



## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	Virginia Dept. of Transportation (Commonwealth Transportation Board)
<b>Virginia Administrative Code (VAC) citation</b>	24 VAC 30-73
<b>Regulation title</b>	<i>Access Management Regulations: Minor Arterials, Collectors, and Local Streets</i>
<b>Action title</b>	Update references to current regulations
<b>Final agency action date</b>	March 21, 2011
<b>Document preparation date</b>	February 17, 2011

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Summary

*Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

This action amends the regulation to correct citations and reflect the current organizational structure of the Virginia Department of Transportation (VDOT). Specifically:

- References to the *Land Use Permit Manual* (24 VAC 30-150), which has been repealed, have been replaced with references to the new *Land Use Permit Regulations* (24 VAC 30-151).
- References to the *Minimum Standards of Entrances to State Highways* (24 VAC 30-71), which has been repealed, have been removed.
- Division names, particularly in the documents incorporated by reference section, have been removed in order to accommodate changes in division names and transfer of responsibilities within VDOT.

VDOT's statutory authority for promulgating this regulation is § 33.1-198.1 of the *Code of Virginia*. The Office of the Attorney General has certified that this action is exempt from the

requirements of the Administrative Process Act (§ 2.2-4000 et seq. of the *Code of Virginia*) pursuant to § 2.2-4006 A 3.

### **Regulatory Flexibility Analysis (§ 2.2-4007.1 of the *Code of Virginia*)**

**Economic impact on small businesses.** The economic impact of the regulation on a business is not determined by the business size. The design requirements of the regulation are written to ensure public safety; however, applicants can appeal entrance design decisions, when justified by special circumstances. There are no necessary costs of compliance with this regulation, but there may be costs that arise if a business seeks an exception to the standards established by this regulation because engineering data will be required to ensure safety. There are no application fees to appeal or to request an exception.

**Continued need for the rule.** The Access Management Regulations (24 VAC 30-72 and 24 VAC 30-73) are mandated by statute (§ 33.1-198.1 of the *Code of Virginia*) and are designed to ensure the safety of the traveling public and preserve the traffic carrying capacity of the roads.

**Nature of complaints or comments received concerning the regulation from the public.** Public comments have indicated that there is confusion as a result of having two access management regulations, which was a result of a legislative mandate. VDOT plans a new fast track regulatory action to combine these two regulations.

**Complexity of the regulation.** The regulation was designed to state its requirements as clearly as possible without compromising public safety and benefit. One source of complexity is the fact that there are two regulations dealing with access management. VDOT plans a new regulatory action to combine these two regulations. The administrator has developed a VDOT web site to explain the regulations and a Frequently Asked Questions document to assist in this regard.

**Extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation.** There are no applicable federal requirements concerning the subject of this regulation. The regulation is mandated by state law, which does not establish access management standards but instead directs VDOT to establish them administratively through regulation.

**Length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation.** The regulation was initially promulgated in 2009. There have been no significant changes in access management principles since that time, and changes in economic conditions have not given rise to a need to change the regulation.

### **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.*

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On March 21, 2011, the Commonwealth Transportation Commissioner or his designee amended *Access Management Regulations: Minor Arterials, Collectors, and Local Streets* (24 VAC 30-73).

**Family impact**

*Assess the impact of this regulatory action on the institution of the family and family stability.*

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The amendments to this regulation will have no impact on the family or family stability.