

# **WEST VIRGINIA LEGISLATURE**

## **2021 REGULAR SESSION**

**Introduced**

### **House Bill 3251**

BY DELEGATES FLUHARTY, ZUKOFF, GARCIA, YOUNG,

HORNBUCKLE, AND BATES

[Introduced March 16, 2021; Referred to the  
Committee on Education then Finance]

1 A BILL to amend and reenact §17-16A-6 of the Code of West Virginia, 1931, as amended, relating  
2 to exempting school buses with students on board from paying turnpike tolls.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 16A. WEST VIRGINIA PARKWAYS, ECONOMIC DEVELOPMENT AND  
TOURISM AUTHORITY.**

**§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, 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: *Provided*, That after July 1, 2010,
- 11 the Parkways Authority is prohibited from constructing new tourism projects or new economic
- 12 development projects, but this prohibition shall not prevent the authority from entering into lease
- 13 agreements, development agreements or other agreements with private businesses or
- 14 companies allowing and providing for such private businesses or companies to acquire, develop,
- 15 construct and operate motels, lodging facilities or other businesses and business facilities on land
- 16 owned by the authority and located adjacent to the Tamarack project and facilities at Exit 45 of
- 17 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 (7) To issue parkway revenue refunding bonds of the State of West Virginia, payable solely  
21 from toll revenues, for any one or more of the following purposes:

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

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

26 (8) To charge, fix and revise, from time to time, tolls or fees for transit over each parkway  
27 project constructed or improved or financed by it, by the Department of Transportation or by the  
28 West Virginia Turnpike Commission: *Provided*, That the Parkways Authority may not charge tolls  
29 or fees for transit over an existing road without express legislative authorization for the charging  
30 of such tolls or fees: *Provided, however*, That an existing road does not include the West Virginia  
31 Turnpike, new lanes or sections of an existing road, the replacement or construction of any bridge  
32 or tunnel, or related facilities: *Provided further*, That no tolls or fees may be charged to school  
33 buses with students on board for use of the turnpike;

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

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

39 (11) To acquire in the name of the state by purchase or otherwise, on such terms and  
40 conditions and in such manner as it may deem proper, or by the exercise of the right of  
41 condemnation in the manner hereinafter provided, such public or private lands, including public  
42 parks, playgrounds or reservations, or parts thereof or rights therein, rights-of-way, property,  
43 rights, easements and interests, as it may deem necessary for carrying out the provisions of this  
44 article. No compensation shall be paid for public lands, playgrounds, parks, parkways or  
45 reservations so taken, and all public property damaged in carrying out the powers granted by this

46 article shall be restored or repaired and placed in its original condition as nearly as practicable;

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

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

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

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

65 (16) To study, investigate, evaluate and, if feasible, develop and implement a "single fee"  
66 program the purpose of which is to charge a flat fee to owners of motor vehicles registered in this  
67 state who opt into any such program or any other state which opts into any such program:  
68 *Provided*, That any single fee program shall apply only to passenger motor vehicles, divided into  
69 classes based on size and usage, and shall not apply to commercial motor vehicles. The flat fee  
70 shall be set by the authority at a rate or amount so that the aggregate of all toll revenues estimated  
71 to be received by the authority at the time of fixing any such rate or amount, or any increase

72 thereof, provides sufficient toll revenues consistent with the purposes set forth in section thirteen  
73 of this article and to cover the administrative costs of any such single fee program. The separate  
74 fee shall be collected by adding it to the annual cost of vehicle registration as an additional fee  
75 payable solely to the authority pursuant to §17A-10-17 of this code. A registered motor vehicle for  
76 which such single program fee has been paid shall be entitled to traverse all toll roads within the  
77 state without stopping to pay individual tolls during the effective period of said vehicle registration.  
78 The single fee program may also include comparable provisions which would allow vehicles  
79 registered in other states to traverse West Virginia toll roads in like fashion to West Virginia  
80 vehicles as set forth in this section upon the payment of a single fee for each and every vehicle  
81 registered in such state, in accordance with the same classification system adopted for West  
82 Virginia vehicles. The Parkways Authority, in consultation with the Division of Motor Vehicles,  
83 shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.*  
84 of this code to implement any single fee program under this subdivision; ~~(16)~~

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

87 (18) To do all acts and things necessary or convenient to carry out the powers expressly  
88 granted in this article; and

89 (19) To file the necessary petition or petitions pursuant to federal bankruptcy laws.} The  
90 State of West Virginia hereby consents to the application of Title 11 of the United States Code to  
91 the Parkways Authority.

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

NOTE: The purpose of this bill is to exempt school buses with students on board from paying turnpike tolls.

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