



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 7

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

February 17, 2021

MOTION

Made By: Ms. DeTuncq, **Seconded By:** Mr. Johnsen

Action: Motion Carried, Unanimously

Title: Approval of Proposed Amendments to Rules, Regulations and Rates Concerning Toll and Bridge Facilities

WHEREAS, the Commonwealth Transportation Board completed a periodic review of the Rules, Regulations and Rates Concerning Toll and Bridge Facilities, 24VAC30-620, (Regulation) in June, 2020, and based on that review directed that the Regulation be amended; and,

WHEREAS, The Virginia Department of Transportation (VDOT) has developed proposed amendments (Attachment A) to the Rules, Regulations and Rates Concerning Toll and Bridge Facilities, 24VAC30-620, based on the direction by the Commonwealth Transportation Board to amend the Regulation; and,

WHEREAS, the proposed amendments have been reviewed by the Commonwealth Transportation Board; and,

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board approves the proposed amendments to the Regulation as presented in Attachment A, and further authorizes the Commissioner of Highways or his designee to take all acts necessary to file the proposed amendments in accord with submission requirements established by the *Code of Virginia*, Executive Order 14 (2018), and the Virginia Code Commission Regulations relating to regulatory actions.

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CTB Decision Brief
Approval of Proposed
Amendments to Rules, Regulations and
Rates Concerning Toll and Bridge Facilities

Issue: The Virginia Department of Transportation (VDOT) has developed proposed amendments (Attachment A) to the Rules, Regulations and Rates Concerning Toll and Bridge Facilities, 24VAC30-620, (Regulation) based on the recommendation by the Commonwealth Transportation Board (CTB) after a periodic review of the Regulation was completed.

Facts: The current Regulation, 24VAC30-620, explicitly applies to the Dulles Toll Road, the George P. Coleman Bridge, and the Powhite Parkway Extension. New VDOT-owned and operated toll facilities have opened, or are likely to open in the near future, that are not included in the existing Regulation. Further, authority to operate the Dulles Toll Road, including the authority to set toll rates, has been delegated to the Metropolitan Washington Airports Authority (MWAA), pursuant to an agreement between the CTB and MWAA. Regional transportation authorities, such as the Hampton Roads Transportation Accountability Commission, Richmond Metropolitan Transportation Authority, and the Northern Virginia Transportation Authority, have been or may, in the future, be authorized by law to establish toll rates and operate toll facilities on highways that are otherwise owned and operated by VDOT. In order to avoid the need to amend the Regulation every time a new VDOT-owned and operated toll facility opens or authority over an existing facility is transferred by agreement or by law to another entity, VDOT proposes to amend Section 10 of the Regulation to describe the facilities to which the Regulation applies, rather than by specifically naming the facilities.

Section 20 of the existing Regulation delegates authority for the suspension of tolls at the facilities to which the Regulation applies from the Commissioner of Highways to his designee, and specifies the general conditions and criteria under which tolls can be suspended, as authorized by § 33.2-613. Section 33.2-613 of the Code of Virginia was amended recently to allow for the temporary suspension of tolls for a mandatory evacuation during a state of emergency. VDOT, therefore, proposes to amend Section 20 of the Regulation to reflect this additional condition for the temporary suspension of tolls. VDOT also proposes, for purposes of organizational consistency, that the provisions in existing Section 30 that address the Commissioner's ability to delegate the assessment of risk and determination that tolls should be suspended to a designee be moved to Section 20. VDOT has also proposed amendments that would consolidate language regarding the delegation of suspension authority and render it more general instead of repeating the same procedures for each individually named facility, for the same reasons as the amendments in Section 10 are being proposed.

In Section 30 of the Regulation, the established toll rates for the fixed toll rate facilities to which the Regulation applies are not being amended. A new subsection is being added to specify that tolls for High Occupancy Toll facilities will be charged variable toll rates to manage demand on the facility, which is required by 23 U.S.C. 166.

Recommendations: VDOT recommends that the proposed amendments to the Rules, Regulations and Rates Concerning Toll and Bridge Facilities, 24VAC30-620, as set forth in Attachment A, be adopted, so that the proposed amendments can then be advanced to the next stages in the regulatory process, which will include, among other things, the opportunity for public comment.

Action Required by CTB: A resolution will be presented for CTB approval to adopt the proposed amendments to the Regulation, and to authorize the Commissioner of Highways or his designee to take any actions necessary to publish the proposed amendments in the Virginia Register and to continue the process of amending the Regulation.

Result, if Approved: The proposed amendments to the Regulation will be reviewed under the executive branch review process and published in the Virginia Register for public comment, and the final amendments to the Regulation will be brought back to the CTB for approval.

Options: Approve, Deny, or Defer.

Public Comments/Reactions: One comment was received from the public during the Notice of Intended Regulatory Action stage, asking that the CTB not raise toll rates. The proposed amendments do not raise toll rates.

ATTACHMENT A

1 **Project 6422 - NOIRA**

2 **DEPARTMENT OF TRANSPORTATION**

3 **Amend Rules, Regulations and Rates Concerning Toll and Bridge Facilities**

4
5 **CHAPTER 620**

6 **RULES, REGULATIONS, AND RATES CONCERNING TOLL AND BRIDGE FACILITIES**

7 **24VAC30-620-10. Applicability and effective dates.**

8 This chapter applies to ~~the following facilities: the Dulles Toll Road, located in the Northern~~
9 ~~Virginia District; the Powhite Parkway Extension Toll Road, located in the Richmond District; and~~
10 ~~the George P. Coleman Bridge, located in the Hampton Roads District, all administered by the~~
11 ~~Innovative Finance and Revenue Operations Division~~all VDOT-owned and -operated toll facilities,
12 unless and until, by agreement or law, authority to operate and set tolls is provided to another
13 public or private entity.

14 **24VAC30-620-20. General conditions and criteria concerning suspension of toll collection.**

15 A. Tolls may be temporarily suspended on any toll facility subject to this chapter, under the
16 following conditions:

- 17 1. The Commissioner of Highways or his designee has investigated or assessed a threat
18 to public safety on or in the vicinity of the toll facility; and
- 19 2. As a result of the investigation or assessment, the Commissioner of Highways or his
20 designee believes that a temporary suspension of toll collection will alleviate an actual or
21 potential threat or risk to the public's safety, or facilitate the flow of traffic on or within the
22 vicinity of the toll facility.

23 B. Incidents which may justify the temporary suspension of toll collection operations include,
24 but are not limited to, the following: natural disasters, such as hurricanes, tornadoes, fires, and
25 floods; accidental releases of hazardous materials, such as chemical spills; major traffic
26 accidents, such as multi-vehicle collisions; and any other incidents deemed to present a risk to
27 public safety.

28 C. Any mandatory evacuation during a state of emergency as defined in § 44-146.16 shall
29 require the temporary suspension of toll collection operations in affected evacuation zones on
30 routes designated as mass evacuation routes. The Commissioner of Highways or his designee
31 shall reinstate toll collection when the mandatory evacuation period ends.

32 D. The suspension of tolls and reinstatement of tolls shall be conducted in accordance with
33 internal agency procedures established by the Commissioner of Highways. The Commissioner of
34 Highways may delegate in writing the authority to suspend and reinstate toll collection operations,
35 as a result of the conditions and criteria outlined in this section. This delegation of authority
36 includes following the policies and procedures, established by the Commissioner of Highways
37 and specific to each toll facility, governing the investigation and decision-making processes
38 associated with the possible suspension and reinstatement of toll collections.

39 E. Judicial proceedings arising from any incident resulting in the suspension of toll collection
40 will be conducted as provided for by § 33.2-613 of the Code of Virginia.

41 **24VAC30-620-30. Rates and delegation of authority to suspend toll collection.**

42 A. ~~The Commissioner of Highways delegates the authority to suspend toll collection~~
43 ~~operations on the Dulles Toll Road to the Dulles Toll Road's Toll Facilities Administrative Director,~~
44 ~~subject to consultation with the Northern Virginia District Administrator and to the conditions and~~
45 ~~criteria outlined in 24VAC30-620-20 A and B. At his discretion, the Dulles Toll Road's Toll~~
46 ~~Facilities Administrative Director may delegate this authority to others within the toll facility's~~
47 ~~organization. This delegation of authority includes establishing policies and procedures specific~~

ATTACHMENT A

48 to the toll facility governing the investigation and decision-making processes associated with the
 49 possible suspension of toll collections. These policies and procedures shall become part of the
 50 toll facility's operating plan.

51 B. The following are the toll rate schedules for the Dulles Toll Road.

DULLES TOLL ROAD RATE STRUCTURE		
VEHICLE CLASS	MAIN PLAZA	ALL RAMPS
Two axles ¹	\$0.75	\$0.50
Three axles ²	\$1.00	\$0.75
Four axles	\$1.25	\$1.00
Five axles	\$1.50	\$1.25
Six axles or more	\$1.75	\$1.50

¹Includes passenger cars, motorcycles, motorcycles equipped with a sidecar, towing a trailer or equipped with a sidecar and towing a trailer, and 2-axle trucks (4 and 6 tires).

²Includes trucks, buses, and passenger cars with trailers.

52 C. The Commissioner of Highways delegates the authority to suspend toll collection
 53 operations on the Powhite Parkway Extension Toll Road to the Richmond Toll Facilities' Toll
 54 Facilities Administrative Director, subject to consultation with the Richmond District Administrator
 55 and to the conditions and criteria outlined in 24VAC30-620-20 A and B. At his discretion, the
 56 Richmond Toll Facilities' Toll Facilities Administrative Director may delegate this authority to
 57 others within the toll facility's organization. This delegation of authority includes establishing
 58 policies and procedures specific to the toll facility governing the investigation and decision-making
 59 processes associated with the possible suspension of toll collections. These policies and
 60 procedures shall become part of the toll facility's operating plan.

61 D. The following are the toll rate schedules for the Powhite Parkway Extension Toll Road.

POWHITE PARKWAY EXTENSION TOLL ROAD MAXIMUM RATE STRUCTURE				
VEHICLE CLASS	MAIN LINE PLAZA	MAIN LINE PLAZA - EAST & WEST RAMP	RAMP - ROUTE 60	RAMP - COURTHOUSE ROAD
Two axle vehicles ¹	\$0.75	\$0.25	\$0.25	\$0.50
Three axle vehicles	\$1.00	\$0.35	\$0.35	\$0.60
Four axle vehicles	\$1.25	\$0.45	\$0.45	\$0.70
Five axle vehicles	\$1.50	\$0.55	\$0.55	\$0.80
Six axle vehicles	\$1.50	\$0.55	\$0.55	\$0.80

¹Includes passenger cars, motorcycles, motorcycles equipped with a sidecar, towing a trailer or equipped with a sidecar and towing a trailer, and 2-axle trucks (4 and 6 tires).

62 E. The Commissioner of Highways delegates the authority to suspend toll collection
 63 operations on the George P. Coleman Bridge to the George P. Coleman Bridge Facility's Toll

ATTACHMENT A

64 ~~Facilities Administrative Director, subject to consultation with the Hampton Roads District~~
65 ~~Administrator and to the conditions and criteria outlined in 24VAC30-620-20 A and B. At his~~
66 ~~discretion, the George P. Coleman Bridge Facility's Toll Facilities Administrative Director may~~
67 ~~delegate this authority to others within the toll facility's organization. This delegation of authority~~
68 ~~includes establishing policies and procedures specific to the toll facility governing the investigation~~
69 ~~and decision-making processes associated with the possible suspension of toll collections. These~~
70 ~~policies and procedures shall become part of the toll facility's operating plan.~~

71 FB. The following are the toll rate schedules for the George P. Coleman Bridge.

GEORGE P. COLEMAN BRIDGE TOLL RATE STRUCTURE	
VEHICLE CLASS ¹	ONE-WAY RATE
Motorcycles, pedestrians and bicyclists ²	\$0.85
Commuter ETC cars, vans, pick-ups	\$0.85
Commuter ETC two-axle commercial vans/trucks	\$0.85
Cars, vans, pick-ups	\$2.00
Two-axle, six-tire trucks and buses	\$2.00
Three-axle vehicles and buses	\$3.00
Four or more-axle vehicles	\$4.00

¹Commuter toll rates will be available only via the ~~Smart Tag/E-Pass~~E-ZPass electronic toll collection (ETC) system to two-axle vehicles making ~~three round-trip~~northbound crossings ~~within a 90-day period~~ on the George P. Coleman Bridge.

²Includes motorcycles equipped with a sidecar, towing a trailer, or equipped with a sidecar and towing a trailer. Motorcyclists requesting this rate must use the manual toll collection lanes because the Automatic Vehicle Identification system cannot accommodate the \$0.85 rate.

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73 C. For all designated High-Occupancy Toll facilities, the toll rates shall vary as necessary to
74 manage the demand to use the facility in accordance with 23 U.S.C. 166.