



Exempt Action Final Regulation Agency Background Document

Agency name	Virginia Department of Transportation (Commonwealth Transportation Board)
Virginia Administrative Code (VAC) citation	24VAC30-73
Regulation title	Access Management Regulations: Minor Arterials, Collectors and Local Streets
Action title	CH 0073 2011 Tech Correctns (companion to Proj 2999)
Final agency action date	November 3 and 10, 2011
Document preparation date	December 8, 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 is a companion to Action 3597 concerning revisions to VDOT's of land development regulations in connection with Chapters 647, 870, and 888 of the 2011 Acts of Assembly, and involves only two of the four regulations amended in that action:

- 24VAC30-72 – Access Management Regulations: Principal Arterials
- 24VAC30-73 – Access Management Regulations: Minor Arterials, Collectors, and Local Streets

Unlike Chapter 870's mandates for revising 24VAC30-92 (Secondary Street Acceptance Requirements (SSAR)) and 24AVC30-155 (TIA Regulations), which were not limited to a specific topic, Chapter 870 required VDOT to review and adopt revisions to the Access Management Regulations: Principal Arterials and Access Management Regulations: Minor Arterials, Collectors, and Local Streets by November 11, 2011, concerning their application to entrances for family subdivisions. VDOT set an effective date of December 31, 2011, for amendments made under Chapters 647, 870, and 888 to satisfy Chapter 647's requirement that the changes be effective no later than December 31, 2011 (Chapter 870's effective date requirement is no later than January 1, 2012).

In making comprehensive revisions to the TIA Regulations and the SSAR, VDOT determined that additional technical corrections were also necessary to the two Access Management Regulations to make them consistent with amendments to the other two regulations. However, the APA exemption under Chapter 870 only extended to the family subdivision entrances.

For example, the list of documents incorporated by reference needed to be corrected, since many of them had been revised in the TIA Regulations and the SSAR; there were also errors in the text that needed correcting. In addition, Chapters 104 and 164 of the 2011 Acts of Assembly repealed the statutory provisions addressing regulation of drive-in theaters (§ 33.1-12(15)), rendering the parts of each regulation addressing these entrances obsolete; with the repeal of the statute, these facilities can be treated the same as other facilities with commercial entrances.

VDOT originally submitted all regulatory changes in a single consolidated action, but, due to the need for two separate effective dates due to the different APA exemptions invoked, Access Management Regulations due to their limited mandate under § 2.2-4006 A 3 of the Code for technical corrections and § 2.2-4006 A 4 of the Code due to changes in state law, two different effective dates apply. For the comprehensive amendments mandated pursuant to Chapters 647, 870, and 888 of the 2011 Acts of Assembly, an effective date of December 31, 2011, shall apply, as stated previously. For those technical amendments to the Access Management Regulations, which include revisions other than those connected with revisions dealing with family subdivision entrances, an effective date of January 18, 2011 shall apply, which is 30 days after the publication date in *The Virginia Register*.

- Access Management Regulations: Principal Arterials – amendments related to the application of the provisions to entrances for family subdivisions are exempt from the APA pursuant to Chapter 870 of the 2011 Acts of Assembly; other changes to correct technical errors are exempt from Article 2 of the APA pursuant to §2.2-4006 A. 3; and changes related to Chapters 104 and 164 of the 2011 Acts of Assembly are exempt from Article 2 of the APA pursuant to §2.2-4006 A.4 as well;
- Access Management Regulations: Minor Arterials, Collectors, and Local Streets – amendments related to the application of the provisions to entrances for family subdivisions are exempt from the APA pursuant to Chapter 870 of the 2011 Acts of Assembly; other changes to correct technical errors are exempt from Article 2 of the APA pursuant to §2.2-4006 A 3; and changes related to Chapters 104 and 164 of the 2011 Acts of Assembly are exempt from Article 2 of the APA pursuant to §2.2-4006 A.4 as well;

The Office of the Attorney General (OAG) reviewed the amended regulations discussed above, and determined that VDOT and the Commonwealth Transportation Board have the authority to amend these regulations under Chapters 647, 870, 888, 104, and 164 of the 2011 Acts of Assembly, as well as the provisions of § 2.2-4006 A 3 (corrections of technical errors) and § 33.1-12 (general authority to adopt regulations) of the Code of Virginia. The OAG also determined that under Chapters 647, 870, and 888 of the 2011 Acts of Assembly, as well as Chapters 527 and 563 of the 2006 Acts of Assembly, and pursuant to the provision of § 2.2-4006 A 3 (corrections of technical errors), and § 2.2-4006 A 4 (necessity to conform to state statutory law where no

agency discretion is involved), these amendments are exempt from the requirements of the Virginia Administrative Process Act.

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.

The following actions were taken to address Chapters 104, 164, 647, 870, and 888 of the 2011 Acts of Assembly:

- On October 19, 2011, the Commonwealth Transportation Board approved revisions to the Secondary Street Acceptance Requirements (24VAC30-92).
- On November 3 and 10, 2011, the Commissioner of Highways approved amendments to the following regulations: the Access Management Regulations: Principal Arterials (24VAC30-72); the Access Management Regulations: Minor Arterials, Collectors, and Local Streets (24VAC30-73); and the Traffic Impact Analysis Regulations (24VAC30-155).

Family impact

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

This regulatory action is expected to have no direct effect on the institution of family and family stability. However, the regulatory revisions will have an indirect benefit to families in the form of a more efficient and safer transportation network in that the regulation is intended to help to reduce traffic congestion and vehicular crash rates and promote efficient movement of goods and people on the state highway system.