

2003 RECONVENED SESSION

SENATE SUBSTITUTE

031898211

SENATE BILL NO. 998

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Governor
on March 24, 2003)

(Patron Prior to Substitute—Senator Mims)

A BILL to address the role of the Commonwealth in indemnification of the Metropolitan Washington Airports Authority pursuant to agreements between the Authority and the Virginia Department of Transportation.

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

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

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

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

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

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

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

Be it enacted by the General Assembly of Virginia:

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

Notwithstanding any contrary provision of Chapter 10 (§ 5.1-152 et seq.) of Title 5.1 of the Code of Virginia, the Commonwealth of Virginia agrees to a limited waiver of its sovereign immunity, not to exceed \$5 million, so as to indemnify the Metropolitan Washington Airports Authority against claims, damages, losses, and expenses arising out of, resulting from, or attributable to the Commonwealth's use of Authority property, in or near the Dulles Corridor, on which transportation facilities are constructed, to the extent required in any agreement between the Virginia Department of Transportation and the Authority. For purposes of this act and all provisions of law, "Dulles Corridor" means the transportation corridor with an eastern terminus of the East Falls Church Metrorail station and a western terminus of Route 772 in Loudoun County.

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