

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 103

(By Senators Snyder, Miller and Beach)

[Originating in the Committee on Transportation and
Infrastructure; reported March 7, 2013.]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-18A-1, §29-18A-2, §29-18A-3, §29-18A-4 and §29-18A-5, all relating to creating the West Virginia Commuter Rail Access Act; definitions; agreement with other states requirement; verifications; and authorizing a tax credit to a railroad in lieu of payment of track access fees commencing July 1, 2014.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §29-18A-1, §29-18A-2, §29-18A-3, §29-18A-4 and §29-18A-5, all to read as follows:

ARTICLE 18A. WEST VIRGINIA COMMUTER RAIL ACCESS

ACT.

§29-18A-1. Short title.

1 This article may be known and cited as the West Virginia
2 Commuter Rail Access Act.

§29-18A-2. Definitions.

1 As used in this article, the following words and terms
2 have the following meanings unless the context clearly
3 indicates otherwise:

4 (a) "Commuter rail" means a transit mode that is an
5 electric or diesel propelled railway for urban passenger train
6 service consisting of local short distance travel operating
7 between a central city and adjacent suburbs. Service must be
8 operated on a regular basis by or under contract with a transit
9 operator for the purpose of transporting passengers within
10 urbanized areas or between urbanized areas and outlying
11 areas. The rail service, using either locomotive hauled or
12 self-propelled railroad passenger cars, is generally
13 characterized by multitrip tickets, specific station to station

14 fares or railroad employment practices and usually has only
15 one or two stations in the central business district. It does not
16 include heavy rail rapid transit or light rail/streetcar transit
17 service. Intercity rail service is excluded except for that
18 portion of service operated by or under contract with a public
19 transit agency for predominantly commuter services. Only
20 the predominantly commuter service portion of an intercity
21 route is eligible for inclusion when determining commuter
22 rail route miles.

23 (b) “Heavy rail” means a transit mode that is an electric
24 railway with the capacity for a heavy volume of traffic. It is
25 characterized by high speed and rapid acceleration passenger
26 rail cars operating singly or in multicar trains on fixed rails,
27 separate rights-of-way from which all other vehicular and
28 foot traffic are excluded, sophisticated signaling and high
29 platform loading.

30 (c) “Light rail” means a transit mode that typically is an
31 electric railway with a light volume traffic capacity compared
32 to heavy rail. It is characterized by passenger rail cars

33 operating singly or in short, usually two-car, trains, on fixed
34 rails in shared or exclusive rights-of-way, low or high
35 platform loading and vehicle power drawn from an overhead
36 electric line via a trolley or a pantograph.

37 (d) “Predominantly commuter services” means that for
38 any given trip segment (i.e., distance between two stations),
39 more than fifty percent of the average daily ridership travels
40 on the train at least three times a week.

§29-18A-3. Agreements with other states.

1 Commencing July 1, 2014, the State of West Virginia
2 shall negotiate agreements with other states to provide
3 commuter rail operation in West Virginia when there are
4 other states involved in providing the commuter rail
5 operation.

§29-18A-4. Verification of track access fees.

1 (a) For a railroad to be eligible to receive a corporate tax
2 credit under the provisions of this article, a railroad that
3 provides track access to a commuter rail operation in West
4 Virginia shall submit an unpaid invoice for the track access

5 fees for the commuter rail operation in West Virginia to the
6 West Virginia State Rail Authority.

7 (b) If there is another state involved in providing the
8 commuter rail operation, a railroad may not receive a
9 corporate tax credit under the provisions of this article unless
10 all other states involved in providing the commuter rail
11 operation have entered into an interstate agreement that
12 includes operating and capital expenditure provisions with
13 the State of West Virginia.

14 (c) Upon receipt by the West Virginia State Rail
15 Authority of the unpaid invoice for the track access fees for
16 the commuter rail operation in West Virginia from a railroad,
17 verification of any interstate agreement if applicable, and
18 verification by the provider of the commuter rail operation of
19 the track access fees charged to the railroad, the railroad may
20 take a corporate tax credit in lieu of payment of the West
21 Virginia portion of the track access fees.

§29-18A-5. Tax credit for track access fees.

1 (a) Commencing July 1, 2014, a railroad that provides
2 track access to a commuter rail operation in West Virginia,
3 as verified pursuant to the provisions of this article, may be
4 given a corporate tax credit against the corporate net income
5 tax imposed by the provisions of article twenty-four, chapter
6 eleven of this code, in an amount equal to the amount of the
7 unpaid track access fees charged to the commuter rail
8 operation in West Virginia.

9 (b) If a railroad accepts the corporate tax credit under the
10 provisions of this article, the railroad is prohibited from
11 accepting other payment for the track access fees for
12 commuter rail operation in West Virginia.

(NOTE: The purpose of this bill is to create the West Virginia Commuter Rail Access Act.

This bill is new; therefore, strike-throughs and underscoring have been omitted.)

FINANCE COMMITTEE AMENDMENT

On page five, section four, line nineteen, by striking out the word “to” and inserting in lieu thereof the word “by”.