

REPORT DOCUMENTATION

TITLE

Promoting Planned Road/Path Projects
via Development Review Process

ORGANIZATION

Hampton Roads Transportation Planning Org.
723 Woodlake Drive, Chesapeake, VA 23320
<http://www.hrtpo.org>

AUTHORS

Robert B. Case, PhD, PE

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ABSTRACT

In accordance with the subject task requested by Gloucester County in the FY25 Unified Planning Work Program (UPWP), HRTPO staff polled localities around Virginia asking them *how they promote planned road/path projects via the development review process*. This report organizes and documents those practices.

ACKNOWLEDGMENT & DISCLAIMERS

Prepared in cooperation with U.S. Department of Transportation (USDOT), Federal Highway Administration (FHWA), and the Virginia Department of Transportation (VDOT). The contents of this report reflect the views of the Hampton Roads Transportation Planning Organization (HRTPO). The HRTPO is responsible for the facts and the accuracy of the data presented herein. The contents do not necessarily reflect the official views or policies of the above cooperating agencies or the Hampton Roads Planning District Commission. This report does not constitute a standard, specification, or regulation. FHWA or VDOT acceptance of this report as evidence of fulfillment of the objectives of this planning study does not constitute endorsement/approval of the need for any recommended improvements nor does it constitute approval of their location and design or a commitment to fund any such improvements. Additional project level environmental impact assessments and/or studies of alternatives may be necessary.

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Background

Localities desire certain road and active transportation projects. When a developer proposes a development along a planned road/path project, the locality may desire to use the development review process to promote the subject transportation project. For example, when a path planned by the locality fronts a proposed development, prior to granting a rezoning, the locality may ask the developer to commit to building the path within the limits of the development, or to set back the proposed buildings to leave the path's alignment clear for future construction.

Research Methodology

In accordance with the subject task requested by Gloucester County in the FY25 Unified Planning Work Program (UPWP), HRTPO staff polled localities within Hampton Roads and in other parts of Virginia asking them *how they promote planned road/path projects via the development review process*. Staff contacted the following localities:

- Hampton Roads localities:
 - Chesapeake
 - Hampton
 - Newport News
 - Norfolk
 - Portsmouth
 - Isle of Wight
 - James City
 - Poquoson
 - Southampton
 - Suffolk
 - Va. Beach
 - York
- Localities in MPOs (via members of the Virginia Association of MPOs [VAMPO])
 - Central Virginia Planning District Commission (CVPDC)
 - Chesterfield County
 - Thomas Jefferson Planning District Commission (TJPDC)
 - West Piedmont Planning District Commission (WPPDC)
 - Franklin County
 - Pittsylvania County
 - Danville
 - Fredericksburg Area Metropolitan Planning Organization (FAMPO)

- Spotsylvania County
 - Fredericksburg
 - Stafford County
 - Caroline County
 - Central Shenandoah Planning District Commission (CSPDC)
 - Augusta County
 - Rockingham County
 - Metropolitan Washington Council of Governments (MWCOCG)
 - Alexandria
 - New River Valley Metropolitan Planning Organization (NRVMPO)
 - Blacksburg
 - PlanRVA
 - Chesterfield County
 - Roanoke Valley – Alleghany Regional Commission (RVARC)
 - Roanoke County
 - Roanoke (city)
- Virginia counties similar in population (30-60k) to Gloucester (39k)
 - Accomack County
 - Amherst County
 - Botetourt County
 - Campbell County
 - Caroline County (also under MPOs above)
 - Culpeper County
 - Franklin County (also under MPOs above)
 - Halifax County
 - Henry County
 - Louisa County
 - Mecklenburg County
 - Orange County
 - Pittsylvania County (also under MPOs above)
 - Powhatan County
 - Prince Georg County
 - Pulaski County
 - Shenandoah County
 - Tazewell County
 - Warren County
 - Washington County
 - Wise County

Staff contacted approximately 50 localities, received responses from approximately twenty (20) of them, and received best practices for this document from approximately ten (10).

The garnered best practices are organized and reproduced below.

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Best Practices for Promoting Planned Road/Path Projects via the Development Review Process

The best practices of localities for promoting planned road/path projects during the development review process—the existence of which was obtained via the above research process—are organized and reproduced below.

Note that the ability of localities to obtain setbacks for, easements for, and construction of planned road/path projects is **limited by Virginia law**. For example, the deeding of right-of-way (r.o.w.) by the developer is voluntary under law. Consequently, localities include unspecific requirements in their zoning ordinances, and negotiate with developers prior to issuing—or denying—a necessary approval (rezoning, conditional use permit, etc.). Actions taken by the developer to increase the likelihood of obtaining such an approval are known as “proffers”.

In order that localities reading this document may learn from the actions of researched localities, those **actions** have been **highlighted in red**, the **supporting documents** prepared by the locality have been **highlighted in orange**, the **situation** has been **highlighted in purple**, and the desired **result** has been **highlighted in green**. Note that the contributing locality is identified via **parentheses**.

Color Key

- Locality action
- Locality document
- Situation
- Result

Staff covers the following below:

- Planned paths
- Planned road widenings
- Planned roads
- Utilities
- General
- Questions listed in subject UPWP task description

Planned Paths

This section starts with best practices for these three goals:

- Leaving space for path
- Leaving space or building path
- Building path
- Locality gets developer to **leave space** for path:
 - When the county **asked the developer** to show a planned path on a site plan (not build it), the developer did so, which **prevented anything from being built where the path would go**. (Isle of Wight)
 - Where **planned** trails are within the proposed development area (Roanoke):
 - “These trails are **typically located within the 100-year floodplain or floodway**, where we **request an easement**. When **a rezoning is required**, securing the easement becomes even easier for political reasons. Of course land within floodways and floodplains is not typically economically viable for development.”
- Locality gets the developer to **leave space** for path or **build** path:
 - For paths included in the **locality’s bike/ped plan**, the lead planner **requests that developer include path on site plan**, and developer—as part of a **rezoning request**—typically proffers **path construction across site**. (Chesapeake)
 - In northern Virginia, if the locality has **placed a path** in its **comprehensive and/or trail plan**, “the developer is expected to **include that in their design [i.e. build it] (or at least leave space for it and provide some funds for the later construction of it).**” (VDOT, NoVa)
 - Likewise, for **paths shown** in **Comprehensive Plan**, locality staff (Blacksburg):
 - “expect the developer to include the trail” on the site plan, i.e. **reserving space for the trail**.
 - “we will often **request a public trail easement** be dedicated....”
 - “If **zoning entitlements are required**, such as for a **conditional use permit or rezone**,...we would expect the applicant to provide for the trail [i.e. **build the trail**] as a part of the project.”
 - “If trails are included in **any adopted plans**, **we request** that they be included within the development proposal [i.e. **built by the developer**] or that **space be left** available for future [construction] of the trail by others with dedicated easements being ideal” (Roanoke Co.)

- Locality placed transportation demand management (TDM) parking credit verbiage in **Zoning Ordinance**, resulting in developer **providing facilities and/or providing right-of-way (r.o.w.) or easement** for a planned facility. (York)
 - Section 24.1-255(c) “Bicycle and pedestrian accommodations shall be provided in all **developments anticipated to have at least twenty-five (25) employees on any shift or five hundred (500) average daily trips**. Such accommodations shall include safe, secure, and convenient pedestrian and bicycle circulation and access....”
 - Section 24.1-255(d) “Where employers adopt and certify their continued support for a Transportation Demand Management program which encourages alternative modes of transportation, such as van pooling and car pooling, bicycle and pedestrian commuting, telecommuting, transit subsidy, or other techniques, a credit may be granted by the zoning administrator of up to twenty-five percent (25%) of the required off-street parking expected to be utilized by employees.”
- Locality gets developer to **build** path:
 - For all **developments other than single family**, locality has **written Zoning Ordinance**—and **applies it**—to require developers to **construct bikeways** in accordance with the **Regional Bikeway Map**. (York)
 - Section 24.1-256(d) “Bikeways shall be constructed within and between developments and along roadways in conformance with the routes and guidelines contained in the **comprehensive plan**.”
 - For **commercial sites that meet certain criteria**, the locality **wrote Zoning Ordinance** to require the developer to **construct bicycle facilities** “which could impact traffic operations along adjacent roadways or overall traffic safety”. Locality has **applied this** to achieve connectivity to planned bike facilities on adjacent roadways.” (York)
 - Section 24.1-251(b)(2)(i) “...bicycle facilities, and any other facilities or accommodations and any other factor which could impact traffic operations along the adjacent roadways or overall traffic safety, both internal and external.”
 - “The County **shows trails** in our **Comprehensive Plan** so that as development occurs **shared use paths and trails are developed [i.e. built by the developer]**.” (Rockingham Co.)

- The county having **placed** a planned trail in the **Comprehensive Plan or Corridor Transportation Plan**, **when seeking a rezoning**, the developer would proffer **construction of the subject portion of the trail**. (Warren)
- **Two deed options** for sidewalks/paths, and the impact of each option (Isle of Wight):
 1. If locality **obtains an easement** from the developer:
 - owner must pay taxes on the property under the easement
 - no impact on setbacks
 - VDOT will not maintain items in the easement
 - Note: For an easement, if locality **includes verbiage** in the **easement** allowing multiple uses (e.g. easement will allow a path now, a waterline later), future improvements will occur **more easily, less expensively**.
 2. If locality **obtains r.o.w.** from the developer:
 - owner pays no taxes on deeded r.o.w.
 - setbacks will be measured from new r.o.w.
 - VDOT will maintain items in the r.o.w.

Planned Road Widenings

- Locality obtains increased **setbacks**:
 - In **Zoning Ordinance** for **major roads**, locality **included provisions** that require **increased setbacks**.
 - Isle of Wight: Highway Corridor Overlay Zones
 - Newport News: Sec. 45-2808. Special building setbacks along expressways, arterials and collector streets
 - Campbell Co.: Sec. 22-16.4- Transportation Corridor Overlay District on US highway requires 50' setback.
- Locality includes **Corridor Master Plans** as appendices to **Comprehensive Plan**, resulting in developer **giving additional r.o.w.** (as needed) **during subdivision process**. (Isle of Wight, Newport News)

Planned Roads

- Locality **asked developer** to **dedicate r.o.w.** through subject development for a road **planned by the city**, which road the city would pay to build (and which would bring people to the new development). (Poquoson)
- Locality **placed corridor plan** for a US highway in **Comprehensive Plan**. Through a **rezoning** proffer, locality obtained from the developer **right-of-way for parallel connector roads** along US highway. (Warren)

Utilities

- Impacts of two deed options for **utilities and drainage** (Isle of Wight):
 1. If locality **obtains an easement** from the developer:
 - owner must pay taxes on the property under the easement
 - no impact on setbacks
 - VDOT will not maintain items in the easement
 - Note: For an easement, if locality **includes verbiage** in the **easement** allowing **multiple uses** (e.g. easement will allow drainage now, a waterline later), future improvements will occur **more easily, less expensively**.
 2. If locality **obtains r.o.w.** from the developer:
 - owner pays no taxes on deeded r.o.w.
 - setbacks will be measured from new r.o.w.
 - VDOT will maintain items in the r.o.w.

General

- Applicant offers **proffers** when a **change of zoning is requested**. (Newport News)
- Locality **convenes** Pre-design Site Development Review Committee (comprised of public works, planning, fire, etc.) to meet with developer **before design/submittal**. (Newport News)

Questions listed in subject UPWP task description

- “At **what level of project development** does a roadway improvement project need to be (i.e. fully engineered, funded, or just planned), to obtain right-of-way from adjacent parcels when they go through a site plan or subdivision approval process?” (asked to Isle of Wight)
 - It depends on how much r.o.w. is needed. If a minor amount, then the project being in a **plan** is enough.
- “Are any localities requiring that **easements be granted for utilities** adjacent to the roadway?” (asked to Isle of Wight)
 - **Note:** Verizon, HRSD are willing to be near other utilities but locality water/sewer authorities require more space.
 - NoVa localities **coordinate with utilities** on a regular basis (as opposed to when a road project occurs) resulting in utilities spending their own dollars to make changes desired by locality, e.g.:
 - A locality plans an intersection project: At the locality’s **request**, the electric utility agreed to **relocate poles**—which will aid the locality’s future intersection project—while the utility does other work in the vicinity.
 - A locality plans to widen a road: At the locality’s **request**, Columbia Gas is **extending a pipeline encasement**—which will accommodate the future wider road—while Columbia is upgrading their system.

Advice for Localities

- **Take courses** related to this subject. (Isle of Wight) For example:
 - NHI courses “Introduction to Federal-Aid Right of Way Requirements for Local Public Agencies” (FHWA-NHI-141050) and “Utility Coordination for Highway Projects” (FHWA-NHI-134006)
 - 141050 covers Disadvantaged Business Enterprise (DBE), Buy America, Davis Bacon, or the FHWA 1272 provisions for an architecture and engineering (A&E) services Request for Proposals (RFP) and for a construction Invitation for Bid (IFB).
 - Virginia Local Technical Assistance Program (LTAP) course “Locally Administered Project Qualification Program”

Conclusion

At the request of Gloucester County, HRTPO staff obtained from localities around the state best practices for promoting planned road/path projects during the development review process, organized the best practices according to locality goals, and described each practice above.

Staff used color-coding to make situations, actions, and results clear.

Readers of this document may apply these best practices to promote planned road/path projects.

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