



Fast Track Proposed Regulation Agency Background Document

Agency name	Virginia Department of Transportation (Commonwealth Transportation Board)
Virginia Administrative Code (VAC) citation	24 VAC 30-71
Regulation title	<i>Minimum Standards of Entrances to State Highways</i>
Action title	Repeal of Obsolete Regulation Whose Subject Matter is Covered by Other Regulations Mandated by Legislature
Date this document prepared	October 30, 2009

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 36 (2006) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes.

This regulation sets forth the requirements approved by the Commonwealth Transportation Board (CTB), and implemented by VDOT, regarding commercial entrances connecting to state-owned highways. It is being repealed because other regulations mandated by the General Assembly make it obsolete.

Chapters 863 and 928 of the 2007 Acts of Assembly (HB2228 and SB1312, respectively) amended §§ 33.1-13, 33.1-198 and 33.1-199 of the *Code of Virginia*, and added § 33.1-198.1 to the *Code of Virginia*. The legislation requires the Commonwealth Transportation Commissioner (Commissioner) to develop comprehensive highway access management regulations and standards, hereafter referred to as the *Access Management Regulations*. The General Assembly exempted initial promulgation of these regulations and standards from the requirements of the Administrative Process Act (APA) (§ 2.2-4000 et seq. of the *Code of Virginia*).

The new regulations and design standards were to replace and supersede the *Minimum Standards of Entrances to State Highways* (24 VAC 30-71) (hereafter referred to as the *Minimum Standards*) and Part IV, Entrance Permits, of the *Land Use Permit Manual* (24 VAC 30-150). A replacement regulation for the

Land Use Permit Manual, the *Land Use Permit Regulations* (24 VAC 30-151), was approved by the CTB and the existing *Land Use Permit Manual* (24 VAC 30-150) was repealed on October 15, 2009.

During the 2008 General Assembly session, Chapters 274 (SB370) and 454 (HB1572) were enacted to allow for the *Access Management Regulations* drafted in response to the original 2007 mandate to be promulgated in phases. Initial promulgation of the first phase, regulations applicable to principal arterials, known officially as *Access Management Regulations: Principal Arterials* (24 VAC 30-72) and hereafter referred to as *Principal Arterials* regulations, was exempt from the APA. A final version of the *Principal Arterials* regulations was published in *The Virginia Register* on April 28, 2008, and went into effect July 1, 2008. Promulgation of the second phase, regulations applicable to minor arterials, collectors, and local highways, known officially as *Access Management Regulations: Minor Arterials, Collectors, and Local Streets* (24 VAC 30-73) and hereafter referred to as *Minor Arterials* regulations, was subject to the APA and went into effect October 14, 2009. Together, the *Principal Arterials* regulations and *Minor Arterials* regulations supersede and replace the *Minimum Standards*.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

On October 15, 2009, the Commonwealth Transportation Board repealed the *Minimum Standards of Entrances to State Highways* (24 VAC 30-71).

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the scope of the legal authority and the extent to which the authority is mandatory or discretionary.

Sections 33.1-12, 33.1-197, 33.1-198, 33.1-198.1, and 33.1-199 of the *Code of Virginia* deal with general powers of the CTB to make regulations and specific powers of the Commissioner to regulate entrances. The mandate to develop and promulgate access management regulations is new, but the regulation of entrances is not. The Highway Commission, predecessor to the Commonwealth Transportation Board, originally established minimum standards for entrances in 1946. Part IV of the *Land Use Permit Manual* (24 VAC 30-150), along with the *Minimum Standards of Entrances to State Highways* (24 VAC 30-71), served as the basis for the *Access Management Regulations* and the access management design standards for entrances and intersections.

Given the general authority granted the CTB to make regulations, and the specific authority granted the Commissioner concerning the issuance of permits, as well as the specific reference to the regulation by title, the General Assembly clearly intended that VDOT have broad control over the types of entrances installed under these statutes. Providing safe ingress and egress for entrance users is a responsibility of the Commonwealth of Virginia and the Department of Transportation.

Chapters 863 and 928 of the 2007 Acts of Assembly (HB2228 and SB1312, respectively) amended §§ 33.1-13, 33.1-198 and 33.1-199 of the *Code of Virginia*, and added § 33.1-198.1 to the *Code of Virginia*. The legislation requires the Commonwealth Transportation Commissioner (Commissioner) to develop comprehensive highway access management regulations and standards. In response to this directive, the *Principal Arterials Regulations* went into effect July 1, 2008, and the *Minor Arterials Regulations* went into effect October 14, 2009. These access management regulations and standards

supersede the requirements set forth in the *Minimum Standards*. This regulation is being repealed because access management regulations mandated by the General Assembly have made it obsolete.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons the regulation is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

As discussed previously, Chapters 863 and 928 of the 2007 Acts of Assembly require the Commonwealth Transportation Commissioner (Commissioner) to develop comprehensive highway access management regulations and standards. In response to this directive, the *Principal Arterials* regulations went into effect July 1, 2008, and the *Minor Arterials* regulations went into effect October 14, 2009. These regulations and standards supersede the requirements set forth in the *Minimum Standards*. This regulation is being repealed because access management regulations mandated by the General Assembly have made it obsolete. The goal of the repeal is to remove outdated regulations from the Virginia Administrative Code (VAC), as well as prevent possible misapplication of the *Minimum Standards* to the regulation of entrances.

Rationale for using fast track process

Please explain the rationale for using the fast track process in promulgating this regulation. Why do you expect this rulemaking to be noncontroversial?

Please note: If an objection to the use of the fast-track process is received within the 60-day public comment period from 10 or more persons, any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, the agency shall (i) file notice of the objection with the Registrar of Regulations for publication in the Virginia Register, and (ii) proceed with the normal promulgation process with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.

Implementation of the *Principal Arterials* regulations and the *Minor Arterials* regulations makes the provisions of the *Minimum Standards* obsolete, as the two *Access Management Regulations* contain more detail to address goals mandated by the General Assembly. Should there be any conflict among the two *Access Management Regulations* and the *Minimum Standards*, the *Minimum Standards* would not apply. Therefore, VDOT expects repeal of this regulation will not be controversial.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. (Provide more detail about these changes in the "Detail of changes" section.)

Although many parts of this regulation have been carried over to the *Principal Arterials* regulations and the *Minor Arterials* regulations, in general, the replacement regulations include the following substantive changes:

- Revised list of definitions more relevant to access management (“shared entrance,” “functional classification”).
- Additional information on authority to regulate entrances to highways.
- Information on the application of the regulation to principal arterials, minor arterials, collectors, and local streets, and the availability of maps to facilitate identification of highways by their functional classification.
- Revised administrative procedures and rules for obtaining commercial and private entrance permits consistent with the authority granted to district administrator’s designees.
- Revised appeal and sight distance exception procedures to include a deadline for VDOT’s written response to the request.
- Revised general provisions governing commercial and private entrances consistent with statutory authority and requirements concerning access management.
- Revised details on commercial entrance design to provide more detailed instructions for new items such as bicycle/pedestrian features and traffic impact analyses. Also included is information on existing commercial entrances, such as criteria under which VDOT may require the reconstruction, upgrading, or relocation of a commercial entrance due to unsafe condition, change in use, or its being unserviceable. This information was supplied in the *Minimum Standards* (24 VAC 30-71), but the content has been revised. For example, a graphic depiction of maintenance responsibilities of VDOT and owners of private and commercial entrances has been transferred from the *Minimum Standards* (24 VAC 30-71) to the Road Design Manual and more guidance is provided on criteria to be used to determine the condition of the entrance or the change in use of the entrance due to an increase in the volume or type of traffic using the entrance.
- Revised details on minimum sight distance for commercial entrances will now be located in the Road Design Manual. Sight distance standards were not changed.
- Revised details on private entrances require the property owner to arrange for the installation of the private entrance drainage pipe. This change is not anticipated to cause any inconvenience, since property owners will already need to engage the services of a contractor to perform grading and other work associated with the pipe installation, and this part of the job can be performed with the other work. In addition, the property owner can request VDOT to install the entrance drainage pipe at the property owner’s expense. VDOT may choose to install the drainage pipe and bill the property owner for the cost.
- Information on requirements for coordination with local governments was not explicitly addressed in existing regulations, and is included to provide more instruction to users of the regulations.

See the “Detail of changes” section of this background document for specific similarities and differences between the *Principal Arterials* regulations and the *Minor Arterials* regulations and the *Minimum Standards*.

Issues

Please identify the issues associated with the proposed regulatory action, including:

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
- 3) other pertinent matters of interest to the regulated community, government officials, and the public.*

If there are no disadvantages to the public or the Commonwealth, please indicate.

1) The public will benefit from repeal of this obsolete regulation because the possibility of confusion over applicable standards for entrances will be eliminated. The *Access Management Regulations*, along with the replacement *Land Use Permit Regulations* will be the operative regulatory guidance for access management specifically and the permitting process in general. Even though both access management

regulations state that conflicts between those chapters and the *Minimum Standards* shall be resolved in favor of the access management regulations provisions, continued existence of the regulation in the VAC might lead to the mistaken conclusion among the public that they are still applicable.

2) VDOT and the Commonwealth will benefit from repeal of the obsolete regulation for reasons similar to the benefits to the public; removal of obsolete regulations from the Virginia Administrative Code will eliminate the possibility of confusion over applicable standards.

3) VDOT believes there are no disadvantages to the public or the Commonwealth from this regulatory action.

Requirements more restrictive than federal

Please identify and describe any requirement of the proposal which is more restrictive than applicable federal requirements. Include a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.

Since this action is a repeal of an obsolete regulation, this item does not apply. However, the Background Document for the *Minor Arterials regulations*, which supersedes the *Minimum Standards*, notes the following item:

A requirement dealing with access near interchanges is cited on pages 2E-42 and 43 of VDOT’s Road Design Manual, and in the American Association of State Highway and Transportation Officials’ (AASHTO’s) “A Policy on Design Standards Interstate System, 2005”. The AASHTO requirement serves as VDOT’s primary reference, as it is a Federal Highway Administration (FHWA) requirement as well. The requirement states that entrances shall not be installed within a certain distance of Interstate off and on ramps-- 100 feet in urban and 300 feet in rural areas. However, this AASHTO rule was originally adopted in 1966 and has not been revised even though multiple national transportation research studies have recommended greater distances to prevent traffic backups onto ramps and to reduce crash potential and congestion in the vicinity of the interchange. The access management standards referenced in the regulations apply the ramp/entrance separation distances recommended in the national studies to fully meet the goals of the authorizing legislation.

Localities particularly affected

Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.

This regulation applied to all roadways within the Commonwealth over which the Commonwealth Transportation Board exercises jurisdiction and control, so repeal of this regulation will affect all localities with such roadways similarly.

Regulatory flexibility analysis

Please describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

The *Minimum Standards* has been superseded by the *Principal Arterials* regulations and the *Minor Arterials* regulations. These new regulations have been written to prevent any disproportionate adverse impacts on small businesses, since their purpose is to preserve and improve the efficient operations of the state systems of highways, which benefits businesses by reducing congestion and delay, increasing the market area of a business and providing better customer exposure. Alternate regulatory methods considered include:

- 1) *Establishment of less stringent compliance or reporting requirements* – Compliance requirements are necessary to promote public safety and efficient movement of traffic on the highways. However, the regulations do ensure, in accordance with statute, that private property is entitled to reasonable access to the systems of state highways while balancing public safety and benefits from the regulations and standards. The *Minor Arterial* regulations do include provisions allowing entrance permit applicants to appeal entrance permit requirements and conditions for entrance approval, when justified due to special circumstances. The regulatory procedure imposes no appeal fee on the applicant and the procedure includes a deadline (60 calendar days) for VDOT to make a decision on an appeal. The District Administrator or designee is provided with discretionary authority regarding the application of design requirements. Finally, less stringent entrance design standards have been established for civil and communication infrastructure facilities such as cell towers, pump stations, electrical substations, stormwater management basins which will lower entrance construction costs for such facilities.
- 2) *Establishment of less stringent schedules or deadlines for compliance or reporting requirements* – There are no schedules or deadlines for compliance or reporting. The appeal process contains deadlines for VDOT's response to an appeal. The current entrance permit appeal process contains no such deadlines. Adding such deadlines will assure that entrance permit applicants, including small businesses, receive timely responses to their concerns.
- 3) *Consolidation or simplification of compliance or reporting requirements* – Compliance requirements are necessary to promote public safety and efficient movement of traffic on the highways. Attempts were made to provide alternate means to comply with the requirements wherever possible without compromising public safety and benefit. For example, the regulations allow a permit applicant to use the rezoning traffic impact statement or the site plan/subdivision plat supplemental traffic analysis submitted for the development in accordance with the *Traffic Impact Analysis Regulations* (24 VAC 30-155) when documenting the impact of the proposed entrance and its related traffic on the operation of the state highway system.
- 4) *Establishment of performance standards for small businesses to replace design or operational standards required in the regulation* – Design standards are required pursuant to § 33.1-198.1; performance standards cannot be substituted. The regulations are not retroactive in their application to entrances. The *Principal Arterials* and *Minor Arterials* regulations grandfathered entrance locations shown on rezoning plans of development that were proffered and approved by the locality and entrance locations that were shown on site plans and subdivision plats prior to the effective dates of the two regulations. Therefore, applicants meeting these deadlines will be assured that the location of their proposed entrance remains valid. In addition, a new low volume

commercial entrance design standard was established effective October 14, 2009, for all state highways. Small businesses to be located on highways with relatively low traffic that can be expected to generate 200 or less vehicles per day will be able to install an entrance at a lower cost than a standard commercial entrance.

- 5) *Exemption of small businesses from all or any part of the requirements contained in the regulation* – Because the requirements are designed to ensure public safety, creating exemptions to the requirements would not be in the public interest. As discussed above, however, small business applicants can appeal entrance design decisions, when justified by special circumstances and the location of a small business's proposed entrance may be exempt from the access management entrance spacing standards if it meets the grandfathering provisions of the regulations.

Economic impact

Please identify the anticipated economic impact of the proposed regulation.

Since this regulation is being repealed, it will cease to have an economic impact. An economic impact assessment was performed on Chapter 73, one of the two Access Management Regulations mandated by the General Assembly to replace this regulation. (The General Assembly bifurcated the original single regulation on Access Management, which was APA-exempt, into the *Principal Arterials* regulations, and made the second part, the *Minor Arterials* regulations, subject to the APA.)

The following table includes VDOT estimates provided in 2008 for the *Minor Arterials* regulations and is updated where more current information is available.

<p>Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source / fund detail, and (b) a delineation of one-time versus on-going expenditures</p>	<p>(a) In general, VDOT's funds come from a mixture of state and federal revenue sources (fuel and hauling permit fees, tolls, road taxes, special-purpose federal funds, etc.) and funds designated by the General Assembly. These funds are spent on administrative and support activities, highway system maintenance, and specialized activities undertaken by other state agencies (Departments of State Police, Rail and Public Transportation, Motor Vehicles, etc.). Money also goes to highways and other transportation modes, and specialized transportation programs and matching funds.</p> <p>VDOT spends approximately \$14 million annually administering land use permits (approximately 200 employees statewide). For the FY 2008, approximately 15,000 permits were processed, yielding approximately \$2,000,000 in fees. Historical data suggests that, on average, approximately 14,000 permits are issued in a given year, but this figure is affected by many variables, such as availability of credit, the overall business climate, and legal/regulatory issues. Many businesses obtain more than one permit so the affected number would be less. The <i>Minor Arterials Regulations</i>, along with the access management standards for entrances and intersections, replace the existing <i>Minimum Standards of Entrances to State Highways (24 VAC 30-71)</i> and Part IV, Entrance Permits, of the <i>Land Use Permit Manual</i>.</p> <p>Since <i>the Minor Arterials Regulations</i>, will use the same forms, requirements, and personnel related to land use permit review, these costs can be absorbed by current operations. No new positions will be required to implement the <i>Minor Arterials Regulations</i>. Because the <i>Access Management Regulations</i> seek to reduce the number of entrances to state highways, fewer entrance permit applications may result from this action.</p>
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<p>Projected cost of the regulation on localities</p>	<p>There should be no direct costs to localities since local governments do not regulate (approve) access to state controlled highways. VDOT is statutorily responsible for approving permits for entrances and traffic signals. There will be minimal expense for localities to familiarize employees with the provisions of the <i>Minor Arterials Regulations</i>, including the access management design standards for entrances and intersections. For example, some localities with transportation planning departments will want to become familiar with the regulations and standards. Local government personnel can use the extensive informational resources on the VDOT web site. Also, localities will already be familiar with the <i>Principal Arterials Regulations</i>, which went into effect July 1, 2008.</p>
<p>Description of the individuals, businesses or other entities likely to be affected by the regulation</p>	<p>This regulation will affect individuals and companies who apply for entrance permits and construct entrances connecting their businesses, residences, or subdivisions to the highway.</p>
<p>Agency’s best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.</p>	<p>VDOT issued about 4,000 entrance permits (private and commercial) in FY 2008, generally for access to new construction. So up to 4,000 parties could be affected each year. However, because the <i>Minor Arterials Regulations</i> is more likely to affect new businesses rather than existing ones, the number of small businesses affected cannot be reliably estimated. Also, many businesses, regardless of whether they are new or existing, obtain more than one permit, so the number of affected entities would likely be less than the total number of permits issued. In any event, all businesses, including small businesses, requesting an entrance permit would be affected. For more detail on small business impact, see “Regulatory Flexibility Analysis” below.</p>

All projected costs of the regulation for affected individuals, businesses, or other entities. Please be specific. Be sure to include the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses.

The *Minor Arterials Regulations*, and related standards do not increase entrance permit costs. Permit fees are set by the *Land Use Permit Manual*, which is being replaced through a separate action by a new regulation, the *Land Use Permit Regulations*. However, the new regulations have not yet completed Executive Branch review. Potential costs of compliance include:

- Costs of a traffic engineering investigation report, if an exception to sight distance is sought. *Exact costs are dependent on the nature of the project.*
- Costs of negotiating and documenting a shared entrance agreement. *Exact costs are dependent on the nature of the project and the willingness of the parties to negotiate.*
- Costs of demonstrating that a proposed entrance will not compromise the safety, use, operation, or maintenance of the abutting highway. (This requirement may be satisfied with a rezoning Traffic Impact Statement or a site plan/subdivision plat Supplemental Traffic Analysis submitted for a proposed development of a parcel in accordance with the *Traffic Impact Analysis Regulations* (see 24 VAC 30-155).) *Exact costs are dependent on the nature of the project, but if a traffic impact statement pursuant to 24 VAC 30-155 is used, additional costs are zero.*
- Costs of mitigation measures, if required. *Exact costs are dependent on the nature of the project.*
- Costs of installation of private entrance (to individual homes) drainage pipes. VDOT currently will install such pipes at the request of a property owner (not for a developer). *Estimates are approximately \$1,000 per private entrance.*

None of these costs is a necessary cost of compliance. Whether or not a cost is imposed on a regulated entity depends on the circumstances and nature of the entrance proposed. In the case of the traffic impact statement, this cost may have already been paid by the regulated entity and is not an additional cost imposed by the regulation. With the exception of the costs of installation of private entrance drainage pipes, the *Minor Arterials Regulations*, imposes no new costs on the regulated community beyond those costs imposed by existing regulations.

These costs may be mitigated by potential increased income for businesses and residential developers from implementation of the *Minor Arterials Regulations*:

- Access management regulations and standards promote more efficient movement of goods and people which will support state, regional and local economic development efforts.
- For businesses and residential developers,

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in §2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulation.

Since the *Access Management Regulations* were mandated by the General Assembly, VDOT believes that it was the intent of the legislature to pursue a regulatory framework for access management. VDOT believes that, had there been another viable alternative to regulation that would have been less burdensome or less intrusive, the General Assembly would have specified that VDOT implement it. The *Access Management Regulations* promulgated pursuant to legislative mandate render the *Minimum Standards* obsolete. Because the *Access Management Regulations* contain provisions that supersede the *Minimum Standards*, it would be possible for VDOT to retain the obsolete regulation. However, it is the intent of the regulatory process to provide clear requirements for the regulated community, and, therefore, obsolete regulations should be repealed to avoid confusion as to which requirements apply.

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

VDOT does not believe that repeal of this regulation will have any effect on the factors listed above. The effects of the *Minor Arterials* regulations, which are addressed in its own Background Document for the Final Stage, indicate that it will have a positive impact on the institution of the family by helping to reduce traffic congestion, air pollution, vehicular crash rates, promote efficient movements of goods and people, preserve public investment in existing roads and reduce the need for new highways and widening of existing highways. These impacts will help provide families with a more efficient and safer transportation network.

Detail of changes

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail all new provisions and/or all changes to existing sections.

If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all changes between the pre-emergency regulation and the proposed regulation, and (2) only changes made since the publication of the emergency regulation.

The *Minimum Standards* is being repealed in its entirety. It has been superseded by the *Principal Arterials* regulations and the *Minor Arterials* regulations. Both *Access Management Regulations* address the same

subject matter addressed in the *Minimum Standards of Entrances*, rendering the existing regulation obsolete. Items appearing in the *Minimum Standards*, such as entrance illustrations and sight distance standards, have been relocated to the Road Design Manual and incorporated by reference. The table below discusses the extent to which the *Minimum Standards* differ from the *Principal Arterials* regulations and the *Minor Arterials* regulations. Generally, both *Access Management Regulations* have similar provisions and procedures, but deal with different types of roads.

<p>Content provided in <i>Principal Arterials</i> regulations (Chapter 72) and differences (if any) from the <i>Minimum Standards</i> (Chapter 71)</p>	<p>Content provided in <i>Minor Arterials</i> regulations (Chapter 73) and differences (if any) from the <i>Minimum Standards</i> (Chapter 71)</p>
<p>Section 10 includes definitions for terms relevant to the regulations mentioned above, such as "principal arterial." Difference(s): Some are new ("shared entrance," "functional classification"), some have been deleted ("clear zone," "private subdivision road or street"), and some have been revised ("private entrance," "operating speed").</p>	<p>Section 10 includes definitions for terms relevant to the regulations mentioned above, such as "collector" or "local street." Difference(s): Some are new ("shared entrance," "functional classification"), some have been deleted ("clear zone," "private subdivision road or street"), and some have been revised ("private entrance," "operating speed").</p>
<p>Section 20 includes information on authority to regulate entrances to highways. It includes information on the various statutes and regulations concerning entrances, along with the role of the Commonwealth Transportation Board. Some of this information was previously supplied in other regulations, but additional information has been supplied to update the regulation. This section also discusses the authority of the district administrators or their designees to issue private entrance permits and commercial entrance permits. This section discusses conditions under which planned entrance locations may be exempt from the Road Design Manual for applicable standards.</p>	<p>Section 20 includes information on authority to regulate entrances to highways. It includes information on the various statutes and regulations concerning entrances, along with the role of the Commonwealth Transportation Board. Some of this information was previously supplied in other regulations, but additional information has been supplied to update the regulation. This section also discusses the authority of the district administrators or their designees to issue private entrance permits and commercial entrance permits. The conditions under which planned entrance locations may be exempt from the Road Design Manual for applicable standards were relocated to Section 120.</p>
<p>Section 30 includes information on the application of the regulation to principal arterials, and the availability of maps to facilitate identification of highways by their functional classification. Difference(s): This information does not appear in the <i>Minimum Standards</i>.</p>	<p>Section 30 includes information on the application of the regulation to minor arterials, collectors, and local streets, and the availability of maps to facilitate identification of highways by their functional classification. Difference(s): This information does not appear in the <i>Minimum Standards</i>.</p>
<p>Section 40 includes administrative procedures and rules for obtaining commercial and private entrance permits. Difference(s): This information was previously supplied in existing regulations, but has been revised consistent with the authority granted to district administrator's designees in 24VAC 30-72-20.</p>	<p>Section 40 includes administrative procedures and rules for obtaining commercial and private entrance permits. Difference(s): This information was previously supplied in existing regulations, but has been revised consistent with the authority granted to district administrator's designees in 24VAC 30-73-20.</p>
<p>Section 50 includes an appeal and sight distance exception procedure. Difference(s): This information was supplied in existing regulations, but has been revised to include a deadline for VDOT's written response to the request.</p>	<p>Section 50 includes an appeal and sight distance exception procedure. Difference(s): This information was supplied in existing regulations, but has been revised to include a deadline for VDOT's written response to the request.</p>

<p>Content provided in <i>Principal Arterials</i> regulations (Chapter 72) and differences (if any) from the <i>Minimum Standards</i> (Chapter 71)</p>	<p>Content provided in <i>Minor Arterials</i> regulations (Chapter 73) and differences (if any) from the <i>Minimum Standards</i> (Chapter 71)</p>
<p>Section 60 includes general provisions governing commercial and private entrances. Difference(s): This information is supplied in existing regulations, but has been revised consistent with statutory authority and requirements concerning access management.</p>	<p>Section 60 includes general provisions governing commercial and private entrances. Difference(s): This information is supplied in existing regulations, but has been revised consistent with statutory authority and requirements concerning access management.</p>
<p>Section 70 includes details on commercial entrance design. Difference(s): Illustrations and other design information were supplied in the <i>Minimum Standards</i>, but the content has been revised to provide more detailed instructions for new items such as bicycle/pedestrian features and traffic impact analyses. The entrance design criteria and illustrations that were in the <i>Minimum Standards</i> were up-dated and transferred to Appendix F of the Road Design Manual.</p>	<p>Section 70 includes details on commercial entrance design. Difference(s): Illustrations and other design information were supplied in the <i>Minimum Standards</i>, but the content has been revised to provide more detailed instructions for new items such as bicycle/pedestrian features and traffic impact analyses. The entrance design criteria and illustrations that were in the <i>Minimum Standards</i> were up-dated and transferred to Appendix G of the Road Design Manual.</p>
<p>Section 80 includes details on minimum sight distance for commercial entrances. Difference(s): Sight distance tables and other design information were supplied in the <i>Minimum Standards</i>, but are now located in the Road Design Manual. Sight distance standards have not been changed</p>	<p>Section 80 includes details on minimum sight distance for commercial entrances. Difference(s): Sight distance tables and other design information were supplied in the <i>Minimum Standards</i>, but are now located in the Road Design Manual. Sight distance standards have not been changed.</p>
<p>Section 90 includes details on the installation of private entrances and on the permit approval process. Difference(s): The <i>Minimum Standards</i> assigned permit issuance to the Resident Engineer and District Administrator. This authority has been transferred to a designee of the District Administrator. The <i>Minimum Standards</i> provided one diagram to illustrate the responsibilities of VDOT and the permit applicant for the maintenance of the private entrance. The <i>Principal Arterials</i> regulations provides a detailed description delineating the installation and maintenance responsibilities according to whether the entrance will be on a roadway with shoulders or curb and gutter. The description does not change VDOT policies in this regard but instead makes it easier for the permit applicant to understand the expectations that were implied in the <i>Minimum Standards</i>.</p>	<p>Section 90 includes details on the installation of private entrances and on the permit approval process. Difference(s): The <i>Minimum Standards</i> assigned permit issuance to the Resident Engineer and District Administrator. This authority has been transferred to a designee of the District Administrator. The <i>Minimum Standards</i> provided one diagram to illustrate the responsibilities of VDOT and the permit applicant for the maintenance of the private entrance. The <i>Minor Arterials</i> regulations provides a detailed description delineating the installation and maintenance responsibilities according to whether the entrance will be on a roadway with shoulders or curb and gutter. The description does not change VDOT policies in this regard but instead makes it easier for the permit applicant to understand the expectations that were implied in the <i>Minimum Standards</i>.</p>

<p>Content provided in <i>Principal Arterials</i> regulations (Chapter 72) and differences (if any) from the <i>Minimum Standards</i> (Chapter 71)</p>	<p>Content provided in <i>Minor Arterials</i> regulations (Chapter 73) and differences (if any) from the <i>Minimum Standards</i> (Chapter 71)</p>
<p>Section 100 includes information on requirements for coordination of commercial entrance permit approval with local governments. Difference(s): The subject was not addressed in existing regulations. This section was added to make sure the commercial entrance applicant checks with the local government about any local regulations or plans that may affect the applicant's proposed development and the entrance to it because VDOT will not issue a permit for a commercial entrance to a proposed development until the local government has approved the development. The entrance permit applicant will benefit from savings in time and money by addressing a conflict between locality regulations and VDOT regulations early in the land development review process.</p>	<p>Section 100 includes information on requirements for coordination of commercial entrance permit approval with local governments. Difference(s): The subject was not addressed in existing regulations. This section was added to make sure the commercial entrance applicant checks with the local government about any local regulations or plans that may affect the applicant's proposed development and the entrance to it because VDOT will not issue a permit for a commercial entrance to a proposed development until the local government has approved the development. The entrance permit applicant will benefit from savings in time and money by addressing a conflict between locality regulations and VDOT regulations early in the land development review process.</p>
<p>Section 110 includes information on existing commercial entrances, such as criteria under which VDOT may require the reconstruction, upgrading, or relocation of a commercial entrance due to its unsafe condition, change in use, or its being unserviceable. Difference(s): This information was supplied in the <i>Minimum Standards</i> and there are no substantive differences.</p>	<p>Section 110 includes information on existing commercial entrances, such as criteria under which VDOT may require the reconstruction, upgrading, or relocation of a commercial entrance due to its unsafe condition, change in use, or its being unserviceable. Difference(s): This information was supplied in the <i>Minimum Standards</i> and there are no substantive differences.</p>
<p>Section 120 includes information on commercial entrance access management. Difference(s): This section contains new access management requirements that apply to commercial entrances, such as shared entrances, keeping entrances away from intersections and interchanges, spacing of entrances, vehicular and pedestrian circulation among properties, and traffic signal intersection spacing. Possible exceptions to the requirements are identified along with the documentation needed to justify the exception. The <i>Minimum Standards</i> did contain a few access management type provisions that were retained in the <i>Principal Arterials</i> regulations, including keeping entrances away from intersections or interchanges and recommending the use of shared entrances to reduce the number of access points to the highway.</p>	<p>Section 120 includes information on commercial entrance access management. Difference(s): This section contains new access management requirements that apply to commercial entrances, such as shared entrances, keeping entrances away from intersections and interchanges, spacing of entrances, vehicular and pedestrian circulation among properties, and traffic signal intersection spacing. Possible exceptions to the requirements are identified along with the documentation needed to justify the exception. The <i>Minimum Standards</i> did contain a few access management type provisions that were retained in the <i>Minor Arterials</i> regulations, including keeping entrances away from intersections or interchanges and recommending the use of shared entrances to reduce the number of access points to the highway.</p>
<p>Section 130 includes information on entrance drainage requirements. Difference(s): This information was supplied in the <i>Minimum Standards</i> and there are no substantive differences.</p>	<p>Section 130 includes information on entrance drainage requirements. Difference(s): This information was supplied in the <i>Minimum Standards</i> and there are no substantive differences.</p>

<p>Content provided in <i>Principal Arterials</i> regulations (Chapter 72) and differences (if any) from the <i>Minimum Standards</i> (Chapter 71)</p>	<p>Content provided in <i>Minor Arterials</i> regulations (Chapter 73) and differences (if any) from the <i>Minimum Standards</i> (Chapter 71)</p>
<p>Section 140 includes information on drive-in theater entrance requirements. Difference(s): This information was supplied in the <i>Minimum Standards</i> and is required by § 33.1-12(15). There are no substantive differences.</p>	<p>Section 140 includes information on drive-in theater entrance requirements. Difference(s): This information was supplied in the <i>Minimum Standards</i> and is required by § 33.1-12(15). There are no substantive differences.</p>
<p>Section 150 includes information on temporary entrances (construction/logging entrances). Difference(s): This information was not in the <i>Minimum Standards</i>. It was supplied in the <i>Land Use Permit Manual</i> but the content has been revised to update technical material.</p>	<p>Section 150 includes information on temporary entrances (construction/logging entrances). Difference(s): This information was not in the <i>Minimum Standards</i>. It was supplied in the <i>Land Use Permit Manual</i> but the content has been revised to update technical material.</p>
<p>Section 160 includes information on access to public waters. Difference(s): This information was not in the <i>Minimum Standards</i>. It was in the <i>Land Use Permit Manual</i>, but has been revised to eliminate unnecessary procedural information concerning permit applications.</p>	<p>Section 160 includes information on access to public waters. Difference(s): This information was not in the <i>Minimum Standards</i>. It was supplied in the <i>Land Use Permit Manual</i>, but has been revised to eliminate unnecessary procedural information concerning permit applications.</p>
<p>Section 170 lists documents incorporated by reference. Difference(s): This information was supplied in the <i>Minimum Standards</i>, but the content has been revised to update technical material.</p>	<p>Section 170 lists documents incorporated by reference. Difference(s): This information was supplied in the <i>Minimum Standards</i>, but the content has been revised to update technical material.</p>

A discussion of the changes due to adoption of Chapters 72 and 73 can be found on the DPB Townhall

Access Management Regulations: Principal Arterials (24VAC 30-72):
http://townhall.virginia.gov/L/GetFile.cfm?File=E:\townhall\docroot\78\2482\4579\AgencyStatement_VDOT_4579_v1.pdf

Access Management Regulations: Minor Arterials, Collectors, and Local Streets (24VAC 30-73):
<http://townhall.virginia.gov/L/viewstage.cfm?stageid=5140&display=documents>