

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 4269

By Delegate Holstein

[Introduced January 10, 2024; 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 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
 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:

18 (1) To pay the cost of acquiring, constructing, reconstructing, maintaining, repairing,
19 improving, and operating such project or projects and to create reserves therefor;

20 (2) To pay the principal of and the interest on such bonds and related costs and expenses
21 as the same shall become due and payable, and to create reserves for such purposes; and

22 (3) To comply with any covenants under any trust agreement securing any bonds issued by
23 the Parkways Authority, or any predecessor thereof, or to maintain bond credit ratings. Such tolls,
24 rents, fees, and other charges shall not be subject to supervision or regulation by any other
25 commission, board, bureau, department, or agency of the state. The tolls, rents, fees, charges and
26 all other revenues derived from the project or projects in connection with which the bonds of any
27 issue shall have been issued, except such part thereof as may be necessary to pay the cost of
28 acquiring, constructing, reconstructing, maintaining, improving, repairing and operating such
29 project or projects and to provide such reserves therefor as may be provided in the resolution
30 authorizing the issuance of such bonds or in the trust agreement securing the same, shall be set
31 aside at regular intervals as may be provided in the resolution or the trust agreement in a sinking
32 fund which is hereby pledged to, and charged with, the payment of:

33 (i) The interest upon the bonds as such interest shall fall due;

34 (ii) The principal of the bonds as the same shall fall due;

35 (iii) The necessary charges of paying agents and trustees for paying principal and interest;

36 and

37 (iv) The redemption price or the purchase price of bonds retired by call or purchase as
38 therein provided.

39 The use and disposition of moneys to the credit of such sinking fund shall be subject to the
40 provisions of the resolution authorizing the issuance of the bonds or of the trust agreement. Except
41 as may otherwise be provided in the resolution or the trust agreement, such sinking fund shall be a
42 fund for all bonds without distinction or priority of one over another. The moneys in the sinking
43 fund, less such reserve as may be provided in the resolution or trust agreement, if not used within

44 a reasonable time for the purchase of bonds for cancellation as above provided, shall be applied to
45 the redemption of bonds at the redemption price then applicable.

46 (b) The Parkways Authority shall cause, as soon as it is legally able to do so, all contracts
47 to which it is a party and which relate to the operation, maintenance or use of any restaurant, motel
48 or other lodging facility, truck and automobile service facility, food vending facility or any other
49 service facility located along the West Virginia Turnpike, to be renewed on a competitive bid basis.
50 All contracts relating to any facility or services entered into by the Parkways Authority with a
51 private party with respect to any project constructed after the effective date of this legislation shall
52 be let on a competitive bid basis only. If the Parkways Authority receives a proposal for the
53 development of a project, except for a parkway project, such proposal shall be made available to
54 the public in a convenient location in the county wherein the proposed facility may be located. The
55 Parkways Authority shall publish a notice of the proposal by a Class I legal advertisement in
56 accordance with the provisions of article three, chapter fifty-nine of this code. The publication area
57 shall be the county in which the proposed facility would be located. Any citizen may communicate
58 by writing to the Parkways Authority his or her opposition to or approval to such proposal within a
59 period of time not less than forty-five days from the publication of the notice. No contract for the
60 development of an economic development project or a tourism project may be entered into by the
61 Parkways Authority until a public hearing is held in the vicinity of the location of the proposed
62 economic development project or tourism project with at least twenty days' notice of such hearing
63 by a Class I publication pursuant to section two of said article. The Parkways Authority shall make
64 written findings of fact prior to rendering a decision on any such proposed project. All studies,
65 records, documents, and other materials which are considered by the Parkways Authority in
66 making such findings shall be made available for public inspection at the time of the publication of
67 the notice of public hearing and at a convenient location in the county where the proposed
68 economic development project or tourism project may be located. The Parkways Authority shall
69 promulgate rules in accordance with chapter twenty-nine-a of this code for the conduct of any

70 hearing required by this section. Persons attending any such hearing shall be afforded a
71 reasonable opportunity to speak and be heard on the proposed economic development project or
72 tourism project.

73 (c) West Virginia school buses currently in operation are exempted from paying tolls owed
74 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.