

VIRGINIA ACTS OF ASSEMBLY -- 2016 SESSION

CHAPTER 605

An Act to amend and reenact § 33.2-2902 of the Code of Virginia, relating to the Richmond Metropolitan Transportation Authority; powers.

[H 1237]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 33.2-2902 of the Code of Virginia is amended and reenacted as follows:

§ 33.2-2902. Powers of the Richmond Metropolitan Transportation 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 City of Richmond and the Counties of Henrico and Chesterfield, the Authority shall have the following powers:

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

2. To acquire and hold real or personal property necessary or convenient 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. With the approval of the Mayor and the Council of the City of Richmond and the Boards of Supervisors of the Counties of Henrico and Chesterfield, to purchase, construct, or otherwise acquire ownership of or rights to manage limited access highways within the corporate limits of the City of Richmond and the Counties of Chesterfield and Henrico, including all bridges, tunnels, overpasses, underpasses, grade separations, interchanges, entrance plazas, approaches, tollhouses, administration buildings, storage buildings, and other buildings and facilities, and rights or licenses to operate existing toll roads that the Authority may deem necessary or convenient for the operation of such limited access highways. Title to any property acquired by the Authority shall be taken in the name of the Authority. Without the need of approval from such local governing bodies, the Authority may maintain, repair, and operate, or cause to be repaired, maintained, and operated, such limited access highways and related facilities;

5. With the approval of the Mayor and the City Council of the City of Richmond and the Boards of Supervisors of the Counties of Henrico and Chesterfield, to own, operate, maintain, and provide rapid and other transit facilities and services for the transportation of the public; to enter into contracts with the City and the County or Counties and any public service corporations doing business as common carriers of passengers and property for the use of Authority facilities for such purpose; to enter into contracts for the transportation of passengers and property over facilities of localities other than those controlled by the Authority, as well as the property and facilities of the Authority; and to construct, acquire, operate, and maintain any other properties and facilities, including such offices and commercial facilities in connection therewith as are deemed necessary or convenient by the Authority, for the relief of traffic congestion, to provide vehicular parking, to promote transportation of persons and property, or to promote the flow of commerce that the City Council of the City of Richmond and the Boards of Supervisors of the Counties of Chesterfield and Henrico may request the Authority to provide;

6. With the approval of the Mayor and the City Council of the City of Richmond and the Boards of Supervisors of the Counties of Henrico and Chesterfield, to acquire land; to construct, own, and operate sports facilities of any nature, including facilities reasonably related thereto; *to construct, own, and operate coliseums and arenas, including facilities reasonably related thereto*; to own a baseball stadium of sufficient seating capacity and quality for the playing of baseball at the level immediately below Major League Baseball; and to lease such land, stadium, sports facilities, *coliseums, arenas*, and attendant facilities under such terms and conditions as the Authority may prescribe. In the event of a conflict between the provisions of this subdivision and any bond indenture to which the Authority is subject, the provisions of the bond indenture shall be controlling;

7. To acquire by the exercise of the power of eminent domain any lands, property rights, rights-of-way, franchises, easements, and other property, including public lands, parks, playgrounds, reservations, highways, or parkways, or parts thereof or rights therein, of any person, partnership, association, railroad, public service, public utility, or other corporation, or of any municipality, county, or other political subdivision, deemed necessary or convenient for the construction or the efficient operation of a project or necessary in the restoration, replacement, or relocation of public or private property damaged or destroyed whenever a reasonable price cannot be agreed upon with the governing body of such municipality, county, or other political subdivision as to such property owned by it or

whenever the Authority cannot agree on the terms of purchase or settlement with the other owners because of the incapacity of such owners, because of the inability to agree on the compensation to be paid or other terms of settlement or purchase, or because such owners are nonresidents of the Commonwealth, are unknown, or are unable to convey valid title to such property. Such proceedings shall be in accordance with and subject to the provisions of any and all laws of the Commonwealth applicable to the exercise of the power of eminent domain in the name of the Commissioner of Highways and subject to the provisions of § 25.1-102 as fully as if the Authority were a corporation possessing the power of eminent domain. Title to any property condemned by the Authority shall immediately vest in the Authority, and the Authority shall be entitled to the immediate possession of such property upon the deposit with the clerk of the court in which such condemnation proceedings are originated of the total amount of the appraised price of the property and court costs and fees as provided by law, notwithstanding that any of the parties to such proceedings shall appeal from any decision in such condemnation proceeding. Whenever the Authority makes such deposit in connection with any condemnation proceeding, the making of such deposit shall not preclude the Authority from appealing any decision rendered in such proceedings. Upon the deposit with the clerk of the court of the appraised price, any person entitled thereto may, upon petition to the court, be paid his or their pro rata share of 90 percent of such appraised price. The acceptance of such payment shall not preclude such person from appealing any decision rendered in such proceedings. If the appraisement is greater or less than the amount finally determined by the decision in such proceeding or by an appeal, the amount of the increase or decrease shall be paid by or refunded to the Authority.

The terms "appraised price" and "appraisement" as used in this subdivision mean the value determined by two competent real estate appraisers appointed by the Authority for such purposes.

The acquisition of any such property by condemnation or by the exercise of the power of eminent domain shall be and is hereby declared to be a public use of such property;

8. To determine the location of any limited access highways constructed or acquired by the Authority, subject to the approval of the Commonwealth Transportation Board, and to determine the design standards and materials of construction of such highways;

9. To designate, with the approval of the Commonwealth Transportation Board, the location in the City of Richmond and in the Counties of Henrico and Chesterfield and establish, limit, and control points of ingress to and egress from any limited access highway constructed by the Authority within the corporate limits of the City of Richmond and the Counties of Henrico and Chesterfield 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 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 City of Richmond and in the Counties of Henrico and Chesterfield as may be designated by the Authority;

10. 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 contracts or agreements authorized by this chapter with the Commonwealth Transportation Board, the City of Richmond, and the Counties of Henrico and Chesterfield;

11. To construct grade separations at intersections of any limited access highway constructed by the Authority with public highways 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, ways, and places shall be ascertained and paid by the Authority as a part of the cost of such highway;

12. To vacate or change the location of any portion of any public highway or other public way or place, public utility, sewer, pipe, main, conduit, cable, wire, tower, pole, and other equipment and appliance of the Commonwealth, of the City of Richmond, or of the Counties of Henrico and Chesterfield, 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, with the cost of such reconstruction and any damage incurred in vacating or changing the location thereof ascertained and paid by the Authority as a part of the cost of the project in connection with such expenditures. Any public highway 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 highways, and any damages awarded on account thereof shall be paid by the Authority as a part of the cost of the project;

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 or convenient for its purposes. Such entry shall not be deemed a trespass, nor shall an entry for such purposes be deemed an entry under any condemnation proceeding; 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 that the

Department of Motor Vehicles or the Federal Motor Carrier Safety Administration shall not be divested of jurisdiction to authorize or regulate the operation of such carriers;

15. 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 (public utility facilities) of the City of Richmond and the Counties of Henrico and Chesterfield 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. 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 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 cost of such highway. 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 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 the former location;

16. With the approval of the Mayor and the Council of the City of Richmond and the Boards of Supervisors of the Counties of Henrico and Chesterfield, to borrow money and issue bonds, notes, or other evidences of indebtedness for any of its corporate purposes, such bonds, notes, or other evidences of indebtedness to be payable solely from the revenues or other unencumbered funds available to the Authority that are pledged to 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 parts or sections thereof;

18. To establish rules and regulations for the use of any 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, depositaries, 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 or for or in aid of any Authority undertaking authorized by this chapter, and to receive and accept from the Commonwealth, the City of Richmond, or the Counties of Henrico and Chesterfield and from any other source, grants, contributions, or other aid in such construction or undertaking, or for operation and maintenance, either in money, property, labor, materials, or other things of value; and

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