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SENATE BILL NO. 370

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Transportation
on January 31, 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 fourth enactments of Chapter 863 and Chapter 928 of the Acts of Assembly of 2007, relating to powers of the Commonwealth Transportation Commissioner, entrance connections to highways, and comprehensive highway access management standards.

Be it enacted by the General Assembly of Virginia:

1. § 1. That the Commonwealth Transportation Commissioner shall promulgate the comprehensive highway access management standards pursuant to § 33.1-198.1 of the Code of Virginia in phases.

2. That the fourth enactment of Chapter 863 of the Acts of Assembly of 2007 is amended and reenacted as follows:

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 promulgate the first phase of the comprehensive highway access management standards that shall become effective on that date. However, the Commissioner, in consultation with the Commonwealth Transportation Board, shall promulgate additional phases of the comprehensive highway access management standards, subject to the requirements of the Administrative Process Act (§ 2.2-4000 et seq.), that shall become effective no later than October 1, 2009.

3. That the fourth enactment of Chapter 928 of the Acts of Assembly of 2007 is amended and reenacted as follows:

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 promulgate the first phase of the comprehensive highway access management standards that shall become effective on that date. However, the Commissioner, in consultation with the Commonwealth Transportation Board, shall promulgate additional phases of the comprehensive highway access management standards, subject to the requirements of the Administrative Process Act (§ 2.2-4000 et seq.), that shall become effective no later than October 1, 2009.

4. That publication of the general notice concerning proposed comprehensive highway access management standards in the Virginia Register on October 15, 2007, shall be considered a valid Notice of Intended Regulatory Action under the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) for promulgation of comprehensive highway access management standards for minor arterial roads and collector roads.

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

SENATE SUBSTITUTE

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