

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 establish the initial toll rates  
5   consistent with the project master plan and federal tolling  
6   requirements and such that the department can pay for  
7   necessary reconstruction and maintenance of the interstate  
8   80 corridor and administrative expenses. Any subsequent  
9   adjustment to toll rates shall be by further legislative  
10  action. If recommended or required under an approved  
11  project master plan, subsequent rates may be set by the  
12  legislature to generate revenues necessary to fund any  
13  impact assistance program available to local governments.

14

15           **24-16-107. Toll highway project master plan; review.**

16

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

19

20                   (i) The goals for the project;

21

22                   (ii) The physical project description;

23

1           (iii) Construction phasing and estimated capital  
2 costs;

3

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

8

9           (v) Operations and maintenance plans;

10

11           (vi) Toll revenue projections and financial  
12 plans;

13

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

18

19           (viii) Identification of persons or entities  
20 exempt from toll fees or toll requirements;

21

22           (ix) Consideration of a free minimum travel  
23 distance available to all traffic;

1

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

7

8           (xi) The application of criminal and traffic  
9 regulation laws to the project;

10

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

13

14           (xiii) A public outreach program;

15

16           (xiv) Any federally required information or  
17 federal considerations that may be relevant to the project;

18

19           (xv) Any other information necessary to  
20 implement the project.

21

22           (b) Once the commission approves a project master  
23 plan, the plan shall be submitted to the joint

1 transportation, highways and military affairs interim  
2 committee for consideration during the immediately  
3 following legislative session of any authorizing or  
4 conforming legislation and notice of initial toll rates.  
5 The department shall also submit the plan to the federal  
6 highway administration for their consideration. If the  
7 federal highway administration approves the plan without  
8 substantial changes as determined by the commission, the  
9 department shall implement the plan.

10

11 **24-16-108. Commission powers and duties.**

12

13 (a) The commission shall have the following powers  
14 and duties regarding the project:

15

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

18

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

21

22 (iii) The authority to issue bonds;

23

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

5

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

9

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

13

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

17

18           (viii) To make and to enter into contracts or  
19 agreements, including intergovernmental agreements or  
20 agreements with private persons, necessary or incidental to  
21 the exercise of its powers and the performance of its  
22 duties;

23

1           (ix) To employ or contract for the services of  
2 consultants for the rendering of professional, financial  
3 and technical assistance and advice;

4

5           (x) To plan, acquire, construct, operate,  
6 regulate and maintain the project;

7

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

11

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

14

15           (xiii) The authority to restrict specified  
16 vehicles from driving in designated lanes within the  
17 project based on the project master plan;

18

19           (xiv) To contract for and accept any gifts,  
20 grants or loans of funds, property or financial or other  
21 aid in any form from the federal government, any agency or  
22 instrumentality thereof, or from any other source;

23

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

6

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

20

21           **24-16-109. Rulemaking authority.**

22



1 The commission and the department shall have the authority  
2 to promulgate rules necessary for the project.

3

4 **24-16-110. Bonds.**

5

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

14

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

18

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

21

22 (d) All bond obligations issued by the commission  
23 under this chapter are payable solely out of funds in the

1 account. Bond proceeds shall be used only for the project  
2 as provided in the project master plan. The bonds shall  
3 bear interest at the rates, be executed and delivered at  
4 times and in denominations, be of terms and maturities, be  
5 in bearer form or in registered form as to principal and  
6 interest or principal alone and bear manual or facsimile  
7 signatures and seals as determined by the commission.

8

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

12

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

17

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

1

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

8

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

13

14           (k) The commission may provide for the issuance of  
15 bonds under this chapter to refund any project bonds then  
16 outstanding, including the payment of any redemption  
17 premium and any interest or premium accrued or yet to  
18 accrue to, the earliest or subsequent date of redemption,  
19 purchase or maturity of the bonds. Refunding shall be  
20 accomplished in the manner prescribed by W.S. 16-5-101  
21 through 16-5-119 to the extent it is not inconsistent with  
22 this chapter.

23

1           **24-16-111. Bonds; security therefor.**

2

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

15

16           (b) Each pledge, agreement or other instrument made  
17 for the benefit or security of any project bonds is valid  
18 and binding from the time when made. The revenues and other  
19 monies pledged are immediately subject to the lien of the  
20 pledge without delivery or further act. The lien is valid  
21 and binding against persons having claims of any kind  
22 against the commission whether or not the persons have  
23 actual notice of the lien. Neither the resolution nor the

1 indenture or other instrument by which a pledge is created  
2 need be recorded or filed.

3

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

12

13 **24-16-112. Exemption from taxation.**

14

15 The exercise of the powers granted by this chapter  
16 constitutes the performance of an essential governmental  
17 function. The commission shall not be required to pay any  
18 taxes levied by any municipality or political subdivision  
19 of the state. The commission shall not be required to pay  
20 state taxes of any kind. The commission's projects,  
21 property and monies and any bonds issued under this  
22 chapter, and the income therefrom, shall be free from

1 taxation of every kind by the state, municipalities and  
2 political subdivisions of the state.

3

4 **24-16-113. Bonds as legal investments.**

5

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

12

13 **24-16-114. State pledge not to impair bondholder's**  
14 **rights and remedies.**

15

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

1 the holders are fully met and discharged. The commission is  
2 to include this pledge of the state in any agreement with  
3 the holders of the bonds.

4

5 **24-16-115. Assistance by state agencies.**

6

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

12

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

15

16 **24-1-119. State highway fund created; income and**  
17 **expenditure.**

18

19 There is created a fund known as the state highway fund, to  
20 the credit of which the state treasurer, who is designated  
21 as the state official to receive all amounts paid by the  
22 United States under the act of congress approved July 11,  
23 1916, shall place all monies previously received for the

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



1 valuation of each county by the last general assessment  
2 bears to the total assessment of the state.

3

4 **24-8-101. Purpose, issuance and disposal.**

5

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

15

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

20

21

(END)