



Virginia
Regulatory
Town Hall

Periodic Review and Retention of Existing Regulations Agency Background Document

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| Agency Name: | Virginia Department of Transportation (Commonwealth Transportation Board) |
| VAC Chapter Number: | 24 VAC 30-510-10 et seq. |
| Regulation Title: | Frontage Roads |
| Action Title: | Review and Retain |
| Date: | June 25, 2001 |

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to retain an existing regulation.

Summary

Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.

This regulation establishes the policy VDOT will follow in deciding where to construct frontage or service roads, when VDOT will provide assistance to others in constructing such roads, including minimum standards, land use conditions, and maintenance of the roads after construction. The Office of the Attorney General has found that this regulation is exempt from the APA under Section 9-6.14:4.1 B 3.

Basis

Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or

discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.

Under the provisions of § 33.1-12(3), the Commonwealth Transportation Board (CTB) has general authority to make regulations concerning use of the system of state highways. However, the specific authority for this regulation is from § 33.1-61 of the Code of Virginia. The statute authorizes the Commonwealth Transportation Board (CTB), at its discretion, to “construct service roads parallel to a limited access highway in order to provide access at designated points for property owners abutting on the limited access highway and after the construction of such service roads shall maintain and regulate traffic over them.”

The statute also specifies that “construction or alteration of any access, feeder or service road which is to serve properties isolated by construction of a limited access highway shall meet all minimum state standards or the standards of the cities or towns of more than 3,500 population, or of counties which maintain their own road networks, as provided for by ordinance, whichever is more strict.” The CTB has broad discretion in deciding whether these types of roads will be built, and where they may be located.

This regulation does not exceed the minimum requirements of the state mandate.

Public Comment

Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

VDOT received no public comment during the Notice of Periodic Review period, so no response was prepared. No advisory group was formed to assist in the periodic review.

Effectiveness

Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. Please assess the regulation’s impact on the institution of the family and family stability. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.

Goals:

1. To protect the public's health, safety, and welfare with the least possible intrusiveness to the citizens and businesses of the Commonwealth.

2. Is the regulation written clearly and understandably?

Goal 1: Frontage roads can have many functions, depending on the character of the surrounding area: they may be used to control access, to function as a street facility serving adjoining property, to maintain circulation of traffic, to segregate local traffic from higher-speed through traffic, etc. They may be desirable on freeways, arterial streets in downtown and suburban areas, or rural areas. Given their versatility, it is reasonable for the CTB and VDOT to establish a regulation addressing specific circumstances under which these features may be used, depending on whether VDOT or another party builds them, how they may be accepted into the appropriate road system, and how maintenance of such features will be charged.

Therefore, the regulation helps the CTB and VDOT carry out an important part of the agency's mission – to provide safe, convenient, and efficient transportation programs and services – while ensuring that flexibility exists to permit others to construct such features, provided that specific standards are followed to preserve safety and integrity of the road.

Goal 2: The regulation states the policy to be followed, including circumstances under which VDOT will cooperate with others to construct such roads, or furnish other assistance. It references the minimum standards that frontage roads must satisfy. When an entity other than VDOT constructs a frontage or service road, the regulation lists the applicable conditions depending on various factors (e.g., whether the road is built on or off existing state-owned right of way; whether a land use permit is required, how the costs of construction and maintenance will be assigned, and how they may be accepted into the appropriate road system). Finally, the regulation provides statements concerning what standards will be used in maintaining frontage roads, and how associated costs will be charged. VDOT believes that the lack of public comment received concerning the regulation indicates broad satisfaction with the format of the regulation, the manner in which it is implemented, its clarity and ease of comprehension, and its effectiveness.

This regulation has no direct effect on the family or family stability.

Alternatives

Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.

There is no viable substitute for a document that sets forth policies and specifies how the statutory authority will be implemented. Such a document ensures that the public has access to the policy used by the CTB and VDOT concerning the construction and maintenance concerning frontage or service roads. The policy concerning land use when an entity other than VDOT

builds the road helps ensure that all participants are aware of the requirements (e.g., permit needs, and cost considerations). The regulation also helps ensure that decisions made by the CTB and VDOT concerning these facilities are made consistently and fairly.

Recommendation

Please state that the agency is recommending that the regulation should stay in effect without change.

VDOT recommends that this regulation be retained without change.

Family Impact Statement

Please provide an analysis of the regulation's impact on the institution of the family and family stability including the extent to which it: 1) strengthens or erodes the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourages or discourages economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthens or erodes the marital commitment; and 4) increases or decreases disposable family income.

This regulation has no direct effect on the family or family stability, nor does it affect any of the factors listed above.