

VIRGINIA ACTS OF ASSEMBLY -- 2022 SESSION

CHAPTER 425

An Act to amend and reenact § 33.2-334 of the Code of Virginia, relating to Commonwealth Transportation Board; regulations; secondary street acceptance.

[H 275]

Approved April 11, 2022

Be it enacted by the General Assembly of Virginia:

1. That § 33.2-334 of the Code of Virginia is amended and reenacted as follows:

§ 33.2-334. Requirements for taking new streets into secondary state highway system.

A. The governing body of any county that has not withdrawn from the secondary state highway system or any town within which the Department maintains the streets may, by resolution, request the Board to take any new street or highway into the secondary state highway system for maintenance if such street or highway has been developed and constructed in accordance with the Board's secondary street acceptance requirements. The Board shall adopt regulations establishing such secondary street acceptance requirements, which shall include such provisions as the Board deems necessary or appropriate to achieve the safe and efficient operation of the Commonwealth's transportation network.

B. In addition to such other provisions deemed necessary or appropriate by the Board, the regulations shall include (i) requirements to ensure the connectivity of highway and pedestrian networks with the existing and future transportation network, *provided that such provisions shall include flexibility to limit the number of connections to adjacent property or highway networks as deemed appropriate*; (ii) provisions to minimize stormwater runoff and impervious surface area; and (iii) provisions for performance bonding of new secondary highways and associated cost recovery fees.

C. No initial regulation establishing secondary street acceptance requirements pursuant to this section shall apply to subdivision plats and subdivision construction plans that have been submitted and accepted for review by the Department on or before the effective date of such initial regulations. No locality shall be obligated to approve any subdivision plat or subdivision construction plans that are inconsistent with these regulations.

D. Nothing in this section or in any regulation, policy, or practice adopted pursuant to this section shall prevent the acceptance of any street or segment of a street within a network addition that meets one or more of the public service requirements addressed in the regulations, provided that the network addition satisfies all other requirements adopted pursuant to this section. In cases where a majority of the lots along the street or street segment remain undeveloped and construction traffic is expected to utilize that street or street segment after acceptance, the bonding requirement for such street or street segment may be required by the Department to be extended for up to one year beyond that required in the secondary street acceptance requirements.

2. The Department of Transportation (the Department) shall convene a stakeholder advisory group composed of representatives from the Department, local government, environmental advocacy organizations, and the residential and commercial land development and construction industry for the purpose of developing and providing recommended amendments to the regulations of the Commonwealth Transportation Board (the Board) in accordance with the provisions of this act no later than January 1, 2023. The findings and recommended amendments to the regulations in accordance with the provisions of this act shall be presented to the Board for adoption prior to June 1, 2023.