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HOUSE BILL NO. 2408

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Counties, Cities and Towns
on February 4, 2011)

(Patron Prior to Substitute—Delegate Ware, R.L.)

A BILL to amend and reenact § 15.2-2202 of the Code of Virginia, relating to duties of state agencies.

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2202 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2202. Duties of state agencies; electric utilities.

A. The Department of Environmental Quality shall distribute a copy of the environmental impact report submitted to the Department for every major state project pursuant to regulations promulgated under § 10.1-1191 to the chief administrative officer of every locality in which each project is proposed to be located. The purpose of the distribution is to enable the locality to evaluate the proposed project for environmental impact, consistency with the locality's comprehensive plan, local ordinances adopted pursuant to this chapter, and other applicable law and to provide the locality with an opportunity to comment. The Department shall distribute the reports to localities, solicit their comments, and consider their responses in substantially the same manner as the Department solicits and receives comments from state agencies.

B. In addition to the information supplied under subsection A, every department, board, bureau, commission, or other agency of the Commonwealth which is responsible for the construction, operation, or maintenance of public facilities within any locality shall, upon the request of the local planning commission having authority to prepare a comprehensive plan, furnish reasonable information requested by the local planning commission relative to the master plans of the state agency which may affect the locality's comprehensive plan. Each state agency shall collaborate and cooperate with the local planning commission, when requested, in the preparation of the comprehensive plan to the end that the local comprehensive plan will coordinate the interests and responsibilities of all concerned. *The state agency shall notify the chief administrative officer of the locality when updates to its land use plans are completed and available.*

C. Every state agency responsible for the construction, operation or maintenance of public facilities within the Commonwealth shall ~~notify~~ *send a notice addressed to* the chief administrative officer of every locality in which the agency intends to undertake a capital project involving new construction costing at least \$100,000. *The notice shall occur at the initiation of the environmental impact report process. This notice shall include a project description and a point of contact with contact information for the project.* ~~The~~ A notice shall also be given during the planning phase of the project and prior to preparation of construction and site plans and shall inform localities that preliminary construction and site plans will be available for distribution, upon the request of the locality. Agencies shall not be required to give such notice prior to acquisition of property. The purpose of the notice and distribution is to enable the locality to evaluate the project for consistency with local ordinances other than building codes and to provide the locality with an opportunity to submit comments to the agency during the planning phase of a project. Upon receipt of a request from a locality, the state agency shall transmit a copy of the plans to the locality for comment.

D. *Every institution of higher education responsible for the construction, operation or maintenance of public facilities within the Commonwealth shall send a notice addressed to the chief administrative officer of every locality in which the institution intends to undertake a capital project involving new construction costing at least \$100,000. The notice shall occur at the initiation of the environmental impact report process. This notice shall include a project description and a point of contact with contact information for the project. A notice shall also be given during the planning phase of the project and prior to preparation of construction and site plans and shall inform the locality that preliminary construction and site plans will be available for distribution, upon request of the locality. Institutions shall not be required to give such notice prior to acquisition of property. The purpose of the notice and distribution is to enable the locality to evaluate the project for consistency with local ordinances other than building codes and to provide the locality with an opportunity to submit comments to the agency during the planning phase of a project. Upon receipt of a request from a locality, the institution shall transmit a copy of the plans to the locality for comment.*

E. Every electric utility that is responsible for the construction, operation, and maintenance of electric transmission lines of 150 kilovolts or more shall furnish reasonable information requested by the local planning commission having authority to prepare a comprehensive plan within the utility's certificated service area relative to any electric transmission line of 150 kilovolts or more that may affect the locality's comprehensive plan. If the locality seeks to include the designation of corridors or routes for

60 electric transmission lines of 150 kilovolts or more in its comprehensive plan, the local planning
61 commission shall give the electric utility a reasonable opportunity for consultation about such corridors
62 or routes. The electric utility shall notify the chief administrative officer of every locality in which the
63 electric utility plans to undertake construction of any electric transmission line of 150 kilovolts or more,
64 prior to the filing of any application for approval of such construction with the State Corporation
65 Commission, of its intention to file any such application and shall give the locality a reasonable
66 opportunity for consultation about such line.

67 ~~EF.~~ Nothing in this section shall be construed to require any state agency or electric utility to
68 duplicate any submission required to be made by the agency or the electric utility to a locality under
69 any other provision of law.

70 ~~FG.~~ Nothing herein shall be deemed to abridge the authority of any state agency or the State
71 Corporation Commission regarding the facilities now or hereafter coming under its jurisdiction.
72 *However, failure of any state agency to strictly comply with subsection C will justify entry of an*
73 *injunction on behalf of the locality.*

74 ~~GH.~~ The provisions of this section shall not apply to highway, transit or other projects, as provided
75 in § 10.1-1188 B.

76 ~~HI.~~ The provisions of this section shall not apply to the entering of any option by any state agency
77 or electric utility for any projects listed in subsection C ~~or~~, D *or* E.