

LD0605136

HOUSE BILL NO. 1321

Offered January 25, 1994

A BILL to establish by compact with the State of Maryland and the District of Columbia the Woodrow Wilson Bridge and Tunnel Compact, which creates the Woodrow Wilson Bridge and Tunnel District and the Woodrow Wilson Bridge and Tunnel Commission for the purpose of constructing, maintaining, and operating a bridge or tunnel or a bridge and tunnel project across the Potomac River and authorizing the Commission to exercise various powers, including authority to issue revenue bonds and collect tolls.

Patrons—Brickley, Connally, Darner, Dillard, Keating, Marshall, Mayer, McClure, Orrock, Parrish, Puller and Scott; Senators: Colgan, Holland, E.M., Saslaw, Waddell and Woods

Referred to Committee on Interstate Cooperation

Be it enacted by the General Assembly of Virginia:

1.
§ 1. The Governor is hereby authorized and directed to execute, on behalf of the Commonwealth of Virginia, a compact with the District of Columbia and the State of Maryland, which compact shall be in form substantially as follows:

§ 2. Woodrow Wilson Bridge and Tunnel Compact.

Whereas, the District of Columbia, the adjacent suburban area of the State of Maryland, and the adjacent suburban area of the Commonwealth of Virginia constitute a highly developed and integrated metropolitan area, and its economic well-being and the comfort and welfare of the citizens thereof require free and easy movement of persons and vehicles within the area; and

Whereas, the movement of persons and vehicles within the metropolitan area is being hampered by the inadequacy of the existing Woodrow Wilson Bridge; and

Whereas, the Woodrow Wilson Bridge, designed to carry 70,000 vehicles a day but with an actual load of 160,000 per day, has been found by a federal study to have no more than ten years of useful life; and

Whereas, a coordinated approach without regard to political and legal jurisdictional boundaries, through the cooperation of the States of Maryland and Virginia and the District of Columbia by and through a common agency, is a proper and necessary step looking towards the alleviation of traffic problems related to the inadequacy of the existing Woodrow Wilson Bridge; now, therefore,

The States of Maryland and Virginia and the District of Columbia, hereinafter referred to as signatories, do hereby covenant and agree as follows:

WOODROW WILSON BRIDGE AND TUNNEL COMPACT.

TITLE I.

General Compact Provisions.

Article I.

There is hereby created the Woodrow Wilson Bridge and Tunnel District, hereinafter referred to as the "District," which shall embrace the District of Columbia, the Cities of Alexandria, Fairfax, and Falls Church, the Counties of Arlington and Fairfax, and the political subdivisions of the State of Virginia located within those counties, and the Counties of Montgomery and Prince Georges, in the State of Maryland and the political subdivisions of the State of Maryland located within said counties.

Article II.

The signatories hereby create the Woodrow Wilson Bridge and Tunnel Commission, hereinafter called the Commission, which shall be an instrumentality of the District of Columbia, the Commonwealth of Virginia and the State of Maryland, and shall have the powers and duties set forth in this compact and such additional powers and duties as may be conferred upon it by subsequent action of the signatories.

Article III.

1. The Commission shall be composed of three members, one member each to be appointed by the Governors of Virginia and Maryland and by the City Council of the District of Columbia, from that agency of each signatory having jurisdiction over the regulation of transportation within each such jurisdiction. The member so appointed shall serve for a term coincident with the term of that member on such agency of the signatory and any Commissioner may be removed or suspended from office as provided by the law of the signatory from which he shall be appointed. Vacancies shall be filled for an unexpired term in the same manner as an original appointment.

2. No person in the employment of or holding any official relation to any person or company subject

INTRODUCED

HB1321

60 to the jurisdiction of the Commission, or having any interest of any nature in any such person or
61 company or affiliate or associate thereof, shall be eligible to hold the office of Commissioner or to serve
62 as an employee of the Commission or to have any power or duty or receive any compensation in
63 relation thereto.

64 3. The Commission shall select a chairman from its membership annually. Such chairman is vested
65 with the responsibility for the discharge of the Commission's work and to that end he is empowered with
66 all the usual powers to discharge his duties.

67 4. Each signatory hereto may pay the Commissioner therefrom such salary or expenses, if any, as it
68 deems appropriate.

69 5. The Commission may employ such engineering, technical, legal, clerical, and other personnel on a
70 regular, part-time, or consulting basis as in its judgment may be necessary for the discharge of its
71 functions. The Commission shall not be bound by any statute or regulation of any signatory in the
72 employment or discharge of any officer or employee of the Commission, except as may be contained in
73 this compact.

74 6. The Commission shall establish its office for the conduct of its affairs at a location to be
75 determined by the Commission within the District and shall publish rules and regulations governing the
76 conduct of its operations.

77 Article IV.

78 1. The expenses of the Commission shall be borne by the signatories in the manner hereinafter set
79 forth. The Commission shall submit to the Governor of Virginia, the Governor of Maryland and the City
80 Council of the District of Columbia, at such time or times as shall be requested, a budget of its
81 requirements for such period as may be required by the laws of the signatories for presentation to the
82 legislature thereof. The expenses of the Commission shall be allocated among the signatories in the
83 proportion that the population of each signatory within the District bears to the total population of the
84 District. The allocation shall be made by the Commission and approved by the Governors of the two
85 states and the City Council of the District of Columbia, and shall be based on the latest available
86 population statistics of the Bureau of the Census, provided that if current population data are not
87 available, the Commission may, upon the request of any signatory, employ estimates of population
88 prepared in a manner approved by the Commission and by the signatory making such request.

89 2. The signatories agree to appropriate for the expenses of the Commission their proper proportion
90 of the budget determined in the manner set forth herein and to pay such appropriation to the
91 Commission.

92 3. The expenses allocable to a signatory shall be reduced in an amount to be determined by the
93 Commission if a signatory, upon request of the Commission, makes available personnel, services or
94 material to the Commission which the Commission would otherwise have to employ or purchase. If such
95 services in kind are rendered, the Commission shall return to such signatory an amount equivalent to
96 the savings to the Commission represented by the contribution in kind.

97 4. The Commission shall keep accurate books of accounts, showing in full its receipts and
98 disbursements, and said books of accounts shall be open at any reasonable time for inspection by such
99 representatives of the respective signatories as may be duly constituted for that purpose.

100 Article V.

101 No action by the Commission shall be of effect unless a majority of the members concur therein,
102 provided that any order entered by the Commission relating to or which affect operations or matters
103 solely intrastate or solely within the District of Columbia shall not be effective unless the Commissioner
104 from the signatory affected concurs therein. Two members of the Commission shall constitute a quorum.

105 Article VI.

106 Nothing herein shall be construed to amend, alter, or in any wise affect the power of the signatories
107 and the political subdivisions thereof to levy and collect taxes on the property or income of any person
108 or company subject to this Act or upon any material, equipment or supplies purchased by such person
109 or companies or to levy, assess and collect franchise or other similar taxes, or fees for the licensing of
110 vehicles and the operation thereof.

111 Article VII.

112 This compact shall be adopted by the signatories in the manner provided by law therefor. This
113 compact shall become effective ninety days after its adoption by the signatories and consent thereto by
114 the Congress of the United States, including the enactment by the Congress of such legislation, if any,
115 as it may deem necessary to grant this Commission jurisdiction over transportation in the District of
116 Columbia and between the signatories and over the persons engaged therein, to suspend the
117 applicability of the Interstate Commerce Act, the laws of the District of Columbia, and any other laws of
118 the United States, to the persons, companies and activities which are subject to this Act, to the extent
119 that such laws are inconsistent with, or in duplication of, the jurisdiction of the Commission or any
120 provision of this Act, or any rule, regulation or order lawfully prescribed or issued under this Act, and
121 to make effective the enforcement and review provisions of this Act.

Article VIII.

1. This compact may be amended from time to time without the prior consent or approval of the Congress and any such amendment shall be effective unless, within one year thereof, the Congress disapproves such an amendment. No amendment shall be effective unless adopted by each of the signatories hereto.

2. Any signatory may withdraw from the compact upon one year's written notice to that effect to the other signatories. In the event of a withdrawal of one of the signatories from the compact, the compact shall be terminated.

3. Upon the termination of this compact, the jurisdiction over the matters and persons covered by this Act shall revert to the signatories and the federal government, as their interests may appear, and the applicable laws of the signatories and the federal government shall be reactivated without further legislation.

Article IX.

Each of the signatories pledges to each of the other signatory parties faithful cooperation in the solution and control of transit and traffic problems within the District and, in order to effect such purposes, agrees to enact any necessary legislation to achieve the objectives of the compact to the mutual benefit of the citizens living within said District and for the advancement of the interests of the signatories hereto.

Article X.

1. If any part or provision of this compact or the application thereof to any person or circumstances be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this compact or the application thereof to other persons or circumstances and the signatories hereby declare that they would have entered into this compact or the remainder thereof had the invalidity of such provision or application thereof been apparent.

2. In accordance with the ordinary rules for construction of interstate compacts, this compact shall be liberally construed to eliminate the evils described therein and to effectuate the purposes thereof.

TITLE II.

Woodrow Wilson Bridge and Tunnel Revenue Bond Act.

Article I.

Definitions.

As used in this act the following words shall have the following meanings:

1. The word "project" means a bridge or tunnel or a bridge and tunnel project between a point on the south side of the Potomac River and a point within the District on the north side of the Potomac River, including such approaches and approach highways as the Commission shall deem necessary to facilitate the flow of traffic in the vicinity of such project or to connect such project with the highway system or other traffic facilities, and including all overpasses, underpasses, interchanges, entrance plazas, toll houses, service stations, garages, restaurants, and administration, storage and other buildings and facilities which the Commission may deem necessary for the operation of such project, together with all property, rights, franchises, easements and interests which may be acquired by the Commission for the construction or the operation of such project.

2. The word "cost" as applied to the project embraces the cost of construction; the cost of the acquisition of all land, rights-of-way, property, rights, franchises, easements, and interests acquired by the Commission for such construction; 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; the provision for reasonable working capital, finance charge; and interest prior to and during construction and, if deemed advisable by the Commission, for a period not exceeding one year after completion of construction; the cost of traffic estimates and of engineering and legal services, plans, specifications, surveys, estimates of cost and of revenues, and other expenses necessary or incident to determining the feasibility or practicability of constructing such project; administrative expense; 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.

3. The word "owner" includes all persons as defined in § 1-13.19 of the Code of Virginia having any interest or title in and to property, rights, franchises, easements and interests authorized to be acquired by this act.

Article II.

Bonds Not to Constitute a Debt or Pledge of Taxing Power.

Revenue bonds issued under the provisions of this Act shall not be deemed to constitute a debt or a pledge of the faith and credit of the District or of any signatory government or political subdivision

183 thereof, but such bonds shall be payable solely from the funds herein provided therefor from tolls and
184 other revenues. The issuance of revenue bonds under the provisions of this Act shall not directly or
185 indirectly or contingently obligate the District, or any signatory government or political subdivision
186 thereof, to levy or to pledge any form of taxation whatever therefor. All such revenue bonds shall
187 contain a statement on their face substantially to the foregoing effect.

188 Article III.

189 Additional Powers of the Commission.

190 Without in any manner limiting or restricting the powers heretofore given to the Commission, the
191 Commission is hereby authorized and empowered:

192 1. To establish, construct, maintain, repair and operate the project;

193 2. To determine the location, character, size and capacity of the project; to establish, limit and
194 control such points of ingress to and egress from the project as may be necessary or desirable in the
195 judgment of the Commission to ensure the proper operation and maintenance of the project; and to
196 prohibit entrance to such project from any point or points not so designated;

197 3. To secure all necessary federal authorizations, permits and approvals for the construction,
198 maintenance, repair and operation of the project;

199 4. To make rules and regulations for the conduct of its business;

200 5. To acquire, by purchase or condemnation, in the name of the District; to hold and dispose of real
201 and personal property for the corporate purposes of the District;

202 6. To acquire full information to enable it to establish, construct, maintain, repair and operate the
203 project;

204 7. To employ consulting engineers, a superintendent or manager of the project, and such other
205 engineering, architectural, construction and accounting experts and inspectors and attorneys and such
206 other employees as may be deemed necessary, and within the limitations prescribed in this Act, to
207 prescribe their powers and duties and to fix their compensation;

208 8. To pay, from any available moneys, the cost of plans, specifications, surveys, estimates of cost and
209 revenues, legal fees and other expenses necessary or incident to determining the feasibility or
210 practicability of financing, constructing, maintaining, repairing and operating the project;

211 9. To issue revenue bonds of the District, for any of its corporate purposes, payable solely from the
212 tolls and revenues pledged for their payment, and to refund its bonds, all as provided in this Act;

213 10. To fix and revise from time to time and to charge and collect tolls and other charges for the use
214 of the project and any public ferry service then being operated by the Commission;

215 11. To make and enter into all contracts or agreements, as the Commission may determine, which
216 are necessary or incidental to the performance of its duties and to the execution of the powers granted
217 under this Act;

218 12. To accept loans and grants of money, or materials or property at any time from the United
219 States of America, the State of Virginia, the State of Maryland, the District of Columbia or any agency
220 or instrumentality thereof;

221 13. To adopt an official seal and alter the same at its pleasure, and to make and from time to time
222 amend and repeal by-laws and rules and regulations not inconsistent with law to carry into effect the
223 powers and purposes of the Commission;

224 14. To sue and be sued, plead and be impleaded, all in the name of the District;

225 15. To exercise any power usually possessed by private corporations performing similar functions,
226 including the right to expend, solely from funds provided under the authority of this Act, such funds as
227 may be considered by the Commission to be advisable or necessary in advertising its facilities and
228 services to the traveling public; and

229 16. To do all acts and things necessary or incidental to the performance of its duties and the
230 execution of its powers under this Act.

231 Article IV.

232 Acquisition of Property.

233 The Commission is hereby authorized and empowered to acquire by purchase, whenever it shall
234 deem such purchase expedient, solely from funds provided under the authority of this Act, such lands,
235 structures, rights-of-way, property, rights, franchises, easements and other interest in lands, including
236 lands lying under water and riparian rights, which are located within the District, as it may deem
237 necessary or convenient for the construction and operation of the project, upon such terms and at such
238 prices as may be considered by it to be reasonable and can be agreed upon between it and the owner
239 thereof; and to take title thereto in the name of the District.

240 All counties, cities, towns and other political subdivisions and all public agencies and commissions
241 of the signatories, notwithstanding any contrary provision of law, are hereby authorized and empowered
242 to lease, lend, grant or convey to the District at the Commission's request, upon such terms and
243 conditions as the proper authorities of such counties, cities, towns, political subdivisions, agencies or
244 commissions may deem reasonable and fair and without the necessity for any advertisement, order of

court or other action or formality, other than the regular and formal action of the authorities concerned, any real property which may be necessary or convenient to the effectuation of the authorized purposes of the Commission, including public roads and other real property already devoted to public use.

Whenever a reasonable price cannot be agreed upon, or whenever the owner is legally incapacitated or is absent, unknown or unable to convey valid title, the Commission is hereby authorized and empowered to acquire by condemnation or by the exercise of the power of eminent domain any lands, property, rights, rights-of-way, franchises, easements and other property deemed necessary or convenient for the construction or the efficient operation of the project or necessary in the restoration of public or private property damaged or destroyed.

Article V.

Incidental Powers.

The Commission shall have power to construct grade separations at intersections of the project with public highways and to change and adjust the lines and grades of such highways so as to accommodate the same to the design of such grade separation. The cost of such grade separations and any damage incurred in changing and adjusting the lines and grades of such highways shall be ascertained and paid by the Commission as a part of the cost of the project.

If the Commission shall find it necessary to change the location of any portion of any public highway, it shall cause the same to be reconstructed at such location as the Commission shall deem most favorable and of substantially the same type and in as good condition as the original highway. The cost of such reconstruction and any damage incurred in changing the location of any such highway shall be ascertained and paid by the Commission as a part of the cost of the project.

Any public highway affected by the construction of the project may be vacated or relocated by the Commission in the manner now provided by law for the vacation or relocation of public roads, and any damages awarded on account thereof shall be paid by the Commission as a part of the cost of the project.

In addition to the foregoing powers, the Commission and its authorized agents and employees may enter upon any lands, waters and premises in the State for the purpose of making surveys, soundings, drillings and examinations as they may deem necessary or convenient for the purposes of this act, and such entry shall not be deemed a trespass, nor shall an entry for such purposes be deemed an entry under any condemnation proceedings which may be then pending. The Commission shall make reimbursement for any actual damage resulting to such lands, waters and premises as a result of such activities.

The Commission shall also have power to make reasonable regulations for the installation, construction, maintenance, repair, renewal, relocation and removal of tracks, pipes, mains, conduits, cables, wires, towers, poles and other equipment and appliances (herein called "public utility facilities") of any public utility in, on, along, over or under the project. Whenever the Commission shall determine that it is necessary that any such public utility facilities which now are, or hereafter may be, located in, on, along, over or under the project should be relocated in the project, or should be removed from the project, the public utility owning or operating such facilities shall relocate or remove the same in accordance with the order of the Commission, provided that the cost and expenses of such relocation or removal, including the cost of installing such facilities in a new location or new 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 ascertained and paid by the Commission as a part of the cost of the project. In case of any such relocation or removal of facilities, the public utility owning or operating the same, its successors or assigns, may maintain and operate such facilities, with the necessary appurtenances, in the new location or new locations, for as long a period, and upon the same terms and conditions, as it had the right to maintain and operate such facilities in their former location or locations.

The State of Virginia hereby consents to the use of all lands owned by it, including lands lying under water, which are deemed by the Commission to be necessary for the construction or operation of the project.

Article VI.

Revenue Bonds.

The Commission is hereby authorized to provide by resolution, at one time or from time to time, for the issuance of revenue bonds of the District to pay all or a part of the cost of all or a part of the project.

Article VII.

Trust Indenture.

In the discretion of the Commission any bonds issued under the provisions of this Act may be secured by a trust indenture by and between the Commission and a corporate trustee, which may be any

trust company or bank having the powers of a trust company within or without the State. Such trust indenture or the resolution providing for the issuance of such bonds may pledge or assign the tolls and other revenues to be received, but shall not convey or mortgage the project or any part thereof.

Article VIII.

Revenues.

The Commission is hereby authorized to fix, revise, charge and collect tolls for the use of the project or any public ferry service then being operated by the Commission, and to contract with any person, partnership, association or corporation desiring the use thereof, and to fix the terms, conditions, rents and rates of charges for such use.

Such tolls shall be so fixed and adjusted in respect of the aggregate of tolls from the project as to provide a fund sufficient with other revenues, if any, to pay (a) the cost of maintaining, repairing and operating such project and (b) the principal of and the interest on such bonds as the same shall become due and payable, and to create reserves for such purposes. Such tolls shall not be subject to supervision or regulation by any other commission, board, bureau or agency of the State. The tolls and all other revenues derived from the project in connection with which the bonds of any issue shall have been issued, except such part thereof as may be necessary to pay such cost of maintenance, repair and operation and to provide such reserves therefor as may be provided for in the resolution authorizing the issuance of such bonds or in the trust indenture securing the same, shall be set aside at such regular intervals as may be provided in such resolution or such trust indenture in a sinking fund which is hereby pledged to, and charged with, the payment of the principal of and the interest on such bonds as the same shall become due, and the redemption price or the purchase price of bonds retired by call or purchase as therein provided. Such pledge shall be valid and binding from the time when the pledge is made; the tolls or other revenues or other moneys so pledged and thereafter received by the Commission shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Commission, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust indenture by which a pledge is created need be filed or recorded except in the records of the Commission. The use and disposition of moneys to the credit of such sinking fund shall be subject to the provisions of the resolution authorizing the issuance of such bonds or of such trust indenture. Except as may otherwise be provided in such resolution or such trust indenture, such sinking fund shall be a fund for all such bonds without distinction or priority of one over another.

Article IX.

Trust Funds.

All moneys received pursuant to the authority of this Act, whether as proceeds from the sale of bonds or as revenues, shall be deemed to be trust funds to be held and applied solely as provided in this Act. The resolution authorizing the bonds of any issue or the trust indenture securing such bonds shall provide that any officer with whom, or any bank or trust company with which, such moneys shall be deposited shall act as trustee of such moneys and shall hold and apply the same for the purposes thereof, subject to such regulations as this Act and such resolution or trust indenture may provide.

Article X.

Remedies.

Any holder of bonds issued under the provisions of this Act or any of the coupons appertaining thereto, and the trustee under any trust indenture, except to the extent the rights herein given may be restricted by such trust indenture or the resolution authorizing the issuance of such bonds, may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights under the laws of the State of Virginia or granted hereunder or under such trust indenture or the resolution authorizing the issuance of such bonds, and may enforce and compel the performance of all duties required by this Act or by such trust indenture or resolution to be performed by the Commission or by any officer thereof, including the fixing, charging and collecting of tolls.

Article XI.

Tax Exemption.

The exercise of the powers granted by this Act will be in all respects for the benefit of the people of the State and for the increase of their commerce and prosperity, and as the operation and maintenance of the project will constitute the performance of essential governmental functions, the Commission shall not be required to pay any taxes or assessments upon the project or any property acquired or used by the Commission under the provisions of this Act or upon the income therefrom, and the bonds issued under the provisions of this Act, their transfer and the income therefrom (including any profit made on the sale thereof) shall at all times be free from taxation within the State.

Article XII.

Bonds Eligible for Investment.

Bonds issued by the District under the provisions of this Act are hereby made securities in which all

public officers and public bodies of the State and its political subdivisions, all insurance companies, trust companies, banking associations, investment companies, executors, administrators, trustees and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any State or municipal officer or any agency or political subdivision of the State for any purpose for which the deposit of bonds or obligations is now or may hereafter be authorized by law.

Article XIII.

Miscellaneous.

Any action taken by the Commission under the provisions of this Act may be authorized by resolution at any regular or special meeting, and each such resolution shall take effect immediately and need not be published or posted.

The project when constructed and opened to traffic shall be maintained and kept in good condition and repair by the Commission. The project shall also be policed and operated by such force of police, toll-takers and other operating employees as the Commission may in its discretion employ.

All other police officers of the signatory parties and of each county, city, town or other political subdivision of the Commonwealth through which any project, or portion thereof, extends shall have the same powers and jurisdiction within the limits of such projects as they have beyond such limits and shall have access to the project at any time for the purpose of exercising such powers and jurisdiction.

All private property damaged or destroyed by the construction of the project or any part thereof shall be restored or repaired and placed in its original condition as nearly as practicable or adequate compensation made therefor out of funds provided under the authority of this Act.

On or before the last day of February in each year the Commission shall make an annual report of its activities for the preceding calendar year to the Governors of Maryland and Virginia and the City Council of the District of Columbia. Each such report shall set forth a complete operating and financial statement covering its operations during the year. The Commission shall cause an audit of its books and accounts to be made at least once in each year by certified public accountants and the cost thereof may be treated as a part of the cost of construction or operation of the project. The records, books and accounts of the Commission shall be subject to examination and inspection by duly authorized representatives of the governing bodies of Maryland, Virginia and the District of Columbia and of the political subdivisions constituting the District and by any bondholder or bondholders at any reasonable time, provided the business of the Commission is not unduly interrupted or interfered with thereby.

Any member, agent or employee of the Commission who contracts with the Commission or District or is interested, either directly or indirectly, in any contract with the Commission or District or in the sale of any property, either real or personal, to the District shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both.

Any person who uses the project and fails or refuses to pay the toll provided therefor shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days, or both, and in addition thereto the Commission shall have a lien upon the vehicle driven by such person for the amount of such toll and may take and retain possession thereof until the amount of such toll and all charges in connection therewith shall have been paid.