

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Committee Substitute

for

Committee Substitute

for

Senate Bill 482

BY SENATORS CARMICHAEL (MR. PRESIDENT) AND

PREZIOSO

(BY REQUEST OF THE EXECUTIVE)

[Originating in the Committee on Finance; reported on

March 27, 2017]

1 A BILL to repeal §17-16A-18a, §17-16A-23 and §17-16A-30 of the Code of West Virginia, 1931,
2 as amended; to amend and reenact §17-16A-1, §17-16A-5, §17-16A-6, §17-16A-10, § 17-
3 16A-11, §17-16A-13, §17-16A-13a, §17-16A-18, §17-16A-21, §17-16A-22 and §17-16A-
4 29 of said code; to amend said code by adding thereto a new section, designated §17-
5 16A-11a; to amend and reenact §17-16D-3 of said code; to amend said code by adding
6 thereto a new section, designated §17A-2-25; to amend and reenact §17A-3-7 of said
7 code; and to amend said code by adding thereto a new section, designated §17A-10-17,
8 all relating generally to the West Virginia Parkways Authority; defining terms; adding the
9 power of the authority to study, investigate and evaluate, and, if feasible, develop and
10 implement, a single fee program; adding the power of the authority to impose in connection
11 with any single fee program a flat fee in connection with any or all certificates of passenger
12 motor vehicle registration and renewal thereof by the Division of Motor Vehicles; adding
13 the power of the authority to enter into reciprocal toll enforcement agreements; creating
14 and designating a special revenue account within the State Road Fund known as the State
15 Road Construction Account; authorizing the deposit of proceeds of parkway revenue
16 bonds to the State Road Construction Account; requiring that priority consideration be
17 given to construction, maintenance and repair of public highways and bridges in certain
18 counties within the state when determining expenditures from the State Road Construction
19 Account; creating and designating a special revenue account within the State Treasury
20 known as the West Virginia Parkways Authority Single Fee Program Fund; clarifying notice
21 and public meeting requirements and procedures; clarifying the power of the Parkways
22 Authority to fix rates or tolls for Corridor L toll collection facility; expanding the authority of
23 the Parkways Authority to issue revenue bonds or refunding revenue bonds for parkways'
24 projects and for the West Virginia Turnpike; eliminating approval by county commissions
25 and establishment by Governor of local committees prior to approval of any parkway
26 project; authorizing electronic toll collection and enforcement of tolls on roads, highways

27 and bridges; adding the power of the Division of Motor Vehicles to act as collection agent
28 for the authority under any single fee program; expanding the grounds for refusing to
29 register a motor vehicle; and creating a misdemeanor offense.

Be it enacted by the Legislature of West Virginia:

1 That §17-16A-18a, §17-16A-23 and §17-16A-30 of the Code of West Virginia, 1931, as
2 amended, be repealed; that §17-16A-1, §17-16A-5, §17-16A-6, §17-16A-10, §17-16A-11, §17-
3 16A-13, §17-16A-13a, §17-16A-18, §17-16A-21, §17-16A-22 and §17-16A-29 of said code be
4 amended and reenacted; that said code be amended by adding thereto a new section, designated
5 §17-16A-11a; that §17-16D-3 of said code be amended and reenacted; that said code be
6 amended by adding thereto a new section, designated §17A-2-25; that §17A-3-7 of said code be
7 amended and reenacted; and that said code be amended by adding thereto a new section,
8 designated §17A-10-17, all to read as follows:

CHAPTER 17. ROADS AND HIGHWAYS.

ARTICLE 16A. WEST VIRGINIA PARKWAYS AUTHORITY.

§17-16A-1. Constructing, operating, financing, etc., parkway, economic development and tourism projects.

1 In order to remove the present handicaps and hazards on the congested highways and
2 roads in the State of West Virginia, to facilitate vehicular traffic throughout the state, to promote
3 and enhance the tourism industry and to develop and improve tourist facilities and attractions in
4 the state, to promote the agricultural, economic and industrial development of the state and to
5 provide for the construction of modern express highways, including center divisions, ample
6 shoulder widths, long sight distances, the bypassing of cities, multiple lanes in each direction and
7 grade separations at all intersections with other highways and railroads, to provide for the
8 development, construction, improvement and enhancement of state parks, tourist facilities and
9 attractions and to provide for the improvement and enhancement of state parks presently existing,

10 the West Virginia Parkways, Economic Development and Tourism Authority (hereinafter created
11 and subsequently renamed the West Virginia Parkways Authority) is hereby authorized and
12 empowered to construct, reconstruct, improve, maintain, repair, ~~and~~ operate and finance parkway
13 projects, economic development projects and tourism projects (as those terms are hereinafter
14 defined in section five of this article) at such locations as shall be approved by the state
15 Department of Transportation.

§17-16A-5. Definitions.

1 As used in this article, the following words and terms shall have the following meanings,
2 unless the context shall indicate another or different meaning or intent:

3 (a) "Cost" means the cost of construction, reconstruction, maintenance, improvement,
4 repair and operation of the project, the cost of the acquisition of all land, rights-of-way, property,
5 rights, easements and interests acquired by the Parkways Authority or the Department of
6 Transportation for such construction, reconstruction, maintenance, improvement and repair, the
7 cost of all machinery, equipment, material and labor which are deemed essential thereto, the cost
8 of improvements, the cost of financing charges, interest prior to and during construction and for
9 one year after completion of construction, the cost of traffic estimates and of engineering,
10 consultant, accounting, architects', trustees' and legal fees and expenses, plans, specifications,
11 surveys, estimates of cost and of revenues, other costs and expenses necessary or incident to
12 determining the feasibility or practicability of constructing any such project, administrative
13 expenses and such other costs and expenses as may be necessary or incident to the construction
14 of the project, the financing of such construction and the placing of the project in operation or to
15 the operation of the project. Any obligation or expense hereafter incurred by the Department of
16 Transportation with the approval of the Parkways Authority, regardless of whether the approval
17 was authorized before or after the obligation or expense was incurred, for traffic surveys, borings,
18 preparation of plans and specifications, and other engineering and consulting services in
19 connection with the construction of a parkway project shall be regarded as a part of the cost of

20 such project and may be reimbursed to the state out of the proceeds of parkway revenue bonds
21 or revenue refunding bonds hereinafter authorized.

22 (b) "Department of Transportation" means the West Virginia Department of Transportation
23 and each of its respective divisions and subordinate agencies, including, without limitation, the
24 Division of Highways.

25 (c) "Economic development project" means any land or water site, structure, facility or
26 equipment which the Parkways Authority may acquire, create, develop, construct, reconstruct,
27 improve or repair, or previously may have acquired, created, developed, constructed,
28 reconstructed, improved or repaired under the provisions of this article to promote the agricultural,
29 economic or industrial development of the state, together with all property rights, easements and
30 interests which may be acquired by the Parkways Authority for the development, construction or
31 operation of such project.

32 (d) "Expressway" means any road serving major intrastate and interstate travel, including
33 federal interstate routes.

34 (e) "Feeder roads" means any road serving community to community travel or collects and
35 feeds traffic to an expressway or turnpike.

36 (f) "Local service road" means any local arterIALIZED and spur roads which provide land
37 access and socioeconomic benefits to abutting properties.

38 (g) "Owner" means all individuals, copartnerships, associations or corporations having any
39 title or interest in any property, rights, easements and interests authorized to be acquired by this
40 article.

41 (h) "Park and forest roads" means any road serving travel within state parks, state forests
42 and public hunting and fishing areas.

43 (i) "Parkways Authority" or "authority" means the West Virginia Parkways Authority, or if
44 the Parkways Authority is abolished, the board, body, commission or authority succeeding to the

45 principal functions thereof or to whom the powers given by this article to the Parkways Authority
46 shall be given by law.

47 (j) "Parkway project" means any expressway, turnpike, bridge, tunnel, trunkline, feeder
48 road, state local service road or park and forest road, or any portion or portions of any expressway,
49 turnpike, trunkline, feeder road, state local service road or park and forest road, whether
50 contiguous or noncontiguous to the West Virginia Turnpike or to any such portion or portions
51 thereof, which the Parkways Authority or the Department of Transportation may acquire,
52 construct, reconstruct, maintain, operate, improve, ~~or~~ repair or finance under the provisions of this
53 article, which shall include for all purposes of this article, any acquisition, construction,
54 reconstruction, maintenance, operation, improvement, ~~or~~ repair or financing that the authority may
55 undertake by agreement with the Department of Transportation, or any expressway, turnpike or
56 other road constructed by the West Virginia Turnpike Commission pursuant to the authority
57 granted to it under the laws of this state prior to June 1, 1989, and shall embrace all bridges,
58 tunnels, overpasses, underpasses, interchanges, entrance plazas, approaches, toll houses,
59 service stations and administration, storage and other buildings, which the Parkways Authority or
60 the Department of Transportation may deem necessary for the operation of a ~~the~~ parkway project,
61 or which is used in the operation of a parkway project ~~constructed prior to June 1, 1989~~, together
62 with all property, rights, easements and interests which may be acquired by the Parkways
63 Authority or the Department of Transportation for the construction or the operation of a ~~the~~
64 parkway project or which were acquired in connection with or are used in the operation of the
65 turnpike or any other existing a parkway project. ~~constructed prior to June 1, 1989~~ A parkway
66 project shall also include any enhancements or improvements to the turnpike or any parkway
67 project, including, without limitation, projects involving lane widening, resurfacing, surface
68 replacement, bridge replacement, bridge improvements and enhancements, other bridge work,
69 drainage system improvements and enhancements, drainage system replacements, safety
70 improvements and enhancements, and traffic flow improvements and enhancements, which have

71 been recommended by the authority's or the Department of Transportation's consulting engineers
72 or traffic engineers, or both.

73 (k) "Project" or "projects" means a parkway project, economic development project or
74 tourism project, or any combination thereof.

75 (l) "State Road Fund" means the State Road Fund created in article three, chapter
76 seventeen of this code.

77 ~~(j)~~ (m) "Transportation secretary" means the Secretary of the Department of
78 Transportation.

79 (n) "Toll revenues" means any amount received by the Parkways Authority from any
80 source as a fee for the right of transit over the West Virginia Turnpike or any other parkway project
81 and any fees paid by owners of registered motor vehicles in the state or any other state pursuant
82 to section seventeen, article ten, chapter seventeen-a of this code and includes, but is not limited
83 to, any appropriations by the Legislature, gifts, grants or contributions from any source, public or
84 private, to finance transportation.

85 ~~(m)~~ (o) "Tourism project" means:

86 (1) Any park or tourist facility and attraction which the Parkways Authority may create,
87 develop, construct, reconstruct, improve, maintain or repair or may have previously created,
88 developed, constructed, reconstructed, improved, maintained or repaired under the provisions of
89 this article, and shall include all roads, interchanges, entrance plazas, approaches, service
90 stations, administration, storage and any other buildings or service stations, structures which the
91 Parkways Authority may deem necessary for the operation of the tourism project, together with
92 all property rights, easements and interests which may be acquired by the Parkways Authority for
93 the construction or operation of the tourism project; and

94 (2) The construction, reconstruction, improvement, maintenance and repair of any park or
95 tourist facility and attraction owned by the state as of June 1, 1989.

96 (+) (p) "Tourist facility and attraction" mean cabins, lodges, recreational facilities,
97 restaurants and other revenue producing facilities, any land or water site, and any information
98 center, visitors' center or rest stop which the Parkways Authority determines may improve,
99 enhance or contribute to the development of the tourism industry in the state.

100 (+) (q) "Trunkline" means any road serving major city-to-city travel.

101 (+) (r) "Turnpike" means the West Virginia Turnpike or any other toll road in the state.

102 (+) (s) "West Virginia Turnpike Commission" means the State Turnpike Commission
103 existing as of June 1, 1989.

104 (+) (t) "West Virginia Turnpike" means the turnpike from Charleston to a point
105 approximately one mile south of the intersection of Interstate 77 and U. S. Route 460 near
106 Princeton in Mercer County, West Virginia, which road is presently a part of the federal interstate
107 highway system.

§17-16A-6. Parkways Authority's powers.

1 (a) The Parkways Authority is hereby authorized and empowered:

2 (1) To adopt bylaws for the regulation of its affairs and the conduct of its business;

3 (2) To adopt an official seal and alter the same at pleasure;

4 (3) To maintain an office at such place or places within the state as it may designate;

5 (4) To sue and be sued in its own name, plead and be impleaded. Any and all actions
6 against the Parkways Authority shall be brought only in the county in which the principal office of
7 the Parkways Authority is located;

8 (5) To construct, reconstruct, improve, maintain, repair ~~and operate~~ or finance projects, at
9 such locations within the state or adjacent to the state pursuant to a reciprocal toll enforcement
10 agreement as may be determined by the Parkways Authority ~~subject to the provisions of section~~
11 ~~thirty of this article~~: *Provided*, That after July 1, 2010, the Parkways Authority is prohibited from
12 constructing new tourism projects or new economic development projects, but this prohibition
13 shall not prevent the authority from entering into lease agreements, development agreements or

14 other agreements with private businesses or companies allowing and providing for such private
15 businesses or companies to acquire, develop, construct and operate motels, lodging facilities or
16 other businesses and business facilities on land owned by the authority and located adjacent to
17 the Tamarack project and facilities at Exit 45 of the West Virginia Turnpike;

18 (6) To issue parkway revenue bonds of the State of West Virginia, payable solely from toll
19 revenues, for the purpose of paying all or any part of the cost of any one or more parkway projects;
20 ~~which costs may include, with respect to the West Virginia Turnpike, such funds as are necessary~~
21 ~~to repay to the State of West Virginia all or any part of the state funds used to upgrade the West~~
22 ~~Virginia Turnpike to federal interstate standards~~

23 (7) To issue parkway revenue refunding bonds of the State of West Virginia, payable solely
24 from toll revenues, for any one or more of the following purposes:

25 (A) Refunding any bonds which shall have been issued under the provisions of this article
26 or any predecessor thereof; and

27 (B) Repaying to the state all or any part of the state funds used to upgrade the West
28 Virginia Turnpike to federal interstate standards;

29 (8) To charge, fix and revise, from time to time, tolls or fees for transit over each parkway
30 project constructed or improved or financed by it, by the Department of Transportation or by the
31 West Virginia Turnpike Commission;

32 (9) To fix and revise, rents, fees or other charges, of whatever kind or character, for the
33 use of each tourism project or economic development project constructed by it or for the use of
34 any building, structure or facility constructed by it or financed in connection with a parkway project;

35 (10) To acquire, hold, lease and dispose of real and personal property in the exercise of
36 its powers and the performance of its duties under this article;

37 (11) To acquire in the name of the state by purchase or otherwise, on such terms and
38 conditions and in such manner as it may deem proper, or by the exercise of the right of
39 condemnation in the manner hereinafter provided, such public or private lands, including public

40 parks, playgrounds or reservations, or parts thereof or rights therein, rights-of-way, property,
41 rights, easements and interests, as it may deem necessary for carrying out the provisions of this
42 article. No compensation shall be paid for public lands, playgrounds, parks, parkways or
43 reservations so taken, and all public property damaged in carrying out the powers granted by this
44 article shall be restored or repaired and placed in its original condition as nearly as practicable;

45 (12) To designate the locations and establish, limit and control such points of ingress to
46 and egress from each project as may be necessary or desirable in the judgment of the Parkways
47 Authority to ensure the proper operation and maintenance of such project and to prohibit entrance
48 to such project from any point or points not so designated;

49 (13) To make and enter into all contracts and agreements necessary or incidental to the
50 performance of its duties and the execution of its powers under this article, and to employ
51 consulting engineers, attorneys, accountants, architects, construction and financial experts,
52 trustees, superintendents, managers and such other employees and agents as may be necessary
53 in its judgment, and to fix their compensation. All such expenses shall be payable solely from the
54 proceeds of parkway revenue bonds or parkway revenue refunding bonds issued under the
55 provisions of this article or from tolls or from toll revenues;

56 (14) To make and enter into all contracts, agreements or other arrangements with any
57 agency, department, division, board, bureau, commission, authority or other governmental unit of
58 the state to operate, maintain or repair any project;

59 (15) To receive and accept from any federal agency grants for or in aid of the construction
60 of any project, and to receive and accept aid or contributions from any source of either money,
61 property, labor or other things of value, to be held, used and applied only for the purposes for
62 which such grants and contributions may be made;

63 (16) To study, investigate and evaluate and, if feasible, develop and implement a single
64 fee program the purpose of which is to charge a flat fee to owners of motor vehicles registered in
65 this state or any other state which opts into any such program: which would produce on an annual

66 ~~basis a sum of money equal to the total toll revenue received from all West Virginia drivers on~~
67 ~~West Virginia toll roads during the Authority's preceding fiscal year, divided into at least three~~
68 ~~classes based upon usage, size and number of axles. Provided, That any single fee program shall~~
69 ~~apply only to passenger motor vehicles, divided into classes based on size and usage, and shall~~
70 ~~not apply to commercial motor vehicles. The flat fee shall be set by the authority at a rate or~~
71 ~~amount so that the aggregate of all toll revenues estimated to be received by the authority at the~~
72 ~~time of fixing any such rate or amount, or any increase thereof, shall provide sufficient toll~~
73 ~~revenues consistent with the purposes set forth in section thirteen of this article and to cover the~~
74 ~~administrative costs of any such single fee program. Said sum, plus an amount necessary to~~
75 ~~cover the expected costs of such program~~ ~~The separate fee shall be collected produced by adding~~
76 ~~it to either the annual cost of vehicle registration or of vehicle inspection a single fee equal to the~~
77 ~~proportionate share of that vehicle owner of the total toll revenue needed to be produced from all~~
78 ~~vehicles within that class. as an additional fee payable solely to the authority pursuant to section~~
79 ~~seventeen, article ten, chapter seventeen-a of this code. A registered motor vehicle for which~~
80 ~~such single program fee has been paid shall be entitled to traverse all toll roads within the state~~
81 ~~without stopping to pay individual tolls during the effective period of said vehicle registration: or~~
82 ~~said inspection: Provided, however, That if the single fee proposed to be charged under said~~
83 ~~program exceeds the standard round trip toll for that vehicle over the entire length of the West~~
84 ~~Virginia Turnpike, the Authority shall not implement such program without the prior approval of~~
85 ~~both Houses of the Legislature~~ ~~Provided further, however, That any such program may shall also~~
86 ~~include comparable provisions which would allow vehicles registered in other states to traverse~~
87 ~~West Virginia toll roads in like fashion to West Virginia vehicles as set forth in this section upon~~
88 ~~the payment of a single fee for each and every vehicle registered in such state, in accordance~~
89 ~~with the same classification system adopted for West Virginia vehicles. The Parkways Authority~~
90 ~~may propose rules for legislative approval in accordance with the provisions of article three,~~
91 ~~chapter twenty-nine-a of this code to implement any single fee program;~~

92 (17) To enter into reciprocal toll enforcement agreements with other toll agencies in this
93 state or in any other state or foreign country;

94 ~~(17)~~ (18) To do all acts and things necessary or convenient to carry out the powers
95 expressly granted in this article; and

96 ~~(18)~~ (19) To file the necessary petition or petitions pursuant to federal bankruptcy laws.
97 ~~Title 11, United States Code, Sec. 401 (being section 81 of the Act of Congress entitled “An act~~
98 ~~to establish a uniform system of bankruptcy throughout the United States”, approved July 1, 1898,~~
99 ~~as amended) and to prosecute to completion all proceedings permitted by Title 11, United States~~
100 ~~Code, Secs. 401-403 (being sections 81 to 83, inclusive, of said Act of Congress). The State of~~
101 ~~West Virginia hereby consents to the application of said Title 11, United States Code, Secs. 401-~~
102 ~~403, to the Parkways Authority~~

103 (b) Nothing in this article shall be construed to prohibit the issuance of parkway revenue
104 refunding bonds in a common plan of financing with the issuance of parkway revenue bonds.

§17-16A-10. Parkway revenue bonds, generally.

1 (a) The Parkways Authority is authorized to provide by resolution for the issuance of
2 parkway revenue bonds of the state for the purpose of paying all or any part of the cost of one or
3 more parkway projects. ~~Provided, That this section shall not be construed as authorizing the~~
4 ~~issuance of parkway revenue bonds for the purpose of paying the cost of the West Virginia~~
5 ~~Turnpike, which parkway revenue bonds may be issued only as authorized under section eleven~~
6 ~~of this article~~ The principal of and the interest on bonds shall be payable solely from the funds
7 provided for payment, except that:

8 (1) None of the proceeds of the issuance of parkway revenue bonds under this section
9 shall be used to pay all or any part of the cost of any economic development project or tourism
10 project;

11 (2) Nothing in this section shall be construed as prohibiting the Parkways Authority from
12 issuing additional parkway revenue bonds to the extent permitted by applicable federal law for

13 the purpose of constructing, maintaining and operating any highway constructed, in whole or in
14 part, with money obtained from the Appalachian Regional Commission; and

15 (3) The authorization to issue bonds under this section is in addition to the authorization
16 and power to issue bonds under any other section of this code.

17 (b) The bonds of each issue shall be dated, shall bear interest at a rate as may be
18 determined by the Parkways Authority in its sole discretion, shall mature at a time not exceeding
19 forty years from their date of issue as may be determined by the Parkways Authority, and may
20 be made redeemable before maturity, at the option of the Parkways Authority at a price and under
21 the terms and conditions as may be fixed by the Parkways Authority prior to the issuance of the
22 bonds.

23 (c) The Parkways Authority shall determine the form of the bonds, including any interest
24 coupons to be attached thereto, and shall fix the denomination of the bonds and the place of
25 payment of principal and interest, which may be at any bank or trust company or securities
26 depository within or without the state.

27 (d) The bonds shall be executed by manual or facsimile signature by the chair of the
28 Parkways Authority, and the official seal of the Parkways Authority shall be affixed to or printed
29 on each bond, and attested, manually or by facsimile signature, by the Secretary and Treasurer
30 of the Parkways Authority. Any coupons attached to any bond shall bear the manual or facsimile
31 signature of the chair of the Parkways Authority.

32 (e) In case any officer whose signature or a facsimile of whose signature appears on any
33 bonds or coupons shall cease to be an officer before the delivery of the bonds, the signature or
34 facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained
35 in office until delivery. In case the seal of the Parkways Authority has been changed after a
36 facsimile has been imprinted on the bonds, then the facsimile seal will continue to be sufficient
37 for all purposes.

38 (f) All bonds issued under the provisions of this article shall have all the qualities and
39 incidents of negotiable instruments under the negotiable instruments law of the state. The bonds
40 may be issued in coupon or in registered form, or both, as the Parkways Authority may determine,
41 and provision may be made for the registration of any coupon bonds as to principal alone and
42 also as to both principal and interest, and for the recorders into coupon bonds of any bonds
43 registered as to both principal and interest.

44 (g) The Parkways Authority may sell the bonds at a public or private sale at a price it
45 determines to be in the best interests of the state.

46 (h) The proceeds of the bonds of each issue shall be used solely for the payment of the
47 cost of the parkway project or parkway projects for which the bonds were issued, and shall be
48 disbursed in a manner consistent with the resolution authorizing the issuance of the bonds or in
49 the trust agreement securing the bonds.

50 (i) If the proceeds of the bonds of any issue, by error of estimates or otherwise, shall be
51 less than the cost, then additional bonds may in like manner be issued to provide the amount of
52 the deficit. Unless otherwise provided in the resolution authorizing the issuance of the bonds or
53 in the trust agreement securing the bonds, the additional bonds shall be deemed to be of the
54 same issue and shall be entitled to payment from the same fund without preference or priority of
55 the bonds first issued.

56 (j) If the proceeds of the bonds of any issue exceed the cost of the parkway project or
57 parkway projects for which the bonds were issued, then the surplus shall be deposited to the
58 credit of the sinking fund for the bonds.

59 (k) Prior to the preparation of definitive bonds, the Parkways Authority may, under like
60 restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for
61 definitive bonds when the bonds have been executed and are available for delivery. The
62 Parkways Authority may also provide for the replacement of any bonds that become mutilated or
63 are destroyed or lost.

64 (l) All or any portion of the proceeds of any parkway revenue bonds issued pursuant to
65 this section may be credited to the special revenue account within the State Road Fund created
66 in section eleven of this article. Moneys in such fund shall be used by the Department of
67 Transportation for any acquisition, construction, reconstruction, maintenance, improvement or
68 repair of public highways and bridges in this state.

69 (m) Bonds may be issued under the provisions of this article without obtaining the consent
70 of any department, division, commission, board, bureau or agency of the state in accordance with
71 this article: *Provided*, That the Parkways Authority shall comply with the provisions of section
72 twenty-eight, article one, chapter five of this code.

§17-16A-11. Parkway revenue bonds — West Virginia Turnpike; related projects State Road Construction Account.

1 ~~(a) The Parkways Authority is authorized to provide by resolution, at one time or from time~~
2 ~~to time, for the issuance of parkway revenue bonds of the state in an aggregate outstanding~~
3 ~~principal amount not to exceed, from time to time, \$200 million for the purpose of paying:~~

4 ~~(1) All or any part of the cost of the West Virginia Turnpike, which may include, but not be~~
5 ~~limited to, an amount equal to the state funds used to upgrade the West Virginia Turnpike to~~
6 ~~federal interstate standards;~~

7 ~~(2) All or any part of the cost of any one or more parkway projects that involve~~
8 ~~improvements to or enhancements of the West Virginia Turnpike, including, without limitation,~~
9 ~~lane widening on the West Virginia Turnpike and that are or have been recommended by the~~
10 ~~Parkways Authority's traffic engineers or consulting engineers or by both of them prior to the~~
11 ~~issuance of parkway revenue bonds for the project or projects; and~~

12 ~~(3) To the extent permitted by federal law, all or any part of the cost of any related parkway~~
13 ~~project.~~

14 ~~(b) For purposes of this section only, a "related parkway project" means any information~~
15 ~~center, visitors' center or rest stop, or any combination thereof, and any expressway, turnpike,~~

16 ~~trunkline, feeder road, state local service road or park and forest road which connects to or~~
17 ~~intersects with the West Virginia Turnpike and is located within seventy five miles of the turnpike~~
18 ~~as it existed on June 1, 1989, or any subsequent expressway, trunkline, feeder road, state local~~
19 ~~service road or park and forest road constructed pursuant to this article: Provided, That nothing~~
20 ~~in this section shall be construed as prohibiting the Parkways Authority from issuing parkway~~
21 ~~revenue bonds pursuant to section ten of this article for the purpose of paying all or any part of~~
22 ~~the cost of any related parkway project: Provided, however, That none of the proceeds of the~~
23 ~~issuance of parkway revenue bonds under this section shall be used to pay all or any part of the~~
24 ~~cost of any economic development project, except as provided in section twenty three of this~~
25 ~~article: Provided further, That nothing in this section shall be construed as prohibiting the~~
26 ~~Parkways Authority from issuing additional parkway revenue bonds to the extent permitted by~~
27 ~~applicable federal law for the purpose of constructing, maintaining and operating any highway~~
28 ~~constructed, in whole or in part, with money obtained from the Appalachian Regional Commission~~
29 ~~as long as the highway connects to the West Virginia Turnpike as it existed on June 1, 1989: And~~
30 ~~provided further, That, for purposes of this section, in determining the amount of bonds~~
31 ~~outstanding, from time to time, within the meaning of this section: Original par amount or original~~
32 ~~stated principal amount at the time of issuance of bonds shall be used to determine the principal~~
33 ~~amount of bonds outstanding, except that the amount of parkway revenue bonds outstanding~~
34 ~~under this section may not include any bonds that have been retired through payment, defeased~~
35 ~~through the deposit of funds irrevocably set aside for payment or otherwise refunded so that they~~
36 ~~are no longer secured by toll revenues of the West Virginia Turnpike: And provided further, That~~
37 ~~the authorization to issue bonds under this section is in addition to the authorization and power to~~
38 ~~issue bonds under any other section of this code: And provided further, That, without limitation of~~
39 ~~the authorized purposes for which parkway revenue bonds are otherwise permitted to be issued~~
40 ~~under this section, and without increasing the maximum principal par amount of parkway revenue~~
41 ~~bonds permitted to be outstanding, from time to time, under this section, the Authority is~~

42 ~~specifically authorized by this section to issue, at one time or from time to time, by resolution or~~
43 ~~resolutions under this section, parkway revenue bonds under this section for the purpose of~~
44 ~~paying all or any part of the cost of one or more parkway projects that:~~

45 ~~(1) Consist of enhancements or improvements to the West Virginia Turnpike, including,~~
46 ~~without limitation, projects involving lane widening, resurfacing, surface replacement, bridge~~
47 ~~replacement, bridge improvements and enhancements, other bridge work, drainage system~~
48 ~~improvements and enhancements, drainage system replacements, safety improvements and~~
49 ~~enhancements, and traffic flow improvements and enhancements; and~~

50 ~~(2) Have been recommended by the Authority's consulting engineers or traffic engineers,~~
51 ~~or both, prior to the issuance of the bonds.~~

52 ~~(c) Except as otherwise specifically provided in this section, the issuance of parkway~~
53 ~~revenue bonds pursuant to this section, the maturities and other details of the bonds, the rights~~
54 ~~of the holders of the bonds, and the rights, duties and obligations of the Parkways Authority in~~
55 ~~respect of the bonds shall be governed by the provisions of this article insofar as the provisions~~
56 ~~are applicable.~~

57 ~~(d) Notwithstanding any other provision of this code to the contrary, the Authority may not~~
58 ~~issue parkway revenue bonds under this section for projects on the West Virginia Turnpike after~~
59 ~~June 30, 2010: Provided, That the authority may issue revenue refunding bonds pursuant to~~
60 ~~sections twenty one and twenty two of this article~~

1 (a) There is hereby created within the State Road Fund a special revenue account to be
2 known as the State Road Construction Account held in the State Treasury to be expended by the
3 Division of Highways for construction, maintenance and repair of public highways and bridges in
4 this state. The State Road Construction Account created in this section is a special revenue
5 account in the State Treasury and is not part of the state General Revenue Fund.

6 (b) The State Road Construction Account shall consist of:

7 (1) All or any portion of the proceeds of any parkway revenue bonds issued pursuant to
8 section ten of this article that the Parkways Authority, in its discretion, may credit to the State
9 Road Construction Account, notwithstanding any provision of section ten of this article to the
10 contrary;

11 (2) Any appropriations, grants, gifts, contributions or other revenues received by the State
12 Road Construction Account from any source; and

13 (3) All interest earned on moneys held in the account.

14 (c) In determining how the funds in the special revenue account created by this section
15 will be expended, the Division of Highways shall give priority consideration to acquisition,
16 construction, reconstruction, maintenance, improvement or repair of public highways and bridges
17 in the following counties:

18 (1) Raleigh County;

19 (2) Fayette County;

20 (3) Wyoming County; and

21 (4) Mercer County.

§17-16A-11a. West Virginia Parkways Authority Single Fee Program Fund.

1 There is hereby created within the State Treasury a special revenue fund to be known as
2 the West Virginia Parkways Authority Single Fee Program Fund. The fund shall consist of any
3 fees received from owners of registered motor vehicles in the state or any other state that have
4 opted in under any single fee program that may be created and implemented by the authority
5 pursuant to section six of this article. Moneys held in this fund shall be used exclusively by the
6 authority for the purposes authorized in section thirteen of this article and for administrative costs
7 related to any single fee program implemented by the Parkways Authority under subdivision (16),
8 subsection (a), section six of this article. The West Virginia Parkways Authority Single Fee
9 Program Fund is a special fund in the State Treasury and is not part of the state General Revenue
10 Fund.

§17-16A-13. Tolls, rents, fees, charges and revenues; competitive bidding on contracts.

1 (a)(4) The Parkways Authority is hereby authorized to fix, revise, charge and collect tolls
2 and fees for the use of each parkway project and the different parts or sections thereof and to fix,
3 revise, charge and collect rents, fees, charges and other revenues, of whatever kind or character,
4 for the use of each economic development project or tourism project, or any part or section
5 thereof, and to contract with any person, partnership, association or corporation desiring the use
6 of any part thereof, including the right-of-way adjoining the paved portion, for placing thereon
7 telephone, ~~telegraph~~ fiber optic, electric light, power or other utility lines, gas stations, garages,
8 stores, hotels, restaurants and advertising signs, or for any other purpose except for tracks for
9 railroad or railway use, and to fix the terms, conditions, rents and rates of charges for such use.
10 Such tolls, rents, fees and charges shall be so fixed and adjusted in respect of the aggregate of
11 tolls, or in respect of the aggregate rents, fees and charges, from the project or projects in
12 connection with which the bonds of any issue shall have been issued as to provide a fund
13 sufficient with other revenues, if any: ~~to pay: (A) The~~ (1) To pay the cost of acquiring, constructing,
14 reconstructing, maintaining, repairing, improving and operating such project or projects and to
15 create reserves therefor; and (B) (2) to pay the principal of and the interest on such bonds and
16 related costs and expenses as the same shall become due and payable, and to create reserves
17 for such purposes; and (3) to comply with any covenants under any trust agreement securing any
18 bonds issued by the Parkways Authority, or any predecessor thereof, or to maintain bond credit
19 ratings. Such tolls, rents, fees and other charges shall not be subject to supervision or regulation
20 by any other commission, board, bureau, department or agency of the state. The tolls, rents, fees,
21 charges and all other revenues derived from the project or projects in connection with which the
22 bonds of any issue shall have been issued, except such part thereof as may be necessary to pay
23 the cost of acquiring, constructing, reconstructing, maintaining, maintenance improving, repairing
24 repair and operation operating and to provide such reserves therefor as may be provided in the
25 resolution authorizing the issuance of such bonds or in the trust agreement securing the same,

26 shall be set aside at regular intervals as may be provided in the resolution or the trust agreement
27 in a sinking fund which is hereby pledged to, and charged with, the payment of: (i) The interest
28 upon the bonds as such interest shall fall due; (ii) the principal of the bonds as the same shall fall
29 due; (iii) the necessary charges of paying agents and trustees for paying principal and interest;
30 and (iv) the redemption price or the purchase price of bonds retired by call or purchase as therein
31 provided. The use and disposition of moneys to the credit of such sinking fund shall be subject to
32 the provisions of the resolution authorizing the issuance of the bonds or of the trust agreement.
33 Except as may otherwise be provided in the resolution or the trust agreement, such sinking fund
34 shall be a fund for all bonds without distinction or priority of one over another. The moneys in the
35 sinking fund, less such reserve as may be provided in the resolution or trust agreement, if not
36 used within a reasonable time for the purchase of bonds for cancellation as above provided, shall
37 be applied to the redemption of bonds at the redemption price then applicable.

38 ~~(2)(A) In fiscal year one thousand nine hundred ninety eight, after the parkways authority~~
39 ~~has met or provided for the satisfaction of each requirement imposed by the provisions of~~
40 ~~subdivision (1) of this subsection, the parkways authority shall pay two hundred fifty thousand~~
41 ~~dollars to the Hatfield McCoy regional recreation authority from any remaining balance of~~
42 ~~revenues received from economic development projects and tourism projects.~~

43 ~~(B) Upon the effective date of this act, the parkways authority shall seek authorization from~~
44 ~~the federal highway administration, the state Department of Transportation and the trustee under~~
45 ~~any trust indenture or agreement existing as the result of the issuance of any revenue bonds~~
46 ~~under the provisions of this article to issue additional revenue bonds in a total amount not to~~
47 ~~exceed six million dollars for the purpose of funding projects of the Hatfield McCoy regional~~
48 ~~recreation authority. Upon the agreement of all of such entities that the parkways authority be~~
49 ~~authorized to do so, as certified to the parkways authority, the Governor and the Joint Committee~~
50 ~~on Government and Finance, the parkways authority is authorized to issue additional revenue~~
51 ~~bonds in a total amount not to exceed six million dollars. The proceeds of the revenue bonds shall~~

52 ~~be used to fund projects of the Hatfield-McCoy regional recreation authority. Each issuance of~~
53 ~~such revenue bonds and the application of the proceeds thereof shall be subject to each condition,~~
54 ~~restriction or other provision of this article applicable to the issuance of parkway revenue bonds.~~
55 ~~In the event the agreement is not certified as required by this subsection, and until the same is~~
56 ~~certified, the parkways authority shall pay two hundred fifty thousand dollars to the Hatfield-McCoy~~
57 ~~regional recreation authority in the fiscal year ending the thirtieth day of June, two thousand, and~~
58 ~~in each fiscal year thereafter, for a total of nine consecutive years, for the purpose of funding~~
59 ~~projects of the Hatfield-McCoy regional recreation authority. These amounts shall be paid in~~
60 ~~quarterly installments from remaining balances in each fiscal year of revenues received from~~
61 ~~economic development projects and tourism projects as determined in the manner provided in~~
62 ~~paragraph (A) of this subdivision.~~

63 (b) The Parkways Authority shall cause, as soon as it is legally able to do so, all contracts
64 to which it is a party and which relate to the operation, maintenance or use of any restaurant,
65 motel or other lodging facility, truck and automobile service facility, food vending facility or any
66 other service facility located along the West Virginia Turnpike, to be renewed on a competitive bid
67 basis. All contracts relating to any facility or services entered into by the Parkways Authority with
68 a private party with respect to any project constructed after the effective date of this legislation
69 shall be let on a competitive bid basis only. If the Parkways Authority receives a proposal for the
70 development of a project, except for a parkway project, such proposal shall be made available to
71 the public in a convenient location in the county wherein the proposed facility may be located.
72 The Parkways Authority shall publish a notice of the proposal by a Class I legal advertisement in
73 accordance with the provisions of article three, chapter fifty-nine of this code. The publication area
74 shall be the county in which the proposed facility would be located. Any citizen may communicate
75 by writing to the Parkways Authority his or her opposition to or approval to such proposal within a
76 period of time not less than forty-five days from the publication of the notice. No contract for the
77 development of an economic development project or a tourism project may be entered into by the

78 Parkways Authority until a public hearing is held in the vicinity of the location of the proposed
79 economic development project or tourism project with at least twenty days' notice of such hearing
80 by a Class I publication pursuant to section two of said article. The Parkways Authority shall make
81 written findings of fact prior to rendering a decision on any such proposed project. All studies,
82 records, documents and other materials which are considered by the Parkways Authority in
83 making such findings shall be made available for public inspection at the time of the publication
84 of the notice of public hearing and at a convenient location in the county where the proposed
85 economic development project or tourism project may be located. The Parkways Authority shall
86 promulgate rules in accordance with chapter twenty-nine-a of this code for the conduct of any
87 hearing required by this section. Persons attending any such hearing shall be afforded a
88 reasonable opportunity to speak and be heard on the proposed economic development project or
89 tourism project.

§17-16A-13a. Public notice and hearing meeting requirements.

1 (a) Notwithstanding any provision of the law to the contrary, on and after ~~July 1, 2010~~ the
2 effective date of the amendment and reenactment of this section in the year 2017, the Parkways
3 Authority is authorized after prior public notice and ~~hearing~~ meeting, as set forth in this section,
4 to:

5 (1) Fix initial rates, tolls or charges along any portion of a parkway project and fix fees for
6 any single fee program implemented in accordance with section six of this article including,
7 without limitation, fixing initial rates, tolls or charges that may be subject to adjustment or
8 escalation from time to time, or approve any proposal or contract that would require the Parkways
9 Authority to fix any initial rates, tolls or charges along any portion of a parkway project or any fees
10 under any single fee program;

11 (2) Increase any rates, tolls or charges along any portion of the parkway project, increase
12 fees for any single fee program implemented in accordance with section six of this article, or

13 approve any proposal or contract that would result in or require an increase in any rates or tolls
14 along any portion of the parkway project or any fees under any single fee program;

15 (3) Issue any parkway revenue bond pursuant to section ten of this article or any parkway
16 revenue refunding bond pursuant to sections twenty-one and twenty-two of this article which
17 would require the Parkways Authority to increase or adjust rates, tolls, fees under any single fee
18 program, or charges whether at the time of issuance of the bonds or at any time during the term
19 of any bonds;

20 (4) Approve any contract or project which would require or result in an increase in the
21 rates, tolls or charges along any portion of the parkway project or fees under any single fee
22 program implemented in accordance with section six of this article; or

23 (5) Take any other action which would require or result in an increase in the rates, tolls or
24 charges along any portion of the parkway project or fees under any single fee program
25 implemented in accordance with section six of this article.

26 (b) The Parkways Authority shall publish notice of any proposed contract, project or bond
27 which would require the Parkways Authority to fix any initial toll rates or charges or fees or result
28 in an increase of any toll rates or charges or fees, ~~or extend any bond repayment obligation~~ along
29 with the associated initial rate or fee and rate or fee increase, ~~or revised bond repayment period~~
30 by a Class II legal advertisement in accordance with the provisions of article three, chapter fifty-
31 nine of this code, published and of general circulation in each county which borders the parkway
32 project or proposed parkway project affected by the proposed contract, project or bond.

33 (c) Once notice has been provided in accordance with the provisions of this section, the
34 Parkways Authority shall conduct ~~a public hearing~~ at least one public meeting at a reasonable
35 time and location in any county which borders the parkway project or proposed parkway project
36 affected by the proposed contract, project or bond, to allow interested members of the public an
37 opportunity to ask questions and give written comments during the meeting respecting the
38 proposed contract, project or bond which would require the Parkways Authority to fix any initial

39 ~~toll rates or charges or fees or result in an increase of any toll rates or charges or fees. in each~~
40 ~~county which borders the parkway project or proposed parkway project affected by the proposed~~
41 ~~contract, project or bond, and any Any citizen may also communicate by writing to the Parkways~~
42 Authority his or her opposition to or approval of such proposal, initial rate or toll or fee, rate or toll
43 or fee increase or amended bond terms. The public notice and written public comment period
44 shall be conducted not less than forty-five days from the publication of the notice and the affected
45 public must be provided with at least twenty days' notice of ~~each~~ any scheduled public hearing
46 meeting.

47 (d) All studies, records, documents and other materials which were considered by the
48 Parkways Authority before recommending the approval of any such project or recommending the
49 adoption of any such initial rate or increase shall be made available for public inspection for a
50 period of at least twenty days prior to the scheduled ~~hearing~~ meeting at a convenient location in
51 each county where a public ~~hearing~~ meeting is held or online.

52 ~~(e) At the conclusion of all required public hearings, the Parkways Authority shall render~~
53 ~~a final decision which shall include written findings of fact supporting its final decision on any~~
54 ~~proposed project which would result in or require initial rates, a rate increase, or prior to finally~~
55 ~~approving any proposed initial rate or toll or rate or toll increase, and such required findings and~~
56 ~~conclusions must reference and give due consideration to the public comments and additional~~
57 ~~evidence offered during the public hearings.~~

58 ~~(f) (e) On and after July 1, 2010, any Any final action taken by the Parkways Authority to~~
59 ~~approve or implement any proposed initial rate or fee, rate or fee increase, contract or project~~
60 ~~which would require or result in a proposed initial rate or toll or fee or a proposed increase of any~~
61 ~~rate or tolls along any portion of a the parkway project or fee for any single fee program without~~
62 ~~first satisfying the public notice and ~~hearing~~ meeting requirements of this section, shall be null~~
63 and void.

§17-16A-18. Cessation of tolls Corridor L toll fees authorized; commuter pass.

1 ~~(a) Except as provided herein, when all bonds issued under the provisions of this article~~
2 ~~in connection with any parkway project or projects and the interest thereon shall have been paid~~
3 ~~or a sufficient amount for the payment of all such bonds and the interest thereon to the maturity~~
4 ~~thereof shall have been set aside in trust for the benefit of the bondholders, such project or~~
5 ~~projects, if then in good condition and repair to the satisfaction of the Commissioner of the state~~
6 ~~Division of Highways, shall be transferred to the state Division of Highways and shall thereafter~~
7 ~~be maintained by the state Division of Highways free of tolls.~~

8 ~~(b) No later than February 1, 1990, the parkways authority shall discontinue, remove and~~
9 ~~not relocate all toll collection facilities on the West Virginia Turnpike as the same existed on June~~
10 ~~1, 1989, except for the three main toll barriers and collection facilities and, provided solely that~~
11 ~~the provisions of section eighteen a are complied with, the toll collection facilities at the~~
12 ~~intersection of U.S. Route 19 (Corridor "L") and said turnpike.~~

13 (a) The Parkways Authority is hereby authorized to operate the currently existing toll
14 collection facility located at the interchange of U. S. Route 19 (Corridor L) and to fix, revise, charge
15 and collect tolls for the use of such toll collection facility in accordance with the provisions of
16 section thirteen of this article. Any proposed increase of any rate or toll for use of the toll collection
17 facility located at Corridor L shall be subject to the public notice and meeting requirements of
18 section thirteen-a of this article.

19 (1) The Parkways Authority shall maintain, advertise, implement and otherwise make
20 generally available to all qualified members of the public, resident or nonresident, a system of
21 commuter passes, in a form to be determined by the authority. Applications for these commuter
22 passes are to be made available by the Parkways Authority to Division of Motor Vehicles offices
23 in the state;

24 (2) The system of commuter passes implemented in accordance with the provisions of
25 subdivision (1), subsection (a) of this section, shall be available only for use when operating or

26 traveling in a Class A motor vehicle as herein defined. Any person who knowingly or intentionally
27 utilizes any commuter pass issued in accordance with this section while operating a vehicle other
28 than a Class A motor vehicle, as herein defined, at the U. S. Route 19 (Corridor L) turnpike toll
29 facility, or any other toll facility at or upon which such pass may later be usable, is guilty of a
30 misdemeanor and, for every such offense, upon conviction thereof, shall be punished in
31 accordance with the provisions of section seventeen, article sixteen-a of this chapter; and the
32 Parkways Authority shall hereafter be authorized and empowered to cancel any such commuter
33 pass or passes improperly used in accordance with this section;

34 (3) For the purpose of this section, a "Class A vehicle" shall be defined as a motor vehicle
35 of passenger type and truck with a gross weight of ten thousand pounds or less and registered or
36 eligible for registration as a Class A vehicle in accordance with section one, article ten, chapter
37 seventeen-a of this code as the same is currently constituted; and

38 (4) Notwithstanding any other provisions of this code to the contrary, the Parkways
39 Authority may not promulgate emergency rules in accordance with section fifteen, article three,
40 chapter twenty-nine-a of this code to increase or decrease tolls, single program fees or the
41 commuter pass fee established herein.

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

§17-16A-21. Parkway revenue refunding bonds, generally.

1 The Parkways Authority is hereby authorized to provide by resolution for the issuance of
2 parkway revenue refunding bonds of the state for the purpose of refunding any bonds then
3 outstanding which shall have been issued or may be issued under the provisions of this article in
4 connection with the construction of any parkway project, including the payment of any redemption
5 premium thereon and any interest accrued or to accrue to the date of redemption of such bonds;

6 and, if deemed advisable by the Parkways Authority, for the additional purpose of constructing
7 improvements, extensions or enlargements of the project or projects in connection with which the
8 bonds to be refunded shall have been issued: *Provided*, That this section shall not be construed
9 as authorizing the issuance of parkway revenue refunding bonds for the purpose of refunding any
10 bonds then outstanding which shall have been issued under the provisions of this article, or any
11 predecessor thereof, in connection with the construction of the West Virginia Turnpike, which
12 revenue refunding bonds may be issued only as authorized under section twenty-two of this
13 article. The issuance of such bonds, the maturities and other details thereof, the rights of the
14 holders thereof and the rights, duties and obligations of the Parkways Authority in respect of the
15 same shall be governed by the provisions of this article insofar as the same may be applicable.
16 ~~After the effective date of the amendments to this article enacted by the Legislature during the~~
17 ~~regular session in two thousand six, no issuance of a refunding bond may extend the maturity~~
18 ~~date of such bond being refunded and may not exceed the outstanding principal of such bond~~
19 ~~being refunded. Any refunding bond issued after the effective date of the amendments to this~~
20 ~~article enacted by the Legislature during the regular session in two thousand six shall be~~
21 ~~structured to provide for approximately level annual debt service savings each fiscal year through~~
22 ~~the final maturity or structured to approximate the level of debt service that would have been paid~~
23 ~~prior to the refunding, with a preponderance of the savings being deferred toward eliminating or~~
24 ~~reducing the most distant maturities. For purposes of this section, the outstanding principal is to~~
25 ~~be determined as of the date on which the revenue bond is refinanced.~~

§17-16A-22. Parkway revenue refunding bonds—West Virginia Turnpike.

1 The Parkways Authority is hereby authorized to provide by resolution for the issuance of
2 parkway revenue refunding bonds of the state ~~in an aggregate principal amount not to exceed~~
3 ~~\$60,000,000~~ for the purpose of refunding any bonds which shall have been issued under this
4 article, or any predecessor thereof, in connection with the construction of the West Virginia
5 Turnpike, including the payment of any redemption premium thereon and any interest accrued or

6 to accrue to the date of redemption of such bonds, and, to the extent permissible under federal
7 law and if deemed advisable by the ~~parkways authority~~ Parkways Authority, for repaying to the
8 state all or any part of the state funds used to upgrade the West Virginia Turnpike to federal
9 interstate standards: *Provided*, ~~That any proceeds derived from the issuance of such bonds which~~
10 ~~are used on any parkway project other than the West Virginia Turnpike must be used solely on~~
11 ~~parkway projects: (i) Which are either connected to or intersect with the West Virginia Turnpike~~
12 ~~and are within seventy five air miles of said turnpike as it exists on the first day of June, one~~
13 ~~thousand nine hundred eighty nine, or any subsequent expressway, trunkline, turnpike, feeder~~
14 ~~road, state local service road or park and forest road constructed pursuant to this article; and (ii)~~
15 ~~which involve the upgrading or addition of interchanges, the construction of expressways or~~
16 ~~feeder roads, or the upgrading or construction of information centers, visitors' centers, rest stops~~
17 ~~or any combination thereof: Provided, however, That none of the proceeds of the issuance of~~
18 ~~parkway revenue refunding bonds issued under this section shall be used to pay all or any part~~
19 ~~of the cost of any economic development project or tourism project. Except as otherwise~~
20 ~~specifically provided in this section, the issuance of parkway revenue refunding bonds pursuant~~
21 ~~to this section, the maturities and other details thereof, the rights of the holders thereof, and the~~
22 ~~rights, duties and obligations of the parkways authority in respect of the same, shall be governed~~
23 ~~by the provisions of this article insofar as the same may be applicable.~~

24 ~~After the effective date of the amendments to this article enacted by the Legislature during~~
25 ~~the regular session in two thousand six, no issuance of a refunding bond may extend the maturity~~
26 ~~date of such bond being refunded and may not exceed the outstanding principal of such bond~~
27 ~~being refunded. Any refunding bond issued after the effective date of the amendments to this~~
28 ~~article enacted by the Legislature during the regular session in two thousand six shall be~~
29 ~~structured to provide for approximately level annual debt service savings each fiscal year through~~
30 ~~the final maturity or structured to approximate the level of debt service that would have been paid~~
31 ~~prior to the refunding, with a preponderance of the savings being deferred toward eliminating or~~

32 ~~reducing the most distant maturities. For purposes of this section, the outstanding principal is to~~
33 ~~be determined as of the date on which the revenue bond is refinanced~~

§17-16A-29. Discount program for purchasers of West Virginia EZ Pass transponders.

1 (a) The Parkways Authority is hereby authorized to create a discount program for
2 purchasers of West Virginia EZ Pass transponders: *Provided*, That prior to the fixation of any
3 initial rates, tolls or charges or any increase in any rates, tolls or charges along any portion of the
4 parkway project, the Parkways Authority ~~shall~~ may create a discount program for purchasers of
5 West Virginia EZ Pass transponders. Any discount program created pursuant to this section shall
6 provide discounts for each class of motor vehicles: *Provided, however, That any single fee*
7 *program implemented by the authority pursuant to subdivision (16), subsection (a), section six of*
8 *this article shall apply only to passenger motor vehicles.*

9 (b) The Authority shall provide public notice and hold a public hearings meeting on any
10 proposed discount program as required in section thirteen-a of this article prior to implementation
11 of such program.

12 ~~(c) Annually, the Parkways Authority shall hold at least one public informational session in~~
13 ~~each of the following counties: Kanawha, Fayette, Raleigh and Mercer counties. The Authority is~~
14 ~~to distribute educational materials and other information concerning the discount program for~~
15 ~~purchasers of West Virginia EZ Pass transponders described in this section.~~

16 ~~(d) Upon the effective date of the amendments to this section enacted during the regular~~
17 ~~session of the Legislature in the year 2010, the Authority shall make available West Virginia EZ~~
18 ~~Pass transponders to the public without the payment of any monetary security deposit. The~~
19 ~~Authority shall credit any individual that has paid a security deposit for a West Virginia EZ Pass~~
20 ~~transponder prior to July 1, 2010, on the individual's next billing statement~~

21 ~~(e) (c)~~ For purposes of this section, a "West Virginia EZ Pass transponder" means a device
22 issued ~~sold~~ by the Parkways Authority which allows the purchaser to attach the device to his or

23 her motor vehicle and travel through a Parkways Authority toll facility and be billed for such travel
24 by the authority.

ARTICLE 16D. ELECTRONIC TOLL COLLECTION.

§17-16D-3. Electronic toll collection authorized.

1 Notwithstanding the provisions of article sixteen-a and section five-b, article seventeen-a
2 of this chapter and section seven-a, article six, chapter seventeen-c of this code to the contrary,
3 the collection and enforcement of tolls for the use of roads, highways and bridges may be
4 accomplished by electronic toll collection as provided in this article and in rules promulgated by
5 authority of this article. ~~Provided, That the application of this article should not apply to~~

6 ~~(1) Future highway construction provided for in the Division of Highways' Statewide~~
7 ~~Transportation Improvement Plan at the time of the enactment of this article; and~~

8 ~~(2) Existing toll roads: Provided, That this section may not be construed to prohibit the~~
9 ~~collection and enforcement of tolls pursuant to article sixteen-a, chapter seventeen of this code~~

CHAPTER 17A. MOTOR VEHICLE ADMINISTRATION, REGISTRATION, CERTIFICATE OF TITLE AND ANTITHEFT PROVISIONS.

ARTICLE 2. DIVISION OF MOTOR VEHICLES.

§17A-2-25. Agreements with West Virginia Parkways Authority.

1 The division is hereby authorized, directed and empowered to enter into all necessary
2 agreements with the West Virginia Parkways Authority that will permit the division to collect, as
3 agent for and on behalf of the said Parkways Authority, all road user fees imposed by such
4 authority under subdivision (8), subsection (a), section six, article sixteen-a, chapter seventeen of
5 this code, or any other applicable section of its enabling legislation, and thereafter, to deposit all
6 such road user fees collected by the division, in its capacity as collection agent, in the State
7 Treasury and credited to the West Virginia Parkways Authority Single Fee Program Fund

8 established within the West Virginia Parkways Authority for single user fees in accordance with
9 section eleven-a, article sixteen-a, chapter seventeen of this code.

§17A-3-7. Grounds for refusing registration or certificate of title.

1 The division shall refuse registration or issuance of a certificate of title or any transfer of
2 registration upon any of the following grounds:

3 (1) That the application contains any false or fraudulent statement or that the applicant
4 has failed to furnish required information or reasonable additional information requested by the
5 division or that the applicant is not entitled to the issuance of a certificate of title or registration of
6 the vehicle under this chapter;

7 (2) That the applicant fails to present a statement of insurance or proof of other security
8 as required pursuant to the provisions of section three of this article;

9 (3) That the vehicle is mechanically unfit or unsafe to be operated or moved upon the
10 highways;

11 (4) That the division has reasonable grounds to believe that the vehicle is a stolen or
12 embezzled vehicle or that the granting of registration or the issuance of certificate of title would
13 constitute a fraud against the rightful owner or other person having a valid lien upon such vehicle;

14 (5) That the registration of the vehicle stands suspended or revoked for any reason as
15 provided in the motor vehicle laws of this state;

16 (6) That the required fee has not been paid; ~~or~~

17 (7) That the vehicle is operated by a commercial motor carrier who has failed to provide a
18 federal motor carrier identification number (USDOT number) or whose authority to operate in
19 interstate commerce has been denied or suspended by the federal Motor Carrier Safety
20 Administration; or

21 (8) That any road user fee due under a single fee program imposed by the West Virginia
22 Parkways Authority has not been paid.

§17A-10-17. Fee for West Virginia Parkways Authority Single Fee Program.

1 In addition to each fee provided in this article, an additional fee for any single fee program
2 that may be implemented by the West Virginia Parkways Authority pursuant to section six, article
3 sixteen-a, chapter seventeen of this code shall be payable upon the issuance of each certificate
4 of registration and renewal thereof issued pursuant to article three of this chapter. All money
5 collected by the division, as collection agent for the authority under this section, shall be deposited
6 in a special fund in the State Treasury and credited to the West Virginia Parkways Authority Single
7 Fee Program Fund established within the West Virginia Parkways Authority for single user fees
8 in accordance with section eleven-a, article sixteen-a, chapter seventeen of this code. The
9 additional fee provided herein may be imposed for each application for such certificate and
10 renewal thereof made on or after July 1, 2017.

NOTE: The purpose of this bill is to grant authority to the Parkways Authority to issue revenue bonds and refunding bonds for the purpose of financing parkway projects within the state constructed or improved by the Department of Transportation or the authority or refunding bonds issued in connection with any parkway project, to clarify notice and public meeting requirements and procedures for fixing or increasing tolls or fees, to study and implement, if feasible, a single fee program, and to authorize electronic toll collection as a method of collecting and enforcing any tolls that may be charged for transit over any parkway project.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.