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SENATE BILL NO. \_\_\_\_\_ HOUSE BILL NO. \_\_\_\_\_

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

4 **Be it enacted by the General Assembly of Virginia:**

5 1. § 1. The Commissioner of Highways (the Commissioner), in consultation with the Secretary of  
6 Transportation and the Secretary of Finance, shall evaluate whether it is in the public interest for any  
7 roadway within the Commonwealth operated pursuant to the Virginia Highway Corporation Act of 1988  
8 (§ 56-535 et seq. of the Code of Virginia), hereinafter referred to as the HCA, to instead be operated as a  
9 qualifying transportation facility under the authority and requirements provided by the Public-Private  
10 Transportation Act of 1995 (§ 33.2-1800 et seq. of the Code of Virginia), hereinafter referred to as the  
11 PPTA. Such evaluation shall consider applicable commercial and financial terms and enhancements to  
12 any such roadway; ~~which shall include the implementation of distance-based tolling, benefits to the~~  
13 ~~commuters that use such roadway;~~ and the reduction in toll rates, including the toll rate for a full-length  
14 trip. Prior to making any determination of whether such a transfer is in the public interest, the  
15 Commissioner shall (i) solicit input from the boards of supervisors of the impacted jurisdictions and (ii)  
16 hold a meeting of the Transportation Public-Private Partnership Steering Committee (the Committee)  
17 established pursuant to § 33.2-1803.2 of the Code of Virginia to outline the goals and objectives of the  
18 evaluation. Following the meeting of the Committee, the Commissioner shall hold two public meetings  
19 to solicit input from interested stakeholders.

20 The Commissioner shall initiate a nondisclosure agreement (NDA) with the chairman of the  
21 board of supervisors, the chairman of the county's Transportation and Land Use Committee or  
22 comparable committee, and the county attorney of any jurisdiction that contains within the borders of  
23 that jurisdiction at least 51 percent of any road operated under the HCA. Such NDA shall prohibit the  
24 disclosure of private financial data, proprietary data, and any other confidential data as determined by

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25 the Commissioner of Highways. Such agreement may authorize the disclosure of such data to members  
 26 of the board of supervisors of such jurisdiction in a closed meeting. Any data subject to such NDA shall  
 27 be exempt from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq. of the  
 28 Code of Virginia).

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

44 In the absence of an executed new comprehensive agreement as authorized hereunder, the State  
 45 Corporation Commission shall continue to fulfill its regulatory responsibilities under the HCA. The  
 46 following provisions of the PPTA shall not apply to a new comprehensive agreement entered into under  
 47 this act: subsection B of § 33.2-1801, §§ 33.2-1802, 33.2-1803, and 33.2-1803.1, subsections B and C of  
 48 § 33.2-1803.2, and §§ 33.2-1819 and 33.2-1820 of the Code of Virginia.

49 **2. That the provisions of this act shall expire on ~~December 31, 2022.~~**

# JUNE 30, 2023

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