

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 9.
TRANSPORTATION SYSTEMS.

CHAPTER 9.
DISTRICT OF COLUMBIA REGIONAL AIRPORTS
AUTHORITY.

2001 Edition

DISTRICT OF COLUMBIA OFFICIAL CODE
CHAPTER 9. DISTRICT OF COLUMBIA REGIONAL
AIRPORTS AUTHORITY.

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CHAPTER 9. DISTRICT OF COLUMBIA REGIONAL AIRPORTS AUTHORITY.

§ 9-901. DEFINITIONS.

For the purposes of this chapter, the term:

(1) "Authority facilities" means any or all airport facilities now existing or subsequently acquired or constructed or caused to be constructed by the Authority under this chapter, together with any or all buildings, improvements, additions, extensions, replacements, appurtenances, lands, rights in land, water rights, air rights, franchises, machinery, equipment, furnishings, landscaping, easements, utilities, approaches, roadways and other facilities necessary or desirable in connection with or incidental to the facilities, including the existing Dulles Airport access road and its right-of-way, acquired or constructed by the Authority.

(2) "Authority" means the Metropolitan Washington Airports Authority created by this chapter and by similar enactment by the Commonwealth of Virginia, or if the Authority is abolished, the board, body, or commission or agency succeeding to the principal functions of the Authority or upon whom the powers given by this chapter to the Authority shall be conferred by law.

(3) "Cost" means, as applied to Authority facilities, the cost of acquisition of all lands, structures, rights of way, franchises, easements, and other property rights and interests, the cost of lease payments, the cost of construction, the cost of demolishing, removing, or relocating any buildings or structures on lands acquired, including the cost of acquiring any lands to which the buildings or structures may be moved or relocated, the cost of any extensions, enlargements, additions and improvements, the cost of all labor, materials, machinery and equipment, financing charges, interest on all bonds prior to and during construction and, if considered advisable by the Authority, for a period not exceeding 1 year after completion of construction, the cost of engineering, financial and legal services, plans, specifications, studies, surveys, estimates of cost and of revenues, other expenses necessary or incident to determining the feasibility or practicability of constructing the Authority facilities, administrative expenses, provisions for working capital, reserves for interest and for extensions, enlargements, additions and improvements, the cost of bond insurance and other devices designed to enhance the creditworthiness of the bonds, and other expenses necessary or incidental to the construction of the Authority facilities, the financing of this construction, and the placing of the Authority facilities in operation. Any obligation or expenses incurred by the District of Columbia ("District") or any agency of the District, with the approval of the Authority, for studies, surveys, borings, preparation of plans and specifications, or other work or materials in connection with the construction of the Authority facilities may be regarded as part of the cost of the Authority facilities and may be reimbursed to the District or the agency out of any funds available for these purposes or the proceeds of the revenue bonds issued for Authority facilities as authorized by this chapter.

(4) "Bonds" or "revenue bonds" means bonds and notes or refunding bonds and notes or bond anticipation notes or other obligations of the Authority issued under provisions of this chapter.

(Dec. 3, 1985, D.C. Law 6-67, § 2, 32 DCR 6093; Jul. 25, 1987, D.C. Law 7-18, § 3(a), 34 DCR 3804.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1251.

§ 9-902. METROPOLITAN WASHINGTON AIRPORTS AUTHORITY CREATED.

There is created the Metropolitan Washington Airports Authority, ("Authority"), a public body corporate and politic and independent of all other bodies, having the powers and jurisdiction enumerated by this chapter, and other and additional powers as shall be conferred upon it jointly by the legislative authorities of the

Commonwealth of Virginia and the District or by either of the jurisdictions and concurred in by the legislative authority of the other jurisdiction.

(Dec. 3, 1985, D.C. Law 6-67, § 3, 32 DCR 6093.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1252.

§ 9-903. AUTHORIZATION OF THE AUTHORITY.

The Authority created by this chapter is authorized, when similarly authorized by the Commonwealth of Virginia, to acquire from the United States of America, by lease or otherwise, the 2 airports known as Washington National Airport and Washington Dulles International Airport and all related properties now administered by Metropolitan Washington Airports, and agency of the Federal Aviation Administration of the United States Department of Transportation, but only with the approval of the Mayor of the District of Columbia. Subject to this mayoral approval, general consent is given to conditions imposed by the Congress of the United States on acquisitions that are not inconsistent with this chapter. The Mayor shall procure the concurrence of the Council of the District of Columbia, by resolution, prior to Mayoral approval of the terms of the compact, lease or other agreements which effectuate the acquisition.

(Dec. 3, 1985, D.C. Law 6-67, § 4, 32 DCR 6093.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1253.

§ 9-904. MEMBERSHIP; TERMS; OFFICERS.

(a) The Authority shall consist of 13 members appointed as follows: 5 appointed by the Governor of the Commonwealth of Virginia, 3 appointed by the Mayor of the District of Columbia, 2 appointed by the Governor of the State of Maryland, and 3 appointed by the President of the United States. Members representing the District of Columbia shall be subject to confirmation by the Council of the District of Columbia. For the purposes of doing business, 7 members shall constitute a quorum. The failure of a single appointing official to appoint 1 or more members, as provided in this chapter, shall not impair the Authority's creation when the other conditions of this creation have been met.

(b) Members shall not hold elective or appointive public office, shall serve without compensation, and shall reside within the Washington Standard Metropolitan Statistical Area, except that the members appointed by the President of the United States shall be registered voters of states other than Maryland or Virginia or the District of Columbia. Members of the Authority shall be entitled to reimbursement of their expenses incurred in attending the meetings of the Authority or while otherwise engaged in the discharge of their duties.

(c) Appointments to the Authority shall be for a period of 6 years, except that initial appointments shall be made as follows: each jurisdiction shall appoint 1 member for a full 6-year term, a second member for a 4-year term, and in the case of the Commonwealth of Virginia and the District of Columbia, a third member for a 2-year term. The Governor of Virginia shall make the final 2 Virginia initial appointments for one 2-year term and one 4-year term. The President shall make one of his initial appointments pursuant to the Metropolitan Washington Airports Amendments Act of 1996, approved October 9, 1996 (110 Stat. 3213), for a 4-year term. The President shall make subsequent appointments for 6-year terms.

(d) Eight affirmative votes shall be required to approve bond issues and the annual budget of the Authority.

(e) Each member may be removed or suspended from office only for cause and in accordance with the laws of the jurisdiction from which the member is appointed.

(f) The Authority shall elect annually 1 of its members as chairman and another as vice-chairman and shall also elect annually a secretary and a treasurer, or a secretary-treasurer, who may or may not be members of the Authority. The Authority shall prescribe the powers and duties of these officials. The Authority may also appoint from its staff an assistant secretary and an assistant treasurer, or an assistant secretary-treasurer, who shall, in addition to other duties, discharge such functions of the secretary and the treasurer.

(g) A vacancy among the members shall be filled in the manner in which the original appointment was made. Members of the Authority shall continue to serve until their successors are duly appointed. Any person appointed to fill a vacancy shall serve for the unexpired term. Any member of the Authority shall be eligible for reappointment for 1 additional term.

(h) Members of the Authority, including any nonvoting members, shall not be personally liable for any act

done or action taken in their capacities as members of the Authority, nor shall they be personally liable for any bond, note, or other evidence of indebtedness issued by the Authority.

(Dec. 3, 1985, D.C. Law 6-67, § 5, 32 DCR 6093; Jul. 25, 1987, D.C. Law 7-18, § 3(b), 34 DCR 3804; Aug. 1, 1997, D.C. Law 12-8, § 2(a), 44 DCR 3371.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1254.

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2 of Metropolitan Washington Airports Authority Emergency Amendment Act of 2012 (D.C. Act 19-452, October 4, 2012, 59 DCR 11738).

§ 9-905. POWERS AND DUTIES OF THE AUTHORITY.

(a) For the purposes of acquiring, operating, maintaining, improving, promoting and protecting Washington National Airport and Washington Dulles International Airport together as primary airports for public purposes serving the metropolitan Washington area, the Authority shall have all necessary or convenient powers including, but not limited to, the power:

- (1) To adopt and amend by-laws for the regulation of its affairs and the conduct of its business;
- (2) To plan, establish, operate, develop, construct, enlarge, maintain, equip, and protect the airports;
- (3) To adopt and amend regulations to carry out the powers granted by this section;
- (4) To adopt an official seal and alter this seal at its pleasure;
- (5) To appoint one or more advisory committees;
- (6) To issue revenue bonds of the Authority for any of its purposes, payable solely from the fees and revenues pledged for their payment, and to refund its bonds, all as provided in this chapter;
- (7) To borrow money on a short-term basis and issues from time to time its notes therefor payable on terms, conditions, or provisions as it may deem advisable;
- (8) To fix, revise, charge, and collect rates, fees, rentals and other charges for the use of the airports;
- (9) To acquire, hold and dispose of real and personal property in the exercise of its powers and the performance of its duties under this chapter;
- (10) To employ, in its discretion, consulting engineers, attorneys, accountants, construction and financial experts, superintendents, managers, and other employees and agents as may be necessary, and to fix their compensation and benefits. 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 Authority shall comply with any act of Congress concerning former employees of the Federal Aviation Administration and Metropolitan Washington Airports;
- (11) To sue and be sued in its own name, plead and be impleaded;
- (12) To construct or permit the construction of commercial and other facilities consistent with the purposes of this chapter upon the airport property on terms established by the Authority;
- (13) To make and enter into all contracts and agreements necessary or desirable to the performance of its duties, the proper operation of the airports and the furnishing of services to the traveling public and airport users, 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, and these contracts shall be exclusive or limited when it is necessary to further the public safety, improve the quality of service, avoid duplication of services, or conserve airport property and the airport environment;
- (14) To apply for, receive, and accept payments, appropriations, grants, gifts, loans, advances, and other funds, properties, and services as may be transferred or made available to it by the United States government or any other public or private entity or individual;
- (14A) 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
- (15) To do all acts necessary or convenient to carry out the powers expressly granted in this chapter.

(b) 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.

(Dec. 3, 1985, D.C. Law 6-67, § 6, 32 DCR 6093; Jul. 25, 1987, D.C. Law 7-18, § 3(c), 34 DCR 3804; Aug. 1, 1997, D.C. Law 12-8, § 2(b), 44 DCR 3371.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1255.

§ 9-906. AUTHORITY RULES AND REGULATIONS.

(a) The Authority shall have power to adopt, amend, and repeal rules and regulations pertaining to the use, maintenance and operation of its facilities and governing the conduct of persons and organizations using its facilities.

(b) Unless the Authority shall by unanimous vote of all members present determine that an emergency exists, the Authority shall, before the adoption of any rule or regulation or alteration, amendment or modification:

(1) Make the rule, regulation, alteration, amendment, or modification in convenient form available for public inspection in the office of the Authority for at least 10 days;

(2) Publish a notice in a newspaper or newspapers of general circulation in the District of Columbia and in the local political subdivisions of the Commonwealth of Virginia where the Authority facilities are located declaring the Authority's intention to consider adopting the rule, regulation, alteration, amendment, or modification and informing the public that the Authority will hold a public hearing at which any person may appear and be heard for or against the adoption of the rule or regulation or the alteration, amendment, or modification, on a day and at a time to be specified in the notice, after the expiration of at least 10 days from the day of the publication; and

(3) Hold the public hearing on the day and at the time specified in the notice or any adjournment of the hearing, and hear persons appearing for or against the rule, regulation, alteration, amendment, or modification.

(c) The Authority's rules and regulations shall be available for public inspection in the Authority's principal office.

(d) The Authority's rules and regulations relating to:

(1) Air operations and motor vehicle traffic, including but not limited to, motor vehicle speed limits and the location of and payment for public parking;

(2) Access to and use of Authority facilities including but not limited to solicitation, handbilling, picketing and the conduct of commercial activities; and

(3) Aircraft operation and maintenance, shall have the force and effect of law, as shall any other rule or regulation of the Authority that shall contain a determination by the Authority that it is necessary to accord the same effect of law in the public interest; except, that, with respect to motor vehicle traffic rules and regulations, the Authority shall obtain the approval of the traffic engineer or comparable official of the political subdivision in which the rules or regulations are to be enforced. The violation of any rule or regulation of the Authority relating to motor vehicle traffic shall be tried and punished in the same manner as if it had been committed on the public roads of the political subdivisions in which the violation occurred.

(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 \$5,000 for each violation. The penalty shall be paid to the Authority. With 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.

(Dec. 3, 1985, D.C. Law 6-67, § 7, 32 DCR 6093; Jul. 25, 1987, D.C. Law 7-18, § 3(d), 34 DCR 3804, Oct. 2, 1990, D.C. Law 8-179, § 2, 37 DCR 5037; Sep. 29, 1992, D.C. Law 9-158, § 2, 39 DCR 5688.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1256.

§ 9-907. 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 17 of Title 15.2, and Chapter 11 of Title 16.1, Title 18.2, Title 19.2, and Title 46.2 of the Code of Virginia as those titles may be amended from time to time 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 a local political subdivision in the National Capital Region, as defined in 10 U.S.C. § 2674(f)(2), those counties with a border abutting the area and any municipality therein, any agency of the Commonwealth, the District of Columbia, the State of Maryland, the federal government, or any combination of the foregoing for cooperation in the furnishing of services during a public service event, an emergency, or planned training, including law enforcement, fire, rescue, emergency health and medical services, transportation, communications, public works and engineering, mass care, and resource support. When responding to a request under such an agreement, Authority employees may go outside Authority facilities, and the Authority and its employees shall have the same immunities from liability as the localities and their employees have in responding under similar circumstances.

(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.

(Dec. 3, 1985, D.C. Law 6-67, § 8, 32 DCR 6093; Jul. 25, 1987, D.C. Law 7-18, § 3(e), 34 DCR 3804; Apr. 13, 1999, D.C. Law 12-225, § 2, 46 DCR 485; Jan. 29, 2008, D.C. Law 17-82, § 2, 54 DCR 11887.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1257.

Effect of Amendments

D.C. Law 17-82 rewrote subsec. (e) which had read as follows:

"(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."

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2 of District of Columbia Regional Airports Authority Clarification Temporary Amendment Act of 2007 (D.C. Law 17-35, October 18, 2007, law notification 54 DCR 10705).

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2 of District of Columbia Regional Airports Authority Clarification Emergency Amendment Act of 2007 (D.C. Act 17-60, June 21, 2007, 54 DCR 6605).

For temporary (90 day) amendment of section, see § 2 of District of Columbia Regional Airports Authority Clarification Congressional Review Emergency Amendment Act of 2007 (D.C. Act 17-153, October 18, 2007, 54 DCR 10911).

Legislative History of Laws

Law 17-82, the "District of Columbia Regional Airports Authority Clarification Amendment Act of 2007", was introduced in Council and assigned Bill No. 17-236 which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on October 23, 2007, and November 6, 2007, respectively. Signed by the Mayor on November 26, 2007, it was assigned Act No. 17-193 and transmitted to both Houses of Congress for its review. D.C. Law 17-82 became effective on January 29, 2008.

§ 9-908. OPERATION OF FOREIGN TRADE ZONE.

The Authority may establish, operate, and maintain a foreign trade zone and otherwise expedite and encourage foreign commerce.

(Dec. 3, 1985, D.C. Law 6-67, § 9, 32 DCR 6093.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1258.

§ 9-909. ACQUISITION OF PROPERTY; EMINENT DOMAIN.

(a) The Authority may acquire by purchase, lease, or grant additional lands, structures, property, rights, rights-of-way, franchises, easements and other interests in lands as it may consider necessary or convenient for construction and operation of the airports, upon terms and at prices as may be considered by it to be reasonable and can be agreed upon between it and the owner.

(b) The District may provide services, donate real or personal property, and make appropriations to the Authority for the acquisition, construction, maintenance, and operation of the Authority facilities. The Authority may agree to assume or reimburse the District for any indebtedness incurred by the District with respect to facilities conveyed by the District to the Authority. With the consent of the Council of the District of Columbia, the agreement may be made subordinate to the Authority's indebtedness to others.

(c) The Authority is granted full power to exercise the right of eminent domain within the Commonwealth of Virginia in the acquisition of any lands, easements, privileges or other property interests that are necessary for air port and landing field purposes, including the right to acquire, by eminent domain, aviation easements over lands and water outside the boundaries of its airports or landing fields where necessary in the interests of safety for aircraft to provide unobstructed air space for the landing and taking off of aircraft utilizing its airports and landing fields even though the aviation easement may be inconsistent with the continued use of the land, or inconsistent with the maintenance, preservation and renewal of any structure or any tree or other vegetation standing or growing on the land at the time of the acquisition. Proceedings for the acquisition of lands, easements and privileges by condemnation may be instituted and conducted in the name of the Authority in accordance with title 25 of the Code of Virginia.

(Dec. 3, 1985, D.C. Law 6-67, § 10, 32 DCR 6093.)

HISTORICAL AND STATUTORY NOTES

§ 9-910. REVENUE BONDS.

(a) The Authority may provide by resolution for the issuance, at 1 time or from time to time, of revenue bonds of the Authority for the purpose of paying all or any part of the cost of Authority facilities, including the refunding of federal appropriations not reimbursed to the United States Treasury by the Metropolitan Washington Airports. The principal of and the interest on these bond shall be payable solely from the funds provided for this payment. The bonds of each issue shall be dated, shall mature at times not exceeding 40 years form their dates, as may be determined by the Authority, and may be subject to redemption or repurchase before maturity, at the option of the Authority, at prices and under those terms and conditions may be fixed by the Authority before the issuance of the bonds. The bonds may bear interest payable at times and at rates as determined by the Authority or as determined in the manner as the Authority may provide, including the determination by agents designated by the Authority under guidelines established by it. The Authority shall determine the form and the manner of execution of the bonds, including any interest coupons to be attached to the bonds, and shall fix the denominations of the bonds and the places of payment of principal and interest, which may be at any bank or trust company within or without the District of Columbia. In case any officer whose signature or a facsimile shall be valid and sufficient for all purposes the same as if the officer had remained in office until delivery. Notwithstanding any other provision of this chapter or any recitals in any bonds issued under the provisions of this section, all bonds shall be considered to be negotiable instruments under the laws of the District. The bonds may be issued in coupon or in registered form, or both, as the Authority may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, for the reconversion into coupon bonds of any bonds registered as to both principal and interest, and for the interchange of registered and coupon bonds. The Authority may sell bonds in the manner, either at public or negotiated sale, and for the price, as it may determine will best effect the purposes of this section.

(b) The proceeds of the bonds shall be used solely for the payment of the cost of Authority facilities, including improvements, and shall be disbursed in the manner and under the restrictions, if any, as the Authority may provide in the resolution authorizing the issuance of the bonds or in the trust agreement securing the bonds. If the proceeds of the bonds of any issue, by error of estimates or otherwise, shall be less than the cost, additional bonds may in like manner be issued to provide the amount of the deficit, and, unless otherwise provided in the resolution authorizing the issuance of the bonds or in the trust agreements securing the bonds, shall be considered to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued. If the proceeds of the bonds of any issue shall exceed the cost, the surplus shall be deposited to the credit of the sinking fund for the bonds.

(c) Before the preparation of definitive bonds, the Authority may, under the same restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when the bonds have been executed and are available for delivery. The Authority may also provide for the replacement of any bonds that become mutilated or have been destroyed or lost. Bonds may be issued under the provisions of this section without obtaining the consent of any agency of the District and without any other proceedings, conditions or things not specifically required by this section.

(Dec. 3, 1985, D.C. Law 6-67, § 11, 32 DCR 6093.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1260.

§ 9-911. REFUNDING BONDS.

The Authority may provide by resolution for the issuance of its revenue refunding bonds for the purpose of refunding any bonds then outstanding which shall have been issued under the provisions of this chapter, including the payment of any redemption premium on the bonds and any interest accrued or to accrue to the date of redemption of the bonds, and if considered advisable by the Authority, for either or both of the following additional purposes: constructing improvements, extensions or enlargement of the Authority facilities in connection with which the bonds to be refunded shall have been issued; and, paying all or any part of the cost of any additional Authority facilities. The issuance of bonds, the maturities, and other details of the issuance, the rights of the holders of the bonds, and the rights, duties and obligations of the Authority in respect to the bonds, shall be governed by the provisions of this chapter insofar as this chapter may be applicable. Revenue refunding bonds issued under this section may be sold or exchanged for outstanding bonds issued under this chapter and, if sold, the proceeds of the bonds may be applied to the purchase, redemption, or payment of outstanding bonds.

(Dec. 3, 1985, D.C. Law 6-67, § 12, 32 DCR 6093.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1261.

§ 9-912. PLEDGE OF FUNDS.

All monies received pursuant to the provisions of this chapter, whether as proceeds from the sale of bonds, as revenues, or as grants, appropriations, or other funds provided by federal, state, or local governments, may be pledged to the payment of bonds issued by the Authority and, if so pledged, shall be considered to be trust funds to be held and applied solely as provided in this chapter.

(Dec. 3, 1985, D.C. Law 6-67, § 13, 32 DCR 6093.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1262.

§ 9-913. MARKETABILITY OF BONDS.

The Authority may exercise all or any part or combination of the powers granted by this chapter, including the power: To make covenants other than and in addition to the covenants expressly authorized, of like, or different character; to make covenants and to do all acts as may be necessary, convenient, or desirable in order to secure its bonds or, in the absolute discretion of the Authority, as will tend to make the bonds more marketable, notwithstanding that the covenants or acts may not be enumerated in this chapter.

(Dec. 3, 1985, D.C. Law 6-67, § 14, 32 DCR 6093.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1263.

§ 9-914. BONDS AS LEGAL INVESTMENTS AND SECURITY FOR PUBLIC DEPOSITS.

Bonds issued by the Authority under the provisions of this chapter are securities in which all public officers and public bodies of the District, 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. These bonds are securities that may properly and legally be deposited with and received by any municipal officer or any agency of the District for any purpose for which the deposit of bonds or obligations is now or may subsequently be authorized by law.

(Dec. 3, 1985, D.C. Law 6-67, § 15, 32 DCR 6093.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1264.

§ 9-915. CREDIT OF THE DISTRICT NOT PLEDGED.

Revenue bonds issued under the provisions of this chapter shall not constitute a debt of the District nor a pledge of the faith and credit of the District. The bonds shall be payable solely from funds provided for the bonds from revenues. The issuance of revenue bonds under the provisions of this chapter shall not directly, indirectly, or contingently obligate the District to any form of taxation whatever. All revenue bonds shall contain a statement on their face substantially to this effect.

(Dec. 3, 1985, D.C. Law 6-67, § 16, 32 DCR 6093.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

§ 9-916. TRUST AGREEMENT.

In the discretion of the Authority any bonds issued under the provisions of this chapter may be secured by a trust agreement by and between the Authority and a corporate trustee, which may be any trust company or bank having the power of a trust company within or without the District. The trust agreement or the resolution providing for the issuance of the bonds may pledge or assign the fees and other revenues to be received, but shall not convey or mortgage the airports or any part of the airports. The trust agreement or resolution providing for the issuance of the bonds may contain provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the Authority in relation to the acquisition of property and the construction, improvement, maintenance, repair, operation, and insurance of the airports, the rates or fees or other charges to be charged, and the custody, safeguarding the application of all monies. It shall be lawful for any bank or trust company incorporated under the laws of the District that may act as depository of the proceeds of bonds or of revenues to furnish indemnifying bonds or to pledge securities as may be required by the Authority. Any trust agreement may set forth the rights and remedies of the bondholders. In addition, any trust agreement or resolution may contain other provisions the Authority considers reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of the trust agreement or resolution may be treated as a part of the cost or the operation of the airports.

(Dec. 3, 1985, D.C. Law 6-67, § 17, 32 DCR 6093.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1266.

§ 9-917. REVENUES.

The Authority may fix, revise, charge, and collect fees or other charges for the use of the airports, contract with any person, partnership, association, or corporation desiring the use of any part of the airports, including the right-of-way adjoining the airports for placing on the airports telephone, telegraph, electric light or power lines, and fix the terms, conditions, rents and fees or other charges for use. Fees or other charges shall be so fixed and adjusted in respect of the aggregate of fees or other charges from the airports as to provide a fund sufficient with other revenues, if any, (1) to pay the cost of maintaining, repairing and operating the airports, (2) to pay the principal of and interest on bonds as they become due and payable, and (3) to create reserves for these purposes. The fees and other charges and all other revenues derived from the airports, except the part as may be necessary to pay the cost of maintenance, repair, and operation and provide reserves as may be provided for in the resolution authorizing the issuance of the bonds or in the trust agreement securing the bonds, shall be set aside at regular intervals as may be provided in the resolution or the trust agreement in a sinking fund, which is pledged to, and charged with, the payment of the principal of the interest on the bonds as they become due, and the redemption price or the purchase price of bonds retired by call or purchase as provided in the bonds. The pledge shall be valid and binding from the time when the pledge is made. The fees, other charges, and other revenues or other monies so pledged and subsequently received by the Authority shall immediately be subject to the lien of the pledge without any physical delivery of the lien or further act, and the lien of the pledge shall be valid and binding as against all parties having claims of any kind of tort, contract or otherwise against the Authority, irrespective of whether the parties have notice of the lien. Neither the resolution nor any trust agreement by which a pledge is created need be filed or recorded except in the records of the Authority. The use and disposition of monies to the credit of the sinking fund shall be subject to the provisions of resolution authorizing the issuance of the bonds or of the trust agreement. Except as may otherwise be provided in the resolution or the trust agreement, the sinking fund shall be a fund for all these bonds without distinction or priority of 1 over another.

(Dec. 3, 1985, D.C. Law 6-67, § 18, 32 DCR 6093.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1267.

§ 9-918. TRUST FUNDS.

All proceeds from the sale of bonds and revenues derived from the bonds received pursuant to the

provisions of this chapter shall be considered to be trust funds to be held and applied solely as provided in this chapter. The Authority may, in the resolution authorizing the bonds or in the trust agreement securing the bonds, provide for the payment of the proceeds of the sale of the bonds and the revenues of the Authority to a trustee, which may be any trust company or bank having the powers of a trust company within or without the District, which shall act as trustee of the funds, and hold and apply the funds to the purposes of this chapter, subject to any regulations this chapter and the resolution or trust agreement may provide. The trustee may invest and reinvest the funds in securities as may be provided in the resolution authorizing the bonds or in the trust agreement securing the bonds.

(Dec. 3, 1985, D.C. Law 6-67, § 19, 32 DCR 6093.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1268.

§ 9-919. ANNUAL AUDIT.

The Authority shall prepare financial statements at the end of each of its fiscal years in conformity with generally accepted accounting principles. These financial statement shall be examined annually by an independent certified public accountant in accordance with generally accepted auditing standards. Copies of each report shall be furnished to the Governor of the Commonwealth of Virginia and to the Mayor of the District not later than 120 days after the end of each fiscal year of the Authority and shall be open to public inspection.

(Dec. 3, 1985, D.C. Law 6-67, § 20, 32 DCR 6093.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1269.

§ 9-920. REMEDIES.

Any holder of bonds issued under the provisions of this chapter or of any of the coupons appertaining to the bonds, and the trustee under any trust agreement, except to the extent the rights given by this chapter, may be restricted by the trust agreement, may either at law or in equity, by suit, action, injunction, mandamus or other proceedings, protect and enforce any and all rights under the laws of the District, or granted by this chapter or under the trust agreement or the resolution authorizing the issuance of the bonds and may enforce and compel the performance of all duties required by this chapter or by the agreement or resolution to be performed by the Authority or by any officer or agent of the Authority including the fixing, charging, and collection of fees or other charges.

(Dec. 3, 1985, D.C. Law 6-67, § 21, 32 DCR 6093.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1270.

§ 9-921. EXEMPTION FROM TAXATION.

The exercise of the powers granted by this chapter shall be in all respects for the benefit of the inhabitants of the District for the increase of their commerce, and for the promotion of their safety, health, welfare, convenience, and prosperity, and as the operation and maintenance of the airport by the Authority will constitute the performance of essential governmental functions, the Authority shall not be required to pay any taxes or assessments upon the airports or any property acquired or used by the Authority under the provisions of this chapter or upon the the income therefrom; and the bonds issued under the provisions of this chapter, their transfer and the income from the bonds, including any profit made on the sale of the bonds, shall at all times be free and exempt from taxation by the District.

(Dec. 3, 1985, D.C. Law 6-67, § 22, 32 DCR 6093.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1271.

§ 9-922. JURISDICTION OF COURTS; LIABILITY FOR CONTRACTS AND TORTS.

(a) The courts of the Commonwealth of Virginia shall have original jurisdiction over all actions brought by or against the Authority, which courts shall in all cases apply the law of the Commonwealth of Virginia.

(b) The Authority shall be liable for its contracts and for its torts and those of its members, officers, employees, and agents committed in the conduct of any proprietary function, in accordance with the law of the Commonwealth of Virginia but shall not be liable for any torts occurring in the performance of a governmental function. The exclusive remedy for breach of contracts and torts for which the Authority shall be liable, as provided by this chapter, shall be by suit against the Authority. Nothing in this chapter shall be construed as a waiver by the District or the Commonwealth of Virginia or its political subdivisions of any immunity from suit.

(c) The Authority shall be responsible for all executory contracts entered into by the United States with respect to the former Metropolitan Washington Airports before the date of acquisition of those airports, except that the procedure for disputes resolution contained in any contract shall continue to govern the performance of the contract unless otherwise agreed to by the parties to the contract.

(d) The Authority shall not be responsible for any tort claims arising before the date of transfer.

(Dec. 3, 1985, D.C. Law 6-67, § 23, 32 DCR 6093.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1272.

§ 9-923. PROCUREMENT EXEMPTION.

In light of the multi-jurisdictional nature of the Authority, an exemption is provided to the Authority from all laws and regulations of the District governing public procurement.

(Dec. 3, 1985, D.C. Law 6-67, § 24, 32 DCR 6093.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1273.

§ 9-924. ACT LIBERALLY CONSTRUED.

This chapter, being necessary for the welfare of the District and its inhabitants, shall be liberally construed to effect its purposes.

(Dec. 3, 1985, D.C. Law 6-67, § 25, 32 DCR 6093.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1274.

§ 9-925. CONSTITUTIONAL CONSTRUCTION.

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

(Dec. 3, 1985, D.C. Law 6-67, § 26, 32 DCR 6093.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1275.

§ 9-926. INCONSISTENT LAWS INAPPLICABLE.

All other general or special laws inconsistent with any provision of this chapter are declared to be inapplicable to the provision of this chapter.

(Dec. 3, 1985, D.C. Law 6-67, § 27, 32 DCR 6093.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 7-1276.