

2012 SESSION

LEGISLATION NOT PREPARED BY DLS
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HOUSE BILL NO. 625

Offered January 11, 2012

Prefiled January 10, 2012

A *BILL to amend and reenact § 15.2-2222.1 of the Code of Virginia, relating to transportation planning; comprehensive plan.*

Patrons—LeMunyon, Hugo and Kory

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2222.1 of the Code of Virginia is amended and reenacted as follows:

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

A. 1. Prior to adoption of any comprehensive plan pursuant to § 15.2-2223, any part of a comprehensive plan pursuant to § 15.2-2228, or any amendment to any comprehensive plan as described in § 15.2-2229, the locality shall submit such plan or amendment to the Department of Transportation for review and comment if the plan or amendment will substantially affect transportation on ~~state controlled~~ state-controlled highways as defined by regulations promulgated by the Department. The Department's comments on the proposed plan or amendment shall relate to plans and capacities for construction of transportation facilities affected by the proposal.

2. If the submitting locality is located within Planning District 8, the Department of Transportation shall also determine whether the proposed plan or amendment will increase traffic congestion or reduce the mobility of citizens in the event of a homeland security emergency. If the Department of Transportation makes such a determination, the locality's proposed plan or amendment shall not become effective unless the Department of Transportation also determines that adequate transportation improvements are included in the Six-Year Improvement Program of the Commonwealth Transportation Board or the transportation plans of the affected localities to offset the effects of the proposed plan or amendment.

3. Within 30 days of receipt of such proposed plan or amendment, the Department may request, and the locality shall agree to, a meeting between the Department and the local planning commission or other agent to discuss the plan or amendment, which discussions shall continue as long as the participants may deem them useful. The Department shall make written comments within 90 days after receipt of the plan or amendment, or by such later deadline as may be agreed to by the parties in the discussions.

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

C. If a locality has not received written comments within the timeframes specified in subsection B, the locality may assume that the Department has no comments.

D. The review requirements set forth in this section shall be supplemental to, and shall not affect, any requirement for review by the Department of Transportation or the locality under any other provision of law. Nothing in this section shall be deemed to prohibit any additional consultations concerning land development or transportation facilities that may occur between the Department and localities as a result of existing or future administrative practice or procedure, or by mutual agreement.

E. The Department shall impose fees and charges for the review of applications, plans and plats

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HB625

59 pursuant to subsections A and B, and such fees and charges shall not exceed \$1,000 for each review.
60 However, no fee shall be charged to a locality or other public agency. Furthermore, no fee shall be
61 charged by the Department to a citizens' organization or neighborhood association that proposes
62 comprehensive plan amendments through its local planning commission or local governing body.