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HOUSE BILL NO. 2116

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Transportation on January 29, 2013)

(Patron Prior to Substitute—Delegate Garrett)

A BILL to amend and reenact §§ 2.2-507, 5.1-49, 15.2-2223, 22.1-205, 28.2-555, 33.1-7, 33.1-11, 33.1-12, 33.1-23.03:7, 33.1-61, 33.1-183.1, 33.1-195, 33.1-196, 33.1-201, 33.1-207, 33.1-208, 33.1-229, 33.1-293, 33.1-342, 33.1-343, 33.1-370, 36-98.1, 46.2-804, 46.2-806, 46.2-830, 46.2-831, 46.2-847, 46.2-878.2, 46.2-889, 46.2-924, 46.2-1041, 46.2-1046, 46.2-1107, 46.2-1108, 46.2-1109, 46.2-1112, 46.2-1114, 46.2-1116, 46.2-1117, 53.1-56, 53.1-57, 56-258, 56-462, 67-1101, and 67-1103 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 33.1-13.05, by adding in Article 1.1 of Chapter 1 of Title 33.1 a section numbered 33.1-23.5:3, and by adding sections numbered 33.1-89.3 and 33.1-190.4, relating to the powers and duties of the Commonwealth Transportation Board, the Commissioner of Highways, the Department of Transportation, and the Department of Rail and Public Transportation.

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-507, 5.1-49, 15.2-2223, 22.1-205, 28.2-555, 33.1-7, 33.1-11, 33.1-12, 33.1-23.03:7, 33.1-61, 33.1-183.1, 33.1-195, 33.1-196, 33.1-201, 33.1-207, 33.1-208, 33.1-229, 33.1-293, 33.1-342, 33.1-343, 33.1-370, 36-98.1, 46.2-804, 46.2-806, 46.2-830, 46.2-831, 46.2-847, 46.2-878.2, 46.2-889, 46.2-924, 46.2-1041, 46.2-1046, 46.2-1107, 46.2-1108, 46.2-1109, 46.2-1112, 46.2-1114, 46.2-1116, 46.2-1117, 53.1-56, 53.1-57, 56-258, 56-462, 67-1101, and 67-1103 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 33.1-13.05, by adding in Article 1.1 of Chapter 1 of Title 33.1 a section numbered 33.1-23.5:3, and by adding sections numbered 33.1-89.3 and 33.1-190.4 as follows:

§ 2.2-507. Legal service in civil matters.

A. All legal service in civil matters for the Commonwealth, the Governor, and every state department, institution, division, commission, board, bureau, agency, entity, official, court, or judge, including the conduct of all civil litigation in which any of them are interested, shall be rendered and performed by the Attorney General, except as provided in this chapter and except for any litigation concerning a justice or judge initiated by the Judicial Inquiry and Review Commission. No regular counsel shall be employed for or by the Governor or any state department, institution, division, commission, board, bureau, agency, entity, or official. The Attorney General may represent personally or through one or more of his assistants any number of state departments, institutions, divisions, commissions, boards, bureaus, agencies, entities, officials, courts, or judges that are parties to the same transaction or that are parties in the same civil or administrative proceeding and may represent multiple interests within the same department, institution, division, commission, board, bureau, agency, or entity. The soil and water conservation district directors or districts may request legal advice from local, public, or private sources; however, upon request of the soil and water conservation district directors or districts, the Attorney General shall provide legal service in civil matters for such district directors or districts.

B. The Attorney General may represent personally or through one of his assistants any of the following persons who are made defendant in any civil action for damages arising out of any matter connected with their official duties:

1. Members, agents or employees of the Alcoholic Beverage Control Board;
2. Agents inspecting or investigators appointed by the State Corporation Commission;
3. Agents, investigators, or auditors employed by the Department of Taxation;
4. Members, agents or employees of the State Board of Behavioral Health and Developmental Services, the Department of Behavioral Health and Developmental Services, the State Board of Health, the State Department of Health, the Department of General Services, the State Board of Social Services, the Department of Social Services, the State Board of Corrections, the Department of Corrections, the State Board of Juvenile Justice, the Department of Juvenile Justice, the Virginia Parole Board, or the Department of Agriculture and Consumer Services;
5. Persons employed by the Commonwealth Transportation Board, the Department of Transportation, or the Department of Rail and Public Transportation;
6. Persons employed by the Commissioner of Motor Vehicles;
7. Persons appointed by the Commissioner of Marine Resources;
8. Police officers appointed by the Superintendent of State Police;
9. Conservation police officers appointed by the Department of Game and Inland Fisheries;
10. Third impartial panel members appointed to hear a teacher's grievance pursuant to § 22.1-312;
11. Staff members or volunteers participating in a court-appointed special advocate program pursuant

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60 to Article 5 (§ 9.1-151 et seq.) of Chapter 1 of Title 9.1;

61 12. Any emergency medical service agency that is a licensee of the Department of Health in any
62 civil matter and any guardian ad litem appointed by a court in a civil matter brought against him for
63 alleged errors or omissions in the discharge of his court-appointed duties;

64 13. Conservation officers of the Department of Conservation and Recreation; or

65 14. A person appointed by written order of a circuit court judge to run an existing corporation or
66 company as the judge's representative, when that person is acting in execution of a lawful order of the
67 court and the order specifically refers to this section and appoints such person to serve as an agent of
68 the Commonwealth.

69 Upon request of the affected individual, the Attorney General may represent personally or through
70 one of his assistants any basic or advanced emergency medical care attendant or technician possessing a
71 valid certificate issued by authority of the State Board of Health in any civil matter in which a defense
72 of immunity from liability is raised pursuant to § 8.01-225.

73 C. If, in the opinion of the Attorney General, it is impracticable or uneconomical for such legal
74 service to be rendered by him or one of his assistants, he may employ special counsel for this purpose,
75 whose compensation shall be fixed by the Attorney General. The compensation for such special counsel
76 shall be paid out of the funds appropriated for the administration of the board, commission, division or
77 department being represented or whose members, officers, inspectors, investigators, or other employees
78 are being represented pursuant to this section. Notwithstanding any provision of this section to the
79 contrary, the Supreme Court may employ its own counsel in any matter arising out of its official duties
80 in which it, or any justice, is a party.

81 **§ 5.1-49. Roads to airports and landing fields; cooperation with Department as to aviation**
82 **facilities.**

83 ~~The Commonwealth Transportation Board~~ *Department of Transportation* is authorized to build roads
84 to airports and landing fields open to public use, and may pay out of highway funds, *which have been*
85 *allocated by the Commonwealth Transportation Board*, the cost of such roads. ~~Such Board~~ *The*
86 *Department of Transportation* may, in cooperation with the *Department of Aviation* and either on an
87 actual cost or contract basis, construct, maintain and improve airports, landing fields and other aviation
88 facilities licensed for public use, the actual cost thereof to the ~~Commonwealth Transportation Board~~
89 *Department of Transportation* to be paid by the *Department of Aviation*.

90 **§ 15.2-2223. Comprehensive plan to be prepared and adopted; scope and purpose.**

91 A. The local planning commission shall prepare and recommend a comprehensive plan for the
92 physical development of the territory within its jurisdiction and every governing body shall adopt a
93 comprehensive plan for the territory under its jurisdiction.

94 In the preparation of a comprehensive plan, the commission shall make careful and comprehensive
95 surveys and studies of the existing conditions and trends of growth, and of the probable future
96 requirements of its territory and inhabitants. The comprehensive plan shall be made with the purpose of
97 guiding and accomplishing a coordinated, adjusted and harmonious development of the territory which
98 will, in accordance with present and probable future needs and resources, best promote the health,
99 safety, morals, order, convenience, prosperity and general welfare of the inhabitants, including the
100 elderly and persons with disabilities.

101 The comprehensive plan shall be general in nature, in that it shall designate the general or
102 approximate location, character, and extent of each feature, including any road improvement and any
103 transportation improvement, shown on the plan and shall indicate where existing lands or facilities are
104 proposed to be extended, widened, removed, relocated, vacated, narrowed, abandoned, or changed in use
105 as the case may be.

106 B. 1. As part of the comprehensive plan, each locality shall develop a transportation plan that
107 designates a system of transportation infrastructure needs and recommendations that include the
108 designation of new and expanded transportation facilities and that support the planned development of
109 the territory covered by the plan and shall include, as appropriate, but not be limited to, roadways,
110 bicycle accommodations, pedestrian accommodations, railways, bridges, waterways, airports, ports, and
111 public transportation facilities. The plan shall recognize and differentiate among a hierarchy of roads
112 such as expressways, arterials, and collectors. The Virginia Department of Transportation shall, upon
113 request, provide localities with technical assistance in preparing such transportation plan.

114 2. The transportation plan shall include a map that shall show road and transportation improvements,
115 including the cost estimates of such road and transportation improvements from the Virginia Department
116 of Transportation, taking into account the current and future needs of residents in the locality while
117 considering the current and future needs of the planning district within which the locality is situated.

118 3. The transportation plan, and any amendment thereto pursuant to § 15.2-2229, shall be consistent
119 with the Commonwealth Transportation Board's Statewide Transportation Plan developed pursuant to
120 § 33.1-23.03, the Six-Year Improvement Program adopted pursuant to subdivision ~~(9)~~ (7)(b) of
121 § 33.1-12, and the location of routes to be followed by roads comprising systems of state highways

122 pursuant to subdivision (1) of § 33.1-12. The locality shall consult with the Virginia Department of
123 Transportation to assure such consistency is achieved. The transportation plan need reflect only those
124 changes in the annual update of the Six-Year Improvement Program that are deemed to be significant
125 new, expanded, or relocated roadways.

126 4. Prior to the adoption of the transportation plan or any amendment to the transportation plan, the
127 locality shall submit such plan or amendment to the Department for review and comment. The
128 Department shall conduct its review and provide written comments to the locality on the consistency of
129 the transportation plan or any amendment to the provisions of subdivision 1. The Department shall
130 provide such written comments to the locality within 90 days of receipt of the plan or amendment, or by
131 such deadline as may be otherwise agreed upon by the Department and the locality.

132 5. The locality shall submit a copy of the adopted transportation plan or any amendment to the
133 transportation plan to the Department for informational purposes. If the Department determines that the
134 transportation plan or amendment is not consistent with the provisions of subdivision 1, the Department
135 shall notify the Commonwealth Transportation Board so that the Board may take appropriate action in
136 accordance with subdivision ~~(9)(f)~~ (7)(e) of § 33.1-12.

137 6. Each locality's amendments or updates to its transportation plan as required by subdivisions 2
138 through 5 shall be made on or before its ongoing scheduled date for updating its transportation plan.

139 C. The comprehensive plan, with the accompanying maps, plats, charts, and descriptive matter, shall
140 show the locality's long-range recommendations for the general development of the territory covered by
141 the plan. It may include, but need not be limited to:

142 1. The designation of areas for various types of public and private development and use, such as
143 different kinds of residential, including age-restricted, housing; business; industrial; agricultural; mineral
144 resources; conservation; active and passive recreation; public service; flood plain and drainage; and other
145 areas;

146 2. The designation of a system of community service facilities such as parks, sports playing fields,
147 forests, schools, playgrounds, public buildings and institutions, hospitals, nursing homes, assisted living
148 facilities, community centers, waterworks, sewage disposal or waste disposal areas, and the like;

149 3. The designation of historical areas and areas for urban renewal or other treatment;

150 4. The designation of areas for the implementation of reasonable ground water protection measures;

151 5. A capital improvements program, a subdivision ordinance, a zoning ordinance and zoning district
152 maps, mineral resource district maps and agricultural and forestal district maps, where applicable;

153 6. The location of existing or proposed recycling centers;

154 7. The location of military bases, military installations, and military airports and their adjacent safety
155 areas; and

156 8. The designation of corridors or routes for electric transmission lines of 150 kilovolts or more.

157 D. The comprehensive plan shall include the designation of areas and implementation of measures
158 for the construction, rehabilitation and maintenance of affordable housing, which is sufficient to meet the
159 current and future needs of residents of all levels of income in the locality while considering the current
160 and future needs of the planning district within which the locality is situated.

161 **§ 22.1-205. Driver education programs.**

162 A. The Board of Education shall establish for the public school system a standardized program of
163 driver education in the safe operation of motor vehicles. Such program shall consist of classroom
164 training and behind-the-wheel driver training. However, any student who participates in such a program
165 of driver education shall meet the academic requirements established by the Board, and no student in a
166 course shall be permitted to operate a motor vehicle without a license or permit to do so issued by the
167 Department of Motor Vehicles. The program shall include instruction concerning (i) alcohol and drug
168 abuse, (ii) aggressive driving, (iii) distracted driving, (iv) motorcycle awareness, (v) organ and tissue
169 donor awareness, (vi) fuel-efficient driving practices, and (vii) in Planning District 8, for any student
170 completing a driver education program beginning in academic year 2010 - 2011, an additional minimum
171 90-minute parent/student driver education component included as part of the in-classroom portion of the
172 driver education curriculum, requiring the participation of the student's parent or guardian and
173 emphasizing parental responsibilities regarding juvenile driver behavior, juvenile driving restrictions
174 pursuant to the Code of Virginia, and the dangers of driving while intoxicated and underage
175 consumption of alcohol. Such instruction shall be developed by the Department in cooperation with the
176 Virginia Alcohol Safety Action Program, the Department of Health, and the Department of Behavioral
177 Health and Developmental Services, as appropriate. Such program shall require a minimum number of
178 miles driven during the behind-the-wheel driver training.

179 B. The Board shall assist school divisions by preparation, publication and distribution of competent
180 driver education instructional materials to ensure a more complete understanding of the responsibilities
181 and duties of motor vehicle operators.

182 C. Each school board shall determine whether to offer the program of driver education in the safe

183 operation of motor vehicles and, if offered, whether such program shall be an elective or a required
 184 course. In addition to the fee approved by the Board of Education pursuant to the appropriation act that
 185 allows local school boards to charge a per pupil fee for behind-the-wheel driver education, the Board of
 186 Education may authorize a local school board's request to assess a surcharge in order to further recover
 187 program costs that exceed state funds distributed through basic aid to school divisions offering driver
 188 education programs. Each school board may waive the fee or the surcharge in total or in part for those
 189 students it determines cannot pay the fee or surcharge. Only school divisions complying with the
 190 standardized program and regulations established by the Board of Education and the provisions of
 191 § 46.2-335 shall be entitled to participate in the distribution of state funds appropriated for driver
 192 education.

193 School boards in Planning District 8 shall make the 90-minute parent/student driver education
 194 component available to all students and their parents or guardians who are in compliance with
 195 § 22.1-254.

196 D. The actual initial driving instruction shall be conducted, with motor vehicles equipped as may be
 197 required by regulation of the Board of Education, on private or public property removed from public
 198 highways if practicable; if impracticable, then, at the request of the school board, the ~~Commonwealth~~
 199 ~~Transportation Board~~ *Commissioner of Highways* shall designate a suitable section of road near the
 200 school to be used for such instruction. Such section of road shall be marked with signs, which the
 201 ~~Commonwealth Transportation Board~~ *Commissioner of Highways* shall supply, giving notice of its use
 202 for driving instruction. Such signs shall be removed at the close of the instruction period. No vehicle
 203 other than those used for driver training shall be operated between such signs at a speed in excess of 25
 204 miles per hour. Violation of this limit shall be a Class 4 misdemeanor.

205 E. The Board of Education may, in its discretion, promulgate regulations for the use and certification
 206 of paraprofessionals as teaching assistants in the driver education programs of school divisions.

207 F. The Board of Education shall approve correspondence courses for the classroom training
 208 component of driver education. These correspondence courses shall be consistent in quality with
 209 instructional programs developed by the Board for classroom training in the public schools. Students
 210 completing the correspondence courses for classroom training, who are eligible to take behind-the-wheel
 211 driver training, may receive behind-the-wheel driver training (i) from a public school, upon payment of
 212 the required fee, if the school division offers behind-the-wheel driver training and space is available, (ii)
 213 from a driver training school licensed by the Department of Motor Vehicles, or (iii) in the case of a
 214 home schooling parent or guardian instructing his own child who meets the requirements for home
 215 school instruction under § 22.1-254.1 or subdivision B 1 of § 22.1-254, from a behind-the-wheel training
 216 course approved by the Board. Nothing herein shall be construed to require any school division to
 217 provide behind-the-wheel driver training to nonpublic school students.

218 **§ 28.2-555. Crossings of Baylor survey.**

219 The ~~Commonwealth Transportation Board~~ *Department of Transportation* may maintain, repair,
 220 reconstruct, or replace any existing crossings of the Baylor survey. Such authorization is granted for any
 221 Baylor survey crossing determined by the *Commonwealth Transportation Board* to be necessary across
 222 the Hampton Roads from Newport News to Portsmouth, across the Elizabeth River at Norfolk, and
 223 construction parallel to an existing crossing of the James River from Newport News to Isle of Wight
 224 County.

225 **§ 33.1-7. Offices.**

226 The main office of the Board, *the Department of Transportation, and the Department of Rail and*
 227 *Public Transportation* shall be located in the City of Richmond. In the discretion of the ~~chairman~~
 228 *Commissioner of Highways*, other offices of *the Department of Transportation* may be established in the
 229 various construction districts of the Commonwealth as may be necessary or needful to carry out the
 230 provisions of this title.

231 **§ 33.1-11. Defense of employees.**

232 If any person employed by the Commonwealth Transportation Board, *the Department or the Director*
 233 *of the Department of Rail and Public Transportation* shall be arrested or indicted or otherwise
 234 prosecuted on any charge arising out of any act committed in the discharge of his official duties, *the*
 235 *Commissioner of Highways or the Director of the Department of Rail and Public Transportation* may
 236 employ special counsel approved by the Attorney General to defend such employee. The compensation
 237 for special counsel employed, pursuant to this section, shall, subject to the approval of the Attorney
 238 General, be paid *by the agency for which the employee works* out of the funds appropriated for the
 239 administration of the ~~Commonwealth Transportation Board~~ *Department of Transportation or the*
 240 *Department of Rail and Public Transportation.*

241 **§ 33.1-12. General powers and duties of Board, etc.; definitions.**

242 The Commonwealth Transportation Board shall be vested with the following powers and shall have
 243 the following duties:

244 (1) Location of routes. To locate and establish the routes to be followed by the roads comprising

245 systems of state highways between the points designated in the establishment of such systems, except
 246 that such routes shall not include roads located within any local system of roads, within the urban
 247 system of highways, or those local roads in any county that has resumed full responsibility for all of the
 248 secondary system of highways within such county's boundaries pursuant to § 33.1-84.1. Such routes shall
 249 include corridors of statewide significance pursuant to § 33.1-23.03.

250 (2) Construction and maintenance contracts and activities related to passenger and freight rail and
 251 public transportation.

252 (a) To let all contracts to be administered by the Virginia Department of Transportation or the
 253 Department of Rail and Public Transportation for the construction, maintenance, and improvement of the
 254 roads comprising systems of state highways and for all activities related to passenger and freight rail and
 255 public transportation in excess of \$5 million. The Commissioner of Highways shall have authority to let
 256 all Virginia Department of Transportation-administered contracts for highway construction, maintenance,
 257 and improvements up to \$5 million in value. The Director of the Department of Rail and Public
 258 Transportation shall have the authority to let contracts for passenger and freight rail and public
 259 transportation improvements up to \$5 million in value. The Commissioner of Highways is authorized to
 260 enter into agreements with localities, authorities, and transportation districts to administer projects and to
 261 allow those localities, authorities, and transportation districts to let contracts with no limit on contract
 262 value, and without prior concurrence of the Commissioner of Highways or the Board for highway
 263 construction, maintenance, and improvements within their jurisdictions, in accordance with those
 264 provisions of the Code of Virginia providing those localities, authorities, and transportation districts the
 265 ability to let such contracts. The Director of the Department of Rail and Public Transportation is
 266 authorized to enter into agreements with localities, authorities, and transportation districts to administer
 267 projects and to allow those localities, authorities, and transportation districts to let contracts with no limit
 268 on contract value, and without prior concurrence of the Director of the Department of Rail and Public
 269 Transportation or the Board for passenger and freight rail and public transportation activities within their
 270 jurisdictions, in accordance with those provisions of the Code of Virginia providing those localities,
 271 authorities, and transportation districts the ability to let such contracts. The Commissioner of Highways
 272 and the Director of the Department of Rail and Public Transportation shall report on their respective
 273 transportation contracting activities at least quarterly to the Board.

274 (b) The Commonwealth Transportation Board may award contracts for the construction of
 275 transportation projects on a design-build basis. These contracts may be awarded after a written
 276 determination is made by the Commissioner of Highways or the Director of the Department of Rail and
 277 Public Transportation, pursuant to objective criteria previously adopted by the Board regarding the use
 278 of design-build, that delivery of the projects must be expedited and that it is not in the public interest to
 279 comply with the design and construction contracting procedures normally followed. Such objective
 280 criteria will include requirements for prequalification of contractors and competitive bidding processes.
 281 These contracts shall be of such size and scope to encourage maximum competition and participation by
 282 agency prequalified and otherwise qualified contractors. Such determination shall be retained for public
 283 inspection in the official records of the Department of Transportation or the Department of Rail and
 284 Public Transportation, as the case may be, and shall include a description of the nature and scope of the
 285 project and the reasons for the Commissioner's or Director's determination that awarding a design-build
 286 contract will best serve the public interest. The provisions of this section shall supersede contrary
 287 provisions of subsection D of § 2.2-4303 and § 2.2-4306.

288 (c) For transportation construction projects valued in excess of \$100 million, the Commonwealth
 289 Transportation Board shall require that a financial plan be prepared. This plan shall include, but not be
 290 limited to, the following: (i) a complete cost estimate for all major project elements; (ii) an
 291 implementation plan with the project schedule and cost-to-complete information presented for each year;
 292 (iii) identified revenues by funding source available each year to meet project costs; (iv) a detailed
 293 cash-flow analysis for each year of the proposed project; and (v) efforts to be made to ensure maximum
 294 involvement of private enterprise and private capital.

295 (d) The Commonwealth Transportation Board may award contracts for the provision of equipment,
 296 materials, and supplies to be used in construction of transportation projects on a fixed-price basis. Any
 297 such contract may provide that the price to be paid for the provision of equipment, materials, and
 298 supplies to be furnished in connection with the projects shall not be increased but shall remain fixed
 299 until completion of the projects specified in the contracts. Material components of any such contract for
 300 annual and multi-year programs, including but not limited to maintenance, may be fixed at the outset of
 301 the projects and until completion based on best achievable prices.

302 (3) Traffic regulations. To make rules and regulations, from time to time, not in conflict with the
 303 laws of the Commonwealth, for the protection of and covering traffic on and the use of systems of state
 304 highways and to add to, amend or repeal the same.

305 (4) Naming highways, bridges, interchanges, and other transportation facilities. To give suitable

306 names to state highways, bridges, interchanges, and other transportation facilities, and change the names
307 of any highways, bridges, interchanges, or other transportation facilities forming a part of the systems of
308 state highways. The name of private entities, as defined in § 56-557, located within the Commonwealth
309 shall not be used for such purposes unless such private entity pays to the Department of Transportation
310 an annual naming rights fee as determined by the Board. The Department of Transportation shall place
311 and maintain appropriate signs indicating the names of highways, bridges, interchanges, and other
312 transportation facilities named by the Board or by the General Assembly. The costs of producing,
313 placing, and maintaining these signs shall be paid by the counties, cities, and towns in which they are
314 located or by the private entity whose name is attached to the highway, bridge, interchange, or other
315 transportation facility. No name shall be given to any state highway, bridge, interchange, or other
316 transportation facility by the Commonwealth Transportation Board unless and until the Commonwealth
317 Transportation Board shall have received from the local governing body of the locality within which a
318 portion of the facility to be named is located a resolution of that governing body requesting such
319 naming, except in such cases where a private entity has requested such naming. No highway, bridge,
320 interchange, or other transportation facility previously named by the Board or the General Assembly
321 shall be eligible for renaming by a private entity, unless such naming incorporates the previous name.
322 The Board shall develop and approve guidelines governing the naming of highways, bridges,
323 interchanges, and other transportation facilities by private entities and the applicable fees for such
324 naming rights. Such fees shall be deposited in the Highway Maintenance and Operating Fund.

325 No name shall be eligible for the naming rights under this subdivision if it in any way reasonably
326 connotes anything that (i) is profane, obscene, or vulgar; (ii) is sexually explicit or graphic; (iii) is
327 excretory related; (iv) is descriptive of intimate body parts or genitals; (v) is descriptive of illegal
328 activities or substances; (vi) condones or encourages violence; or (vii) is socially, racially, or ethnically
329 offensive or disparaging.

330 (5) Compliance with federal acts. To comply fully with the provisions of the present or future federal
331 aid acts. The Board may enter into all contracts or agreements with the United States government and
332 may do all other things necessary to carry out fully the cooperation contemplated and provided for by
333 present or future acts of Congress in the area of transportation.

334 (6) Information and statistics. To gather and tabulate information and statistics relating to
335 transportation and disseminate the same throughout the Commonwealth. In addition, the Commissioner
336 shall provide a report to the Governor, the General Assembly, the Commonwealth Transportation Board,
337 and the public concerning the current status of all highway construction projects in the Commonwealth.
338 This report shall be posted at least four times each fiscal year, but may be updated more often as
339 circumstances allow. The report shall contain, at a minimum, the following information for every project
340 in the Six-Year Improvement Program: (i) project description; (ii) total cost estimate; (iii) funds
341 expended to date; (iv) project timeline and completion date; (v) statement of whether project is ahead of,
342 on, or behind schedule; (vi) the name of the prime contractor; (vii) total expenditures of federal
343 transportation funds in each county and city; (viii) total expenditures of state transportation funds in
344 each county and city; (ix) statewide totals for federal, state, and local funds expended for highways; (x)
345 statewide totals for federal, state, and local funds expended for transit; (xi) total funds expended on
346 intercity passenger and freight rail line and trains; and (xii) total funds expended in each federal and
347 state programmatic category. Use of one or more Internet websites may be used to satisfy this
348 requirement. Project specific information posted on the Internet shall be updated daily as information is
349 available.

350 (7) Policies and operation of Departments. To review and approve policies and transportation
351 objectives of the Department of Transportation and the Department of Rail and Public Transportation, to
352 assist in establishing such policies and objectives, to oversee the execution thereof, and to report thereon
353 to the Commissioner of Highways and the Director of the Department of Rail and Public Transportation;
354 respectively.

355 (8) Cooperation with other agencies and local governments.

356 (a) To cooperate with the federal government, the American Association of State Highway and
357 Transportation Officials and any other organization in the numbering, signing and marking of highways,
358 in the taking of measures for the promotion of highway safety, in research activities, in the preparation
359 of standard specifications, in the testing of highway materials and otherwise with respect to
360 transportation projects.

361 (b) To offer technical assistance and coordinate state resources to work with local governments, upon
362 their request, in developing sound transportation components for their local comprehensive plans.

363 (9) (7) Transportation.

364 (a) To monitor and, where necessary, approve actions taken by the Department of Rail and Public
365 Transportation pursuant to Chapter 10.1 (§ 33.1-391.1 et seq.) in order to ensure the efficient and
366 economical development of public transportation, the enhancement of rail transportation, and the
367 coordination of such rail and public transportation plans with highway programs.

368 (b) To coordinate the planning for financing of transportation needs, including needs for highways,
 369 railways, seaports, airports, and public transportation and to set aside funds as provided in
 370 § 33.1-23.03:1. To allocate funds for these needs pursuant to §§ 33.1-23.1 and 58.1-638, the Board shall
 371 adopt a Six-Year Improvement Program of anticipated projects and programs by July 1 of each year.
 372 This program shall be based on the most recent official Transportation Trust Fund revenue forecast and
 373 shall be consistent with a debt management policy adopted by the Board in consultation with the Debt
 374 Capacity Advisory Committee and the Department of the Treasury.

375 (c) ~~To recommend to the General Assembly for their consideration at the next session of the General~~
 376 ~~Assembly, objective criteria to be used by the Board in selecting those transportation projects to be~~
 377 ~~advanced from the feasibility to the construction stage. If such criteria are enacted into law, such~~
 378 ~~objectives shall apply to the interstate, primary, and urban systems of highways.~~

379 ~~(d)~~ To enter into contracts with local districts, commissions, agencies, or other entities created for
 380 transportation purposes.

381 ~~(e)~~ (d) To promote increasing private investment in Virginia's transportation infrastructure, including
 382 but not limited to acquisition of causeways, bridges, tunnels, highways, and other transportation
 383 facilities.

384 ~~(f)~~ (e) To integrate land use with transportation planning and programming, consistent with the
 385 efficient and economical use of public funds. If the Board determines that a local transportation plan
 386 described in § 15.2-2223 or any amendment as described in § 15.2-2229 or a metropolitan regional
 387 long-range transportation plan or regional Transportation Improvement Program as described in
 388 § 33.1-223.2:25 is not consistent with the Commonwealth Transportation Board's Statewide
 389 Transportation Plan developed pursuant to § 33.1-23.03, the Six-Year Improvement Program adopted
 390 pursuant to subdivision ~~(9)~~ (7) (b), and the location of routes to be followed by roads comprising
 391 systems of state highways pursuant to subdivision (1), the Board shall notify the locality of such
 392 inconsistency and request that the applicable plan or program be amended accordingly. If, after a
 393 reasonable time, the Board determines that there is a refusal to amend the plan or program, then the
 394 Board may reallocate funds that were allocated to the nonconforming project as permitted by state or
 395 federal law. If a locality or metropolitan planning organization requests the termination of a project or
 396 does not advance a project to the next phase of construction when requested by the Board and the
 397 Department of Transportation has expended state or federal funds, the locality or the localities within the
 398 metropolitan planning organization may be required to reimburse the Department of Transportation for
 399 all funds expended on the project. If a locality or metropolitan planning organization requests alterations
 400 to a project that, in the aggregate, exceeds 10 percent of the total project costs, the locality or the
 401 localities within the metropolitan planning organization may be required to reimburse the Department of
 402 Transportation for the additional project costs above the original estimates for making such alterations.

403 ~~(10)~~ (8) Contracts with other states. To enter into all contracts with other states necessary for the
 404 proper coordination of the location, construction, maintenance, improvement, and operation of
 405 transportation systems, including the systems of state highways with the highways of such other states
 406 and, where necessary, to seek the approval of such contracts by the Congress of the United States.

407 ~~(11)~~ (9) Use of funds. To administer, distribute, and allocate funds in the Transportation Trust Fund
 408 as provided by law. The Commonwealth Transportation Board shall ensure that the total funds allocated
 409 to any highway construction project are equal to total expenditures within 12 months following
 410 completion of the project. However, this requirement shall not apply to debt service apportionments
 411 pursuant to § 33.1-23.3 or 33.1-23.4.

412 ~~(12)~~ (10) Financial and investment advisors. With the advice of the Secretary of Finance and the
 413 State Treasurer, to engage a financial advisor and investment advisor who may be anyone within or
 414 without the government of the Commonwealth, to assist in planning and making decisions concerning
 415 the investment of funds and the use of bonds for transportation purposes. The work of these advisors
 416 shall be coordinated with the Secretary of Finance and the State Treasurer.

417 ~~(13)~~ (11) The powers of the Virginia Aviation Board set out in Chapter 1 (§ 5.1-1 et seq.) of Title
 418 5.1 and the Virginia Port Authority set out in Chapter 10 (§ 62.1-128 et seq.) of Title 62.1 are in no
 419 way diminished by the provisions of this title.

420 ~~(14)~~ (12) To enter into payment agreements with the Treasury Board related to payments on bonds
 421 issued by the Commonwealth Transportation Board.

422 ~~(15)~~ (13) Establishment of highway user fees for the systems of state highways. When the
 423 traffic-carrying capacity of any system of state highways or a portion thereof is increased by
 424 construction or improvement, the Commonwealth Transportation Board may enter into agreements with
 425 localities, authorities, and transportation districts to establish highway user fees for such system of state
 426 highways or portion thereof that the localities, authorities, and transportation districts maintain.

427 ~~(16)~~ Subject to compliance with applicable federal regulations, the Commonwealth Transportation
 428 Board shall establish a plan for identification and acquisition of rights-of-way that may be needed within

429 the corridors designated on the Statewide Transportation Plan.

430 The term "public transportation" or "mass transit" as used in this title means passenger transportation
 431 by rubber-tired, rail, or other surface conveyance which provides shared ride services open to the general
 432 public on a regular and continuing basis. The term does not include school buses; charter or sight-seeing
 433 service; vehicular ferry service that serves as a link in the highway network; or human service agency or
 434 other client-restricted transportation.

435 **§ 33.1-13.05. Gathering and reporting of information and statistics.**

436 *The Commissioner of Highways and the Director of the Department of Rail and Public*
 437 *Transportation shall gather and tabulate information and statistics relating to transportation and*
 438 *disseminate the same throughout the Commonwealth. In addition, the Commissioner shall provide a*
 439 *report to the Governor, the General Assembly, the Commonwealth Transportation Board, and the public*
 440 *concerning the current status of all highway construction projects in the Commonwealth. This report*
 441 *shall be posted at least four times each fiscal year, but may be updated more often as circumstances*
 442 *allow. The report shall contain, at a minimum, the following information for every project in the*
 443 *Six-Year Improvement Program: (i) project description; (ii) total cost estimate; (iii) funds expended to*
 444 *date; (iv) project timeline and completion date; (v) statement of whether project is ahead of, on, or*
 445 *behind schedule; (vi) the name of the prime contractor; (vii) total expenditures of federal transportation*
 446 *funds in each county and city; (viii) total expenditures of state transportation funds in each county and*
 447 *city; (ix) statewide totals for federal, state, and local funds expended for highways; (x) statewide totals*
 448 *for federal, state, and local funds expended for transit; (xi) total funds expended on intercity passenger*
 449 *and freight rail line and trains; and (xii) total funds expended in each federal and state programmatic*
 450 *category. Use of one or more Internet websites may be used to satisfy this requirement. Project-specific*
 451 *information posted on the Internet shall be updated daily as information is available.*

452 **§ 33.1-23.03:7. Liability exemption of officers and employees.**

453 When investments are made in accordance with this section, no Board member ~~or~~, Board employee
 454 ~~thereof~~, Department of Transportation employee, Department of Rail and Public Transportation
 455 employee, or treasury official shall be personally liable for any loss therefrom in the absence of
 456 negligence, malfeasance, misfeasance, or nonfeasance.

457 **§ 33.1-23.5:3. Financial plans for transportation construction projects.**

458 *For transportation construction projects valued in excess of \$100 million, the Commissioner shall*
 459 *require that a financial plan be prepared and presented to the Commonwealth Transportation Board for*
 460 *its review. This plan shall include, but not be limited to, the following: (i) a complete cost estimate for*
 461 *all major project elements, (ii) an implementation plan with the project schedule and cost-to-complete*
 462 *information presented for each year, (iii) identified revenues by funding source available each year to*
 463 *meet project costs, (iv) a detailed cash-flow analysis for each year of the proposed project, and (v)*
 464 *efforts to be made to ensure maximum involvement of private enterprise and private capital.*

465 **§ 33.1-61. Parallel service roads; standards for access, service, etc., roads.**

466 ~~The Board~~ Department may construct service roads parallel to a limited access highway in order to
 467 provide access at designated points for property owners abutting on the limited access highway and after
 468 the construction of such service roads shall maintain and regulate traffic over them.

469 The construction or alteration of any access, feeder or service road which is to serve properties
 470 isolated by construction of a limited access highway shall meet all minimum state standards or the
 471 standards of the cities or towns of more than 3,500 population, or of counties which maintain their own
 472 road networks, as provided for by ordinance, whichever is more strict.

473 **§ 33.1-89.3. Plans for acquisition of rights-of-way.**

474 *Subject to compliance with applicable federal regulations, the Commissioner shall establish a plan*
 475 *for identification and acquisition of rights-of-way that may be needed within the corridors designated on*
 476 *the Statewide Transportation Plan.*

477 **§ 33.1-183.1. Authority to lease or convey airspace; terms of lease or conveyance; advertisement**
 478 **and bids; disposition of compensation for lease or conveyance.**

479 ~~The Board~~ Commissioner of Highways may lease or sell and convey the airspace superjacent or
 480 subjacent to any highway in this Commonwealth which is within its *his* jurisdiction and in which the
 481 Commonwealth owns fee simple title after satisfying itself that use of the airspace will not impair the
 482 full use and safety of the highway or otherwise interfere with the free flow of traffic thereon and it
 483 cannot be reasonably foreseen as needed in the future for highway and other transit uses and purposes.
 484 ~~¶~~ *The Commissioner of Highways may provide in such leases and conveyances of airspace for columns*
 485 *of support, in fee or otherwise, ingress, egress and utilities.*

486 No lease or conveyance shall be entered into by the ~~Board~~ Commissioner of Highways until after the
 487 time the county, city or town, by action of its governing body by majority recorded vote, approves the
 488 projected use and has zoned the airspace in question or has otherwise taken such steps as it deems
 489 proper to regulate the type and use of the improvements to be erected in such airspace.

490 All leases and conveyances shall contain those terms deemed necessary by the ~~Board~~ Commissioner

491 of Highways to protect the interests of the Commonwealth and the public and shall not be entered into
 492 until after public advertising for bids for such airspace. The ~~Board~~ *Commissioner of Highways* shall
 493 advertise for bids at least fourteen days prior to the execution of a lease or a conveyance. The
 494 advertisement shall state the place where bidders may examine a map of the airspace, the general terms
 495 of the lease or conveyance and the time and place when bids will be opened by the ~~Board~~
 496 *Commissioner of Highways*. The highest bid from a responsible bidder, in the sole discretion of the
 497 ~~Board~~ *Commissioner of Highways*, shall be accepted; however the ~~Board~~ *Commissioner of Highways*
 498 may reject all bids and advertise the property again.

499 Compensation paid for such leases and conveyances shall be credited to the fund for highway
 500 maintenance and construction.

501 **§ 33.1-190.4. Liaison duties with other organizations.**

502 *Tasks and responsibilities concerning transportation program or project delivery shall be carried out*
 503 *as follows:*

504 (1) *The Commissioner shall cooperate with the federal government, the American Association of*
 505 *State Highway and Transportation Officials, and any other organization in the numbering, signing, and*
 506 *marking of highways; in the taking of measures for the promotion of highway safety; in research*
 507 *activities; in the preparation of standard specifications; in the testing of highway materials; and*
 508 *otherwise with respect to transportation projects.*

509 (2) *The Department of Transportation and the Department of Rail and Public Transportation may*
 510 *offer technical assistance and coordinate state resources, as available, to work with local governments,*
 511 *upon their request, in developing sound transportation components for their local comprehensive plans.*

512 **§ 33.1-195. Sale of materials to, and use of equipment by, cities, towns, counties, and school**
 513 **boards.**

514 The ~~Board~~ *Department* may lend or rent equipment and sell materials and supplies used in the
 515 building or repairing of roads and streets to any city, town, county, or school board, upon such terms
 516 and conditions as may be agreed upon by the ~~Board~~ *Department* and such city, town, county, or school
 517 board. Provided the governing body of such city, town, county, or school board submits to the ~~Board~~
 518 *Department* a certificate setting forth that the material or equipment cannot be furnished from private
 519 sources within a reasonable time. Provided, further, that the foregoing proviso shall not apply to towns
 520 with a population of less than 3,500 inhabitants or to the purchase of paint for traffic marking purposes
 521 by any city, town, county, or school board.

522 **§ 33.1-196. Oiling of highways.**

523 The ~~Commonwealth Transportation Board~~ *Department* may oil the highways in any town in this
 524 Commonwealth upon request of the council thereof and may oil the highways in any county of this
 525 Commonwealth, the secondary roads within which are not a part of the secondary system of state
 526 highways, upon request of the board of supervisors or other governing body thereof; provided that such
 527 council or such board of supervisors or other governing body, as the case may be, shall pay to the
 528 ~~Commonwealth Transportation Board~~ *Department* the cost of such oiling. This section does apply to any
 529 highway which is a part of the State Highway System or the secondary system of state highways.

530 **§ 33.1-201. Improving certain private roads and certain town streets and roads.**

531 The Commissioner of Highways may, in his discretion, upon the request of the board of supervisors
 532 or other governing body of any county and at the expense of the owner of the land, improve private
 533 roads giving direct access from the home or other central buildings on the property along the shortest
 534 practical route to the nearest public highway; provided, however, that:

535 (1) The Commissioner shall in no case undertake any such work until certification is made by the
 536 board of supervisors or other governing body that the property owner cannot secure the services of a
 537 private contractor to perform the work nor then until the owner has deposited with him a certified check
 538 in the amount estimated by the Commissioner as the cost of the work;

539 (2) Not more than \$1,000 shall be expended on any one such private project in any one year;

540 (3) No work of ordinary maintenance shall be done on any such private road under the provisions of
 541 this section.

542 And the Commissioner may, upon the request of the council of any town having a population of less
 543 than 1,500 and at the expense of such town, improve and maintain any streets or roads therein not in
 544 the State Highway System. As to streets and roads in such town, no certification by the board of
 545 supervisors or deposit shall be necessary.

546 Any work done by the Commissioner pursuant to the provisions of this section shall only be done
 547 with the equipment and employees of the ~~Commonwealth Transportation Board~~ *Department of*
 548 *Transportation*.

549 **§ 33.1-207. Facilities for persons desiring to fish from bridges.**

550 The ~~Commonwealth Transportation Board~~ *Department* may, in its discretion, upon the request in
 551 writing of any department or agency of the Commonwealth, construct and maintain, on or in connection

552 with any bridges which now constitute a part of any system of state highways, such platforms,
553 walkways or other facilities as may be necessary or proper for the safety and convenience of persons
554 who desire to fish therefrom, the cost thereof to be paid out of funds furnished by the department or
555 agency making the request from its own funds or funds furnished to such department or agency by gift
556 from private sources. The Department of Transportation shall not be held responsible for damage caused
557 by the construction or use of such facilities.

558 **§ 33.1-208. Use of streams and lowlands obstructed by newly constructed highways as fishponds**
559 **or water storage areas.**

560 Whenever any highway is being constructed and the highway is to pass over any stream or lowland
561 the obstruction of which is necessary to such construction or if the present highway construction can be
562 utilized to provide a suitable dam for a fishpond or water storage area, then upon application of the
563 adjacent property owner requesting that it be so used, the ~~Commonwealth Transportation Board~~
564 *Department* may permit such use, provided that such dam should be subject to the provisions of Article
565 14 (§ 33.1-176 et seq.) of this chapter, and any additional cost incurred thereby shall be borne by such
566 property owner.

567 **§ 33.1-229. Continuance of powers of county authorities; alternative procedure.**

568 The local road authorities shall continue to have the powers vested in them on June 20, 1932, for the
569 establishment of new roads in their respective counties, which shall, upon such establishment, become
570 parts of the secondary system of state highways within such counties. They shall likewise have the
571 power to alter or change the location of any road now in the secondary system of state highways within
572 such counties or which may hereafter become a part of the secondary system of state highways within
573 such counties. The Commissioner of Highways shall be made a party to any proceeding before the local
574 road authorities for the establishment of any such road or for the alteration or change of the location of
575 any such road. When any such board or commission appointed by the board of supervisors or other
576 governing body of a county to view a proposed road or to alter or change the location of an existing
577 road shall award damages for the right-of-way for the same, in either case to be paid in money, it may
578 be paid by the board of supervisors or other governing body of the county out of the general county
579 levy funds. No expenditure by the Commonwealth shall be required upon any new road so established
580 or any old road the location of which is altered or changed by the local road authorities, except as may
581 be approved by the Commissioner. If the property sought to be taken is for the easement or
582 right-of-way, the plat shall reasonably indicate thereon any appurtenant right-of-way or easement for
583 ingress and egress to and from the principal easement or right-of-way being taken.

584 As an alternative to the method of establishing or relocating a road provided in the preceding
585 paragraph, the Commissioner, by and with the approval of the Commonwealth Transportation Board and
586 the board of supervisors or other governing body of a county shall have power and authority to make
587 such changes in routes in, and additions to, the secondary system of state highways from time to time as
588 the public safety or convenience may require.

589 The service of any process or notice in any such proceedings upon the district ~~engineer~~ *administrator*
590 of the Department of Transportation having the supervision of maintenance and construction of
591 highways in any such county shall be termed sufficient service on the Commissioner.

592 **§ 33.1-293. Revenue refunding bonds and revenue bonds for combined purposes.**

593 Notwithstanding any of the other provisions of this article and without regard to any other
594 restrictions or limitations contained in this article, the Board is hereby authorized to provide by
595 resolution (a) for the issuance of revenue refunding bonds of the Commonwealth for the purpose of
596 refunding any revenue bonds issued under the provisions of this article and then outstanding, including
597 interest to the earliest call date of such outstanding bonds and premiums, if any, payable on such call
598 date, and (b) for the issuance of a single issue of revenue bonds of the Commonwealth for the combined
599 purpose of providing funds (i) to pay the cost of either or both of the projects described in paragraphs
600 (b) and (j) of subdivision (2) of § 33.1-268 of this article in event the Board has decided or shall decide
601 to construct either or both of said projects under authority heretofore granted, and (ii) to refund revenue
602 bonds of the Commonwealth theretofore issued under the provisions of this article and then outstanding,
603 including interest to the earliest call date of such outstanding bonds and premiums, if any, payable on
604 such call date. For the purposes of this section, the word "project" shall, in relation to the project
605 described in said paragraph (j), include approach highways thereto and bus facilities for the
606 transportation of passengers through or over said project if the Board shall deem it advisable to
607 construct such approach highways or acquire such bus facilities; and the term "cost of the project" shall,
608 in relation to the projects described in said paragraphs (b) and (j), include an amount sufficient to
609 reimburse the Board for expenditures or advances theretofore made by the Board on account of the cost
610 of either or both of said projects, and shall, in relation to the project described in said paragraph (j),
611 include provision of a sum, deemed by the Board to be sufficient for the purpose, to be utilized by the
612 Board for the payment of employment severance benefits to employees of the Board *or the Department*
613 rendering services in connection with the projects mentioned in paragraphs (g) and (i) of subdivision (2)

614 of said § 33.1-268 and shall include the cost of constructing approach highways and of providing bus
 615 facilities if the Board shall deem it expedient to construct such approach highways or acquire such
 616 facilities as a part of the project described in said paragraph (j). In the event bonds shall be issued for
 617 the combined purpose set forth in clause (b) of this section, such amount of the proceeds of such bonds
 618 as may be required, together with other funds available for such purpose, for the redemption of the
 619 outstanding bonds to be refunded shall be deposited by the Board in trust with the trustee under the trust
 620 indenture securing such outstanding bonds for the sole and exclusive purpose of paying and redeeming
 621 such bonds, and the balance of such proceeds shall be used solely for the payment of the cost of the
 622 project or projects to be constructed.

623 The issuance of such bonds, the maturities and other details thereof, the rights of the holders thereof
 624 and the duties of the Commonwealth and of the Board in respect to the same shall be governed by the
 625 foregoing provisions of this article insofar as the same may be applicable.

626 **§ 33.1-342. Certificate to be filed with bid for highway or bridge construction, etc.**

627 Every individual, partnership or corporation bidding upon any proposed contract for the construction,
 628 repair or maintenance of any part of any public highway or bridge and for supplying any labor, material
 629 or supplies to be used in any such construction, repair or maintenance shall file with such bid a sworn
 630 statement giving the name and location of the principal office of every highway contractors' association
 631 of which he is or has been a member during the preceding twelve months; and no bid not accompanied
 632 by such certificate shall be considered by the Commonwealth Transportation Board *or the Commissioner*
 633 *of Highways* in letting any contract bid upon, nor shall any such contract be let by the Board *or the*
 634 *Commissioner of Highways* to any bidder failing to file the certificate required by this section.

635 **§ 33.1-343. Affidavit to be filed with bid upon work.**

636 Every member of any highway contractors' association who bids upon any work let by the
 637 Commonwealth Transportation Board *or the Commissioner of Highways* shall file with his bid an
 638 affidavit in substance as follows: that the bidder neither directly or indirectly has entered into any
 639 combination or arrangement with any person, firm or corporation or entered into any agreement, the
 640 effect of which is to prevent competition or increase the cost of construction or maintenance of roads or
 641 bridges.

642 The Commonwealth Transportation Board *or the Commissioner of Highways* shall prescribe the form
 643 of this affidavit and no bid shall be accepted unless accompanied by such affidavit.

644 **§ 33.1-370. Special provisions pertaining to interstate, national highway system, and federal-aid**
 645 **primary highways.**

646 A. Notwithstanding the territorial limitation set out in § 33.1-353, no sign or advertisement adjacent
 647 to any interstate, national highway system, or federal-aid primary highway shall be erected, maintained
 648 or displayed which is visible from the main traveled way within 660 feet of the nearest edge of the
 649 right-of-way, except as provided in subsections B and D of this section, and outside of an urban area no
 650 sign or advertisement beyond 660 feet of the nearest edge of the right-of-way of any interstate, national
 651 highway system, or federal-aid primary highway which is visible from the main traveled way shall be
 652 erected, maintained, or displayed with the purpose of its message being read from the main traveled
 653 way, except as set forth in subsection C.

654 B. The following signs, advertisements or advertising structures may be erected, maintained and
 655 displayed within 660 feet of the right-of-way of any interstate, national highway system, or federal-aid
 656 primary highway:

657 Class 1 - Official signs. - Directional and official signs and notices, which signs and notices shall
 658 include, but not be limited to, signs and notices pertaining to the availability of food, lodging, vehicle
 659 service and tourist information, natural wonders, scenic areas, museums and historic attractions, as
 660 authorized or required by law; however, where such signs or notices pertain to facilities or attractions
 661 which are barrier free, such signs or notices shall contain the International Barrier Free Symbol. The
 662 Commonwealth Transportation Board shall determine the type, lighting, size, location, number, and other
 663 requirements of signs of this class.

664 Class 2 - On-premises signs. - Signs not prohibited by other parts of this article which are consistent
 665 with the applicable provisions of this section and which advertise the sale or lease of, or activities being
 666 conducted upon, the real property where the signs are located; provided, that any such signs, which are
 667 located adjacent to and within 660 feet of any interstate highway and do not lie in commercial or
 668 industrial zones within the boundaries of incorporated municipalities, as such boundaries existed on
 669 September 21, 1959, wherein the use of real property adjacent to the Interstate System is subject to
 670 municipal regulation or control, or in areas where land use as of September 21, 1959, was clearly
 671 established by state law as industrial or commercial, shall comply with the following requirements:

672 1. Not more than one sign advertising the sale or lease of the same property may be erected or
 673 maintained in such manner as to be visible to traffic proceeding in any one direction on any one
 674 interstate highway;

675 2. Not more than one sign, visible to traffic proceeding in any one direction on any one interstate
676 highway and advertising activities being conducted upon the real property where the sign is located, may
677 be erected or maintained more than fifty feet from the advertised activity, and no such sign may be
678 located more than 250 feet from the center of the advertised activity; and

679 3. No sign, except one which is not more than fifty feet from the advertised activity, that displays
680 any trade name which refers to or identifies any service rendered or product sold, shall be erected or
681 maintained unless the name of the advertised activity is displayed as conspicuously as such trade name.

682 Class 3 - Other signs. - Any signs or advertisements which are located within areas adjacent to any
683 interstate, national highway system, or federal-aid primary highway which are zoned industrial or
684 commercial under authority of state law, or in unzoned commercial or industrial areas as determined by
685 the Commonwealth Transportation Board from actual land uses. The Commonwealth Transportation
686 Board shall determine the size, lighting and spacing of signs of this class, provided that such
687 determination shall be no more restrictive than valid federal requirements on the same subject.

688 C. The following signs, advertisements or advertising structures may be erected, maintained and
689 displayed beyond 660 feet of the right-of-way of any interstate, national highway system, or federal-aid
690 primary highway outside of urban areas.

691 1. Class 1 and Class 2 signs, advertisements or advertising structures set forth in subsection B of this
692 section.

693 2. All other signs, advertisements or advertising structures erected, maintained or displayed more than
694 660 feet from the nearest edge of the right-of-way of an interstate, national highway system, or
695 federal-aid primary highway; unless said sign or advertisement is visible from the main traveled way of
696 said highways and erected, maintained or displayed with the purpose of its message being read from the
697 main traveled way of said highways.

698 In determining whether a sign, advertisement or advertising structure is "erected, maintained or
699 displayed with the purpose of its being read" the Commissioner is not limited to, but will consider, the
700 nature of the business or product advertised thereon, the availability of such business or product to users
701 of the controlled highway, the visibility of the sign, advertisement or advertising structure from the main
702 traveled way of the controlled highway (such visibility may be measured by considering the size or
703 height of the sign, advertisement or advertising structure; the configuration, size, and height of
704 recognizable emblems, images, and lettering thereon; the angle of the sign, advertisement or advertising
705 structure to the main traveled way of the controlled highway; the degree to which physical obstructions
706 hinder the view of the sign, advertisement or advertising structure from the main traveled way of the
707 controlled highway; and the time which such sign, advertisement or advertising structure is exposed to
708 view by travelers on the main traveled way of the controlled highway traveling at the maximum and
709 minimum speeds posted).

710 D. In order to provide information in the specific interest of the traveling public, the ~~Commonwealth~~
711 ~~Transportation Board Department~~ is hereby authorized to maintain maps and to permit informational
712 directories and advertising pamphlets to be made available at rest areas, and to establish information
713 centers at rest areas for the purpose of informing the public of places of interest within the
714 Commonwealth and providing such other information as may be considered desirable.

715 E. Notwithstanding any other provision of law, lawfully erected and maintained nonconforming signs,
716 advertisements, and advertising structures shall not be removed or eliminated by amortization under state
717 law or local ordinances without compensation as described in subsection F of this section.

718 F. The Commissioner of Highways is authorized to acquire by purchase, gift or the power of eminent
719 domain and to pay just compensation upon the removal of nonconforming signs, advertisements or
720 advertising structures lawfully erected and maintained under state law or state regulations. Provided,
721 however, subsequent to November 6, 1978, whenever any local ordinance which is more restrictive than
722 state law requires the removal of such signs, advertisements, or advertising structures, the local
723 governing body shall initiate the removal of such signs, advertisements, or advertising structures with the
724 Commissioner, who shall have complete authority to administer the removal of such signs,
725 advertisements, or advertising structures. Upon proof of payment presented to the local governing
726 bodies, the local governing bodies shall reimburse the Commissioner the funds expended which are
727 associated with the removal of such signs, advertisements, or advertising structures required by local
728 ordinances, less any federal funds received for such purposes. Notwithstanding the above, nothing shall
729 prohibit the local governing bodies from removing signs, advertisements, or advertising structures which
730 are made nonconforming solely by local ordinances so long as those ordinances require the local
731 governing bodies to pay 100 percent of the cost of removing them and just compensation upon their
732 removal.

733 Such compensation is authorized to be paid only for the taking from the owner of such sign or
734 advertisement of all right, title, leasehold and interest in such sign or advertisement, and the taking from
735 the owner of the real property on which the sign or advertisement is located, of the right to erect and
736 maintain such sign or advertisement thereon.

737 The Commissioner of Highways shall not be required to expend any funds under this section unless
738 and until federal-aid matching funds are made available for this purpose.

739 **§ 36-98.1. State buildings; exception for certain assets owned by the Department of**
740 **Transportation.**

741 A. The Building Code shall be applicable to all state-owned buildings and structures, and to all
742 buildings and structures built on state-owned property, with the exception that §§ 2.2-1159 through
743 2.2-1161 shall provide the standards for ready access to and use of state-owned buildings by the
744 physically handicapped.

745 Any state-owned building or structure, or building or structure built on state-owned property, for
746 which preliminary plans were prepared or on which construction commenced after the initial effective
747 date of the Uniform Statewide Building Code, shall remain subject to the provisions of the Uniform
748 Statewide Building Code that were in effect at the time such plans were completed or such construction
749 commenced. Subsequent reconstruction, renovation or demolition of such building or structure shall be
750 subject to the pertinent provisions of the Building Code.

751 Acting through the Division of Engineering and Buildings, the Department of General Services shall
752 function as the building official for any state-owned buildings or structures and for all buildings and
753 structures built on state-owned property. The Department shall review and approve plans and
754 specifications, grant modifications, and establish such rules and regulations as may be necessary to
755 implement this section. It may provide for the (i) inspection of state-owned buildings or structures and
756 for all buildings and structures built on state-owned property and (ii) enforcement of the Building Code
757 and standards for access by the physically handicapped by delegating inspection and Building Code
758 enforcement duties to the State Fire Marshal's Office, to other appropriate state agencies having needed
759 expertise, and to local building departments, all of which shall provide such assistance within a
760 reasonable time and in the manner requested. State agencies and institutions occupying buildings shall
761 pay to the local building department the same fees as would be paid by a private citizen for the services
762 rendered when such services are requested by the Department of General Services. The Department of
763 General Services may alter or overrule any decision of the local building department after having first
764 considered the local building department's report or other rationale given for its decision. When altering
765 or overruling any decision of a local building department, the Department of General Services shall
766 provide the local building department with a written summary of its reasons for doing so.

767 B. Notwithstanding the provisions of subsection A and § 27-99, roadway tunnels and bridges owned
768 by the Department of Transportation shall be exempt from the Building Code and the Statewide Fire
769 Prevention Code Act (§ 27-94 et seq.). The Department of General Services shall not have jurisdiction
770 over such roadway tunnels, bridges, and other limited access highways; provided, however, that the
771 Department of General Services shall have jurisdiction over any occupied buildings within any
772 Department of Transportation rights-of-way that are subject to the Building Code.

773 Roadway tunnels and bridges shall be designed, constructed, and operated to comply with fire safety
774 standards based on nationally recognized model codes and standards to be developed by the Department
775 of Transportation in consultation with the State Fire Marshal and approved by the Commonwealth
776 Transportation Board. Emergency response planning and activities related to the standards approved by
777 the Commonwealth Transportation Board shall be developed by the Department of Transportation and
778 coordinated with the appropriate local officials and emergency services providers. On an annual basis the
779 Department of Transportation shall provide a report on the maintenance and operability of installed fire
780 protection and detection systems in roadway tunnels and bridges to the State Fire Marshal.

781 C. Except as provided in subsection D of § 23-38.109, and notwithstanding the provisions of
782 subsection A, at the request of a public institution of higher education, the Department, as further set
783 forth in this subsection, shall authorize that institution of higher education to contract with a building
784 official of the locality in which the construction is taking place to perform any inspection and
785 certifications required for the purpose of complying with the Uniform Statewide Building Code (§ 36-97
786 et seq.). The Department shall publish administrative procedures that shall be followed in contracting
787 with a building official of the locality. The authority granted to a public institution of higher education
788 under this subsection to contract with a building official of the locality shall be subject to the institution
789 meeting the conditions prescribed in subsection B of § 23-38.88.

790 D. This section shall not apply to the nonhabitable structures, equipment, and wiring owned by a
791 public service company, a certificated provider of telecommunications services, or a franchised cable
792 operator that are built on rights-of-way owned or controlled by the Commonwealth Transportation
793 Board.

794 **§ 46.2-804. Special regulations applicable on highways laned for traffic.**

795 Whenever any roadway has been divided into clearly marked lanes for traffic, drivers of vehicles
796 shall obey the following:

- 797 1. Any vehicle proceeding at less than the normal speed of traffic at the time and place and under

798 the conditions existing, shall be driven in the lane nearest the right edge or right curb of the highway
799 when such lane is available for travel except when overtaking and passing another vehicle or in
800 preparation for a left turn or where right lanes are reserved for slow-moving traffic as permitted in this
801 section;

802 2. A vehicle shall be driven as nearly as is practicable entirely within a single lane and shall not be
803 moved from that lane until the driver has ascertained that such movement can be made safely;

804 3. Except as otherwise provided in subdivision 5 of this section, on a highway which is divided into
805 three lanes, no vehicle shall be driven in the center lane except when overtaking and passing another
806 vehicle or in preparation for a left turn or unless such center lane is at the time allocated exclusively to
807 traffic moving in the direction the vehicle is proceeding and is signed or marked to give notice of such
808 allocation. Traffic-control devices may be erected directing specified traffic to use a designated lane or
809 designating those lanes to be used by traffic moving in a particular direction regardless of the center of
810 the roadway and drivers of vehicles shall obey the directions of every such device;

811 4. The ~~Commonwealth Transportation Board~~ *Commissioner of Highways*, or local authorities in their
812 respective jurisdictions, may designate right lanes for slow-moving vehicles and the Virginia Department
813 of Transportation shall post signs requiring trucks and combination vehicles to keep to the right on
814 Interstate Highway System components with no more than two travel lanes in each direction where
815 terrain is likely to slow the speed of such vehicles climbing hills and inclines to a speed that is less than
816 the posted speed limit;

817 5. Wherever a highway is marked with double traffic lines consisting of a solid line immediately
818 adjacent to a broken line, no vehicle shall be driven to the left of such line if the solid line is on the
819 right of the broken line, but it shall be lawful to make a left turn for the purpose of entering or leaving
820 a public, private, or commercial road or entrance. Where the middle lane of a highway is marked on
821 both sides with a solid line immediately adjacent to a broken line, such middle lane shall be considered
822 a left-turn or holding lane and it shall be lawful to drive to the left of such line if the solid line is on
823 the right of the broken line for the purpose of turning left into any road or entrance, provided that the
824 vehicle may not travel in such lane further than 150 feet;

825 6. Wherever a highway is marked with double traffic lines consisting of two immediately adjacent
826 solid lines, no vehicle shall be driven to the left of such lines, except when turning left.

827 **§ 46.2-806. One-way roadways and highways.**

828 The ~~Commonwealth Transportation Board~~ *Commissioner of Highways* may designate any highway or
829 any separate roadway under its jurisdiction for one-way traffic and shall erect appropriate signs. Traffic
830 thereon shall move only in the direction designated.

831 **§ 46.2-830. Uniform marking and signing of highways; drivers to obey signs; enforcement of**
832 **section.**

833 The ~~Commonwealth Transportation Board~~ *Commissioner of Highways* may classify, designate, and
834 mark state highways and provide a uniform system of marking and signing such highways under the
835 jurisdiction of the Commonwealth. Such system of marking and signing shall correlate with and, so far
836 as possible, conform to the system adopted in other states.

837 All drivers of vehicles shall obey lawfully erected signs.

838 No provision of this section relating to the prohibition of disobeying signs or violating local traffic
839 signals, markings, and lights shall be enforced against an alleged violator if, at the time and place of the
840 alleged violation, any such sign, signal, marking, or light is not in proper position and sufficiently
841 legible to be seen by an ordinarily observant person.

842 **§ 46.2-831. Unofficial signs prohibited; penalties.**

843 No unauthorized person shall erect or maintain on any highway any warning or direction sign, signal,
844 or light in imitation of any official sign, signal, or light erected as provided by law. No person shall
845 erect or maintain on any highway any traffic or highway sign or signal bearing any commercial
846 advertising.

847 Nothing in this section shall prohibit the erection or maintenance of signs or signals bearing the
848 name of an organization authorized to erect it by the Commonwealth Transportation Board, *the*
849 *Department of Transportation*, or by the local authorities of counties, cities, and towns as provided by
850 law. Nor shall this section be construed to prohibit the erection by contractors or public utility
851 companies of temporary signs approved by the Virginia Department of Transportation warning motorists
852 that work is in progress on or adjacent to the highway.

853 Any violation of this section shall constitute a Class 4 misdemeanor.

854 **§ 46.2-847. Left turns by bicycles, electric personal assistive mobility devices, electric**
855 **power-assisted bicycles, and mopeds.**

856 A person riding a bicycle, electric personal assistive mobility device, electric power-assisted bicycle,
857 or moped and intending to turn left shall either follow a course described in § 46.2-846 or make the turn
858 as provided in this section.

859 A person riding a bicycle, electric personal assistive mobility device, electric power-assisted bicycle,

860 or moped and intending to turn left shall approach the turn as close as practicable to the right curb or
861 edge of the roadway. After proceeding across the intersecting roadway, the rider shall comply with
862 traffic signs or signals and continue his turn as close as practicable to the right curb or edge of the
863 roadway being entered.

864 Notwithstanding the foregoing provisions of this section, the ~~Commonwealth Transportation Board~~
865 *Commissioner of Highways* and local authorities, in their respective jurisdictions, may cause official
866 traffic control devices to be placed at intersections to direct that a specific course be traveled by turning
867 bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, and mopeds. When
868 such devices are so placed, no person shall turn a bicycle, electric personal assistive mobility device,
869 electric power-assisted bicycle, or moped other than as directed by such devices.

870 **§ 46.2-878.2. Maximum speed limits in certain residence districts of counties, cities, and towns;**
871 **penalty.**

872 Operation of any motor vehicle in excess of a maximum speed limit established for a highway in a
873 residence district of a county, city, or town, when indicated by appropriately placed signs displaying the
874 maximum speed limit and the penalty for violations, shall be unlawful and constitute a traffic infraction
875 punishable by a fine of \$200, in addition to other penalties provided by law. No portion of the fine shall
876 be suspended unless the court orders 20 hours of community service. The ~~Commonwealth Transportation~~
877 ~~Board~~ *Commissioner of Highways* or any local governing body having jurisdiction over highways shall
878 develop criteria for the overall applicability for the installation of signs. Such criteria shall not exclude
879 highways, functionally classified as minor arterials, serving areas that either (i) were built as residential
880 developments or (ii) have grown to resemble residential developments, provided, in either case, (i) such
881 highways are experiencing documented speeding problems and (ii) the local governing body requests the
882 application of this section to such highway. Such signs may be installed in any town and shall not
883 require the approval of the county within which such town is located. Any such signs installed in any
884 town shall be paid for by the town requesting the installation of the signs, or out of the county's
885 secondary system construction allocation.

886 **§ 46.2-889. Location of parked vehicles.**

887 No vehicle shall be stopped except close to and parallel to the right edge of the curb or roadway,
888 except that a vehicle may be stopped close to and parallel to the left curb or edge of the roadway on
889 one-way streets or may be parked at an angle where permitted by the Commonwealth Transportation
890 Board, *the Department*, or local authorities with respect to highways under their jurisdiction.

891 **§ 46.2-924. Drivers to stop for pedestrians; installation of certain signs; penalty.**

892 A. The driver of any vehicle on a highway shall yield the right-of-way to any pedestrian crossing
893 such highway:

- 894 1. At any clearly marked crosswalk, whether at mid-block or at the end of any block;
- 895 2. At any regular pedestrian crossing included in the prolongation of the lateral boundary lines of the
896 adjacent sidewalk at the end of a block;
- 897 3. At any intersection when the driver is approaching on a highway or street where the legal
898 maximum speed does not exceed 35 miles per hour.

899 B. Notwithstanding the provisions of subsection A, at intersections or crosswalks where the
900 movement of traffic is being regulated by law-enforcement officers or traffic control devices, the driver
901 shall yield according to the direction of the law-enforcement officer or device.

902 No pedestrian shall enter or cross an intersection in disregard of approaching traffic.

903 The drivers of vehicles entering, crossing, or turning at intersections shall change their course, slow
904 down, or stop if necessary to permit pedestrians to cross such intersections safely and expeditiously.

905 Pedestrians crossing highways at intersections shall at all times have the right-of-way over vehicles
906 making turns into the highways being crossed by the pedestrians.

907 C. The governing body of Arlington County, Fairfax County, Loudoun County and any town therein,
908 the City of Alexandria, the City of Fairfax, and the City of Falls Church may by ordinance provide for
909 the installation and maintenance of highway signs at marked crosswalks specifically requiring operators
910 of motor vehicles, at the locations where such signs are installed, to yield the right-of-way to pedestrians
911 crossing or attempting to cross the highway. Any operator of a motor vehicle who fails at such locations
912 to yield the right-of-way to pedestrians as required by such signs shall be guilty of a traffic infraction
913 punishable by a fine of no less than \$100 or more than \$500. The ~~Commonwealth Transportation Board~~
914 *Department of Transportation* shall develop criteria for the design, location, and installation of such
915 signs. The provisions of this section shall not apply to any limited access highway.

916 **§ 46.2-1041. Restrictions as to solid rubber tires.**

917 Every tire, other than a pneumatic tire, made of rubber on a vehicle moved on any highway shall
918 have rubber on its entire traction surface at least one inch thick above the edge of the flange of the
919 entire periphery. No vehicle equipped with such tires shall be operated on any highway in the
920 Commonwealth unless a permit therefor is first secured from the ~~Commonwealth Transportation Board~~

921 *Department of Transportation.*

922 **§ 46.2-1046. Traction engines and tractors.**

923 The Commonwealth Transportation Board *Commissioner of Highways* and local authorities in their
924 respective jurisdictions may, in their discretion, issue special permits authorizing the operation on a
925 highway of traction engines or tractors having movable tracks with transverse corrugations upon the
926 periphery of such movable tracks.

927 **§ 46.2-1107. Bus widths in certain counties.**

928 Upon application by the governing body of any county, the Commonwealth Transportation Board
929 *Commissioner of Highways* may permit within that county the operation of passenger buses wider than
930 96 inches but no wider than 102 inches.

931 **§ 46.2-1108. Bus widths to comply with federal law.**

932 If federal law permits the operation of passenger buses wider than 96 inches on the interstate
933 highway system, the Commonwealth Transportation Board *Commissioner of Highways* may permit the
934 operation of passenger buses of a total outside width, excluding the mirror required by § 46.2-1082, of
935 more than 96 inches, but not exceeding more than 102 inches, on interstate and defense highways or
936 any other four lane divided highways under the jurisdiction of the Commonwealth Transportation Board.
937 The use of any other state highways between the aforesaid highways and the passenger bus terminals
938 may be permitted upon application to the Board *Commissioner of Highways* by the governing body of
939 any county, city, or town in which such other highways are located. Any such increase in width of
940 passenger buses or designation of highways to be used by them shall not exceed the federal law which
941 may hereafter be adopted, or jeopardize the Commonwealth's allotment of or qualification for federal aid
942 highway funds.

943 **§ 46.2-1109. Widths of commercial vehicles.**

944 No commercial vehicle shall exceed 102 inches in width when operating on any interstate highway
945 or on any highway designated by the Commonwealth Transportation Board. The width limitation in this
946 section shall not include rear view mirrors, turn signal lights, handholds for cab entry and egress, splash
947 suppressant devices, and load-induced tire bulge. Safety devices, with the exception of rear view mirrors,
948 shall not extend more than three inches on each side of a vehicle. The Commonwealth Transportation
949 Board *Commissioner of Highways* shall designate reasonable access to terminals, facilities for food, fuel,
950 repairs, and rest. Household goods carriers and any tractor truck semitrailer combination in which the
951 semitrailer has a length of no more than twenty-eight and one-half feet shall not be denied reasonable
952 access to points of loading and unloading, except as designated, based on safety considerations, by the
953 Commonwealth Transportation Board *Commissioner of Highways*. No reasonable access designation shall
954 be made, however, until notice of any proposed designation has been provided by the Commissioner of
955 Highways to the governing body of every locality wherein any highway affected by the proposed
956 designation is located.

957 For the purposes of this section, a commercial vehicle is defined as a loaded or empty motor vehicle,
958 trailer, or semitrailer designed or regularly used for carrying freight, merchandise, or more than ten
959 passengers, including buses, but not including vehicles used for vanpools.

960 **§ 46.2-1112. Length of vehicles, generally; special permits; tractor truck semitrailer
961 combinations, etc., operating on certain highways; penalty.**

962 Except for buses and motor homes, no motor vehicle longer than 40 feet shall be operated on any
963 highway in the Commonwealth. The actual length of any combination of vehicles coupled together
964 including any load thereon shall not exceed a total of 65 feet. However, the length of a tractor truck
965 semitrailer combination may exceed 65 feet in length, provided the semitrailer does not exceed 53 feet
966 in length and the distance between the kingpin of the semitrailer and the rearmost axle or a point
967 midway between the rear tandem axles does not exceed 41 feet. The Commissioner of Highways may
968 impose restrictions on the operation of vehicles exceeding 65 feet in length on certain roads, based on a
969 safety and engineering analysis. No bus or motor home longer than 45 feet shall be operated on any
970 highway in the Commonwealth. No tolerance shall be allowed that exceeds 12 inches.

971 The Commissioner, however, when good cause is shown, may issue a special permit for
972 combinations either in excess of 65 feet, including any load thereon, or where the object or objects to be
973 carried cannot be moved otherwise. Such permits may also be issued by the Department when the total
974 number of otherwise overdimensional loads of modular housing of no more than two units may be
975 reduced by permitting the use of an overlength trailer not exceeding 54 feet. No permit shall be issued
976 by the Commissioner until an engineering analysis of a proposed routing has been conducted by the
977 Commissioner of Highways to assess the ability of the roadway to be traversed to sustain the vehicle's
978 size.

979 No overall length restrictions, however, shall be imposed on any tractor truck semitrailer
980 combinations drawing one trailer or any tractor truck semitrailer combinations when operated on any
981 interstate highway or on any highway as designated by the Commonwealth Transportation Board. No
982 such designation shall be made, however, until notice of any proposed designation has been provided by

983 the Commissioner of Highways to the governing body of every locality wherein any highway affected
984 by the proposed designation is located.

985 No individual semitrailer or trailer being drawn in a tractor truck semitrailer trailer combination,
986 however, shall exceed 28 1/2 feet in length, and no semitrailer being operated in a tractor truck
987 semitrailer combination shall exceed 48 feet in length, except when semitrailers have a distance of not
988 more than 41 feet between the kingpin of the semitrailer and the rearmost axle or a point midway
989 between the rear tandem axles, such semitrailer shall be allowed not more than 53 feet in length.

990 The length limitations on semitrailers and trailers in the foregoing provisions of this section shall be
991 exclusive of safety and energy conservation devices, steps and handholds for entry and egress, rubber
992 dock guards, flexible fender extensions, mudflaps, refrigeration units, and air compressors. The
993 Commonwealth Transportation Board Commissioner of Highways shall designate reasonable access to
994 terminals, facilities for food, fuel, repairs and rest. Household goods carriers and any tractor truck
995 semitrailer combination in which the semitrailer has a length of no more than 28 1/2 feet shall not be
996 denied reasonable access to points of loading and unloading, except as designated, based on safety
997 considerations, by the Commonwealth Transportation Board Commissioner of Highways.

998 Any person operating a vehicle whose length is not in conformity with the provisions of this chapter
999 on a two-lane highway where passing is permitted shall be guilty of a traffic infraction and fined \$250.

1000 **§ 46.2-1114. Length of automobile or watercraft transporters; operation on certain highways.**

1001 Automobile or watercraft transporters shall not exceed a length of sixty-five feet when operated on
1002 any interstate highway or on any highway as designated by the Commonwealth Transportation Board.
1003 Stinger-steered automobile or watercraft transporters shall not exceed a length of seventy-five feet when
1004 operated on any interstate highway or on any highway designated by the Commonwealth Transportation
1005 Board. In addition, watercraft may be transported on a truck/trailer combination no more than sixty-five
1006 feet long when operated on any interstate highway or on any highway designated by the Commonwealth
1007 Transportation Board. Any such vehicle shall display a sign of a size and type approved by the
1008 Commonwealth Transportation Board Commissioner of Highways warning that the vehicle is an
1009 over-length vehicle. However, an additional three-foot overhang shall be allowed beyond the front and a
1010 four-foot overhang shall be allowed beyond the rear of the vehicle. Such combinations shall have
1011 reasonable access to terminals, facilities for food, fuel, repairs, and rest as designated by the
1012 Commonwealth Transportation Board Commissioner of Highways.

1013 **§ 46.2-1116. Vehicles having more than one trailer, etc., attached thereto; exceptions.**

1014 Except as provided in this section and § 46.2-1117, no motor vehicle shall be driven on a highway
1015 while drawing or having attached thereto more than one motor vehicle, trailer, or semitrailer unless such
1016 vehicle is being operated under a special permit from the Commonwealth Transportation Board
1017 Commissioner of Highways. This limitation, however, shall not apply between sunrise and sunset to farm
1018 trailers or semitrailers being moved from one farm to another farm owned or operated by the same
1019 person within a radius of 10 miles. This limitation also shall not apply to a combination of vehicles
1020 coupled together by a saddle mount device used to transport motor vehicles in a drive-away service
1021 when not more than two saddle mounts are used. Vehicles coupled together by not more than three
1022 saddle mounts shall not exceed 75 feet when operated on any primary highway as designated by the
1023 Commonwealth Transportation Board and shall not exceed 97 feet when operated on the National
1024 Network of interstate and primary highways as designated under 23 CFR 658.5, as amended. Use of
1025 saddle mounts as provided in this section shall be in conformity with safety regulations adopted by the
1026 federal Department of Transportation.

1027 The Commonwealth Transportation Board Commissioner of Highways shall designate reasonable
1028 access to terminals and facilities for food, fuel, repairs, and rest.

1029 The governing body of any city may by ordinance permit motor vehicles to be driven on the
1030 highways of their respective cities while drawing or having attached thereto more than one other vehicle,
1031 trailer, or semitrailer.

1032 **§ 46.2-1117. Tractor truck semitrailer combinations operating on certain highways; access to
1033 certain facilities.**

1034 A tractor truck semitrailer combination may draw one trailer when operating on any interstate
1035 highway and any highway as designated by the Commonwealth Transportation Board. The
1036 Commonwealth Transportation Board Commissioner of Highways shall designate reasonable access to
1037 terminals, facilities for food, fuel, repairs, and rest, and points of loading and unloading for carriers of
1038 household goods.

1039 **§ 53.1-56. Construction and maintenance of highways; grass cutting; acquisition of quarries,
1040 etc.; use of materials for county roads.**

1041 Persons sentenced to the Department shall, so far as practicable, be employed in the construction and
1042 maintenance of the State Highway System and secondary system of state highways, and to this end may
1043 be used in rock quarries, gravel pits and other plants in the preparation of materials for construction and

1044 maintenance of roads and in the maintenance of any or all medians and other nontraveled portions of
 1045 such highways. Persons sentenced to the Department may also be employed in the maintenance of the
 1046 rest areas along the Interstate Highway System, providing that such maintenance activities are jointly
 1047 approved by the Department and the Virginia Department of Transportation based on the safety of the
 1048 traveling public.

1049 The Commonwealth Transportation Board may acquire out of the proceeds of the money, now or
 1050 hereafter available for construction and maintenance of the State Highway System and secondary system,
 1051 such quarries, gravel pits or plants as may in its opinion be necessary for such work. The Board shall on
 1052 the request of any county road authorities allow such county road authorities to take from such quarries
 1053 or gravel pits or shall sell to such county road authorities at cost of production such materials as may be
 1054 required to be used for the construction and maintenance of county roads. This arrangement shall in no
 1055 way interfere with the furnishing of materials by the Board for the maintenance or construction of the
 1056 State Highway System and secondary system.

1057 The ~~Commonwealth Transportation Board~~ *Department of Transportation* shall make requisition from
 1058 time to time upon the Director for the number of prisoners it deems necessary for the work on the State
 1059 Highway System or secondary system or for the preparation of road material for road construction and
 1060 maintenance, in the maintenance of any or all medians and other nontraveled portions of such highways,
 1061 and in the maintenance of the rest areas along the Interstate Highway System. The number of prisoners
 1062 so requisitioned shall be furnished subject to availability as determined by the Director of the
 1063 Department of Corrections.

1064 Fifteen days prior to a prisoner's participation in the program, the Director shall give the chief of
 1065 police, sheriff or local chief law-enforcement official of the locality in which the prisoner will work,
 1066 notice of the prisoner's participation. Such notice shall include the name, address and criminal history of
 1067 the prisoner, in addition to other information the chief of police or such officer may request. The
 1068 transmission of information shall be confidential and not subject to the Virginia Freedom of Information
 1069 Act (§ 2.2-3700 et seq.).

1070 **§ 53.1-57. Payments by Department of Transportation to Director for labor.**

1071 The ~~Commonwealth Transportation Board~~ *Department of Transportation* shall pay to the Director
 1072 monthly for the hours prisoners are employed on the state highway primary system and secondary
 1073 system and work incidental thereto, an amount agreed upon by the Department of Corrections and the
 1074 Department of Transportation. Monthly payments by the ~~Board~~ *Department* to the Director shall be
 1075 made not later than the fifteenth day of the succeeding month after the work or labor has been
 1076 performed for the ~~Board~~ *Department*.

1077 **§ 56-258. Who to permit laying of pipelines in roads.**

1078 The ~~Commonwealth Transportation Board~~ *Commissioner of Highways* or the board of supervisors or
 1079 other governing body in any county that has withdrawn its county roads from the secondary system of
 1080 state highways is authorized to enter into contract with water companies or other corporations or persons
 1081 to lay water pipelines along the rights-of-way of public roadways and turnpikes. Such water pipelines
 1082 shall be laid in such manner as not to obstruct passage thereon when completed, and in any such
 1083 contract the ~~Commonwealth Transportation Board~~ *Commissioner of Highways* or any such board of
 1084 supervisors or other governing body, as the case may be, shall provide that the parties so laying such
 1085 pipelines shall, at all times, exercise reasonable care not to obstruct such roadways while laying,
 1086 repairing or replacing such pipe.

1087 **§ 56-462. Franchise to occupy parks, streets, etc.; imposition of terms, conditions, etc., as to use**
 1088 **of streets, etc., and construction thereon.**

1089 A. No incorporated city or town shall grant to any such telegraph or telephone corporation the right
 1090 to erect its poles, wires, or cables, or to lay its conduits upon or beneath its parks, streets, avenues, or
 1091 alleys until such company shall have first obtained, in the manner prescribed by the laws of this
 1092 Commonwealth, the franchise to occupy the same. Any city or town may impose upon any such
 1093 corporation any terms and conditions consistent herewith and supplemental hereto, as to the occupation
 1094 and use of its parks, streets, avenues, and alleys, and as to the construction and maintenance of the
 1095 facilities of such company along, over, or under the same, that the city or town may deem expedient
 1096 and proper. The ~~Commonwealth Transportation Board~~ *Department of Transportation* may also impose
 1097 upon any such company any terms, rules, regulations, requirements, restrictions and conditions consistent
 1098 herewith and supplemental hereto, as to the occupation and use of roads and streets in either state
 1099 highway system, and as to the construction, operation or maintenance of the works along, over, or under
 1100 the same, which the ~~Board~~ *Department* may deem expedient and proper, but not in conflict, in
 1101 incorporated cities and towns, with any vested contractual rights of any such company with such city or
 1102 town.

1103 B. No locality or the ~~Commonwealth Transportation Board~~ *Department of Transportation* shall
 1104 impose any fees on a certificated provider of telecommunications service for the use of public
 1105 rights-of-way except in the manner prescribed in § 56-468.1; however, the provisions of § 56-468.1 shall

1106 not apply to providers of commercial mobile radio services.

1107 C. No locality or the Commonwealth Transportation Board Department of Transportation shall
1108 impose on certificated providers of telecommunications service, whether by franchise, ordinance or other
1109 means, any restrictions or requirements concerning the use of the public rights-of-way (including but not
1110 limited to the permitting process; notice, time and location of excavations and repair work; enforcement
1111 of the statewide building code; and inspections), which are (i) unfair or unreasonable or (ii) any greater
1112 than those imposed on the following users of the public rights-of-way: all providers of
1113 telecommunications services and nonpublic providers of cable television, electric, natural gas, water and
1114 sanitary sewer services. For purposes of this subsection, "restrictions or requirements concerning the use
1115 of the public rights-of-way" shall not include any existing franchise fee or the Public Rights-of-Way Use
1116 Fee.

1117 D. Notwithstanding any other provision of law, any permit or other permission required by a locality
1118 pursuant to a franchise, ordinance, or other permission to use the public rights-of-way or by the
1119 Commonwealth Transportation Board Department of Transportation of a certificated provider of
1120 telecommunications services to use the public rights-of-way shall be granted or denied within forty-five
1121 days from submission and, if denied, accompanied by a written explanation of the reasons the permit
1122 was denied and the actions required to cure the denial.

1123 E. No locality receiving directly or indirectly a Public Rights-of-Way Use Fee or the Commonwealth
1124 Transportation Board Department of Transportation shall require a certificated provider of
1125 telecommunications services to provide in-kind services or physical assets as a condition of consent to
1126 use public rights-of-way or easements, or in lieu of the Public Rights-of-Way Use Fee. This shall not
1127 limit the ability of localities, their authorities or commissions which provide utility services, or the
1128 Commonwealth Transportation Board Department of Transportation to enter into voluntary pole
1129 attachment, conduit occupancy or conduit construction agreements with certificated providers of
1130 telecommunications service. Any locality, other than a city or town electing to continue to enforce an
1131 existing franchise, ordinance or other form of consent under subsection J of § 56-468.1, or the
1132 Commonwealth Transportation Board Department of Transportation may continue to use pole
1133 attachments and conduits utilized as of December 31, 1997. Any pole attachment or conduit occupancy
1134 fees for this use shall be waived for facilities in place as of December 31, 1997, and shall be waived for
1135 future extensions in cities with populations between 60,000 and 70,000, so long as the locality or the
1136 Commonwealth Transportation Board Department of Transportation continues to use these facilities on
1137 such poles or in such conduits solely for their internal communications needs. The fee waiver is for the
1138 occupancy fees only, does not cover any relocation, rearrangement or other make-ready costs, and does
1139 not apply to any county, city or town that has obtained a certificate pursuant to § 56-265.4:4.

1140 **§ 67-1101. Right to occupy rights-of-way; location of same.**

1141 A. Every renewable generator shall have authority to occupy and use the public roads, works,
1142 turnpikes, streets, avenues, and alleys in any county, with the consent of the board of supervisors or
1143 other governing authority thereof, or in any incorporated city or town, with the consent of the council
1144 thereof, and the waterways within the Commonwealth, with the consent of the Marine Resources
1145 Commission, for the erection of distribution facilities. However, if the road or street is in the state
1146 highway system or the secondary system of state highways, the consent of the board of supervisors or
1147 other governing authority of any county shall not be necessary, provided that a permit for such
1148 occupation and use is first obtained from the Commonwealth Transportation Board Department of
1149 Transportation. The use of any road or street in the state highway system or secondary system of state
1150 highways that has been designated a limited access highway in accordance with § 33.1-58 shall not be
1151 permitted, unless the Commonwealth Transportation Board Department of Transportation approves an
1152 exception in accordance with the then current policy.

1153 B. No locality or the Commonwealth Transportation Board Department of Transportation shall
1154 impose any fees on a renewable generator for the use of public rights-of-way except in the manner
1155 prescribed in § 67-1103.

1156 C. No locality or the Commonwealth Transportation Board Department of Transportation shall
1157 impose on renewable generators, whether by franchise, ordinance, or other means, any restrictions or
1158 requirements concerning the use of the public rights-of-way that are (i) unfair or unreasonable or (ii) any
1159 greater than those imposed on providers of electric or natural gas utility service.

1160 D. Notwithstanding any other provision of law, any permit or other permission required by a locality
1161 pursuant to a franchise, ordinance, or other permission to use the public rights-of-way or by the
1162 Commonwealth Transportation Board Department of Transportation of a renewable generator to use the
1163 public rights-of-way shall be granted or denied within 45 days from submission and, if denied,
1164 accompanied by a written explanation of the reasons the permit was denied and the actions required to
1165 cure the denial.

1166 E. No locality receiving directly or indirectly a public rights-of-way use fee or the Commonwealth

1167 ~~Transportation Board~~ *Department of Transportation* shall require a renewable generator to provide
1168 in-kind services or physical assets as a condition of consent to use public rights-of-way or easements, or
1169 in lieu of the public rights-of-way use fee.

1170 F. This chapter shall not affect the obligation of the Department of Transportation to give notice,
1171 pursuant to § 33.1-223.2:11, to localities when it grants its permission for the construction, installation,
1172 location, or placement of a landfill gas pipeline within any highway right-of-way.

1173 **§ 67-1103. Public rights-of-way use fee.**

1174 A. Notwithstanding any other provisions of law, there is hereby established a public rights-of-way
1175 use fee to be charged in lieu of any and all fees of general application, except for zoning, subdivision,
1176 site plan, and comprehensive plan fees of general application, otherwise chargeable to a renewable
1177 generator by the ~~Commonwealth Transportation Board~~ *Department of Transportation* or a locality in
1178 connection with a permit for such occupation and use granted in accordance with § 67-1101 or 67-1102.
1179 The public rights-of-way use fee established by this section is imposed on all renewable generators that
1180 occupy and use public rights-of-way in order to (i) supply electricity generated at its renewable energy
1181 facility to the electric distribution grid, (ii) distribute steam generated at its renewable energy facility to
1182 customers, or (iii) supply landfill gas to customers or to a natural gas distribution or transmission
1183 pipeline.

1184 B. The amount of the public rights-of-way use fee for a renewable generator shall be \$1,500 per mile
1185 or any portion thereof over which the renewable generator has installed distribution facilities.

1186 C. A renewable generator shall remit its required public rights-of-way use fee to the locality or the
1187 Department of Transportation, as applicable, prior to initiation of construction, as follows:

1188 1. The renewable generator shall remit directly to the applicable locality all public rights-of-way use
1189 fees billed in (i) cities; (ii) towns whose public streets and roads are not maintained by the Department
1190 of Transportation; and (iii) any county that has withdrawn or elects to withdraw from the secondary
1191 system of state highways under the provisions of § 11 of Chapter 415 of the Acts of Assembly of 1932
1192 and that has elected not to return.

1193 2. The public rights-of-way use fees in all other counties shall be remitted by each renewable
1194 generator to the Department of Transportation, and shall first be used to offset the administrative costs
1195 of processing the permit with the remaining fee being added to the secondary system construction
1196 improvement program funds of the counties where the facilities are located.

1197 **2. That the provisions of this act shall not be construed to invalidate any action taken or approval**
1198 **rendered by the Commonwealth Transportation Board prior to July 1, 2013, and that any and all**
1199 **actions taken and all approvals rendered by the Board prior to July 1, 2013, shall remain valid**
1200 **and in effect unless modified, superseded, or repealed by subsequent action of the Board.**