

SENATE FILE NO. SF0073

Tolling authority for I-80.

Sponsored by: Senator(s) Case and Pappas

A BILL

for

1 AN ACT relating to highways; creating a highway tolling
2 program; granting powers to the transportation commission;
3 defining duties of the transportation commission and the
4 department of transportation; granting tolling authority
5 for interstate 80; providing for the review of tolling
6 plans; creating an account; granting bonding authority;
7 requiring accounting and reporting; authorizing loans from
8 the state highway fund; providing rulemaking authority;
9 allowing assistance between state agencies; and providing
10 for an effective date.

11

12 *Be It Enacted by the Legislature of the State of Wyoming:*

13

14 **Section 1.** W.S. 24-16-101 through 24-16-115 are
15 created to read:

16

1 CHAPTER 16

2 TOLLING

3

4 ARTICLE 1

5 INTERSTATE 80 TOLLING PROGRAM, PLAN AND BONDING

6

7 **24-16-101. Purpose.**

8

9 To finance, construct, operate and maintain interstate 80
10 and accommodate the needs of the traveling public through
11 safe, efficient, convenient and modern vehicular traffic it
12 is necessary and in the public interest to provide for the
13 financing, construction, operation, regulation and
14 maintenance of interstate 80 under a tolled configuration.
15 The tolled configuration will allow interstate 80 to be
16 maintained and to be operated in a way that will reduce
17 traffic congestion, delays, hazards, injuries and
18 fatalities. To carry out these purposes, it is necessary to
19 authorize the Wyoming transportation commission to create
20 and supervise a tolling program within the department of
21 transportation to impose tolls and exercise other powers
22 regarding interstate 80 that are necessary, equitable and
23 appropriate.

1

2 **24-16-102. Definitions.**

3

4 (a) As used in this chapter:

5

6 (i) "Account" means the special toll revenue
7 account created by W.S. 24-16-105;

8

9 (ii) "Bond" means notes, warrants, bonds or
10 temporary bonds issued under this chapter;

11

12 (iii) "Chief engineer" means the person
13 appointed by the director of the department of
14 transportation in accordance with W.S. 24-2-106;

15

16 (iv) "Commission" means the Wyoming
17 transportation commission;

18

19 (v) "Construct" or "construction" means the
20 planning, designing, engineering, right-of-way acquisition,
21 installation, construction or reconstruction of interstate
22 80;

23

1 (vi) "Department" means the department of
2 transportation;

3

4 (vii) "Director" means the director of the
5 department of transportation;

6

7 (viii) "Interstate 80" or "interstate 80
8 corridor" means the entire length of interstate 80 in
9 Wyoming, or as specifically designated in the project
10 master plan;

11

12 (ix) "Local government" means a municipal or
13 county government;

14

15 (x) "Project" means all matters related to the
16 planning, financing, construction, imposition, collection,
17 operation and maintenance necessary for tolling on
18 interstate 80 including construction, maintenance and
19 improvements to existing or additional lane capacity and
20 related highway improvements, maintenance and services as
21 well as tolling infrastructure;

22

1 (xi) "Project master plan" means a comprehensive
2 plan for the project as required by this chapter;

3

4 (xii) "Project phase" means a discrete portion
5 of the project that may be constructed, operated,
6 maintained or financed independently of other portions of
7 the project;

8

9 (xiii) "Toll" means compensation paid for the
10 use of interstate 80, or any part thereof, by vehicular or
11 other traffic;

12

13 (xiv) "Tolling program chief" means the
14 administrator of the tolling program housed within the
15 department;

16

17 (xv) "Toll revenues" means all revenues
18 generated by the project.

19

20 **24-16-103. Authority to toll.**

21

22 The department has authority to impose tolls on interstate
23 80 and take all other actions necessary for the project

1 pursuant to a project master plan for which the legislature
2 has passed authorizing legislation.

3

4 **24-16-104. Statewide tolling program creation.**

5

6 The director, with the commission's approval, may operate a
7 statewide tolling program that shall be limited to the
8 project and shall be in accordance with the project master
9 plan as reviewed and approved pursuant to W.S.
10 24-16-107(b). The tolling program shall operate as a
11 division of the department and the director shall, with the
12 commission's consent, appoint a tolling program chief who
13 shall possess qualifications as may be established by the
14 commission. The tolling program chief shall oversee all
15 aspects of the tolling program.

16

17 **24-16-105. Special toll revenue account.**

18

19 (a) There is created the special toll revenue
20 account. All toll revenues received from the project shall
21 be deposited into the account. All monies received from the
22 issuance of bonds related to the project shall be deposited
23 into the account. All toll revenues shall be deposited into

1 the account. The account may contain separate subaccounts
2 for any project phase. The department may deposit other
3 monies into the account but in no event shall revenues from
4 any tax available for general purposes be deposited into
5 the account. All funds in the account shall be expended
6 only for the repayment of debt for the project or as
7 otherwise authorized under this chapter. All monies in the
8 account are continuously appropriated to the department for
9 expenditures authorized by this chapter.

10

11 (b) The state treasurer may invest all funds within
12 the account as authorized by law. Any interest or revenues
13 earned on the investment or deposit of monies in the
14 account shall remain in the account and shall not be
15 credited to the general fund. The state treasurer shall
16 invest funds, or withhold funds from investment, and comply
17 with all requirements of the internal revenue service and
18 the bond indenture, so as not to interfere with the bonding
19 provisions and bonding capacity granted in this chapter and
20 to ensure that all bonds will remain tax free investments.

21

22 (c) The department and state treasurer shall prepare
23 an annual accounting of all funds deposited into the

1 account and all other account activity for the joint
2 transportation, highways and military affairs interim
3 committee and the joint appropriations committee.

4

5 (d) The commission shall have authority to approve
6 the expenditure of monies from the account for the project.
7 The department may expend monies in the account:

8

9 (i) To pay for principal on bonds, as the bonds
10 mature or are redeemed before maturity, for the purchase of
11 the bonds, the payment of interest on the bonds or the
12 payment of any redemption premium required to be paid when
13 the bonds are redeemed before maturity;

14

15 (ii) To fund the administration, planning,
16 financing, construction, operation, maintenance or repair
17 of the project and for the acquisition of land within the
18 interstate 80 corridor required for the project unless the
19 expenditure of these monies would reduce the account to an
20 amount less than the amount necessary to satisfy all bond
21 obligations.

22

1 (e) The commission may transfer unrestricted monies
2 from the state highway fund to the account for the
3 department's use in defraying expenses incurred for the
4 project before the receipt of bond proceeds or toll
5 revenues. When the department receives sufficient bond
6 proceeds or toll revenues in the account to implement,
7 operate and maintain the project on an annual basis, the
8 department may use excess revenue from the account to
9 reimburse the state highway fund for monies deposited into
10 the account together with interest at the rate earned on
11 pooled fund investments for the period of the loan.

12

13 (f) Once the department has paid the costs of
14 constructing the project, including reasonable and prudent
15 contingencies, paid all debt service on all bonds issued to
16 finance the project and reimbursed the state highway fund
17 for any state highway fund monies transferred to the
18 account under this chapter, plus interest, the commission
19 shall recommend to the legislature to adjust initial toll
20 rates on the project so that toll revenues are as close as
21 reasonably possible to the amount required for the ongoing
22 operation, maintenance and necessary replacement of the
23 project.

1

2 **24-16-106. Toll rates.**

3

4 The commission shall recommend to the joint transportation,
5 highways and military affairs interim committee the initial
6 toll rates consistent with the project master plan and
7 federal tolling requirements and such that the department
8 can pay for necessary reconstruction and maintenance of the
9 interstate 80 corridor and administrative expenses. The
10 initial toll rate and any subsequent adjustment to toll
11 rates shall be set by the legislature. If recommended or
12 required under an approved project master plan, subsequent
13 rates may be set by the legislature to generate revenues
14 necessary to fund any impact assistance program available
15 to local governments.

16

17 **24-16-107. Toll highway project master plan; review.**

18

19 (a) The department shall develop and submit to the
20 commission a project master plan that includes:

21

22 (i) The goals for the project;

23

1 (ii) The physical project description;

2

3 (iii) Construction phasing and estimated capital
4 costs;

5

6 (iv) The tolling approach and toll rate
7 structure, which takes into account, among other
8 considerations, impacts of different vehicles on the road
9 surface;

10

11 (v) Operations and maintenance plans;

12

13 (vi) Toll revenue projections and financial
14 plans;

15

16 (vii) Recommended civil penalties for failing to
17 pay a toll when required or other violations of tolling
18 requirements, the proceeds of which shall be applied to the
19 operation of the project;

20

21 (viii) Identification of persons or entities
22 exempt from toll fees or toll requirements;

23

1 (ix) Consideration of a free minimum travel
2 distance available to all traffic;

3

4 (x) Results of a study of potential impacts of
5 tolling on interstate 80 to communities along interstate 80
6 and the feasibility of establishing a program that would
7 provide impact assistance, if appropriate, to local
8 communities;

9

10 (xi) The application of criminal and traffic
11 regulation laws to the project;

12

13 (xii) The provision of any law enforcement and
14 courtesy patrols for the project;

15

16 (xiii) A public outreach program;

17

18 (xiv) Plans for improvements to wildlife
19 migration and traffic safety;

20

21 (xv) Any federally required information or
22 federal considerations that may be relevant to the project;

23

1 (xvi) Any other information necessary to
2 implement the project.

3

4 (b) Once the commission approves a project master
5 plan, the plan shall be submitted to the joint
6 transportation, highways and military affairs interim
7 committee for consideration. The department shall also
8 submit the plan to the federal highway administration for
9 their approval. If the federal highway administration
10 approves the plan without substantial changes as determined
11 by the commission, the department shall implement the plan.

12

13 **24-16-108. Commission powers and duties.**

14

15 (a) The commission shall have the following powers
16 and duties regarding the project:

17

18 (i) To direct the department and assign to the
19 department tasks required under this chapter;

20

21 (ii) To develop, prepare or cause to be prepared
22 and approve the project master plan;

23

1 (iii) The authority to issue bonds;

2

3 (iv) To make recommendations to the legislature
4 to increase or decrease fees, tolls, rates and charges
5 related to the project and to establish initial toll rates
6 pursuant to W.S. 24-16-106;

7

8 (v) To establish, charge and collect fees and
9 charges for the use of other property of the project,
10 subject to an approved project master plan;

11

12 (vi) To acquire, hold title to and dispose of
13 real and personal property as necessary in the exercise of
14 its powers and the performance of its duties;

15

16 (vii) To acquire or cause to be acquired any
17 necessary rights-of-way as provided by W.S. 24-2-102 and
18 24-2-109;

19

20 (viii) To make and to enter into contracts or
21 agreements, including intergovernmental agreements or
22 agreements with private persons, necessary or incidental to

1 the exercise of its powers and the performance of its
2 duties;

3

4 (ix) To employ or contract for the services of
5 consultants for the rendering of professional, financial
6 and technical assistance and advice;

7

8 (x) To plan, acquire, construct, operate,
9 regulate and maintain the project;

10

11 (xi) To construct, maintain and operate stations
12 or electronic means for the collection of tolls from the
13 project as required by an approved project master plan;

14

15 (xii) To set and adopt, on an annual basis, a
16 budget for the project;

17

18 (xiii) The authority to restrict specified
19 vehicles from driving in designated lanes within the
20 project based on the project master plan;

21

22 (xiv) To contract for and accept any gifts,
23 grants or loans of funds, property or financial or other

1 aid in any form from the federal government, any agency or
2 instrumentality thereof, or from any other source;

3

4 (xv) Upon the issuance of any bond authorized by
5 this chapter, to report to the state treasurer in such form
6 as the treasurer may require, the terms of all bonds
7 issued, including the maturity of the issuance and revenues
8 pledged for the issuance and prior issuances.

9

10 (b) Not later than September 1, 2022 and not later
11 than September 1 of each year thereafter the commission
12 through the department shall present a report to the joint
13 transportation, highways and military affairs interim
14 committee and the joint appropriations committee. The
15 report shall include a summary of the project's activities
16 for the previous year, a statement of current toll rates, a
17 summary of the status of any current construction or other
18 development on the project, a statement of the project's
19 revenues and expenses, a summary of the results of any
20 evaluation of the project conducted by the department and
21 any recommendations for toll rate or other modifications to
22 the project master plan.

23

1 **24-16-109. Rulemaking authority.**

2

3 The commission and the department shall have the authority
4 to promulgate rules necessary for the project.

5

6 **24-16-110. Bonds.**

7

8 (a) Subject to subsection (b) of this section, the
9 commission may issue bonds in principal amounts that the
10 commission determines necessary to provide sufficient funds
11 for achieving the tasks required by the project master plan
12 and necessary for the project. All bonds issued under this
13 chapter are negotiable instruments under the laws of the
14 state unless expressly provided to the contrary on the face
15 of the bonds.

16

17 (b) The commission may issue and have outstanding
18 bonds in an aggregate amount authorized in an adopted and
19 approved project master plan.

20

21 (c) All proceeds from the sale of bonds shall be
22 deposited into the account.

23

1 (d) All bond obligations issued by the commission
2 under this chapter are payable solely out of funds in the
3 account. Bond proceeds shall be used only for the project
4 as provided in the project master plan. The bonds shall
5 bear interest at the rates, be executed and delivered at
6 times and in denominations, be of terms and maturities, be
7 in bearer form or in registered form as to principal and
8 interest or principal alone and bear manual or facsimile
9 signatures and seals as determined by the commission.

10

11 (e) Bonds may be payable in installments and may bear
12 maturities not exceeding forty-five (45) years from the
13 date issued as determined by the commission.

14

15 (f) Bonds and interest may be payable at a time or
16 place whether within or outside this state as determined by
17 the commission. Bonds may contain other provisions not
18 inconsistent with this chapter.

19

20 (g) Any bonds issued by the commission under this
21 chapter may contain an option to redeem all or any part as
22 may be specified. The price of redemption, the terms and
23 conditions and the procedure of notice shall be set forth

1 in the proceedings of the commission and shall appear on
2 the face of the bonds.

3

4 (h) Any bonds of the commission may be sold at, above
5 or below par value, at public or private sale, in a manner
6 and from time to time as the commission determines. The
7 commission may pay necessary legal fees, expenses, premiums
8 and commissions incurred in connection with the issuance
9 and sale of the bonds.

10

11 (j) Subject to the aggregate limits in the project
12 mater plan, additional bonds for a particular purpose may
13 be issued provided the later issues shall recognize and
14 protect any prior pledge made for any prior issue.

15

16 (k) The commission may provide for the issuance of
17 bonds under this chapter to refund any project bonds then
18 outstanding, including the payment of any redemption
19 premium and any interest or premium accrued or yet to
20 accrue to, the earliest or subsequent date of redemption,
21 purchase or maturity of the bonds. Refunding shall be
22 accomplished in the manner prescribed by W.S. 16-5-101

1 through 16-5-119 to the extent it is not inconsistent with
2 this chapter.

3

4 **24-16-111. Bonds; security therefor.**

5

6 (a) The principal and interest on any project bonds
7 issued by the commission may be secured by a pledge of any
8 revenues authorized under this article for the applicable
9 bonds. The bondholders may not look to any general or other
10 fund for payment of the bonds except the revenues pledged
11 therefor. The bonds shall not constitute an indebtedness or
12 a debt within the meaning of any constitutional or
13 statutory provision or limitation. The bonds shall not be
14 considered or held to be general obligations of the state
15 but shall constitute its special obligations and the
16 commission shall not pledge the state's full faith and
17 credit for payment of the bonds.

18

19 (b) Each pledge, agreement or other instrument made
20 for the benefit or security of any project bonds is valid
21 and binding from the time when made. The revenues and other
22 monies pledged are immediately subject to the lien of the
23 pledge without delivery or further act. The lien is valid

1 and binding against persons having claims of any kind
2 against the commission whether or not the persons have
3 actual notice of the lien. Neither the resolution nor the
4 indenture or other instrument by which a pledge is created
5 need be recorded or filed.

6

7 (c) The commission may provide in the proceedings
8 under which bonds are authorized that any part of the
9 project or project phase may be constructed, reconstructed
10 or improved by the commission, and may also provide for the
11 time and manner of and requisites for disbursements to be
12 made for the cost of construction and for all the
13 certificates and approvals of construction and
14 disbursements as the commission considers necessary.

15

16 **24-16-112. Exemption from taxation.**

17

18 The exercise of the powers granted by this chapter
19 constitutes the performance of an essential governmental
20 function. The commission shall not be required to pay any
21 taxes levied by any municipality or political subdivision
22 of the state. The commission shall not be required to pay
23 state taxes of any kind. The commission's projects,

1 property and monies and any bonds issued under this
2 chapter, and the income therefrom, shall be free from
3 taxation of every kind by the state, municipalities and
4 political subdivisions of the state.

5

6 **24-16-113. Bonds as legal investments.**

7

8 The bonds of the commission are legal investments that may
9 be used as collateral for public funds of the state,
10 insurance companies, banks, savings and loan associations,
11 investment companies, trustees and other fiduciaries that
12 may properly and legally invest funds in their control or
13 belonging to them in bonds of the commission.

14

15 **24-16-114. State pledge not to impair bondholder's**
16 **rights and remedies.**

17

18 The state pledges to the holders of any bonds issued under
19 this chapter that the state will not limit or alter the
20 rights vested in the commission to fulfill the terms of
21 agreements made with the holders, or in any way impair the
22 rights and remedies of the holders, until the bonds
23 together with the interest, with interest on any unpaid

1 installments of interest and all costs and expenses in
2 connection with any action or proceeding by or on behalf of
3 the holders are fully met and discharged. The commission is
4 to include this pledge of the state in any agreement with
5 the holders of the bonds.

6

7 **24-16-115. Assistance by state agencies.**

8

9 Upon the commission's request, any state agency may lend
10 technical assistance, render advice and attend meetings
11 with the directors and employees of the commission or the
12 department as the commission requires in carrying out its
13 functions and duties under this chapter.

14

15 **Section 2.** W.S. 24-1-119 and 24-8-101 are amended to
16 read:

17

18 **24-1-119. State highway fund created; income and**
19 **expenditure.**

20

21 There is created a fund known as the state highway fund, to
22 the credit of which the state treasurer, who is designated
23 as the state official to receive all amounts paid by the

1 United States under the act of congress approved July 11,
2 1916, shall place all monies previously received for the
3 fund, all money subsequently received from the United
4 States, under cooperative agreements as authorized, all
5 money derived from taxes levied for such purpose or
6 appropriated for the fund, all monies received from the
7 sale of state bonds for highway construction or
8 improvement, all money received from the counties under
9 cooperative agreements as hereinbefore authorized, and all
10 other monies received from donations or bequests, which may
11 be accepted by the commission on behalf of the state of
12 Wyoming, or from any source designated by law for that
13 purpose. All monies in the fund shall be available for the
14 purpose of this act without further appropriation and no
15 warrant shall be drawn on the fund excepting on a voucher
16 approved by the director of the department of
17 transportation or an assistant authorized by the director
18 and approved by the transportation commission. Except for
19 bonds issued pursuant to W.S. 24-16-110 i it is provided that
20 seventy-five percent (75%) of the amount of any bond issue
21 subsequently issued by the state of Wyoming for the
22 construction or improvement of state highways, after the
23 payment of overhead expense, shall be apportioned to and

1 spent in each county in the proportion which the assessed
2 valuation of each county by the last general assessment
3 bears to the total assessment of the state.

4

5 **24-8-101. Purpose, issuance and disposal.**

6

7 For the purpose of providing funds for the construction and
8 improvement of public roads and highways in Wyoming, the
9 state treasurer, with the approval of the governor, is
10 hereby authorized from time to time within the limits of
11 the amount authorized by law to issue and dispose of bonds
12 of the state of Wyoming to be designated as highway bonds.
13 Bonds issued under this chapter are separate and distinct
14 from bonds issued under W.S. 24-16-110 for the purpose of
15 interstate 80.

16

17 **Section 3.** This act is effective immediately upon
18 completion of all acts necessary for a bill to become law
19 as provided by Article 4, Section 8 of the Wyoming
20 Constitution.

21

22

(END)