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HOUSE BILL NO. 2088

Offered January 14, 2009

Prefiled January 13, 2009

A BILL to amend and reenact § 33.1-391.4 of the Code of Virginia, relating to powers of the Department of Rail and Public Transportation; making of grants to publicly held railroads.

Patron—Fralin

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That § 33.1-391.4 of the Code of Virginia is amended and reenacted as follows:

§ 33.1-391.4. General powers of the Department.

The Department shall have the following general powers:

1. To accept grants from the United States government and agencies and instrumentalities thereof and any other source. To these ends, the Department shall have the power to comply with such conditions and execute such agreements as may be necessary, convenient or desirable;

2. To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this chapter, including but not limited to, contracts with the United States government, other states, agencies and governmental subdivisions of Virginia, and other appropriate public and private entities, *provided that, prior to making any grant to any publicly held railroad, the Department shall consider right-of-way and public access issues as preconditions to making the grant, and the Department shall promulgate regulations governing public comment and consideration when the making of any grant to a publicly held railroad is being considered by the Department;*

3. To assist other appropriate entities, public or private, in the implementation and improvement of passenger and freight rail, transportation demand management, ridesharing, and public transportation services and the retention of rail corridors for public purposes;

4. To represent and promote the Commonwealth's interests in passenger and freight rail, transportation demand management, ridesharing, and public transportation; and

5. To acquire by any means whatsoever, lease, improve, and construct railway lines, passenger and freight rail, transportation demand management, ridesharing, and public transportation facilities, and passenger and freight rail, transportation demand management, ridesharing, and public transportation equipment determined to be for the common good of the Commonwealth or a region of the Commonwealth and to assist other appropriate entities in the implementation and improvement of passenger and freight rail, transportation demand management, ridesharing, and public transportation services and the retention of rail corridors for public purposes.

INTRODUCED

HB2088