



2017-2018 General Assembly

SENATE BILL 257: Appropriations Act of 2017, Sec. 34.39: Department of Transportation/Traffic Impact Analysis Time Frame

Committee:		Date:	August 17, 2017
Introduced by:		Prepared by:	Howard Marsilio Staff Attorney
Analysis of:	Sec. 34.39 of S.L. 2017-57		

OVERVIEW: Section 34.39 of S.L. 2017-57: (1) creates time frames in which the Department of Transportation (DOT) must make decisions for Traffic Impact Analysis (TIA) approvals; (2) requires DOT to develop an appeals process for TIA rejection by DOT; (3) requires DOT to submit an annual report to the Joint Legislative Transportation Oversight Committee (JLTOC); and (4) authorizes DOT to use up to \$100,000 of nonrecurring 2017-2018 funds, from the Highway Fund allocated for general maintenance, to implement these changes.

The new statutory provisions related to traffic impact analysis timeframes and appeals become effective October 1, 2017, and the remainder of this section became effective July 1, 2017.

CURRENT LAW: DOT policy requires the completion and submission of a TIA with other information when proposed developments connect to the State highway system. Currently, there is no statutory framework for TIA approval or review timelines.

BILL ANALYSIS: Sec. 34.39 of S.L. 2017-57:

- Sets time frames which apply to DOT's review process related to TIA's, such as, to communicate the scope of a TIA, to review and make a decision as to the completeness of a TIA, and to review and make a decision to approve or reject the TIA.
- Clarifies what is included and not included in calculating 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, and requires DOT to 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, and also requires that an applicant is notified whether to use the original scope of the TIA for resubmission.
- 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 a decision on the appeal no later than 5 business days.
- Requires DOT to develop criteria for determining the scope, completeness, and approval of a TIA, which DOT must publish on their Web site.
 - Requires DOT to consult with working groups, and provide public notice prior amending these criteria.

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- Requires DOT to submit annual reports to the Joint Legislative Oversight Committee regarding the implementation of this process.
- Authorizes DOT to use up to \$100,000 of nonrecurring 2017-2018 funds, from the Highway Fund allocated for general maintenance, to implement these changes.

EFFECTIVE DATE: The new statutory provisions related to traffic impact analysis timeframes and appeals become effective October 1, 2017, and the remainder of this section became effective July 1, 2017.