

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

SB 1503

Introduced by
Senators Gorman: Blendu; Representative Nichols

AN ACT

AMENDING SECTION 28-6501, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 22, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 3; RELATING TO FREEWAY ACCELERATION AND SENSIBLE TRANSPORTATION LANES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-6501, Arizona Revised Statutes, is amended to
3 read:

4 28-6501. Definition of highway user revenues

5 In this article, unless the context otherwise requires or except as
6 otherwise provided by statute, "highway user revenues" means all monies
7 received in this state from licenses, taxes, penalties, interest and fees
8 authorized by the following:

9 1. Chapters 2, 7, 8 and 15 of this title, except for:

10 (a) The special plate administration fees prescribed in sections
11 28-2404, 28-2412 through 28-2428 and 28-2514.

12 (b) The donations prescribed in sections 28-2404, 28-2412 through
13 28-2415, 28-2417 through 28-2428, 28-2453, 28-2454 and 28-2455.

14 2. Chapters 10 and 11 of this title.

15 3. Chapter 16, articles 1, 2 and 4 of this title, except as provided
16 in sections 28-5926 and 28-5927.

17 4. CHAPTER 22, ARTICLE 3 OF THIS TITLE.

18 Sec. 2. Title 28, chapter 22, Arizona Revised Statutes, is amended by
19 adding article 3, to read:

20 ARTICLE 3. FREEWAY ACCELERATION AND
21 SENSIBLE TRANSPORTATION LANES

22 28-7771. Contracts

23 A. NOTWITHSTANDING ANY OTHER LAW, ON OR BEFORE JULY 1, 2009, THE
24 DEPARTMENT SHALL ISSUE A REQUEST FOR PROPOSALS TO PRIVATE ENTITIES FOR THE
25 PURPOSE OF ENTERING INTO A CONTRACT WITH A PRIVATE ENTITY FOR THE PURPOSE OF
26 CONSTRUCTING NEW FREEWAY ACCELERATION AND SENSIBLE TRANSPORTATION LANES AND
27 FOR THE PURPOSE OF ENTERING INTO CONTRACTS FOR THE OPERATION OF THE FREEWAY
28 ACCELERATION AND SENSIBLE TRANSPORTATION LANES BY PRIVATE ENTITIES. THE
29 DEPARTMENT MAY CONSTRUCT OR OPERATE THE FREEWAY ACCELERATION AND SENSIBLE
30 TRANSPORTATION LANE IF NO PROPOSAL BY A PRIVATE ENTITY FOR THE CONSTRUCTION
31 OR OPERATION, OR BOTH, IS RECEIVED.

32 B. A FREEWAY ACCELERATION AND SENSIBLE TRANSPORTATION LANE SHALL BE A
33 LANE FOR USE BY DRIVERS OF VEHICLES CARRYING FEWER THAN TWO PERSONS IN A HIGH
34 OCCUPANCY VEHICLE LANE AS PRESCRIBED BY SECTION 28-737 WHO PAY A SPECIFIED
35 FEE. A PERSON MAY OPERATE A MOTORCYCLE IN A FREEWAY ACCELERATION AND
36 SENSIBLE TRANSPORTATION LANE WITHOUT PAYING A SPECIFIED FEE UNLESS PROHIBITED
37 BY OFFICIAL TRAFFIC CONTROL DEVICES.

38 C. ANY CONTRACT ENTERED INTO BETWEEN THE DEPARTMENT AND A PRIVATE
39 ENTITY SHALL DO ALL OF THE FOLLOWING:

40 1. AUTHORIZE THE PRIVATE ENTITY TO IMPOSE FEES FOR USE OF THE FREEWAY
41 ACCELERATION AND SENSIBLE TRANSPORTATION LANE.

1 2. REQUIRE THAT OVER THE TERM OF THE CONTRACT ONLY FEE REVENUES BE
2 APPLIED TO PAYMENT OF THE PRIVATE ENTITY'S CAPITAL OUTLAY COSTS FOR THE
3 PROJECT, THE COSTS ASSOCIATED WITH OPERATIONS, FEE COLLECTION AND
4 ADMINISTRATION OF THE FREEWAY ACCELERATION AND SENSIBLE TRANSPORTATION LANE,
5 IF ANY, AND A REASONABLE RETURN ON INVESTMENT TO THE PRIVATE ENTITY AS
6 EVIDENCED BY AND CONSISTENT WITH THE RETURNS ON INVESTMENT TO PRIVATE
7 ENTITIES ON SIMILAR PUBLIC AND PRIVATE PROJECTS.

8 3. NOTWITHSTANDING ANY OTHER LAW, REQUIRE THAT ANY EXCESS FEE REVENUE
9 EITHER BE APPLIED TO ANY INDEBTEDNESS INCURRED BY THE PRIVATE ENTITY WITH
10 RESPECT TO THE PROJECT OR BE DEPOSITED IN THE ARIZONA HIGHWAY USER REVENUE
11 FUND FOR MAINTENANCE AND ENFORCEMENT PURPOSES IN THE FREEWAY ACCELERATION AND
12 SENSIBLE TRANSPORTATION LANE AND FOR OTHER TRAFFIC CONGESTION RELIEVING
13 OPTIONS. THE CONTRACT SHALL DEFINE OR PROVIDE A METHOD FOR CALCULATING
14 EXCESS FEE REVENUES AND SHALL SPECIFY THE AMOUNT OF INDEBTEDNESS THAT THE
15 PRIVATE ENTITY MAY INCUR AND APPLY EXCESS FEE REVENUES TO BEFORE THE REVENUES
16 MUST BE DEPOSITED IN THE ARIZONA HIGHWAY USER REVENUE FUND.

17 28-7772. Variable toll or fee structure

18 THE DEPARTMENT SHALL STRUCTURE A VARIABLE FEE TO ENSURE UNRESTRICTED
19 ACCESS TO THE LANES AT ALL TIMES BY ELIGIBLE VEHICLES, INCLUDING BUSES,
20 VEHICLES CARRYING MORE THAN ONE PERSON, ENVIRONMENTAL PROTECTION AGENCY
21 CERTIFIED LOW-EMITTING VEHICLES WITH A GROSS VEHICLE WEIGHT RATING OVER TEN
22 THOUSAND POUNDS AND ALTERNATIVE FUEL VEHICLES THAT HAVE BEEN ISSUED
23 ALTERNATIVE FUEL VEHICLE SPECIAL PLATES OR ALTERNATIVE FUEL VEHICLE STICKERS
24 PURSUANT TO SECTION 28-2416.

25 28-7773. Bonds

26 THE DEPARTMENT SHALL REQUIRE THE PRIVATE ENTITY ENTERING INTO A
27 CONTRACT PURSUANT TO THIS ARTICLE TO PROVIDE A PERFORMANCE BOND OR OTHER
28 SURETY FOR THE PROJECT AS THE DEPARTMENT MAY REASONABLY REQUIRE.

29 28-7774. Physical separation

30 A FREEWAY ACCELERATION AND SENSIBLE TRANSPORTATION LANE MAY BE
31 PHYSICALLY SEPARATED FROM THE OTHER LANES OF A HIGHWAY TO MINIMIZE THE
32 INTERFERENCE BETWEEN TRAFFIC IN THE DESIGNATED HIGH OCCUPANCY TOLL LANE AND
33 TRAFFIC IN THE OTHER LANES.

34 28-7775. Automatic vehicle identification system

35 A. THE DEPARTMENT SHALL DEVELOP AND ADOPT FUNCTIONAL SPECIFICATIONS
36 AND STANDARDS FOR AN AUTOMATIC VEHICLE IDENTIFICATION SYSTEM FOR USE ON HIGH
37 OCCUPANCY VEHICLE LANES, FREEWAY ACCELERATION AND SENSIBLE TRANSPORTATION
38 LANES, ANY PUBLIC HIGHWAY CONSTRUCTED AND OPERATED AND ANY OTHER HIGHWAY
39 WHERE CHARGES ARE IMPOSED FOR THE PRIVILEGE OF TRAVELING ON THE HIGHWAY.

40 B. THE SPECIFICATIONS AND STANDARDS SHALL ENSURE THAT:

41 1. AUTOMATIC VEHICLE IDENTIFICATION SYSTEMS USED BY THIS STATE, A
42 MUNICIPALITY OR ANY OTHER ENTITY HAVING JURISDICTION OVER THE HIGHWAY ARE
43 COMPATIBLE WITH ONE ANOTHER.

44 2. A VEHICLE OWNER SHALL NOT BE REQUIRED TO PURCHASE OR INSTALL MORE
45 THAN ONE DEVICE TO USE ALL FEE FACILITIES.

1 3. FEE FACILITY OPERATORS HAVE THE ABILITY TO SELECT FROM DIFFERENT
2 MANUFACTURERS AND VENDORS OF AUTOMATIC VEHICLE IDENTIFICATION SYSTEMS.
3 4. THERE IS COMPATIBILITY BETWEEN ANY AUTOMATIC VEHICLE IDENTIFICATION
4 SYSTEM IN OPERATION ON THE EFFECTIVE DATE OF THIS ARTICLE AND ANY AUTOMATIC
5 VEHICLE IDENTIFICATION SYSTEM DESIGNED AND INSTALLED AFTER THE EFFECTIVE DATE
6 OF THIS ARTICLE.