

PROCEDURES AND PRINCIPLES FOR GRTA DEVELOPMENT OF REGIONAL IMPACT REVIEW

PROCEDURES AND PRINCIPLES

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PROCEDURES AND PRINCIPLES for GRTA Review of DEVELOPMENTS OF REGIONAL IMPACT

ARTICLE 1 - GENERAL PROVISIONS

PART 1 - PURPOSE AND AUTHORITY

Section 1-101. Purpose.

- A. The purpose of these Procedures and Principles is to implement GRTA's responsibility for the review of DRIs within GRTA's jurisdiction pursuant to O. C. G. A. §50-32-14.
- B. The purpose of these Procedures and Principles is to ensure that proposed developments of regional impact will, to the maximum extent practicable, contribute to improved regional mobility and air quality within the area of GRTA's jurisdiction.
- C. The purpose of these Procedures and Principles is to establish an orderly and efficient process for the review of DRIs by GRTA.
- D. The purpose of these Procedures and Principles is to establish review criteria by which GRTA will determine whether a proposed DRI and the expenditure of state and federal funds for Land Transportation Services and Access Improvements required to serve the proposed DRI are consistent with and further GRTA's goals and objectives to promote the efficient use of limited state and federal resources, ensure that regional transportation plans and air quality standards are implemented and to improve regional mobility and air quality.

Section 1-102. Authority.

These Procedures and Principles are adopted pursuant to O.C.G.A. §50-32-1 *et seq.*

PART 2 - DEFINITIONS AND RULES OF CONSTRUCTION

Section 1-201. Definitions.

For the purposes of these Procedures and Principles, the following words and terms have the meanings specified herein:

- A. "Access" means land transportation facilities which provide service capacity to new development.
- B. "Area of Influence" means an area located within six (6) road miles from a parcel which is proposed to be developed as a DRI. The Area of Influence is used for an analysis of the balance of land uses and job to housing relationship and is different and distinct from the Study Network used for transportation analysis which is required as a part of an application for GRTA DRI Review.
- C. "Congestion" means traffic volumes which exceed capacity to the extent that a facility operates at an unacceptable level of service.

- D. “Daily Trips” means average weekday trips as defined by the Institute of Traffic Engineers in the most recent edition of the Trip Generation Manual.
- E. “DCA Rules” means those rules adopted by the Georgia Department of Community Affairs, Chapter 110-12-3, effective July 1, 2001, as may be amended from time to time.
- F. “DRI” means those developments defined by DCA Rule 110-12-3.02 which meet the thresholds established in DCA Rule 110-12-3.03.
- G. “DRI Review Initiation Request” means the formal application for DRI review which is submitted to the appropriate RDC (See Definition 17) pursuant to the DCA’s Rules.
- H. “Executive Director” means the chief executive officer of the Georgia Regional Transportation Authority
- I. “Expedited Review” means those procedures in Section 2-202 of these Procedures and Principles which allow applicants for GRTA DRI Review to benefit from an expedited review process, provided that the proposed DRI conforms to the criteria of Section 3-101.
- J. “GRTA” means the Georgia Regional Transportation Authority created under O.C.G.A. §50-32-1 et seq.
- K. “GRTA DRI Approval” means approval by GRTA of a Plan of Development for a DRI pursuant to these Procedures and Principles.
- L. “GRTA DRI Review Package” means the application materials for GRTA DRI Review which includes the technical analysis of transportation and supporting documentation in accordance with the Technical Guidelines.
- M. “Initial DRI Information” means the information submittal provided for in DCA’s Rules for a determination by the appropriate RDC as to whether a proposed DRI requires regional review and approval.
- N. “Land Transportation Services” means services which provide for movement of people by roads or mass transit.
- O. “Plan of Development” means a particular plan for the physical development of a parcel of land including the location, character and intensity of land uses.
- P. “Procedures and Principles” means these Procedures and Principles adopted to implement the provisions of O.C.G.A. §50-32-1 et seq.
- Q. “RDC” means a Regional Development Center established under O.C.G.A. §50-8-32.
- R. “Required Improvement” means a land transportation service or access improvement which is necessary in order to provide a safe and efficient level of service to residents, employees and visitors of a proposed DRI.
- S. “Single Occupant Vehicle” or “SOV” means an automobile occupied by one person.
- T. “Study Network” means the roadways affected by a proposed DRI which is analyzed as a part of the network Application for GRTA DRI Review.
- U. “Technical Guidelines” are the directions and methodologies for preparing the required submittal information for GRTA DRI Review which are set out in Appendix A to these Procedures and Principles.

Section 1-202. Rules of Construction.

For the purposes of these Procedures and Principles, the following rules of construction shall apply:

- A. The provisions of these Procedures and Principles shall be liberally construed to achieve the purposes and intent for which they are adopted.
- B. Nothing in these Procedures and Principles is intended to abrogate any easement, covenant, deed restriction or other private agreement; however, where the regulations of these Procedures and Principles are more restrictive or impose higher standards or requirements than such easement, covenant, deed restriction or other private agreement, the requirements of these Procedures and Principles shall govern.
- C. In the event of a conflict between the text of these Procedures and Principles and any caption, figure, illustration, table, or map, the text of these Procedures and Principles shall control. In the event of a conflict between a chart and an illustration, the chart shall control. All illustrations included in these Procedures and Principles are for illustrative purposes only.
- D. In the event of any conflict in limitations, restrictions, or standards applying to an individual use or structure, the more restrictive provisions shall apply.
- E. The words “shall,” and “must” are mandatory in nature, implying an obligation or duty to comply with the particular provision.
- F. The word “may” is permissive in nature.
- G. Words used in the present tense include the future tense.
- H. Words used in the masculine gender include the feminine gender.
- I. The words used and occupied as applied to any land or building shall be construed to include the words “intended, arranged or designed to be used or occupied.”
- J. The word “herein” means “these Procedures and Principles.”
- K. Any act authorized by these Procedures and Principles to be carried out by a specific official or agency of GRTA may be carried out by a designee of such official or agency.
- L. The time within which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday or a legal holiday, that day shall be excluded.
- M. Any words and terms not defined herein shall have the meaning indicated by common dictionary definition.
- N. Any reference to Georgia Statutes or the Rules and Regulations of the State of Georgia shall be construed to be a reference to the most recent enactment of such statute, rule, or regulation and shall include any amendments as may from time to time be adopted.
- O. In the event that there is any conflict between the text of these Procedures and Principles and the Technical Guidelines in Appendix A, the text of these Procedures and Principles shall control.

PART 3 - TRANSITION

Section 1-301. Application of Procedures and Principles to Pending DRIs.

These Procedures and Principles shall be applicable to any proposed DRI located within the area of GRTA's jurisdiction which is initiated pursuant to the DCA Rules by the filing of an Initial DRI Information Form with the appropriate RDC and GRTA after the effective date of these Procedures and Principles.

Section 1-302. Existing State or Federal Funding Commitments.

The denial of a DRI Plan of Development pursuant to Section 2-403 of these Procedures and Principles shall not prohibit the expenditure of federal or state funds on any phase of a project to create Land Transportation Services or Access if, at the time of such denial, such phase:

- A. Is programmed in the current year of an approved Transportation Improvement Program; and
- B. Is the subject of an executed project agreement between the United States Department of Transportation and any agency, authority, or instrumentality of the State of Georgia or an executed local government project agreement between any agency, authority, or instrumentality of the State of Georgia and a political subdivision of the State; and
- C. Has already resulted in the expenditure of federal or state right-of-way acquisition or construction funds, exclusive of any funds spent for early acquisition pursuant to the provisions of 23 C.F.R. § 710.501, for protective buying or hardship acquisition pursuant to the provisions of 23 C.F.R. § 710.503, or for advance construction pursuant to the provisions of 23 U.S.C. § 115.

The expenditure of federal or state funds on any phase of a project to create Land Transportation Services and Access not meeting the requirements in this section shall be prohibited as a result of GRTA's denial of a DRI Plan of Development.

PART 4 - MEMORANDA OF UNDERSTANDING

Section 1-401. Memoranda of Understanding.

GRTA may enter into memoranda of understanding with a RDC(s) in order to coordinate the review process under the DCA Rules and these Procedures and Principles and for such other means which are appropriate to achieve the purposes of these Procedures and Principles.

PART 5 - DESIGNATION OF TRANSIT ENABLED AREAS

Section 1-501. Transit Enabled Areas.

GRTA may designate certain geographic areas which are well served by transit as "Transit Enabled Areas" which would make specified development eligible for GRTA Expedited Review.

Section 1-502. Designation of Transit Enabled Areas.

- A. **Initiation.** The designation of a Transit Enabled Area may be initiated by GRTA, or by the RDC(s) or the local government(s) in which a proposed Transit Enabled Area is located.

- B. **Data and Analysis.** In the event that an authorized entity requests that a particular area be designated as a Transit Enabled Area, GRTA staff shall assemble appropriate data in regard to existing land use in the proposed Transit Enabled Area, future land use according to the comprehensive plan of the appropriate local government, and existing and planned transportation systems serving the proposed Transit Enabled Area. GRTA's staff shall meet with the staff of the appropriate RDC and local government to discuss the proposed Transit Enabled Area designation.
- C. **Staff Recommendation.** Based on the data and analysis, GRTA staff shall prepare a report and recommendation in regard to the proposed Transit Enabled Area designation. The report and recommendation shall include, at a minimum, the boundaries of the proposed Transit Enabled Area and the character and magnitude of development which should be eligible for Expedited Review in the proposed Transit Enabled Area. The staff report and recommendation shall be transmitted to the appropriate RDC and local government at least ten (10) days prior to the consideration of the report and recommendation by the DRI Committee.
- D. **Designation by DRI Committee.** The DRI Committee shall consider the designation of the proposed Transit Enabled Area at a regularly scheduled meeting. If the DRI Committee determines that the area proposed to be designated is well-served by transit facilities and services and that the character and magnitude of development which is proposed to be eligible for Expedited Review would be consistent with and further GRTA's goals and objectives to improve regional mobility and air quality, the DRI Committee may designate the area as a Transit Enabled Area and direct GRTA staff to prepare an official GRTA map reflecting the designation.

ARTICLE 2 - DRI REVIEW

PART 1 - GENERAL PROVISIONS

Section 2-101. DRI Approval Required.

GRTA DRI approval is required, pursuant to the provisions of these Procedures and Principles, of all proposed DRIs prior to the carrying out of development of a planned DRI within the jurisdiction of GRTA. The GRTA DRI approval process is comprised of four stages:

- A. The Initial DRI Information stage conducted by the appropriate RDC, in consultation with GRTA, in which the RDC and GRTA determine whether or not the project warrants regional review by the RDC and/or GRTA.
- B. A Pre-Application stage comprised of: (a) a Pre-Application Conference involving GRTA, the RDC, the local government, the applicant, and other affected public agencies; (b) a determination regarding Expedited Review by GRTA; and (c) notification of the applicant by GRTA, jointly with the RDC, of all materials and information required to be submitted with the DRI Review Initiation Request form.
- C. The DRI Review stage, involving: (a) submittal of the DRI Review Initiation Request Form to the RDC and GRTA, and a GRTA DRI Review Package to GRTA, (b) certification of completeness by GRTA and/or the RDC, and (c) review of the DRI Plan of Development by GRTA and/or the RDC.

- D. Final decisions by GRTA and/or the RDC in regard to a proposed DRI Plan of Development.

Section 2-102. Notification of Proposed DRI.

Pursuant to the provisions of the DCA Rules, local governments within the area of GRTA's jurisdiction shall transmit a copy of an Initial DRI Information form to GRTA simultaneously with the submission of the Initial DRI Information form to a RDC.

PART 2 - INITIATION OF GRTA'S DRI REVIEW

Sub-Part 1 PRE-APPLICATION CONFERENCE

Section 2-201. Pre-Application Conference.

- A. **Purpose.** The purpose of the Pre-Application Conference is to discuss the proposed DRI Plan of Development; identify the views and concerns of GRTA, the affected RDC and local government(s), the applicant, and other potentially affected public agencies; determine the degree of discretion of the local government(s) to impose conditions on the applicant based on the nature of the particular local governmental approval which is involved; determine any additional information required of the applicant; determine any appropriate modifications to GRTA's basic review process, including expedited review; and to agree on the methodologies to be employed in the preparation of the GRTA DRI Review Package and any modifications to the technical analysis required in preparing the DRI Review Package.
- B. **Pre-Application Conference.** If the affected RDC determines that a proposed DRI warrants regional review, the RDC and GRTA shall, within ten (10) days after receipt of an Initial DRI Information Form, hold a Pre-Application Conference pursuant to the requirements of Section 110-12-3.06(5) of the DCA Rules.

The decision of the affected RDC that a proposed DRI does not warrant regional review shall not affect whether the project is a DRI or GRTA's authority to review the proposed DRI. In the event the affected RDC determines that a proposed DRI does not warrant regional review, GRTA shall schedule and hold a Pre-Application Conference within ten (10) days of GRTA's receipt of an Initial DRI Information Form, in accordance with the timing requirements established for the RDC by Section 110-12-3.06(5) of the DCA Rules. GRTA shall invite the applicant, the affected local government(s), the RDC, and other potentially affected public agencies to participate in the Pre-Application Conference.

- C. **Required Pre-Application Conference Information.** The following information shall be made available, by the party or parties indicated below, for review and discussion by the participants in the Pre-Application Conference, without regard to whether the proposed DRI has been determined by the RDC to warrant regional review:
1. A copy of the Initial DRI Information Form (RDC and/or GRTA);
 2. A copy of the RDC's written determination as to whether a project warrants further review by the respective agencies (RDC);
 3. A copy of any written materials other than the RDC regional review

- determination which has been prepared as a result of the RDC's and GRTA's review of the Initial DRI Information Form (RDC and GRTA);
4. The methodology proposed to be used in the preparation of the DRI Review Package for the proposed DRI including any preliminary information or analysis the applicant wishes to have considered at the Pre-Application Conference (applicant);
 5. If the applicant is seeking Expedited Review, documentation in accordance with the Technical Guidelines demonstrating compliance with the Expedited Review Criteria in Section 3-101 including, at a minimum, a traffic analysis of the proposed DRI traffic on-site, at access points with public roads and the level of service of adjacent roadways with traffic generated by the proposed DRI and off-site access as may be appropriate;
 6. A copy of the local ordinance provision(s) under which the applicant seeks the local government action which has given rise to the consideration of the project as a DRI (local government(s)); and
 7. Any other information that any of the parties involved in the Pre-Application Conference believe to be relevant to the consideration of the proposed DRI.
- D. **Letter of Understanding.** Within five (5) days after a Pre-Application Conference, GRTA shall transmit a Letter of Understanding to the applicant, with copies to all other Pre-Application Conference attendees, setting forth the substance of the Pre-Application Conference and identifying any additional information that must be submitted concurrently with the DRI Review Initiation form by the affected local government. No representation by GRTA staff at the Pre-Application Conference shall be binding on GRTA with respect to any application subsequently submitted, unless set forth in the Letter of Understanding.

Sub-Part 2 EXPEDITED REVIEW

Section 2-202. Expedited DRI Review.

- A. **Staff Determination of Eligibility.** In the event that an applicant submits a Request for Expedited Review at the Pre-Application Conference, GRTA's professional staff shall make a determination at the Pre-Application Conference or within five (5) days following the Conference, as to whether the Request for Expedited Review should be approved pursuant to Article 3 of these Procedures and Principles.
- B. **GRTA Staff Expedited Review Determination Included in Letter of Understanding.** GRTA's professional staff's determination as to whether a Request for Expedited Review should be approved shall be included in the Letter of Understanding described in Section 2-201.D of these Procedures and Principles. A copy of the Letter of Understanding shall be submitted to the Executive Director at the same time the Letter of Understanding is provided to the applicant.

- C. **Decision of the Executive Director.** Within five (5) days of receipt of a copy of the Letter of Understanding for a proposed DRI, the Executive Director shall consider the staff determination, as contained in the Letter of Understanding and shall determine whether the proposed DRI complies with the Criteria for Expedited Review in Article 3 of these Procedures and Principles and should be approved, with or without conditions, or denied by Expedited Review.
- D. **Conditional Approval of a Request for Expedited Review.** In the event that the Executive Director determines to approve a Request for Expedited Review subject to conditions, compliance with the conditions shall be determined in the same manner as through Non-Expedited Review, except that submittal requirements and review criteria for the conditional approval shall be those materials and review criteria specified in the Executive Director's determination of conditional approval.
- E. **Denial of Request for Expedited Review.** In the event that the Executive Director denies a Request for Expedited Review, the applicant shall be required to submit all required materials for Non-Expedited Review, including a complete DRI Review Package which shall be prepared and reviewed in accordance with the procedures set forth in Part 3 of Article 2 of these Procedures and Principles.
- F. **Effect of Executive Director Approval of a Proposed DRI by Expedited Review.** If the Executive Director approves a DRI by Expedited Review, then such approval shall be considered a final decision for the purposes of these Procedures and Principles and such decision shall be transmitted to the RDC and shall constitute compliance and satisfaction of all GRTA requirements pursuant to these Procedures and Principles, O. C. G. A. § 50-32-14 and G.A.C. Chapter 110-12-3-.06(6).
- G. **Appeal from Executive Director Decision in Regard to a Request for Expedited Review.** In the event that an applicant is not satisfied with the decision of the Executive Director, the applicant may file an appeal within ten (10) working days with the DRI Committee which shall consider the appeal in accordance with the provisions of Part 5 of this Article 2.

Sub-Part 3 APPLICATION MATERIALS FOR GRTA DRI REVIEW

Section 2-203. Preparation of a GRTA DRI Review Package.

Upon conclusion of the Pre-Application Conference, the applicant for any DRI which was not approved by Expedited Review shall prepare all information requested in the Letter of Understanding and a GRTA DRI Review Package in accordance with the Technical Guidelines which are attached to these Principles and Procedures and any agreed upon methodologies set out in the Letter of Understanding for the proposed DRI.

Sub-Part 4 SUBMISSION OF DRI REVIEW INITIATION FORM AND GRTA DRI REVIEW PACKAGE TO GRTA

Section 2-204. Submission of a GRTA DRI Review Initiation Form and DRI Review Package to GRTA.

- A. **Application Materials.** The DRI Review Initiation Form and the DRI Review Package shall be submitted to GRTA at the same time a DRI Review Initiation Form for the proposed DRI is submitted to the appropriate RDC.
- B. **Review Schedule.** In order to ensure that a final decision regarding a Request for DRI Review will be made by GRTA no later than a particular scheduled meeting of the DRI Committee, a complete DRI Review Package must be submitted to GRTA at least fifty (50) days prior to such scheduled meeting of the Committee.

Section 2-205. Completeness Certification.

As provided in Section 110-12-3-.06(7) of the DCA Rules, once GRTA receives the DRI Review Initiation Request Form and a complete GRTA DRI Review Package, GRTA shall, in cooperation with the affected RDC and within five (5) days of receipt of the Request, certify in writing to the local government and applicant that (1) the GRTA DRI Review Package is complete and has been accepted for formal review, or (2) the GRTA DRI Review Package is not complete; in which case GRTA shall identify, with specificity, any deficiencies and identify the party who is required to provide the information needed to cure such deficiencies. No further review of the DRI shall be conducted by GRTA until both GRTA and the RDC certify the completeness of the GRTA DRI Review Package.

Section 2-206. Failure to Submit Supplemental Information.

If the supplemental information required by GRTA in the completeness certification provided to the applicant and the affected local government in Section 2-204 of these Procedures and Principles is not provided within thirty (30) days of such certification, then the DRI Review Package shall be deemed withdrawn, and no further action shall be taken by GRTA in connection with the project. Applicants may request an extension of thirty (30) additional days for a total of sixty (60) days from the date of the completeness certification after which, if the supplemental information is not received by GRTA, the submittal shall be deemed withdrawn, and no further action shall be taken by GRTA in connection with the project.

Section 2-207. Requirement to Supplement Information.

The applicant shall be required to supplement the GRTA DRI Review Package as appropriate in regard to any modifications to the proposed DRI which occur subsequent to the filing of the GRTA DRI Review Package and prior to GRTA's final decision.

Section 2-208. Early Submission of a Transportation Analysis.

Nothing in these Procedures and Principles shall prohibit an applicant from submitting a complete transportation analysis prepared in accordance with the requirements of the Technical Guidelines for review by GRTA prior to the time required herein.

PART 3 -REVIEW OF REQUESTS FOR NON-EXPEDITED DRI REVIEW

Section 2-301. Analysis of GRTA DRI Review Package.

- A. **Technical Analysis of GRTA DRI Review Package.** GRTA shall cause a complete GRTA DRI Review Package to be reviewed through a professional, technical analysis in accordance with the criteria for GRTA DRI Non-Expedited Review contained in Section 3-102 of these Procedures and Principles. The professional technical analysis may, in GRTA's sole discretion, be conducted by GRTA's professional staff or a qualified public or private professional or agency retained by GRTA to conduct such analyses. If during the review period, the technical analyst for a particular DRI Review Submittal has any objection to the data and analysis submitted by the applicant, the technical analyst shall contact the project sponsor and make a good faith effort to work with the sponsor to resolve any objections or answer any questions.
- B. **Technical Analysis to Be Completed within Fifteen Days.** GRTA's technical analysis of the DRI Review Package, including the transportation analysis, shall be completed within fifteen (15) days of the completeness certification issued under Section 2-205 of these Procedures and Principles.
- C. **Transmittal of Technical Analysis to RDC.** The results of the GRTA technical analysis of the GRTA DRI Review Package shall be transmitted by GRTA's professional staff to the affected RDC. The affected RDC shall consider the technical evaluation of the GRTA DRI Review Package in preparing the public finding required under Section 110-12-3-.07(7) of the DCA Rules, and preparing any Optional RDC Comments pursuant to Section 110-12-3-.07(8) of the DCA Rules.

Section 2-302. GRTA Staff Report and Recommendation.

- A. **GRTA Staff Recommendation Based on Technical Analysis.** GRTA staff shall prepare a report and recommendation in regard to a proposed DRI Plan of Development based on the professional technical analysis of the GRTA DRI Review Package within twenty-five (25) days after a completeness certification is issued under Section 2-204 of these Procedures and Principles for a proposed DRI.
- B. **Specific Findings Required.** The GRTA staff report and recommendation in regard to a proposed DRI shall include specific findings in regard to the Criteria for GRTA DRI Review in Section 3-102 of these Procedures and Principles. Such findings shall include recommendations regarding any modifications to the character, location, or magnitude of a proposed DRI or development conditions which would further achieve GRTA's objectives in regard to improved regional mobility.

Section 2-303. Delivery of GRTA Staff Report and Recommendation to GRTA Executive Director and RDC.

The GRTA professional staff report and recommendations shall be delivered to the Executive Director, the RDC and the applicant no later than twenty-five (25) days from the date of the completeness certification issued under Section 2-204 of these Procedures and Principles.

PART 4 - EXECUTIVE DIRECTOR ACTION IN REGARD TO A REQUEST FOR GRTA DRI REVIEW

Section 2-401. Approval or Denial of An Application for GRTA DRI Review.

- A. **DRI In Compliance with GRTA Review Criteria.** If the Executive Director finds, on the basis of the DRI Review Package and the staff report and recommendation, that a proposed DRI complies with the criteria for DRI Review established in Section 3-103 of these Procedures and Principles, the Executive Director shall, within thirty (30) days of the date of the completeness certification, grant approval of the DRI Plan of Development together with approval of the expenditure of state or federal funds to create Land Transportation Services and Access which are required to serve the proposed DRI.

The approval of a DRI by expedited review shall not constitute GRTA approval of any subsequent material modifications of the proposed DRI by the local government such that the proposed DRI is no longer eligible for approval by expedited review.

- B. **DRI Not In Compliance with GRTA Review Criteria.** If the Executive Director finds that a proposed DRI does not comply with the criteria for DRI Review established in Section 3-103 of these Procedures and Principles, the Executive Director shall, within thirty (30) days of the date of the completeness certification:
1. Deny the Request for GRTA DRI Review and specify the changes necessary to the proposed DRI Plan of Development, if any, which would make the proposed DRI eligible for approval; or
 2. Approve the Request for GRTA DRI Review with a conditional effective date which shall occur only if specified conditions of approval, necessary to ensure compliance with the review criteria in Section 3-103 have been satisfied; or
 3. Defer a decision on the Request for GRTA DRI Review provided that such deferral is agreed upon by the appropriate RDC, local government and the applicant for the proposed DRI.
- C. **Executive Director Referral of Application to DRI Committee.** Notwithstanding the provisions of subsections A and B of this section, the Executive Director may, at the discretion of the Executive Director, instead of making a decision in regard to a particular request for GRTA DRI Review pursuant to this section, refer the request to the DRI Committee for a decision.
- D. **Notification of Executive Director Action.** Written notification of the action of the Executive Director shall be promptly transmitted to the applicant, the appropriate RDC, the affected local government, and to the members of the DRI Committee in a manner which allows for documentation that the notification has been received.

PART 5 - APPEAL OF EXECUTIVE DIRECTOR'S DECISION; DRI COMMITTEE REVIEW IN REGARD TO REQUESTS FOR GRTA DRI REVIEW

Section 2-501 Appeal Authorized.

Any applicant or local government aggrieved by a decision of the Executive Director in regard to a Request for Expedited Review, or by conditions attached to an approval of a Request for GRTA DRI Review, or a denial of a DRI Plan of Development may appeal the decision to the DRI Committee of the GRTA Board by filing a written notice of appeal with GRTA within five (5) days of receipt of the notification of the Executive Director's decision under sections 2-401A. or B. of these Procedures. The notice of appeal shall specify the grounds for the appeal together with any analysis or argument in support of the appeal. The filing of a notice of appeal shall stay the effectiveness of any conditions attached to the decision of the Executive Director.

Section 2-502. DRI Committee Member Request for DRI Committee Review of Executive Director's Decision.

Any member of the DRI Committee may, within five (5) days of receipt of the written notification of the Executive Director's decision, file a written request that the DRI Committee review the decision of the Executive Director. In such event the DRI Committee shall review the proposed DRI pursuant to Section 2-503.

Section 2-503. Consideration of Appeal or Request for Review.

At the next regularly scheduled meeting of the DRI Committee after receipt of a notice of appeal or a Request for Review, the DRI Committee shall consider the appeal or request and make a determination whether to affirm, modify or reverse the Executive Director's decision. The action of the DRI Committee to modify or reverse the Executive Director's decision shall be based on the information contained in the DRI Review Package and the staff report and recommendation and shall be considered on the basis of the same DRI Review Criteria applicable to the decision as used by the Executive Director and shall constitute final action of GRTA.

Section 2-504. DRI Committee Consideration of Proposed DRI Referred by the Executive Director.

At the next regularly scheduled meeting of the DRI Committee after receipt of a referral of a proposed DRI from the Executive Director, the DRI Committee shall approve or deny the proposed DRI Plan of Development as follows:

- A. **DRI In Compliance with GRTA Review Criteria.** If the DRI Committee finds, on the basis of the DRI Review Package and the staff report and recommendation, that a proposed DRI complies with the criteria for DRI Review established in Section 3-103 of these Procedures and Principles, the Committee shall grant approval of the DRI Plan of Development together with approval of the expenditure of state or federal funds to create Land Transportation Services and Access which are required to serve the proposed DRI.
- B. **DRI Not In Compliance with GRTA Review Criteria.** If the DRI Committee finds that a proposed DRI does not comply with the criteria for DRI Review established in Section 3-103 of these Procedures and Principles, the Committee shall:
 - 1. Deny the Request for GRTA DRI Review and specify the changes necessary to

the proposed DRI Plan of Development, if any, which would make the proposed DRI eligible for approval; or

2. Approve the Request for GRTA DRI Review with a conditional effective date which shall occur only if specified conditions of approval, necessary to ensure compliance with the review criteria in Section 3-103 have been satisfied.

PART 6 - FORM, NOTICE AND SERVICE OF GRTA DRI REVIEW DECISION

Section 2-601. Notification of GRTA Action in Regard to DRI Plan of Development.

A. Approval.

1. Within five (5) days after a final decision by GRTA to approve a Request for GRTA DRI Review, GRTA shall issue a written decision granting such approval and serve a copy of such approval on the applicant, the RDC and the local government with jurisdiction over the land on which the proposed DRI is to be located.
2. The written decision granting GRTA approval of a Request for GRTA DRI Review shall specify the development which is authorized and shall provide that the approval shall terminate and be of no further force and effect after ten (10) years unless substantial construction of the proposed DRI has been commenced.

B. Approval With Conditional Effective Date or Denial.

1. **Written Approval Required.** Within five (5) days after a decision by GRTA to grant approval of a DRI Review Submittal, subject to a conditional effective date for approval of all or portions of the proposed DRI, GRTA shall issue a written decision granting such approval.
2. **Conditions.** The written decision granting approval of a Request for GRTA DRI Review subject to a conditional effective date shall include a detailed specification of each condition which must be satisfied in order for the effective date of the approval to occur. In the formulation of appropriate conditions, GRTA shall give due and deliberate consideration of the nature of the local government approval which is the subject of the DRI review and the legal rights and limitations which relate to such approval.
3. **Denial of An Application for GRTA DRI Review.** Within five (5) days after a final decision by GRTA to deny a Request for GRTA DRI Review subject to a conditional effective date, GRTA shall issue a written decision denying such approval.
4. **State and/or Federal Funding Prohibition.** A written decision granting approval of a Request for GRTA DRI Review subject to a conditional effective date or denying a Request for GRTA DRI Review shall include a narrative and graphic description of the location and character of any Land Transportation Services and Access which are ineligible for state or federal funding. GRTA may, at its sole discretion, identify conditions under which eligibility for state or federal funding could be restored.

5. **Service of Written Decision.**
 - a. GRTA shall serve a copy of such approval or denial on the applicant, the RDC and the local government with jurisdiction over the land on which the proposed DRI is to be located; and
 - b. GRTA shall serve a copy of such approval or denial on any agency with interest, responsibility or jurisdiction in or over any Land Transportation Services or Access which are specified as ineligible for state or federal funding in the written decision issued by GRTA.
6. **Recording of a Memorandum of Decision.** GRTA shall prepare a written Memorandum of Decision disclosing that GRTA has considered and acted upon an application for GRTA DRI Review under O.C.G.A. § 50-32-14 *et seq.* and the date of the decision. GRTA shall cause the Memorandum of Decision to be recorded on the official public title records for the property which was the subject matter of GRTA DRI Review.

ARTICLE 3 - DRI REVIEW CRITERIA

Section 3-101. General Criteria Applicable to All Proposed DRIs.

- A. **Internal Circulation.** The proposed DRI is designed so that on site vehicle and pedestrian movements are efficient and will avoid delays during peak access periods.
- B. **Ingress and Egress.** The proposed DRI is designed so that ingress and egress to any on-site parking facilities and all access points to adjacent public roads are likely to operate in a safe and efficient manner and are not reasonably anticipated to result in peak hour ingress and egress congestion on adjacent roads and at nearby intersections.

Section 3-102. Criteria for Expedited Review.

- A. **General.** A proposed DRI shall be eligible for Expedited Review if the Proposed DRI complies with the requirements of any one of the subsections B, C, D, or E of this Section 3-102.
- B. **Limited Daily Trip Generation.** The proposed DRI is projected to generate less than one thousand (1,000) daily trips and does not require an air quality permit from Georgia Environmental Division.
- C. **Mixed Uses.** The proposed DRI contains two or more complementary, interconnected or interdependent uses so that the vehicular trips generated by each independent use of the proposed DRI are reasonably anticipated to be reduced by a trip reduction of at least fifty percent (50%) below standard trip generation rates based on internal capture of trips and use of alternative modes of transportation other than single occupant vehicles, provided that a trip reduction of at least fifteen percent (15%) is attributable to internal capture and at least fifteen percent (15%) is attributable to use of alternative modes of transportation; and

- D. **Area of Influence.** Land uses in the proposed DRI are such that when considered in the context of existing approved uses in the proposed DRI's Area of Influence, it is likely that:
1. The proposed DRI is designed so that ingress and egress to any on-site parking facilities and all access points to adjacent public roads are likely to operate in a safe and efficient manner and are not reasonably anticipated to result in peak hour ingress and egress congestion, and either:
 2. At least sixty-five percent (65%) of the single occupant automobile trips generated by the proposed DRI are reasonably anticipated to have a trip length of six (6) miles or less;
- or,**
3. At least fifty percent (50%) of the work-related single occupant vehicle trips generated by the proposed DRI are reasonably anticipated to have a trip length of six (6) miles or less.
- E. **Alternative Modes of Transportation.** As a result of the location, character or design of the proposed DRI, the DRI is reasonably anticipated to be served by modes of transportation other than single occupant vehicles, and:
1. Is designed so that ingress and egress to any on-site parking facilities and all access points to adjacent public roads are likely to operate in a safe and efficient manner and are not reasonably anticipated to result in peak hour ingress and egress congestion, and either:
 2. At least twenty-five percent (25%) of the trips generated by the proposed DRI are likely to be by way of modes of transportation other than the single occupant vehicle;
- or,**
3. The proposed DRI includes improvements and facilities which substantially increase the likelihood that a significant percentage of the residents, employees or visitors are reasonably anticipated to use alternative modes of transportation other than the single occupant vehicle and that there are no other reasonable measures which could be implemented to increase use of alternative modes of transportation;
- or,**
4. The proposed DRI is located within an area which has been designated by GRTA as a Transit Enabled Area and is consistent with any land use parameters established by GRTA as a part of the designation of the area as a Transit Enabled Area.
- F. **Required Factual Showing.** In determining whether a particular DRI complies with the criteria in subsections B, C, D or E of this Section for eligibility for approval by Expedited Review, the Executive Director or the DRI Committee, as the case may be, may consider statistical information in regard to existing and planned jobs, projected and existing household incomes, and housing costs in the proposed DRI or the Area of

Influence as the case may be, as a sufficient factual basis for approval, provided that the source of such information is derived from a reliable and appropriate source of public or private information. Data from the 2000 U. S. Census, current property tax records, public agencies responsible for planning, implementation or management of land use, housing economic development or transportation, private sector providers of demographic studies, and published real estate information including listing and sale prices shall be considered appropriate sources of information. In the event that the factual showing involves analysis, derivation or extrapolation from source information, the methodology and assumptions shall be submitted to GRTA. In the event that GRTA determines that such analysis, derivation or extrapolation is unreliable, GRTA may reject such information as insufficient to demonstrate the required showing for eligibility for Expedited Review.

Section 3-103. Criteria for GRTA DRI Non-Expedited Review.

- A. In considering whether to approve or deny a Request for Non-Expedited GRTA DRI Review, the Executive Director and the DRI Committee, as the case may be, shall consider the extent to which the proposed DRI satisfies each of the following criteria and make a determination as to whether the proposed DRI should be approved and whether required Land Transportation Services and Access required to serve the proposed DRI should be eligible for state or federal funding.
1. The proposed DRI is likely to promote improved regional mobility in terms of the quality, character, convenience and flexibility of transportation options;
 2. The proposed DRI is likely to promote improved regional mobility by reducing vehicle miles of travel;
 3. The proposed DRI is likely to promote improved regional mobility because it is located in an urban core, town center, an activity center previously designated by an RDC, a rail/transit station development or is a part of a publicly sponsored redevelopment or infill initiative;
 4. The proposed DRI is located sufficiently close to existing or planned transit facilities to indicate a likelihood of significant use of transit by residents, employees and visitors of the proposed DRI;
 5. The proposed DRI is located within an established Transportation Management Area which creates a likelihood that the proposed DRI is reasonably anticipated to result in improved regional mobility as a result of the Transportation Management Area;
 6. Offsite trip generation from the proposed DRI is reduced by at least fifteen percent (15%), or, in the event that a proposed DRI is unable to satisfy the trip reduction standard established in this subsection because of other conditions which are beyond the control of the developer or the affected local government, the proposed DRI implements all available trip reduction techniques which are reasonably practical.
 7. The proposed DRI:
 - a. Contains a mix of uses which are reasonably anticipated to contribute to a balancing of land uses such that it would be affordable for at least ten

- percent (10%) of the persons who are reasonably anticipated to be employed in the proposed DRI are reasonably anticipated to have an opportunity to reside within the DRI; or
- b. Is located in an Area of Influence where the proposed DRI is reasonably anticipated to contribute to a balancing of land uses within the Area of Influence such that twenty-five percent (25%) of the persons who are reasonably anticipated to be employed in the proposed DRI have the opportunity to live within the Area of Influence; or
 - c. Is located in an Area of Influence with employment opportunities which are such that at least twenty-five percent (25%) of the persons who are reasonably anticipated to live in the proposed DRI and are reasonably expected to be employed will have an opportunity to find employment appropriate to such persons' qualifications and experience within the Area of Influence.
8. The proposed DRI is not located in any area where the existing level of development and availability of infrastructure within the Area of Influence of the proposed DRI is such that the proposed DRI is reasonably anticipated to result in unplanned and poorly served development which would not otherwise occur until well-planned growth and development and adequate public facilities are available.
- B. Approval of DRI Plan of Development.** In the event GRTA determines that the degree to which the DRI satisfies the criteria of this Section is significant in the context of GRTA's purpose and objectives to improve regional mobility, GRTA shall approve the DRI Plan of Development.
- C. Approval of DRI Plan of Development Based On Specific Findings.** In the event GRTA determines that a proposed DRI fails to satisfy one or more of the criteria for approval of a DRI Plan of Development, GRTA may approve the proposed DRI if, based on the GRTA DRI Review Package and the report and recommendation of GRTA's professional staff, GRTA makes specific findings of fact that:
1. The proposed DRI includes uses or other benefits including mitigation programs which are sufficiently beneficial to outweigh the aspects of the proposed DRI which are inconsistent with the criteria of this Section and includes all practical and economically feasible mitigation elements which minimize the effects of the proposed DRI's non-compliance; or
 2. There is a compelling need in the Area of Influence of the proposed DRI for the land uses which are proposed for the DRI.
- D. Decision Making Guidelines.** In making a determination under the Non-Expedited Review Criteria, a GRTA decision maker should be guided by the following:
1. The ultimate measure of a proposed DRI is whether the character, location and magnitude of a particular DRI is such that it is reasonably anticipated to make a positive as opposed to a negative contribution to GRTA's goals and objectives to improve regional mobility and air quality and that use of state or federal funds to provide required Land Transportation Services and Access constitutes an efficient use of state or federal funds in the context of GRTA's overall objectives.
 2. Compliance with the Non-Expedited Review Criteria should be considered on a

- comprehensive basis, that is, limited or total failure to satisfy one or more of the review criteria should be evaluated in the context of GRTA's goals and objectives as they are reflected in the criteria.
3. In evaluating compliance with individual Non-Expedited Review Criteria, the decision maker should consider the extent to which a failure to satisfy a particular criteria is attributable to geographic, economic and/or legal factors which are beyond the control of the developer or local government sponsors of the proposed DRI.
 4. The objective in the review of individual criteria is to identify any aspects of the proposed DRI which are adverse to GRTA's goals and objectives to improve regional mobility and air quality and identify changes to the proposed DRI or other actions which would mitigate the negative aspects of the proposed DRI through the imposition of conditions of approval.

ARTICLE 4 - ADMINISTRATION OF GRTA DECISION NOT TO APPROVE A DRI PLAN OF DEVELOPMENT

Section 4-101. Effect of a Determination by GRTA Not to Approve a DRI Plan of Development.

In the event that GRTA denies a GRTA DRI Review Package, the denial shall constitute a denial of the DRI Plan of Development and a determination by GRTA to disallow the expenditure of state or federal funds for any Land Transportation Services and Access which are identified in the written decision of GRTA as improvements required to provide Land Transportation Service or Access to the proposed DRI. A GRTA decision to deny a DRI Plan of Development and to disallow state or federal funding of specified improvements shall continue in force and effect for a period of five (5) years after the date of the GRTA decision or such other period which is prescribed in GRTA's written decision.

Section 4-102. Local Government Reversal of a GRTA Decision Not to Approve a DRI Plan of Development.

The decision of GRTA to disallow state or federal funding for specified improvements shall be final unless a 3/4ths majority of the authorized membership of the governing body in which the DRI Plan of Development is located approves a resolution reversing the decision of GRTA to disallow funding within sixty (60) days after transmittal of the GRTA decision to the local government.

Section 4-103. Notice of GRTA Decision to Disallow State or Federal Funding.

GRTA shall transmit written notice to each and every agency with jurisdiction over state or federal funding for Land Transportation Services. Such notice shall include a copy of a GRTA's written decision in regard to a proposed DRI and any conditions for restoring funding eligibility.

Section 4-104. Monitoring Funding Agency Actions.

GRTA shall monitor the expenditure of state and federal funds for Land Transportation Services and Access improvements and shall take any and all authorized steps necessary to ensure that state or federal funding is not used in violation of any GRTA decision.

Section 4-105. Periodic Review and Repeal of Funding Prohibition.

GRTA, may at its sole discretion, undertake to review a GRTA decision to disallow state or federal funding for a particular Land Transportation Service or Access improvement and repeal such funding prohibition if GRTA determines that GRTA's regional mobility and air quality objectives would be best served by a repeal of the prohibition.

ARTICLE 5 MISCELLANEOUS

Section 5-101. Effective Date.

These Procedures and Principles shall become effective sixty (60) days after their approval by a majority of the Board of Directors of GRTA.

Section 5-102. Amendments.

These Procedures and Principles may be amended by GRTA from time to time in the same manner as they were initially approved.

Section 5-103. Severability.

In the event that any section or provision of these Procedures and Principles is declared to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of these Procedures and Principles as a whole or any part thereof other than the part so declared to be invalid.

ACKNOWLEDGEMENTS

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