WEST VIRGINIA CODE: §17-16F-3

§17-16F-3. Definitions.

As used in this article, unless the context indicates another or different meaning or intent:

“Aeronautics” means the art and science of flight, including, but not limited to, transportation by aircraft; the operation, construction, repair, or maintenance of aircraft, aircraft power plants, and accessories, including the repair, packing, and maintenance of parachutes; and the design, establishment, construction, extension, operation, improvement, repair, or maintenance of airports or other air navigation facilities.

“Aircraft” means any contrivance now known, or hereafter invented, used, or designed for navigation of, or flight in the air whether manned or unmanned.

“Air navigation” means the operation or navigation of aircraft in the air space over this state or upon any airport within this state.

“Air navigation facility” means any facility other than one owned or controlled by the federal government used in, available for use in, or designed for use in aid of air navigation, including airports, and any structures, mechanisms, lights, beacons, markers, communications system, or other instrumentalities or devices used or useful as an aid or constituting an advantage or convenience to the safe taking off, air navigation, and landing of aircraft or the safe and efficient operation or maintenance of an airport, and any combination of any or all of such facilities.

“Airport” means any area of land or water which is used, or intended for use, for the landing and takeoff of aircraft and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

“Bond” means a revenue bond or rate issued by the division to effectuate the intents and purposes of this article.

“Commissioner” means the chief operating officer and administrative head of the Multimodal Division, when such person is appointed by the Secretary of Transportation.

“Commuter rail” means a transit mode that is an electric or diesel propelled railway for urban passenger train service consisting of local short distance travel operating between a central city and adjacent suburbs. Service must be operated on a regular basis by or under contract with a transit operator for the purpose of transporting passengers within urbanized areas or between urbanized areas and outlying areas. The rail service, using either locomotive-hauled or self-propelled railroad passenger cars, is generally characterized by multi-trip tickets, specific station-to-station fares, or railroad employment practices and

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usually has only one or two stations in the central business district. It does not include heavy rail, rapid transit, light rail, or streetcar transit service. Intercity rail service is excluded except for that portion of service operated by or under contract with a public transit agency for predominantly commuter services. Only the predominantly commuter service portion of an intercity route is eligible for inclusion when determining commuter rail route miles.

"Development plan" means a document which details the overall strategy of the division for the proper planning and sustainable development of an area and consists of a written statement and accompanying maps.

"Division" means the West Virginia Division of Multimodal Transportation Facilities.

"Heavy rail" means a transit mode that is an electric railway with the capacity for a heavy volume of traffic. It is characterized by high speed and rapid acceleration passenger rail cars operating singly or in multicar trains on fixed rails, separate rights-of-way from which all other vehicular and foot traffic are excluded, sophisticated signaling, and high-platform loading.

"Income" means and includes all money accruing to the division or part thereof from any source.

"Intermodal transportation" means the successive transport of goods or passengers using more than one mode of transportation, including air, rail, ship, or roadway.

"Light rail" means a transit mode that typically is an electric railway with a light volume traffic capacity. It is characterized by passenger rail cars operating singly or in short, usually two-car trains, on fixed rails in shared or exclusive rights-of-way, low- or high-platform loading, and vehicle power drawn from an overhead electric line via a trolley or a pantograph.

"Multimodal transportation" means the consideration or connection of various modes of transportation, including air, rail, ship, or roadway.

"Operation fund" means the special West Virginia Public Port Operation Fund as created by §17-16F-12 of this code.

"Operation of aircraft" or "operate aircraft" means the use, navigation, or piloting of aircraft in the airspace over this state or upon the ground within this state.

"Owner" means and includes all individuals, co-partnerships, associations, corporations, companies, transportation companies, public service corporations, the United States or any of its agencies or instrumentalities, common carriers by rail and railroad companies having any title or interest in any rail properties authorized to be acquired, leased, or used by this article.

"Person" means any individual, firm, corporation, partnership, company, foreign or domestic

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association, including railroads, joint stock association, or body politic and includes any trustee, receiver, assignee, or other similar representative.

“Political subdivision” means any county commission, municipality, city, town, village, or county board of education; any separate corporation or instrumentality established by one or more counties or municipalities, as permitted by law; any instrumentality supported in most part by municipalities; or any public body charged by law with the performance of a government function and whose jurisdiction is coextensive with one or more counties, cities, or towns.

“Port” or “public port” means ports, airports, wayports, terminals, buildings, roadways, rights-of-way, rails, rail lines, facilities for rail, water, highway or air transportation, and such structures, equipment, facilities, or improvements as are necessary.

“Predominantly commuter services” means that for any given trip segment (i.e., distance between two stations), more than 50 percent of the average daily ridership travels on the train at least three times a week.

“Public port development” or “public port project” means any activities which are undertaken with respect to public ports.

“Rail properties” means assets or rights owned, leased, or otherwise controlled by a railroad or other person which are used, or useful, in rail transportation service: *Provided*, That rail properties do not include any properties owned, leased, or otherwise controlled by a railroad not in reorganization, unless it consents to such properties’ inclusion in the particular transaction.

“Rail service” means both freight and passenger service.

“Railroad” means a common carrier by railroad as defined in Section 10102 of the Interstate Transportation Act (49 U.S.C. § 10102).

“Railroad project” means the initiation, acquisition, construction, maintenance, repair, equipping, or operation of rail properties or rail service, or the provisions of loans or grants to or with government agencies, or to persons for such purposes, by the division.

“Secretary” means the Secretary of Transportation.

“Wayport” means an airport used primarily as a location at which passengers and cargo may be transferred between connecting flights of air carriers engaged in air commerce, but also allows passengers to initiate and terminate flights and shipments of cargo to originate and terminate at the airport or similar type facility.

“West Virginia Commuter Rail Access Fund” means the special West Virginia Commuter Rail Access Fund created by §17-16F-27 of this code.

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"West Virginia Railroad Maintenance Fund" means the West Virginia Railroad Maintenance Fund created by §17-16F-17 of this code.

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