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SENATE BILL NO. 1550

Senate Amendments in [] — February 13, 2009

A *BILL to authorize the [emergency] replacement of the Jordan Bridge in the City of Chesapeake; emergency.*

Patrons Prior to Engrossment—Senators Blevins, Lucas, Miller, Y.B. and Quayle; Delegate: Cosgrove

Unanimous consent to introduce

Referred to Committee on Transportation

Whereas, the City of Chesapeake, a municipal corporation of the Commonwealth of Virginia, is the owner of a certain bridge crossing the Southern Branch of the Elizabeth River, including approaches and right-of-way, known or formerly known as the Jordan Bridge; and

Whereas, enabling legislation passed by the Sixty-ninth Congress of the United States on May 22, 1926, authorized the construction, maintenance, and operation of the Jordan Bridge, with the time for completion of the construction extended by an Act of Congress on February 25, [1977 1927] ; and

Whereas, the construction of the Jordan Bridge made possible the first continuous highway between the Cities of Norfolk, South Norfolk (now Chesapeake), and Portsmouth; and

Whereas, the original owner of the bridge, Norfolk-Portsmouth Bridge Corporation, went into receivership and in 1933, the Jordan Bridge was acquired by Norfolk-Portsmouth Bridge, Inc.; and

Whereas, by agreement between the City of Chesapeake and Norfolk-Portsmouth Bridge, Inc., a nonprofit public service corporation known as the South Norfolk Bridge Commission, Inc. was created on June 14, 1944, to own and operate the Jordan Bridge; and

Whereas, by deed of bargain and sale dated July 25, 1977, the South Norfolk Bridge Commission, Inc., conveyed its property to the City of Chesapeake, which assumed full responsibility for the operation of the bridge; and

Whereas, the City of Chesapeake has operated the Jordan Bridge for over 30 years; and

Whereas, as a result of a safety inspection conducted in 2008, the City of Chesapeake was informed of 10 critical items in need of immediate repair in order for the Jordan Bridge to continue operations; and

Whereas, the City of Chesapeake closed the Jordan Bridge on November 8, 2008, due to the noted structural deficiencies that posed a threat to public safety; and

Whereas, at the time of the closure, the Jordan Bridge was crossed by an average of 7,000 vehicles per week day; and

Whereas, the Jordan Bridge provided a strategic nontunnel route for emergency use during hurricanes and other significant storm events; and

Whereas, the Jordan Bridge provided a commuter route for employees of the Norfolk Naval Shipyard, Navy Region Mid-Atlantic, an essential military asset for the repair of military vessels; and

Whereas, the vehicular traffic previously using the Jordan Bridge has now contributed to the congestion of the already overcapacity crossings of the Elizabeth River and the roadways leading thereto; and

Whereas, the Route 13 Gilmerton Bridge, a parallel crossing of the Southern Branch of the Elizabeth River will soon be operating at half its capacity due to the commencement of a reconstruction project in July of 2009; and

Whereas, the City of Chesapeake is in urgent need of an emergency bridge replacement that can be accomplished as quickly as possible to restore daily commuter usage, movement of goods and services, emergency access and other benefits of the Jordan Bridge; now, therefore

Be it enacted by the General Assembly of Virginia:

1. *§ 1. The City Council of the City of Chesapeake shall have the sole authority to authorize the emergency disposition of the bridge, its approaches, and the right-of-way formerly known as the Jordan Bridge (across the Southern Branch of the Elizabeth River west of Interstate Route 464 in the City of Chesapeake), which was decommissioned and closed to public use on November 8, 2008, and the authority to authorize the construction of an emergency bridge replacement in the same general location.*

Such emergency bridge replacement shall not be subject to the provisions of Title 33.1 of the Code of Virginia or to Chapter 20 (§ 56-535 et seq.) or 22 (§ 56-556 et seq.) of Title 56 of the Code of Virginia, [or Chapter 43 (§ 2.2-4300) of the Code of Virginia,] provided that such emergency replacement bridge is exclusively designed, constructed, maintained, operated, and owned by a private

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entity without the obligation of any federal, state, or local funds. [Nothing in this act shall exempt the private entity designing, constructing, and owning the emergency replacement bridge from acquiring any and all state, federal, and local permits and satisfying all other conditions of law required for connections of the bridge, its approaches, and accesses with state, federal, and local streets and highways.]

Neither the City of Chesapeake nor the Commonwealth shall have any obligation regarding the financing of the bridge, its construction, or operation. A private entity meeting the requirements of this enactment shall have the authority to construct and operate the replacement bridge and impose and collect tolls for its use.

Subject to applicable permit requirements other than those specified in Title 33.1 and Chapters 20 (§ 56-535 et seq.) and 22 (§ 56-556 et seq.) of Title 56, the private entity shall have the authority to cross any canal or navigable watercourse so long as the crossing does not unreasonably interfere with navigation and the use of the waterway.

In operating the roadway crossing such emergency replacement bridge, the private entity may classify traffic according to reasonable categories for imposition and collection of tolls and set maximum and minimum vehicle speed limits that conform to state and local practices and either exclude undesirable vehicles or cargoes or materials from the use of the bridge and its approaches or establish commuter lanes for use during all or any part of a day and limit the use of such lanes to certain vehicles.

The private entity shall have the exclusive right to enlarge the emergency replacement bridge at such time as traffic volumes require such enlargement, provided such enlargement occurs within the same general vicinity as the initially constructed emergency bridge replacement. All the foregoing provisions of this act shall apply to any such enlargement.

2. That an emergency exists and the provisions of this act shall apply retroactively to January 1, 2009.