

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

HOUSE BILL NO. [BILL NUMBER]

Tolling authority for I-80.

Sponsored by: Joint Transportation, Highways & Military  
Affairs Interim Committee

A BILL

for

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

11

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

1

2       **Section 1.**     W.S. 24-16-101 through 24-16-114 are  
3 created to read:

4

5

## CHAPTER 16

6

## TOLLING

7

## ARTICLE 1

8

## INTERSTATE 80 TOLLING PROGRAM, PLAN AND BONDING

9

10       **24-16-101. Purpose.**

11

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

1 program within the department of transportation to impose  
2 tolls and exercise other powers regarding interstate 80  
3 that are necessary, equitable and appropriate.

4

5 **24-16-102. Definitions.**

6

7 (a) As used in this act:

8

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

11

12 (ii) "Bond" means notes, warrants, bonds or  
13 temporary bonds issued under this act;

14

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

18

19 (iv) "Commission" means the Wyoming  
20 transportation commission;

21

22 (v) "Construct" or "construction" means the  
23 planning, designing, engineering, right-of-way acquisition,

1 installation, construction or reconstruction of interstate  
2 80;

3

4 (vi) "Department" means the department of  
5 transportation;

6

7 (vii) "Director" means the director of the  
8 department of transportation;

9

10 (viii) "Interstate 80" and "interstate 80  
11 corridor" means the entire length of interstate 80 in  
12 Wyoming, or as specifically designated in the project  
13 master plan;

14

15 (ix) "Local government" means a municipal or  
16 county government;

17

18 (x) "Project" means all matters related to the  
19 planning, financing, construction, imposition, collection,  
20 operation and maintenance necessary for tolling on  
21 interstate 80 including construction, maintenance and  
22 improvements to existing or additional lane capacity and

1 related highway improvements, maintenance and services as  
2 well as tolling infrastructure;

3

4 (xi) "Project master plan" means a comprehensive  
5 plan for the project as required by this act and which  
6 shall be presented to the legislature to enact any  
7 legislation necessary to authorize the plan;

8

9 (xii) "Project phase" means a discrete portion  
10 of the project that may be constructed, operated,  
11 maintained or financed independently of other portions of  
12 the project;

13

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

17

18 (xiv) "Tolling program chief" means the  
19 administrator of the tolling program housed within the  
20 department;

21

22 (xv) "Toll revenues" means all revenues  
23 generated by the project;

1

2 (xvi) "This act" means W.S. 24-16-101 through  
3 24-16-114.

4

5 **24-16-103. Authority to toll.**

6

7 The department has authority to impose tolls on interstate  
8 80 and take all other actions necessary for the project  
9 pursuant to a project master plan for which the legislature  
10 has passed authorizing legislation.

11

12 **24-16-104. Statewide tolling program creation.**

13

14 Upon the legislature's enactment of authorizing legislation  
15 for the project master plan, the director, with the  
16 commission's approval, may operate a statewide tolling  
17 program that shall be limited to the project. The tolling  
18 program shall operate as a division of the department and  
19 the director shall, with the commission's consent, appoint  
20 a tolling program chief who shall possess qualifications as  
21 may be established by the commission. The tolling program  
22 chief shall oversee all aspects of the tolling program.

23

1           **24-16-105. Special toll revenue account.**

2

3           (a)       There is created the special toll revenue  
4 account. All toll revenues received from the project shall  
5 be deposited into the account. All monies received pursuant  
6 to the authority of the commission to issue bonds shall be  
7 deposited into the account. The account may contain  
8 separate subaccounts for each project phase for all toll  
9 revenue collected from each respective phase of the project  
10 and any monies from bonds issued for that phase. The  
11 department may deposit or permit others to deposit other  
12 monies into the account but in no event shall revenues from  
13 any tax otherwise available for general purposes be  
14 deposited into the account. All funds in the account shall  
15 be expended only for the repayment of debt for the project  
16 or as otherwise authorized under this act. All monies  
17 deposited into the account are continuously appropriated to  
18 the department for expenditures authorized by this act.

19

20           (b)       The state treasurer may invest all funds within  
21 the account as authorized by law. Any interest or revenues  
22 earned on the investment or deposit of monies in the  
23 account shall remain in the account and shall not be

1 credited to the general fund. The state treasurer shall  
2 invest funds, or withhold funds from investment, and comply  
3 with all requirements of the internal revenue service and  
4 the bond indenture, so as not to interfere with the bonding  
5 provisions and bonding capacity granted in this act and to  
6 ensure that all bonds will remain tax free investments.

7  
8 (c) The department and state treasurer shall prepare  
9 an annual accounting of all funds deposited into the  
10 account and all other account activity for the joint  
11 transportation, highways and military affairs interim  
12 committee and the joint appropriations committee.

13  
14 (d) The commission shall have exclusive authority to  
15 approve budgets and the expenditure of monies from the  
16 account for the project. The department may expend monies  
17 in the account:

18  
19 (i) To pay for principal on bonds, as the bonds  
20 mature or are redeemed before maturity, for the purchase of  
21 the bonds, the payment of interest on the bonds or the  
22 payment of any redemption premium required to be paid when  
23 the bonds are redeemed before maturity;



1

2           (ii)     To fund the administration, planning,  
3 financing, construction, operation, maintenance or repair  
4 of the project and for the acquisition of land within the  
5 interstate 80 corridor required for the project unless the  
6 expenditure of these monies would reduce the account to an  
7 amount less than the amount that is pledged in the  
8 proceedings authorizing the issuance of bonds secured by  
9 the account.

10

11           (e)     The commission may transfer nonrestricted monies  
12 from the state highway fund to the account for the  
13 department's use in defraying expenses incurred for the  
14 project before the receipt of bond proceeds or toll  
15 revenues. When the department receives sufficient bond  
16 proceeds or toll revenues in the account to implement,  
17 operate and maintain the project on an annual basis, the  
18 department may use excess revenue from the account to  
19 reimburse the state highway fund for monies deposited into  
20 the account together with interest.

21

22           (f)     Once the department has paid the costs of  
23 constructing the project, including reasonable and prudent

1 contingencies, paid all debt service on all bonds issued to  
2 finance the project and reimbursed the state highway fund  
3 for any state highway fund monies transferred to the  
4 account under this act, plus interest, the commission shall  
5 recommend to the legislature to adjust toll rates on the  
6 project so that toll revenues are as close as reasonably  
7 possible to the amount required for the ongoing operation,  
8 maintenance and necessary replacement of the project. If  
9 required under an approved project master plan, the rate  
10 may be set by the legislature to generate revenues  
11 necessary to fund any impact assistance program available  
12 to local governments.

13

14 **24-16-106. Toll highway project master plan; review.**

15

16 (a) The department shall develop a project master  
17 plan that includes:

18

19 (i) The goals for the project;

20

21 (ii) The physical project description;

22

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

3  
4           (iv) The tolling approach and toll rate  
5 structure;

6  
7           (v) Operations and maintenance plans;

8  
9           (vi) Toll revenue projections and financial  
10 plans;

11  
12           (vii) Recommended civil penalties for failing to  
13 pay a toll when required or other violations of tolling  
14 requirements, the proceeds of which shall be applied to the  
15 operation of the project;

16  
17           (viii) Identification of persons or entities  
18 exempt from toll fees or toll requirements;

19  
20           (ix) The feasibility of establishing a program  
21 that would provide impact assistance to local governments  
22 negatively impacted by tolling on interstate 80 including a  
23 detailed method for determining the assistance available to

1 each local government and the time for delivery of the  
2 assistance;

3

4 (x) The application of criminal and traffic  
5 regulation laws to the project;

6

7 (xi) The provision of any law enforcement and  
8 courtesy patrols for the project;

9

10 (xii) A public outreach program;

11

12 (xiii) Any federally required information;

13

14 (xiv) Any other information necessary to  
15 implement the project.

16

17 (b) Once the commission approves the project master  
18 plan, the plan shall be submitted to the joint  
19 transportation, highways and military affairs interim  
20 committee for consideration of any necessary legislation.  
21 Once the legislature enacts any legislation necessary to  
22 authorize the plan, the department shall submit the plan to  
23 the federal highway administration for their consideration.

1 If the federal highway administration approves the plan  
2 without substantial changes as determined by the  
3 commission, the department shall implement the plan.

4

5 **24-16-107. Commission powers and duties.**

6

7 (a) The commission shall have the following powers  
8 and duties regarding the project under this act:

9

10 (i) To direct the department;

11

12 (ii) To develop and present for authorizing  
13 legislation the project master plan;

14

15 (iii) To have authority to issue bonds;

16

17 (iv) To make recommendations to the legislature  
18 for the establishment, increase or decrease of fees, tolls,  
19 rates and charges related to the project;

20

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

1

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

5

6           (vii) To acquire or cause to be acquired any  
7 necessary rights-of-way as provided by W.S. 24-2-102 and  
8 24-2-109;

9

10           (viii) To make and to enter into contracts or  
11 agreements, including intergovernmental agreements or  
12 agreements with private persons, necessary or incidental to  
13 the exercise of its powers and the performance of its  
14 duties;

15

16           (ix) To employ or contract for the services of  
17 consultants for the rendering of professional, financial  
18 and technical assistance and advice;

19

20           (x) To prepare or cause to be prepared the  
21 project master plan and to make recommendations for  
22 amendments to the project master plan;

23

1           (xi)     To plan, acquire, construct, operate,  
2 regulate and maintain the project;

3

4           (xii)    To construct, maintain and operate  
5 stations for the collection of tolls from the project as  
6 required by an approved project master plan;

7

8           (xiii)   To set and adopt, on an annual basis, a  
9 budget for the project;

10

11           (xiv)   To have authority to restrict specified  
12 vehicles from driving in designated lanes within the  
13 project based on the project master plan;

14

15           (xv)    To contract for and accept any gifts or  
16 grants or loans of funds or property or financial or other  
17 aid in any form from the federal government or any agency  
18 or instrumentality thereof, or from any other source;

19

20           (xvi)   Upon the issuance of any bond authorized  
21 by this act, to report to the state treasurer in such form  
22 as the treasurer may require, the terms of all bonds

1 issued, including the maturity of the issuance and revenues  
2 pledged for the issuance and prior issuances;

3  
4 (xvii) To require not later than September 1 of  
5 each year after the legislature's authorizing legislation  
6 of the project master plan that the department present a  
7 report to the joint transportation, highways and military  
8 affairs interim committee and the joint appropriations  
9 committee. The report shall include a summary of the  
10 project's activities for the previous year, a statement of  
11 current toll rates, a summary of the status of any current  
12 construction or other development on the project, a  
13 statement of the project's revenues and expenses, a summary  
14 of the results of any evaluation of the project conducted  
15 by the department and any recommendations for toll rate or  
16 other modifications to the project master plan.

17  
18 **24-16-108. Rulemaking authority.**

19  
20 The commission and the department shall have the authority  
21 to promulgate rules necessary for the project and to carry  
22 out their obligations and duties under this act.



1           **24-16-109. Bonds.**

2

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

11

12           (b) The commission may issue and have outstanding  
13 bonds in an aggregate amount not exceeding the amount  
14 authorized in a legislatively authorized project master  
15 plan.

16

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

19

20           (d) All bonds issued by the commission under this act  
21 are payable solely out of special funds consisting of all  
22 or part of the account. Bond proceeds shall be used only  
23 for the project as provided in the project master plan. The

1 bonds shall bear interest at the rates, be executed and  
2 delivered at times and in denominations, be of terms and  
3 maturities, be in bearer form or in registered form as to  
4 principal and interest or principal alone and bear manual  
5 or facsimile signatures and seals as determined by the  
6 commission.

7

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

11

12 (f) Bonds and interest may be payable at a time or  
13 place whether within or without the state as determined by  
14 the commission. Bonds may contain other provisions not  
15 inconsistent with this act.

16

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

22

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

7  
8           (j) Subject to the aggregate limits in subsection (b)  
9 of this section, additional bonds for a particular purpose  
10 may be issued provided the later issues shall recognize and  
11 protect any prior pledge made for any prior issue.

12  
13           (k) The commission may provide for the issuance of  
14 its bonds to refund any bonds then outstanding, including  
15 the payment of any redemption premium and any interest or  
16 premium accrued or to accrue to, the earliest or subsequent  
17 date of redemption, purchase or maturity of the bonds.  
18 Refunding shall be accomplished in the manner prescribed by  
19 W.S. 16-5-101 through 16-5-119 to the extent it is not  
20 inconsistent with this act.

21

22           **24-16-110. Bonds; security therefor.**

23

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

13

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

1

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

10

11           **24-16-111.   Exemption from taxation.**

12

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

22

23           **24-16-112.   Bonds as legal investments.**

1

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

8

9       **24-16-113. State pledge not to impair bondholder's**  
10 **rights and remedies.**

11

12 The state pledges to the holders of any bonds issued under  
13 this act, that the state will not limit or alter the rights  
14 vested in the commission to fulfill the terms of agreements  
15 made with the holders, or in any way impair the rights and  
16 remedies of the holders until the bonds together with the  
17 interest, with interest on any unpaid installments of  
18 interest and all costs and expenses in connection with any  
19 action or proceeding by or on behalf of the holders are  
20 fully met and discharged. The commission is to include this  
21 pledge of the state in any agreement with the holders of  
22 the bonds.

23

1           **24-16-114. Assistance by state agencies.**

2

3   Upon the commission's request, any state agency may lend  
4   technical assistance, render advice and attend meetings  
5   with the directors and employees of the commission or the  
6   department as the commission requires in carrying out its  
7   functions and duties under this act.

8

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

11

12           **24-1-119. State highway fund created; income and**  
13   **expenditure.**

14

15   There is created a fund known as the state highway fund, to  
16   the credit of which the state treasurer, who is designated  
17   as the state official to receive all amounts paid by the  
18   United States under the act of congress approved  
19   July 11, 1916, shall place all monies previously received  
20   for the fund, all money subsequently received from the  
21   United States, under cooperative agreements as authorized,  
22   all money derived from taxes levied for such purpose or  
23   appropriated for the fund, all monies received from the

1 sale of state bonds for highway construction or  
2 improvement, all money received from the counties under  
3 cooperative agreements as hereinbefore authorized, and all  
4 other monies received from donations or bequests, which may  
5 be accepted by the commission on behalf of the state of  
6 Wyoming, or from any source designated by law for that  
7 purpose. All monies in the fund shall be available for the  
8 purpose of this act without further appropriation and no  
9 warrant shall be drawn on the fund excepting on a voucher  
10 approved by the director of the department of  
11 transportation or an assistant authorized by the director  
12 and approved by the transportation commission. Except for  
13 bonds issued pursuant to W.S. 24-16-109 it is provided that  
14 seventy-five percent (75%) of the amount of any bond issue  
15 subsequently issued by the state of Wyoming for the  
16 construction or improvement of state highways, after the  
17 payment of overhead expense, shall be apportioned to and  
18 spent in each county in the proportion which the assessed  
19 valuation of each county by the last general assessment  
20 bears to the total assessment of the state.

21

22 **24-8-101. Purpose, issuance and disposal.**

23



1 For the purpose of providing funds for the construction and  
2 improvement of public roads and highways in Wyoming, the  
3 state treasurer, with the approval of the governor, is  
4 hereby authorized from time to time within the limits of  
5 the amount authorized by law to issue and dispose of bonds  
6 of the state of Wyoming to be designated as highway bonds.  
7 Bonds issued under this section are separate and distinct  
8 from bonds issued under W.S. 24-16-109 for the purpose of  
9 interstate 80.

10

11 **Section 2.** This act is effective immediately upon  
12 completion of all acts necessary for a bill to become law  
13 as provided by Article 4, Section 8 of the Wyoming  
14 Constitution.

15

16 (END)