

Comment

Commenter #1

- 1) While the legislation allows for exemptions to the regulations as stipulated in the second sentence of Enactment Clause 2: “Such regulations shall become effective on July 1, 2007 and shall include reasonable exemptions from the requirements of subsections A, B, and C of § 15.2-2222.1”, this allowance for exemptions is not formally recognized or provided for in the proposed VDOT regulations.
- 2) There will be significant unfunded impacts on County and VDOT staff resources as a result of the proposed regulations.
- 3) The proposed timeline for VDOT input is incompatible with the County’s established timeframes for processing Comprehensive Plan Amendments, rezoning case, and subdivision/site plans.
- 4) We strongly recommend that the regulations be modified to allow VDOT District Administrators working with localities to tailor the procedures to recognize established and accepted land use processes, practices, and timelines which incorporate input from VDOT.
- 5) The requirements set forth in 24 VAC 30-155-30.B.1.b and B.2 go well beyond what the statute imposes on localities.
- 6) On page 8 of 34 we suggest for the sake of clarity, we recommend that “to VDOT” be inserted after “rezoning proposal” on the first line of paragraph (C) and that “by VDOT” be inserted after “within 45 days of receipt” on the fourth line of that same paragraph, and that the word “the” appearing before the word “receipt” on the fifth line of the same paragraph be stricken and in its stead, “VDOT’s” be inserted. It is critical that it be totally clear that all referenced submissions and receipts are referring to VDOT and not the locality to avoid future legal challenges by applicants.
- 7) The section on page 11 speaks about the locality’s requirement to certify to VDOT that the landowner’s TIS assumptions are still valid and that the subdivision plat, site plan, or development plan has been submitted to the locality within two years of the date of the locality’s submission of the zoning proposal to VDOT. It would be preferable to measure the time period from the date of the rezoning approval (something that is already well documented and readily available) rather than from the date something is transmitted to VDOT for review.
- 8) Paragraph A of the Fees section has two problems. First – a housing authority, park authority, water authority, school board and other known local authorities are not a locality. A “locality” is a county, city, or town. Second while the draft regulations would exempt a “locality” from paying VDOT review fees for Comprehensive Plan Amendments and rezonings, it does not exempt the locality from paying review fees for site plans and subdivision plats. We strongly recommend that Paragraph A be reworded along the following lines – “No fee shall be charged for review of any comprehensive plan, comprehensive plan amendment, rezoning proposal, subdivision plan, site plan, or plan of development initiated by a locality or other public authority.”
- 9) On page 30, 24 VAC 30-155-80.B1 and B.2 the first line of paragraph 1 and 2 use the word “or” – “for initial or second review ... there shall be a fee ...” what is intended here? Where there is an initial and second review, for each such review the fee is to be paid? Or where there is an initial review and a second review, because of the use of the word “or” only one fee will be charged? To resolve this ambiguity, if two fees are required, then use the word “and” instead of “or” and insert “for each review” in the appropriate locations.
- 10) The regulations provide for no grandfathering. For ease of administration, we would recommend

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that comprehensive plan amendments, rezoning applications, site plans, subdivision plats, and plans of developments submitted to the locality before July 1, 2007 shall be exempt from the requirements of the regulations. That kind of grandfathering would fall under the “reasonable exemptions” mandated by the legislation.

Commenter #2

- 1) The proposed timeframes for VDOT review are too long and do not appear to be in compliance with sections of the Code of Virginia dealing with rezoning, preliminary subdivision plats, plats, and site plans (Sections 15.2-2285, 15.2-2260, 15.2-2259, 15.2-2258).
- 2) Requiring a statement from the locality stating that the development is in compliance with the Comprehensive Plan is not appropriate at the beginning of the rezoning process.
- 3) The section on Capture Rates needs clarification and does not seem to be consistent within the regulations.
- 4) It is unclear whether the locality or VDOT makes the final determination if full study is required by the regulations.
- 5) The regulations do not specify what VDOT will return to localities or what if anything the localities are supposed to do with the VDOT package.
- 6) It is unclear what trip generation rate should be used on rezoning requests since broad zoning categories have widely varied trip generation rates.
- 7) It is unclear whether or not the regulation applies to churches.
- 8) The regulation does not address how a deficiency in a submitted TIS affects the timeframe.
- 9) The regulation does not address how the process will work for items listed in the TIS table that indicate “as determined by VDOT” or “if requested by VDOT” and potential impacts of such items on the timeframe.
- 10) The regulation does not contain a threshold for determining if a comprehensive plan or CPAM ‘alter travel patterns.’
- 11) The regulation does not state what is specifically required in the “Needs Assessment” section of a comprehensive plan package.
- 12) The regulation does not specify whether or not the 3000 foot requirement in localities that maintain their own streets is measured from the property line or access point of the proposed development
- 13) The regulation does not specify who or where at VDOT TIA packages should be sent.
- 14) The regulation does not state when the timeframe for VDOT begins.
- 15) Many secondary and some primary actual traffic counts are extremely old and using them would impact the percent of traffic increase. It is unclear whether or not developers may secure and use current traffic counts.

Commenter #3

- 1) Responsibility for land use decisions should remain at the local level and comments provided by the Virginia Department of Transportation (VDOT) through traffic studies should not limit the ultimate authority of localities to determine appropriate land uses for their communities.
- 2) The proposed submission of a traffic analysis within 10 days of a rezoning application to VDOT does not reflect Hanover’s requirement that rezoning applicants pay for a County consultant traffic analysis that is performed and submitted to VDOT for comment within 30 days of application submission.

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- 3) Proposed submission of traffic impact analysis for subdivision and site plan review could result in a duplication of rezoning analysis and create an unnecessary delay in what should be a ministerial procedure.
- 4) The 90 day timeframe in which VDOT is required to comment is inconsistent with the timeframe established in Section 15.2-2260 of the Code of Virginia, which provides that all state agencies, including VDOT, must review and comment on preliminary plats within 45 days of receipt of the preliminary subdivision plat. Section 15.2-2259 of the Code of Virginia provides that site plans and other plats must be acted on within 60 days of formal submittal.
- 5) It is unclear from the regulations as to whether VDOT or the locality will be responsible for collecting these fees and there are no provisions for a process to be followed for the transfer of funds from the locality to VDOT if the locality is to be responsible for collecting the fees.
- 6) Hanover County requests that the proposed regulations be modified to provide for the ability of a locality to perform traffic impact analyses on its own and to allow for greater flexibility in the established timeframes.

Commenter #4

- 1) The Newport News City Code requires that approval or a site plan be completed and that staff respond to a complete site plan within 20 business days. A subdivision plat review must be completed within 60 calendar days. The statute and VDOT regulations, should the project fall under the state code provision, will allow 90 days for VDOT review. This will significantly impair the City's efficient process for concluding these matters.
- 2) The time allowed for VDOT to review rezoning proposals extends beyond the time allowed by the state and the local ordinance for a city planning commission recommendation.
- 3) The VDOT review of comprehensive plans, rezonings, subdivisions and site plans will not solve the problem caused by the lack of funds for road improvements.
- 4) Newport News and other cities with the capacity to require and review traffic impact studies should be exempted from these regulations.
- 5) Whatever VDOT recommends as a result of its review of a zoning, comprehensive plan, subdivision, or site plan is inconsequential until the state provides the funding necessary, estimated to be \$566 million, to improve I-64 in accord with the adopted Regional Transportation Plan.
- 6) The threshold of 1,000 trips per day catches small projects that normally would not require a traffic impact study. Newport News recommends that the threshold be increased to 5,000 trips per day, which would catch the larger projects.
- 7) Newport News requests that VDOT consider a reduction of the effective distance from a state highway to 1,000 feet for cities with populations of 100,000 or more, as these cities would have adequate in-house review staff.

Commenter #5

- 1) The statute – Chapter 527 – clearly states that its requirements do not “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.” The deletion of provisions that require VDOT to follow higher local standards is a step backwards that at best leaves this issue vague and at worst undercuts the purpose and wording of the statute. This language should be added back to the regulations.
- 2) The SELC is also concerned that language was dropped from the previous draft of 24 VAC 30-155-60 that clearly stated that one of the purposes of the Traffic Impact Statement is “to ensure that

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proposed developments or zoning changes do not adversely affect the existing transportation network.” Although this is implicit in the regulations, we think a clear statement should be added back to the text.

3) We are concerned that language in the proposed 24 VAC 30-155-60 B 8 on LOS provisions that pertain to bike, pedestrian and bus impacts seems rather vague and somewhat hostile to these modes, making it seem like the primary concern is whether they impede drivers. This is particularly true for the language pertaining to buses. The language should be altered to support alternative travel modes and clarify that nothing in these regulations is meant to restrict these modes in any way.

Commenter #6

1) In subsection 30(A) of the draft proposed regulations reference is made to the “transportation component” of the comprehensive plan. But section 15.2-2223 of the Code of Virginia uses the term “transportation element.” Effective July 1, 2007, the term will be changed to “transportation plan,” a term also used frequently throughout the regulations. We recommend that “component” be changed to “plan” and that in absence of a definition of transportation plan in the regulations, reference be made to section 15.2-2223 the first “transportation plan” is used in the regulations.

2) We recommend that a provision be added to the regulations requiring VDOT to hold a scoping meeting if requested by the locality or the owner or developer and encouraging such a request. The scoping meeting that is mentioned in subsection 60(C) does not include the owner or developer.

3) None of the sections of the regulation require VDOT to send a copy of its written report of its analysis to the applicant. To enhance efficiency in the process, these sections should be amended to require VDOT to send a copy of the report to the applicant.

4) We recommend that the regulations be amended to provide that if VDOT fails to provide written comments within the time periods specified, VDOT shall be considered to have no comments; this is necessary as no consequences are provided for VDOT’s failure to meet the regulatory deadlines.

5) At the time a supplemental TIS would be required, the developer or owner would have a vested right to proceed with the subdivision under Virginia Code section 15.2-2307. Accordingly, to dispel any such notion we recommend the subsection include a statement that “Nothing in this subsection shall be considered to impair any vested rights under Virginia Code section 15.2-2307.”

6) The supplemental TIS should be limited to site access, turn lanes, signalization and similar issues, rather than the full TIS required in subdivision 50(C)(3).

7) Subsection 60(A) authorizes the locality to prepare the TIS or have the developer or owner prepare the TIS. Nothing in this section requires, however, a locality that prepares a TIS to consult with the owner or developer during the preparation of its TIS or even to provide them a copy of the TIS when it is submitted to VDOT. We recommend such requirements be added to this subsection.

8) We believe the “geographic scope/limits of the study area” in the table contained in section 60 are excessive, potentially cost prohibitive and do not reflect the common practices for traffic impact statements in Virginia. We recommend that the geographic scope/limits of the study area be limited to one mile from the access point(s) for 1,000 or more site generated peak hour trips and that the other categories be reduced proportionally.

9) We recommend that the section with TIS table including the following statement to indicate how distances are to be measured: “all distances in the table below shall be measured along roads or streets.”

10) At the end of the table is a provision that the geographic scope of the TIS may be reduced or enlarged by VDOT under certain circumstances. We believe that enlargement by VDOT should only occur after consultation with the locality and the owner or developer and that the regulation should be

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amended to effect that requirement.

11) The TIS table requires that under certain circumstances the TIS shall include an analysis of multimodal activities but no guidance is provided on how the number of multimodal trips should be estimated. We believe such guidance should be included in the regulations or reference to a generally accepted manual for conducting such estimates should be added to the text of the regulations or added to the list of documents incorporated by reference in the last section of the regulations.

12) Sight distance is dealt with by the design engineer in the final design process. We recommend deletion of this requirement from the TIS.

13) Requirements for daily traffic, speed studies and crash history are not usually included in traffic impact studies. They may be nice to know information but they do not add much to the purpose of the TIS. These items should only be required when necessary to address local road system failures or unusual characteristics of the development or study area.

14) We believe the language in subsection 80(B)(1), (2), and (3) need clarification to show the intent that one fee shall cover the both the initial and any second review.

15) We do not object to the second fee required in subsection 80(B)(4) for a third review when the applicant fails to address deficiencies previously identified by VDOT. We do believe, however, in the interest of fairness the applicant should have an opportunity to rebut the VDOT claim that they failed to address deficiencies. We recommend that such a provision be added at the end of subsection 80(B)(4).

Commenter #7

1) We request that the Department certify that the current VDOT/County review and approval processes comply with and meet the requirements of S.B. 699 and the Department's proposals.

Commenter #8

1) I recommend that the proposed regulations be amended to: (A) require a scoping meeting for the largest category of developments and (B) to make it clear that for any other category of development a scoping meeting can be requested by the applicant or the applicable locality.

2) I recommend that the TIS PAC develop a proposed definition of projects that would be considered of "significant regional impact and that these projects be the only projects that have to meet the requirements of the last column of the TIS requirement chart.

3) We are concerned that the geographic scope of the TIS requirement is too large for every class of project included in the TIS Table.

4) While most, if not all, of the proposed elements included on the TIS table are reasonable to impose on a project of significant regional impact, they are excessive for any other project and in a number of cases they are left optional to be mandated for projects of a size that are not warranted.

5) We recommend that the categories on the TIS Table all have the number of Vpph to which they apply increased.

6) Care needs to be taken to make it clear that the study area do not mandate inclusion of subdivision roads, private residential roads or roads in adjacent mix-use developments that are beyond the area encompassed between the site entrance and the first signalized intersection or major intersection.

7) We recommend that the regulations specify that the study area will be measured "along roadways from each entrance" and that it be made clear that the study area is not a circular radius drawn around the property proposed for development.

8) The TIS Table needs to be revised to significantly reduce the number of instances where speed study, crash history, sight distance and daily traffic count data on adjacent roads would be required in a number of situations where the information would not be helpful to VDOT while adding considerable

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extra cost to the preparation of the TIS.

9) We are concerned that categories 3 and 4 on the TIS Table require a “6-years after buildout” analysis which can exaggerate the impact of a development and unnecessarily increase the cost of a study by 5 to 20 percent depending on the number of phases contemplated for the development.

10) We believe the pass by and internal capture rates contained in Section 60(C)(3) are set too low and ignore rates generally accepted by the engineering community as established in the Trip Generation Handbook, 2nd Edition, which the proposed regulations use for trip generation calculations.

11) We believe that the requirements that a supplemental TIS be submitted if more than two years has passed since rezoning package was reviewed by VDOT is too restrictive and ignores the reality of the length of the land use process at the local level. A developer should not have to prepare a supplemental TIS if a site plan is filed within five years of the rezoning, particularly for any development that is not of significant regional impact and for which the applicant has vest rights under state law.

12) The fees under the proposed regulations are reasonable if they are clarified to make it clear that no more than \$1000 total can be charged for review of the initial and second submission, if necessary, that responds to the deficiencies noted by VDOT.

13) We recommend that three to four professional engineers who are providing traffic impact statements services to the development community and/or local government clients be invited by VDOT to the TIS PAC meeting that has been scheduled for October 25, 2006.

Commenter #9

1) The threshold for submission of a TIS is too low and may spread VDOT’s resources too thin.

2) Throughout for VDOT involvement should be consistent so that it’s reasonably anticipated to result in substantial impact” vs. “substantial changes or impacts”, since “substantial impact” is defined, but “substantial changes or impacts” is not.

3) Page 5 of the draft regulations notes that VDOT shall indicate recommended improvements including costs to address traffic impact. Generally, the cost estimate for recommended improvements is a concern because that will likely become the default for the proffer negotiation. Is that a role desired for VDOT?

4) Page 3 defines “substantial impact” for VDOT involvement on comprehensive plan changes as 2,000 additional vehicle trips per day. That is the equivalent to a project of about 200 housing units or 50,000 square feet of retail. In some jurisdictions this would encompass any comprehensive plan amendment.

5) The threshold for VDOT involvement for rezoning applications, subdivision plats, site plans and plans of development are also set so low as to insert the process into almost any land use application. More appropriate threshold levels would be: 100 peak hour trips a day vehicle trips per day if VDOT is responsible for maintenance on secondary roads; and 2,000 vehicle trips per day if VDOT is not responsible for maintenance on secondary roads.

6) The draft regulations call for supplemental TIA by VDOT based on when rezoning application was submitted to VDOT for initial review – the clock should start when the rezoning application is approved which is the starting point for other time tables, i.e. for how long the rezoning approval is available for development.

7) The second enactment clause of Chapter 527 notes that VDOT is allowed to include any reasonable exemptions to the new Code sections in the regulations, yet none are listed in the draft regulations.

8) As written the draft regulations severely restrict the ability to do by-right development if you have to submit a full traffic impact analysis every time a site plan is submitted for approval.

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- 9) Need to define whether peak hours is AM or PM because often the two could differ. Also peak hour can vary quite a bit from site to site – there should be a methodological definition of peak hour in the definition section – so that everyone is playing by the same rules.
- 10) There needs to be consistent phrases e.g. 1000 vehicle trips per day vs. 200 daily vehicle trips. The regulations as drafted are inconsistent in the use of this terminology.
- 11) The applicant should be included in meetings related to comprehensive plans, CPAMs, and site plan/development plan/subdivision plat not just rezoning proposal meetings. Also the applicant should be able to meet with VDOT to discuss the proposed comments before they are finalized.
- 12) For comprehensive plans Chapter 527 requires a locality to submit the proposed plan change 90 days before the Board takes action. But then VDOT has 90 days to make comments. It's possible to submit a comprehensive plan change and VDOT would not have to give comments until literally the day of the hearing which is undesirable. Also, the applicant should be able to meet with VDOT to discuss the proposed comments before they are finalized.
- 13) The 10 business day period in which the locality has to submit the TIS should not start until the application has been “accepted” – when the locality begins its actual review of the application.
- 14) Why only deduct trips generated by existing development? Shouldn't there be some consideration regarding traffic that would be generated via by-right density which requires no zoning action.
- 15) If VDOT does not submit comments by the deadlines established in Chapter 527 then it should be considered that VDOT has no comment.
- 16) What recourse is there for the applicant if a delay in VDOT's traffic impact analysis process causes the local government review process to violate its own deadlines for achieving a decision?

Commenter #10

- 1) The proposed VDOT regulations contain no provisions for incorporating locally adopted traffic impact study regulations. Since land use decision making is the responsibility of local governments, it is strongly recommended that these proposed regulations be revised to defer to locally adopted regulations.
- 2) The proposed VDOT regulations contain requirements which encroach into the authority of the local jurisdictions. It is strongly recommended that the proposed regulations be revised to remove any language that even appears to infringe on the legislative discretion of the Board of County Supervisors to determine the contents of its own comprehensive plan.
- 3) The proposed VDOT regulations contain requirements which, in some instances, are excessive. Especially the requirements that a professional engineer review and sign the TIS. It is strongly recommended that these proposed regulations be revised to defer to locally adopted regulations.
- 4) The proposed VDOT regulations contain numerous requirements that are vague and excessive. The regulation contains ambiguous terms like “significant potential,” “adverse impacts,” and “likelihood of non-compliance by pedestrians” without definitions in the bike and pedestrian section. It is excessive to require that packages contain plans at an engineering scale since they are already included in the application.
- 5) Speed studies, crash history studies, sight distance analyses, cost estimates for improvements and traffic signal warrant analyses add cost without adding value to the TIS.
- 6) The regulation gives VDOT sole authority over the geographic scope of the traffic impact study. There is no provision for the local input. It is strongly recommended that these proposed regulations be revised to defer to locally adopted regulations.
- 7) The proposed VDOT regulations contain requirements which, in some instances, require actions of

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a single local government which are controlled through a regional authority, such as transit operations. It is strongly recommended that these proposed regulations be revised to defer to local transit service agreements.

8) The proposed VDOT regulations impose a fee for VDOT's review and require local governments to collect VDOT's review fee. It is strongly recommended that these proposed regulations be revised to remove any relationship between VDOT review fees and local governments.

Commenter #11

- 1) It is unreasonable to require a TIA for developments of five lots or less; the regulation appears to apply to all subdivisions.
- 2) When a traffic impact study is done for a preliminary plat, it would seem unnecessary to do one for the subsequent record plat. Similarly when a study is done for a rezoning, there would not be a need for a study at the preliminary plat stage.
- 3) Given the proposed timing for the review process, it seems unlikely that County staff would be able to maintain the County's adopted review timelines.
- 4) The regulation is unclear on the criteria for determining significant potential for bike, pedestrian or transit trips and who makes such determination.
- 5) The regulation does not provide criteria VDOT will use to increase the scope of the study.
- 6) There is a discrepancy in the timeframes in this regulation and when the County must statutorily act on proposals.
- 7) The state phrases the traffic impact statement as coming from the locality. This should read as coming from the applicant, through the locality.
- 8) The proposed language allows VDOT to request a meeting with the locality to discuss the package, yet the VDOT district office is not located in this locality and causes significant lost work hours in locality staff travel time in calling for such a meeting.
- 9) The limit of the study area for greater than one thousand peak hour trips is stated as within 2 to 5 miles of the site "as determined by VDOT;" yet this would have had to have been determined before the package is created and said trips calculated—mutually exclusive events in sequencing and therefore impossible.
- 10) Forecasts are stated as "six years after buildout," which is not a common or established practice in the industry.
- 11) The regulation states that the preparer should establish the "planning horizon" in consultation with and subject to the approval of VDOT, which does not allow the preparer to create and submit a finished product using set criteria without the need for informal coordination with VDOT. Such informal coordination can be difficult to schedule and conduct.
- 12) Using income as one of the potential factors for predicting the growth rate appears to be specious. At any rate, the opposite is more likely the case, to wit: a DROP in overall income rates would generate longer commutes and traffic due to migration to lower cost living areas.
- 13) The regulation establishes a fee schedule, but the applications are earlier stated as coming from the localities. No statement of the fee collection point nor fee split such as was promulgated for the VPDES permit fee collection on behalf of the state by the locality (i.e. 70/30) is proposed by the regulation or the code.
- 14) This new law did not have the same level of review as other laws upon which we were invited to comment last year.
- 15) The draft regulations mention having traffic studies for every type of land use imaginable

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- (subdivisions, site plans, etc). The County only requires traffic studies for rezonings, ZCPA's and special exceptions etc. with traffic impacts analyzed for uses which generate MORE traffic than allowed by right. If someone subdivides a lot, a traffic study seems excessive and unnecessary. Besides, what can the County require from by right subdivisions other than frontage improvements and right of way dedication? If the County were allowed to ask for more, the reasoning would be clearer.
- 16) Also, once an approved rezoning moves to preliminary and final site plans, the County would not need a new study in that case anyway since the County would already have one for the rezoning.
 - 17) The deadlines (for submission and review(?)) should be tailored to individual jurisdictions being affected.
 - 18) It appears this regulations would require additional employees to be hired by local jurisdictions to provide traffic scoping/coordination/review/etc.
 - 19) It should be clarified in the regulation if the anticipated buildout year is required under Assumptions in the comprehensive plan section.
 - 20) It should be clarified in the regulation how scoping takes place and who is involved.
 - 21) The geographic scope for proposals with over 100 peak hour trips is huge. The term "intersections" could make it so that almost any intersection in the County could be required. There is no 15% rule like the County has and this seems like it could lead to excessive and costly analysis at off site intersections which may only be affected by a few site vehicles.
 - 22) The County would like the flexibility to use local jurisdiction models to do traffic forecasts. No mentions is made of being allowed to use model numbers from local jurisdiction models.
 - 23) It is not clear why the 2000 vehicle trips per day was selected as the threshold for submitting CPAMs to VDOT. Only modest regional road impacts could be expected from a CPAM of that size. Suggest raising threshold.
 - 24) The type of technical assistance VDOT will provide should be clarified in the regulation.
 - 25) The regulations say "recommended improvements shall include cost estimates as available from VDOT" but does not specify what happens if there are no cost estimates available. Cost estimates for a project to be constructed by the private sector or the local jurisdiction are likely to be lower than cost estimates for VDOT doing the same projects.
 - 26) It should be clarified in the regulation whether or not VDOT wants to be involved in scoping the CPAM traffic study and what if any role the private sector should play.
 - 27) In order to expend significant resources in new efforts, significant value should be added to the conclusions/recommendations.
 - 28) Staff is concerned the CPAM process opens up the possibility of very large delays.
 - 29) It should be clarified in the regulation how a situation where the conclusions/recommendations differ from those of VDOT.
 - 30) Staff favors VDOT's attendance at pre-application meetings for ZMAPs because engineering issues can and do come up.
 - 31) The County currently sends VDOT smaller rezonings than are required by the draft regulations, does VDOT no longer wish to receive these applications?
 - 32) What is the procedure and what entities are involved to enable changes to be made to the TIA regulations in the future after the Regulations are finalized.
 - 33) For clarity please define a review as it relates to the fee.
 - 34) It should be clarified in the regulation how the regulation will be updated once it is finalized.
 - 35) It should be clarified in the regulation whether or not there will be additional reviews if changes to

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the application occur.

36) The fee provisions are not clear on how much is charged for subsequent reviews of a proposal.

37) The TIA regulation does not address upfront Construction Plan approvals that come in prior to rezoning and/or prior to rezoning proffers approval.

38) Recommend a table be developed by VDOT for the standards for submittal, assumptions, definitions, methodologies, exception criteria and scope of review for comprehensive plans, rezonings, subdivision plats, site plans and plans of development since many new staff in localities and VDOT will need to use these regulations in a short period of time.

39) What happens if the County and VDOT disagree during initial scoping.

40) Who determines and how is “significant potential” for transit trips is determined.

41) Recommend VDOT offer free training in the use of these new regulations to representatives of localities prior to their implementation or at the time of their implementation. These representatives would then go back to the localities and train others.

Commenter #12

1) The draft regulations propose VDOT review time periods that could conflict with the mandated development review periods that are required of localities.

2) The additional personnel demands that this legislation places on VDOT could be lessened if communities that currently include a traffic impact analysis as part of their local review process were exempted from these proposed regulations.

Commenter #13

1) It has been our experience that our members and local staff find it very helpful to have a ‘pre-submittal’ meeting and we encourage you to consider suggesting or encouraging the same in the regulations should the owner/developer request it.

2) The timelines presented may cause delays in plan review time. We suggest that regional VDOT offices work with the localities to develop acceptable timelines that do not delay plan review.

3) The recommended fee schedule seems excessive. Please consider a reduced fee for second and third submittals.

Commenter #14

1) The geographic scope/limits of study area criteria should be tied to common practices that are already in place across the Commonwealth. Specifically we suggest the following criteria: less than 100 VpPH – nearest intersection up to 1,000 feet; 100 to 499 VpPH – nearest signalized intersection or up to ½ mile, whichever is less; 500 to 999 VpPH – nearest major arterial or interchange, up to one mile; more than 999 VpPH – nearest major arterial or interchange, up to two miles.

2) There needs to be clear, specific language that encourages VDOT to complete its written comments in the time period specified. Our recommendation is that language should be added stating that if VDOT fails to comply with the specified timeframe, then VDOT will be considered to have no comment.

3) Localities that prepare their own traffic impact analyses should be required to consult with the developer during the preparation process and provide the developer with the completed analysis when said analysis is given to VDOT.

Commenter #15

1) VDOT should follow a locality’s standards instead of its own when the locality has adopted more stringent standards. This language should be added back to the regulation

2) A local government should not pay for review of a TIS for a truly public project – such as a school

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– when it submits the site plan, just as it will not be required to pay for review of a comprehensive plan amendment or rezoning.

3) We support a fee structure that will generally compensate the Department for its direct costs in reviewing traffic impact statements, recognizing that in most cases private developer, not localities, will be responsible for the costs.

Commenter #16

1) I would like to express my support of the above regulations. We need to encourage sensible development only, and have a toll fro combating irresponsible building.

Commenter #17

1) I find the requirement that “The TIS shall be reviewed and signed by a licensed professional engineer” to be short sighted and misguided. I suggest that if this requirement must remain, that it be modified to state “the TIS shall be reviewed and signed by a licensed professional engineer or certified planner.”

Commenter #18

1) This is one of the worse pieces of legislation I have ever seen. It creates an additional bureaucratic barrier for the developer and leaves the developer with very little, if any, input.

Commenter #19

1) The regulation needs to be modified to clearly define that the locality makes the determination when a project impact does not trigger the preparation of a t Traffic Impact Statement and that determination is to be done in accordance with rates and equations published in the Institute of Transportation Engineers Trip Generation. The localities need an assurance that there will be no second guessing of the decision.

2) There is a need to clarify the overall purpose and final results anticipated of the regulation. The regulation needs to make provisions for actions that may be taken when the final result of the evaluation is unacceptable.

3) The regulation needs to honor individual timeliness and other sections of the State Code in evaluating the Traffic Impact Statement.

4) The term “department” is utilized but not included in the definition section (in context of who should receive the comprehensive plan/amendment package).

5) For the submission of a comprehensive plan for review – while not directly identified, the Rural Long Range Transportation Plannign (RLRTP) process VDOT is currently undertaking should be coordinated with this component of the regulation and the Traffic Impact Statement.

6) Define the contents of “local assessment of potential impacts the amendment may have on the transportation system,” as envisioned by the regulations.

7) The zoning ordinance contains a variety of uses for each district. In making the derermination if a traffic impact statement is required, the most intense use allowed in the district will need to be utilized as there is no certainty that the proposed use will be the ultimate use sought for the property.

8) The regulation states that a rezoning package must contain a statement regarding the proposals compliance with the Comprehensive Plan, a statement of compliance can not be provided at this point in the rezoning process. The determination of compliance is the subject of the rezoning process.

10) The review process for a rezoning proposal needs to be modified to relect a schedule set by the locality which will be honored by VDOT.

11) It is unclear what the next steps are for re-submission when a package is considered deficient in meeting the submission requirements. “There will be no additional fee for the submission of the

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missing information” needs to added.

12) IF a rezoning impact statement has not been submitted, there should be no condition that “less than 100” would apply. (30-155-50 C 3)

13) The fee study report should evaluate the contents of the regulation and the detail of the traffic impact statements as to their cost benefit to “assist policymakers and the public in planning land use and transportation decisions that promote enhance the quality of life for all Virginians” and not utilize the detail of the regulation to validate an increased fee schedule.

Commenter #20

1) The levels of service proposed in our LOSS documents are consistent with VDOT’s LOSS for primary and secondary roads for Peak and Daily.

2) VDOT’s requirements which are to be contained in a TIA are not inconsistent with our requirements but VDOT’s required elements in a TIA are more expansive. Our trigger points (number of daily trips) differs with VDOT’s.

3) VDOT indicates on page 22 of the 34 pages that they can determine the geographical size of the study area based upon the study. It would be our recommendation that anytime a development adds more than 5% of traffic to an intersection, then the intersection should be included in the study and the study area boundary is the area encompassing all intersections where the development’s impacts is at 5% or greater at the intersection.

4) There should be an explicit policy that roads that are not fully funded and located within the first three years of a Transportation Improvement Plan, such roads can not be included in the study as a road that will be built. By doing so, the impact of the development is distributed to roads which may not get built in 20 years.

5) Our intent was to do away with Traffic Studies once the Countywide Model was built and operational. These regulations appear to prevent us from doing this.

6) These guidelines should permit the use of countywide models, where available, and not regional models for assessing traffic impacts.

7) There should be an “opt out” provision for counties which are taking on the task of establishing TIA guidelines, reviewing TIA, and hiring Traffic Engineers, and establishing internal transportation assets.

Commenter #21

1) Giving VDOT a seat at the land development table is the best thing to happen in transportation. VDOT needs as much power as each County Board has in order to be effective.

Commenter #22

1) State-controlled highways should be labeled state-maintained highways. VDOT does not own the right of way for secondary roads, the counties do.

2) The 2000 VPD threshold should be converted to an hourly rate like the 100 Vpph in the rezoning section

3) The definition of state-controlled highways technically excludes the Counties of Arlington and Henrico, plus all the cities and towns that maintain their own roads.

4) The Federal Aid Highway System is not functionally classified system and since federal money is not involved in this process, the FA system has no application.

5) The different thresholds for rezoning and subdivision have conflicting trip volumes.

6) The TIS table probably should not apply to comprehensive plans and zonings, specific development plans are not always known for these changes and trip generation data is only a guess.

7) It is not practical to estimate walking and bicycle trips since variables involved are unpredictable

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such as the weather.

8) Fees may not be necessary as localities which will not be required to pay and the majority of submissions will likely come from localities.

9) These regulations concentrate on traffic impact reports rather than establishing a far less cumbersome process to place VDOT in a proactive stance rather than a reactive position. These regulations miss the point entirely.

Commenter #22

1) We recommend that at a minimum VDOT provide focus on the following transportation planning efforts by local government: delineation of adequate rights of way for future transportation needs; development management strategies to reserve designed rights of way and/or establish setbacks; road funding strategies.

2) We recommend that 90 days prior to the submittal of a rezoning, subdivision or site plan application, the owner/developer or designated agent may request the locality and VDOT to meet to determine the various elements of the TIS. The locality and VDOT must meet with the requestor within 30 days of receiving the request and provide certification of all elements of the TIS to be required.

3) We recommend the study area for rezonings be as follows for the four groups: less than 100 VpPH – nearest intersection; 100 to 499 VpPH – to nearest major arterial or interchanges up to ½ miles; 500 to 999 VpPH – to nearest major arterial or interchange up to one mile; Over 1,000 VpPH – to nearest major arterial or interchange up to two miles.

4) We recommend the study areas for site plans and subdivisions to be the nearest intersections for unsignalized access, nearest signalized intersections for signalized access as necessary to resolve signal coordination issues.

5) We recommend that the requirements for daily traffic, speed studies, crash history and sight distance should be changed to “If required to address local road system failures or unusual characteristics of development and/or area.”

6) We recommend that planned walking and bike accommodations be included in recommended improvements in TIS.

7) Site plans and subdivisions should require only analysis of traffic with site development.

8) We recommend that ITE’s Trip Generation Handbook, 2nd Edition should be used as the primary reference for internal capture and pass by rates. Other studies of internal capture and pass by trips should be considered.