

2006 SPECIAL SESSION I

INTRODUCED

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SENATE BILL NO. 5006

Offered March 29, 2006

A BILL to amend the Code of Virginia by adding in Article 1.1 of Chapter 1 of Title 33.1 a section numbered 33.1-23.6, relating to funding of Transportation Trust Fund.

Patrons—Hanger and Cuccinelli

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1.1 of Chapter 1 of Title 33.1 a section numbered 33.1-23.6 as follows:

§ 33.1-23.6. Funds accepted in connection with rezoning application.

A. A locality may provide in its zoning ordinance for the denial or modification of an application for rezoning when the existing and future transportation network that will serve the proposed development is inadequate to handle the anticipated transportation impact of the proposed development. In determining whether the transportation network that will serve the proposed development is inadequate, the locality shall provide in its zoning ordinance for the consideration of the following: (i) the locality's comprehensive plan, the Department of Transportation's secondary road and other transportation plans, or such other available information regarding the transportation network that will serve the proposed development; (ii) whether the proposed development reduces the level of service in the existing and future transportation network, as determined by the locality in consultation with appropriate transportation agencies; and (iii) whether the design and phasing of the proposed development, the funded capital improvements program, cash payments or proffers, or other combination of public and private resources will address the anticipated transportation impact of the proposed development.

B. If a locality is authorized to accept cash payments or proffers pursuant to § 15.2-2298, 15.2-2303, or 15.2-2303.1 because the inadequacy of the existing and future transportation network that would serve the proposed development, as determined by such locality in accordance with subsection A, gives rise to the need for such cash payments or proffers, then the Department of Transportation shall collect from an applicant who has applied for rezoning cash payment in an amount equal to the amount of cash payments or proffers a locality could otherwise accept pursuant to §§ 15.2-2298, 15.2-2303, and 15.2-2303.1 if the inadequacy of the existing and future transportation network that would serve the proposed development, as determined by such locality in accordance with subsection A, gives rise to the need for such cash payments or proffers. Any monies accepted by the Department of Transportation under this section shall be deposited into the Transportation Trust Fund and shall be expended for capital improvements including construction, reconstruction, maintenance, and improvements of highways according to the provisions of subsection B of § 33.1-23.1 or to secure bonds issued for such purposes, as provided by the Commonwealth Transportation Board and the General Assembly.

C. In no event shall a locality accept cash payments or proffers pursuant to § 15.2-2298, 15.2-2303, or 15.2-2303.1 that were voluntarily proffered by an applicant who has applied for rezoning because the inadequacy of the existing and future transportation network that would serve the proposed development, as determined by such locality in accordance with subsection A, gives rise to the need for such cash payments or proffers; however, such monies shall be collected by the Department of Transportation and deposited into the Transportation Trust Fund in accordance with subsection B.

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