



HOUSE BILL 528: Traffic Impact Analysis Time Frame.

**This Bill Analysis
reflects the
contents of the bill
as it was presented
in committee.**

2017-2018 General Assembly

Committee:	House Transportation. If favorable, re-refer to State and Local Government II	Date:	April 11, 2017
Introduced by:	Reps. Millis, Torbett	Prepared by:	Luke Gillenwater
Analysis of:	PCS to First Edition H528-CSML-4		Staff Attorney

OVERVIEW: *The Proposed Committee Substitute to House Bill 528 removes driveway permits from the scope of the bill, specifies what occurs when the Department of Transportation (DOT) rejects a traffic impact analysis (TIA), directs DOT to develop an appeals process for applicants to appeal a rejected TIA, and revises the effective date of the act.*

CURRENT LAW: Rules and regulations of DOT and local ordinances require the completion and submission of a TIA to provide information on the projected traffic that is expected from a proposed development. Currently, there is no uniformity in when the establishment of a scope for a TIA or the review of a TIA must be completed.

BILL ANALYSIS: The Proposed Committee Substitute to House Bill 528 does the following:

- Requires DOT to communicate the scope of a TIA to an applicant within 10 business days from the day DOT receives the proposed scope.
- Requires DOT to review and make a decision as to the completeness of a TIA within 20 business days from the day DOT receives the TIA. Failure to meet this time frame results in the TIA being deemed complete.
- Provides that the period of time in which a local government or local transportation planning committee reviews and provides feedback is to be included in computing the required time frames.
- Provides that DOT shall not reject a TIA on the basis that the TIA fails to include information outside of the established scope.
- Provides that DOT must provide written notice to an applicant specifying the basis for rejecting a TIA.
- Provides that the time frames reset upon the rejection of a TIA.
- Authorizes an applicant to appeal a TIA rejection to the Chief Engineer. The appeal must be in writing and submitted to the Chief Engineer within 5 business days from the day the applicant receives the notice of rejection. The Chief Engineer must make his or her decision on the appeal no later than 5 business days from the day he or she receives the notice of appeal.
- Requires DOT to develop and use criteria for determining the scope and completeness of a TIA.

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- Requires DOT to annually report on October 1 the number of times DOT failed to meet the time frame for communicating the scope of a TIA in the year preceding the report, including reasoning for each failure.

EFFECTIVE DATE: Section 1 of the act becomes effective October 1, 2017, and applies to proposed scopes and traffic impact analyses submitted on or after that date. The remainder of the act is effective when it becomes law.