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SENATE BILL NO. 1716

Offered January 15, 2019

A BILL to amend the Code of Virginia by adding in Title 33.2 a chapter numbered 36, consisting of sections numbered 33.2-3600 through 33.2-3611, and by adding a section numbered 46.2-819.3:2, relating to the Interstate 81 corridor; tolling; Interstate 81 Corridor Improvement Fund.

Patrons—Obenshain and Carrico; Delegate: Landes

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 33.2 a chapter numbered 36, consisting of sections numbered 33.2-3600 through 33.2-3611, and by adding a section numbered 46.2-819.3:2 as follows:

CHAPTER 36.

INTERSTATE 81 CORRIDOR IMPROVEMENT PROGRAM AND FUND.

§ 33.2-3600. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Annual pass" means an Interstate 81 annual pass issued pursuant to § 33.2-3604.

"Committee" means the Interstate 81 Committee established pursuant to § 33.2-3606.

"Fund" means the Interstate 81 Corridor Improvement Fund.

"Interstate 81 corridor" means Interstate 81, Route 11, and other parallel highways, parallel railways, and related transportation facilities that help move people and goods.

"Plan" means the Interstate 81 Corridor Improvement Plan adopted by the Board on December 5, 2018, and any updates or amendments made thereto in accordance with the provisions of this chapter.

"Program" means an Interstate 81 Corridor Improvement Program.

§ 33.2-3601. Interstate 81 Corridor Improvement Fund.

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Interstate 81 Corridor Improvement Fund (the Fund). The Fund shall be established on the books of the Comptroller. All revenues dedicated to the Fund pursuant to § 33.2-3602, any other funds that may be appropriated by the General Assembly, and any funds that may be received for credit to the Fund from any other sources shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.

B. Moneys in the Fund may be used only for capital, operating, tolling operations and maintenance, and other improvement costs identified in an Interstate 81 Corridor Improvement Plan adopted by the Board. Improvements to any portion of the Interstate 81 corridor shall be deemed to benefit the toll-paying users of Interstate 81.

C. The amounts deposited into the Fund and the distribution and expenditure of such amounts shall not be used to calculate or reduce the share of federal, state, or local revenues otherwise available to jurisdictions along the Interstate 81 corridor. Further, such revenues and moneys shall not be included in any computation of, or formula for, a locality's ability to pay for public education, upon which appropriations of state revenues to local governments for public education are determined.

§ 33.2-3602. Limited authorization of tolling on Interstate 81.

A. Pursuant to § 33.2-119, and subject to the provisions of § 33.2-309, the General Assembly hereby authorizes the Board to impose and collect tolls for the use of Interstate 81. Revenues collected from any such tolls imposed shall be deposited into the Fund established pursuant to § 33.2-3601.

B. Any tolls imposed by the Board pursuant to this section shall be subject to the conditions in § 33.2-3603 and may vary by time of day to (i) reduce congestion and minimize growth of future congestion and (ii) encourage more efficient use of the Interstate 81 corridor.

§ 33.2-3603. Conditions for tolls.

A. The Board is authorized to toll the entire length of, certain portions of, and certain bridges along Interstate 81 as set forth in this section.

B. If the Board imposes tolls on the entire length or certain portions of Interstate 81, such tolls shall be subject to the following restrictions:

1. The initial toll rate imposed on vehicles defined as Class 6 or higher by the Federal Highway Administration shall not exceed \$0.17 per mile per segment; and

2. The initial toll rate imposed on all other vehicles shall not exceed two-thirds of the rate set forth

59 in subdivision 1.

60 C. If the Board imposes tolls on certain bridges along Interstate 81, such tolls shall be subject to the
61 following restrictions:

62 1. The initial toll rate imposed on vehicles defined as Class 6 or higher by the Federal Highway
63 Administration shall not exceed a total of \$55.25 for such vehicle using all tolled bridges along the
64 entire length of Interstate 81 in a single direction; and

65 2. The initial toll rate imposed on all other vehicles shall not exceed two-thirds of the rate set forth
66 in subdivision 1.

67 D. If the Board exercises its authority to impose tolls on Interstate 81, it shall offer an annual pass
68 pursuant to § 33.2-3604.

69 E. The Board may only adjust tolls pursuant to § 33.2-3608.

70 F. Any tolls imposed by the Board shall be collected by an electronic toll system that, to the extent
71 possible, shall not impede the traffic flow of the facility. At all facilities tolled pursuant to this chapter,
72 there shall be signs erected prior to the point of toll collection that clearly state how the majority of the
73 toll revenue is being spent to benefit the users of the facility.

74 **§ 33.2-3604. Interstate 81 annual pass.**

75 A. If the Board exercises its authority to impose tolls on Interstate 81, it shall establish an Interstate
76 81 annual pass program. Such annual pass program shall offer a discount on tolls imposed on
77 Interstate 81 for passenger motor vehicles registered in the Commonwealth or in other states.

78 B. The Board shall establish a reasonable fee program for the purchase of the annual pass that shall
79 not exceed the amount of a full length round trip for such vehicles.

80 C. Any fees collected for the purchase of an annual pass shall be considered toll revenues pursuant
81 to § 33.2-309, and shall be deposited into the Fund established pursuant to § 33.2-3601.

82 D. An annual pass purchased under this section shall entitle a passenger motor vehicle to a 100
83 percent discount on tolls in the Commonwealth on Interstate 81 for a period that ends on the last day of
84 the twelfth month after the purchase of the annual pass.

85 E. The Board shall partner with the Department of Motor Vehicles to collect the fee for a commuter
86 pass via the vehicle registration process pursuant to Chapter 6 (§ 46.2-600 et seq.) of Title 46.2.

87 **§ 33.2-3605. Interstate 81 Corridor Improvement Program; reporting.**

88 A. The Board shall adopt an Interstate 81 Corridor Improvement Program. The Program shall, at a
89 minimum:

90 1. Allocate year by year the revenues from the Fund and bond proceeds, if any, backed by the Fund
91 to projects and strategies identified in an Interstate 81 Corridor Improvement Plan adopted by the
92 Board;

93 2. Include a financing plan to support such allocation; and

94 3. Include a schedule for all projects and strategies identified in an Interstate 81 Corridor
95 Improvement Plan adopted by the Board.

96 B. Prior to the adoption of such Program, the Board shall review the recommendations of and
97 consult with the Committee.

98 C. The Board shall update the Program annually by July 1.

99 D. By December 15 of each year, the Board shall report to the General Assembly regarding the
100 status and progress of implementation of the Program. Prior to the submission of such report each year,
101 the Board shall consult with the Committee. The report shall include, at a minimum:

102 1. The safety and performance of the Interstate 81 corridor, including the number of incidents, the
103 average duration of incidents, the number and average duration of incidents involving lane closures,
104 and the person-hours of delay along the Interstate 81 corridor;

105 2. An assessment of the effectiveness of the operational strategies and capital projects implemented
106 and funded through the Program;

107 3. The status of capital projects funded through the Program; and

108 4. The current and projected balances of the Fund.

109 **§ 33.2-3606. Interstate 81 Committee.**

110 A. The Board shall establish an Interstate 81 Committee.

111 B. The purpose of the Committee shall be to provide advice and recommendations to the Board
112 regarding (i) the development of the Interstate 81 Corridor Improvement Program pursuant to
113 § 33.2-3605 and (ii) updates to the Interstate 81 Corridor Improvement Plan pursuant to § 33.2-3607.
114 The Committee shall also review and approve any proposed toll increase pursuant to subsection A of
115 § 33.2-3608.

116 C. The Committee shall hold at least four meetings each year and consult with interested
117 stakeholders.

118 D. The Committee shall be comprised of 13 voting members and two ex officio members as follows:

119 1. The chairs of planning district commissions for Planning Districts 3, 4, 5, 6, and 7;

120 2. Three members of the House of Delegates, each of whom resides in Planning District 3, 4, 5, 6,

121 or 7, to be appointed by the Speaker of the House of Delegates provided that none of the three members
122 shall live in the same Planning District;

123 3. Two members of the Senate, each of whom resides in Planning District 3, 4, 5, 6, or 7, to be
124 appointed by the Senate Committee on Rules, provided that the two members shall not live in the same
125 Planning District; and

126 4. The three members of the Board representing the Bristol, Salem, and Staunton Construction
127 Districts.

128 5. The Commissioner of Highways and the Commissioner of the Department of Rail and Public
129 Transportation shall serve as ex officio, non-voting members.

130 E. All members of the Committee shall serve terms coincident with their terms in office or position.
131 Vacancies shall be filled in the same manner as the original appointment.

132 F. The Office of Intermodal Planning and Investment, the Department of Transportation, and the
133 Department of Rail and Public Transportation shall support the Committee, as appropriate.

134 **§ 33.2-3607. Updates to the Interstate 81 Corridor Improvement Plan; requirements.**

135 A. Prior to increasing any tolls pursuant to subsection A of § 33.2-3608, the Board, in consultation
136 with the Committee and with the support of the Office of Intermodal Planning and Investment, shall
137 update the Interstate 81 Corridor Improvement Plan. In updating the Plan, the Board and Committee
138 shall, at a minimum:

139 1. Analyze existing conditions of the Interstate 81 corridor to identify key needs related to safety,
140 congestion, and incident-related delays;

141 2. Identify potential improvements to address the needs identified pursuant to subdivision 1, including
142 roadway improvements, multimodal improvements, speed enforcement strategies, operational strategies,
143 and upgrades to adjacent and parallel transportation facilities;

144 3. Prioritize potential improvements in a manner consistent with § 33.2-214.1;

145 4. Identify corridor-wide incident management strategies;

146 5. Analyze and review truck parking needs along the Interstate 81 corridor;

147 6. Hold public meetings throughout the corridor; and

148 7. Consider any other items deemed appropriate by the Board.

149 B. Technical assistance shall be provided to the Board by the Department of Transportation, the
150 Department of Motor Vehicles, and the Department of State Police. All agencies of the Commonwealth
151 shall provide assistance to the Board to fulfill the requirements of this section, upon request.

152 **§ 33.2-3608. Adjustment of toll rates; requirements.**

153 A. The Board may adjust toll rates and the fee for the annual pass on Interstate 81 subject to the
154 following:

155 1. The rates may not be adjusted more often than every eight years;

156 2. The adjustment shall not result in an increase greater than the increase in the United States
157 Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau
158 of Labor Statistics of the U.S. Department of Labor since the imposition of the initial toll rates or the
159 most recent adjustment pursuant to this section; and

160 3. The Committee has approved the adjustment.

161 B. Notwithstanding subsection A, the Board may adjust toll rates as necessary if toll revenue is
162 insufficient to cover existing debt service commitments necessary to implement the improvements in an
163 adopted Plan pursuant to § 33.2-3607. Any adjustments made pursuant to this subsection shall be no
164 greater than the amount necessary to ensure appropriate debt service coverage for existing debt service
165 commitments.

166 **§ 33.2-3609. Continuing responsibilities of the Commonwealth Transportation Board and**
167 **Department of Transportation.**

168 The Board shall allocate funding to, and the Department shall perform or cause to be performed, all
169 maintenance and operation of bridges, tunnels, and roadways and shall perform such other required
170 services and activities with respect to such bridges, tunnels, and roadways as were being performed on
171 July 1, 2019.

172 **§ 33.2-3610. Prohibition on taxes.**

173 No corridor-specific taxes or fees shall be imposed in the Interstate 81 corridor for the purpose of
174 improvements of the Interstate 81 corridor at any time that tolls are authorized to be collected pursuant
175 to § 33.2-3602.

176 **§ 33.2-3611. Program for disproportionate burden.**

177 The Board shall establish a program for travelers along Interstate 81 who can demonstrate a
178 disproportionate burden due to the physical location of a toll collection point. The program shall
179 provide travelers who demonstrate such burden to the Board a 100 percent discount at such toll
180 collection point, provided that the discount shall only apply (i) for a single trip southbound at such toll
181 collection point and (ii) for a single trip northbound at such toll collection point per day.

182 § 46.2-819.3:2. *Video-monitoring system and automatic vehicle identification system in conjunction*
183 *with all electronic toll collection, toll avoidance.*

184 *The operator of a vehicle that the Board determines is through traffic or that is subject to a through*
185 *travel restriction pursuant to § 46.2-809 shall be considered to be in violation of § 46.2-819.3:1 if the*
186 *operator (i) exits the interstate highway to travel on a parallel route in proximity and prior to a toll*
187 *collection point and (ii) re-enters the interstate highway after the same toll collection point that*
188 *demonstrates the routes traveled were selected to avoid paying the toll at such toll collection point,*
189 *determined by the Board.*

190 *The Board may develop policies and related systems to identify vehicles in violation of this section.*

191 **2. That the provisions of this act adding §§ 33.2-3605, 33.2-3606, 33.2-3607, and 46.2-819.3:2 of the**
192 **Code of Virginia shall become effective 30 days after the Commonwealth Transportation Board**
193 **exercises its authority to impose tolls on Interstate 81 pursuant to § 33.2-3602 of the Code of**
194 **Virginia, as added by this act.**

195 **3. That the General Assembly finds that (i) an adequate, efficient, and safe Interstate 81 corridor**
196 **is essential to the economic well-being of the communities located along the corridor; (ii) Interstate**
197 **81 carries 42 percent of all truck vehicle miles traveled in the Commonwealth; (iii) trucks make**
198 **up 20 to 30 percent of all traffic on Interstate 81; (iv) there are more than 2,000 traffic accidents**
199 **each year on Interstate 81, and 30 of those accidents require more than six hours to clear; (v) the**
200 **lack of parallel routes and automated traffic management systems on Interstate 81 increases the**
201 **impact of traffic accidents on Interstate 81; (vi) due to these conditions and the high volume of**
202 **truck traffic, the Interstate 81 corridor does not meet the needs of the surrounding communities;**
203 **and (vii) current statewide transportation revenues are insufficient to implement necessary**
204 **improvements to the Interstate 81 corridor.**
205 **4. That, notwithstanding the provisions of Article 1**
206 **(§ 33.2-1500 et seq.) of Chapter 15 of Title 33.2 of the Code of Virginia, the Commonwealth**
207 **Transportation Board may make allocations out of amounts available in the Virginia**
208 **Transportation Infrastructure Bank (the Bank) to pay or finance all or part of the costs, including**
209 **the cost of planning, operation, maintenance, and improvements, incurred in connection with the**
210 **Interstate 81 Corridor Improvement Program, financed in whole or in part as a toll facility,**
211 **provided that any such funds allocated from the Bank shall be considered as an advance of**
212 **funding for which the Bank shall be reimbursed.**

213 **5. That any tolls imposed on Interstate 81 pursuant to the provisions of this act shall cease to be**
214 **collected at the later of (i) 40 years from the date of imposition or (ii) the date upon which any**
215 **debt backed by such tolls is retired.**

216 **6. That should any portion of this act be held unconstitutional by a court of competent**
jurisdiction, the remaining portions of this act shall remain in effect.