

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2629

BY DELEGATE JEFFRIES, J., PAYNTER, WILSON,
PORTERFIELD, CADLE, KUMP, MARTIN, P., JEFFRIES, D.
AND BUTLER

[Introduced January 24, 2019; Referred
to the Committee on Technology and Infrastructure
then Finance.]

1 A BILL to amend and reenact §17-16A-13 of the Code of West Virginia, 1931, as amended,
2 relating to ending tolls on the West Virginia Turnpike effective July 1, 2019.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 16A. WEST VIRGINIA PARKWAYS, ECONOMIC DEVELOPMENT AND
TOURISM AUTHORITY.**

§17-16A-13. Tolls, rents, fees, charges and revenues; competitive bidding on contracts.

1 (a) The Parkways Authority ~~is hereby authorized to~~ may ~~fix, revise, charge and collect tolls~~
2 ~~and fees for the use of each parkway project and the different parts or sections thereof and to fix,~~
3 ~~revise, charge and collect rents, fees, charges and other revenues, of whatever kind or character,~~
4 ~~for the use of each economic development project or tourism project, or any part or section~~
5 ~~thereof, and to contract with any person, partnership, association or corporation desiring the use~~
6 ~~of any part thereof, including the right-of-way adjoining the paved portion, for placing thereon~~
7 ~~telephone, fiber optic or other data transmission lines or devices, electric light, power or other~~
8 ~~utility lines, gas stations, garages, stores, hotels, restaurants and advertising signs, or for any~~
9 ~~other purpose except for tracks for railroad or railway use, and to fix the terms, conditions, rents~~
10 ~~and rates of charges for such use: *Provided*, That the Parkways Authority may not charge tolls or~~
11 ~~fees for transit over an existing road without express legislative authorization for the charging of~~
12 ~~such tolls or fees: *Provided, however*, That an existing road does not include ~~the West Virginia~~~~
13 ~~Turnpike, new lanes or new sections of an existing road, the replacement or construction of any~~
14 ~~bridge or tunnel, or related facilities. Such tolls, rents, fees and charges shall be so fixed and~~
15 ~~adjusted in respect of the aggregate of tolls, or in respect of the aggregate rents, fees and~~
16 ~~charges, from the project or projects in connection with which the bonds of any issue shall have~~
17 ~~been issued as to provide a fund sufficient with other revenues, if any: (1) To pay the cost of~~
18 ~~acquiring, constructing, reconstructing, maintaining, repairing, improving and operating such~~
19 ~~project or projects and to create reserves therefor; (2) to pay the principal of and the interest on~~

20 such bonds and related costs and expenses as the same shall become due and payable, and to
21 create reserves for such purposes; and (3) to comply with any covenants under any trust
22 agreement securing any bonds issued by the Parkways Authority, or any predecessor thereof, or
23 to maintain bond credit ratings. Such tolls, rents, fees and other charges shall not be subject to
24 supervision or regulation by any other commission, board, bureau, department or agency of the
25 state. The tolls, rents, fees, charges and all other revenues derived from the project or projects in
26 connection with which the bonds of any issue shall have been issued, except such part thereof
27 as may be necessary to pay the cost of acquiring, constructing, reconstructing, maintaining,
28 improving, repairing and operating such project or projects and to provide such reserves therefor
29 as may be provided in the resolution authorizing the issuance of such bonds or in the trust
30 agreement securing the same, shall be set aside at regular intervals as may be provided in the
31 resolution or the trust agreement in a sinking fund which is hereby pledged to, and charged with,
32 the payment of: (i) The interest upon the bonds as such interest shall fall due; (ii) the principal of
33 the bonds as the same shall fall due; (iii) the necessary charges of paying agents and trustees for
34 paying principal and interest; and (iv) the redemption price or the purchase price of bonds retired
35 by call or purchase as therein provided. The use and disposition of moneys to the credit of such
36 sinking fund shall be subject to the provisions of the resolution authorizing the issuance of the
37 bonds or of the trust agreement. Except as may otherwise be provided in the resolution or the
38 trust agreement, such sinking fund shall be a fund for all bonds without distinction or priority of
39 one over another. The moneys in the sinking fund, less such reserve as may be provided in the
40 resolution or trust agreement, if not used within a reasonable time for the purchase of bonds for
41 cancellation as above provided, shall be applied to the redemption of bonds at the redemption
42 price then applicable.

43 (b) The Parkways Authority shall cause, as soon as it is legally able to do so, all contracts
44 to which it is a party and which relate to the operation, maintenance or use of any restaurant,
45 motel or other lodging facility, truck and automobile service facility, food vending facility or any

46 other service facility located along the West Virginia Turnpike, to be renewed on a competitive bid
47 basis. All contracts relating to any facility or services entered into by the Parkways Authority with
48 a private party with respect to any project constructed after the effective date of this legislation
49 shall be let on a competitive bid basis only. If the Parkways Authority receives a proposal for the
50 development of a project, except for a parkway project, such proposal shall be made available to
51 the public in a convenient location in the county wherein the proposed facility may be located.
52 The Parkways Authority shall publish a notice of the proposal by a Class I legal advertisement in
53 accordance with the provisions of article three, chapter 59 of this code. The publication area shall
54 be the county in which the proposed facility would be located. Any citizen may communicate by
55 writing to the Parkways Authority his or her opposition to or approval to such proposal within a
56 period of time not less than 45 days from the publication of the notice. No contract for the
57 development of an economic development project or a tourism project may be entered into by the
58 Parkways Authority until a public hearing is held in the vicinity of the location of the proposed
59 economic development project or tourism project with at least 20 days' notice of such hearing by
60 a Class I publication pursuant to section two of said article. The Parkways Authority shall make
61 written findings of fact prior to rendering a decision on any such proposed project. All studies,
62 records, documents and other materials which are considered by the Parkways Authority in
63 making such findings shall be made available for public inspection at the time of the publication
64 of the notice of public hearing and at a convenient location in the county where the proposed
65 economic development project or tourism project may be located. The Parkways Authority shall
66 promulgate rules in accordance with chapter 29A of this code for the conduct of any hearing
67 required by this section. Persons attending any such hearing shall be afforded a reasonable
68 opportunity to speak and be heard on the proposed economic development project or tourism
69 project.

70 (c) Notwithstanding any provision of this code, law or rule to the contrary, all tolls on the
71 West Virginia Turnpike shall cease effective July 1, 2019.

NOTE: The purpose of this bill is to end tolls on the West Virginia Turnpike effective July 1, 2019.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.