

APAVA "Top Bills" 2021 General Assembly

Transportation & Related Bills

(5 house and companion senate bills; 1 joint house-senate study)

<p>HB 2054 - Samirah - Comprehensive plan; provision for transit-oriented development.</p>	<p>(H) Committee on Counties, Cities and Towns</p> <hr/> <p>(S) Committee on Local Government</p>	<p>(G) Governor's Action Deadline 11:59 p.m., March 31, 2021</p>	<p>02/25/21</p>
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notes: Adds reducing, modifying, or waiving local parking requirements or ratios to the strategies that may be included when certain larger localities consider incorporating strategies to promote transit-oriented development in reviews of their comprehensive plans. The bill removes the phrase "to reduce density in others" from the existing strategy of increasing development density in certain areas to reduce density in others.

<p>HB 2071 - Convirs-Fowler - Transportation funding; statewide prioritization process, resiliency. Same as SB1350</p>	<p>(H) Committee on Transportation</p> <hr/> <p>(S) Committee on Transportation</p>	<p>(G) Governor's Action Deadline 11:59 p.m., March 31, 2021</p>	<p>02/25/21</p>
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notes: Requires the Commonwealth Transportation Board to determine whether a project has been designed to be resilient when evaluating projects for the Six-Year Improvement Program and consider resiliency when establishing the Statewide Transportation Plan. The bill also requires the Commissioner of Highways to ensure resiliency is incorporated into the design standards for new construction projects.

<p>HB 2074 - Simonds - Environmental justice; interagency working group.</p>	<p>(H) Committee on Appropriations</p> <hr/> <p>(S) Committee on Finance and Appropriations</p>	<p>(H) Senate substitute rejected by House 21200425D-S1 (1-Y 97-N)</p>	<p>02/25/21</p>
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notes: Establishes the Interagency Environmental Justice Working Group as an advisory council in the executive branch of state government to further environmental justice in the Commonwealth and directs each of the Governor's Secretaries to designate at least one environmental justice coordinator to represent the secretariat as a member of the Working Group. The bill directs the Working Group to focus its work during its first year on the environmental justice of current air quality monitoring practices in Virginia and provides that the Working Group shall expire on July 1, 2031.

The bill directs each state agency to adopt an agency-specific environmental justice policy that requires an evaluation of the environmental justice consequences of any covered agency action, requires a consideration of the environmental justice consequences or cumulative impacts of the administration of regulations, and contains other features, including public participation plans for residents of environmental justice communities and fenceline communities potentially affected by a covered agency action.

Finally, the bill requires each local government adopting or reviewing a comprehensive plan to consider identifying certain environmental justice communities, objectives, and policies. **SB1318 is Senate cognate**, and APAVA has requested language to clarify that the EJ provision would only

apply to local Comprehensive Plan updates in accordance with Sec. 2232 of the Code, not routine amendments.

[HB 2262](#) - [Hurst](#) - Bicycles; traffic regulations, report.

[\(H\) Committee on Transportation](#)

[\(S\) Committee on Transportation](#)

(H) Enrolled Bill communicated to Governor on February 26, 2021

02/26/21

notes: Permits operators of bicycles to treat a stop sign as a yield sign in certain situations. The bill requires the driver of a motor vehicle to change lanes when overtaking a bicycle or certain other vehicles when the lane of travel is not wide enough for the overtaking motor vehicle to pass at least three feet to the left of the overtaken vehicle. The bill also removes the limitations on riding bicycles and certain other vehicles two abreast. **Senate floor amendment SB 1263 took out authority to treat stop sign as a yield sign.**

[HB 1926](#) - [McQuinn](#) – CVTA membership

[\(H\) Committee on Transportation](#)

[\(S\) Committee on Transportation](#)

(G) Governor's Action Deadline 11:59 p.m., March 31, 2021

02/25/21

Adds the Executive Director of the Virginia Port Authority, or his designee as a nonvoting ex officio member of the Central Virginia Transportation Authority.

[HJ 542](#) - [McQuinn](#) – Transit equity and modernization; Department of Rail and Public Transportation Study

[\(H\) Transportation & Public Safety](#)

[\(S\) Finance & Appropriations](#)

(G) Governor's Action Deadline 11:59 p.m., March 31, 2021

02/17/21

Study; Department of Rail and Public Transportation; transit equity and modernization; report. Requests Joint Legislative Audit and Review Commission (JLARC) to work with the Department of Rail and Public Transportation to identify what is needed to achieve the equitable delivery of transportation services and modernization of transit in the Commonwealth, including transit accessibility, adequacy of transit infrastructure, transit electrification, implementation of emerging technology, transit safety and transit system engagement with particular emphasis on transit services and engagement opportunities for underserved and underrepresented communities. Interim report due by December 1, 2021 and final report no later than August 1, 2022.

Other Relevant Planning Legislation

(flexibility for outdoor refreshment areas, 3 solar energy storage, tree and conservation related bills, EJ outreach with environmental permits, carbon sequestration, DHCD housing study)

<p>HB 2006 - Heretick - Energy storage systems; definitions, tax exemption, revenue share for systems.</p>	<p>(H) Committee on Finance</p> <hr/> <p>(S) Committee on Finance and Appropriations</p>	<p>(G) Governor's Action Deadline 11:59 p.m., March 31, 2021</p>	<p>02/25/21</p>
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notes: Declares that energy storage systems are included in the definition of certified pollution control equipment and facilities, making energy storage systems exempt from state and local taxation. The bill defines "energy storage system" as equipment, facilities, or devices that are capable of absorbing energy, storing it for a period of time, and redelivering that energy after it has been stored. The tax exemption applies only to certain projects with alternating current (AC) storage capacity of more than five megawatts and less than 150 megawatts.

The bill also allows localities to assess a revenue share of up to \$1400 per megawatt on energy storage systems. The bill provides that on July 1, 2026, and every five years thereafter, the maximum amount of the revenue share that a locality may impose on energy storage systems as well as certain solar energy projects shall be increased by 10 percent. No increase may be made to any revenue share imposed by a locality on a solar energy project or energy storage systems for which an application has been filed with the locality and such application has been approved prior to January 1, 2021. The bill defines energy storage systems as electric suppliers whose property shall be assessed by the State Corporation Commission.

<p>HB 2042 - Guy - Trees; replacement and conservation during development, effective date.</p> <p>Same as SB1393</p>	<p>(H) Committee on Counties, Cities and Towns</p> <hr/> <p>(S) Committee on Local Government</p>	<p>(H) Enrolled Bill communicated to Governor on February 26, 2021</p>	<p>02/26/21</p>
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notes: Gives a locality the ability to exceed general requirements in its tree replacement and conservation ordinances in specific circumstances, including development that impacts stormwater permit requirements, recurrent flooding, formerly redlined areas, and comprehensive plan compliance. The provisions of the bill shall become effective July 1, 2022. SB 1393 calls for effectiveness only if reenacted during the 2022 Session of the General Assembly.

<p>HB 2053 - Samirah - Affordable & market-rate housing; DHCD to evaluate growing demand.</p>	<p>(H) Committee on Appropriations</p> <hr/> <p>(S) Committee on Finance and Appropriations</p>	<p>(S) Passed Senate (22-Y 17-N)</p>	<p>02/25/21</p>
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notes: Directs the Department of Housing and Community Development (Department) to convene a stakeholder advisory group to evaluate the construction of internal, attached, and detached accessory dwelling units as a strategy to address the Commonwealth's growing demand for affordable and market-rate housing. The bill requires the stakeholder advisory group to report its findings and recommendations, including any legislative recommendations, to the Director of the

Department, the Secretary of Commerce and Trade, the commissioners of the Virginia Housing Development Authority, and the Virginia Housing Commission no later than November 1, 2021.			
HB 2201 - Jones - Solar and energy storage projects; siting agreements throughout the Commonwealth. Same as SB 1207	(H) Committee on Counties, Cities and Towns <hr/> (S) Committee on Local Government	(G) Governor's Action Deadline 11:59 p.m., March 31, 2021	02/25/21
notes: Expands existing provisions related to siting agreements for solar projects located in an opportunity zone to include energy storage projects and makes the provisions statewide. The bill provides that its provisions shall not apply to any energy storage project that has received zoning and site plan approval, preliminary or otherwise, from the host locality before January 1, 2021. The bill also provides that its provisions shall not become effective with respect to energy storage projects unless the General Assembly approves legislation that authorizes localities to adopt an ordinance for taxation of energy storage projects such as solar projects with a local option for machinery and tools tax or solar revenue share. The bill further provides that a locality may grant a special exception for an energy storage project.			
HB 2221 - Hayes - Environmental permits; community and environmental justice outreach.	(H) Committee on Agriculture, Chesapeake and Natural Resources <hr/> (S) Committee on Agriculture, Conservation and Natural Resources	(S) Left in Agriculture, Conservation and Natural Resources	02/23/21
notes: Requires the applicant for any (i) new or major modified stationary air pollution source, (ii) new landfill or transfer station, (iii) certification of site approval for a hazardous waste facility, (iv) new individual Virginia Pollutant Discharge Elimination System permit, (v) new individual Virginia Water Protection permit, (vi) new individual Virginia Stormwater Management Program permit, (vii) new individual Virginia Pollution Abatement permit, or (viii) individual ground water withdrawal permit for a new ground water withdrawal to complete certain public notice requirements, including (a) holding a public hearing; (b) publishing notices in English and Spanish in a newspaper, on social media, and on signage at the site location at least 60 days prior to such public meeting; (c) mailing notices to interested parties; (d) accepting written comments; (e) transcribing meeting information; and (f) responding to community concerns to the satisfaction of the Department of Environmental Quality. The bill removes an exemption for applicants for a permit to operate a new captive industrial landfill or a new construction-demolition-debris landfill from certain provisions relating to new landfills or transfer stations. The bill also removes an exemption from certain public notice requirements granted to local government or public authority applicants for a permit to operate a landfill or transfer station.			
HB 2266 - Ayala - Alcoholic beverage control; outdoor refreshment area license.	(H) Committee on General Laws <hr/> (S) Committee on Rehabilitation and Social Services	(H) Conference report agreed to by House (85-Y 4-N)	02/25/21
notes: Renames the "local special events" license as the "outdoor refreshment area" license. The bill allows the Board of Directors of the Virginia Alcoholic Beverage Control Authority to increase the frequency and duration of events held under such license after adoption of an ordinance by a			

locality requesting such increase in frequency and duration. Under current law, localities are limited to holding 16 events per year under such license, with each event lasting no more than three consecutive days, except during the effective dates of any rule, regulation, or order that is issued by the Governor or State Health Commissioner to meet a public health emergency and that effectively reduces allowable restaurant seating capacity. The bill also increases the state and local license fees for outdoor refreshment area licenses issued pursuant to a local ordinance.

<p>HB 2269 - Heretick - Solar energy projects and energy storage systems; revenue share for projects and systems.</p>	<p>(H) Committee on Finance</p> <hr/> <p>(S) Committee on Finance and Appropriations</p>	<p>(G) Governor's Action Deadline 11:59 p.m., March 31, 2021</p>	<p>02/25/21</p>
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notes: **Allows localities to assess a revenue share of up to \$1400 per megawatt on energy storage systems.** The bill provides that on July 1, 2026, and every five years thereafter, the maximum amount of the revenue share that a locality may impose on certain solar energy projects and energy storage systems shall be increased by 10 percent. No increase may be made to any revenue share imposed by a locality on a solar energy project or energy storage systems for which an application has been filed with the locality and such application has been approved prior to January 1, 2021.

<p>SB 1274 - Marsden - Wildlife corridors; various agencies to consider and incorporate.</p>	<p>(H) Committee on Agriculture, Chesapeake and Natural Resources</p> <hr/> <p>(S) Committee on Agriculture, Conservation and Natural Resources</p>	<p>(S) Bill text as passed Senate and House (SB1274ER)</p>	<p>02/25/21</p>
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notes: **Directs various agencies to consider and incorporate, where applicable, wildlife corridors and any recommendation of the Wildlife Corridor Action Plan.** The bill directs the Department of Wildlife Resources to publish the Plan and subsequent updates on its website and to assist state agencies and political subdivisions, and by request any federal agency, in considering and incorporating, where applicable, wildlife corridors and the recommendations of the Plan when developing any governmental strategic plan, map, or action.

<p>SB 1290 - Mason - ConserveVirginia program; established.</p>	<p>(H) Committee on Agriculture, Chesapeake and Natural Resources</p> <hr/> <p>(S) Committee on Agriculture, Conservation and Natural Resources</p>	<p>(S) Bill text as passed Senate and House (SB1290ER)</p>	<p>02/24/21</p>
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notes: **Establishes in the Department of Conservation and Recreation a data-driven Geographical Information Systems model to prioritize potential conservation areas across the Commonwealth that would provide quantifiable benefits to the citizens of Virginia, known as ConserveVirginia.** Aspects of the program include (i) the synthesis of multiple mapped data inputs, divided into categories, each representing a different overarching conservation value, and periodic revision of such values; (ii) access to the model by the public and all state and federal agencies; and (iii) incorporation of the model into acquisition or grant decisions when appropriate. The bill requires the Virginia Land Conservation Foundation to report on the success of the program and incorporate the program into needs assessments for expenditures from the Virginia Land Conservation Fund.

<p>SB 1374 - Lewis - Carbon Sequestration Task Force; established.</p>	<p>(H) Committee on Agriculture, Chesapeake and Natural Resources</p> <hr/> <p>(S) Committee on Agriculture, Conservation and Natural Resources</p>	<p>(G) Governor's Action Deadline 11:59 p.m., March 31, 2021</p>	<p>02/25/21</p>
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notes: Directs the Secretary of Natural Resources, jointly with the Secretary of Agriculture and Consumer Services, to convene a task force for the purpose of studying carbon sequestration in the Commonwealth and submit a report of its findings before the first day of the 2022 Session of the General Assembly. The bill directs the task force to (i) consider possible methods of increasing carbon sequestration within the natural environment through state land and marine resources use policies; agricultural, aquacultural, and silvicultural practices; and other practices to achieve restoration of natural resources and long term conservation; (ii) recommend short-term and long-term benchmarks for increasing carbon sequestration; (iii) develop a standardized methodology to establish baseline carbon levels and account for increases in carbon sequestration over time; (iv) identify existing carbon markets and considerations relevant to potential participation by the Commonwealth; and (v) identify other potential funding mechanisms to encourage carbon sequestration practices in the Commonwealth.

<p>SB 1389 - Lewis - Real property; required disclosures for buyer to exercise due diligence, flood risk report.</p>	<p>(H) Committee on General Laws</p> <hr/> <p>(S) Committee on Finance and Appropriations</p>	<p>(G) Governor's Action Deadline 11:59 p.m., March 31, 2021</p>	<p>02/24/21</p>
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notes: Requires the Real Estate Board (the Board) to make available on its website a flood risk information form, the details of which are outlined in the bill. The bill also provides that an owner of residential real property located in the Commonwealth who has actual knowledge that the dwelling unit is a repetitive risk loss structure, as defined in the bill, shall disclose such fact to the purchaser on a form provided by the Real Estate Board on its website. The bill has a delayed effective date of January 1, 2022.

<p>SB 1404 - Lewis - Stormwater Local Assistance Fund; grants awarded for projects related to Chesapeake Bay.</p>	<p>(H) Committee on Agriculture, Chesapeake and Natural Resources</p> <hr/> <p>(S) Committee on Agriculture, Conservation and Natural Resources</p>	<p>(G) Governor's Action Deadline 11:59 p.m., March 31, 2021</p>	<p>02/22/21</p>
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notes: Authorizes grants from the Stormwater Local Assistance Fund awarded for projects related to Chesapeake Bay total maximum daily load (TMDL) requirements to take into account total phosphorus reductions or total nitrogen reductions. The bill authorizes grants awarded for eligible projects in localities with high or above average fiscal stress as reported by the Commission on Local Government to account for more than 50 percent of the costs of a project.