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## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	Virginia Department of Transportation
<b>Virginia Administrative Code (VAC) citation(s)</b>	24 VAC30-630
<b>Regulation title(s)</b>	"Pedestrians with Disability" Signs
<b>Action title</b>	CH 0630 Implementation of Chapter 432, 2018 Acts of Assembly, regarding warning signs for persons with disabilities
<b>Final agency action date</b>	08/01/2018
<b>Date this document prepared</b>	08/21/2018

While a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

### Brief Summary

*Please provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.*

This regulation implements Chapter 432 (2018 Acts of Assembly), which adds a new section numbered 46.2-830.2 to the *Code of Virginia*, effective July 1, 2018. Chapter 432 requires the Department of Transportation (VDOT) to establish regulations governing the installation of signs informing drivers that a person with a disability may be present in or around the roadway. VDOT will install such signs upon request of any person who submits a medical certification that they are deaf, blind, or deaf-blind, any person with autism or an intellectual or developmental disability, or the agent of such person.

The signs shall conform to the requirements of the Manual on Uniform Traffic Control Devices for Streets and Highways and the Virginia Supplement to the Manual on Uniform Traffic Control Devices for Streets and Highways.

The signs may be located on any non-limited access highway that is maintained by VDOT. The signs should be posted in advance of the area where persons with disability may enter a roadway, so that drivers may read the signs and have time to react to the warning. The signs may not be posted in certain locations, such as areas where any pedestrian activity is discouraged due to safety concerns, where the signs may conflict with, be redundant to, or are on the same pole as other regulatory or warning signs, or within 200 feet of other warning signs. The signs may also not be located at intersections where existing pedestrian signals are present.

These regulations are exempt from the provisions of the Administrative Process Act in accordance with § 2.2-4002(B)(11).

**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 Commissioner of Highways, acting on behalf of the Virginia Department of Transportation, approved the Persons with Disability Warning Sign regulations on August 1, 2018.

**Periodic Review  
Small Business Impact Review Report of Findings**

*If you are using this form to report the result of a periodic review/small business impact review that is being conducted as part of this regulatory action, and was announced during the proposed stage, please indicate whether the regulatory change meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), e.g., is necessary for the protection of public health, safety, and welfare; minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and is clearly written and easily understandable.*

*In addition, as required by § 2.2-4007.1 E and F of the Code of Virginia, include a discussion of the agency’s consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (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.*

This is not a periodic review action.

Commenter	Comment	Agency response