

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

House Bill 4096

FISCAL
NOTE

(BY DELEGATES HOLSTEIN, KEATON AND SYPOLT)

[Introduced January 17, 2022; 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 exempting school buses currently in operation from having to pay tolls otherwise
 3 charged to vehicles on West Virginia roadways.

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;
school buses exempt.**

1 (a) The Parkways Authority is hereby authorized to fix, revise, charge and collect tolls and
 2 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 fifty-nine of this code. The publication
54 area shall be the county in which the proposed facility would be located. Any citizen may
55 communicate by writing to the Parkways Authority his or her opposition to or approval to such
56 proposal within a period of time not less than 45 days from the publication of the notice. No
57 contract for the development of an economic development project or a tourism project may be
58 entered into by the Parkways Authority until a public hearing is held in the vicinity of the location
59 of the proposed economic development project or tourism project with at least 20 days' notice of
60 such hearing by a Class I publication pursuant to section two of said article. The Parkways
61 Authority shall make written findings of fact prior to rendering a decision on any such proposed
62 project. All studies, records, documents and other materials which are considered by the
63 Parkways Authority in making such findings shall be made available for public inspection at the
64 time of the publication of the notice of public hearing and at a convenient location in the county
65 where the proposed economic development project or tourism project may be located. The
66 Parkways Authority shall promulgate rules in accordance with chapter twenty-nine-a of this code
67 for the conduct of any hearing required by this section. Persons attending any such hearing shall
68 be afforded a reasonable opportunity to speak and be heard on the proposed economic
69 development project or tourism project.

70 (c) West Virginia school buses currently in operation are exempted from paying tolls owed
71 on a West Virginia roadway that collects toll fees pursuant to this section or otherwise.

NOTE: The purpose of this bill is to exempt school buses in current operation from paying tolls on West Virginia roadways.

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