

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

House Bill 4106

FISCAL
NOTE

BY DELEGATES TONEY, ROWAN, PAYNTER, BOOTH,
DEAN, FERRELL, STATLER, COOPER, AND ELLINGTON

[Introduced January 17, 2022; Referred to the
Committee on Technology and Infrastructure then
Finance]

1 A BILL to amend and reenact §17-16A-6 of the Code of West Virginia, 1931, as amended, relating
 2 to exempting school buses with students on board from paying turnpike tolls.

Be it enacted by the Legislature of West Virginia:

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

§17-16A-6. Parkways Authority's powers.

1 (a) The Parkways Authority ~~is hereby authorized and empowered~~ may:

2 (1) ~~To adopt~~ Adopt bylaws for the regulation of its affairs and the conduct of its business;

3 (2) ~~To adopt~~ An official seal and alter the same at pleasure;

4 (3) ~~To maintain~~ Maintain an office at such place or places within the state as it may
 5 designate;

6 (4) ~~To sue~~ Sue and be sued in its own name, plead and be impleaded. Any and all actions
 7 against the Parkways Authority shall be brought only in the county in which the principal office of
 8 the Parkways Authority is located;

9 (5) ~~To construct,~~ Construct, reconstruct, improve, maintain, repair, operate or finance
 10 projects, at such locations within the state or adjacent to the state pursuant to a reciprocal toll
 11 enforcement agreement as may be determined by the Parkways Authority: *Provided,* That after
 12 July 1, 2010, the Parkways Authority is prohibited from constructing new tourism projects or new
 13 economic development projects, but this prohibition ~~shall~~ may not prevent the authority from
 14 entering into lease agreements, development agreements or other agreements with private
 15 businesses or companies allowing and providing for such private businesses or companies to
 16 acquire, develop, construct and operate motels, lodging facilities or other businesses and
 17 business facilities on land owned by the authority and located adjacent to the Tamarack project
 18 and facilities at Exit 45 of the West Virginia Turnpike;

19 (6) ~~To issue~~ Issue parkway revenue bonds of the State of West Virginia, payable solely

20 from toll revenues, for the purpose of paying all or any part of the cost of any one or more parkway
21 projects;

22 (7) ~~To issue~~ Issue parkway revenue refunding bonds of the State of West Virginia, payable
23 solely from toll revenues, for any one or more of the following purposes:

24 (A) Refunding any bonds which ~~shall~~ have been issued under ~~the provisions of~~ this article
25 or any predecessor thereof; and

26 (B) Repaying to the state all or any part of the state funds used to upgrade the West
27 Virginia Turnpike to federal interstate standards;

28 (8) ~~To charge~~ Charge, fix and revise, from time to time, tolls or fees for transit over each
29 parkway project constructed or improved or financed by it, by the Department of Transportation
30 or by the West Virginia Turnpike Commission: *Provided*, That the Parkways Authority may not
31 charge tolls or fees for transit over an existing road without express legislative authorization for
32 the charging of such tolls or fees: *Provided, however*, That an existing road does not include the
33 West Virginia Turnpike, new lanes or sections of an existing road, the replacement or construction
34 of any bridge or tunnel, or related facilities: *Provided further*, That no tolls or fees may be charged
35 to school buses with students on board for use of the turnpike;

36 (9) ~~To fix~~ Fix and revise, rents, fees, or other charges, of whatever kind or character, for
37 the use of each tourism project or economic development project constructed by it or for the use
38 of any building, structure or facility constructed by it or financed in connection with a parkway
39 project;

40 (10) ~~To acquire~~ Acquire, hold, lease and dispose of real and personal property in the
41 exercise of its powers and the performance of its duties under this article;

42 (11) ~~To acquire~~ Acquire in the name of the state by purchase or otherwise, on such terms
43 and conditions and in such manner as it may ~~deem~~ consider proper, or by the exercise of the right
44 of condemnation in the manner hereinafter provided, such public or private lands, including public
45 parks, playgrounds or reservations, or parts thereof or rights therein, rights-of-way, property,

46 rights, easements, and interests, as it may ~~deem~~ consider necessary for carrying out the
47 provisions of this article. No compensation ~~shall~~ may be paid for public lands, playgrounds, parks,
48 parkways or reservations so taken, and all public property damaged in carrying out the powers
49 granted by this article shall be restored or repaired and placed in its original condition as nearly
50 as practicable;

51 (12) ~~To designate~~ Designate the locations of, and establish, limit and control such points
52 of ingress to and egress from, each project as may be necessary or desirable in the judgment of
53 the Parkway Authority to ensure the proper operation and maintenance of ~~such~~ the project and
54 to prohibit entrance to ~~such~~ the project from any point or points not so designated;

55 (13) ~~To make~~ Make and enter into all contracts and agreements necessary or incidental
56 to the performance of its duties and the execution of its powers under this article, and to employ
57 consulting engineers, attorneys, accountants, architects, construction and financial experts,
58 trustees, superintendents, managers and such other employees and agents as may be necessary
59 in its judgment, and to fix their compensation. All such expenses shall be payable solely from the
60 proceeds of parkway revenue bonds or parkway revenue refunding bonds issued under the
61 provisions of this article or from toll revenues;

62 (14) ~~To make~~ Make and enter into all contracts, agreements or other arrangements with
63 any agency, department, division, board, bureau, commission, authority or other governmental
64 unit of the state to operate, maintain or repair any project;

65 (15) ~~To receive~~ Receive and accept from any federal agency grants for or in aid of the
66 construction of any project, and to receive and accept aid or contributions from any source of
67 either money, property, labor, or other things of value, to be held, used and applied only for the
68 purposes for which such grants and contributions may be made;

69 (16) ~~To study~~ Study, investigate, evaluate and, if feasible, develop and implement a “single
70 fee” program the purpose of which is to charge a flat fee to owners of motor vehicles registered
71 in this state who opt into any such program or any other state which opts into any such program:

72 *Provided*, That any single fee program shall apply only to passenger motor vehicles, divided into
73 classes based on size and usage, and shall not apply to commercial motor vehicles. The flat fee
74 shall be set by the authority at a rate or amount so that the aggregate of all toll revenues estimated
75 to be received by the authority at the time of fixing any such rate or amount, or any increase
76 thereof, provides sufficient toll revenues consistent with the purposes set forth in section thirteen
77 of this article and to cover the administrative costs of any such single fee program. The separate
78 fee shall be collected by adding it to the annual cost of vehicle registration as an additional fee
79 payable solely to the authority pursuant to §17A-10-17 of this code. A registered motor vehicle for
80 which ~~such~~ the single program fee has been paid shall be entitled to traverse all toll roads within
81 the state without stopping to pay individual tolls during the effective period of said vehicle
82 registration. The single fee program may also include comparable provisions which would allow
83 vehicles registered in other states to traverse West Virginia toll roads in like fashion to West
84 Virginia vehicles as set forth in this section upon the payment of a single fee for each and every
85 vehicle registered in ~~such~~ the state, in accordance with the same classification system adopted
86 for West Virginia vehicles. The Parkways Authority, in consultation with the Division of Motor
87 Vehicles, shall propose rules for legislative approval in accordance with ~~the provisions of~~ §29A-
88 3-1 *et seq.* of this code to implement any single fee program under this subdivision ~~(16)~~;

89 (17) ~~To enter~~ Enter into reciprocal toll enforcement agreements with other toll agencies in
90 this state or in any other state or foreign country;

91 (18) ~~To do~~ Do all acts and things necessary or convenient to carry out the powers
92 expressly granted in this article; and

93 (19) ~~To file~~ File the necessary petition or petitions pursuant to federal bankruptcy laws.

94 The State of West Virginia hereby consents to the application of Title 11 of the United States Code
95 to the Parkways Authority.

96 (b) Nothing in this article ~~shall~~ may be construed to prohibit the issuance of parkway
97 revenue refunding bonds in a common plan of financing with the issuance of parkway revenue

98 bonds.

NOTE: The purpose of this bill is to exempt school buses with students on board from paying turnpike tolls.

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