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## Proposed Regulation Agency Background Document

<b>Agency name</b>	Virginia Department of Transportation (Commonwealth Transportation Board)
<b>Virginia Administrative Code (VAC) citation</b>	24 VAC 30-151-10
<b>Regulation title</b>	Land Use Permit Manual
<b>Action title</b>	Repeal and Replace Existing Regulation (24 VAC 30-150-10) with Updated and Rewritten Regulation under same Title and New Number (VAC 24-30-151-10 et seq.)
<b>Document preparation date</b>	Revised April 10, 2006

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Brief summary

*In a short paragraph, please summarize all substantive changes that are being proposed in this regulatory action.*

This replacement regulation has the same purpose as the existing one – it defines what uses may be permitted on the right-of-way under the control of the Commonwealth Transportation Board (CTB) and the Virginia Department of Transportation (VDOT). Under this revision, certain uses such as logging entrances will require site-specific review, permits for utilities in subdivisions have been simplified, roadside memorial signing is permitted under certain conditions, private driveways will no longer be installed by VDOT, and commercial entrance review will include a concept called access management, which has been defined as “the systematic control of the location, spacing, design, and operation of driveways, median openings, interchanges, and street connections to a roadway.” It is composed of many different components, including special geometric design criteria, intersection and traffic signal spacing standards, and other traffic control measures applied to a specific corridor or at the regional or statewide level. Fees for permits have been increased and accommodation fees for utilities within limited access right-of-way have been added. The manual has been rewritten to eliminate redundant or obsolete provisions, and to provide clarity. Sections have been rearranged to improve readability. The regulation has been reduced from 250 to approximately 90 pages.

### 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 Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.*

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§ 33.1-12 (3) of the Code of Virginia gives the CTB the authority to make regulations concerning the use of the system of state highways. This authority is broadly stated, so there is significant discretion in establishing the criteria, policies, and procedures addressing work performed on state-owned right-of-way. § 33.1-198 of the Code of Virginia requires persons wishing to construct commercial entrances to obtain permits for the entrances. § 33.1-206.1 of the Code of Virginia requires the Commonwealth Transportation Board to make regulations concerning the erection of roadside memorials.

The CTB has used this authority to maintain the rights-of-way along the highways in a manner necessary to preserve the integrity, operational safety, and service of function of the roadway. The permit process allows VDOT to ensure that work on its property is performed with little or no damage to existing structures or utilities. Commercial and private users benefit from the cooperative system of land management because a consistent permit program minimizes costs, allows more precise planning to perform the work, ensures fair treatment, and assists in facilitating residential and commercial development.

To accomplish its purpose, the regulation is broad in scope. For example, it addresses general and specific policies concerning placement of utilities (e.g., controlled access rights of way, etc.); installation of drainage pipe, commercial entrance curbing, landscape planting and trimming, miscellaneous permits and special agreements (e.g., agricultural or commercial use).

This regulation does not exceed minimum requirements of the state mandate, as the statutes specify none.

Furthermore, 24 VAC 30-20-50 of the *General Rules and Regulations of the Commonwealth Transportation Board* provides that

No land use permit shall be issued until the applicant has complied with the restrictions, specifications, and fee requirements set forth in the Land Use Permit Manual (24 VAC 30-150-10 et seq.), where applicable, and pursuant to the Minimum Standards of Entrance to State Highways, (24 VAC 30-71-10 et seq.) when applicable. The manuals referred to are those prepared and published by the board or commissioner and kept on file in the central, district, and resident offices of the department, changes to which must be adopted or ratified by the board.

Failure to follow the provisions of this regulation may subject violators to a civil penalty, as provided below:

§ 33.1-19. Effect of Board's rules and regulations.

The rules and regulations together with any additions or amendments thereto, prescribed by the Board under the provisions of subdivision (3) of § 33.1-12, shall have the force and effect of law and any person, firm or corporation violating any such rule or regulation or any addition or amendment thereto shall be guilty of a misdemeanor and, upon conviction, be fined not less than \$5 nor more than \$100 for each offense. Such person shall be civilly liable to the Commonwealth for the actual damage sustained by the Commonwealth by reason of his wrongful act. Such damages may be recovered at the suit of the Commonwealth Transportation Board and, when collected, paid into the state treasury to the credit of the Department of Transportation. But no such rules and

regulations or additions or amendments thereto, or repeals thereof, shall become effective until sixty days shall have elapsed following their adoption by the Board.

Statutory text for the Code sections reference above can be accessed via the following website:

<http://leg1.state.va.us/000/src.htm>

## Purpose

*Please explain the need for the new or amended regulation by (1) detailing the specific reasons why this regulatory action is essential to protect the health, safety, or welfare of citizens, and (2) discussing the goals of the proposal and the problems the proposal is intended to solve.*

This regulation sets forth the requirements applicable to all activities permitted within the right-of-way as allowed by the CTB. These activities include installation of utilities, construction of private and commercial entrances, landscaping and temporary use of the right-of-way. The regulation sets forth criteria used to consider the issuance of permits, which are handled at VDOT's local field offices, called residencies. The regulation is intended to preserve the integrity of the highway system and protect the safety of motorists, pedestrians and workers. The Land Use Permit Manual was last updated in 1983. This review and update are necessary to accommodate changes in technology that impact the use of the right-of-way, as well as changes in business practices.

## Substance

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

- **Removed internal guidance and procedures from the regulation** - Throughout the regulation, procedural and design guidance information has been deleted. The procedural information is used solely by VDOT staff, but it is not needed as part of the regulation, and permit applicants will not be inconvenienced by its omission. Eliminating the specific design criteria provides flexibility in applying exceptions and responding to development trends. General design standards are contained in VDOT's Road Design Manual. Deletion of procedures and design guidance ensures that the regulation contains only the information necessary for the administration of Land Use permits.
- **Increased fees** - Fees have not been increased since 1983. The new fees will reflect actual costs of permit issuance and administration. The replacement regulation also clarifies that residencies may set up accounts receivables for plan review, inspection and administration of complex permits.
- **Accommodation fees** - The replacement regulation also includes annual accommodation fees for non-telecommunication utilities within limited access right-of-way. The current regulation does not allow this access, and companies have expressed an interest to be able to access these rights-of-way, even if a fee is assessed.
- **Private entrances** - Previously, private entrance permits issued to the property owner were provided at no cost. If the property owner purchased the drainage pipe for the entrance, VDOT maintenance forces would install the pipe at no cost. This practice takes maintenance forces away from necessary roadwork and drains funds from the construction budget for each county's secondary roads. The

replacement regulation requires an application fee for the permit and requires the property owner to arrange installation of the entrance. 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.

- **Logging permits** - Logging Permits are no longer available as a blanket permit. In the current regulation, logging companies could purchase a district or statewide permit that allowed them to create an entrance for logging on any primary or secondary road. The permit was issued annually. This very broad permit did not provide the residency with adequate measures to control access to the roadway. Requiring logging permits to be issued as single use permits allows the residency to ensure adequate sight distance at the entrance and provides the opportunity for VDOT to better monitor the entrance for proper installation and maintenance.
- **Commercial entrance permits** - This has been expanded to address the concept of access management. Access management practices provide VDOT with the necessary means to control entrances along the roadway and better protect the integrity of our highways.
- **In place permits** - These permits can be issued for utilities located within a subdivision without plan and full permit submittal. These one page permits provide VDOT with the necessary information without inundating residency offices and utility companies with unneeded paper.

Generally speaking, most of the changes in this regulation fall into three categories:

- Eliminating redundant or obsolete text to improve the user-friendliness of the regulation;
- Updating the regulation to reflect VDOT permit administration procedures and other guidance that have always been in effect, but not necessarily addressed explicitly in the regulation; or
- Addressing subjects resulting from new technology, regulations and rules from parties external to VDOT, etc. that were not in existence when the regulation was last amended.

## 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 the regulatory action poses no disadvantages to the public or the Commonwealth, please so indicate.*

Issues include the following:

- 1) The primary advantage to the public of promulgating the replacement regulation is the emphasis on providing an up-to-date and more flexible regulatory resource for utilities, developers, and others to use.

The increase in fees may be considered a disadvantage; however, fees have not been increased in over 20 years. The increased fees will offset some of the costs incurred in VDOT's permit review, issuance and inspection.

- 2) The primary advantage to VDOT and the Commonwealth is essentially the same as that to the public – the replacement regulation provides an up-to-date and clarified resource concerning the issuance of permits for users, including VDOT personnel. VDOT will be able to perform its mission with greater

efficiency and effectiveness, while addressing the concerns of stakeholders, utilities and the land development industry and preserving the safety and integrity of the transportation infrastructure.

Another advantage to VDOT is the elimination of private entrance installation by VDOT maintenance crews. This allows those crews to concentrate time and resources on repair and restoration of the roadways.

Other advantages to VDOT include an update of the fees to help offset VDOT's costs. The only disadvantage to the agency or the Commonwealth is in the time and expense to VDOT to implement the changes, through a combination of training and printing the replacement regulation, etc. Some other regulations that reference the regulation may need to be updated. However, VDOT believes that the benefits from an updated regulation outweigh this disadvantage.

VDOT will be able to repeal another regulation, the "Minimum Standards of Entrances to State Highways" (24 VAC 30-71). Regulations relating to commercial entrances are already addressed in the "Land Use Permit Manual." The design information currently included in the "Minimum Standards of Entrances to State Highways" will be included in the Road Design Manual. The "Minimum Standards" are based on the same administrative processes as the LUPM, so there will be one less regulation for permittees to deal with. The "Minimum Standards" will need to be revised anyway, so the repeal of the regulation will save time and effort that would otherwise be spent on a separate action. The "General Rules" will also need to be revised to reflect the new status of the "Minimum Entrance Standards."

3) Any pertinent matters of interest to the regulated community, government officials, and the public will be addressed as a result of the promulgation of the final replacement regulation and the repeal of the existing one through the Administrative Process Act.

**Economic impact**

*Please identify the anticipated economic impact of the proposed regulation.*

<b>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</b>	\$50,000 derived from general administrative funds of the department with annual administrative costs of approximately \$20,000 per year. VDOT's funds come primarily from the Transportation Trust Fund (a non-general fund), comprised of the Highway Maintenance and Operating Fund and the Transportation Trust Fund.
<b>Projected cost of the regulation on localities</b>	No localities are affected unless they also own utilities and would like to install new lines within the right-of-way.
<b>Description of the individuals, businesses or other entities likely to be affected by the regulation</b>	Utility companies installing lines within the right-of-way; commercial development installing entrances onto existing roads, homeowners installing a new driveway are likely to be affected by this regulation.
<b>Agency's best estimate of the number of such entities that will be affected</b>	An average of nearly 14,000 permits have been issued each year for the last 3 years. Many businesses obtain more than one permit so the affected number would be less.
<b>Projected cost of the regulation for affected individuals, businesses, or other entities</b>	Fees for permits will increase from an average of \$58 per permit to \$135 per permit.

A comparison of current and proposed permit fees from the Land Use Permit Manual is shown below:

	Current	Proposed
<b>Application fee Example:</b>	<b>\$40</b>	<b>\$100</b>

**Miscellaneous permit** - Landscaping 500 feet along roadway  
 Existing fee structure – \$40 base fee = \$40  
 Proposed fee structure = \$100 base fee + \$50 (5\*10 for lin. ft of frontage) = 150

The cost is based on residency information, as shown below:

1. Plan review at residency and district roadside management section – 2 reviews @ 1 hour each – total 2 hours
2. Permit processing and follow-up 2 hours
3. Inspection – 3 inspections @ 1 hour each = 3 hours
4. Total time = 7 hours \* \$30 per hours = \$210

**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.*

VDOT does not believe there is a viable alternative to amending the regulation, and that amending the regulation is the least burdensome or intrusive alternative to meet the essential purpose of the regulation – to ensure that work performed within state-owned right-of-way is completed safely and without damage to the transportation infrastructure. The General Assembly clearly intended that the Commonwealth Transportation Board (CTB) have authority over the use of all rights of way in § 33.1-12 (3) by granting the authority to make regulations concerning the use of highways and require the Commonwealth Transportation Board to establish regulations governing roadside memorials in § 33.1-206.1. This regulation is essential in defining proper and appropriate use of these transportation routes and in complying with the General Assembly’s requirements.

**Public comment**

*Please summarize all comments received during public comment period following the publication of the NOIRA, and provide the agency response.*

Commenter	Comment	Agency response
None	None	None

**Family impact**

*Please assess the impact of the proposed regulatory action on the institution of the family and family stability.*

This regulation is not anticipated to have any detrimental effect on the family and family stability. To the contrary, the regulation is expected to promote motorist and pedestrian safety along all roadways.

### 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.*

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See the following table for detailed comparison of the existing and replacement regulation.

Land Use Permit Manual Changes

Detail of Changes

Proposed new section number	Proposed Title	Current section number	Current requirement	Proposed change and rationale
24VAC30-151-10	Definitions	24VAC30-150-20 24VAC30-150-1110	General rules and regulations of CTB Definition of terms	The revised regulation has been updated and new terms added to the definitions and located in the front of the regulation.
24VAC30-151-20	Authority	24VAC30-150-20	General rules and regulations of CTB	Revised wording for this section to remove duplicated statements and paragraphs.



Proposed new section number	Proposed Title	Current section number	Current requirement	Proposed change and rationale
24VAC30-151-30	Permits and agreements	24VAC30-150-70 24VAC30-150-80 24VAC30-150-90  24VAC30-150 1090 24VAC30-150-1600  24VAC30-150 1660 24VAC30-150 1670 24VAC30-150 1680 24VAC30-150 1700 24VAC30-150 1710 24VAC30-150 1720 24VAC30-150 1770 24VAC30-150 1780 24VAC30-150-1110 24VAC30-150-1130	Permits issued by resident engineer Permits issued by district administrator Permits issued by the highway permit manager  Special provisions for blanket permits Gas or petroleum transmission pipelines on subdivision streets Annual blanket permits (excluding interstate) House service connections Commercial entrances Private entrances (district administrator) Private entrances (resident engineer) Logging roads Commercial use agreements Agriculture use agreements Definition of terms New utility installations along controlled access	States when a permit is required and what type permit is required for activities in the right-of-way. Revised wording for this section to remove duplicated statements and paragraphs and to locate similar provisions into one section to improve clarity. Statewide Blanket permits are issued by the residency and called Residency wide permits. Introduces the term in-place permit and resource sharing for limited access right-of-way.

Proposed new section number	Proposed Title	Current section number	Current requirement	Proposed change and rationale
24VAC30-151-40	General rules, regulations, and requirements	24VAC30-71-20 24VAC30-71-60 24VAC30-150-20 24VAC30-150-60 24VAC30-150-70 24VAC30-150-80 24VAC30-150-290  24VAC30-150-480 24VAC30-150-520 24VAC30-150-530 24VAC30-150-610 24VAC30-150-680 24VAC30-150-800 24VAC30-150-810 24VAC30-150-1400 24VAC30-150-1540	General rules and regulations of CTB Issuance of permits Permits issued by resident engineer Permits issued by district administrator Requirements for permit charges, bonds and guarantee fees, irrevocable letters of credit Emergency permits Engineering design requirements Responsibility of applicant Excavation Protection of existing utility facilities Backfill and compaction Pavement restoration Installation Preservation, restoration, and cleanup	States how a person or company should apply for a permit and what is required for review of the request. Responsibilities and liabilities associated with granting a permit. Revised wording for this section to remove duplicated statements and paragraphs and to locate permit responsibilities, liabilities and general requirements into one section.
24VAC30-151-50	Violations of rules and regulations	24VAC30-150-40 24VAC30-150-30	Discovery of a violation Violations of rules and regulations	States how violations are handled and what legal liabilities may be placed on the permittee. Revised wording for this section to remove duplicated statements and paragraphs and to locate similar into one section to improve clarity.

Proposed new section number	Proposed Title	Current section number	Current requirement	Proposed change and rationale
24VAC30-151-60	Authority of Resident Engineer	24VAC30-71-20 24VAC30-150-60 24VAC30-150-70 24VAC30-150-80 24VAC30-150-350 24VAC30-150-470	Issuance of Permits Permits Issued by Residency Eng. Permits Issued by District Admin. Failure to properly carry out work Completion	States the authority of the resident engineer to stop work and the requirement of the permittee to pay for damages to the right-of-way. Revised wording for this section to remove duplicated statements and paragraphs and to locate similar provisions into one section to improve clarity.
24VAC30-151-70	Plan Review and Permit inspection	24VAC30-150-340 24VAC30-150-520 24VAC30-150-640 24VAC30-150-650	Assignment of an inspector Engineering design requirements Necessity to assign inspectors Absence of inspector	States the requirement for permittee to pay cost for review of plans and inspection of activities perform under the authority of a permit. Revised wording for this section to remove duplicated statements and paragraphs and to locate similar provisions into one section to improve clarity.
24VAC30-151-80	Permit time limits and cancellations	24VAC30-150- 410 24VAC30-150-420 24VAC30-150-440 24VAC30-150-450	Procedure for canceling permits Procedure for canceling permits Charge for permit cancellation Procedure for canceling bonds	States the time limit for a permit to be active and the requirements for extension, reinstatement and cancellation of a permit. Revised wording for this section to remove duplicated statements and paragraphs and to locate similar provisions into one section to improve clarity.
24VAC30-151-90	Hours and days work authorized; Holiday Schedule	N/A	Not explicitly addressed	Establishes existing time limitation for working on holidays and weekends. This was added to clearly indicate hours of work. Previous regulation depended on VDOT Road and Bridge Specifications provision.

Proposed new section number	Proposed Title	Current section number	Current requirement	Proposed change and rationale
24VAC30-151-100	Appeal	24VAC30-71-30 N/A in 24VAC30-150	Appeals for issues dealing with entrances made to District Administrator. Not explicitly addressed in Land Use Permit Manual for other permits.	Establishes existing appeal process for rendering ruling on unresolved differences on interpretation and application of permitting requirements. This was added to clearly indicate process for appealing. Previous regulation depended on VDOT Road and Bridge Specifications.
24VAC30-151-110	Denial; Revocation; Refusal to Renew	24VAC30-150-20 24VAC30-150-100 24VAC30-150-410 24VAC30-150-430 24VAC30-150-570 24VAC30-150-1060  24VAC30-150-1680	General rules and regulations of CTB Processing permit applications Procedure for canceling permits Procedure for handling delinquent permits Revocable permits Denying or revoking commercial entrances permits Commercial entrances	States the process for denial, revocation and refusal to renew permit. Revised wording for this section to remove duplicated statements and paragraphs and to locate similar provisions into one section to improve clarity.
24VAC30-151-120	Introduction to provisions governing entrances	24VAC30-150-20 24VAC30-150-905	General rules and regulations of CTB Compliance	States the authority regulating entrances to be constructed in the right-of-way by the Code of Virginia.

Proposed new section number	Proposed Title	Current section number	Current requirement	Proposed change and rationale
24VAC30-151-130	General provisions governing entrances	24VAC30-71-20 24VAC30-71-50 24VAC30-71-130 24VAC30-150-70 24VAC30-150-90 24VAC30-150-630 24VAC30-150-730 24VAC30-150-905 24VAC30-150-910  24VAC30-150-960 24VAC30-150-1050 24VAC30-150-1060  24VAC30-150-1070	Permits issued by resident engineer Permits issued by the highway permit manager Condition of connections and entrances Complying with department's requirements Compliance Entrance to be constructed to department standards Commercial entrance curbing Responsibility for maintenance Denying or revoking commercial entrances permits Upgrading commercial entrances	States the regulation for construction of entrances to be constructed in the right-of-way. Added provisions to assist in the application of access management requirements. Revised wording for this section to remove duplicated statements and paragraphs and to locate similar provisions into one section to improve clarity.
24VAC30-151-140	Private Entrances	24VAC30-150-70 24VAC30-150-80 24VAC30-150-320 24VAC30-150-1700 24VAC30-150-1710	Permits issued by resident engineer Permits issued by district administrator No-fee permits Private entrances Private entrances	States the requirements for construction of a private entrance into the right-of-way. Revised wording for this section to remove duplicated statements and paragraphs and to locate provisions similar into one section to improve clarity. Eliminated requirement for VDOT to install the entrance at VDOT expense. VDOT may now install the entrance but the property owner must pay for the installation.

Proposed new section number	Proposed Title	Current section number	Current requirement	Proposed change and rationale
24VAC30-151-150	Commercial Entrances – coordination with local governments	24VAC30-71-50 24VAC30-150-20 24VAC30-150-905 24VAC30-150-910 24VAC30-150-920 24VAC30-150-930 24VAC30-150-940 24VAC30-150-960 24VAC30-150-1680	General rules and regulations of CTB Compliance Entrance to be construction to department standards Base Materials Installation of pipe Entrance Islands Commercial curbing Commercial entrances	Revised wording for this section to remove duplicated statements and paragraphs and to locate similar provisions into one section to improve clarity. Establish requirement for coordination with local governments.
24VAC30-151-160	Tenure of Entrances	24VAC30-71-140 24VAC30-150-630 24VAC30-150-730 24VAC30-150-905 24VAC30-150-910  24VAC30-150-940 24VAC30-150-960 24VAC30-150-1050 24VAC30-150-1060  24VAC30-150-1070 24VAC30-150-1680	Condition of connections and entrances Complying with department's requirements Compliance Entrance to be constructed to department standards Entrance islands Commercial entrance curbing Responsibility for maintenance Denying or revoking commercial entrances permits Upgrading commercial entrances Commercial entrances	States the requirement for upgrading existing entrances and those entrances are neither infinite nor transferable. Revised wording for this section to remove duplicated statements and paragraphs and to locate similar provisions into one section to improve clarity. Incorporated language from the Minimum Standards Of Entrances To State Highways (24 VAC 30-71) to ensure consistency between the two regulations.

Proposed new section number	Proposed Title	Current section number	Current requirement	Proposed change and rationale
24VAC30-151-170	Access Management/Entrance Location	24VAC30-71-70 24VAC30-71-100 24VAC30-71-110 N/A in 24VAC30-150	General language used in entrance manual regarding preventing interference with free traffic movements, encouraging joint use entrances.	Establish the requirements for access management of transportation system as related to the construction of entrances into the right-of-way, providing more detail than presented in current entrance manual.
24VAC30-151-180	Drive-In Theaters	24VAC30-71-40 24VAC30-150-1690	Commercial entrances to open-air theaters	Renumber section for drive-in theaters.
24VAC30-151-190	Temporary Entrances (construction/logging)	24VAC30-150-70 24VAC30-150-80 24VAC30-150-1720	Permits issued by resident engineer Permits issued by district administrator Logging roads	States the requirements for construction of temporary entrances. Revised wording for this section to remove duplicated statements and paragraphs and to locate similar provisions into one section to improve clarity. Logging permits are now single use permits rather than blanket permits to ensure appropriate access management.
24VAC30-151-200	Access to Public Fishing Waters	24VAC30-150-1730	Access to public fishing waters	Renumber section for access to public fishing waters. Revised wording for this section to remove duplicated statements and paragraphs.
24VAC30-151-210	Entrance Design	24VAC30-71-50 24VAC30-71-80 24VAC30-71-90 24VAC30-71-120 24VAC30-150-20 24VAC30-150-730 24VAC30-150-910 24VAC30-150-960	General rules and regulations of CTB Complying with department's requirements Entrance to be constructed to department standards Commercial entrance curbing	States the requirement for entrances to comply with VDOT engineering and construction standards. Added language to require consideration of bike/ped users. Revised wording for this section to remove duplicated statements and paragraphs and to locate similar provisions into one section to improve clarity.

Proposed new section number	Proposed Title	Current section number	Current requirement	Proposed change and rationale
24VAC30-151-220	Commercial use agreements	24VAC30-150-1770	Commercial use agreements	Agreements for use of right-of-way for commercial purposes. Revised wording and number for this section to improve clarity. Made consistent with agricultural use agreements.
24VAC30-151-230	Agriculture use agreements	24VAC30-150-1780	Agriculture use agreements	Agreements for use of right-of-way for agriculture purposes. Revised wording and number for this section to improve clarity. Made consistent with commercial use agreements.
24VAC30-151-240	Dams	24VAC30-150-1850 24VAC30-150-1860	Specifications for the construction of farm ponds adjacent to highways	States the requirements for construction of dams within the right-of-way. Revised wording and number for this section to improve clarity and updated to reflect current requirements for dam construction.
24VAC30-151-250	Railroad Grade Crossing or Encroachments	24VAC30-150-20 24VAC30-150-90 24VAC30-150-1310 24VAC30-150-1960 24VAC30-150-1970 24VAC30-150-1980	General rules and regulations of CTB Permits issued by the highway permit manager General considerations Application for permit Permit requests from railroad companies Permit requests by other companies	States the requirements for construction of railroad grade crossing or encroachments into right-of-way. Revised wording for this section to remove duplicated statements and paragraphs and to locate similar provisions into one section to improve clarity.
24VAC30-151-260	Railroad Crossing permit requests from Railroad Co	24VAC30-150-1960	Application for permit	States the requirements for construction of railroad grade crossing or encroachments into right-of-way by railroad companies. Revised wording and number for this section to improve clarity.



Proposed new section number	Proposed Title	Current section number	Current requirement	Proposed change and rationale
24VAC30-151-270	Railroad Crossing permit requests from other Co.	24VAC30-150-1970	Permit requests from railroad companies	States the requirements for construction of railroad grade crossing or encroachments into right-of-way by others. Revised wording and number for this section to improve clarity.
24VAC30-151-280	Springs and wells	24VAC30-150-2110	Springs and wells	Permitting of existing springs or well located in right-of-way. Revised wording and number for this section to improve clarity.
24VAC30-151-290	Public Telephones	24VAC30-150-90 24VAC30-150-2140 24VAC30-150-2150	Permits issued by the highway permit manager Interstate systems Other highways	States the requirements for location of public telephones in right-of-way. Revised wording for this section to remove duplicated statements and paragraphs and to locate similar provisions into one section to improve clarity.
24VAC30-151-300	General provisions governing utilities	24VAC30-150-90 24VAC30-150-890 24VAC30-150-900	Permits issued by the highway permit manager Overhead installation Location of overhead parallel facilities	States the general requirements for allowing utilities in the right-of-way. Revised wording for this section to remove duplicated statements and paragraphs and to locate similar provisions into one section to improve clarity.

Proposed new section number	Proposed Title	Current section number	Current requirement	Proposed change and rationale
24VAC30-151-310	Limited Access Highways – Above and underground installations	24VAC30-150-1100 24VAC30-150-1130 24VAC30-150-1140 24VAC30-150-1160 24VAC30-150-1170 24VAC30-150-1180 24VAC30-150-1190	Introduction New utility installations along controlled access highways Existing utilities along proposed controlled access highways Utilities crossing controlled access highways Utilities along roads or streets crossing controlled access highways Overhead utility crossings Underground utility crossings	States the regulations for allowing utilities in limited access right-of-way. Revised wording for this section to remove duplicated statements and paragraphs and to locate similar provisions into one section to improve clarity.
24VAC30-151-320	Limited access highways- Communications Towers and Site installations	N/A	Not explicitly addressed	Establish regulations for allowing communications towers and site installations of utilities in limited access right-of-way. This has been allowed under agreements.
24VAC30-151-330	Non-limited access Highways-above ground installations	24VAC30-150-860 24VAC30-150-1310 24VAC30-150-1510	Above ground mounted installations General considerations Underground electric power and communication lines	States the regulations for allowing utilities in non-limited access right-of-way. Revised wording for this section to remove duplicated statements and paragraphs and to locate similar provisions into one section to improve clarity. Update overhead clearance for above-ground installations.
24VAC30-151-340	Non-limited access Highways-Underground Installations	24VAC30-150-1310	General considerations	Revised wording for the regulations for the installation of underground utilities.

Proposed new section number	Proposed Title	Current section number	Current requirement	Proposed change and rationale
24VAC30-151-350	Non-limited access Highways- Communications Towers and site installations	N/A	Not explicitly addressed	Establish regulations for allowing communications towers and site installations of utilities in non-limited access right-of-way.
24VAC30-151-360	Pipelines	24VAC30-150-1310	General considerations	States the regulations for allowing pipelines to be installed in the right-of-way. Revised wording and number for this section to improve clarity.
24VAC30-151-370	Encasements	24VAC30-150-1360	Encasement	States the regulations for requiring encasements. Revised wording and number for this section to improve clarity.
24VAC30-151-380	Appurtenances	24VAC30-150-1380 24VAC30-150-1470 24VAC30-150-1520	Appurtenance Overhead power and communications lines Location and alignment	States the requirements for the installation of appurtenances in the right-of-way. Revised wording for this section to remove duplicated statements and paragraphs and to locate similar provisions into one section to improve clarity.
24VAC30-151-390	In place permits for new subdivision streets	24VAC30-150-1600	Gas or petroleum transmission pipelines on subdivision streets	States the requirements for permitting existing utilities in the right-of-way of new subdivision streets. Revised wording and number for this section to improve clarity.

Proposed new section number	Proposed Title	Current section number	Current requirement	Proposed change and rationale
24VAC30-151-400	Utility adjustments in conjunction with a VDOT project	24VAC30-150-110 24VAC30-150-160 24VAC30-150-170  24VAC30-150-180  24VAC30-150-220 24VAC30-150-1220 24VAC30-150-1230	Issuance of permits to owner of the facility Utilities to be covered by permit Permit for adjustments in connection with utility agreement Permits for utility adjustments not in connection with utility agreement Permit charges not required Construction and location details Manner of making utility installations and adjustments	States the requirements for permitting existing utilities located in the right-of-way of VDOT construction projects. Revised wording for this section to remove duplicated statements and paragraphs and to locate similar provisions into one section to improve clarity.
24VAC30-151-410	Installations in scenic areas	24VAC30-150-1270	Scenic enhancement	States the requirements for permitting utilities within the right-of-way of scenic areas. Revised wording and number for this section to improve clarity.
24VAC30-151-420	Roadway lighting facilities	24VAC30-150-80 24VAC30-150-1270 24VAC30-150-1610 24VAC30-150-1620 24VAC30-150-1650	Permits issued by district administrator Scenic enhancement Roadway lighting facilities Roadway lighting—pole placement Roadway and security lighting facility; permit procedure	States the requirements for permitting roadway lighting facilities within the right-of-way. Revised wording for this section to remove duplicated statements and paragraphs and to locate similar provisions into one section to improve clarity.

Proposed new section number	Proposed Title	Current section number	Current requirement	Proposed change and rationale
24VAC30-151-430	Attachments to bridge structures	24VAC30-150-1150 24VAC30-150-1460	Bridge attachments on controlled access highways Installations on highway structures	States the requirements for permitting utilities to attach to bridge structures. Revised wording for this section to remove duplicated statements and paragraphs and to locate similar provisions into one section to improve clarity.
24VAC30-151-440	Miscellaneous permits	24VAC30-150-1770	Commercial use agreements	Establish authority to require and issue miscellaneous permits.
24VAC30-151-450	Banners and decorations	24VAC30-150-1790 24VAC30-150-1800	Decorations Banners	States the requirements for permitting banners and decorations in the right-of-way.
24VAC30-151-460	Building movements	24VAC30-150-2190	Building movements	States the requirements for allowing building movements to use the highway systems.
24VAC30-151-470	Bicycle and road races, parades, and marches	24VAC30-150-70	Permits issued by resident engineer	Authority for permitting bicycle and road races, parades, and marches to use the highway systems. Revised wording and number for this section to improve clarity.
24VAC30-151-480	Chutes and tipples (coal mines, gravel pits, etc.), pipes from planning mills (overhead)	24VAC30-150-1810	Chutes (coal, mines, gravel pits, etc.).	States the requirements for permitting chutes and tipples (coal mines, gravel pits, etc.), pipes from planning mills (overhead) to be installed in the right-of-way. Revised wording and number for this section to improve clarity.
24VAC30-151-490	Construction or reconstruction of roads, bridges, or other drainage structures	24VAC30-150-1820	Construction or reconstruction of roads, bridges or other drainage structures	States the requirements for construction or reconstruction of roads, bridges, or other drainage structures. Revised wording and number for this section to improve clarity.

Proposed new section number	Proposed Title	Current section number	Current requirement	Proposed change and rationale
24VAC30-151-500	Crest stage gauges, water level recorders	24VAC30-150-1830	Crest stage gauge, water level recorders and flood gates	Authority to allow for permitting of crest stage gauges, water level recorders. Revised wording and number for this section to improve clarity.
24VAC30-151-510	Emergency Vehicle access	24VAC30-150-1870	Fire warning signal	Authority to allow for permitting of emergency vehicle access onto highways. Revised wording and number for this section to improve clarity.
24VAC30-151-520	Filming for movies	N/A	Not explicitly addressed in current regulation - filming within right-of-way is allowed by permit	Describes current practices concerning permits for motion picture companies to use the highway system.
24VAC30-151-530	Flashing school signs	24VAC30-150-2000	School warning signals	Authority to allow for permitting of flashing school signs to be permitted. Revised wording and number for this section to improve clarity.
24VAC30-151-540	Grading on right-of-way	24VAC30-150-1880	Grading on right-of-way	Authority to allow for permitting of grading on right-of-way. Revised wording and number for this section to improve clarity.
24VAC30-151-550	Roadside memorials	N/A	Not specifically addressed in current regulation – roadside memorial signs are allowed to be placed in RW by VDOT	States the requirements for roadside memorials (application requirements, VDOT and applicant responsibilities).
24VAC30-151-560	Mailboxes and newspaper boxes	24VAC30-150-1910 24VAC30-150-1920 24VAC30-150-1930	Mailboxes; newspaper boxes Mailboxes Newspaper boxes	States the requirements for placement of mailboxes on the right-of-way. Revised wording for this section to remove duplicated statements and paragraphs and to locate similar provisions into one section to improve clarity.

Proposed new section number	Proposed Title	Current section number	Current requirement	Proposed change and rationale
24VAC30-151-570	Miscellaneous signs	24VAC30-150-90 24VAC30-150-2090 24VAC30-150-2100	Permits issued by the highway permit manager Miscellaneous signs	Authority for placement of public service signs and historical markers on the right-of-way. Revised wording and number for this section to improve clarity.
24VAC30-151-580	Ornamental posts, walls or other apparatus	N/A	Not explicitly addressed	States the existing requirements for placement of ornamental posts, walls or other apparatus in the right-of-way to make treatment of these features consistent from residency to residency.
24VAC30-151-590	Outdoor advertising adjacent to right-of-way	24VAC30-150-2080	Outdoor advertising	Guidance for permitting outdoor advertising. Revised wording and number for this section to improve clarity.
24VAC30-151-600	Pedestrian and bicycle facilities	24VAC30-150-80 24VAC30-150-2120	Permits issued by district administrator Steps, sidewalks, curb and gutters	Authority for placement of pedestrian and bicycle facilities within the right-of-way. Revised wording for this section to remove duplicated statements and paragraphs and to locate similar provisions into one section to improve clarity. Updated for consistency with CTB policy.
24VAC30-151-610	Permits for certain over dimensional haulers and loaders	24VAC30-150-1890	Hauling and moving permits	Authority for permitting certain over dimensional haulers and loaders. Revised wording and number for this section to improve clarity.

Proposed new section number	Proposed Title	Current section number	Current requirement	Proposed change and rationale
24VAC30-151-620	Roadside management, landscaping	24VAC30-150-80 24VAC30-150-1900	Permits issued by district administrator Herbicides usage	Authority for permitting of the placement and maintenance of landscaping in the right-of-way. Revised wording for this section to remove duplicated statements and paragraphs and to locate similar provisions into one section to improve clarity.
24VAC30-151-630	Shelters	24VAC30-150-80 24VAC30-150-2010 24VAC30-150-2020 24VAC30-150-2030	Permits issued by district administrator School bus shelters Other shelters Share-the-ride stations	Authority for permitting of shelters in the right-of-way. Revised wording for this section to remove duplicated statements and paragraphs and to locate similar provisions into one section to improve clarity.
24VAC30-151-640	Trash containers and recycling sites	24VAC30-150-90 24VAC30-150-2160	Permits issued by the highway permit manager Trash containers	Authority for permitting of trash containers and recycling sites in the right-of-way. Revised wording for this section to remove duplicated statements and paragraphs and to locate similar provisions into one section to improve clarity.
24VAC30-151-650	Test Holes	24VAC30-150-80 24VAC30-150-2110	Permits issued by district administrator Springs and wells	Authority for permitting of test holes in the right-of-way. Revised wording for this section to remove duplicated statements and paragraphs and to locate similar provisions into one section to improve clarity.
24VAC30-151-660	Special requests and other installations	N/A	Not explicitly addressed	New provision that states authority for permitting of special requests in the right-of-way. This allows VDOT field offices with the flexibility to handle requests not explicitly addressed in the new regulation.



Proposed new section number	Proposed Title	Current section number	Current requirement	Proposed change and rationale
24VAC30-151-670	Prohibited use of right-of-way	24VAC30-150-60 24VAC30-150-980	Issuance of permits No signs on right-of-way	Activity not permitted in the right-of-way. Revised wording for this section to remove duplicated statements and paragraphs and to locate similar provisions into one section to improve clarity.
24VAC30-151-680	Hazardous materials/waste/substances	N/A	No requirement except that permittee to correct conditions deemed hazardous, but does not address hazardous materials/waste/substances explicitly	New provision that states requirements for permitting of hazardous materials/waste/substances in the right-of-way to reflect environmental requirements from Dept. of Environmental Quality not in existence when current regulation was amended.
24VAC30-151-690	Permitted Discharge to VDOT right-of-way	N/A	Not explicitly addressed; General Rules & Regulations of the CTB address water runoff only	Establish requirements for permitting to discharge into the right-of-way.
24VAC30-151-700	General provisions for fees, surety and other compensation	24VAC30-150-280	Definition of terms	States the regulations for fees and sureties for issuing of permits. Revised wording and number for this section to improve clarity.

Proposed new section number	Proposed Title	Current section number	Current requirement	Proposed change and rationale
24VAC30-151-710	Fees	24VAC30-150-290 24VAC30-150-300 24VAC30-150-310	Requirements for permit charges, bonds and guarantee fees, irrevocable letters of credit Schedule of permit charges List of additive permit charges	States the regulations and list of fees used for issuing of permits. There are significant changes in fees for various permits. Fees have not been increased since 1983 and the proposed changes in the fees will better reflect VDOT's actual cost of issuing and inspecting permits. Revised wording for this section to remove duplicated statements and paragraphs and to locate similar provisions into one section to improve clarity. Added fees for private entrances.
24VAC30-151-720	Surety	24VAC30-150-240 24VAC30-150-260 24VAC30-150-270 24VAC30-150-330 24VAC30-150-430	Cities, towns and counties may furnish ordinances or resolutions Guarantee fees; irrevocable letter of credit Continuing bonds and performance bonds Guarantee fee, performance and continuous bond fees; irrevocable letters of credit Procedure for handling delinquent permits	States the regulations for and types of sureties used for permits. Revised wording for this section to remove duplicated statements and paragraphs and to locate similar provisions into one section to improve clarity. Surety is based on actual cost of work in the right-of-way than table of fees.
24VAC30-151-730	Accommodation Fees	N/A	Current policy concerning accommodations is not in regulation	Establishes provisions for accommodation fees for utilities to be installed in limited access right-of-way.

Proposed new section number	Proposed Title	Current section number	Current requirement	Proposed change and rationale
24VAC30-151-740	Exceptions and provisions to the payment of the fees and compensation	N/A	No current requirement – Subdivision Street Requirements (24 VAC 30-91) amended in early 2005 contain similar provisions for fee structure	Establishes exceptions and provisions to the payment of the fees and compensation by code and VDOT’s discretion to make fee structure consistent with treatment in Subdivision Street Requirements (24 VAC 30-91)
24VAC30-151-750	Land use permit application fee and additive fees, communication tower site fees, annual adjustments	N/A	No current requirement	Establish regulations giving VDOT authority to adjust the fees and additives on an annual basis, based on a review of cost by VDOT.
24VAC30-151-760	Listing of documents (publications) incorporated by reference	N/A	No consolidated listing for documents incorporated by reference	Updates and reformats documents referenced throughout replacement regulation for greater accuracy and clarity.