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HOUSE BILL NO. 2138

Offered January 11, 2017

Prefiled January 11, 2017

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

Patron—LeMunyon

Referred to Committee on Transportation

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 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 the extent to which the proposed plan or amendment will increase traffic congestion or, to the extent feasible, reduce the mobility of citizens in the event of a homeland security emergency and shall include such information as part of its comments on the proposed plan or amendment. *In making such determination, the Department shall specify by name and location any transportation facility for which a reduction in the level of service is anticipated as a result of the proposed plan or amendment.* Such information shall be provided concurrently to the submitting locality and the Northern Virginia Transportation Authority. Further, to the extent that such information is readily available, the Department shall also include in its comments an assessment of the measures and estimate of the costs necessary to mitigate or ameliorate the congestion or reduction in mobility attributable to the proposed plan or amendment *in a way that ensures no reduction in the level of service of any transportation facility.*

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.

4. *If the submitting locality is within Planning District 8, the locality shall propose one or more transportation projects in its local transportation plan or propose one or more transportation projects for inclusion in the regional plan of the Northern Virginia Transportation Authority (§ 33.2-2500 et seq.), or a combination thereof, to ensure no reduction in service of any transportation facility in accordance with the Department's assessment in subdivision 2.*

B. 1. 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. *If the locality is in Planning District 8, the Department's review shall specify by name and location any transportation facility for which a reduction in the level of service is anticipated as a result of the rezoning and provide an assessment of the measures and estimate of the costs necessary to ensure no reduction in the level of service of any transportation facility.* The Department shall complete its initial review of the rezoning proposal within

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59 45 days, and its final review within 120 days, after it receives the rezoning proposal from the locality.
60 Notwithstanding the foregoing provisions of this subsection, such review by the Department shall be of
61 a more limited nature and scope in cases of rezoning a property consistent with a local comprehensive
62 plan that has already been reviewed by the Department as provided in this section.

63 *2. If the locality is located in Planning District 8, prior to the effective date of the proposed rezoning*
64 *the locality shall propose one or more transportation projects in its local transportation plan to ensure*
65 *no reduction in service of any transportation facility as a result of the rezoning, according to the*
66 *Department's review pursuant to subdivision 1.*

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

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

74 E. The Department shall impose fees and charges for the review of applications, plans and plats
75 pursuant to subsections A and B, and such fees and charges shall not exceed \$1,000 for each review.
76 However, no fee shall be charged to a locality or other public agency. Furthermore, no fee shall be
77 charged by the Department to a citizens' organization or neighborhood association that proposes
78 comprehensive plan amendments through its local planning commission or local governing body.