

1 ~~Article 2.~~

2 ~~Chesapeake Bay Bridge and Tunnel District.~~

3 CHAPTER 22.

4 CHESAPEAKE BAY BRIDGE AND TUNNEL DISTRICT AND COMMISSION AND
5 REVENUE BOND ACT.

6 **Drafting note: Existing Article 2 (§ 33.1-253) of Chapter 3 of Title 33.1 is repealed**
7 **and replaced with this proposed chapter on the Chesapeake Bay Bridge and Tunnel**
8 **District and Commission and the Chesapeake Bay Revenue Bond Act created by**
9 **combining Chapter 693 of the Acts of Assembly of 1954 (the 1954 Act), which created the**
10 **Chesapeake Bay Ferry Commission later changed to the Chesapeake Bay Bridge and**
11 **Tunnel Commission, and Chapter 714 of the Acts of Assembly of 1956 (the 1956 Act),**
12 **which created the Chesapeake Bay Revenue Bond Act. The 1954 and 1956 Acts were**
13 **subsequently and separately amended numerous times; this chapter is proposed to unify**
14 **what has previously been confusing and at some points diverging and to codify it.**
15 **References to the Chesapeake Bay Bridge and Tunnel District in § 33.1-253 are an**
16 **incomplete listing of relevant acts of assembly and is stricken and replaced with this new**
17 **chapter.**

18 **Sections of the 1954 Act were amended as follows: by Chapter 462 of the Acts of**
19 **Assembly of 1956 (§§ 5 and 6), Chapter 228 of the Acts of Assembly of 1962 (§ 7-A was**
20 **added), Chapter 605 of the Acts of Assembly of 1962 (§§ 5 and 6), Chapter 348 of the Acts**
21 **of Assembly of 1964 (§ 7-A), Chapter 548 of the Acts of Assembly of 1998 (§ 6), Chapters**
22 **238 and 705 of the Acts of Assembly of 2000 (§ 6), and Chapters 270 and 297 of the Acts of**
23 **Assembly of 2005 (§ 6; these amendments expired January 1, 2006). Amendments made by**
24 **the unexpired acts of assembly are incorporated in this proposed chapter.**

25 **Sections of the 1956 Act were amended as follows: by Chapter 24 of the Acts of**
26 **Assembly of 1959, Extra Session, (§§ 2 and 7) and by Chapter 203 of the Acts of Assembly**

27 of 1990 (§ 2). Amendments made by those acts of assembly are incorporated in this
28 proposed chapter.

29 ~~§ 33.1-253. Chesapeake Bay Bridge and Tunnel District.~~

30 ~~Chapter 693 of the Acts of 1954, creating the Chesapeake Bay Ferry District, and~~
31 ~~creating the Chesapeake Bay Ferry Commission with authority to acquire and operate ferry~~
32 ~~projects within the District, is incorporated in this Code by this reference.~~

33 ~~The following amendments to Chapter 693 of the Acts of 1954, incorporated in this~~
34 ~~Code by this section, are also incorporated herein by this reference:~~

35 ~~Chapter 462 of the Acts of 1956.~~

36 ~~Chapter 228 of the Acts of 1962.~~

37 ~~Chapter 605 of the Acts of 1962.~~

38 ~~Chapter 348 of the Acts of 1964.~~

39 ~~Chapter 714 of the Acts of 1956, conferring additional powers on the Chesapeake Bay~~
40 ~~Ferry Commission, is incorporated in this Code by this reference.~~

41 ~~The following amendment to Chapter 714 of the Acts of 1956, incorporated in this Code~~
42 ~~by this section, is also incorporated herein by this reference:~~

43 ~~Chapter 24 of the Acts of 1959, Extra Session, changing the names of the Chesapeake~~
44 ~~Bay Ferry District and the Chesapeake Bay Ferry Commission to the Chesapeake Bay Bridge~~
45 ~~and Tunnel District and the Chesapeake Bay Bridge and Tunnel Commission.~~

46 **Drafting note: Existing § 33.1-253, which is the only section in Article 2 of Chapter**
47 **3 of Title 33.1, is proposed for repeal.**

48 ~~§ 2 33.2-2200. Definitions.~~

49 ~~As used in this act the following words shall have the following meanings chapter,~~
50 ~~unless the context requires a different meaning:~~

51 ~~(f) "Bonds" shall mean means bonds, notes, bond anticipation notes, or other obligations~~
52 ~~of the District, notwithstanding any contrary provision in this ~~act~~ chapter, which may be issued~~
53 ~~in certificated or uncertificated form as current interest or capital appreciation bonds, or a hybrid~~

54 thereof, and may bear interest at a rate ~~or rates~~, which may be fixed, zero, or at a floating or
55 variable rate ~~or rates~~ of interest established by reference to indices or formulae, that may be in
56 excess of the rate ~~or rates~~ now permitted by law and payable at such times as the Commission
57 may determine. Bonds may be issued under a system of book entry for recording the ownership
58 and transfer of ownership of rights to receive payments of principal and premium, if any, and
59 interest on the bonds. Bonds may be sold in such manner and for such price as the Commission
60 may determine to be for the best interests of the District.

61 (b) "Commission" ~~shall mean~~ means the governing body of the District, ~~duly created by~~
62 ~~said Chapter 693, as amended, known as the Chesapeake Bay Ferry Commission and to be~~
63 ~~known hereafter~~ as the Chesapeake Bay Bridge and Tunnel Commission, ~~or if said Commission~~
64 ~~shall be abolished, any board, commission or officer succeeding to the principal functions~~
65 ~~thereof, or upon whom the powers given by this act to said Commission shall be given by law.~~

66 (d) "Cost₂" as applied to the project ~~shall embrace~~, means any or all of the following: the
67 cost of construction; the cost of the acquisition of all land, ~~rights of way~~ rights-of-way,
68 property, rights, franchises, easements, and interests acquired by the Commission for such
69 construction; the cost of demolishing or removing any buildings or structures on land so
70 acquired, including the cost of acquiring any lands to which such buildings or structures may be
71 moved; the cost of all machinery and equipment; provision for reasonable working capital,
72 financing charges, and interest prior to and during construction; and, if deemed advisable by the
73 Commission, for a period not exceeding one year after completion of construction, the cost of
74 traffic estimates and of engineering and legal services, plans, specifications, surveys, estimates
75 of cost and of revenues, and other expenses necessary or incident to determining the feasibility
76 or practicability of constructing ~~such the~~ project; ~~administrative expense, expenses;~~
77 other expenses as may be necessary or incident to the construction of the project, the financing
78 of such construction, and the placing of the project in operation. Any obligation or expense
79 hereafter incurred by the Commonwealth Transportation Board with the approval of the
80 Commission for traffic surveys, borings, preparation of plans and specifications, and other

81 engineering services in connection with the construction of the project shall be regarded as a
82 part of the cost of ~~such the~~ project and shall be reimbursed to the Commonwealth Transportation
83 Board out of the proceeds of revenue bonds issued for the project as ~~hereinafter~~ authorized in
84 this chapter.

85 (a) ~~"District" shall mean~~ means the political subdivision of the Commonwealth, ~~duly~~
86 ~~created by Chapter 693, as amended, of the Acts of Virginia of 1954,~~ known as the ~~Chesapeake~~
87 ~~Bay Ferry District and to be known hereafter as the~~ Chesapeake Bay Bridge and Tunnel District.

88 (e) ~~"Owner" shall include~~ includes all persons as defined in ~~§ 1-13.19, as amended, of~~
89 ~~the Code of Virginia § 1-230~~ having any interest or title in and to property, rights, franchises,
90 easements, and interests authorized to be acquired by this ~~act~~ chapter.

91 (e) ~~"Project" shall mean~~ means a bridge or tunnel or a bridge and tunnel project,
92 including the existing bridge and tunnel crossing operated by the Commission and all or a part
93 of an additional and generally parallel bridge and tunnel crossing, from any point within the
94 boundaries of the District to a point in the ~~county~~ County of Northampton, including such
95 approaches and approach highways as the Commission ~~shall deem~~ deems necessary to facilitate
96 the flow of traffic in the vicinity of such project or to connect such project with the highway
97 system or other traffic facilities in the Commonwealth, and including all overpasses,
98 underpasses, interchanges, entrance plazas, toll houses, service stations, garages, restaurants,
99 and administration, storage, and other buildings and facilities ~~which that~~ the Commission may
100 deem necessary for the operation of such project, together with all property, rights, franchises,
101 easements, and interests ~~which that~~ may be required by the Commission for the construction or
102 the operation of such project.

103 **Drafting note: This proposed section is derived from § 2, as amended by Chapters**
104 **24 (1959, Extra Session) and 203 (1990), of the 1956 Act. Definitions have been put in**
105 **alphabetical order. Technical amendments are made.**

106 § ~~5~~ 33.2-2201. Chesapeake Bay Bridge and Tunnel District.

107 ~~A political subdivision of the State of Virginia to be known as the "The~~ Chesapeake Bay
108 Bridge and Tunnel District" is hereby created as a political subdivision of the Commonwealth.
109 The ~~district~~ District shall comprise the area ~~now~~ included in the boundaries of the Counties of
110 Accomack, Princess Anne and Norfolk Counties and Northampton ~~County, including the town~~
111 ~~of Cape Charles, and;~~ within the corporate limits of the ~~cities~~ Cities of ~~Virginia Beach,~~
112 Chesapeake, Hampton, Newport News, ~~South Norfolk, the former city of Warwick,~~ Norfolk,
113 ~~and~~ Portsmouth, and Virginia Beach; and the area of Chesapeake Bay between these political
114 subdivisions, ~~and by the.~~ This entity may sue and be sued under the name Chesapeake Bay
115 Bridge and Tunnel District ~~may sue and be sued, and by and through.~~ Through its governing
116 board, the Chesapeake Bay Bridge and Tunnel Commission ~~hereinafter created as the governing~~
117 ~~board thereof,~~ the ~~district~~ District may plead and be impleaded, and contract with, individuals,
118 partnerships, associations, private corporations, municipal corporations, political subdivisions of
119 the ~~State of Virginia~~ Commonwealth, and the federal government or any agency thereof having
120 any interest or title in and to property, rights, easements, or franchises authorized to be acquired
121 by this ~~act~~ chapter.

122 **Drafting note: This proposed section is derived from § 5, as amended by Chapters**
123 **462 (1956) and 605 (1962), of the 1954 Act. Technical changes are made, including**
124 **updating the localities that make up the District.**

125 § ~~6.33.2-2202.~~ Chesapeake Bay Bridge and Tunnel Commission.

126 ~~A Commission, to be known as the "The~~ Chesapeake Bay Bridge and Tunnel
127 Commission," is hereby created as the governing board of the Chesapeake Bay Bridge and
128 Tunnel District created by this ~~act~~ chapter. The Commission shall consist of the following
129 ~~eleven~~ 11 members: ~~(i)~~ one member of the Commonwealth Transportation Board, ~~(ii)~~ two
130 members from Accomack County, ~~(iii)~~ two members from Northampton County, ~~(iv)~~ ~~one~~
131 ~~member from the City of Portsmouth,~~ ~~(v)~~ one member from the City of Chesapeake, ~~(vi)~~ one
132 member from the City of Hampton, ~~(vii)~~ one member from the City of Newport News, ~~(viii)~~ one
133 member from the City of Norfolk, one member from the City of Portsmouth, and ~~(ix)~~ one

134 member from the City of Virginia Beach. The members of ~~said the~~ Commission appointed
135 under the provisions of this section shall be residents of the counties or cities from which they
136 are appointed.

137 ~~Any member of the Commission appointed or reappointed on or after July 1, 1998,~~
138 members shall be appointed by the Governor, subject to confirmation by ~~each house~~ both houses
139 of the General Assembly. Commission members shall be appointed to four-year terms. Any
140 member of the Commission shall be eligible for reappointment to a second four-year term, but,
141 ~~except for appointments to fill vacancies for portions of unexpired terms,~~ shall be ineligible for
142 appointment to any additional term except for appointment to fill vacancies for portions of
143 unexpired terms. When a vacancy ~~in the membership~~ occurs, the Governor shall appoint a new
144 member to complete the unexpired portion of the term, subject to confirmation by ~~each house~~
145 both houses of the General Assembly.

146 The Commission shall select a chairman, vice-chairman, secretary, and treasurer
147 annually from its membership and as provided in its bylaws. ~~Within thirty days after the~~
148 ~~appointment of the original members of the Commission, the Commission shall meet on the call~~
149 ~~of any member and elect one of its members as chairman and another as vice-chairman. The~~
150 ~~Commission shall employ a secretary and treasurer (who may or may not be a member of the~~
151 ~~Commission) and if not a member of the Commission, fix his compensation and duties.~~
152 Meetings of the Commission shall be held upon the call of the chairman or as otherwise
153 provided in the bylaws of the Commission. Any member of the Commission may be removed
154 from office for cause by the Governor. Each member of the Commission, immediately
155 following his appointment, shall take an oath of office, prescribed by Article II, Section 7 of the
156 Constitution of Virginia, before any judge, clerk, or deputy clerk of any court of record; any
157 judge of a district court in the Commonwealth; the Secretary of the Commonwealth or his
158 deputy; or a member of the State Corporation Commission. No member of the Commission
159 shall receive any salary, but ~~shall be~~ members are entitled to expenses and ~~the~~ per diem pay
160 ~~allowed members of the Commonwealth Transportation Board as provided in §§ 2.2-2813 and~~

161 2.2-2825. Six members of the Commission shall constitute a quorum. The records of the
162 Commission shall be public records. The Commission is authorized to do all things necessary or
163 incidental to the performance of its duties and the execution of its powers under this ~~act~~ chapter.
164 The route for any bridge or tunnel, or combination thereof, built by the Commission, shall be
165 selected, subject to the approval of the Commonwealth Transportation Board.

166 **Drafting note: This proposed section is derived from § 6, as amended by Chapters**
167 **462 (1956), 605 (1962), 548 (1998), and 238 and 705 (2000), of the 1954 Act. Technical**
168 **changes are made.**

169 § ~~4~~ 33.2-2203. ~~Additional Powers~~ General powers of the Commission.

170 ~~Without in any manner limiting or restricting the powers heretofore given to the~~
171 ~~Commission, the~~ The Commission is hereby authorized and empowered:

172 ~~(a)~~ 1. To establish, construct, maintain, repair, and operate the project; provided,
173 ~~however,~~ that no such project shall be constructed unless adequate provision ~~shall be~~ is made for
174 the retirement of any revenue bonds ~~theretofore~~ issued by the Commission ~~under the provisions~~
175 ~~of Chapter 693 of the Acts of Virginia of 1954;~~

176 ~~(b)~~ 2. To determine the location, character, size, and capacity of the project; to establish,
177 limit, and control such points of ingress to and egress from the project as may be necessary or
178 desirable in the judgment of the Commission to ~~insure~~ ensure the proper operation and
179 maintenance of the project; and to prohibit entrance to such project from any point or points not
180 so designated. The Commission shall coordinate ~~their~~ its plans with those of the ~~State Highway~~
181 ~~Commission~~ Commonwealth Transportation Board insofar as practicable;

182 ~~(c)~~ 3. To secure all necessary federal authorizations, permits, and approvals for the
183 construction, maintenance, repair, and operation of the project;

184 ~~(d) To acquire or construct enlargements or improvements to any public ferry service~~
185 ~~then being operated by the Commission;~~

186 ~~(e)~~ 4. To make ~~rules and~~ regulations for the conduct of its business;

187 ~~(f)-5.~~ To acquire, by purchase or condemnation, in the name of the District, hold, and
188 dispose of real and personal property for the corporate purposes of the District;

189 ~~(g)-6.~~ To acquire full information to enable it to establish, construct, maintain, repair,
190 and operate the project;

191 ~~(h)-7.~~ To employ consulting engineers, a superintendent or manager of the project, and
192 such other engineering, architectural, construction, and accounting experts, and inspectors ~~and~~
193 attorneys, and ~~such~~ other employees as may be deemed necessary, and within the limitations
194 prescribed in this ~~act~~ chapter, to prescribe their powers and duties and fix their compensation;

195 ~~(i)-8.~~ To pay, from any available moneys, the cost of plans, specifications, surveys,
196 estimates of cost and revenues, legal fees, and other expenses necessary or incident to
197 determining the feasibility or practicability of financing, constructing, maintaining, repairing,
198 and operating the project;

199 ~~(j)-9.~~ To issue revenue bonds of the District, for any of its corporate purposes, payable
200 solely from the tolls and revenues pledged for their payment, and to refund its bonds, all as
201 provided in this ~~act~~ chapter;

202 ~~(k)-10.~~ To fix ~~and~~, revise ~~from time to time and to~~, charge, and collect tolls and other
203 charges for the use of the project ~~and any public ferry service then being operated by the~~
204 Commission;

205 ~~(l)-11.~~ ~~To combine for financing purposes the project and any public ferry service or~~
206 ~~services then being operated by the Commission~~;

207 ~~(m)-11.~~ To make and enter into all contracts or agreements, as the Commission may
208 determine, ~~which that~~ are necessary or incidental to the performance of its duties and to the
209 execution of the powers granted under this ~~act~~ chapter;

210 ~~(n)-12.~~ To accept loans and grants of money or materials or property at any time from
211 the United States of America, or the ~~State of Virginia~~ Commonwealth or any agency or
212 instrumentality thereof;

213 ~~(o)~~ 13. To adopt an official seal and alter the same at its pleasure; and to make ~~and from~~
214 ~~time to time,~~ amend, and repeal ~~by laws, bylaws~~ and ~~rules and~~ regulations not inconsistent with
215 law to carry into effect the powers and purposes of the Commission;

216 ~~(p)~~ 14. To sue and be sued, and to plead and be impleaded, all in the name of the
217 District;

218 ~~(q)~~ 15. To exercise any power usually possessed by private corporations performing
219 similar functions, including the right to expend, solely from funds provided under the authority
220 of this ~~act~~ chapter, such funds as may be considered by the Commission to be advisable or
221 necessary in advertising its facilities and services to the traveling public; and

222 ~~(r)~~ 16. To do all acts and things necessary or incidental to the performance of its duties
223 and the execution of its powers under this ~~act~~ chapter.

224 **Drafting note: This proposed section is derived from § 4 of the 1956 Act. Technical**
225 **changes are made.**

226 § ~~6~~ 33.2-2204. Incidental Powers Additional powers of the Commission.

227 The Commission ~~shall have~~ has the power ~~to:~~

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

233 ~~If the Commission shall find it necessary to~~ 2. To change the location of any portion of
234 any public highway, ~~it.~~ The Commission shall cause the ~~same portion of the public highway~~ to
235 be reconstructed at such location as the Commission ~~shall deem~~ deems most favorable and of
236 substantially the same type and in as good condition as the original highway. The cost of
237 such reconstruction and any damage incurred in changing the location of any such highway
238 shall be ascertained and paid by the Commission as a part of the cost of the project.

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

243 ~~In addition to the foregoing powers, the Commission and its authorized agents and~~
244 ~~employees may~~ 3. To enter upon any lands, waters, and premises in the ~~State~~ Commonwealth,
245 along with its authorized agents and employees, for the purpose of making surveys, soundings,
246 drillings, and examinations as they may deem necessary or convenient for the purposes of this
247 ~~act~~ chapter, and such entry shall not be deemed a trespass, nor shall an entry for such purposes
248 be deemed an entry under any condemnation proceedings ~~which that~~ may be then pending. The
249 Commission shall make reimbursement for any actual damage resulting to such lands, waters,
250 and premises as a result of such activities.

251 ~~The Commission shall also have power to~~ 4. To make reasonable regulations for the
252 installation, construction, maintenance, repair, renewal, relocation, and removal of tracks, pipes,
253 mains, conduits, cables, wires, towers, poles, and other equipment and appliances (herein called
254 "public utility facilities") of any public utility in, on, along, over, or under the project. When
255 public utility facilities ~~which that~~ now are, or hereafter may be, located in, on, along, over, or
256 under the project should be relocated in the project, or should be removed from the project, the
257 public utility owning or operating such facilities shall relocate or remove the same in
258 accordance with the order of the Commission; provided, ~~however,~~ that the cost and expenses of
259 such relocation or removal, including the cost of installing such facilities in a new location ~~or~~
260 ~~new locations,~~ and the cost of any lands, or any rights or interests in lands, and any other rights,
261 acquired to accomplish such relocation or removal, shall be ascertained and paid by the
262 Commission as a part of the cost of the project. In case of any such relocation or removal of
263 facilities, the public utility owning or operating the ~~same~~ facilities, its successors or assigns,
264 may maintain and operate such facilities, with the necessary appurtenances, in the new location

265 ~~or new locations~~, for as long a period, and upon the same terms and conditions, as it had the
266 right to maintain and operate such facilities in their former location ~~or locations~~.

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

270 **Drafting note: This proposed section is derived from § 6 of the 1956 Act. Technical**
271 **changes are made.**

272 ~~§ 7-A 33.2-2205. Incidental powers Regulations of the Commission; enforcement.~~

273 ~~Without in any manner limiting the general powers granted by this act, the~~ The
274 Commission shall have power:

275 ~~(a) 1.~~ To adopt and enforce reasonable ~~rules and~~ regulations ~~which that~~, after publication
276 one time in full in a newspaper of general circulation published in or having general circulation
277 in the ~~city~~ City of Virginia Beach and a newspaper of general circulation published in or having
278 general circulation in the ~~county~~ County of Northampton and when posted where the using
279 public may conveniently see ~~the same such regulations~~, shall have the force and effect of law as
280 to ~~(1) (i)~~ maximum and minimum speed limits applicable to motor vehicles using ~~such the~~
281 project and other property under control of the Commission, ~~(2); (ii)~~ the types, kinds, and sizes
282 of the vehicles ~~which that~~ may use ~~such the~~ project, ~~(3); (iii)~~ the nature, size, type, or kind of
283 materials or substances ~~which that~~ shall not be transported through or over ~~such the~~ project; and
284 ~~(4) (iv)~~ such other ~~rules and~~ regulations as may be necessary or expedient in the interest of
285 public safety with respect to the use of ~~such the~~ project.

286 ~~(b) The violation of any such rules and regulations shall be punishable as follows 2. To~~
287 punish a violation of the regulations provided for in subdivision 1 as follows:

288 ~~(1) a.~~ If ~~such~~ a violation would have been a violation of law or ordinance if committed
289 on any public ~~road, street, or~~ highway ~~or turnpike~~ in the ~~county or municipality~~ locality in which
290 such violation occurred, it shall be tried and punished in the same manner as if it had been
291 committed on such public ~~road, street, or~~ highway ~~or turnpike~~.

292 b. If ~~such a~~ violation occurs within one jurisdiction and is punishable within another
293 jurisdiction, the court trying the case shall, if the accused is found guilty, apply ~~that the~~
294 punishment that is prescribed for offenses occurring within the jurisdiction of the court trying
295 the case.

296 ~~(2)c.~~ All other violations shall be punishable as a misdemeanor.

297 ~~(e) 3.~~ To appoint and employ police to enforce within the area under the
298 control of the Commission the ~~rules and~~ regulations adopted by the Commission and the laws of
299 ~~this the~~ Commonwealth. Such police shall have the powers vested in police officers under ~~§ 15-~~
300 ~~557 §§ 15.2-1704~~ and ~~§ 52-8 of the Code of Virginia,~~ which sections shall apply, mutatis
301 mutandis, to police appointed under this Act pursuant to this chapter.

302 Such police appointed by the Commission may issue summons to appear, or
303 arrest on view or on information without warrant as permitted by law, within the jurisdiction of
304 ~~this State the~~ Commonwealth, and conduct before any police or county court of any political
305 subdivision into which the project extends; any person violating, within or upon the project or
306 other property under the control of the Commission, any rule or regulation of the Commission
307 or any law of ~~this the~~ Commonwealth pertaining to the regulation and control of highway traffic
308 on any bridge or tunnel owned or operated by the Commission, including all entrance or exit
309 plazas and approaches adjacent or appurtenant thereto; and ~~also including, but not limited to,~~
310 any rule or regulation regarding the payment of tolls.

311 ~~(d) 4.~~ For the purpose of enforcing such laws, ~~rules~~ and regulations, the courts of the ~~city~~
312 City of Virginia Beach and the ~~county County~~ of Northampton ~~shall be deemed to~~ have
313 concurrent jurisdiction of criminal offenses that constitute violations of the laws, ~~rules~~ and
314 regulations of the Commission.

315 **Drafting note: This proposed section is derived from § 7-A, as added by Chapter**
316 **228 (1962) and amended by Chapter 348 (1964), of the 1954 Act. Technical changes are**
317 **made, including updating citations.**

318 ~~§ 5 33.2-2206.~~ Acquisition of Property property.

319 The Commission is hereby authorized and empowered to acquire by purchase, whenever
320 it ~~shall deem~~ deems such purchase expedient, solely from funds provided under the authority of
321 this ~~act chapter~~, such lands, structures, ~~rights-of-way rights-of-way~~, property, rights, franchises,
322 easements, and other interests in lands, including lands lying under water and riparian rights,
323 ~~which that~~ are located within the ~~State~~, Commonwealth as it may deem necessary or convenient
324 for the construction and operation of the project, upon such terms and at such prices as may be
325 considered by it to be reasonable and can be agreed upon between it and the owner thereof, and
326 to take title thereto in the name of the District.

327 All ~~counties, cities, towns~~ localities and ~~other~~ political subdivisions and all public
328 agencies and commissions of the ~~State~~ Commonwealth, notwithstanding any contrary provision
329 of law, are hereby authorized and empowered to lease, lend, grant, or convey to the District at
330 the Commission's request upon such terms and conditions as the proper authorities of such
331 ~~counties, cities, towns~~ localities, political subdivisions, agencies, or commissions of the ~~State~~
332 Commonwealth may deem reasonable and fair and without the necessity for any advertisement,
333 order of court, or other action or formality, other than the regular and formal action of the
334 authorities concerned, any real property ~~which that~~ may be necessary or convenient to the
335 effectuation of the authorized purposes of the Commission, including public ~~roads~~ highways and
336 other real property already devoted to public use.

337 Whenever a reasonable price cannot be agreed upon, or whenever the owner is legally
338 incapacitated or is absent, unknown, or unable to convey valid title, the Commission is hereby
339 authorized and empowered to acquire by condemnation or by the exercise of the power of
340 eminent domain any lands, property, rights, ~~rights-of-way rights-of-way~~, franchises, easements,
341 and other property, including public lands, parks, playgrounds, reservations, highways, or
342 parkways, or parts thereof or rights therein, of any person, ~~copartnership~~ partnership,
343 association, railroad, public service, public utility or other corporation, municipality, or political
344 subdivision deemed necessary or convenient for the construction or the efficient operation of the
345 project or necessary in the restoration of public or private property damaged or destroyed. Such

346 proceedings shall be in accordance with and subject to the provisions of any and all laws
347 applicable to condemnation of property in the name of the ~~State Highway Commissioner~~
348 Commissioner of Highways under the laws of the ~~State of Virginia Commonwealth~~. Title to any
349 property acquired by the Commission shall be taken in the name of the District. In any
350 condemnation proceedings, the court having jurisdiction of the suit, action, or proceeding may
351 make such orders as may be just to the Commission and to the owners of the property to be
352 condemned and may require an undertaking or other security to secure such owners against any
353 loss or damage by reason of the failure of the Commission to accept and pay for the property,
354 but neither such undertaking or security nor any act or obligation of the Commission shall
355 impose any liability upon the District except as may be paid from the funds provided under the
356 authority of this ~~act~~ chapter.

357 If the owner, lessee, or occupier of any property to be condemned ~~shall refuse~~ refuses to
358 remove his personal property therefrom or give up possession thereof, the Commission may
359 proceed to obtain possession in any manner now or hereafter provided by law.

360 With respect to any railroad property or ~~right-of-way~~ right-of-way upon which railroad
361 tracks are located, any powers of condemnation or of eminent domain may be exercised to
362 acquire only an easement interest therein, which ~~shall be is~~ located either sufficiently far above
363 or sufficiently far below the grade of any railroad track ~~or tracks~~ upon such railroad property so
364 that neither the proposed project nor any part thereof, including any bridges, abutments,
365 columns, supporting structures, and appurtenances, nor any traffic upon it ~~shall interfere~~
366 interferes in any manner with the use, operation, or maintenance of the trains, tracks, works, or
367 appurtenances or other property of the railroad nor endanger the movement of the trains or
368 traffic upon the tracks of the railroad. Prior to the institution of condemnation proceedings for
369 such easement over or under such railroad property or ~~right-of-way~~ right-of-way, plans and
370 specifications of the proposed project showing compliance with the ~~above mentioned~~ above-
371 mentioned above or below grade requirements and showing sufficient and safe plans and
372 specifications of such overhead or undergrade structure and appurtenances shall be submitted to

373 the railroad for examination and approval. If the railroad fails or refuses within ~~thirty~~ 30 days to
374 approve the plans and specifications so submitted, the matter shall be submitted to the State
375 Corporation Commission, as to the sufficiency and safety of such plans and specifications and
376 as to such elevations or distances above or below the tracks. Said overhead or undergrade
377 structure and appurtenances shall be constructed only in accordance with such plans and
378 specifications and in accordance with such elevations or distances above or below the tracks so
379 approved by the railroad or the State Corporation Commission ~~as the case may be~~. A copy of the
380 plans and specifications approved by the railroad or the State Corporation Commission shall be
381 filed as an exhibit with the petition for condemnation. The cost of any such overhead or
382 undergrade projects and appurtenances and any expense and cost incurred in changing,
383 adjusting, relocating, or removing the lines and grades of such railroad in connection with the
384 project shall be paid by the Commission as a part of the cost of the project.

385 **Drafting note: This proposed section is derived from § 5 of the 1956 Act. Technical**
386 **changes are made.**

387 § ~~8~~ 33.2-2207. Consent of ~~State~~ Commonwealth to use subaqueous soil of the
388 Chesapeake Bay.

389 The ~~State of Virginia~~ Commonwealth hereby consents to the use by the ~~commission~~
390 Commission, in any manner whatsoever in the performance of its duties ~~hereunder~~, of all lands
391 lying under the waters of the Chesapeake Bay ~~which that~~ are within the ~~State~~ Commonwealth
392 and are deemed by the ~~commission~~ Commission to be necessary for the construction or
393 operation of the project.

394 **Drafting note: This proposed section is derived from § 8 of the 1954 Act. Technical**
395 **changes are made.**

396 § ~~7~~ 33.2-2208. Revenue ~~Bonds~~ bonds.

397 The Commission is hereby authorized to provide by resolution, ~~at one time or from time~~
398 ~~to time~~, for the issuance of revenue bonds of the District for any one or more of the following
399 purposes: ~~(a)~~ (i) paying all or a part of the cost of all or a part of the project, ~~(b) paying the cost~~

400 ~~of acquiring or constructing enlargements or improvements to any public ferry service then~~
401 ~~being operated by the Commission,~~ and ~~(e) (ii)~~ refunding any outstanding revenue bonds of the
402 District ~~which shall that~~ have been issued under the provisions of this ~~act or Chapter 693 of the~~
403 ~~Acts of Assembly of 1954 chapter,~~ including the payment of any redemption premium thereon
404 and any interest accrued or to accrue to the date of redemption of such bonds. The principal of
405 and the interest on such bonds shall be payable solely from the funds herein provided for such
406 payment. The bonds of each issue shall be dated, shall bear interest at such rate ~~or rates~~ not
407 exceeding six ~~per centum per annum percent per year~~ payable semiannually, shall mature at
408 such time ~~or times~~, not exceeding ~~forty 40~~ years from their date ~~or dates~~, as may be determined
409 by the Commission, and may be made redeemable before maturity, at the option of the
410 Commission, at such price ~~or prices~~ and under such terms and conditions as may be fixed by the
411 Commission prior to the issuance of the bonds. The principal and interest of such bonds may be
412 made payable in any lawful medium. The Commission shall determine the form of the bonds,
413 including any interest coupons to be attached thereto, and the manner of execution of the bonds,
414 and shall fix the denomination ~~or denominations~~ of the bonds and the place ~~or places~~ of
415 payment of principal and interest thereof, which may be at any bank or trust company within or
416 ~~without the State outside of the Commonwealth.~~ ~~In case If~~ any officer whose signature or a
417 facsimile of whose signature ~~shall appear appears~~ on any bonds or coupons ~~shall cease ceases~~ to
418 be such officer before the delivery of ~~such the~~ bonds ~~such, his~~ signature or such facsimile shall
419 nevertheless be valid and sufficient for all purposes the same as if he had remained in office
420 until ~~such~~ delivery. All revenue bonds issued under the provisions of this ~~act chapter~~ shall have
421 and are hereby declared to have, as between successive holders, all the qualities and incidents of
422 negotiable instruments under the negotiable instruments law of the ~~State Commonwealth~~. The
423 bonds may be issued in coupon or in registered form, or both, as the Commission may
424 determine, and provision may be made for the registration of any coupon bonds as to principal
425 alone and also as to both principal and interest, and for the reconversion of any bonds registered
426 as to both principal and interest into coupon bonds. The Commission may sell such bonds in

427 such manner and for such price as it may determine to be for the best interest of the District, but
428 no such sale shall be made at a price so low as to require the payment of interest on the money
429 received therefor at more than six ~~per centum per annum~~ percent per year computed with
430 relation to the absolute maturity of the bonds in accordance with standard tables of bond values,
431 excluding, ~~however,~~ from such computations the amount of any premium to be paid on
432 redemption of any bonds prior to maturity. The proceeds of such bonds shall be disbursed for
433 the purposes for which such bonds shall have been issued under such restrictions, if any, as the
434 resolution authorizing the issuance of such bonds or the trust indenture ~~hereinafter mentioned~~
435 may provide provided for in this chapter. If the bonds of a particular issue, by error of estimates
436 or otherwise, ~~shall be~~ are less than such cost, additional bonds may in like manner be issued to
437 provide the amount of such deficit and, unless otherwise provided in the resolution authorizing
438 the issuance of the bonds or in the trust indenture securing the same, shall be deemed to be of
439 the same issue and shall be entitled to payment from the same fund without preference or
440 priority of the bonds first issued for the same purpose. If the proceeds of the bonds of any issue
441 ~~shall~~ exceed the amount required for the purpose for which such bonds are issued, the surplus
442 shall be paid into the funds hereinafter provided for the payment of principal and interest of
443 such bonds. Prior to the preparation of definitive bonds, the Commission may, under like
444 restrictions, issue temporary bonds, with or without coupons, exchangeable for definitive bonds
445 when such bonds ~~shall~~ have been executed and are available for delivery. The Commission may
446 also provide for the replacement of any bond ~~which shall become~~ that becomes mutilated or
447 ~~shall be~~ that has been destroyed or lost. Such revenue bonds may be issued without any other
448 proceedings or the happening of any other conditions or things than the proceedings, conditions,
449 and things ~~which that~~ are specified and required by this ~~act~~ chapter.

450 **Drafting note: This proposed section is derived from § 7, as amended by Chapter**
451 **24 (1959, Extra Session), of the 1956 Act. Technical changes are made, including removing**
452 **plural versions of words in conformance with § 1-227, which states that a word used in the**

453 **singular includes the plural and vice versa. Also, the antiquated use of "shall" is amended**
454 **or stricken when it doesn't mean something that's required or that must occur.**

455 § ~~3~~ 33.2-2209. Bonds not to constitute a debt or pledge of taxing power.

456 Revenue bonds issued under the provisions of this ~~act~~ chapter shall not be deemed to
457 constitute a debt of the District or of the ~~State of Virginia~~ Commonwealth or of any county, city,
458 district, or political subdivision thereof, or a pledge of the faith and credit of the District or of
459 the ~~State~~ Commonwealth or of any county, city, district, or political subdivision thereof, but
460 such bonds shall be payable solely from the funds herein provided therefor from tolls and other
461 revenues. The issuance of revenue bonds under the provisions of this ~~act~~ chapter shall not
462 directly or indirectly or contingently obligate the District, the ~~State~~ Commonwealth, or any
463 county, city, district, or political subdivision thereof to levy or to pledge any form of taxation
464 whatever therefor. All such revenue bonds shall contain a statement on their face substantially to
465 the foregoing effect.

466 **Drafting note: This proposed section is derived from § 3 of the 1956 Act. Technical**
467 **changes are made.**

468 § ~~8~~ 33.2-2210. Trust ~~Indenture~~ indenture.

469 In the discretion of the Commission any bonds issued under the provisions of this ~~act~~
470 chapter may be secured by a trust indenture by and between the Commission and a corporate
471 trustee, which may be any trust company or bank having the powers of a trust company within
472 or ~~without the State~~ outside of the Commonwealth. Such trust indenture or the resolution
473 providing for the issuance of such bonds may pledge or assign the tolls and other revenues to be
474 received, but shall not convey or mortgage the project ~~or any public ferry service then being~~
475 ~~operated by the Commission~~ or any part thereof. Such trust indenture or resolution providing for
476 the issuance of such bonds may contain such provisions for protecting and enforcing the rights
477 and remedies of the bondholders as may be reasonable and proper and not in violation of law,
478 including covenants setting forth the duties of the Commission in relation to the acquisition of
479 property and the construction, improvement, maintenance, repair, operation, and insurance of

480 the project ~~and any public ferry service then being operated by the Commission~~ in connection
481 with which such bonds ~~shall~~ have been authorized, the rates of toll to be charged, and the
482 custody, safeguarding, and application of all moneys. It shall be lawful for any bank or trust
483 company incorporated under the laws of the ~~State which~~ Commonwealth that may act as
484 depository of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to
485 pledge such securities as may be required by the Commission. Any such trust indenture may set
486 forth the rights and remedies of the bondholders and of the trustee, and may restrict the
487 individual right of action by bondholders. In addition to the foregoing, any such trust indenture
488 or resolution may contain such other provisions as the Commission may deem reasonable and
489 proper for the security of the bondholders. All expenses incurred in carrying out the provisions
490 of such trust indenture or resolution may be treated as a part of the cost of the operation of the
491 project ~~or any public ferry service then being operated by the Commission.~~

492 **Drafting note: This proposed section is derived from § 8 of the 1956 Act. Technical**
493 **changes are made.**

494 § ~~9~~ 33.2-2211. Revenues.

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

499 Such tolls shall be so fixed and adjusted in respect of the aggregate of tolls from the
500 project ~~or any public ferry service then being operated by the Commission~~ in connection with
501 which the bonds of any issue ~~shall~~ have been issued under the provisions of this ~~act~~ chapter as to
502 provide a fund sufficient with other revenues, if any, to pay ~~(a)~~ (i) the cost of maintaining,
503 repairing, and operating ~~such the~~ project ~~or public ferry service~~ and ~~(b)~~ (ii) the principal of and
504 the interest on such bonds as the same ~~shall~~ become due and payable, and to create reserves for
505 such purposes. Such tolls shall not be subject to supervision or regulation by any other
506 commission, board, bureau, or agency of the ~~State~~ Commonwealth. The tolls and all other

507 revenues derived from the project ~~or the public ferry service~~ in connection with which the bonds
508 of any issue ~~shall~~ have been issued, except such part thereof as may be necessary to pay such
509 cost of maintenance, repair, and operation and to provide such reserves therefor as may be
510 provided for in the resolution authorizing the issuance of such bonds or in the trust indenture
511 securing the same, shall be set aside at such regular intervals as may be provided in such
512 resolution or such trust indenture in a sinking fund ~~which that~~ is hereby pledged to, and charged
513 with, the payment of the principal of and the interest on such bonds as the same ~~shall~~ become
514 due, and the redemption price or the purchase price of bonds retired by call or purchase as
515 therein provided. Such pledge shall be valid and binding from the time when the pledge is made;
516 the tolls or other revenues or other moneys so pledged and thereafter received by the
517 Commission shall immediately be subject to the lien of such pledge without any physical
518 delivery thereof or further act, and the lien of any such pledge shall be valid and binding as
519 against all parties having claims of any kind in tort, contract, or otherwise against the
520 Commission, irrespective of whether such parties have notice thereof. Neither the resolution nor
521 any trust indenture by which a pledge is created need be filed or recorded except in the records
522 of the Commission. The use and disposition of moneys to the credit of such sinking fund shall
523 be subject to the provisions of the resolution authorizing the issuance of such bonds or of such
524 trust indenture. Except as may otherwise be provided in such resolution or such trust indenture,
525 such sinking fund shall be a fund for all such bonds without distinction or priority of one over
526 another.

527 **Drafting note: This proposed section is derived from § 9 of the 1956 Act. Technical**
528 **changes are made.**

529 § ~~12~~ 33.2-2212. Cessation of ~~Tolls~~ tolls.

530 When the bonds issued for the project and the interest thereon ~~shall~~ have been paid, or a
531 sufficient amount ~~shall have~~ has been provided for their payment and ~~shall~~ continue to be held
532 for that purpose, the ~~commission~~ Commission shall cease to charge tolls for the use of the
533 project, and thereafter the project shall be free; provided, ~~however,~~ that the ~~commission~~

534 Commission shall thereafter charge tolls for the use of the project in the event that tolls are
535 required for maintaining, repairing, and operating the project due to the lack of funds from ~~other~~
536 sources other than tolls.

537 **Drafting note: This proposed section is derived from § 12 of the 1954 Act. Technical**
538 **changes are made.**

539 § ~~10~~ 33.2-2213. Transfer to State Commonwealth.

540 Except as ~~hereinafter~~ provided in this section, when all bonds issued under the
541 provisions of this ~~act chapter~~ in connection with the project and the interest thereon ~~shall~~ have
542 been paid or a sufficient amount for the payment of all such bonds and the interest thereon to the
543 maturity thereof ~~shall have~~ has been set aside in trust for the benefit of the bondholders, the
544 project, if then in good condition and repair, shall become a part of the primary state highway
545 system and shall thereafter be maintained by the ~~State Highway Commission Commonwealth~~
546 Transportation Board free of tolls. The Commission may, in any resolution or trust indenture
547 authorizing or securing bonds under the provisions of this ~~act chapter~~, provide for combining the
548 project and any public ferry service ~~or services~~ then being operated by the Commission for
549 financing purposes, and for the continuance of tolls on the project and such public ferry service
550 ~~or services~~ until all such bonds and the interest thereon ~~shall~~ have been paid or a sufficient
551 amount for such purposes ~~shall have~~ has been set aside in trust for the benefit of the
552 bondholders.

553 **Drafting note: This proposed section is derived from § 10 of the 1956 Act. Technical**
554 **changes are made.**

555 § ~~11~~ 33.2-2214. Trust ~~Funds funds~~.

556 All moneys received pursuant to the authority of this ~~act chapter~~, whether as proceeds
557 from the sale of bonds or as revenues, shall be deemed to be trust funds to be held and applied
558 solely as provided in this ~~act chapter~~. The resolution authorizing the bonds of any issue or the
559 trust indenture securing such bonds shall provide that any officer with whom, or any bank or
560 trust company with which, such moneys ~~shall be~~ are deposited shall act as trustee of such

561 moneys and shall hold and apply the ~~same moneys~~ for the purposes ~~hereof provided in this~~
562 ~~chapter~~, subject to such regulations as this ~~act chapter~~ and such resolution or trust indenture may
563 provide.

564 **Drafting note: This proposed section is derived from § 11 of the 1956 Act. Technical**
565 **changes are made.**

566 § ~~12~~ 33.2-2215. Remedies.

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

576 **Drafting note: This proposed section is derived from § 12 of the 1956 Act. Technical**
577 **changes are made.**

578 § ~~13~~ 33.2-2216. Exemption from ~~Taxation~~ taxation.

579 The exercise of the powers granted by this ~~act chapter~~ will be in all respects for the
580 benefit of the people of the ~~State~~ Commonwealth and for the increase of their commerce and
581 prosperity, and as the operation and maintenance of the project ~~and any public ferry service then~~
582 ~~being operated by the Commission~~ will constitute the performance of essential governmental
583 functions, the Commission shall not be required to pay any taxes or assessments upon the
584 project ~~or any public ferry service then being operated by the Commission~~ or any property
585 acquired or used by the Commission under the provisions of this ~~act chapter~~ or upon the income
586 therefrom, and the bonds issued under the provisions of this ~~act chapter~~, their transfer, and the

587 income therefrom, (including any profit made on the sale thereof), shall at all times be free from
588 taxation within the ~~State~~ Commonwealth.

589 **Drafting note: This proposed section is derived from § 13 of the 1956 Act. Technical**
590 **changes are made.**

591 § ~~15~~ 33.2-2217. Governmental ~~Function~~ function.

592 It is hereby found, determined, and declared that the creation of the District and the
593 carrying out of its corporate purposes is in all respects for the benefit of the people of ~~this State~~
594 the Commonwealth and is a public purpose and that the District and the ~~commission~~
595 Commission will be performing an essential governmental function in the exercise of the
596 powers conferred by this ~~act~~ chapter, and the ~~State~~ Commonwealth covenants with the holders
597 of the bonds issued under the provisions of this ~~act~~ chapter that the District shall not be required
598 to pay any taxes or assessments upon any of the property acquired by it or under its jurisdiction,
599 control, possession, or supervision or upon its activities in the operation and maintenance of the
600 project or upon any revenues therefrom, and the project and the bonds issued in connection
601 therewith and the income derived therefrom shall be exempt from all ~~State, municipal state~~ and
602 local taxation.

603 **Drafting note: This proposed section is derived from § 15 of the 1954 Act. Technical**
604 **changes are made.**

605 § ~~14~~ 33.2-2218. Bonds ~~Eligible~~ eligible for ~~Investment~~ investment.

606 Bonds issued by the District under the provisions of this ~~act~~ chapter are hereby made
607 securities in which all public officers and public bodies of the ~~State~~ Commonwealth and its
608 political subdivisions, ~~and~~ all insurance companies, trust companies, banking associations,
609 investment companies, executors, administrators, trustees, and other fiduciaries may properly
610 and legally invest funds, including capital in their control or belonging to them. Such bonds are
611 hereby made securities ~~which that~~ may properly and legally be deposited with and received by
612 any ~~State~~ state or municipal officer or any agency or political subdivision of the ~~State~~

613 Commonwealth for any purpose for which the deposit of bonds or obligations is now or may
614 hereafter be authorized by law.

615 **Drafting note: This proposed section is derived from § 14 of the 1956 Act. Technical**
616 **changes are made.**

617 § ~~15~~ 33.2-2219. Protection from ~~Competition~~ competition.

618 No franchise, right, or privilege shall be granted or authorized by the ~~State of Virginia~~
619 Commonwealth or by any political subdivision or court thereof for the acquisition,
620 establishment, construction, maintenance, repair, or operation of any bridge or tunnel or bridge
621 and tunnel facility ~~or any public ferry service~~ from any point within the boundaries of the
622 District to a point in the ~~county~~ County of Northampton, except to the Commission so long as
623 any bonds issued under this ~~act shall~~ chapter remain outstanding or until provision ~~shall is~~
624 ~~be~~ made for the payment of the principal and the interest and the premium, if any, due and
625 payable upon all such bonds; provided, ~~however,~~ that such prohibition ~~shall does~~
626 ~~any ferry~~ which that may ~~hereafter~~ be established for the exclusive transportation of railroad
627 cars, or of railroad passengers holding through tickets, or to projects heretofore authorized under
628 the ~~State Revenue Bond Act of 1940, as amended~~ Transportation Development and Revenue
629 Bond Act (§ 33.2-XXX et seq.).

630 **Drafting note: This proposed section is derived from § 15 of the 1956 Act. Technical**
631 **changes are made.**

632 § ~~16~~ 33.2-2220. Miscellaneous; penalties.

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

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

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

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

649 E. On or before the last day of February in each year, the Commission shall make an
650 annual report of its activities ~~for~~ during the preceding calendar year to the Governor. ~~Each such~~
651 In each report, the Commission shall set forth a complete operating and financial statement
652 covering its operations during the year. The Commission shall cause an audit of its books and
653 accounts to be made at least once in each year by certified public accountants, and the cost
654 thereof may be treated as a part of the cost of construction or operation of the project. The
655 records, books, and accounts of the Commission shall be subject to examination and inspection
656 by duly authorized representatives of the Governor, the ~~State Highway Commission~~
657 Commonwealth Transportation Board, the governing bodies of the political subdivisions
658 constituting the District, and any bondholder ~~or bondholders~~ at any reasonable time, provided
659 the business of the Commission is not unduly interrupted or interfered with ~~thereby by such~~
660 action.

661 F. Any member, agent, or employee of the Commission who contracts with the
662 Commission or District or is interested, either directly or indirectly, in any contract with the
663 Commission or District or in the sale of any property, either real or personal, to the District shall
664 be punished by a fine of not more than ~~One Thousand Dollars~~ \$1,000 or by imprisonment for
665 not more than one year, or both.

666 G. Any person who uses the project and fails or refuses to pay the toll provided therefor
667 shall be punished by a fine of not more than ~~One Hundred dollars~~ \$100 or by imprisonment for
668 not more than ~~thirty~~ 30 days, or both, ~~and in.~~ In addition ~~thereto,~~ the Commission shall have a
669 lien upon the vehicle driven by such person for the amount of such toll and may take and retain
670 possession thereof until the amount of such toll and all charges in connection therewith shall
671 have been paid.

672 **Drafting note: This proposed section is derived from § 16 of the 1956 Act. Technical**
673 **changes are made.**

674 ~~§ 17 33.2-2221. Act Liberally Construed~~ Liberal construction.

675 This ~~act chapter,~~ being necessary for the welfare of the ~~State~~ Commonwealth and its
676 inhabitants, shall be liberally construed to effect the purposes thereof.

677 **Drafting note: This proposed section is derived from § 17 of the 1956 Act. Technical**
678 **changes are made.**

679 ~~§ 18 33.2-2222. Constitutional Construction~~ Severability.

680 The provisions of this ~~act chapter~~ are severable and if any of its provisions shall be held
681 unconstitutional by any court of competent jurisdiction, the decision of such court shall not
682 affect or impair any of the remaining provisions of this ~~act chapter.~~ ~~It is hereby declared to be~~
683 ~~the legislative intent that this act would have been adopted had such unconstitutional provisions~~
684 ~~not been included therein.~~

685 **Drafting note: This proposed section is derived from § 18 of the 1956 Act. Technical**
686 **changes are made.**