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SENATE BILL NO. 11

Offered January 11, 2006

Prefiled December 9, 2005

A BILL to amend and reenact §§ 33.1-197 and 33.1-198 of the Code of Virginia, relating to connections over highway shoulders for intersecting private roads and entrances to private property.

Patron—Reynolds

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:**1. That §§ 33.1-197 and 33.1-198 of the Code of Virginia is amended and reenacted as follows:**

§ 33.1-197. Connections over shoulders of highways for intersecting private roads.

The Commonwealth Transportation Commissioner shall permit, at places where private roads leading to and from private homes intersect improved highways, ~~suitable~~ connections from such points of intersection, over and across the shoulders and unimproved parts of such highways to the paved or otherwise improved parts thereof, so as to provide for the users of such private roads safe and convenient means of ingress and egress with motor vehicles to and from the paved or otherwise improved parts of such highways.

§ 33.1-198. Connections over shoulders of highways for intersecting entrances to private property.

The Commonwealth Transportation Commissioner shall permit, at ~~places where commercial~~ *wherever requested by the owner of adjoining private property*, establishment of entrances ~~are desired~~ to intersect improved highways; ~~suitable~~ connections from such points of intersection over and across the shoulders and unimproved parts of such highways to the paved or otherwise improved parts thereof, so as to provide for the users of such entrances safe and convenient means of ingress and egress with motor vehicles to and from the paved or otherwise improved parts of such highways; ~~provided, however, that any. Any person desiring such an entrance shall first be required to obtain a permit therefor from the Commonwealth Transportation Commissioner and shall provide the entrance at his expense and construct or have constructed the same, including such safety structures as are required by the Commonwealth Transportation Commissioner, pursuant to "Minimum Standards of Entrances to State Highways" on file in the central office of the Department of Transportation and in the district and residency offices.~~

All ~~commercial~~ entrances, whether or not constructed under this section, shall be maintained by the owner of the premises at all times in a manner satisfactory to the Commonwealth Transportation Commissioner.

Any person violating the provisions of this section shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than \$5 nor more than \$100 for each offense. Following a conviction and 15 days for correction, each day during which the violation continues shall constitute a separate and distinct offense and be punishable as such. Such person shall be civilly liable to the Commonwealth for actual damage sustained by the Commonwealth by reason of his wrongful act.

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