2018 Special Session I

Budget Bill - HB5001 (Introduced)

Item 4-14

§ 4-14.00 EFFECTIVE DATE

This act is effective on its passage as provided in § 1-214, Code of Virginia.

ADDITIONAL ENACTMENTS

3. That § 33.2-309 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 1 of Title 33.2 a section numbered 33.2-118, as follows:

§ 33.2-118. Limitation on tolling.

A. For purposes of this section, "auxiliary lane" means the portion of the roadway adjoining the traveled way as a shoulder or for speed change, turning, weaving, or the maneuvering of entering and leaving traffic.

B. Notwithstanding any other provision of this title, no toll may be imposed or collected on un-tolled lanes or components of a highway, bridge, or tunnel without approval from the General Assembly. However, such prohibition shall not apply to (i) reconstruction with additional lanes of a highway, bridge, or tunnel provided that the number of un-tolled non-high-occupancy vehicle lanes, excluding auxiliary lanes, after the reconstruction is not less than the number of un-tolled, non-high-occupancy vehicle lanes, excluding auxiliary lanes, prior to such reconstruction; (ii) new construction that is opened to the public as a tolled facility; (iii) new construction that is opened to the public as high-occupancy vehicle lanes; (iv) existing high-occupancy vehicle lanes; or (v) an existing lane on a segment of a highway whose length does not exceed 10 miles and is between an interchange and an interchange or an interchange and a bridge, provided that the number of un-tolled non-high-occupancy vehicle lanes on such segment is equal to the number of un-tolled non-high-occupancy vehicle lanes on the portion of the highway preceding such segment.

C. Notwithstanding the provisions of subsection B, prior approval of the General Assembly shall be required prior to the imposition and collection of any toll for use of all or any portion of (i) a non-limited access highway except for a bridge, tunnel, or the approaches to a bridge or tunnel or (ii) Interstate 81.

§ 33.2-309. Tolls for use of Interstate System components.

A. Subject to the limitations provided in § 33.2-118 and in accordance with all applicable federal and state statutes and requirements, the Board may impose and collect tolls from all classes of vehicles in amounts established by the Board for the use of any component of the Interstate System within the Commonwealth.

B. The toll facilities authorized by this section shall be subject to the provisions of federal law for the purpose of tolling motor vehicles to finance interstate construction and reconstruction, promote efficiency in the use of highways, reduce traffic congestion, and improve air quality and for such other purposes as may be permitted by federal law.

C. In order to mitigate traffic congestion in the vicinity of the toll facilities, no toll facility shall be operated without high-speed automated toll collection technology designed to allow motorists to travel through the toll facilities without stopping to make payments. Nothing in this subsection shall be construed to prohibit a toll facility from retaining means of nonautomated toll collection in some lanes of the facility. The Board shall also consider traffic congestion and mitigation thereof and the impact on local traffic movement as factors in determining the location of the toll facilities authorized pursuant to this section.

D. The revenues collected from each toll facility established pursuant to this section shall be deposited into segregated subaccounts in the Transportation Trust Fund and may be allocated by the Board as the Board deems appropriate to:

1. Pay or finance all or part of the costs of programs or projects, including the costs of planning, operation, maintenance, and improvements incurred in connection with the toll facility, provided that such allocations shall be limited to programs and projects that are reasonably related to or benefit the users of the toll facility. The priorities of metropolitan planning organizations, planning district commissions, local governments, and transportation corridors shall be considered by the Board in making project allocations from such revenues deposited into the Transportation Trust Fund.

2. Repay funds from the Toll Facilities Revolving Account or the Transportation Partnership Opportunity Fund.

3. Pay the Board's reasonable costs and expenses incurred in the administration and management of the toll facility.

4. That the provisions of this act adding § 33.2-118 to the Code of Virginia, as created by this act, and § 33.2-309 of the Code of Virginia, as amended by this act, shall become effective upon the return of the Commonwealth's spot in the Interstate System Reconstruction and Rehabilitation Pilot Program.

5. Enactments 4 and 5 of Chapters 778 and 779 of the 2016 Acts of Assembly are hereby repealed. The General Assembly finds that the creation of the Virginia Growth and Opportunity Foundation to support the Board satisfies the intent of Enactment 4 of Chapters 778 and 779 of the 2016 Acts of Assembly.

6. Enactment 2 of Chapters 776 and 777 of the 2016 Acts of Assembly are hereby repealed.

7. A.*1.* Notwithstanding the provisions of § 2.2-1514, Code of Virginia, or any other provision of law, any general fund revenues collected and deposited for fiscal year 2017 that are in excess of the official forecast contained in this act, shall be reflected by the Comptroller as committed on the June 30, 2017, preliminary balance sheet pursuant to the provisions of this enactment for the purposes of establishing a cash reserve to mitigate any potential revenue shortfalls that may arise during the remainder of the biennium.

2. Notwithstanding the provisions of § 2.2-1514, Code of Virginia, or any other provision of law, any general fund revenues collected and deposited for fiscal year 2018 that are in excess of the official forecast contained in this act, shall be reflected by the Comptroller as committed on the June 30, 2018, preliminary balance sheet pursuant to the provisions of this section for the purposes of establishing a cash reserve to mitigate any potential revenue or transfer shortfalls that may arise during the remainder of the biennium.

B. To determine the amounts that are to be committed, the Comptroller shall first determine the revenues that were collected in excess of the revenues forecast in this act. He shall then reduce those revenues for the following adjustments:

1. Any amounts that must be restricted such as mandatory deposits to the Revenue Stabilization Fund.

2. Any amounts that normally would be committed or assigned pursuant to GASB standards.

3. Any amounts that must be committed for deposit to the Water Quality Improvement Fund from excess general fund revenue collections pursuant to § 10.1-2128 A., Code of Virginia.

4. Any other amounts that are required to be committed or assigned pursuant to any other items or provisions of this act, which would include mandatory carryforwards, unexpended balances in capital projects, and balances required to be carried forward for fiscal year 2018 *or fiscal year 2019*.

C. The amount that remains after deduction of the amounts listed above from the surplus revenues on June 30, 2017, *or June 30, 2018,* shall be further reduced by fifty percent.

D. The Comptroller shall then reflect the remaining fifty percent as a commitment on the preliminary balance sheet entitled Revenue Cash Reserve to be held solely for the purposes of mitigating any loss of general fund revenues *or transfers* in fiscal year 2018 from the official forecast contained in this act.

E. The Comptroller may draw against the balances of the Revenue Cash Reserve for an amount equal to any shortfall in general fund revenue *or transfer* collections from the official forecast contained in this act for fiscal year 2018.

8. That the provisions of the first enactment, second enactment, and seventh enactment of this act shall expire at midnight on June 30, 2018. The provisions of the third, fourth, fifth, and sixth enactments of this act shall have no expiration date.