

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

House Bill 4109

FISCAL
NOTE

BY DELEGATES TONEY, PAYNTER, BOOTH, DEAN,

FERRELL, ELLINGTON AND HOLSTEIN

[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 emergency medical service vehicles 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:

2 (1) To 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 an office at such place or places within the state as it may designate;

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

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

18 (6) To issue parkway revenue bonds of the State of West Virginia, payable solely from toll
19 revenues, for the purpose of paying all or any part of the cost of any one or more parkway projects;

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

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

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

26 (8) To charge, fix and revise, from time to time, tolls or fees for transit over each parkway
27 project constructed or improved or financed by it, by the Department of Transportation or by the
28 West Virginia Turnpike Commission: *Provided*, That the Parkways Authority may not charge tolls
29 or fees for transit over an existing road without express legislative authorization for the charging
30 of such tolls or fees: *Provided, however*, That an existing road does not include the West Virginia
31 Turnpike, new lanes or sections of an existing road, the replacement or construction of any bridge
32 or tunnel, or related facilities: *Provided further*, That no tolls or transit fees may be charged to
33 emergency medical service vehicles, including, but not limited to, ambulances, emergency
34 medical service response vehicles, and other authorized vehicles used to transport sick or injured
35 persons in emergency situations;

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

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

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

46 article. No compensation shall be paid for public lands, playgrounds, parks, parkways or
47 reservations so taken, and all public property damaged in carrying out the powers granted by this
48 article shall be restored or repaired and placed in its original condition as nearly as practicable;

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

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

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

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

67 (16) To study, investigate, evaluate and, if feasible, develop and implement a "single fee"
68 program the purpose of which is to charge a flat fee to owners of motor vehicles registered in this
69 state who opt into any such program or any other state which opts into any such program:
70 *Provided*, That any single fee program shall apply only to passenger motor vehicles, divided into
71 classes based on size and usage, and shall not apply to commercial motor vehicles. The flat fee

72 shall be set by the authority at a rate or amount so that the aggregate of all toll revenues estimated
73 to be received by the authority at the time of fixing any such rate or amount, or any increase
74 thereof, provides sufficient toll revenues consistent with the purposes set forth in section thirteen
75 of this article and to cover the administrative costs of any such single fee program. The separate
76 fee shall be collected by adding it to the annual cost of vehicle registration as an additional fee
77 payable solely to the authority pursuant to section seventeen, article ten, chapter seventeen-a of
78 this code. A registered motor vehicle for which such single program fee has been paid shall be
79 entitled to traverse all toll roads within the state without stopping to pay individual tolls during the
80 effective period of said vehicle registration. The single fee program may also include comparable
81 provisions which would allow vehicles registered in other states to traverse West Virginia toll roads
82 in like fashion to West Virginia vehicles as set forth in this section upon the payment of a single
83 fee for each and every vehicle registered in such state, in accordance with the same classification
84 system adopted for West Virginia vehicles. The Parkways Authority, in consultation with the
85 Division of Motor Vehicles, shall propose rules for legislative approval in accordance with the
86 provisions of article three, chapter twenty-nine-a of this code to implement any single fee program
87 under this subdivision (16);

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

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

92 (19) To file the necessary petition or petitions pursuant to federal bankruptcy laws.). The
93 State of West Virginia hereby consents to the application of Title 11 of the United States Code to
94 the Parkways Authority.

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

NOTE: The purpose of this bill is to exempt EMS vehicles from paying tolls for transit over highways administered by the Parkways Authority.

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