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SENATE BILL NO. 370

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Transportation
on February 14, 2008)

(Patron Prior to Substitute—Senator Watkins)

A BILL to authorize promulgation of the comprehensive highway access management standards in phases and to amend and reenact the second, third, and fourth enactments of Chapter 863 and Chapter 928 of the Acts of Assembly of 2007, relating to comprehensive highway access management standards; implementation.

Be it enacted by the General Assembly of Virginia:

1. That the second, third, and fourth enactments of Chapter 863 of the Acts of Assembly of 2007 are amended and reenacted as follows:

2. That the provisions of the first enactment of this act shall be done in phases and that the Commissioner shall solicit and consider public comment in the development of standards required by this act and publish such standards ~~no~~ not later than December 31, 2007. Such standards as they relate to principal arterial roads shall become effective on July 1, 2008, and for minor arterial roads and collector roads shall become effective on October 1, 2009.

3. That the full provisions of the first enactment of this act shall become effective July 1, 2008. However, the standards required by this act for minor arterial roads and collector roads shall become effective on October 1, 2009.

4. That, until July 1, 2008, the Commissioner shall not be subject to the requirements of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) as may be necessary to carry out the provisions of this act as they relate to principal arterial roads, which shall become effective on that date, and that additional phases of the provisions of the first enactment of this act as they relate to minor arterial roads and collector roads, which shall become effective on October 1, 2009, shall be subject to the requirements of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

2. That the second, third, and fourth enactments of Chapter 928 of the Acts of Assembly of 2007 are amended and reenacted as follows:

2. That the provisions of the first enactment of this act shall be done in phases and that the Commissioner shall solicit and consider public comment in the development of standards required by this act and publish such standards no later than December 31, 2007. Such standards shall become effective on July 1, 2008, and for minor arterial roads and collector roads shall become effective on October 1, 2009.

3. That the full provisions of the first enactment of this act shall become effective on July 1, 2008. However, the standards required by this act for minor arterial roads and collector roads shall become effective on October 1, 2009.

4. That, until July 1, 2008, the Commissioner shall not be subject to the requirements of the Administrative Process Act (§ 2.2-4000, et seq. of the Code of Virginia) as may be necessary to carry out the provisions of this act as they relate to principal arterial roads, which shall become effective on that date, and that additional phases of the provisions of the first enactment of this act as they relate to minor arterial roads and collector roads, which shall become effective on October 1, 2009, shall be subject to the requirements of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

3. That publication of the General Notice concerning proposed Access Management Regulations in The Virginia Register on October 15, 2007, shall be considered a Notice of Intended Regulatory Action under the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) for promulgation of comprehensive access management regulations for minor arterial roads and collector roads. The proposed standards for minor arterial roads and collector roads shall be filed with the Registrar of Regulations for publication in the Virginia Register of Regulations to begin the comment period under the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

4. That the standards for the principal arterial roads developed during the first phase of the comprehensive access management regulations shall be filed with the Registrar of Regulations within 30 days of the effective date of this act for publication in the Virginia Register of Regulations as a final regulation.

5. That an emergency exists and this act is in force from its passage.

HOUSE SUBSTITUTE

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