

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 15.2-2222.1 of the Code of Virginia, relating to Department of*
3 *Transportation input in certain local rezoning actions.*

4 [S 1221]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 15.2-2222.1 of the Code of Virginia is amended and reenacted as follows:**

8 § 15.2-2222.1. Coordination of state and local transportation planning.

9 A. Prior to adoption of any comprehensive plan pursuant to § 15.2-2223, any part of a
10 comprehensive plan pursuant to § 15.2-2228, or any amendment to any comprehensive plan as described
11 in § 15.2-2229, the locality shall submit such plan or amendment to the Department of Transportation
12 for review and comment if the plan or amendment will substantially affect transportation on state
13 controlled highways as defined by regulations promulgated by the Department. The Department's
14 comments on the proposed plan or amendment shall relate to plans and capacities for construction of
15 transportation facilities affected by the proposal. Within 30 days of receipt of such proposed plan or
16 amendment, the Department may request, and the locality shall agree to, a meeting between the
17 Department and the local planning commission or other agent to discuss the plan or amendment, which
18 discussions shall continue as long as the participants may deem them useful. The Department shall make
19 written comments within 90 days after receipt of the plan or amendment, or by such later deadline as
20 may be agreed to by the parties in the discussions.

21 B. Upon submission to, or initiation by, a locality of a proposed rezoning under § 15.2-2286,
22 15.2-2297, 15.2-2298, or 15.2-2303, the locality shall submit the proposal to the Department of
23 Transportation within 10 business days of receipt thereof if the proposal will substantially affect
24 transportation on state-controlled highways. Such application shall include a traffic impact statement if
25 required by local ordinance or pursuant to regulations promulgated by the Department. Within 45 days
26 of its receipt of such traffic impact statement, the Department shall either (i) provide written comment
27 on the proposed rezoning to the locality, or (ii) schedule a meeting, to be held within 60 days of its
28 receipt of the proposal, with the local planning commission or other agent and the rezoning applicant to
29 discuss potential modifications to the proposal to address any concerns or deficiencies. The Department's
30 comments on the proposed rezoning shall be based upon the comprehensive plan, regulations and
31 guidelines of the Department, engineering and design considerations, any adopted regional or statewide
32 plans and short and long term traffic impacts on and off site. The Department shall complete its initial
33 review of the rezoning proposal within 45 days, and its final review within 120 days, after it receives
34 the rezoning proposal from the locality. *Notwithstanding the foregoing provisions of this subsection,*
35 *such review by the Department shall be of a more limited nature and scope in cases of rezoning a*
36 *property consistent with a local comprehensive plan that has already been reviewed by the Department*
37 *as provided in this section.*

38 C. When a locality receives a subdivision plat pursuant to § 15.2-2258 or 15.2-2260, or a site plan or
39 plan of development pursuant to subdivision A 8 of § 15.2-2286, the locality shall submit such plat or
40 plan to the Department of Transportation in accordance with § 15.2-2260 within 10 business days if the
41 plat or plan substantially affects transportation on state-controlled highways as defined by regulations
42 promulgated by the Department. Such plat or plan shall include supplemental traffic analysis if required
43 by local ordinance or resolution or pursuant to regulations promulgated by the Department. Within 30
44 days of its receipt of such plat or plan, the Department shall either (i) provide written comment on the
45 plat or plan, or (ii) schedule a meeting, to be held within 60 days of the Department's receipt of the plat
46 or plan, with members of the local planning commission or other agent of the locality to discuss
47 potential modifications to the plat or plan to address any concerns or deficiencies. The Department's
48 comments on the plat or plan shall be based upon the comprehensive plan, regulations or guidelines of
49 the Department, engineering and design considerations, any adopted statewide or regional plans and
50 short and long term traffic impacts on and off site. The Department shall complete its final review
51 within 90 days after it receives such plat or plan from the locality. The submission of the application to
52 the Department shall toll all times for local review set out in this chapter until the locality has received
53 the Department's final comments.

54 D. If a locality has not received written comments within the timeframes specified in subsections B
55 or C, the locality may assume that the Department has no comments.

56 E. The review requirements set forth in this section shall be supplemental to, and shall not affect,

57 any requirement for review by the Department of Transportation or the locality under any other
58 provision of law. Nothing in this section shall be deemed to prohibit any additional consultations
59 concerning land development or transportation facilities that may occur between the Department and
60 localities as a result of existing or future administrative practice or procedure, or by mutual agreement.

61 F. The Department shall impose fees and charges for the review of applications, plans and plats
62 pursuant to paragraphs A, B, and C, and such fees and charges shall not exceed \$1,000 for each review.

63 However, no fee shall be charged to a locality or other public agency. Furthermore, no fee shall be
64 charged by the Department to a citizens' organization or neighborhood association that proposes
65 comprehensive plan amendments through its local planning commission or local governing body.

66 G. Until July 1, 2008, the Department shall not be subject to the requirements of the Administrative
67 Process Act (§ 2.2-4000 et seq.) in promulgating regulations pursuant to this section, and the
68 Commonwealth Transportation Commissioner may phase the implementation of regulations promulgated
69 pursuant to this section as he may deem appropriate.