

# WEST VIRGINIA LEGISLATURE

## 2024 REGULAR SESSION

Introduced

### House Bill 4167

FISCAL  
NOTE

By Delegate Young and Holstein

[Introduced January 10, 2024; Referred  
to the Committee on Technology and Infrastructure]

1 A BILL to amend and reenact §17-16A-13 of the Code of West Virginia, 1931, as amended,  
 2 relating to providing that toll booths on toll roads accept credit card payments in lieu of cash  
 3 payments.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 16A. WEST VIRGINIA PARKWAYS AUTHORITY.**

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

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 of  
 6 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 charges,  
 16 from the project or projects in connection with which the bonds of any issue shall have been issued  
 17 as to provide a fund sufficient with other revenues, if any: (1) To pay the cost of acquiring,  
 18 constructing, reconstructing, maintaining, repairing, improving and operating such project or  
 19 projects and to create reserves therefor; (2) to pay the principal of and the interest on such bonds  
 20 and related costs and expenses as the same shall become due and payable, and to create

21 reserves for such purposes; and (3) to comply with any covenants under any trust agreement  
22 securing any bonds issued by the Parkways Authority, or any predecessor thereof, or to maintain  
23 bond credit ratings. Such tolls, rents, fees and other charges shall not be subject to supervision or  
24 regulation by any other commission, board, bureau, department or agency of the state. The tolls,  
25 rents, fees, charges and all other revenues derived from the project or projects in connection with  
26 which the bonds of any issue shall have been issued, except such part thereof as may be  
27 necessary to pay the cost of acquiring, constructing, reconstructing, maintaining, improving,  
28 repairing and operating such project or projects and to provide such reserves therefor as may be  
29 provided in the resolution authorizing the issuance of such bonds or in the trust agreement  
30 securing the same, shall be set aside at regular intervals as may be provided in the resolution or  
31 the trust agreement in a sinking fund which is hereby pledged to, and charged with, the payment  
32 of: (i) The interest upon the bonds as such interest shall fall due; (ii) the principal of the bonds as  
33 the same shall fall due; (iii) the necessary charges of paying agents and trustees for paying  
34 principal and interest; and (iv) the redemption price or the purchase price of bonds retired by call or  
35 purchase as therein provided. The use and disposition of moneys to the credit of such sinking fund  
36 shall be subject to the provisions of the resolution authorizing the issuance of the bonds or of the  
37 trust agreement. Except as may otherwise be provided in the resolution or the trust agreement,  
38 such sinking fund shall be a fund for all bonds without distinction or priority of one over another.  
39 The moneys in the sinking fund, less such reserve as may be provided in the resolution or trust  
40 agreement, if not used within a reasonable time for the purchase of bonds for cancellation as  
41 above provided, shall be applied to the redemption of bonds at the redemption price then  
42 applicable. Credit card payments shall be accepted at toll booths in lieu of a cash payment, with no  
43 additional fees related to processing.

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

47 service facility located along the West Virginia Turnpike, to be renewed on a competitive bid basis.  
48 All contracts relating to any facility or services entered into by the Parkways Authority with a  
49 private party with respect to any project constructed after the effective date of this legislation shall  
50 be let on a competitive bid basis only. If the Parkways Authority receives a proposal for the  
51 development of a project, except for a parkway project, such proposal shall be made available to  
52 the public in a convenient location in the county wherein the proposed facility may be located. The  
53 Parkways Authority shall publish a notice of the proposal by a Class I legal advertisement in  
54 accordance with the provisions of §59-3-1 *et seq.* of this code. The publication area shall be the  
55 county in which the proposed facility would be located. Any citizen may communicate by writing to  
56 the Parkways Authority his or her opposition to or approval to such proposal within a period of time  
57 not less than 45 days from the publication of the notice. No contract for the development of an  
58 economic development project or a tourism project may be entered into by the Parkways Authority  
59 until a public hearing is held in the vicinity of the location of the proposed economic development  
60 project or tourism project with at least 20 days' notice of such hearing by a Class I publication  
61 pursuant to section two of said article. The Parkways Authority shall make written findings of fact  
62 prior to rendering a decision on any such proposed project. All studies, records, documents and  
63 other materials which are considered by the Parkways Authority in making such findings shall be  
64 made available for public inspection at the time of the publication of the notice of public hearing  
65 and at a convenient location in the county where the proposed economic development project or  
66 tourism project may be located. The Parkways Authority shall promulgate rules in accordance with  
67 §29A-1-1 *et seq.* of this code for the conduct of any hearing required by this section. Persons  
68 attending any such hearing shall be afforded a reasonable opportunity to speak and be heard on  
69 the proposed economic development project or tourism project.

NOTE: The purpose of this bill is to allow for credit card payments at toll booths.

Strike-throughs indicate language that would be stricken from a heading or the present law

and underscoring indicates new language that would be added.