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SENATE BILL NO. 1162

Offered January 11, 2023

Prefiled January 10, 2023

A *BILL to direct the Commissioner of Highways to evaluate whether roadways operating under the Virginia Highway Corporation Act of 1988 should operate under the Public-Private Transportation Act of 1995.*

Patrons—Marsden, Boysko and Cosgrove; Delegate: Reid

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. § 1. *The Commissioner of Highways (the 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 of the public interest shall consider lower tolls, distanced-based pricing, and regional transportation benefits.*

In the event that the Commissioner determines 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 is authorized to negotiate the key business terms of a comprehensive agreement with the applicable roadway. Such key business terms may include (i) the applicable commercial and financial terms for the Commonwealth; (ii) toll rate reductions for a full-length, end-to-end trip; (iii) the implementation of distance-based tolling; (iv) benefits to commuters that use such roadway and to the regional transportation network; and (v) any enhancements to such roadway. The Commissioner shall present such key business terms to the Transportation Public-Private Steering Committee established pursuant to § 33.2-1803.2 of the Code of Virginia (the Committee) for its consideration. 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 finalize 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 such new comprehensive agreement, the corresponding roadway shall immediately become subject to the PPTA. Upon the execution of the 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 regulatory responsibilities under the HCA. The following provisions of the PPTA shall not apply to a new comprehensive agreement entered into under this act: 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 §§ 33.2-1819 and 33.2-1820 of the Code of Virginia.

2. **That the provisions of this act shall expire on January 1, 2025. The provisions of this enactment shall not be construed to require the expiration of a new comprehensive agreement executed pursuant to this act.**

INTRODUCED

SB1162