

VIRGINIA ACTS OF ASSEMBLY -- 2002 SESSION

CHAPTER 734

An Act to amend and reenact §§ 46.2-2005 and 46.2-2080 of the Code of Virginia, relating to regulation of motor carriers; certain carriers providing common carrier service to or from certain airports.

[H 1183]

Approved April 6, 2002

Be it enacted by the General Assembly of Virginia:

- 1. That §§ 46.2-2005 and 46.2-2080 of the Code of Virginia are amended and reenacted as follows:**

§ 46.2-2005. Hearing on application for license or certificate.

Upon the filing of an application for an original license or certificate as required under this chapter, or any request for a transfer of such license or certificate, the Department shall fix a time and place of hearing on an application therefor if such application is protested by any aggrieved party, *except that no protest shall be heard in such cases whereby the applicant has received a notice of intent to award a contract under the Virginia Public Procurement Act (§ 2.2-4300 et seq.) for irregular route common carrier service to or from a public-use airport located in the City of Norfolk*, or evidence would warrant further investigation by the Department. Aggrieved parties may protest an application by submitting written grounds to the Department setting forth (i) a precise statement of the party's interest and how the party could be aggrieved if the application were granted; (ii) a full and clear statement of the facts that the person is prepared to provide by competent evidence; (iii) a statement of the specific relief sought; (iv) the case number assigned to the application; and (v) a certification that a copy of the protest was sent to the applicant.

§ 46.2-2080. Irregular route passenger certificates.

Notwithstanding any of the provisions of § 46.2-2078, the Department may grant common carrier certificates to applicants to serve irregular routes on an irregular schedule within a specified geographic area. The Department shall issue no more certificates than the public convenience and necessity require, and shall place such restrictions upon such certificates as may be reasonably necessary to protect any existing regular or irregular route common carrier certificate holders operating within the proposed service area, but shall not deny a certificate solely on the ground that the applicant will operate in the same service area that an existing regular or irregular route common carrier certificate holder is operating. Certificates issued hereunder shall be restricted to operation of vehicles with a passenger-carrying capacity not to exceed fifteen persons, including the driver. Certificates hereunder shall also be restricted to prohibit pickup or delivery of passengers at their personal residence in any city having a population between 260,000 and 265,000 as determined by the 1990 census, except that this restriction shall not apply to specially equipped vehicles for the transportation of disabled persons.

A motor carrier receiving a notice of intent to award a contract under the Virginia Public Procurement Act (§ 2.2-4300 et seq.) for irregular route common carrier service to or from a public-use airport located in the City of Norfolk is entitled to a conclusive presumption of a need for such service.