

VIRGINIA ACTS OF ASSEMBLY -- 2011 SESSION

CHAPTER 142

An Act to amend and reenact §§ 1 and 3 of Chapter 801 of the Acts of Assembly of 2009, relating to the George Washington Toll Road Authority.

[S 874]

Approved March 15, 2011

Be it enacted by the General Assembly of Virginia:

1. That §§ 1 and 3 of Chapter 801 of the Acts of Assembly of 2009 are amended and reenacted as follows:

§ 1. Definitions.

As used in this act, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

"Authority" means the George Washington Toll Road Authority created by this act, or if the Authority shall be abolished, the board, body, commission or agency succeeding to the principal functions thereof or on whom the powers given by this act to the Authority shall be conferred by law.

"Authority facility" means any or all transportation facilities purchased, constructed or otherwise acquired by the Authority pursuant to the provisions of this act, and all extensions, improvements and betterments thereof.

"Bonds" or "revenue bonds" means revenue bonds or revenue refunding bonds of the Authority issued under the provisions of this act.

"Commonwealth" means the Commonwealth of Virginia.

"Cost" as applied to any Project includes the cost of construction, landscaping and conservation; the cost of acquisition of all land, rights-of-way, property, rights, easements and interests acquired by the Authority for such construction, landscaping and conservation, the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved; the cost of all machinery and equipment, financing charges, interest prior to and during construction and for a period of time after completion of construction as deemed advisable by the Authority; the cost of traffic estimates and of engineering and legal services, plans, specifications, surveys, estimates of cost and of revenues, other expenses necessary or incident to determining the feasibility or practicability of constructing the Project, administrative expenses, initial working capital, debt service reserves; and such other expenses as may be necessary or incident to the construction of the Project, the financing of such construction and the placing of the Project in operation. Any obligation or expense incurred by the Department of Transportation or by a participating locality before or after the effective date of this act, for surveys, engineering, borings, plans and specifications, legal and other professional and technical services, reports, studies and data in connection with the construction of a Project shall be repaid or reimbursed by the Authority and the amounts thereof shall be included as a part of the cost of the Project.

"George Washington Region" or "Region" means the areas encompassed by the George Washington Toll Road Authority.

"Highways" includes public highways, roads and streets, whether maintained by the Commonwealth, or a participating locality.

"Limited access highway" means a highway especially designed for through traffic, over which abutters have no easement or right of light, air or access to by reason of the fact that their property abuts upon such limited access highway.

"Owner" includes all individuals, partnerships, associations, organizations and corporations, the participating localities and all public agencies and instrumentalities having any title or interest in any property, rights, easements and interests authorized to be acquired by this act.

"Participating locality" means the City of Fredericksburg and the ~~County~~ *Counties* of Spotsylvania and Stafford.

"Project" means any single facility constituting an Authority facility, as described in the resolution or trust agreement providing for the construction thereof, including extensions, improvements and betterments thereof.

"Revenues" means any or all fees, tolls, rents, rates, receipts, moneys and income derived by the Authority through the ownership and operation of Authority facilities, and shall include any cash contributions made to the Authority by the Commonwealth or any agency or department thereof, and a participating locality not specifically dedicated by the contributor for a capital improvement. However, the Authority may receive no contribution from the Commonwealth for the payment of bonds.

§ 3. Powers of the Authority.

In order to alleviate highway congestion, promote highway safety, expand highway construction,

increase the utility and benefits and extend the services of public highways, including bridges, tunnels and other highway facilities, both free and toll, and otherwise contribute to the economy, industrial and agricultural development and welfare of the Commonwealth and the George Washington Region, the Authority shall have the following powers ~~in the Virginia Route 3 corridor~~:

1. To contract and be contracted with; to sue and be sued; and to adopt and use a seal and to alter the same at its pleasure;

2. To acquire and hold real or personal property necessary for its purposes;

3. To sell, lease or otherwise dispose of any personal or real property or rights, easements or estates therein deemed by the Authority not necessary for its purposes;

4. To purchase, construct or otherwise acquire, maintain, repair and operate, or cause to be repaired, maintained and operated, highways and limited access highways, within the boundaries of the Virginia Route 3 corridor, including all bridges, tunnels, overpasses, underpasses, grade separations, interchanges, entrance plazas, approaches, approach roads, tollhouses and administration, storage and other buildings and facilities that the Authority may deem necessary for the operation of such highways and limited access highways. Title to any property acquired by the Authority shall be taken in the name of the Authority;

5. To acquire, own, operate and maintain rapid transit facilities for the transportation of the public, and to enter into contracts with any public service corporations doing business as common carriers of passengers and property for the use of Authority facilities for such purpose;

6. To determine, after appropriate public hearings, the location of any highways or limited access highways constructed or acquired by the Authority, subject to the approval of the Commonwealth Transportation Board and, if required, applicable federal review and approval; and to determine the design standards and materials of construction of such highways based on applicable federal or state engineering and safety standards;

7. To designate with the approval of the Commonwealth Transportation Board the location in the Region, and to establish, limit and control such points of ingress to and egress from any limited access highway constructed by the Authority within the Region as may be necessary or desirable in the judgment of the Authority to insure the proper operation and maintenance of such highway; to prohibit entrance to and exit from such highway from any point or points not so designated; and to construct, maintain, repair and operate service roads connecting with points of ingress to and egress from such highway at such locations in the Region as may be designated by the Authority;

8. To connect any highway constructed or acquired by the Authority with other highways or toll roads with the approval of the Department of Transportation and the owner of such other toll roads, at such location or locations as shall be mutually agreed upon;

9. 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 act, including contracts or agreements authorized by this act with the Department of Transportation and any locality;

10. To enter into agreements pursuant to the Public-Private Transportation Act of 1995 (§ 56-556 of the Code of Virginia);

11. To construct grade separations at intersections of any limited access highway constructed by the Authority with public highways, streets or other public ways or places, and to change and adjust the lines and grades thereof so as to accommodate the same to the design of the grade separation; the cost of such grade separations and any damage incurred in changing and adjusting the lines and grades of such highways, streets, ways and places shall be ascertained and paid by the Authority as part of the cost of such highway;

12. To vacate or change the location of any portion of any public highway, street or other public way or place, public utility, sewer, pipe, main, conduit, cable, wire, tower, pole and other equipment and appliances of the Commonwealth, or a participating locality, and to reconstruct the same in such new location as shall be designated by the Authority, and of substantially the same type and in as good condition as the original highway, street, way, place, public utility, sewer, pipe, main, conduit, cable, wire, tower, pole, equipment or appliance; the cost of such reconstruction and any damage incurred in vacating or changing the location thereof shall be ascertained and paid by the Authority as a part of the cost of the Project in connection with which such expenditures are made; and any public highway, street, or other public way or place vacated or relocated by the Authority shall be vacated or relocated in the manner provided by law for the vacation or relocation of public roads, and any damages awarded on account thereof shall be paid by the Authority as a part of the cost of the Project; any changes or modifications to any highway under the jurisdiction or supervision of the Commonwealth Transportation Board or the Department of Transportation are subject to the approval of the Commonwealth Transportation Board or the Department of Transportation, as applicable;

13. To enter upon any lands, waters and premises for the purpose of making such surveys, soundings, borings and examinations as the Authority may deem necessary for its purposes, and such entry shall not be deemed a trespass, nor shall an entry for such purposes be deemed an entry upon any condemnation proceedings; however, the Authority shall pay any actual damage resulting to such lands, water and premises as a result of such entry and activities;

14. To operate or permit the operation of vehicles for the transportation of persons or property for compensation on any limited access highway constructed or acquired by the Authority, provided the State Corporation Commission or the Interstate Commerce Commission shall not be divested of jurisdiction to authorize or regulate the operation of such carriers;

15. Within the Route 3 corridor property owned by the Authority, to establish reasonable regulations for the installation, construction, maintenance, repair, renewal, relocation and removal of pipes, mains, sewers, conduits, cables, wires, towers, poles and other equipment and appliances, herein referred to as "public utility facilities," of a participating locality and of public utility and public service corporations and of any person, firm or other corporation rendering similar services, owning or operating public utility facilities in, on, along, over or under highways constructed by the Authority; and whenever the Authority shall determine that it is necessary that any public utility facilities should be relocated or removed, the Authority may relocate or remove the public utility facilities in accordance with the regulations of the Authority and the cost and expense of such relocation or removal, including the cost of installing the public utility facilities in a new location or locations and the cost of any lands or any rights or interests in lands and any other rights acquired to accomplish such relocation or removal shall be paid by the Authority as a part of the costs of such highway, and the owner or operator of the public utility facilities may maintain and operate the public utility facilities with the necessary appurtenances in the new location or locations for as long a period and upon the same terms and conditions as it had the right to maintain and operate the public utility facilities in their former location or locations;

16. To borrow money and issue bonds, notes or other evidences of indebtedness for any of its corporate purposes as provided in this act payable solely from the revenues pledged for the payment of such bonds, notes or other evidences of indebtedness;

17. To fix, charge and collect fees, tolls, rents, rates and other charges for the use of Authority facilities and the several parts or sections thereof;

18. To establish rules and regulations for the use of any of the Authority facilities as may be necessary or expedient in the interest of public safety with respect to the use of Authority facilities and property under the control of the Authority;

19. To employ consulting engineers, attorneys, accountants, construction and financial experts, superintendents, managers, trustees, depositories, paying agents and such other employees and agents as may be necessary in the discretion of the Authority to construct, acquire, maintain and operate Authority facilities and to fix their compensation;

20. To receive and accept from any federal agency for or in aid of the construction of any Authority facility, and to receive and accept from the Commonwealth, or a participating locality and from any other source, grants, contributions or other aid in such construction, or for operation and maintenance, either in money, property, labor, materials or other things of value. However, the Authority may receive no contribution from the Commonwealth for the payment of bonds; and

21. To do all other acts and things necessary to carry out the powers expressly granted in this act.