

## Resolution 22-5

Amending the Metropolitan Washington Airports Authority Regulations Which Establish the Enforcement Process for Unpaid Tolls on the Dulles Toll Road

WHEREAS, The Metropolitan Washington Airports Authority (Airports Authority) operates the Dulles Toll Road (DTR) pursuant to a Permit and Operating Agreement (POA), dated as of December 29, 2006, between the Virginia Department of Transportation and the Airports Authority;

WHEREAS, Under the terms of the POA, the Airports Authority is authorized to set toll rates and collect tolls, including enforcement of unpaid tolls, for use of the DTR;

WHEREAS, Under Part 10, Section 10.2 of the Metropolitan Washington Airports Authority Regulations (Regulations), the Airports Authority relies on the enforcement process established in the Code of Virginia applicable to toll roads that permit cash or electronic payment of tolls to collect unpaid tolls on the DTR;

WHEREAS, On December 15, 2021, in anticipation of conversion to all electronic tolling in 2022, staff recommended to the Dulles Corridor Committee (Committee) that it authorize staff to initiate the process for amending Part 10, Section 10.2, of the Regulations to reference additional provisions of the Code of Virginia for enforcement of unpaid tolls on the DTR, and the Committee provided the authorization;

WHEREAS, On December 17, 2021, notice was published in *The Washington Post* (i) of the proposed amendment to Part 10, Section 10.2, of the Regulations, (ii) the date and time of the public hearing on the proposed amendment, and (iii) the opportunities available to members of the public to submit comments on the proposed amendment during a 30-day comment period;

WHEREAS, A public hearing was held virtually on January 5, 2022, and there were no members of the public in attendance. Additionally, no public comments were received during the 30-day comment period;

WHEREAS, At its meeting on February 16, 2022, staff reported on the public hearing and comment period to the Committee, and based on the staff report and recommendation, the Committee voted to recommend to the Board of Directors (Board) that it amend Section 10.2 to include reference to additional sections of the Code of Virginia establishing enforcement procedures for collection of unpaid tolls;



WHEREAS, After considering the staff recommendation, the absence of public comment, and the recommendations and views of the Committee, the Board determined that it is necessary and appropriate and in the best interest of the Authority to authorize and take the following action; now, therefore, be it

RESOLVED, That Part 10 (Dulles Toll Road), Section 10.2 of the Metropolitan Washington Airports Authority Regulations shall be and is hereby amended to read as follows:

**§ 10.2. Penalty.**

Persons violating Section 10.1 shall be liable for a civil penalty, consistent with Sections 46.2-819, 46.2-819.1, 46.2-819.3, and 46.2-819.3:1 of the Code of Virginia, as follows:

- (1) for any violation not addressed in Paragraphs (2) through (4) of this Section, a penalty of fifty dollars (\$50);
- (2) for the first violation occurring after, and within twelve (12) months of, the violation described in Paragraph (1) above, a penalty of one hundred dollars (\$100);
- (3) for the first violation occurring after, and within twenty-four (24) months of, the violation described in Paragraph (2) above, a penalty of two hundred fifty dollars (\$250); and
- (4) for each violation occurring after the violation described in Paragraph (3), and within thirty-six (36) months of the violation described in Paragraph (2) above, a penalty of five hundred dollars (\$500);

provided, that, for a first conviction of a person violating Section 10.1, the total amount for the first conviction shall not exceed two thousand two hundred dollars (\$2,200), including civil penalties, unpaid tolls and administrative fees, regardless of the total number of violations the person is convicted of on the date of that first conviction.

2. That this resolution shall be effective upon its adoption.

Adopted: February 16, 2022

*Monica R. Hargrove*

Monica R. Hargrove, Secretary