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HOUSE BILL NO. 2463

Offered January 20, 2017

A *BILL to amend and reenact § 33.2-241 of the Code of Virginia, relating to Commissioner of Highways; commercial establishment entrances.*

Patron—Hodges

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That § 33.2-241 of the Code of Virginia is amended and reenacted as follows:

§ 33.2-241. Connections over shoulders of highways for intersecting commercial establishment entrances; penalty.

The Commissioner of Highways shall permit suitable connections from where commercial establishment entrances are desired to intersect improved highways and over and across the shoulders and unimproved parts of such highways to the paved or otherwise improved parts thereof that comply with the access management standards of the Commissioner of Highways for the location, spacing, and design of entrances, taking into account the operating characteristics and federal functional classification of the highway, to provide the users of such entrances safe and convenient means of ingress and egress with motor vehicles to and from the paved or otherwise improved parts of such highways while minimizing the impact of such ingress and egress on the operation of such highways, provided that any person desiring such an entrance shall:

1. Be required first to obtain a permit therefor from the Commissioner of Highways;
2. Provide the entrance at his expense;
3. If required by the Commissioner of Highways, provide for the joint use of the desired entrance with adjacent property owners or provide evidence of such efforts; and
4. Construct the entrance or have the entrance constructed, including such safety structures as are required by the Commissioner of Highways, pursuant to the Department of Transportation's design standards and applicable Department regulations concerning access management and applicable Board regulations concerning land use permits.

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

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

The Commissioner of Highways shall document and maintain a list of permit applications submitted pursuant to this section. Such list shall also include recommendations made pursuant to the Department of Transportation's design standards and applicable Department regulations concerning access management and applicable Board regulations concerning land use permits and any associated cost estimates. Such list shall be provided to a locality upon the request of such locality.