



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Chairperson

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Agenda item # 2

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

December 8, 2021

MOTION

Made By: Mr. Miller Seconded By: Ms. Hynes

Action: Motion carried, unanimously

Title: Amendment of the Land Use Permit Regulation

WHEREAS, the Land Use Permit Regulation permits work activities on the VDOT right of way for construction, utility installations, entrances, events and other activities; and

WHEREAS, in specifying land use permit fees, particularly for renewable energy generation permits, section 710 of the regulation includes a reference to Code of Virginia § 67-1103, which was part of the Virginia Energy Plan and specified right of way fees for renewable energy generators; and

WHEREAS, Chapter 387 of the 2021 Special Session of the General Assembly recodified statutes relating to mining and energy, and as part of that recodification, moved § 67-1103 and the other sections in its chapter to a newly created chapter in Title 56; and

WHEREAS, due to this recodification, the reference in the Land Use Permit regulation for § 67-1103 should now reference § 56-617.

NOW, THEREFORE, BE IT RESOLVED, that the CTB hereby approves the amendment of the Land Use Permit Regulation, particularly 24VAC30-151-710, to change the reference to § 67-1103 to the new Code section § 56-617.

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BE IT FURTHER RESOLVED, that the CTB further authorizes the Commissioner of Highways or his designee to take all necessary and appropriate actions to effectuate this amendment in the Virginia Administrative Code.

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Commonwealth Transportation Board (CTB) Decision Brief

Amendment of Land Use Permit Regulation

Issue: A Code of Virginia section that is referenced by the Land Use Permit Regulation has been relocated to a different Title of the Code by the General Assembly, and the reference in the Land Use Permit Regulation must be changed to reference the new section number.

Facts:

The Land Use Permit Regulation permits work activities on the VDOT right of way for construction, utility installations, entrances, events and other activities. The regulation authorizes VDOT to charge fees for permit applications as well as for the occupation of the public right of way. Those fees are specified in section 710 of the regulation.

In specifying such fees, particularly for renewable energy generation permits, section 710 includes a reference to Code of Virginia § 67-1103, which was part of the Virginia Energy Plan and specified right of way fees for renewable energy generators. However, Chapter 387 of the 2021 Special Session of the General Assembly recodified statutes relating to mining and energy, and as part of that recodification, moved § 67-1103 and the other sections in its chapter to a newly created chapter in Title 56. No changes to the substance of the Code sections were made as part of the recodification. Due to this recodification, the reference in the Land Use Permit regulation for § 67-1103 should now reference § 56-617.

Recommendations: VDOT recommends approval of the amendment of section 710 of the Land Use Permit Regulation so that the reference to § 67-1103 instead correctly references § 56-617.

Action Required by CTB: The *Code of Virginia* requires a majority vote of the CTB to amend the Land Use Permit Regulation.

Result, if Approved: If approved, the Commissioner of Highways or his designee will take all actions necessary to effectuate the amendment in the Virginia Administrative Code.

Options: Approve, Deny, or Defer

Public Comments/ Reaction: N/A

Decision Brief

Location Approval for the Route 636 (Nash Road) Extension

Chesterfield County

March 18, 2020

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Ninety-seven (97) citizens attended the Citizens Information Meeting. Sixty-five (65) written comments were submitted. Thirty-five (35) supported the project, twenty-four (24) did not support the project and six (6) provided no response / not sure.

Based on the written comments received and to alleviate or minimize the impacts and concerns expressed by citizens, a preferred alternative alignment (“Proposed Alignment”) was developed consisting of sections of Alternative 1 and Alternative 3 for the location of the Project.

On February 19, 2020 the Chesterfield County Board of Supervisors endorsed the Proposed Alignment for the location of the Project. See attached exhibit.