

104TH CONGRESS
1ST SESSION

S. 668

To authorize the establishment of the National Capital Region Interstate Transportation Authority, to define the powers and duties of the Authority, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 4 (legislative day, MARCH 27), 1995

Mr. WARNER introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To authorize the establishment of the National Capital Region Interstate Transportation Authority, to define the powers and duties of the Authority, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Capital Re-
5 gion Interstate Transportation Authority Act of 1995”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) traffic congestion imposes serious economic
2 burdens on the metropolitan Washington, D.C.,
3 area, costing each commuter an estimated \$1,000
4 per year;

5 (2) the average length of a commute in the
6 metropolitan Washington, D.C., area is second only
7 to the average length of a commute in metropolitan
8 New York;

9 (3) the volume of traffic in the metropolitan
10 Washington, D.C., area is expected to increase by
11 more than 70 percent between 1990 and 2020;

12 (4) the deterioration of the Woodrow Wilson
13 Memorial Bridge and the growing population of the
14 metropolitan Washington, D.C., area contribute sig-
15 nificantly to traffic congestion;

16 (5) the Bridge serves as a vital link in the
17 Interstate System and in the Northeast corridor;

18 (6) identifying alternative methods for main-
19 taining this vital link of the Interstate System is
20 critical to addressing the traffic congestion of the
21 area;

22 (7) the Bridge is—

23 (A) the only drawbridge in the metropoli-
24 tan Washington, D.C., area on the Interstate
25 System;

1 (B) the only segment of the Capital Belt-
2 way with only 6 lanes; and

3 (C) the only segment of the Capital Belt-
4 way with a remaining expected life of less than
5 10 years;

6 (8) the Bridge is the only part of the Interstate
7 System owned by the Federal Government;

8 (9) while the Commonwealth of Virginia, the
9 State of Maryland, and the District of Columbia
10 maintain the Bridge, no entity has ever been grant-
11 ed full and clear responsibility for all aspects of the
12 Bridge;

13 (10) the Federal Government has historically
14 had a role in fostering regional transportation plan-
15 ning, as demonstrated by the construction of the
16 Bridge by the Department of Commerce and the
17 longstanding ownership of and funding for the
18 Bridge by the Department of Transportation;

19 (11) the transfer of ownership of the Bridge to
20 a regional entity under the terms and conditions de-
21 scribed in this Act would foster regional transpor-
22 tation planning efforts to identify solutions to the
23 growing problem of traffic congestion on and around
24 the Bridge;

1 (12) any material change to the Bridge must
2 take into account the interests of nearby commu-
3 nities, the commuting public, Federal, State, and
4 local government organizations, and other affected
5 groups; and

6 (13) a commission of congressional, State, and
7 local officials and transportation representatives has
8 recommended to the Secretary of Transportation
9 that the Bridge be transferred to an independent au-
10 thority to be established by the Capital Region juris-
11 dictions.

12 **SEC. 3. PURPOSES.**

13 The purposes of this Act are—

14 (1) to grant consent to the Commonwealth of
15 Virginia, the State of Maryland, and the District of
16 Columbia to establish the National Capital Region
17 Interstate Transportation Authority; and

18 (2) to authorize the transfer of ownership of the
19 Bridge to the Authority for the purposes of owning,
20 constructing, maintaining, and operating a bridge or
21 tunnel or a bridge and tunnel project across the Po-
22 tomac River.

23 **SEC. 4. DEFINITIONS.**

24 In this Act:

1 (1) AUTHORITY.—The term “Authority” means
2 the National Capital Region Interstate Transpor-
3 tation Authority authorized by this Act and by simi-
4 lar enactment by each of the Capital Region jurisdic-
5 tions.

6 (2) AUTHORITY FACILITY.—The term “Author-
7 ity facility” means—

8 (A) the Bridge (as in existence on the date
9 of enactment of this Act);

10 (B) any southern Capital Beltway crossing
11 of the Potomac River constructed in the vicinity
12 of the Bridge after the date of enactment of
13 this Act; or

14 (C) any building, improvement, addition,
15 extension, replacement, appurtenance, land, in-
16 terest in land, water right, air right, franchise,
17 machinery, equipment, furnishing, landscaping,
18 easement, utility, approach, roadway, or other
19 facility necessary or desirable in connection
20 with or incidental to a facility described in sub-
21 paragraph (A) or (B).

22 (3) BOARD.—The term “Board” means the
23 board of directors of the Authority established under
24 section 6.

1 (4) BRIDGE.—The term “Bridge” means the
2 Woodrow Wilson Memorial Bridge across the Poto-
3 mac River.

4 (5) CAPITAL REGION JURISDICTION.—The term
5 “Capital Region jurisdiction” means—

6 (A) the Commonwealth of Virginia;

7 (B) the State of Maryland; or

8 (C) the District of Columbia.

9 (6) INTERSTATE SYSTEM.—The term “Inter-
10 state System” means the Dwight D. Eisenhower Na-
11 tional System of Interstate and Defense Highways
12 designated under section 103(e) of title 23, United
13 States Code.

14 (7) NATIONAL CAPITAL REGION.—The term
15 “National Capital Region” means the region consist-
16 ing of the metropolitan areas of—

17 (A)(i) the cities of Alexandria, Fairfax,
18 and Falls Church, Virginia; and

19 (ii) the counties of Arlington and Fairfax,
20 Virginia, and the political subdivisions of the
21 Commonwealth of Virginia located in the coun-
22 ties;

23 (B) the counties of Montgomery and
24 Prince Georges, Maryland, and the political

1 subdivisions of the State of Maryland located in
2 the counties; and

3 (C) the District of Columbia.

4 (8) SECRETARY.—The term “Secretary” means
5 the Secretary of Transportation.

6 **SEC. 5. ESTABLISHMENT OF AUTHORITY.**

7 (a) CONSENT TO AGREEMENT.—Congress grants
8 consent to the Commonwealth of Virginia, the State of
9 Maryland, and the District of Columbia to enter into an
10 interstate agreement or compact to establish the National
11 Capital Region Interstate Transportation Authority in ac-
12 cordance with this Act.

13 (b) ESTABLISHMENT OF AUTHORITY.—

14 (1) IN GENERAL.—On execution of the inter-
15 state agreement or compact described in subsection
16 (a), the Authority shall be considered to be estab-
17 lished.

18 (2) GENERAL POWERS.—The Authority shall be
19 a body corporate and politic, independent of all other
20 bodies and jurisdictions, having the powers and ju-
21 risdiction described in this Act and such additional
22 powers as are conferred on the Authority by the
23 Capital Region jurisdictions, to the extent that the
24 additional powers are consistent with this Act.

1 **SEC. 6. GOVERNMENT OF AUTHORITY.**

2 (a) IN GENERAL.—The Authority shall be governed
3 in accordance with this section and with the terms of any
4 interstate agreement or compact relating to the Authority
5 that is consistent with this Act.

6 (b) BOARD.—The Authority shall be governed by a
7 board of directors consisting of 12 members appointed by
8 the Capital Region jurisdictions and 1 member appointed
9 by the Secretary.

10 (c) QUALIFICATIONS.—One member of the Board ap-
11 pointed by each of the Capital Region jurisdictions shall
12 have an appropriate background in finance, construction
13 lending, or infrastructure policy.

14 (d) CHAIRPERSON.—The chairperson of the Board
15 shall be elected biennially by the members of the Board.

16 (e) SECRETARY AND TREASURER.—The Board
17 may—

18 (1) biennially elect a secretary and a treasurer,
19 or a secretary-treasurer, without regard to whether
20 the individual is a member of the Board; and

21 (2) prescribe the powers and duties of the sec-
22 retary and treasurer, or the secretary-treasurer.

23 (f) TERMS.—

24 (1) IN GENERAL.—Except as provided in para-
25 graph (2), a member of the Board shall serve for a
26 6-year term, and shall continue to serve until the

1 successor of the member has been appointed in ac-
2 cordance with this subsection.

3 (2) INITIAL APPOINTMENTS.—

4 (A) BY CAPITAL REGION JURISDICTIONS.—

5 Members initially appointed to the Board by a
6 Capital Region jurisdiction shall be appointed
7 for the following terms:

8 (i) 1 member shall be appointed for a
9 6-year term.

10 (ii) 1 member shall be appointed for a
11 4-year term.

12 (iii) 2 members shall each be ap-
13 pointed for a 2-year term.

14 (B) BY SECRETARY.—The member of the
15 Board appointed by the Secretary shall be ap-
16 pointed for a 6-year term.

17 (3) FAILURE TO APPOINT.—The failure of a
18 Capital Region jurisdiction to appoint 1 or more
19 members of the Board, as provided in this sub-
20 section, shall not impair the establishment of the
21 Authority if the condition of the establishment de-
22 scribed in section 5(b)(1) has been met.

23 (4) VACANCIES.—Subject to paragraph (5), a
24 person appointed to fill a vacancy on the Board shall
25 serve for the unexpired term.

1 (5) REAPPOINTMENTS.—A member of the
2 Board shall be eligible for reappointment for 1 addi-
3 tional term.

4 (6) PERSONAL LIABILITY OF MEMBERS.—A
5 member of the Board, including any nonvoting mem-
6 ber, shall not be personally liable for—

7 (A) any action taken in the capacity of the
8 member as a member of the Board; or

9 (B) any note, bond, or other financial obli-
10 gation of the Authority.

11 (7) QUORUM.—

12 (A) IN GENERAL.—Subject to subpara-
13 graph (B), for the purpose of carrying out the
14 business of the Authority, 7 members of the
15 Board shall constitute a quorum.

16 (B) APPROVAL OF BOND ISSUES AND
17 BUDGET.—Eight affirmative votes of the mem-
18 bers of the Board shall be required to approve
19 bond issues and the annual budget of the Au-
20 thority.

21 (8) COMPENSATION.—A member of the Board
22 shall serve without compensation and shall reside
23 within a Capital Region jurisdiction.

24 (9) EXPENSES.—A member of the Board shall
25 be entitled to reimbursement for the expenses of the

1 member incurred in attending a meeting of the
2 Board or while otherwise engaged in carrying out
3 the duties of the Board.

4 **SEC. 7. OWNERSHIP OF BRIDGE.**

5 (a) CONVEYANCE BY SECRETARY.—

6 (1) IN GENERAL.—After the Capital Region ju-
7 risdictions enter into the agreement described in
8 subsection (c), the Secretary shall convey all right,
9 title, and interest of the Department of Transpor-
10 tation in and to the Bridge to the Authority. Except
11 as provided in paragraph (2), upon conveyance by
12 the Secretary, the Authority shall accept the right,
13 title, and interest in and to the Bridge, and all du-
14 ties and responsibilities associated with the Bridge.

15 (2) INTERIM RESPONSIBILITIES.—Until such
16 time as a new crossing of the Potomac River de-
17 scribed in section 8 is constructed and operational,
18 the conveyance under paragraph (1) shall in no
19 way—

20 (A) relieve the Capital Region jurisdictions
21 of the sole and exclusive responsibility to main-
22 tain and operate the Bridge; or

23 (B) relieve the Secretary of the responsibil-
24 ity to rehabilitate the Bridge or to comply with
25 the National Environmental Policy Act of 1969

1 (42 U.S.C. 4321 et seq.) and all other require-
2 ments applicable with respect to the Bridge.

3 (b) CONVEYANCE BY THE SECRETARY OF THE INTE-
4 RIOR.—At the same time as the conveyance of the Bridge
5 by the Secretary under subsection (a), the Secretary of
6 the Interior shall transfer to the Authority all right, title,
7 and interest of the Department of the Interior in and to
8 such land under or adjacent to the Bridge as is necessary
9 to carry out section 8. Upon conveyance by the Secretary
10 of the Interior, the Authority shall accept the right, title,
11 and interest in and to the land.

12 (c) AGREEMENT.—The agreement referred to in sub-
13 section (a) is an agreement among the Secretary, the Gov-
14 ernors of the Commonwealth of Virginia and the State of
15 Maryland, and the Mayor of the District of Columbia as
16 to the Federal share of the cost of the activities carried
17 out under section 8.

18 **SEC. 8. CAPITAL IMPROVEMENTS AND CONSTRUCTION.**

19 The Authority shall take such action as is necessary
20 to address the need of the National Capital Region for
21 an enhanced southern Capital Beltway crossing of the Po-
22 tomac River that serves the traffic corridor of the Bridge
23 (as in existence on the date of enactment of this Act), in
24 accordance with the recommendations in the final environ-
25 mental impact statement prepared by the Secretary. The

1 Authority shall have the sole responsibility for the owner-
2 ship, construction, operation, and maintenance of a new
3 crossing of the Potomac River.

4 **SEC. 9. ADDITIONAL POWERS AND RESPONSIBILITIES OF**
5 **AUTHORITY.**

6 In addition to the powers and responsibilities of the
7 Authority under the other provisions of this Act and under
8 any interstate agreement or compact relating to the Au-
9 thority that is consistent with this Act, the Authority shall
10 have all powers necessary and appropriate to carry out
11 the duties of the Authority, including the power—

12 (1) to adopt and amend any bylaw that is nec-
13 essary for the regulation of the affairs of the Au-
14 thority and the conduct of the business of the Au-
15 thority;

16 (2) to adopt and amend any regulation that is
17 necessary to carry out the powers of the Authority;

18 (3) subject to section 7(a)(2), to plan, establish,
19 finance, operate, develop, construct, enlarge, main-
20 tain, equip, or protect the Bridge or a new crossing
21 of the Potomac River described in section 8;

22 (4) to employ, in the discretion of the Author-
23 ity, a consulting engineer, attorney, accountant, con-
24 struction or financial expert, superintendent, or
25 manager, or such other employee or agent as is nec-

1 essary, and to fix the compensation and benefits of
2 the employee or agent, except that—

3 (A) an employee of the Authority shall not
4 engage in an activity described in section
5 7116(b)(7) of title 5, United States Code, with
6 respect to the Authority; and

7 (B) an employment agreement entered into
8 by the Authority shall contain an explicit prohi-
9 bition against an activity described in subpara-
10 graph (A) with respect to the Authority by an
11 employee covered by the agreement;

12 (5) to—

13 (A) acquire personal and real property (in-
14 cluding land lying under water and riparian
15 rights), or any easement or other interest in
16 real property, by purchase, lease, gift, transfer,
17 or exchange; and

18 (B) exercise such powers of eminent do-
19 main in the Capital Region jurisdictions as are
20 conferred on the Authority by the Capital Re-
21 gion jurisdictions, in the exercise of the powers
22 and the performance of the duties of the Au-
23 thority;

24 (6) to apply for and accept any property, mate-
25 rial, service, payment, appropriation, grant, gift,

1 loan, advance, or other fund that is transferred or
2 made available to the Authority by the Federal Gov-
3 ernment or by any other public or private entity or
4 individual;

5 (7) to borrow money on a short-term basis and
6 issue notes of the Authority for the borrowing pay-
7 able on such terms and conditions as the Board con-
8 siders advisable, and to issue bonds in the discretion
9 of the Authority for any purpose consistent with this
10 Act, which notes and bonds—

11 (A) shall not constitute a debt of the
12 United States, a Capital Region jurisdiction, or
13 any political subdivision of the United States or
14 a Capital Region jurisdiction;

15 (B) may be secured solely by the general
16 revenues of the Authority, or solely by the in-
17 come and revenues of the Bridge or a new
18 crossing of the Potomac River described in sec-
19 tion 8; and

20 (C) shall be exempt as to principal and in-
21 terest from all taxation (except estate and gift
22 taxes) by the United States;

23 (8) to fix, revise, charge, and collect any rea-
24 sonable toll or other charge;

1 (9) to enter into any contract or agreement nec-
2 essary or appropriate to the performance of the du-
3 ties of the Authority, the proper operation of the
4 Bridge or a new crossing of the Potomac River de-
5 scribed in section 8;

6 (10) to make any payment necessary to reim-
7 burse a local political subdivision having jurisdiction
8 over an area where the Bridge or a new crossing of
9 the Potomac River is situated for any extraordinary
10 law enforcement cost incurred by the subdivision in
11 connection with the Authority facility;

12 (11) to enter into partnerships or grant conces-
13 sions between the public and private sectors for the
14 purpose of—

15 (A) financing, constructing, maintaining,
16 improving, or operating the Bridge or a new
17 crossing of the Potomac River described in sec-
18 tion 8; or

19 (B) fostering development of a new trans-
20 portation technology;

21 (12) to obtain any necessary Federal authoriza-
22 tion, permit, or approval for the construction, repair,
23 maintenance, or operation of the Bridge or a new
24 crossing of the Potomac River described in section
25 8;

1 (13) to adopt an official seal and alter the seal,
2 as the Board considers appropriate;

3 (14) to appoint 1 or more advisory committees;

4 (15) to sue and be sued in the name of the Au-
5 thority; and

6 (16) to carry out any activity necessary or ap-
7 propriate to the exercise of the powers or perform-
8 ance of the duties of the Authority under this Act
9 and under any interstate agreement or compact re-
10 lating to the Authority that is consistent with this
11 Act, if the activity is coordinated and consistent with
12 the transportation planning process implemented by
13 the metropolitan planning organization for the
14 Washington, District of Columbia, metropolitan area
15 under section 134 of title 23, United States Code,
16 and section 5303 of title 49, United States Code.

17 **SEC. 10. TERMINATION OF AUTHORITY.**

18 (a) WITHDRAWAL.—A Capital Region jurisdiction
19 may withdraw from the Authority if—

20 (1) the Capital Region jurisdiction provides
21 written notice to the Authority of the intent to with-
22 draw not less than 1 year prior to the withdrawal;

23 (2) as of the date of the withdrawal—

1 (A) no Federal funds have been obligated
2 with respect to an uncompleted project under
3 the jurisdiction of the Authority; and

4 (B) no note, bond, or other financial obli-
5 gation of the Authority is outstanding; and

6 (3) a majority of the Board votes to agree to
7 the withdrawal.

8 (b) TERMINATION.—If a Capital Region jurisdiction
9 withdraws from the Authority under subsection (a), the
10 Authority shall—

11 (1) reconvey the Bridge to the Secretary;

12 (2) if any funds of the Authority remain unobli-
13 gated, repay the funds to each Capital Region juris-
14 diction in proportion to the funds contributed by the
15 Capital Region jurisdiction to the Authority; and

16 (3) terminate.

17 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

18 (a) IN GENERAL.—There are authorized to be appro-
19 priated from the Highway Trust Fund established by sec-
20 tion 9503 of the Internal Revenue Code of 1986 such
21 sums as are necessary to pay the Federal share deter-
22 mined under section 7(c).

23 (b) APPLICABILITY OF TITLE 23.—Funds made
24 available under this section shall be available for obligation

1 in the manner provided for funds apportioned under chap-
2 ter 1 of title 23, United States Code, except that—

3 (1) the Federal share of the cost of any activity
4 carried out under section 8 shall be determined in
5 accordance with section 7(c); and

6 (2) the funds made available under this section
7 shall remain available until expended.

8 **SEC. 12. AVAILABILITY OF PRIOR AUTHORIZATIONS.**

9 In addition to the funds made available under section
10 11, any funds made available for the rehabilitation of the
11 Bridge under sections 1069(i) and 1103(b) of the Inter-
12 modal Surface Transportation Efficiency Act of 1991
13 (Public Law 102–240; 105 Stat. 2009 and 2028) shall
14 continue to be available after the conveyance of the Bridge
15 to the Authority under section 7(a), in accordance with
16 the terms under which the funds were made available
17 under the Act.

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