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## Periodic Review and Small Business Impact Review Report of Findings

<b>Agency name</b>	Virginia Department of Transportation
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	24 VAC30-73
<b>VAC Chapter title(s)</b>	Access Management Regulations
<b>Date this document prepared</b>	4/21/2020

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

### Acronyms and Definitions

*Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.*

VDOT means the Virginia Department of Transportation.

### Legal Basis

*Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.*

VDOT's authority to regulate entrances and manage access to highways is provided in §§ 33.2-223, 33.2-240, 33.2-241, 33.2-242, and 33.2-245 of the *Code of Virginia*.

**Alternatives to Regulation**

*Describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.*

The Commissioner of Highways is required to control access to state highways, as set out in set forth in §§ 33.2-240, 33.2-241, 33.2-242, and 33.2-245 of the Code of Virginia, and set standards and policies for the entrances that provide this access. VDOT shall review and analyze proposed entrance applications in order to mitigate any potential adverse impacts on state-controlled highways, to protect VDOT assets, and to preserve public safety. In the interests of ensuring the safety of the traveling public, VDOT believes there are no viable alternatives to this regulation and that the current regulation, which provides exceptions for extenuating circumstances, is the least burdensome approach for achieving the purposes set forth in the Code of Virginia.

**Public Comment**

*Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.*

<b>Commenter</b>	<b>Comment</b>	<b>Agency response</b>
Debra Santmyers	Require farm owners to maintain entrances to fields in a manner that promotes safety, soil conservation and beautification of Virginia highways. Mud and debris should not be transported into the highway.	While preventing mud and debris from being tracked onto the roadway is listed under 24VAC30-73-150 (dealing with temporary entrances), this requirement is not explicitly listed for the other types of entrances in the Access Management Regulations. All entrances, however, must be installed and maintained under a land use permit, issued pursuant to 24VAC30-151 (the Land Use Permit Regulations), which contains a requirement in Section 40 that the permittee not allow "debris, mud, water, or other material" on the highway.

**Effectiveness**

*Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.*

Each proposed highway entrance creates a potential conflict point that impacts the safe and efficient flow of traffic on the highway; therefore, private property interests in access to the highway must be balanced with public interests of safety and mobility. Managing access to highways can reduce traffic congestion, help maintain the levels of service, enhance public safety by decreasing traffic conflict points, support economic development by promoting the efficient movement of people and goods, reduce the need for new highways and road widening by improving the performance of existing highways, preserve the public investment in new highways by maximizing their efficient operation, and better coordinate transportation

and land use decisions. It is essential that entrance and site design allow safe and efficient movements of traffic using the entrance while minimizing the impact of such movements on the operation of the systems of state highways. The Access Management Regulations are necessary for the protection of public health, safety and welfare, and are clearly written and easily understandable.

**Decision**

*Explain the basis for the promulgating agency's decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).*

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For the reasons stated in other sections of this form, VDOT recommends retaining the regulation as is.

**Small Business Impact**

*As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the 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. Also, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.*

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As noted above, there is a continued need for this regulation, and it is essential for ensuring the safety of the traveling public. The regulation is not complex and does not overlap, duplicate or conflict with other federal or state law or regulation. This regulation was first adopted in 2009, and has been amended several times, most recently in 2013.

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