

HOUSE BILL NO. 859

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Transportation

on _____)

(Patron Prior to Substitute--Delegate Reid)

A BILL to direct the Commissioner of Highways to evaluate whether roadways operating under the Virginia Highway Corporation Act of 1988 should operate under the Public-Private Transportation Act of 1995.

Be it enacted by the General Assembly of Virginia:

1. § 1. The Commissioner of Highways (the Commissioner), in consultation with the Secretary of Transportation and the Secretary of Finance, shall evaluate whether it is in the public interest for any roadway within the Commonwealth operated pursuant to the Virginia Highway Corporation Act of 1988 (§ 56-535 et seq. of the Code of Virginia), hereinafter referred to as the HCA, to instead be operated as a qualifying transportation facility under the authority and requirements provided by the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq. of the Code of Virginia), hereinafter referred to as the PPTA. Any evaluation of the public interest pursuant to this act shall consider (i) the applicable commercial and financial terms and enhancements to any such roadway, (ii) the implementation of distance-based tolling, and (iii) reduction of toll rates, including reduction of toll rates for a full-length trip. Prior to making any determination of whether such a transfer is in the public interest, the Commissioner shall (a) solicit input from the boards of supervisors of the impacted jurisdictions and (b) hold a meeting of the Transportation Public-Private Partnership Steering Committee (the Committee) established pursuant to § 33.2-1803.2 of the Code of Virginia to outline the goals and objectives of the evaluation. Following the meeting of the Committee, the Commissioner shall hold two public meetings to solicit input from interested stakeholders.

If a majority of the board of supervisors of any jurisdiction that contains within the borders of that jurisdiction at least 51 percent of any roadway operated under the HCA votes in the affirmative to be a

27 part of the discussions pursuant to this act by August 1, 2022, the Commissioner shall initiate a
28 nondisclosure agreement (NDA) with the chair of the board of supervisors, the chair of the county's
29 transportation and land use committee or comparable committee, and one senior county official selected
30 by the chair of the board of supervisors. Once such senior county official has entered into the NDA, no
31 additional person shall enter into an NDA as a senior county official pursuant to this act regardless of
32 personnel changes in the locality. Such NDA shall prohibit the disclosure of private financial data,
33 proprietary data, and any other confidential data as determined by the Commissioner. Such NDA shall
34 authorize the disclosure of such data to members of the board of supervisors of such jurisdiction in a
35 closed meeting. Any data subject to such NDA shall be exempt from the provisions of the Virginia
36 Freedom of Information Act (§ 2.2-3700 et seq. of the Code of Virginia). If such NDAs are entered into
37 as provided in this act, the Commissioner shall include such covered representatives of the county board
38 of supervisors and senior county official as nonvoting subject matter experts in the discussions.

39 In the event that the Commissioner determines, based on the evaluation and proposed major
40 business terms, that it is in the public interest for any roadway in the Commonwealth operated pursuant
41 to the HCA to instead be operated under the authority and requirements provided by the PPTA, and the
42 Secretary of Transportation concurs, the Commissioner shall present such proposed major business terms
43 and findings to the Committee for its consideration. Prior to presenting the major business terms to the
44 Committee, the Commissioner shall solicit and publish public comment on such proposed major business
45 terms. If the Committee concurs that such operation under the authority and requirements of the PPTA is
46 in the public interest, the General Assembly hereby authorizes the Commissioner to negotiate and execute
47 a new comprehensive agreement between the roadway operator and the Department of Transportation.
48 Notwithstanding § 56-551 of the Code of Virginia, upon execution of such new comprehensive agreement,
49 the corresponding roadway will immediately become subject to the PPTA. Upon the execution of the new
50 comprehensive agreement, the State Corporation Commission shall retain no further authority with respect
51 to such operation and shall transfer all of its records and regulatory oversight responsibilities regarding
52 such roadway to the Department of Transportation.

