

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to address the role of the Commonwealth in indemnification of the Metropolitan Washington*
3 *Airports Authority pursuant to agreements between the Authority and the Virginia Department of*
4 *Transportation.*

5 [S 998]

6 Approved

7 Whereas, the Metropolitan Washington Airports Authority (MWAA) was created in 1985 by Chapter
8 598 of the 1985 Acts of Assembly to acquire operational control of Washington National Airport (now
9 Ronald Reagan Washington National Airport) and Dulles International Airport (now Washington Dulles
10 International Airport) from the Federal Aviation Administration (FAA); and

11 Whereas, in 1987, MWAA assumed control of the airports and airport property from the FAA; and

12 Whereas, under the lease, MWAA has the power to grant easements for use of airport property for
13 public-use facilities; and

14 Whereas, the construction of transportation facilities on airport property causes MWAA to require
15 insurance, for the public use of the property, so as to relieve MWAA from liability for damages
16 associated with construction, use, maintenance, and operation of the transportation facility; and

17 Whereas, this requirement adds to the expense of constructing, maintaining, and operating
18 transportation facilities; and

19 Whereas, MWAA granted an easement for the use of property for the construction, maintenance, and
20 operation of Virginia Route 606, relieving the Commonwealth of considerable expense in acquiring
21 separate right-of-way for such transportation improvements; and

22 Whereas, allowing the Commonwealth to indemnify MWAA as provided in this act would provide
23 an alternative mechanism for insuring MWAA against potential claims for damage and would replace
24 the requirement for insurance, thus saving the Commonwealth the expense of providing insurance to
25 MWAA; now, therefore,

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

27 **1. § 1. Limited waiver of sovereign immunity by Commonwealth of Virginia.**

28 *Notwithstanding any contrary provision of Chapter 10 (§ 5.1-152 et seq.) of Title 5.1 of the Code of*
29 *Virginia, the Commonwealth of Virginia agrees to a limited waiver of its sovereign immunity so as to*
30 *indemnify the Metropolitan Washington Airports Authority against claims, damages, losses, and expenses*
31 *arising out of, resulting from, or attributable to the Commonwealth's use of Authority property on which*
32 *transportation facilities are constructed, to the extent required in any agreement between the Virginia*
33 *Department of Transportation and the Authority.*

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