

CTB Decision Brief

Repeal of *Minimum Standards of Entrances to State Highways* (24 VAC 30-71) and Amendment of *General Rules and Regulations of the Commonwealth Transportation Board* (24 VAC 30-20)

Issue: The *Access Management Regulations: Principal Arterials* (24 VAC 30-72) and *Access Management Regulations: Minor Arterials, Collectors, and Local Streets* (24 VAC 30-73) replace and supersede the *Minimum Standards of Entrances to State Highways* (24 VAC 30-71) (“*Minimum Standards*”). The *General Rules and Regulations of the Commonwealth Transportation Board* (24 VAC 30-20) (“*General Rules*”) has been amended to remove references to the *Minimum Standards* and content that is obsolete or superseded by statute and other regulations and to improve the overall clarity of the regulation.

Facts: Chapters 863 and 928 of the Acts of Assembly of 2007 amended §§ 33.1-13, 33.1-198, and 33.1-199 of the *Code of Virginia*, and added § 33.1-198.1 to the *Code of Virginia* to require the Commonwealth Transportation Commissioner (Commissioner) to develop comprehensive highway access management regulations and standards. Chapters 274 and 454 of the Acts of Assembly of 2008 directed the Commissioner to promulgate these comprehensive access management regulations and standards in phases. In accordance with these directives, the Commissioner promulgated the *Access Management Regulations: Principal Arterials* (24 VAC 30-72), which went into effect July 1, 2008, and is in the process of promulgating the *Access Management Regulations: Minor Arterials, Collectors, and Local Streets* (24 VAC 30-73), a regulation subject to the requirements of the Administrative Process Act (APA) (§ 2.2-4000 et seq. of the *Code of Virginia*) which is to go into effect October 1, 2009.

The repeal of the *Minimum Standards* and the amendments to the *General Rules* are subject to the requirements of the Administrative Process Act; however, because these actions are not expected to be controversial in nature, the fast-track regulatory process described in § 2.2-4012.1 of the *Code of Virginia* will be used. The CTB adopted the current version of the *Minimum Standards* (to replace the former version of the same title filed as 24 VAC 30-70 in the Virginia Administrative Code) on June 12, 1997, effective January 7, 1998. The CTB last amended the *Minimum Standards* on May 15, 2003, effective December 3, 2003. The CTB adopted the *General Rules* on July 18, 1974, effective November 1, 1974. The *General Rules* were last amended in 1995 to update obsolete nomenclature.

Recommendations: It is recommended that the *Minimum Standards* be repealed and the *General Rules* be amended.

Action Required by CTB: The CTB will be presented with a resolution for a formal vote.

Result, if Approved: Repeal of *Minimum Standards* will remove from the Virginia Administrative Code a regulation that has been superseded. Amending the *General Rules* will ensure consistency with recently promulgated regulations, eliminate redundancies, and improve clarity.

Public Comments/Reactions: None.