



## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	Virginia Dept. of Transportation (Commonwealth Transportation Board)
<b>Virginia Administrative Code (VAC) citation</b>	24 VAC 30-401
<b>Regulation title</b>	<i>Change of Limited Access Control</i>
<b>Action title</b>	Update references to current regulations
<b>Final agency action date</b>	October 15, 2009
<b>Document preparation date</b>	February 17, 2011

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

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

### Summary

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

This action amends the regulation to correct citations. Specifically:

- References to the *Land Use Permit Manual* (24 VAC 30-150), which has been repealed, have been replaced with references to the new *Land Use Permit Regulations* (24 VAC 30-151).
- The VAC citation for the *General Rules and Regulations of the Commonwealth Transportation Board* has been changed from 24 VAC 30-20 to 24 VAC 30-21 to reflect the new replacement regulation.

The Virginia Department of Transportation's (VDOT's) statutory authority for promulgating this regulation is §§ 33.1-12 and 33.1-58 of the *Code of Virginia*. The Office of the Attorney General has certified that this action is exempt from the requirements of the Administrative Process Act (§ 2.2-4000 et seq. of the *Code of Virginia*) pursuant to § 2.2-4006 A 3.

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

**Economic impact on small businesses.** The economic impact of the regulation on a business is not determined by the business size. Specific economic impact of any change of limited access control would depend on the nature of the change and the property or properties affected.

**Continued need for the rule.** The regulation was originally established as a Department Policy Memorandum to provide guidance to VDOT when granting breaks in limited access highways under authority granted by § 33.1-58 of the Code of Virginia. When the Virginia Administrative Code was established in the mid-1990s, the policy was reclassified as a regulation. Additionally, as part of the CTB's powers and duties set out in § 33.1-12 8 (b) concerning assistance and coordination with local governments, VDOT works with local governments with land development issues, and the subject matter of the regulation has been reviewed as part of this ongoing effort.

VDOT and local governments have an interest in ensuring that changes in limited access are made fairly and consistently, and with due consideration of the effects on traffic patterns, economic development, and the environment.

**Nature of complaints or comments received concerning the regulation from the public.** VDOT has not recently received any complaints or comments regarding this regulation.

**Complexity of the regulation.** The regulation is intended to be as clear as possible without compromising public safety and benefit.

**Extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation.** If federal funds were used in right of way acquisition on interstate system projects, or if there is a significant change in the function or operation of the existing interstate system highway facility, and federal funds were used in construction, the Federal Highway Administration must approve the change or break in access. This approval is required prior to any consideration by the CTB.

**Length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation.** The initial regulation was repealed and replaced in 2006 with a new regulation after a comprehensive review. There have been no significant changes in access control principles since that time, and changes in economic conditions have not given rise to a need to change the regulation.

**Statement of final agency action**

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

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On October 15, 2009, the Commonwealth Transportation Board amended *Change of Limited Access Control (24 VAC 30-401)*.

**Family impact**

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

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