

COUNCIL OF THE DISTRICT OF COLUMBIA

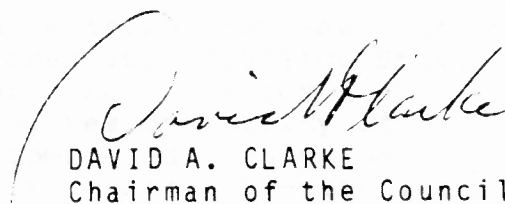
NOTICE

D.C. LAW 7-18

"District of Columbia Regional Airports Authority Act of 1985 Amendment Act of 1987".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 7-172 on first and second readings, April 14, 1987, and May 5, 1987, respectively. Following the signature of the Mayor on June 1, 1987, this legislation was assigned Act 7-32, published in the June 12, 1987, edition of the D.C. Register, (Vol. 34 page 3804) and transmitted to Congress on June 10, 1987, for a 30-days review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 7-18, effective July 25, 1987.


DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

June 10,11,12,15,16,17,18,19,22,23,24,25,26,29,30

July 1,7,8,9,10,13,14,15,16,17,20,21,22,23,24

JUL 25 1987

AN ACT

D.C. ACT 7 - 32

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUN 01 1987

To amend the District of Columbia Regional Airports Authority Act of 1985 to conform with legislation passed by the legislature of the Commonwealth of Virginia and by the United States Congress, to authorize the Metropolitan Washington Airports Authority to establish a board of review, and to establish civil penalties for violations of rules of the Metropolitan Washington Airports Authority.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Regional Airports Authority Act of 1985 Amendment Act of 1987".

Sec. 2. Findings.

The Council of the District of Columbia ("Council") finds that:

(1) Congress adopted the Metropolitan Washington Airports Act of 1986, approved October 30, 1986 (100 Stat. 3341; 49 U.S.C. app. 2456) ("Airports Act"), which authorized the transfer of operating responsibility of Washington Dulles International Airport and Washington National Airport to a local authority under a 50-year lease.

(2) Section 6007 of the Airports Act requires that the powers and jurisdiction of the Metropolitan Washington Airports Authority be conferred jointly by the legislative authority of the Commonwealth of Virginia and the District of Columbia or by either of the jurisdictions and concurred in by the legislative authority of the other jurisdiction.

(3) The Council adopted legislation in 1985 which conformed to the original Virginia Statute authorizing a local authority, and it is therefore appropriate to adopt amendments in conformity with amendments recently approved by the legislature of the Commonwealth of Virginia in S.

Note,
D.C. Code,
sec. 7-1101
(1988 supp.)

672, 169 Leg., 1987 Sess.(1987) in response to the Airports Act.

Sec. 3. The District of Columbia Regional Airports Authority Act of 1985, effective December 3, 1985 (D.C. Law 6-67; D.C. Code, sec. 7-1101, note) ("District act"), is amended as follows:

D.C. Code,
sec. 7-1101,
Note
(1988 supp.)

(a) Section 2 is amended by striking in paragraph (2) the phrase "to be created by the legislatures of the Commonwealth of Virginia and the District pursuant to an agreement or compact that is consistent with the provisions of this act, or, if the Authority to be created is later abolished," and inserting in its place the phrase "created by this act and by similar enactment by the Commonwealth of Virginia, or if the Authority is abolished,".

(b) Section 5(h) is amended to read as follows:

"(h) The members of the Authority and its board of review, including any nonvoting members, shall not be personally liable for any act done or action taken in their capacities as members of the Authority or its board of review, nor shall they be personally liable for any bond, note, or other evidence of indebtedness issued by the Authority.".

(c) Section 6 is amended:

(1) By striking from paragraph (2) the second appearance of the word "operate";

(2) By inserting in paragraph (5) after the word "committees" the phrase "and to establish a board of review";

(3) By striking from paragraph (10) the phrase "However, the" and inserting in its place the phrase "Employees of the Authority shall not participate in any strike or assert any right to strike against the Authority, and any employment agreement entered into by the Authority shall contain an explicit prohibition against strikes by the employee or employees covered by such agreement. The";

(4) By inserting in paragraph (12) after the word "facilities" the phrase "consistent with the purposes of this act", and by striking from paragraph (12) after the word "Authority" the phrase "and consistent with the purposes of this act";

(5) By inserting in paragraph (13) after the word "users," the phrase "including contracts for normal governmental services on a reimbursable basis with local political subdivisions where the Authority facilities are situated and with the District of Columbia government,";

(6) By striking at the end of paragraph (14) the word "and";

(7) By adding a new paragraph (15a) to read as follows:

"(15a) To make payments to reimburse the local political subdivisions where the Authority facilities are situated for extraordinary law enforcement costs incurred by such localities; and"; and

(8) By adding a new subsection (a-1) to read as follows:

"(a-1) Pursuant to section 6007(b) of the Metropolitan Washington Airports Act of 1986, approved October 30, 1986 (100 Stat. 3341; 49 U.S.C. app. 2456), the Authority is established solely to operate and improve both metropolitan Washington airports as primary airports serving the metropolitan Washington area and shall be independent of the Commonwealth of Virginia and its local political subdivisions, the District of Columbia, and the federal government in the performance and exercise of the airport-related duties and powers enumerated in this section. Any conflict between the exercise of these enumerated powers by the Authority and the powers of any local political subdivision within which Authority facilities are situated shall be resolved in favor of the Authority."

(d) Section 7 is amended:

(1) By striking in paragraph (b)(2) the phrase "in the political subdivision where the Authority's facilities are located and the District" and inserting in its place the phrase "in the District of Columbia and in the local political subdivisions of the Commonwealth of Virginia where the Authority facilities are located";

(2) By striking in subsection (d) the last sentence; and

(3) By adding new subsections (e),(f),(g),(h), and (i) to read as follows:

"(e) The violation of any rule or regulation of the Authority establishing a noise limitation on aircraft that operate at the Authority Facilities shall subject the violator, in the discretion of the circuit court of any political subdivision where the facility is located to a civil penalty not to exceed \$2,500 for each violation. The penalty shall be paid to the Authority. With the consent of the violator or the accused violator of a rule establishing aircraft noise limits, the Authority may provide, in an order issued against the violator or accused violator, for the payment of civil charges in specific sums not to exceed the limit that could be imposed by the court. Such civil charge when paid shall be in lieu of any civil penalty that could be imposed by the court. Any court proceeding shall be within the exclusive jurisdiction of the circuit court and shall be a civil proceeding at law brought by the Authority.

"(f) The violation of any Authority rule or regulation, having the force and effect of law, shall be a Class 1 misdemeanor unless otherwise specified by chapter 598 of the 1985 Acts of Assembly or unless a lesser penalty is set by the Authority in the rule or regulation. The rules of criminal procedure and evidence that apply throughout the Commonwealth of Virginia ("Commonwealth") shall apply to the adjudication of any case involving the violation of any Authority rule or regulation having the force and effect of law.

"(g) The courts of the Commonwealth shall take judicial notice of the Authority's regularly adopted rules and regulations. For the convenience of the courts which may regularly hear cases arising under the Authority's rules and regulations, the Authority may certify to the clerk of such court a copy of its rules and regulations. Any such certification, when signed by the chairman of the Metropolitan Washington Airports Authority, shall be accepted as evidence of the facts therein stated.

"(h) With respect to the violation of any statute of the Commonwealth, local ordinance, or Authority rule or regulation having the force and effect of law occurring at the Authority Facilities:

"(1) The matter shall be within the jurisdiction of the state courts of the political subdivision where the violation occurred; violations occurring at Washington National Airport shall be within the jurisdiction of the courts for Arlington County;

"(2) The attorney for the Commonwealth shall have authority to prosecute those offenses in the name of the Commonwealth or local government as appropriate; and the county or city attorney, if otherwise authorized to prosecute offenses in the name of the county or city, shall have authority to prosecute those offenses in the name of the county or city; and

"(3) Sheriffs and clerks of the court shall provide those same services and exercise those same powers with respect to Authority Facilities within their jurisdiction as for their political subdivisions."

(e) Section 8 is amended to read as follows:

"Sec. 8. Police powers.

"(a) The Authority is authorized to establish and maintain a regular police force and to confer police powers to be exercised with respect to offenses occurring on the Authority Facilities upon its employees meeting the minimum requirements of the Commonwealth of Virginia's Department of Criminal Justice Services.

"(b) Such police officers shall have all powers vested in police officers under Chapter 3 of Title 15.1, Chapter 11 of Title 16.1, Title 18.2, and Title 46.1 of the Code of

Virginia and shall be responsible upon the Authority Facilities and within 300 yards of the Facilities for enforcing the laws of the Commonwealth, the Authority's rules and regulations, and all other applicable ordinances, rules, and regulations.

"(c) The police officers may issue summons to appear, or arrest on view or on information without warrant as permitted by law, and conduct before any judicial officer of competent jurisdiction any person violating, upon Authority Facilities, any rule or regulation of the Authority, any ordinance or regulation of any local political subdivision, or any other law of the Commonwealth.

"(d) The Department of State Police shall exercise the same powers upon Authority Facilities as elsewhere in the Commonwealth.

"(e) The Authority may enter into reciprocal or mutual aid agreements with the local political subdivisions in which the Authority Facilities are situated, any agency of the Commonwealth, or of the federal government, or any combination of the foregoing, for cooperation in the furnishing of police services.

"(f) The police force of Arlington County shall have concurrent jurisdiction with the police force established herein at Washington National Airport. The Authority shall enter into an agreement with Arlington County regarding the exercise of police authority.

"(g) The sheriffs and police forces of Loudoun and Fairfax Counties shall continue to exercise concurrent jurisdiction with the police force established herein over the Authority Facilities situated within their respective counties."

(f) Section 28 is amended by striking the phrase "an Airports Authority created by the legislatures of the Commonwealth of Virginia and the District pursuant to an agreement or compact that consistent with the provisions of this act, whichever occurs later.", and inserting in its place the phrase "the Authority."

Sec. 4. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act,

RECORD OF OFFICIAL COUNCIL VOTE

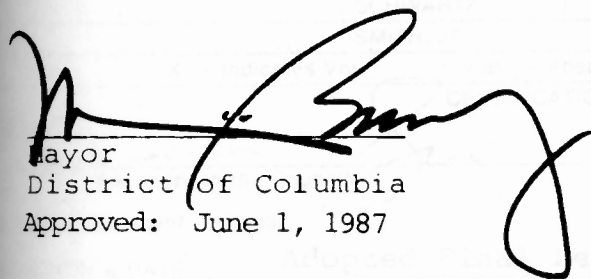
PACKET NO

9-2-72

approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-233(c)(1)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
Approved: June 1, 1987



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Seven

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: B7-172

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 4-14-87

VOICE VOTE: Unanimous

Recorded vote on request

Absent: Winter

ROLL CALL VOTE: — RESULT _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CLARKE					NATHANSON					THOMAS SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Russell S. ...
Secretary to the Council

5/11/87
Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 5-5-87

VOICE VOTE: Unanimous

Recorded vote on request

Absent: all present

ROLL CALL VOTE: — RESULT _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CLARKE					NATHANSON					THOMAS, SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Russell S. ...
Secretary to the Council

5/11/87
Date

Item on Consent Calendar

ACTION & DATE: _____

VOICE VOTE: _____

Recorded vote on request

Absent: _____

ROLL CALL VOTE: — RESULT _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CLARKE					NATHANSON					THOMAS, SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date