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HOUSE BILL NO. 2189

Offered January 13, 2021

Prefiled January 13, 2021

A *BILL to amend the Code of Virginia by adding in Title 15.2 a chapter numbered 77, consisting of sections numbered 15.2-7700 through 15.2-7707, relating to establishment of the Virginia Adventure Corridor and Trail Authority.*

 Patron—Morefield

 Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 15.2 a chapter numbered 77, consisting of sections numbered 15.2-7700 through 15.2-7707, as follows:

CHAPTER 77.**VIRGINIA ADVENTURE CORRIDOR AND TRAIL AUTHORITY.****§ 15.2-7700. Virginia Adventure Corridor and Trail Authority established.**

The Virginia Adventure Corridor and Trail Authority is created as a body politic and corporate, a political subdivision of the Commonwealth. As such it shall have, and is hereby vested with, the powers and duties hereinafter conferred in this chapter for the purpose of recreational trail development in the jurisdictions named in this chapter.

§ 15.2-7701. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Authority" means the Virginia Adventure Corridor and Trail Authority created pursuant to this chapter or, if such Authority is abolished, the board, body, authority, department, or officer succeeding to the principal functions thereof or to whom the powers given by this chapter are given by law.

"Board" means the Board of the Virginia Adventure Corridor and Trail Authority.

"Land" includes roads, water, watercourses, and private ways and any buildings, structures, and machinery or equipment thereon when attached to the realty.

"Owner" means the legal owner of the property. "Owner" also includes a tenant, lessee, occupant, or person in control of the premises.

"Recreational trail development" includes any one or any combination of the following recreational activities: fishing; swimming; boating; camping; picnicking; bird-watching; hiking; rock climbing; bicycling; zip-lining; horseback riding; nature study; water skiing; winter sports; visiting, viewing, or enjoying historical, archaeological, scenic, or scientific sites; or otherwise using land for purposes of the user.

§ 15.2-7702. Board of the Authority; qualifications; terms; quorum; records.

A. All powers, rights, and duties conferred by this chapter, or by other provisions of law, upon the Authority shall be exercised by the Board of the Authority. The Board shall consist of 13 members, with one member appointed by each of the governing bodies of the Counties of Bland, Buchanan, Carroll, Giles, Grayson, Pulaski, Russell, Scott, Smyth, Tazewell, Washington, and Wythe and the City of Galax. After an initial staggering of terms, all members shall serve for a term of four years and may be reappointed for one additional term. The term of any member of the Board shall immediately terminate if the member no longer meets the eligibility criteria of the initial appointment. Vacancies shall be filled for the unexpired term. Each member shall, upon appointment or reappointment, take the oath prescribed in § 49-1.

B. The Board shall elect from its membership a chairman, a vice-chairman, a secretary, and a treasurer, who shall continue to hold such office until their respective successors are elected.

C. Members of the Board shall serve without compensation but may be reimbursed for reasonable and necessary expenses incurred in the performance of their duties from such funds as may be available to the Authority.

D. Six members of the board shall constitute a quorum for purposes of conducting the business and exercising the powers of the Board. No vacancy in the membership of the Board shall impair the right of a quorum to exercise all the powers and perform all the duties of the Board. The Board shall keep detailed minutes of its proceedings, and such minutes shall be open to public inspection at all times. The Board shall keep suitable records of its financial transactions, and, unless exempted by § 30-140, shall arrange to have its records audited annually. Copies of each such audit shall be furnished to the governing body of all members, all adjacent localities, and the Auditor of Public Accounts. Each such audit shall be open to public inspection.

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59 **§ 15.2-7703. Executive director; staff.**

60 *The Board shall appoint an executive director, who shall be authorized to employ such staff as*
61 *necessary for the Authority to perform the duties set forth in this chapter. The Board shall determine the*
62 *duties of such staff and fix salaries and compensation from such funds as may be received by or*
63 *appropriated to the Authority.*

64 **§ 15.2-7704. Powers and duties of Authority.**

65 *The Authority shall have the following powers and duties, as well as all powers incidental or*
66 *necessary for the performance of such powers and duties:*

67 *1. To acquire, own, hold, and dispose of property, real and personal, tangible and intangible;*
68 *provided that the Authority shall not acquire such property through the exercise of eminent domain;*

69 *2. To lease property, whether as lessee or lessor, and acquire or grant through easement, license, or*
70 *other appropriate legal form, the right to develop, conserve, and use property and open it to the use of*
71 *the public;*

72 *3. To mortgage or otherwise grant security interests in its property;*

73 *4. To procure insurance against any losses in connection with its property, license, easements, or*
74 *contracts, including indemnification agreements, operations, or assets in such amounts and from such*
75 *insurers as the Authority finds desirable;*

76 *5. To maintain such sinking funds and reserves as the Board determines appropriate for the purposes*
77 *of meeting future monetary obligations and needs of the Authority;*

78 *6. To sue and be sued and to prosecute and defend, at law or in equity, in any court having*
79 *jurisdiction of the subject matter and of the parties;*

80 *7. To adopt and use a corporate seal and to alter the same at its pleasure;*

81 *8. To make contracts of every kind and nature and execute all instruments necessary or convenient*
82 *for carrying on its business, including contracts with any other governmental agency of this state or of*
83 *the federal government or with any person, individual, partnership, or corporation to effect any or all*
84 *purposes of this chapter;*

85 *9. To borrow money and to accept contributions, grants, and other financial assistance from the*
86 *federal government or the Commonwealth, including any political subdivision, agency, or public*
87 *instrumentality thereof, and to expend the same for recreational trail development;*

88 *10. To employ and pay compensation to such employees and agents, including attorneys, as the*
89 *Board deems necessary in carrying on the business of the Authority;*

90 *11. To establish and amend bylaws and make all rules and regulations not inconsistent with the*
91 *provisions of this chapter deemed expedient for the management of the Authority's affairs;*

92 *12. To borrow money and issue bonds, security interests, or notes and provide for and secure the*
93 *payment of such bonds, security interests, or notes; to provide for the rights of the holders of such*
94 *bonds, security interests, or notes; to purchase, hold, and dispose of any of its bonds, security interests,*
95 *or notes; and to expend the same for recreational trail development.*

96 *13. To accept gifts or grants of property, funds, security interests, money, materials, labor, supplies,*
97 *or services from any governmental unit or any person, firm, or corporation and to carry out the terms*
98 *or provisions of or make agreements with respect to or pledge any gifts or grants and to do any and all*
99 *things necessary, useful, desirable, or convenient in connection with the procuring, acceptance, or*
100 *disposition of gifts or grants;*

101 *14. To enter into contract with landowners and other persons holding an interest in the land being*
102 *used for recreational trail development so as to hold such landowners and persons harmless, or*
103 *otherwise indemnify the same, with respect to any claim in tort arising from the use of the land for*
104 *public recreation or growing out of the recreational activities operated or managed by the Authority,*
105 *except for a claim for damages proximately caused by the willful or malicious conduct of the landowner*
106 *or other person, or his agents or employees;*

107 *15. To cooperate with any private or governmental entity in the states of West Virginia, Kentucky,*
108 *North Carolina, and Tennessee in furtherance of recreational trail development; and*

109 *16. To otherwise exercise all the powers a corporation may lawfully exercise under the laws of the*
110 *Commonwealth.*

111 **§ 15.2-7705. Authorization of certain activities by localities.**

112 *Localities may lend or donate money, property, or services to the Authority in order for the Authority*
113 *to carry out the purposes set forth in this chapter. The locality making the grant or loan may restrict*
114 *the use of such grants or loans to specific projects within or outside of such locality.*

115 **§ 15.2-7706. Bonds not a debt of the Commonwealth.**

116 *Revenue bonds and revenue funding bonds of the Authority issued under the provisions of this*
117 *chapter shall not constitute a debt of the Commonwealth or of any political subdivision of the*
118 *Commonwealth, nor shall they pledge the faith and credit of the Commonwealth or of any political*
119 *subdivision. Bonds issued pursuant to this chapter shall be payable solely from the funds provided for in*
120 *this chapter from revenues resulting from the issuance of bonds. All bonds shall contain on the face of*

the bond a statement to the effect that neither the Commonwealth nor any political subdivision of the Commonwealth is obligated to pay the bond or the interest on the bond except from revenues of the recreational project or projects for which they are issued and that neither the faith or credit nor the taxing power of the Commonwealth or any political subdivision of the Commonwealth is pledged to the payment of the principal or interest on the bonds.

§ 15.2-7707. Limiting liability.

A. An owner of land used by or for the stated purposes of the Authority, whether with or without charge, shall not have a duty of care to keep the premises safe for entry or use by others for recreational trails or to give any warning of a dangerous or hazardous condition, use, structure, or activity on the premises to persons entering for those purposes.

B. The landowner or lessor of the property used for the stated purposes of the Authority does not extend any assurance that the premises are safe for any purpose; confer upon users the legal status of an invitee or licensee to whom a duty of care is owed; or assume responsibility for or incur liability for any injury to person or property caused by an act or omission of these persons.

C. Nothing in this chapter shall be construed to limit any liability that otherwise exists for deliberate, willful, or malicious infliction of injury to persons or property. Nothing in this chapter shall be construed to limit in any way the obligation of a person entering upon or using the land of another for the stated purposes of the Authority to exercise due care in his use of the land and in his activities on such land so as to prevent the creation of hazards or waste.

2. That of the initial appointment of terms to the Virginia Adventure Corridor and Trail Authority Board, the members appointed by the governing bodies of the Counties of Bland, Buchanan, Carroll, Giles, Grayson, and Pulaski shall be for a term of two years. Such members shall be eligible to serve two additional four-year terms on the Board. All other initial appointments shall be for a term of four years.