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Fast Track Proposed Regulation Agency Background Document

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| Agency name | Virginia Dept. of Transportation (Commonwealth Transportation Board) |
| Virginia Administrative Code (VAC) citation | 24VAC 30-73 |
| Regulation title | Chapter 72 Access Management Regulations: Principal Arterials Chapter 73 Access Management Regulations: Minor Arterials, Collectors, and Local Streets |
| Action title | Repeal Chapter 72; Amend Chapter 73 to Apply to Principal Arterials and for Clarity and Accuracy |
| Date this document prepared | June 6, 2012 |

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 14 (2010) 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of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed.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.

Executive Order No. 2 (2010) stated "Identify opportunities for creating efficiencies in state government, including streamlining, consolidating, or eliminating redundant and unnecessary . . . regulations."

The Access Management Regulations enhance the safety and operation of Virginia Department of Transportation (VDOT) maintained highways ("state highways") by managing the location, spacing, and design of entrances, median openings, traffic signals, and intersections. Chapter 72 applies to state highways classified as principal arterials. Chapter 73 applies to state highways classified as minor arterials, collectors, and local streets.

This regulatory action will eliminate redundant regulations by repealing Chapter 72. Chapter 73 is amended to also apply to principal arterials. This streamlining will result in a single regulation on highway access management. Additional amendments will improve the accuracy and clarity of the Chapter 73 regulation. No substantive changes have been made. These amendments will simplify regulatory administration by VDOT, and will benefit regulated parties as well, since only one regulation will need to be consulted for all highway classifications.

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 July 26, 2012, the Commissioner of Highways approved the amended Access Management Regulations (24VAC 30-73) and repealed the Access Management Regulations: Principal Arterials (24VAC 30-72).

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Your citation should include a specific provision authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency/board/person's overall regulatory authority.

VDOT's statutory authority for promulgating this regulation is § 33.1-198.1 of the Code of Virginia. Subsection C of this statute directed the Commissioner of Highways to "develop and implement comprehensive highway access management standards for managing access to and preserving and improving the efficient operation of the state systems of highways. The comprehensive highway access management standards shall include but not be limited to standards and guidelines for the location, number, spacing, and design of entrances, median openings, turn lanes, street intersections, traffic signals, and interchanges."

Under § 33.1-13 of the Code of Virginia, the Commissioner "shall have the power to do all acts necessary or convenient for constructing, improving, maintaining, and preserving the efficient operation of the roads embraced in the systems of state highways and to further the interests of the Commonwealth in the areas of public transportation, railways, seaports, and airports. " This action will facilitate the preservation of the efficient operation of the Commonwealth's road system.

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.

§ 33.1-198.1 subsection B of the Code establishes the essential nature of the regulations: "The General Assembly declares it to be in the public interest that comprehensive highway access management standards be developed and implemented to enhance the operation and safety of the systems of state highways in order to protect the public health, safety, and general welfare while ensuring that private property is entitled to reasonable access to the systems of state highways."

The goals for access management regulations and standards identified in this enabling statute are:

- To reduce traffic congestion and impacts to the level of service of highways, leading to reduced fuel consumption and air pollution;

- To enhance public safety by decreasing traffic crash rates;
- To support economic development in the Commonwealth by promoting the efficient movement of people and goods;
- To reduce the need for new highways and road widening by improving the performance of existing state highways; and
- To preserve public investment in new highways by maximizing their performance.

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 required the Commissioner to develop comprehensive highway access management regulations and standards. The regulations and design standards were to be used to manage the location, spacing, and design of entrances, intersections, including median openings, traffic signals, and interchanges on the systems of state highways.

VDOT's original plan was to promulgate a single regulation for highway access management, but legislative action by the General Assembly bifurcated the process. During the 2008 General Assembly, SB370 and HB1572 were enacted to require the Access Management Regulations (12/07) to be promulgated in phases. Chapter 72 applying to principal arterial highways took effect on July 1, 2008, and Chapter 73 applying to minor arterials, collectors, and local streets went into effect on October 14, 2009.

These new regulations and design standards were intended to replace and supersede the Minimum Standards of Entrances to State Highways (24 VAC 30-71) and Part IV, Entrance Permits, of the Land Use Permit Manual (24 VAC 30-150). The Highway Commission, predecessor to the Commonwealth Transportation Board, originally established minimum standards for entrances in 1946. The Minimum Standards were repealed, effective March 3, 2011, and the Land Use Permit Manual was repealed and replaced by the Land Use Permit Regulations effective March 17, 2010.

VDOT intended to initiate this action earlier, but legislative mandates to amend both Chapters 72 and 73 associated with Chapter 870 of the 2011 Acts of Assembly took precedence, so the consolidation could not begin until that action was completed. The mandated changes became effective December 31, 2011.

This action will streamline VDOT's regulatory inventory, by repealing Chapter 72 and amending Chapter 73 to include principal arterial highways so that it will apply to all highway functional classifications. The result will simplify the ability of VDOT to administer the single regulation and the regulated parties to follow its provisions.

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 30-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 objections 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.

As this regulatory action only streamlines two state access management regulations into a single unified regulation and amends it for clarity and accuracy, without making any substantive changes to the requirements of the regulations, VDOT believes this action is noncontroversial.

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.) Please be sure to define any acronyms.

Chapter 73 is amended to clarify, simplify and improve the accuracy of existing provisions, without creating any new substantive provisions.

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) Primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions: The public (including regulated parties) will benefit from having a single, updated regulation that covers all classifications of highways rather than two regulations, one of which applies to principal arterials and one to minor arterials, collectors, and local streets. This action will reduce the number of regulations to consult. It will also reduce time spent determining which regulation applies to their highway of interest.

2) Primary advantages and disadvantages to the agency or the Commonwealth: VDOT will benefit from having a single, updated regulation. Administrative time will be reduced by eliminating the need to refer to two sets of regulations based on the classification of a particular highway.

3) Other pertinent matters of interest to the regulated community, government officials, and the public: Each regulation identifies possible exceptions to the requirements, resulting in a separate application form to request exceptions to each regulation. Having a single, unified regulation will allow the use of only one application form, saving the agency the time and effort to produce and maintain two forms and benefiting the public by streamlining the exception application process.

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.

Because the proposal will result in no new requirements, there will be no change that will result in a requirement more restrictive than applicable federal requirements.

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.

There are no localities particularly affected, since the unified regulation will apply to all state maintained highways in localities throughout the Commonwealth of Virginia.

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 two existing Access Management Regulations were written to prevent any disproportionate adverse impacts on small business. Their purpose is to preserve and improve the efficient operation of state highways, which benefits businesses of all sizes by reducing congestion and delay, increasing the market area of a business, and providing better customer exposure. Alternate regulatory methods considered during the development of the existing Chapter 72 and 73 regulations include:

1) *The establishment of less stringent compliance or reporting requirements:* Compliance requirements are necessary to promote public safety and efficient movement of traffic on the highways as specified in the § 33.1-198.1 enabling statute. However, the regulations do ensure that private property is entitled to reasonable access to state highways. Provisions offer entrance permit applicants the opportunity to appeal permit requirements and conditions. Reasons for potential exceptions to the access management requirements are identified within the regulation and an exception review and approval process is specified. The appeal and exception procedures impose no fees on the applicant, and include deadlines for VDOT decisions on the appeal and exception requests to assure a timely response.

2) *The establishment of less stringent schedules or deadlines for compliance or reporting requirements:* There are no schedules or deadlines for compliance or reporting. The appeal and exception process contains deadlines for VDOT's response to the request. No additional compliance or reporting requirements will be imposed.

3) *The consolidation or simplification of compliance or reporting requirements:* The proposed action will simplify the application of the requirements for the regulated parties, including small businesses. For example, two sets of possible exceptions to the requirements and the forms for requesting the exceptions will be combined, simplifying the exception application process.

4) *The establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation:* Entrances to the highway, entrance turn lanes, median openings, and signalized intersections are designed according to standards established by national transportation engineering organizations based on best professional engineering practices. § 33.1-198 of the Code requires entrances, including those for small businesses, to be constructed "pursuant to the Department of Transportation's design standards." Performance standards cannot replace design

standards without compromising the purpose of this Code section “to provide for the users of such entrances safe and convenient means of ingress and egress with motor vehicles to and from the paved or otherwise improved parts of such highways.”

5) *The exemption of small businesses from all or any part of the requirements contained in the proposed regulation:* Because the requirements are designed to ensure public safety, exempting small businesses from the requirements would not be in the public interest. As discussed above, however, applicants can appeal entrance design decisions and request exceptions to the access management requirements. In addition, the regulations exempt (grandfather) commercial entrance locations identified on plans of development, site plans, and subdivision plats for development proposals, including those of small business, that were approved prior to the effective date of the regulations.

Economic impact

Please identify the anticipated economic impact of the proposed new regulations or amendments to the existing regulation. When describing a particular economic impact, please specify which new requirement or change in requirement creates the anticipated economic impact.

As this regulatory action only streamlines two state access management regulations into a single unified regulation and amends it for clarity and accuracy, without making any substantive changes to the requirements of the regulations, there will be no economic impact.

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| <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, gas and diesel taxes, etc.) and funds designated by the General Assembly. They are spent on administrative and support activities, including the implementation of the proposed consolidated regulation. The funds also cover highway maintenance, and activities undertaken by other state agencies (Departments of Rail and Public Transportation, State Police, etc.). Money also goes to highways, other transportation modes, and specialized programs.</p> <p>b) Since the same personnel that administer the Chapter 72 and Chapter 73 access management regulations will administer the single unified regulation, no new funding will be required. Aside from negligible internal administrative costs, VDOT will not incur any additional one-time expenditures to implement the streamlined regulation.</p> |
| <p>Projected cost of the new regulations or changes to existing regulations on localities.</p> | <p>The proposal will not impose any cost on localities. The repeal of Chapter 72 and amendments to existing Chapter 73 regulations does not add any new requirements. It does include helpful editorial-type changes for clarity and simplicity.</p> |
| <p>Description of the individuals, businesses or other entities likely to be affected by the new regulations or changes to existing regulations.</p> | <p>The existing access management regulations affect individuals and companies who apply for entrance permits and construct entrances connecting their businesses, residences, or subdivisions to the highway. The action will not increase the number of entities affected by the regulation.</p> |

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| <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 2,579 entrance permits (private and commercial) during calendar year 2011, generally for new construction access to the highways. The number of entities affected each year is less than the total permits issued each year because many businesses, whether new or existing, obtain more than one permit (e.g. multiple entrances to the property). The permit application does not require information regarding small businesses, so the number affected cannot be estimated.</p> <p>However, according the U. S. Small Business Administration's "Small Business Profile: Virginia," published in February of 2011, there were 646,021 small businesses in Virginia in 2008. Of this number 151,505 were employers. In theory, any one of these small businesses could be affected if their owners apply for entrance permits and construct entrances connecting their businesses to the highway.</p> |
| <p>All projected costs of the new regulations or changes to existing regulations for affected individuals, businesses, or other entities. Please be specific and include all costs. Be sure to include the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses. Specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the proposed regulatory changes or new regulations.</p> | <p>This regulatory action will not create any new requirements. Therefore, this proposal to streamline the regulations will not impose any additional costs on the regulated community. The regulations do not contain any fees. In addition, repealing one set of regulations will simplify the application of the requirements for the regulated parties including small businesses. For more detail on small business impact, see the “Regulatory Flexibility Analysis” section above.</p> |
| <p>Beneficial impact the regulation is designed to produce.</p> | <p>Access management regulations and standards promote more efficient movement of goods and people which support state, regional, and local economic development efforts.</p> <ul style="list-style-type: none"> • For businesses and residential developers, well-managed corridors can operate at higher speeds, increasing the market area and providing better customer exposure. • The reduced delay associated with well access-managed roads can lower transportation costs and shorten delivery times for the trucking industry. Faster delivery of goods benefits business inventory control. <p>Creating one unified access management regulation will benefit regulated parties, since only one regulation will need to be consulted for all highway classifications. Changes to improve the accuracy and clarity of the regulation will make it easier to understand.</p> |

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.

To meet the objective of streamlining VDOT's regulatory inventory, there is no viable alternative to this fast-track action. The Code of Virginia mandates that the Commissioner "develop and implement comprehensive highway access management standards for managing access to and preserving and improving the efficient operation of the state systems of highways" (§33.1-198 C). There is no alternative to retaining at least one of the regulations to meet the General Assembly's intent to establish access management regulations and standards for the systems of state highways.

For a discussion of less intrusive or less costly alternatives for small businesses, see response to "Regulatory Flexibility Analysis" above.

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.

This action will not have a negative impact on the institution of the family and family stability. Instead, the single regulation will continue to have a positive impact on families. The regulation will help reduce traffic congestion, gasoline consumption, air pollution, vehicular crash rates, help create new jobs by expanding the market area of businesses due to the more efficient movements of goods and people, and reduce the need for public expenditures for new highways and widening of existing highways by maximizing the performance of the existing highway network.

Detail of changes

Please list all changes that are being proposed and the consequences of the proposed changes. If the proposed regulation is a new chapter, describe the intent of the language and the expected impact. Please describe the difference between existing regulation(s) and/or agency practice(s) and what is being proposed in this regulatory action.

Note: Because this action not only makes technical corrections to an existing regulation, but also incorporates relevant provisions from a regulation to be repealed, the table below includes a column for both the current Chapter 72 and the current Chapter 73. Chapter 72 content to be incorporated into the corresponding section for Chapter 73 has been identified. Technical corrections or revisions for clarity, etc., made to Chapter 73 are also identified.

| Current section number (Ch. 72) | Current section number (Ch. 73) | Current requirement | Proposed change, intent, rationale, and likely impact of proposed requirements |
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| 10. Definitions. | 10. Definitions. | Defines terms for each chapter. | The Chapter 72 definitions included in Chapter 73 are repealed to eliminate redundancy. The Chapter 72 definition of “stopping sight distance” is added to Chapter 73. The Chapter 72 terms “roadside” and “traveled way” are not used in Chapter 73 and therefore not defined in Chapter 73. |
| 10. Definitions. | 10. Definitions. | Defines terms in Chapter 73. | The definition of “roadway” is deleted. The term “roadway” is replaced with “highway” throughout Chapter 73 for simplicity. The definition of “urban” is deleted as the term is removed from the text. The definition of “crossover” is amended to remove the reference to “right” turning movements, which do not occur at a crossover. The definition of “highway”, “street”, “road” is amended to clarify that it applies to such facilities in the systems of state highways. |
| 20. Authority to regulate entrances. | 20. Authority to regulate entrances. | VDOT’s authority to regulate entrances and manage access. | Chapter 72 Section 20 is repealed to eliminate redundancy. Chapter 72 Section 20 B is in Chapter 73 Section 120 C 3 a. Chapter 72 Section 20 E is no longer applicable: the Land Use Permit Manual [regulations] was repealed and replaced with the Land Use Permit Regulations effective March 17, 2010. Reference to § 33.1-12(3) is removed; technically, this citation refers to the authority of the Commonwealth Transportation Board to make regulations. Chapters 72 and 73 were approved by the Commissioner. |
| 30. Application to principal arterials. | 30. Application to minor arterials, collectors, local streets. | Describes applicability and effective date of each chapter. | Chapter 72 Section 20 is repealed to eliminate redundancy. Chapter 73 Section 30 is amended to specify that the Chapter applies to principal arterials, too. |
| 40. Obtaining entrance permits. | 40. Obtaining entrance permits. | Describes procedures/rules for entrance permits. | Chapter 72 Section 40 requirements are in Chapter 73 Section 40. Repeal Chapter 72 Section 40 to eliminate redundancy. |
| 50. Appeal and sight distance exceptions. | 50. Appeal and sight distance exceptions. | Appeal and sight distance exception procedures. | Chapter 72 Section 50 provisions are in Chapter 73 Section 50. Chapter 72 Section 50 is repealed to eliminate repetitive provisions. |
| 60. General provisions. | 60. General provisions. | Penalties; approval of access to parcel; local standards. | Repeal Chapter 72 Section 60 to eliminate duplicative provisions. Chapter 72 Section 60 A, B, and E are in Chapter 73 Section 60. Chapter 72 Section 60 C is in Chapter 73 Section 120 C 2. Chapter 72 Section 60 D is addressed in Chapter 73 Sections 70, 90, and 120. Penalty provisions in Chapter 73 Section 60 are already in statute and are amended for simplicity. |

| Current section number (Ch. 72) | Current section number (Ch. 73) | Current requirement | Proposed change, intent, rationale, and likely impact of proposed requirements |
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| 70. Commercial entrance design. | 70. Commercial entrance design. | Entrance design and construction. | Chapter 72 Section 70 provisions are in Chapter 73: repeal Chapter 72 Section 70 to eliminate redundancy. The reference to Traffic Impact Analysis (TIA) Regulation site plan and plat traffic analysis is deleted due to 2011 General Assembly legislation (Chapter 647) that removed plan/plat review from the TIA enabling statute (§ 15.2-2222.1). Requirement that low volume commercial entrance design and construction must meet stopping sight distance provisions in the Road Design Manual are relaxed by allowing intersection sight distances to be met as an alternative. This change provides more flexibility in meeting standards, such as in mountainous areas, where traditional stopping sight distance provisions may not be able to be met. Motorist safety will still be preserved. |
| 80. Commercial entrance sight distance. | 80. Commercial entrance sight distance. | Minimum sight distances required at entrances. | Chapter 72 Section 80 requirements are included in Chapter 73. Chapter 72 Section 80 is repealed to eliminate duplicative provisions. Requirement that low volume commercial entrance design and construction must meet stopping sight distance provisions in the Road Design Manual are relaxed by allowing intersection sight distances to be met as an alternative. This change provides more flexibility in meeting standards, such as in mountainous areas, where traditional stopping sight distance provisions may not be able to be met. Motorist safety will still be preserved. |
| 90. Private entrances. | 90. Private entrances. | Private entrance location/ installation rules; maintenance. | Chapter 72 Section 90 requirements are in Chapter 73. Repeal Chapter 72 Section 90 to remove repetitive requirements. |
| 100. Commercial entrance coordination. | 100. Commercial entrance coordination. | VDOT coordination with local governments. | Chapter 72 Section 100 requirements are in Chapter 73. Repeal Chapter 72 Section 100 to simplify administration and application. |
| 110. Tenure of commercial entrances. | 110. Existing commercial entrances. | Tenure of existing commercial entrance is conditional. | Chapter 72 Section 110 provisions are in Chapter 73; Chapter 72 Section 110 is repealed. |
| 120. Commercial entrance access management. | 120. Commercial entrance access management. | Entrance spacing, design, location, sharing entrances; exceptions and exception approval procedures. | Chapter 72 Section 120 requirements are in Chapter 73, but organized differently. For example, the access management corridor plan provisions in Chapter 72 Section 120 A and C are in Chapter 73 Section 120 C 3 b. The Chapter 72 Section 120 A 2 shared entrance provisions are in Chapter 73 Section 120 C 2. The Chapter 72 Section 120 B exception procedures are located in |

| Current section number (Ch. 72) | Current section number (Ch. 73) | Current requirement | Proposed change, intent, rationale, and likely impact of proposed requirements |
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| | | | Chapter 73 Section 120 D and more detail is provided on the procedures including a 30 day deadline for VDOT’s decision on an exception request. Chapter 72 Section 120 is repealed to eliminate regulatory redundancy. |
| 120. Commercial entrance access management. | 120. Commercial entrance access management. | Entrance spacing, design, location, sharing entrances; exceptions and exception approval procedures. | Terms are revised or added for consistency: e.g. “undeveloped” properties, “commercial” entrance. Simpler terms are used such as “study” for “investigation report”. A confusing, unnecessary reference to the Secondary Street Acceptance Requirements is deleted. “Urban area” is removed from Section 120 C 3 c to make the application of this provision less complicated. Chapter 73 Section 120 C 3 a and c are amended to add the effective date of the Chapter 72 regulations so the grandfathering provisions for principal arterials are included. |
| 120. Commercial entrance access management. | 120. Commercial entrance access management. | Application to other state regulations. | The reference to Traffic Impact Analysis (TIA) Regulation site plan and subdivision plat traffic analysis is deleted due to 2011 General Assembly legislation (Chapter 647) that removed site plan and plat review from the TIA enabling statute (§ 15.2-2222.1). |
| 120. Commercial entrance access management. | 120. Commercial entrance access management. | Vehicular circulation between adjoining properties. | An excessively long paragraph in Chapter 73 Section 120 C 4 is reformatted to improve the readability of the regulation for the public. Chapter 73 Section 120 C 4 d is amended to provide additional clarification on constraints to making connections between properties for vehicular circulation. |
| 130. Drainage. | 130. Drainage. | Entrance design to control drainage. | Chapter 72 Section 130 requirements are in Chapter 73. Repeal Chapter 72 Section 130 to eliminate redundant provisions. |
| 140. Repealed. | 140. Repealed. | Section previously repealed. | Section 140 in both Chapters originally referenced § 33.1-12(15) of the Code which concerned entrances to drive-in theaters. 2011 General Assembly Chapters 104 and 164 deleted § 33.1-12(15) resulting in the Commissioner’s repeal of Section 140 in both regulations, effective January 18, 2012. |
| 150. Temporary entrances. | 150. Temporary entrances. | Design, maintenance, closure of temporary construction/logging entrances. | Chapter 72 Section 150 provisions are in Chapter 73, except for the term “roadside”. It was not included in Chapter 73 in that “rights-of-way” is already referenced which includes the “roadside”. Chapter 72 Section 150 is repealed to eliminate duplicative requirements. |
| 160. Access to | 160. Access to | Highway to access | Chapter 72 Section 160 requirements are in |

| Current section number (Ch. 72) | Current section number (Ch. 73) | Current requirement | Proposed change, intent, rationale, and likely impact of proposed requirements |
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| public waters. | public waters. | landings, wharves, and docks. | Chapter 73 so Chapter 72 Section 160 can be repealed for regulatory streamlining. |
| 170. Repealed. | 170. Repealed. | Section previously repealed. | Section 170 in both Chapters originally listed documents incorporated by reference. Amendments to the regulations effective January 18, 2012 removed the Virginia Administrative Code Chapter/Section number for this list. |
| Documents incorporated by reference. Forms. | Documents incorporated by reference. Forms. | None. | Chapters 72 and 73 contain identical lists of entrance permit forms and the documents referenced in the regulations. The Chapter 72 list of forms/documents can be repealed. |