

# VIRGINIA ACTS OF ASSEMBLY -- 2002 SESSION

## CHAPTER 94

*An Act to amend and reenact §§ 5.1-1.4 and 7.1-10 of the Code of Virginia, relating to deletion of obsolete cross-references.*

[H 54]

Approved March 4, 2002

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 5.1-1.4 and 7.1-10 of the Code of Virginia are amended and reenacted as follows:**

§ 5.1-1.4. Enforcement of laws, rules and regulations.

Except for the provisions of ~~Chapters 7 (§ 5.1-77 et seq.)~~ and Chapter 9 (§ 5.1-89 et seq.) of this title, the Department shall have the authority to enforce any provision of this title and any rules and regulations promulgated by the Board in reference to aircraft, airfields, pilots and other similar subjects. Said rules and regulations, and enforcement actions taken in connection therewith, shall be in accordance with the substantive and procedural requirements of the Administrative Process Act, Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2.

§ 7.1-10. Boundary line between Virginia and District of Columbia.

Whereas, there has been passed by the Congress of the United States Public Law 208, Seventy-Ninth Congress, approved October 31, 1945, entitled "An act to establish a boundary line between the District of Columbia and the Commonwealth of Virginia, and for other purposes," Title I of the act being as follows:

"Section 101. The boundary line between the District of Columbia and the Commonwealth of Virginia is hereby established as follows:

"Said boundary line shall begin at a point where the northwest boundary of the District of Columbia intercepts the high-water mark on the Virginia shore of the Potomac river and following the present mean high-water mark; thence in a southeasterly direction along the Virginia shore of the Potomac river to Little river, along the Virginia shore of Little river to Boundary channel, along the Virginia side of Boundary channel to the main body of the Potomac river, along the Virginia side of the Potomac river across the mouths of all tributaries affected by the tides of the river to Second street, Alexandria, Virginia, from Second street to the present established pierhead line, and following said pierhead line to its connection with the District of Columbia-Maryland boundary line; that whenever said mean high-water mark on the Virginia shore is altered by artificial fills and excavations made by the United States, or by alluvion or erosion, then the boundary shall follow the new mean high-water mark on the Virginia shore as altered, or whenever the location of the pierhead line along the Alexandria waterfront is altered, then the boundary shall follow the new location of the pierhead line.

"Section 102. All that part of the territory situated on the Virginia side of the Potomac river lying between the boundary line as described in section one hundred one and the mean high-water mark as it existed January twenty-fourth, seventeen hundred ninety-one, is hereby ceded to and declared to be henceforth within the territorial boundaries, jurisdiction, and sovereignty of the State of Virginia: Provided, however, that concurrent jurisdiction over the said area is hereby reserved to the United States.

"Section 103. Nothing in this act shall be construed as relinquishing any right, title, or interest of the United States to the lands lying between the mean high-water mark as it existed January twenty-fourth, seventeen hundred ninety-one, and the boundary line as described in section one hundred one; or to limit the right of the United States to establish its title to any of said lands as provided by act of Congress of April twenty-seventh, nineteen hundred twelve (37 Stat. 93); or the jurisdiction of the courts of the United States for the District of Columbia to hear and determine suits to establish the title of the United States in all lands in the bed, marshes, and lowlands of the Potomac river, and other lands as described by said act below the mean high-water mark of January twenty-fourth, seventeen hundred ninety-one; or to limit the authority to make equitable adjustments of conflicting claims as provided for in the act approved June fourth, nineteen hundred thirty-four (48 Stat. 836).

"Section 104. The 'present' mean high-water mark shall be construed as the mean high-water mark existing on the effective date of this act.

"Section 105. The United States Coast and Geodetic Survey is hereby authorized, empowered, and instructed to survey and properly mark by suitable monuments the said boundary line as described in section one hundred one, and from time to time to monument such sections of said boundary line as may be changed as provided for in section one hundred one; and the necessary appropriations for this work are hereby authorized.

"Section 106. The provisions of sections two hundred seventy-two to two hundred eighty-nine, inclusive, of the Criminal Code (U.S.C.A. title eighteen, sections four hundred fifty-one to four hundred

sixty-eight) shall be applicable to such portions of the George Washington Memorial Parkway and of the *Ronald Reagan* Washington National Airport as are situated within the Commonwealth of Virginia. Any United States commissioner specially designated for that purpose by the district court of the United States for the Eastern District of Virginia shall have jurisdiction to try and, if found guilty, to sentence persons charged with petty offenses against the laws of the United States committed on the above-described portions of the said parkway or airport. The probation laws shall be applicable to persons so tried. For the purposes of this section, the term 'petty offense' shall be defined as in section three hundred thirty-five of the Criminal Code (U.S.C.A., title eighteen, section five hundred forty-one). If any person charged with any petty offense as aforesaid shall so elect, however, he shall be tried in the said district court.

"Section 107. The State of Virginia hereby consents that exclusive jurisdiction in the *Ronald Reagan* Washington National Airport (as described in section one (b) of the act of June twenty-ninth, nineteen hundred forty (fifty-four Stat. six hundred eighty-six)), title to which is now in the United States, shall be in the United States. The conditions upon which this consent is given are the following and none other: (one) There is hereby reserved in the Commonwealth of Virginia the jurisdiction and power to levy a tax on the sale of oil, gasoline, and all other motor fuels and lubricants sold on the *Ronald Reagan* Washington National Airport for use in over-the-road vehicles such as trucks, buses, and automobiles, except sales to the United States: Provided, that the Commonwealth of Virginia shall have no jurisdiction or power to levy a tax on the sale or use of oil, gasoline, or other motor fuels and lubricants for other purposes; (two) there is hereby expressly reserved in the Commonwealth of Virginia the jurisdiction and power to serve criminal and civil process on the *Ronald Reagan* Washington National Airport; and (three) there is hereby reserved in the Commonwealth of Virginia the jurisdiction and power to regulate the manufacture, sale, and use of alcoholic beverages on the *Ronald Reagan* Washington National Airport (as described in section one (b) of the act of June twenty-ninth, nineteen hundred forty (fifty-four Stat. six hundred eighty-six)).

"Subject to the limitation on the consent of the State of Virginia as expressed herein exclusive jurisdiction in the *Ronald Reagan* Washington National Airport shall be in the United States and the same is hereby accepted by the United States.

"This act shall have no retroactive effect except that taxes and contributions in connection with operations, sales and property on and income derived at the *Ronald Reagan* Washington National Airport heretofore paid either to the Commonwealth of Virginia or the District of Columbia are hereby declared to have been paid to the proper jurisdictions and the Commonwealth of Virginia and the District of Columbia each hereby waives any claim for any such taxes or contributions heretofore assessed or assessable to the extent of any such payments to either jurisdiction.

"Any provisions of law of the United States or the Commonwealth of Virginia which is to any extent in conflict with this act is to the extent of such conflict hereby expressly repealed.

"Section 108. This title shall not become effective unless and until the State of Virginia shall accept the provisions thereof."

Whereas, the boundary line as established by such act of Congress is acceptable and satisfactory to the Commonwealth of Virginia; and whereas, it is desirable that the Commonwealth consent that exclusive jurisdiction over the *Ronald Reagan* Washington National Airport, subject to the reservations and conditions prescribed in section one hundred seven of such act of Congress and hereinafter, shall be in the United States; now, therefore,

(1) The boundary line between the District of Columbia and the Commonwealth of Virginia is hereby established as set out in the act of Congress above quoted.

(2) The Commonwealth of Virginia hereby accepts the provisions of Title I of the act of Congress, subject to the provisions of ~~paragraphs subdivisions (3); and (4) and (5) below~~, such acceptance to be effective upon March 10, 1968.

(3) The Commonwealth of Virginia consents that exclusive jurisdiction over the *Ronald Reagan* Washington National Airport, subject to the reservations and conditions prescribed in section 107 of the act of Congress above quoted not inconsistent with the provisions of ~~paragraphs subdivision (4) and (5) below~~ and subject to the reservations and conditions hereinafter prescribed, shall be in the United States, and the powers reserved to the Commonwealth of Virginia in such section 107 and hereinafter shall be vested, reside and remain in this Commonwealth.

(4) There is hereby reserved in the Commonwealth of Virginia the jurisdiction and power to levy taxes as provided in the act of Congress of the United States of July 30, 1947, chapter 389, § 1 (61 Stat. 644), and the reservation of jurisdiction and power in the Commonwealth of Virginia, and the proviso thereto, prescribed in paragraph 1 of section 107 of the act of Congress above quoted is hereby revoked.

(5) ~~There is also hereby reserved in the Commonwealth of Virginia the jurisdiction and power to impose and collect the emplaning service fee provided for in Chapter 7 (§ 5-1-77 et seq.) Title 5-1, as amended.~~

This section shall not become effective unless and until the provisions thereof are ratified and accepted by the Congress of the United States.