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HOUSE BILL NO. 2104

House Amendments in [] - February 4, 2021

A BILL to amend and reenact § 33.2-613 of the Code of Virginia and to repeal § 33.2-1823 of the Code of Virginia and Chapter 20 (§§ 56-535 through 56-552) of Title 56 of the Code of Virginia, relating to repeal of the Virginia Highway Corporation Act of 1988; roadways operating under the Highway Corporation Act of 1988 to operate under the Public-Private Transportation Act of 1995.

Patron Prior to Engrossment—Delegate Reid

Referred to Committee on Labor and Commerce

Be it enacted by the General Assembly of Virginia:

1. § 1. The Commissioner of Highways (Commissioner), in consultation with the Secretary of Transportation and the Secretary of Finance, shall evaluate whether it is in the public interest for any roadway within the Commonwealth operated pursuant to the Virginia Highway Corporation Act of 1988 (§ 56-535 et seq. of the Code of Virginia), hereinafter referred to as the HCA, to instead be operated as a qualifying transportation facility under the authority and requirements provided by the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq. of the Code of Virginia), hereinafter referred to as the PPTA. Such evaluation shall consider applicable commercial and financial terms and enhancements to any such roadway, including the implementation of distance-based tolling [~~and potential reductions in toll rates~~ ; reductions in toll rates, including the toll rate for a full-length trip; and benefits to the commuters that use any such roadway. Prior to making any determination of whether such a transfer is in the public interest, the Commissioner shall (i) solicit input from the boards of supervisors of the impacted jurisdictions and (ii) hold a meeting of the Transportation Public-Private Partnership Steering Committee (Committee) established pursuant to § 33.2-1803.2 of the Code of Virginia to outline the goals and objectives of the evaluation. Following the meeting of the Committee, the Commissioner shall hold two public meetings to solicit input from interested stakeholders] .

In the event that the Commissioner determines [, based on the results of the evaluation and proposed major business terms,] that it is in the public interest for any roadway in the Commonwealth operated pursuant to the HCA to instead be operated under the authority and requirements provided by the PPTA, and the Secretary of Transportation concurs, the Commissioner shall present such [findings to the Transportation Public-Private Partnership Steering Committee (Committee) established pursuant to § 33.2-1803.2 of the Code of Virginia for its consideration proposed major business terms and findings to the Committee for its consideration. Prior to presenting the major business terms to the Committee, the Commissioner shall solicit and publish public comment on such proposed major business terms] . If the Committee concurs that such operation under the authority and requirements of the PPTA is in the public interest, the General Assembly hereby authorizes the Commissioner to negotiate and execute a new comprehensive agreement between the roadway operator and the Department of Transportation. Notwithstanding § 56-551 of the Code of Virginia, upon execution of [~~a~~ such] new comprehensive agreement, the corresponding roadway will cease to operate pursuant to the HCA and will immediately become subject to the PPTA. Upon the execution of [~~the~~ such] new comprehensive agreement, the State Corporation Commission shall retain no further authority with respect to such operation and shall transfer all of its records and regulatory oversight responsibilities regarding such roadway to the Department of Transportation.

In the absence of an executed new [comprehensive] agreement as authorized hereunder, the State Corporation Commission shall continue to fulfill its [~~obligations~~ regulatory responsibilities] under the HCA. The following provisions of the PPTA shall not apply to a new comprehensive agreement entered into under this section: subsection B of § 33.2-1801; §§ 33.2-1802, 33.2-1803, and 33.2-1803.1; subsections B and C of § 33.2-1803.2, and §§ [~~33.2-1809~~ 33.2-1819] and 33.2-1820.

2. 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;

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59 6. Members of the Board of Directors of the Virginia Alcoholic Beverage Control Authority;
60 7. Employees of the regulatory and hearings divisions of the Virginia Alcoholic Beverage Control
61 Authority and special agents of the Virginia Alcoholic Beverage Control Authority;
62 8. The Commissioner of the Department of Motor Vehicles;
63 9. Employees of the Department of Motor Vehicles;
64 10. Local police officers;
65 11. Sheriffs and their deputies;
66 12. Regional jail officials;
67 13. Animal wardens;
68 14. The Director and officers of the Department of Wildlife Resources;
69 15. Persons operating firefighting equipment and emergency medical services vehicles as defined in
70 § 32.1-111.1;
71 16. Operators of school buses being used to transport pupils to or from schools;
72 17. Operators of (i) commuter buses having a capacity of 20 or more passengers, including the
73 driver, and used to regularly transport workers to and from their places of employment and (ii) public
74 transit buses;
75 18. Employees of the Department of Rail and Public Transportation; *and*
76 19. ~~Employees of any transportation facility created pursuant to the Virginia Highway Corporation~~
77 ~~Act of 1988; and~~
78 ~~20. Law-enforcement officers of the Virginia Marine Resources Commission.~~
79 B. Notwithstanding the provision of subsection A requiring presentation of a toll pass for toll-free
80 use of such facilities, in cases of emergency and circumstances of concern for public safety on the
81 highways of the Commonwealth, the Department of Transportation shall, in order to alleviate an actual
82 or potential threat or risk to the public's safety, facilitate the flow of traffic on or within the vicinity of
83 the toll facility by permitting the temporary suspension of toll collection operations on its facilities.
84 1. The assessment of the threat to public safety shall be performed and the decision temporarily to
85 suspend toll collection operations shall be made by the Commissioner of Highways or his designee.
86 2. Major incidents that may require the temporary suspension of toll collection operations shall
87 include (i) natural disasters, such as hurricanes, tornadoes, fires, and floods; (ii) accidental releases of
88 hazardous materials, such as chemical spills; (iii) major traffic accidents, such as multivehicle collisions;
89 and (iv) other incidents deemed to present a risk to public safety. Any mandatory evacuation during a
90 state of emergency as defined in § 44-146.16 shall require the temporary suspension of toll collection
91 operations in affected evacuation zones on routes designated as mass evacuation routes. The
92 Commissioner of Highways shall reinstate toll collection when the mandatory evacuation period ends.
93 3. In any judicial proceeding in which a person is found to be criminally responsible or civilly liable
94 for any incident resulting in the suspension of toll collections as provided in this subsection, the court
95 may assess against the person an amount equal to lost toll revenue as a part of the costs of the
96 proceeding and order that such amount, not to exceed \$2,000 for any individual incident, be paid to the
97 Department of Transportation for deposit into the toll road fund.
98 C. Any tollgate keeper who refuses to permit the persons listed in subsection A to use any toll
99 bridge, toll ferry, toll tunnel, or toll road upon presentation of such a toll pass is guilty of a
100 misdemeanor punishable by a fine of not more than \$50 and not less than \$2.50. Any person other than
101 those listed in subsection A who exhibits any such toll pass for the purpose of using any toll bridge, toll
102 ferry, toll tunnel, or toll road is guilty of a Class 1 misdemeanor.
103 D. Any vehicle operated by the holder of a valid driver's license or other document issued under
104 Chapter 3 (§ 46.2-300 et seq.) of Title 46.2, or the comparable law of another jurisdiction, authorizing
105 the operation of a motor vehicle upon the highways shall be allowed free use of all toll bridges, toll
106 roads, and other toll facilities in the Commonwealth if:
107 1. The vehicle is specially equipped to permit its operation by a handicapped person;
108 2. The driver of the vehicle has been certified, either by a physician licensed by the Commonwealth
109 or any other state or by the Adjudication Office of the U.S. Department of Veterans Affairs, as being
110 severely physically disabled and having permanent upper limb mobility or dexterity impairments that
111 substantially impair his ability to deposit coins in toll baskets;
112 3. The driver has applied for and received from the Department of Transportation a vehicle window
113 sticker identifying him as eligible for such free passage; and
114 4. Such identifying window sticker is properly displayed on the vehicle.
115 A copy of this subsection shall be posted at all toll bridges, toll roads, and other toll facilities in the
116 Commonwealth. The Department of Transportation shall provide envelopes for payments of tolls by
117 those persons exempted from tolls pursuant to this subsection and shall accept any payments made by
118 such persons.
119 E. Nothing contained in this section or in § 33.2-612 or 33.2-1718 shall operate to affect the
120 provisions of § 22.1-187.

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

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. The Commissioner of the Department of Motor Vehicles;
7. Employees of the Department of Motor Vehicles; and
8. Sheriffs and deputy sheriffs.

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

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

H. Vehicles transporting two or more persons, including the driver, may be permitted toll-free use of the Dulles Toll Road during rush hours by the Board; however, ~~notwithstanding the provisions of subdivision B 4 of § 56-543,~~ such vehicles shall not be permitted toll-free use of a roadway as defined pursuant to the Virginia Highway Corporation Act of 1988 (~~§ 56-535 et seq.~~) *that is privately owned or operated for use of which a toll or similar single-use charge is imposed.*

3. That § 33.2-1823 of the Code of Virginia and Chapter 20 (§§ 56-535 through 56-552) of Title 56 of the Code of Virginia are repealed.

4. That the provisions of the first enactment of this act shall expire on December 31, 2021.

5. That the provisions of the second and third enactments of this act shall become effective upon the execution of a [new] comprehensive agreement between the [Commissioner of Highways Department of Transportation] and the operator of the Dulles Greenway providing that the Dulles Greenway shall operate under the authority and requirements provided by the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq. of the Code of Virginia). The Commissioner of Highways shall notify the Chair of the Virginia Code Commission and the Chairmen of the House and Senate Committees on Transportation when any such comprehensive agreement is executed.