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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1990



ENROLLED

Com. Sub. for Com. Sub. for

SENATE BILL NO. 101

(Originating in the Committee

on Finance)
(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.

1 (a) Except as provided herein, when all bonds issued
2 under the provisions of this article in connection with
3 any parkway project or projects and the interest
4 thereon shall have been paid or a sufficient amount
5 for the payment of all such bonds and the interest
6 thereon to the maturity thereof shall have been set
7 aside in trust for the benefit of the bondholders, such
8 project or projects, if then in good condition and repair
9 to the satisfaction of the commissioner of the state
10 division of highways, shall be transferred to the state
11 division of highways and shall thereafter be main-
12 tained by the state division of highways free of tolls:
13 *Provided*, That the parkways authority may thereafter
14 charge tolls for the use of any such project and for the
15 reconstruction, improvement, maintenance and repair
16 thereof, except as may be limited by applicable federal
17 laws, and pledge such tolls to the payment of bonds
18 issued under the provisions of this article in connec-
19 tion with another project or projects, or any combina-
20 tion thereof, but any such pledge of tolls of a parkway
21 project to the payment of bonds issued in connection
22 with another project or projects shall not be effectual
23 until the principal of and the interest on the bonds
24 issued in connection with the first mentioned project
25 shall have been paid or provision made for their
26 payment.

27 (b) No later than the first day of February, one
28 thousand nine hundred ninety, the parkways author-
29 ity shall discontinue, remove and not relocate all toll
30 collection facilities on the West Virginia Turnpike as
31 the same existed on June first, one thousand nine
32 hundred eighty-nine, except for the three main toll
33 barriers and collection facilities, and provided solely
34 that the provisions of section eighteen-a are complied
35 with, the toll collection facilities at the intersection of
36 U.S. Route 19 (Corridor "L") and said turnpike:
37 *Provided*, That nothing herein may be construed to
38 prohibit placement of new tolls to the extent permit-

39 ted by federal law for any new expressway, turnpike,
40 trunkline, feeder road, state local service road, or park
41 and forest road connected to the West Virginia Turn-
42 pike and constructed after the first day of June, one
43 thousand nine hundred eighty-nine.

**§17-16A-18a. Corridor “L” toll fees authorized; commuter
pass; annual report.**

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

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

18 (2) As soon as reasonably possible after the effective
19 date of this legislation, but in no event later than the
20 first day of July, one thousand nine hundred ninety,
21 the authority shall establish, advertise, implement and
22 otherwise make generally available to all qualified
23 members of the public, resident or nonresident, a
24 system of commuter passes, in a form to be deter-
25 mined by the authority: *Provided*, That said system of
26 commuter passes shall, at a minimum, permit the
27 holder of such pass or passes, after paying the applica-
28 ble fee to the authority, to travel through the U.S.
29 Route 19 (Corridor “L”) turnpike interchange and toll
30 facilities on an unlimited basis, without additional
31 charge therefor, for a period of one year after the
32 issuance of said commuter pass or passes: *Provided*,
33 *however*, That the cost for such commuter pass or

34 passes shall in no event aggregate more than five
35 dollars per year for a full calendar year of unlimited
36 travel through the U.S. Route 19 (Corridor "L")
37 turnpike interchange toll facilities.

38 To the extent required or necessary, the parkways
39 authority is further hereby authorized and empow-
40 ered, in addition to the extent previously authorized
41 and empowered pursuant to section six and section
42 thirteen-b, article sixteen-a of this chapter, to promul-
43 gate rules in accordance with chapter twenty-nine-a of
44 this code with regard to the implementation of pro-
45 posed future toll increases at the U.S. Route 19
46 (Corridor "L") turnpike toll facility;

47 (3) The system of commuter passes implemented in
48 accordance with the provisions of subdivision (2),
49 subsection (a), above, shall be available only for use
50 when operating or traveling in a Class "A" motor
51 vehicle as herein defined. Whoever shall knowingly or
52 intentionally utilize any commuter pass issued in
53 accordance with this section while operating other
54 than a Class "A" motor vehicle, as herein defined, at
55 the U.S. Route 19 (Corridor "L") turnpike toll facility,
56 or any other toll facility at or upon which such pass
57 may later be usable, shall be guilty of a misdemeanor,
58 and for every such offense shall, upon conviction
59 thereof, be punished in accordance with the provisions
60 of section seventeen, article sixteen-a of this chapter;
61 and the parkways authority shall hereafter be autho-
62 rized and empowered to cancel any such commuter
63 pass or passes improperly used in accordance with this
64 section;

65 (4) In addition to the annual report required by
66 section twenty-six of this article, the parkways author-
67 ity will prepare and deliver to the governor, the
68 speaker of the House of Delegates and the president of
69 the Senate a separate annual report of toll revenues
70 collected from the U.S. Route 19 (Corridor "L")
71 turnpike toll facility. The report shall disclose separ-
72 ately the toll revenues generated from regular traffic
73 and the commuter pass created herein. The reports
74 shall include, but not be limited to, disclosing separ-

75 ately the expenditure of said toll revenues generated
76 from the U.S. Route 19 (Corridor "L") turnpike toll
77 facility including a description of the purposes for
78 which such toll revenues are expended;

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

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

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

102 (b) Nothing in this section is to be construed to apply
103 to, regulate, or in any manner affect the operation of
104 the three main line toll barriers and toll collection
105 facilities currently located on the West Virginia
106 Turnpike and operated by the parkways authority as
107 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.

Samuel E. Adams
.....
Clerk of the Senate

Donald Z. Boyd
.....
Clerk of the House of Delegates

Rollin S. Switzer
.....
President of the Senate

John W. Chaberski
.....
Speaker House of Delegates

The within *is approved* this the *9th* day of *February*, 1990.

Walter P. Coston
.....
Governor

PRESENTED TO THE
GOVERNOR

Date 2/09/90

Time 10:33 AM