WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1990

ENROLLED
Comm. Sub. for Comm. Sub. for
SENATE BILL NO. 101
(Originating in the Committee
(By Senator on Finance)

PASSED February 8, 1990
In Effect from Passage
ENROLLED
COMMITTEE SUBSTITUTE
FOR
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 101

[Passed February 8, 1990; in effect from passage.]

AN ACT to amend and reenact section eighteen, article sixteen-a, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto a new section, designated section eighteen-a, permitting the continued toll collection at the intersection of U.S. Route 19 and the West Virginia Turnpike; implementing a system of commuter passes; and providing for the application of rule making to certain toll increases.

Be it enacted by the Legislature of West Virginia:

That section eighteen, article sixteen-a, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article be further amended by adding thereto a new section, designated section eighteen-a, all to read as follows:
ARTICLE 16A. WEST VIRGINIA PARKWAYS, ECONOMIC DEVELOPMENT AND TOURISM AUTHORITY.

§17-16A-18. Cessation of tolls; commuter pass system.

(a) Except as provided herein, when all bonds issued under the provisions of this article in connection with any parkway project or projects and the interest thereon shall have been paid or a sufficient amount for the payment of all such bonds and the interest thereon to the maturity thereof shall have been set aside in trust for the benefit of the bondholders, such project or projects, if then in good condition and repair to the satisfaction of the commissioner of the state division of highways, shall be transferred to the state division of highways and shall thereafter be maintained by the state division of highways free of tolls: Provided, That the parkways authority may thereafter charge tolls for the use of any such project and for the reconstruction, improvement, maintenance and repair thereof, except as may be limited by applicable federal laws, and pledge such tolls to the payment of bonds issued under the provisions of this article in connection with another project or projects, or any combination thereof, but any such pledge of tolls of a parkway project to the payment of bonds issued in connection with another project or projects shall not be effectual until the principal of and the interest on the bonds issued in connection with the first mentioned project shall have been paid or provision made for their payment.

(b) No later than the first day of February, one thousand nine hundred ninety, the parkways authority shall discontinue, remove and not relocate all toll collection facilities on the West Virginia Turnpike as the same existed on June first, one thousand eight hundred eighty-nine, except for the three main toll barriers and collection facilities, and provided solely that the provisions of section eighteen-a are complied with, the toll collection facilities at the intersection of U.S. Route 19 (Corridor "L") and said turnpike: Provided, That nothing herein may be construed to prohibit placement of new tolls to the extent permit-
§17-16A-18a. Corridor “L” toll fees authorized; commuter pass; annual report.

(a) The parkways authority is hereby authorized to operate the currently existing toll collection facility located at the interchange of U.S. Route 19 (Corridor “L”) and said turnpike subject to the following:

(1) The toll fee charges by the parkways, economic development and tourism authority at its toll facilities located at the interchange of U.S. Route 19 (Corridor “L”) and said turnpike shall not exceed those toll charges levied and collected by the authority at said interchange as of the first day of January, one thousand nine hundred ninety, and hereafter, no proposed increase in such toll fees shall be implemented by the parkways authority unless the authority shall have first complied with validly promulgated and legislatively approved rules and regulations pursuant to the applicable provisions of chapter twenty-nine-a of this code;

(2) As soon as reasonably possible after the effective date of this legislation, but in no event later than the first day of July, one thousand nine hundred ninety, the authority shall establish, advertise, implement and otherwise make generally available to all qualified members of the public, resident or nonresident, a system of commuter passes, in a form to be determined by the authority: Provided, That said system of commuter passes shall, at a minimum, permit the holder of such pass or passes, after paying the applicable fee to the authority, to travel through the U.S. Route 19 (Corridor “L”) turnpike interchange and toll facilities on an unlimited basis, without additional charge therefor, for a period of one year after the issuance of said commuter pass or passes: Provided, however, That the cost for such commuter pass or
passes shall in no event aggregate more than five dollars per year for a full calendar year of unlimited travel through the U.S. Route 19 (Corridor “L”) turnpike interchange toll facilities.

To the extent required or necessary, the parkways authority is further hereby authorized and empowered, in addition to the extent previously authorized and empowered pursuant to section six and section thirteen-b, article sixteen-a of this chapter, to promulgate rules in accordance with chapter twenty-nine-a of this code with regard to the implementation of proposed future toll increases at the U.S. Route 19 (Corridor “L”) turnpike toll facility;

(3) The system of commuter passes implemented in accordance with the provisions of subdivision (2), subsection (a), above, shall be available only for use when operating or traveling in a Class “A” motor vehicle as herein defined. Whoever shall knowingly or intentionally utilize any commuter pass issued in accordance with this section while operating other than a Class “A” motor vehicle, as herein defined, at the U.S. Route 19 (Corridor “L”) turnpike toll facility, or any other toll facility at or upon which such pass may later be usable, shall be guilty of a misdemeanor, and for every such offense shall, upon conviction thereof, be punished in accordance with the provisions of section seventeen, article sixteen-a of this chapter; and the parkways authority shall hereafter be authorized and empowered to cancel any such commuter pass or passes improperly used in accordance with this section;

(4) In addition to the annual report required by section twenty-six of this article, the parkways authority will prepare and deliver to the governor, the speaker of the House of Delegates and the president of the Senate a separate annual report of toll revenues collected from the U.S. Route 19 (Corridor “L”) turnpike toll facility. The report shall disclose separately the toll revenues generated from regular traffic and the commuter pass created herein. The reports shall include, but not be limited to, disclosing separ-
ately the expenditure of said toll revenues generated
from the U.S. Route 19 (Corridor "L") turnpike toll
facility including a description of the purposes for
which such toll revenues are expended;

(5) In the event any court of competent jurisdiction
shall issue an order which adjudges that any portion
of subdivisions (1), (2) or (3), subsection (a) of this
section are illegal, unconstitutional, unenforceable or
in any manner invalid, the parkways authority shall
discontinue, remove and not otherwise relocate the
U.S. Route 19 (Corridor "L") turnpike toll facility
within three hundred sixty-five days after the date
upon which said court order is final or all appeals to
said order have been exhausted;

(6) For the purpose of this section, a Class "A"
vehicle shall be defined as a motor vehicle of passen-
ger type and truck with a gross weight of not more
than 8,000 pounds and registered or eligible for regis-
tration as a Class "A" vehicle in accordance with
section one, article ten, chapter seventeen-a of this
code as the same is currently constituted; and

(7) Notwithstanding any other provisions of the code
to the contrary, the parkways authority may not
promulgate emergency rules in accordance with
section fifteen, article three, chapter twenty-nine-a of
this code to increase or decrease toll fees or the
commuter pass fee established herein.

(b) Nothing in this section is to be construed to apply
to, regulate, or in any manner affect the operation of
the three main line toll barriers and toll collection
facilities currently located on the West Virginia
Turnpike and operated by the parkways authority as
Barrier A, Barrier B and Barrier C (I-64, I-77).

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Frederick L. Parker
Chairman Senate Committee

Bernard V. Kelly
Chairman House Committee

Originated in the Senate.

In effect from passage.

R. W. Eckel
Clerk of the Senate

Donald L. Hop
Clerk of the House of Delegates

Note: Conclusion is not visible in the image.