



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 30-600-10 et seq. |
| Regulation Title: | Terms for Installation and Cost of Supplemental Signs Erected by VDOT (Criteria for Supplemental Signing) |
| Action Title: | Review and Retain |
| Date: | January 23, 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 criteria which should be met by a business, organization, or other entity wishing to post a supplemental guide sign on VDOT's right of way in addition to the major guide signs at intersections or interchanges. The Office of the Attorney General has determined that this regulation is exempt from the APA under the exemption granted by § 9-6.14:4.1B11 (traffic signs, markers, or control devices.)

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.

The general statutory basis for this regulation is § 33.1-12(3) of the *Code of Virginia*, which authorizes the Commonwealth Transportation Board (CTB) to make regulations at its discretion concerning the use of any highway under its jurisdiction. Other state statutes, such as § 33.1-371 and § 46.2-831, address the discretionary authority of the CTB entering into agreements with the federal government to regulate signs, and address conditions regarding authorized and unauthorized signs, respectively. The CTB can adopt regulations that conform to federal law, or may alter any agreements with the federal government regarding sign regulation, if special federal restrictions for signs adjacent to interstate or federal-aid primary highways are relaxed.

The statutes in the *Code of Virginia* do not contain specific procedures or criteria affecting the CTB's ability to regulate signs, so under this authority, the regulation exceeds the state mandate. Signs addressed by this regulation are subject to the federal *Manual on Uniform Traffic Control Devices (MUTCD)*, which the CTB adopted as VDOT's standard for signs, along with any safety standards specific to VDOT (such as the *Virginia Supplement to the MUTCD*). The criteria in this regulation complement the standards or guidelines in the *MUTCD*, and, in the sense that the criteria go beyond the contents of the *MUTCD*, the regulation exceeds the minimum requirements of the federal mandate. However, the CTB applies the criteria in this regulation in making decisions to ensure that *MUTCD* provisions are observed or otherwise addressed.

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, 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.

This regulation’s goal is to protect the public’s health, safety, and welfare with the least possible cost and intrusiveness to the citizens of the Commonwealth. The CTB and VDOT believe that the regulation represents a good faith attempt to balance the need to preserve motorist safety and minimize sign clutter with a legitimate need to communicate information to motorists concerning destinations of special interest, such as local government facilities, colleges, and historic/cultural attractions. Therefore, the CTB and VDOT believe that the regulation is essential to protect the public’s health, safety, and welfare.

The regulation has no direct effect on the family or family stability. However, awareness of special-interest destinations such as historical/cultural attractions may stimulate interest in visiting such facilities. Therefore, the regulation may benefit the general “quality of life” of a family, but meeting the goal stated above is the primary purpose of the regulation.

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.

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 alternative to achieve the purpose of this regulation in another form. To maximize motorist safety, the CTB and VDOT could prohibit all signs other than regulatory ones. However, this option would ignore legitimate needs of businesses and other facilities to make motorists aware of their presence. In fact, this regulation is one of many addressing traffic or traffic signs and other markers that the CTB and VDOT use. Taken as a whole, these regulations address different types of signs, different road systems, or different engineering factors.

Without this particular regulation, however, the CTB and VDOT would have no objective, systematic criteria to make decisions on where supplemental signing would be placed. The existence of such a regulation ensures that the regulated parties have full knowledge of the criteria, and that they are uniformly and fairly applied.

Therefore, the CTB and VDOT believe that the regulation is the least burdensome alternative available for achieving the regulation’s purpose.

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 parameters defined above.