

VA. ADMINISTRATIVE CODE – TOLLING

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24 VAC 30-620 PROPOSED AMENDMENTS

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January 19, 2021

Periodic Review Results

□ The CTB reviewed 24 VAC 30-620, Rules, Regulations, and Rates Concerning Toll and Bridge Facilities in June, 2020 as part of the Regulatory Review Process.

- Based on the results of the review, the CTB directed amendment of the regulations**
- VDOT initiated the process required under the Administrative Process Act (APA) for amendment**

Regulatory Process for Amending Regulations

Notice of Intended Regulatory Action (NOIRA)

- Public comment period ended on August 20, 2020. The only comment received requested that toll rates not be raised.

Proposed Regulations

- VDOT has drafted suggested amendments for the CTB's consideration, which are included in the January CTB materials.
- Proposed Regulations must be filed for publication in the Virginia Register within 180 days of the end of the NOIRA public comment period. In this case, by February 17, 2021.

Final Regulations

- The CTB may then adopt the proposed regulations as final regulations without amendments, or with amendments based on any comments received at the Proposed stage.

Proposed Regulations

Applicability

24 VAC 30-620-10

- **Section 10 of the regulation currently lists specific facilities to which the remainder of the regulation applies: Dulles Toll Road, George P. Coleman Bridge, and Powhite Parkway Extension.**
- **The proposed amendments would make the description of the facilities to which the regulation applies more general, so that the regulation will not have to be amended if new toll facilities are built or if operation of existing facilities is assigned to another entity.**
- **The proposed language would apply the regulation only to facilities owned and operated by VDOT—the regulation would not apply to facilities operated by another public or private entity, even if owned by VDOT**

Proposed Regulations

General conditions and criteria concerning the suspension of toll collection (24 VAC 30-620-20)

- ❑ Adds clarifying language to include the assessment of “an actual or potential” threat to public safety... Language is consistent with VA Code 33.2-613 B.
- ❑ Section C added to recognize requirements of VA Code 33.2-613 B(2)
- ❑ Section D added to recognize that internal policies identify the Commissioner’s designee responsible for certain VDOT toll facilities and the detailed toll suspension and reinstatement process.

Proposed Regulations

Rates

(24 VAC 30-620-30)

- ❑ **Provide for fixed toll rate schedules on traditional VDOT owned and operated toll facilities, George P. Coleman Bridge and Powhite Parkway Extension**
 - **The proposed changes do not raise any of the set-out fixed toll rates.**
 - **Any proposed change in the tolls will need to comply with the APA process**
 - **Tolls on HOT designated toll facilities will not be fixed--those tolls will be required to conform to 23-USC-166, varying based on demand.**
- ❑ **Eliminate references to Dulles Toll Road: Permit and Operating Agreement (2006) transferred the toll facility operations to Metropolitan Washington Airports Authority including the exclusive right to impose and collect tolls.**
 - **It is noted that the Permit and Operating Agreement recognizes VA Code and that the Commissioner has the authority to suspend tolls on the Dulles Toll Road.**
- ❑ **Move toll suspension language to 24 VAC 30-620-20**

Next Steps to Final Regulations

- **If approved by the CTB, the Proposed Regulations will be reviewed by the Office of the Attorney General, Department of Planning and Budget, and the Governor's Office.**
- **If approved, the Proposed Regulations will be published in the Virginia Register for the public to review.**
- **Public comment may be received for 30 days.**
- **The CTB may then adopt the proposed regulations as final regulations without amendments, or with amendments based on any comments received at the Proposed stage.**

