

# SANDS ANDERSON MARKS & MILLER

## Transportation Planning and Financing

Sands Anderson Marks & Miller's attorneys have worked with local governments throughout the state in finding creative ways of funding transportation and other capital improvement projects. Through the use of traditional service districts, the imposition of impact fees, the acceptance of proffers, or through Urban Transportation Service Districts (UTSD), the impact of new development on roads and traffic can be ameliorated through non-general funds. Our attorneys have advised many localities on growth management issues and have provided tools to allow cost shifting for improvements to be borne by the entities generating the need for the capital improvements.

Our attorneys have assisted in establishing special taxing districts to help defray the costs of transportation funding in a number of Virginia localities. While newly authorized UTSDs will permit some localities to enact particularized taxing districts and use tax revenues generated to construct and maintain roads, Sands Anderson's attorneys can help other jurisdictions establish service districts to raise similar funds - but let VDOT keep the roads. We can also assist in evaluating and developing public-private joint ventures, including efforts under the Public-Private Transportation Act in Virginia, to help address transportation issues.

In addition to the funding of infrastructure improvements, our local government attorneys can assist with implementing Comprehensive Plan amendments to include required Urban Development Areas (UDA), and "New Urbanism" concepts. We can also help localities take full advantage of new impact fees available to make sure development projects benefited by new roads pay their fair share.

The attorneys at Sands Anderson have a depth of experience with capital infrastructure financing for local government, growth management, land use and zoning both in the consulting capacity and as legal counsel to many local governing bodies. Sands Anderson has the capacity and experience to help local governments throughout Virginia comply with the requirements imposed by the Transportation Act of 2007 and to take full advantage of new and existing funding sources.

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## Tips for Implementing New Transportation Requirements & Strategies

To make sure your locality complies with the state's new transportation requirements, and takes full advantages of newly created funding sources, local governments should carefully consider the following:

- Where is growth currently designated in the Comprehensive Plan and does it meet the minimum densities required for a UDA ?
- What is the localities projected residential and commercial growth for the next 10-20 years? Does the current Comprehensive Plan account for such growth?
- How will pending rezoning requests to be addressed if anticipated UDAs differ significantly from current growth areas?
- Are new urbanism concepts included in the Comprehensive Plan, and if so, how?
- What are appropriate boundaries for Impact Fee Areas and how will definition of roads “benefiting” new development be determined?
- What are appropriate uses special tax districts in rezoning and special use approvals to take care of transportation and other infrastructure needs, whether immediate or future.

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