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SENATE BILL NO. 1060

Offered January 20, 1999

A BILL to amend and reenact § 56-557 of the Code of Virginia, relating to definitions applicable to the Public-Private Transportation Act of 1995.

Patrons—Quayle and Potts

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:**1. That § 56-557 of the Code of Virginia is amended and reenacted as follows:**

§ 56-557. Definitions.

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

"Affected local jurisdiction" means any county, city or town in which all or a portion of a qualifying transportation facility is located.

"Commission" means the State Corporation Commission.

"Comprehensive agreement" means the comprehensive agreement between the operator and the responsible public entity required by § 56-566 of this chapter.

"Construction" or "reconstruction" means the construction or reconstruction of any qualifying transportation facility, including demolition, removal, or relocation of any buildings or structures, enlargements, additions, improvements, and equipping of any buildings, structures, or facilities, including the installation of equipment or systems to provide for increased capacity, and such other activities as may be necessary or incident to the construction, reconstruction, or improvement of a qualifying transportation facility.

"Highway" means any road or highway, but does not include any bridge or tunnel.

"Increased capacity" means construction or reconstruction to enlarge a qualifying transportation facility or to install equipment or systems designed to improve or manage traffic throughput of a qualifying transportation facility.

"Material default" means any default by the operator in the performance of its duties under subsection F of § 56-565 of this chapter that jeopardizes adequate service to the public from a qualifying transportation facility and remains unremedied after the responsible public entity has provided notice to the operator and a reasonable cure period has elapsed.

"Operator" means the private entity that is responsible for the acquisition, construction, improvement, maintenance and/or operation of a qualifying transportation facility.

"Private entity" means any natural person, corporation, limited liability company, partnership, joint venture or other private business entity.

"Public entity" means the Commonwealth and any agency or authority thereof, any county, city or town and any other political subdivision of any of the foregoing, but shall not include any public service company.

"Qualifying transportation facility" means one or more transportation facilities acquired, constructed, improved, maintained and/or operated by a private entity pursuant to this chapter.

"Responsible public entity" means a public entity that has the power to acquire, construct, improve, maintain and/or operate the applicable transportation facility.

"Revenues" means the user fees and/or service payments generated by a qualifying transportation facility.

"Service contract" means a contract entered into between a public entity and the operator pursuant to § 56-561 of this chapter.

"Service payments" means payments to the operator of a qualifying transportation facility pursuant to a service contract.

"State" means the Commonwealth of Virginia.

"Transportation facility" means any road, bridge, tunnel, overpass, ferry, airport, mass transit facility, vehicle parking facility, port facility or similar commercial facility used for the transportation of persons or goods, together with any other property that is needed to operate the transportation facility, but shall exclude rail mass transit facilities owned by an interstate compact agency.

"User fees" mean the rates, fees or other charges imposed by the operator of a qualifying transportation facility for use of all or a portion of such qualifying transportation facility pursuant to the comprehensive agreement.

INTRODUCED

SB1060