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HOUSE JOINT RESOLUTION NO. 772

Offered January 18, 2005

Establishing a joint subcommittee to study the use of the Commonwealth's active and abandoned railroad corridors for multimodal transportation purposes. Report.

 Patron—Parrish

 Unanimous consent to introduce

 Referred to Committee on Rules

WHEREAS, development of recreational trails and greenways is in the interest of Virginia's economy and the quality of life for our citizens; and

WHEREAS, it is possible to use both active and abandoned railroad corridors for multimodal transportation purposes, including construction of recreational trails and greenways; and

WHEREAS, unfortunately, liability issues regarding the use of railroad rights-of-way by the public are frustrating such developments; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be established to study the use of the Commonwealth's active and abandoned railroad corridors for multimodal transportation purposes. The joint subcommittee shall have a total membership of six members appointed as follows: four members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates and two members of the Senate to be appointed by the Senate Committee on Rules. The joint subcommittee shall elect a chairman and vice-chairman from among its membership.

In conducting its study, the joint subcommittee shall examine the feasibility of developing criteria that will ensure the safe development of trails within active and inactive railroad rights-of-way. The joint subcommittee shall also examine the potential applicability of § 29.1-509 of the Code of Virginia as it could relate to railroads, to possibly provide relief from liability for private land owners who permit public access to their land for recreational purposes. The study shall also determine whether there are federal legal obstacles when access to a railroad's rail corridor is permitted for recreational or pedestrian transportation purposes.

Administrative staff support shall be provided by the Office of the Clerk of the House of Delegates. Legal, research, policy analysis, and other services as requested by the joint subcommittee shall be provided by the Division of Legislative Services. All agencies of the Commonwealth shall provide assistance to the joint subcommittee for this study, upon request.

The joint subcommittee shall be limited to four meetings for the 2005 interim, and the direct costs of this study shall not exceed \$6,000.

No recommendation of the joint subcommittee shall be adopted if a majority of the House members or a majority of the Senate members appointed to the joint subcommittee (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the joint subcommittee.

The joint subcommittee shall complete its meetings by November 30, 2005, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2006 Regular Session of the General Assembly. The executive summary shall state whether the joint subcommittee intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and the report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or delay the period for the conduct of the study, or authorize additional meetings during the 2005 interim.

INTRODUCED

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