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SENATE BILL NO. 1077

Offered January 20, 1997

A *BILL to amend and reenact § 33.1-70.1 of the Code of Virginia, relating to paving of certain secondary roads.*

Patrons—Waddell; Delegates: May and Mims

Referred to the Committee on Transportation

Be it enacted by the General Assembly of Virginia:

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

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

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

B. *Notwithstanding the provisions of subsection A of this section, any unpaved secondary road that (i) is located in a county having a population of at least 85,000 but no more than 100,000 and (ii) carries at least 50 but no more than 750 vehicles per day may be paved or improved and paved within its existing right-of-way or within a wider right-of-way that is less than forty feet wide if the following conditions are met:*

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

2. *The Commonwealth Transportation Commissioner, after having considered (i) the safety of such road in its current condition, (ii) the views of the residents and owners of property adjacent to or served by such road, (iii) the views of the governing body making the request, (iv) the historical and aesthetic significance of such road and its surroundings, and (v) the availability of any additional land that has been or may be acquired by gift for the purpose of paving such road within its existing right-of-way or within a wider right-of-way that is less than forty feet wide, shall grant or deny the request for the paving of such road under this subsection.*

The Commonwealth, its political subdivisions, agencies, instrumentalities, departments, officers, and employees acting within the scope of their duties and authority shall be immune from any action for damages by reason of actions taken in conformity with the provisions of this subsection.

The provisions of this subsection shall expire on July 1, 1999.

INTRODUCED

SB1077