenact §§ 33.2-309 and 33.2-502 of the Code of Virginia, relating to tolling; Northern Virginia.*

Patrons—Black and Wexton

Referred to Committee on Transportation

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.

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59 3. That the provisions of this act providing for (i) a refund of aggregate tolls or (ii) the tolling
60 hours of any HOT lanes on Interstate 66 east of mile marker 67 shall expire upon the completion
61 of the eastbound widening project on Interstate 66 inside the Capital Beltway.

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.

67 5. That the Secretary of Transportation (the Secretary) shall engage the Metropolitan Washington
68 Airports Authority (MWAA) and the appropriate officials in the federal government for the
69 purpose of implementing dynamic tolling (HOT lanes) on the Dulles Airport Access Highway, with
70 those revenues designated to reduce tolls on the Dulles Toll Road. In doing so, the Secretary shall
71 develop, propose, and find agreement on any actions required to facilitate this effort, including
72 revisions to (i) the Dulles Toll Road Permit and Operating Agreement; (ii) the MWAA Compact;
73 (iii) MWAA lease agreements; (iv) financial plans for financing the costs of the Dulles Corridor
74 Metrorail Project; (v) MWAA rate covenants set forth in its Toll Road Financing Documents; and
75 (vi) any necessary financial and operational improvements. Implementation of these congestion
76 pricing methodology tolls on the Dulles Access Highway shall satisfy the requirements of Section
77 11.05 of the Dulles Toll Road Permit and Operating Agreement. The Secretary shall report to and
78 consult quarterly beginning October 1, 2018, with the Chairmen of the House and Senate
79 Transportation Committees regarding activity taken in accordance with this enactment.

80 6. That the Secretary of Transportation (the Secretary) shall engage the Metropolitan Washington
81 Airports Authority (MWAA) for the purpose of eliminating tolls on the Dulles Toll Road by 2030.
82 In doing so, the Secretary shall develop, propose, and find agreement on any actions required to
83 facilitate this effort, including revisions to (i) the Dulles Toll Road Permit and Operating
84 Agreement; (ii) the MWAA Compact; (iii) MWAA lease agreements; (iv) financial plans for
85 financing the costs of the Dulles Corridor Metrorail Project; (v) MWAA rate covenants set forth
86 in its Toll Road Financing Documents; and (vi) any necessary financial and operational
87 improvements. The Secretary shall report to and consult quarterly beginning October 1, 2018,
88 with the Chairmen of the House and Senate Transportation Committees regarding activity taken
89 in accordance with this enactment.