

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 An Act to amend and reenact § 33.1-70.1 of the Code of Virginia, relating to paving of certain  
3 secondary highways.

4 [H 2018]  
5 Approved

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That § 33.1-70.1 of the Code of Virginia is amended and reenacted as follows:**

8 § 33.1-70.1. Requesting Department to hard-surface secondary roads; paving of certain secondary  
9 roads within existing rights-of-way.

10 A. Whenever the governing body of any county, after consultation with personnel of the Department  
11 of Transportation, adopts a resolution requesting the Department of Transportation to hard-surface any  
12 secondary road in such county that carries fifty or more vehicles per day with a hard surface of width  
13 and strength adequate for such traffic volume, the Department of Transportation shall give consideration  
14 to such resolution in establishing priority in expending the funds allocated to such county. The  
15 Department shall consider the paving of roads with a right-of-way width of less than forty feet under  
16 this subsection when land is, has been, or can be acquired by gift for the purpose of constructing a  
17 hard-surface road.

18 B. ~~(Effective until July 1, 2001)~~ Notwithstanding the provisions of subsection A of this section, any  
19 unpaved secondary road that carries at least fifty but no more than 750 vehicles per day may be paved  
20 or improved and paved within its existing right-of-way or within a wider right-of-way that is less than  
21 forty feet wide if the following conditions are met:

22 1. The governing body of the county in which the road is located has requested paving of such road  
23 as part of the six-year plan for the county under § 33.1-70.01 and transmitted that request to the  
24 Commonwealth Transportation Commissioner.

25 2. The Commonwealth Transportation Commissioner, after having considered only (i) the safety of  
26 such road in its current condition and in its paved or improved condition, including the desirability of  
27 reduced speed limits and installation of other warning signs or devices, (ii) the views of the residents  
28 and owners of property adjacent to or served by such road, (iii) the views of the governing body making  
29 the request, (iv) the historical and aesthetic significance of such road and its surroundings, (v) the  
30 availability of any additional land that has been or may be acquired by gift or other means for the  
31 purpose of paving such road within its existing right-of-way or within a wider right-of-way that is less  
32 than forty feet wide, and (vi) environmental considerations, shall grant or deny the request for the  
33 paving of such road under this subsection.

34 The Commonwealth, its agencies, instrumentalities, departments, officers, and employees acting  
35 within the scope of their duties and authority shall be immune for damages by reason of actions taken in  
36 conformity with the provisions of this subsection. Immunity for the governing body of any political  
37 subdivision requesting paving under this subsection and the officers and employees of any such political  
38 subdivision shall be limited to that immunity provided pursuant to § 15.2-1405.

39 ~~The provisions of this subsection shall expire on July 1, 2001.~~