

VIRGINIA ACTS OF ASSEMBLY -- 2009 SESSION

CHAPTER 476

An Act to amend and reenact §§ 33.1-35 and 33.1-84.1 of the Code of Virginia, relating to the primary and secondary system of state highways; transfer from primary to local system and resumption of responsibility for secondary systems by counties.

[H 2425]

Approved March 27, 2009

Be it enacted by the General Assembly of Virginia:

1. That §§ 33.1-35 and 33.1-84.1 of the Code of Virginia are amended and reenacted as follows:

§ 33.1-35. Transfer of roads, etc., from primary to secondary system.

The Commonwealth Transportation Board may transfer such roads, bridges and streets as the Board shall deem proper from the primary system of state highways to the secondary system of state highways *or if requested by the local governing body, to the local system of roads operated by a locality receiving payments pursuant to § 33.1-23.5:1 or 33.1-41.1*; upon such transfer, the roads, bridges and streets so transferred shall become for all purposes parts of the secondary system of state highways *or the local system of roads operated by a locality receiving payments pursuant to § 33.1-23.5:1 or 33.1-41.1*, and thereafter cease being parts of the primary system of state highways. The total mileage of such roads, bridges and streets so transferred by the Board shall not, however, exceed 150 miles during any one year.

~~No~~ *Except when such a transfer is requested by the local governing body, no* resolution for any such transfer shall be adopted until (1) notice of intention to propose the same for adoption shall have been given for sixty days to the governing body of each county, city and town in which is located any part of any such roads, bridges and streets proposed to be transferred; and (2) if any such governing body requests, a public hearing is held on such proposal.

§ 33.1-84.1. Resumption of responsibility for secondary highways by counties.

Notwithstanding any provisions of § 11 of Chapter 415 of the Acts of Assembly of 1932 *and §§ 33.1-84, 33.1-85, 33.1-87, and 33.1-88*, the Commonwealth Transportation Commissioner, following receipt of a resolution adopted by the Board of Supervisors of a county requesting such action, may enter into an agreement with any county that desires to resume responsibility over all or any portion of the state secondary system of highways within such county's boundaries for the purposes of planning, constructing, maintaining, and operating such highways. Such agreement shall specify the equipment, facilities, personnel, and funding that will be provided to the county in order to implement such agreement's provisions.

Any county that resumes full responsibility for all of the state secondary system of highways within such county's boundaries (i) shall have authority and control over the secondary system of highways within its boundaries, (ii) shall be deemed to have withdrawn from the state secondary system of highways, and (iii) will receive payments in accordance with § 33.1-23.5:1. The resolution requesting resumption of all responsibilities shall also include a request for the transfer and release of all rights-of-way and rights of access along the state secondary system of highways within the county's boundaries.