

VIRGINIA ACTS OF ASSEMBLY -- 2007 SESSION

CHAPTER 382

An Act to amend the Code of Virginia by adding a section numbered 33.1-70.3, relating to taking certain streets into the state secondary highway system.

[S 1181]

Approved March 15, 2007

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 33.1-70.3 as follows:

§ 33.1-70.3. Requirements for taking new streets into state secondary highway system.

A. The local governing body of any county that has not withdrawn from the state secondary highway system or any town within which the Virginia Department of Transportation maintains the streets, may, by resolution, request the Commonwealth Transportation Board to take any new street into the secondary system of state highways for maintenance if such street has been developed and constructed in accordance with the Board's secondary street acceptance requirements. Only those streets constructed in compliance with the secondary street acceptance requirements shall be taken into the state secondary highway system for maintenance. The Board shall promulgate regulations establishing such secondary street acceptance requirements. The secondary street acceptance requirements established pursuant to this section shall include such provisions as the Board deems necessary or appropriate to achieve the safe and efficient operation of the Commonwealth's transportation network.

B. In addition to such other provisions deemed necessary or appropriate by the Board, the regulations shall include, but not be limited to (i) requirements to ensure the connectivity of road and pedestrian networks with the existing and future transportation network; (ii) provisions to minimize stormwater runoff and impervious surface area, and (iii) provisions for performance bonding of new secondary streets and associated cost recovery fees.

C. No initial regulation establishing secondary street acceptance requirements pursuant to this section shall apply to subdivision plats and subdivision construction plans that have been submitted and accepted for review by the Virginia Department of Transportation on or before the effective date of such initial regulations. No locality shall be obligated to approve any subdivision plat or subdivision construction plans that are inconsistent with these regulations.

2. The provisions of the Administrative Process Act (§ 2.2-4000 et seq.) shall not apply to initial regulations promulgated by the Board pursuant to this section, but such exemption shall not apply to subsequent regulations or amendments thereto promulgated by the Board.

3. That the Board shall solicit and consider public comment in the development of regulations required by this act.

4. Until such time as initial regulations establishing secondary street acceptance requirements are adopted pursuant to this section, the subdivision street requirements and the process and criteria for taking such streets into the state secondary system in effect on January 1, 2007, shall continue to apply.