



Exempt Action Final Regulation Agency Background Document

Agency name	Virginia Department of Transportation
Virginia Administrative Code (VAC) citation	24 VAC 30-155
Regulation title	Traffic Impact Analysis Regulations
Action title	Promulgation of exempt regulation pursuant to state mandate
Final agency action date	April 25, 2007
Document preparation date	April 19, 2007

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, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 36 (06) and 58 (99).

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.

Chapter 527 of the 2006 Acts of Assembly added § 15.2-2222.1 to the Code of Virginia. The amendment establishes procedures by which localities submit proposals that will affect the state-controlled transportation network to the Virginia Department of Transportation (VDOT) for review and comment. The chapter also directs VDOT to promulgate regulations to carry out the provisions of the statute. The intent of the statute is to improve the manner in which land use and transportation planning decisions are coordinated and executed throughout the Commonwealth by establishing standardized methodologies (definitions, analytical methods, etc.) and procedures for analyzing transportation impacts.

Specifically, the proposed APA-exempt regulation, Traffic Impact Analysis Regulations (24 VAC 30-155), sets forth procedures and requirements governing VDOT's review of and submission of comments regarding comprehensive plans and amendments to comprehensive plans, rezoning proposals, and subdivision plats, site plans and plans of development and the accompanying traffic impact statements. The regulation also identifies when such comprehensive plans and amendments to comprehensive plans, rezoning proposals, and subdivision plats, site plans and plans of development must be submitted, and the documents and information which must be submitted to VDOT to facilitate the required review and

submission of comments. The regulation further establishes the scope and nature of the review and a schedule of fees to be paid upon submission of a proposal to VDOT for review.

A draft regulation was developed in consultation with a Technical Advisory Committee and a Policy Advisory Committee including representatives from local governments and other stakeholder groups, convened by the Secretary of Transportation, and was published on September 18, 2006 (Virginia Register Volume 23, Issue 1). A final regulation was prepared in late 2006. However, the 2007 General Assembly enacted Chapter 792, which made additional changes to § 15.2-2222.1. These included a provision concerning how localities may proceed if VDOT provides no comments, a provision allowing phased implementation of the regulation, and an extension of the APA exemption until July 1, 2008. Publication of the final regulation was deferred until these changes could be incorporated into a comprehensive updated final version.

Changes between the proposed and final versions are listed below:

EXPLANATION OF CHANGES

Page/Section	Changes Made
Pages 1-2, 24 VAC 30-155-10	Add "The following words and terms . . ." Delete definitions for "District planning manager" and "residency administrator;" add definitions for "connectivity index," "link," "node," "pedestrian facility coverage," and "service level."
Page 3, 24 VAC 30-155-20	Replace "Reserved" with "Authority;" add paragraph beginning "Section 15.2-2222.1 . . ."
Pages 3-4, 24 VAC 30-155-30	In A, first sentence, replace "the department" with "VDOT" and "90" with "100." In third sentence, replace "the department" with "VDOT" and delete "who shall forward . . . manager." In fourth sentence, replace "2,000" with "5,000" replace "90" with "100" in "24 VAC 30-155-90" and insert ", subject to the approval of VDOT," before reference to the regional model. In same sentence, insert "materially" after "that."
Page 5, 24 VAC 30-155-30	In B 1 b (1), delete text "that are classified as . . . locality."
Pages 5-6, 24 VAC 30-155-30	In B 1 b (3) change "systems" to "system's." In B 2 d, delete "and," and in B 2 e, replace period with comma and add "and"
Pages 6-7, 24 VAC 30-155-30	In C, delete first sentence after catchline "Review process." Add sentences beginning "VDOT shall also make such comments . . . section." at end of C. Add new subsection D.
Pages 7-8, 24 VAC 30-155-40	In A, first sentence, replace "the department" with "VDOT" and delete sentence beginning "For the purposes of this section . . ." Replace "90" with "100" in "24 VAC 30-155-90." Add "1" beginning "For the purposes of this section, a residential . . ." and renumber proposed "1" as "a." At end of redesignated "a," add "or"
Pages 8-9, 24 VAC 30-155-40	Renumber proposed "2" as "b." In first sentence, replace "1,000" with "100" and replace "day" with "per hour generator." In same sentence, add phrases "whose nearest property line" and "public" and "connection to a" as shown. Renumber proposed "3" as "c." Insert new subdivision "2."
Pages 9-10, 24 VAC 30-155-40	Insert new subdivisions "2 a" and "2 b." In "B," second sentence, add "and the applicant, if applicable." In B 1 a, add ", if applicable."
Pages 10-11, 24 VAC 30-155-40	In C, in second sentence, add "by VDOT." In third sentence, replace "the" with "VDOT's." In C, third sentence, add "or has been requested," after "scheduled." Add sentences beginning "VDOT shall also make . . . section."
Page 11, 24 VAC 30-155-50	In A, first sentence, replace "the department" with "VDOT" and delete sentence beginning "For the purposes of this section . . ." Replace

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	"90" with "100" in "24 VAC 30-155-90."
Pages 11-12, 24 VAC 30-155-50	Insert new subdivision "1" and replace proposed "1" with "a" for "Within a jurisdiction . . ." At end of new subdivision a, add "or" and revise proposed "2" and "3" as "b" and "c." In new "b," replace "1,000" with "100," and replace "day" with "peak hour of the generator." Add "has an entrance that" and "public" and "connection to a" as shown in same sentence.
Page 12, 24 VAC 30-155-50	Insert new subdivision "2."
Pages 13-14, 24 VAC 30-155-50	In B 1, in second sentence, insert "and the applicant, if applicable" after "locality. In C 1, replace "submission" with "approval" and delete phrase beginning "to VDOT in accordance . . ." In C 1 a, replace phrase "the department's rezoning . . . valid" with "the impacts analyzed . . . increased."
Pages 14-15, 24 VAC 30-155-50	In C 2, first sentence, replace phrase "remain valid" with "have not materially changed, . . . increased" and replace "submission" with "approval," and delete phrase "proposal . . . 24 VAC 30-155-40." In C 2 a, replace phrase "the department's rezoning . . . valid" with "the impacts analyzed . . . increased." In final sentence before subdivision 3, replace "the department" with "VDOT" and replace subdivision "3" with "4." In C 3, first sentence, delete phrase "the assumptions made . . . section." In final sentence before new subdivision 4, replace "lower standard" with "lowest required elements."
Pages 15-16, 24 VAC 30-155-50	In C, add subdivision 4. In D, first sentence add "to VDOT." In second sentence, add "by VDOT" after "receipt." In next sentence, replace "the" with "VDOT's."
Page 16, 24 VAC 30-155-50	In D, add sentences beginning "VDOT shall also make such comments . . . section" at end.
Pages 16-17 24 VAC 30-155-60	Delete "A" after catchline. In second sentence, delete "and" after "(ii)" and insert text "address the sufficiency . . . (iv)" before "present." Delete sentence "The TIS shall be . . . engineer." After next sentence, insert text "If the locality prepares . . . VDOT." In next sentence, replace "the department" with "VDOT." In next sentence, also replace "the department" with "VDOT." In the sentence after that, insert "and the applicant, if applicable" after "locality." In same sentence, replace "the department" with "VDOT." Delete sentence "The department shall . . . department."
Pages 17-18 24 VAC 30-155-60	Insert new subsection A concerning Scope of Work Meeting. In subsection B, first sentence, add "as determined by VDOT in its sole discretion." In next sentence, delete "The" and insert "At a minimum the TIS shall include the" and delete "required to be addressed in a TIS are . . ." Add sentence "The site generated . . . reductions."
Pages 18-21, 24 VAC 30-155-60	Before table, at end of subdivision B, add sentence "All distances . . . streets." Add new row text concerning non-existent transportation improvements below first row concerning background information. In row concerning geographic scope, replace text in columns as shown for site generated peak hour trips of 100 to 499, 500 to 999, and 1,000 or more.
Page 21, 24 VAC 30-155-60	In row concerning collected daily and peak hour traffic volumes, add "of the generator" after "hour." In row concerning intersections and roadways, replace "the department" with "VDOT."
Pages 21-22, 24 VAC 30-155-60	In row concerning walking, bikes, or transit trips, add hyphens after "on or off" before "site" and replace "under the forecast traffic" with "and bus route or routes and segment or segments" and add "or routes"

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	after “facilities.” In same row, replace numbers and text as shown in cells for site generated peak hour trips of 100 to 499, 500 to 999, and 1,000 or more. In row concerning speed study, replace text as shown in cell for site generated peak hour trips of 1,000 or more. In row concerning crash history, replace text as shown in cells for site generated peak hour trips of 500 to 999 and 1,000 or more. In row concerning sight distance, replace text as shown in cells for site generated peak hour trips of 500 to 999 and 1,000 or more.
Page 23, 24 VAC 30-155-60	In row concerning analyses for intersections, etc., replace “the Department” with “VDOT.” In next sentence, add “for each lane group” after “diagrams.” In row concerning walking, bikes, or transit trips, add hyphens after “on or off” before “site” and replace “under the forecast traffic” with “and bus route or routes and segment or segments” and add “or routes” after “facilities.” In same row, replace numbers and text as shown in cells for site generated peak hour trips of 100 to 499, 500 to 999, and 1,000 or more.
Pages 25-26, 24 VAC 30-155-60	In row concerning forecast daily and peak hour traffic volumes, add “of the generator” after “peak hour.” Insert hyphen in “buildout” to read “build-out” in cells for site generated peak hour trips of 100-499, 500-999, and 1,000 or more. Add text as shown in cells for site generated peak hour trips of 500-999 and 1,000 or more. Replace “6” with “six” in cells where indicated. In cell for site generated peak hour trips of 1,000 or more, replace “Future” with “At a minimum the future . . .” and add phrase concerning extension by VDOT.
Pages 25-27, 24 VAC 30-155-60	In row concerning analyses for intersections and roadways, replace “the department” with “VDOT.” In row concerning walking, bikes, or transit trips, add hyphens after “on or off” before “site” and replace “under the forecast traffic” with “and bus route or routes and segment or segments” and add “or routes” after “facilities.” In same row, replace numbers and text as shown in cell for site generated peak hour trips of 100 to 499, 500 to 999, and 1,000 or more.
Pages 27-28, 24 VAC 30-155-60	In row concerning description and diagrams of the location, etc., of improvements, add “as available from VDOT.” In row concerning analyses for all proposed and modified intersections, add “for each lane group” after “diagrams.” In next sentence, replace “the department” with “VDOT.” In row concerning walking, bikes, or transit trips, add hyphens after “on or off” before “site” and replace “under the forecast traffic” with “and bus route or routes and segment or segments” and add “or routes” after “facilities.” In same row, replace numbers and text as shown in cells for site generated peak hour trips of 100 to 499, 500 to 999 and 1,000 or more.
Page 29, 24 VAC 30-155-60	In first sentence after table, replace “The” with “Notwithstanding the geographic scope noted above, the” and insert “noted above” after “study.” In same sentence, add text and new sentences “in consultation with locality . . . VDOT.” In C, first sentence, replace “department” with “VDOT” and “study scoping meeting” with “Scope of Work Meeting” and replace “and the locality” with “pursuant to 24 VAC 30-155-60.” In C 1, fourth sentence, replace “the department” with “VDOT” and “12” with “24.”
Page 30, 24 VAC 30-155-60	In C 2, first sentence, replace “90” with “100” in 24 VAC 30-155-90” and replace “the department” with “VDOT.” Insert new sentence “Rezoning proposals shall . . .” after first sentence. In C 2, new third sentence, replace “VDOT” with “the preparer” and replace “90” with

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	"100" in 24 VAC 30-155-90."
Pages 31-32, 24 VAC 30-155-60	In C 2 f, replace non-superscript "2" with superscript "2" after "R." In C 3 a, fourth sentence, replace "the department" with "VDOT." Add decimal point and zeros after percentages with single digits in subdivisions (1), (2) and (3).
Pages 32-33, 24 VAC 30-155-60	In C 3 a (4), delete text "if overall volume . . . traffic" and replace with "unless the overall volume . . . traffic." In C 3 a (5), replace "the department" with "VDOT." In C 3 b, sentence before (1), replace "the department" with "VDOT." In (1), replace "15" with "25" and in (2), replace "25" with "40" and delete "drive-in banks," in same subdivision.
Pages 33-34, 24 VAC 30-155-60	In C 4, second sentence, replace "the department" with "VDOT." In C 5, final sentence, replace "the department" with "VDOT." In C 6, first sentence, replace "the department" with "VDOT." In C 6, delete text "Where growth within the development area . . ." through subdivision "d."
Page 34, 24 VAC 30-155-60	In C 8, first sentence, replace "90" with "100" in "24 VAC 30-155-90" and in third sentence, replace "the department" with "VDOT." In sixth sentence, replace "change" with deviation." In C 8, eighth sentence, replace "the department" with "VDOT."
Pages 35-37, 24 VAC 30-155-60	In C 8 d, add "by approach" after "factor." In first sentence after C 8 f, add "and pedestrian" after "bicycle" and delete "impacted or enhanced" and insert "affected." In C 8 f, delete proposed text beginning with sentences "The LOS for bicycle accommodation . . ." through paragraph "The TIS shall identify . . . (24 VAC 30-155-90)." In paragraph "The TIS shall provide . . ." and add sentences "For the purposes of this subsection . . ." through "adverse impacts." In next sentence, delete "LOS" and replace "1,500" with "2,000." In third sentence of paragraph, replace "LOS" with "quality of service analysis" and replace "Highway Capacity Manual" with "Transit Capacity and Quality of Service Manual" and replace "90" with "100" in "24 VAC 30-155-90." Replace next sentence "Where the LOS . . ." with "The TIS shall provide both route and segment quality of service." In next sentence, replace "LOS" with "quality of service" and delete phrase "or the LOS on a state-controlled highway." Insert sentence "If an analysis of pedestrian quality . . . VDOT." In C 9, insert new text concerning trip reduction and pedestrian and bicycle accommodations.
Pages 38-39, 24 VAC 30-155-60	Continue to insert new text concerning trip reduction and pedestrian and bicycle accommodations as new C 9, and insert new C 10 text concerning modal split and trip reduction.
Page 40, 24 VAC 30-155-60	Insert "11" before "Signal warrant analysis" (previously proposed subdivision 9) and in first sentence, replace "90" with "100" in "24 VAC 30-155-90" and "the department" with "VDOT." Replace "10" with "12" before "Recommended Improvements." Replace "Improvements" with "improvements" and "90" with "100" in "24 VAC 30-155-90."
Page 40, 24 VAC 30-155-70	In first sentence, replace "the department" with "VDOT" and insert "and applicant, if applicable" after "locality" and "when appropriate" after "and." Insert new sentence "VDOT shall provide . . . use." at end of paragraph.
Pages 40-41, 24 VAC 30-155-80	In A, insert comma after "amendment" and delete "or." Insert comma and "subdivision plat, site plan, or plan of development" as shown. Replace ", unless the primary purpose . . . project" with "or other public agency."
Page 41, 24 VAC 30-155-	In B, insert new sentence "Any package . . . VDOT" before subdivision

Page/Section	Changes Made
70	1. In subdivision 1, first and second sentences, replace “the department” with “VDOT.” Delete sentence “In instances where . . . chapter.”
Pages 41-43, 24 VAC 30-155-70	In subdivision 2, first sentence, add phrase “, proposals, subdivision plats, . . . locality,” and “single” before “fee” and replace “review” with “both reviews.” In same sentence, add “adjusted” after “of” and “of the generator” after “hour.” Replace “<” with “Up to” in reference to 100 VpPH, and replace “\$700” with “\$500.” Replace “VpPH” with “vehicles per peak hour.” Delete fees for 100-499 and 500 to 999 VpPH. Replace “1,000 or more” with “Over 100” for fee of \$1,000. Replace “VpPH” with “vehicles per peak hour.” In next sentence, replace “plan” with “package” and “the department” with “VDOT.” Delete next two sentences “In instances where . . . “ through “department’s review.” In B 3, delete proposed text for initial or second reviews through subdivision c and delete designation “4” to make proposed text new subdivision 3. In new subdivision 3, first sentence, replace “subdivision 1, 2, or 3” with “subdivisions 1 or 2” and “the department” with “VDOT” in two places. Insert new sentence at end.
Pages 43-44, 24 VAC 30-90	Insert new 24 VAC 30-155-90 concerning implementation. Renumber proposed “24 VAC 30-155-90” as “24 VAC 30-155-100.” In second sentence of renumbered section, replace “the department’s” with “VDOT’s.”
Pages 44-46, 24 VAC 30-90	In second sentence, replace “department” with “VDOT.” Replace proposed website address with “ www.vdot.virginia.gov .” Add Item “G” to list of Documents Incorporated by Reference (<i>Transit Capacity and Quality of Service</i>).

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.

By signature of the Chief of Policy, Planning and the Environment, VDOT approved the *Traffic Impact Analysis Regulations* (24 VAC 30-155) for publication in *The Virginia Register* and posting to the Department of Planning and Budget’s Regulatory Town Hall on April 25, 2007. Effective date of the regulations will be July 1, 2007.

Family impact

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

Improving the coordination between land-use and transportation planning will have a positive impact on the institution of the family and family stability. This regulation will provide additional information to assist policymakers and the public in planning land-use and transportation decisions that promote enhanced quality of life for all Virginians.