Issue Analysis Form (rev. July 2013)

Date: July 10, 2018

Item: Exit 45 Harrison VDOT support

Lead Department(s): County Administration

Contact Person(s): Jeffrey Stoke, Deputy County Administrator

Description and Current Status

Mr. Earnest W. Harrison has requested PG Board support during a VDOT Access Management Regulation review process at 12200 South Crater Road, South Prince George, VA, 23805, 430(0A)00-038-0. The subject property at Exit 45 was a former C-store with two access points off South Crater Road. Under the current VDOT process, only one access point would now be allowable for a future development. There is a provision for exceptions under VDOT 24VAC30-73-120(C)(3)(c). Mr. Harrison is asking the PG Board to pass a resolution of support for this VDOT exception process within the defined regulations.

Government Path

Does this require IDA action?	☐ Yes	☑ No
Does this require BZA action?	☐ Yes	☑ No
Does this require Planning Commission action?	☐ Yes	☑ No
Does this require Board of Supervisors action?	☑ Yes	☐ No
Does this require a public hearing?	☐ Yes	☑ No

If so, before what date?

Even though the County cannot make the decision for VDOT, the County can support the property owner's request to avail himself of the VDOT Access Management Regulation exception process as defined. The County can support a VDOT review of this request for two entrances within 24VAC30-73-120(C)(3)(c).

Fiscal Impact Statement

The property owner believes that the lack of two entrances has hindered the future development of the site. If two entrances were allowed, the potential development would lead to increased County tax dollar generation and increased economic activity.

County Impact

By allowing two entrances, the Exit 45 cooridor may continue to economically expand.

Notes

As a Dillon Rule state, Prince George County is a creature of the Commonwealth of Virginia. Municipal governments may adopt an ordinance only if the General Assembly has clearly granted authority for the local government to make decisions on that topic.

R-18-XX

Board of Supervisors
County of Prince George, Virginia

Resolution

At a regular meeting of the Board of Supervisors of the County of Prince George held in the Boardroom, Third Floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia this 10th day of July, 2018:

Present:	Vote:
Alan R. Carmichael, Jr., Chairman	
Donald R. Hunter, Vice-Chairman	
Floyd M. Brown, Jr.	
Marlene J. Waymack	
T. J. Webb	

A-9

On motion of M. , seconded by M. , which carried unanimously, the following Resolution was adopted:

A RESOLUTION CONCERNING
VDOT ACCESS MANAGEMENT ENTRANCE SPACING REQUIREMENTS
FOR 12200 SOUTH CRATER ROAD, SOUTH PRINCE GEORGE, VA

WHEREAS, for over 60 years since the creation of the Interstate Highway System as authorized by an act of Congress of the United States on June 29, 1956, titled as Federal Aid Highway Act of 1956, a part of the Interstate Highway System has been located in and has served the County of Prince George, Virginia; and

WHEREAS, two sections of the Interstate Highway System, identified as Interstate 95 and Interstate 295, are located in and serve the residents and visitors to the County of Prince George, Virginia; and

WHEREAS, Prince George County, Virginia has within its border three (3) interchanges located on Interstate 95, identified as Exits 37 at Carson (intersecting U.S. Route 301 and Virginia State Routes 623 and 703), Exit 41 at Courtland (intersecting U.S. Route 301 and State Route 35) and Exit 45 at Crater Road (intersecting U.S. Route 35) to permit vehicular access to local roads; and

WHEREAS, Interstate 95 is the longest north-south section of the Interstate Highway System, extending some 1,920 miles from the Canadian border near Houlton, Maine to Miami, Florida; and

WHEREAS, Interstate 295 connects to Interstate 95 near the northern area of the County of Prince George, Virginia, serving as a circumferential bypass to the municipalities of the Tri-Cities comprised of Petersburg, Colonial Heights and Hopewell and the City of Richmond, Virginia; and

WHEREAS, field data prepared by the Traffic Engineering Department of the Virginia Department of Transportation confirms that Interstate 95 in Prince George County experiences an Average Annual Daily Trip rate of 44,000 vehicles, with approximately 50% of this total being local residents and the remaining 50% being motorists from outside of the local area; and

WHEREAS, the County of Prince George desires to promote industrial, commercial and other economic development opportunities in the area of Interstate 95 and 295 to increase the availability, convenience and the benefits of additional consumer services to the residents of and visitors to the county; and

WHEREAS, the creation of new and the maintenance of existing industrial and commercial development provides a continued and increasing revenue stream of tax revenue to the County of Prince George; and

WHEREAS, much of tax revenue generated along this section of Interstate 95 as it passes through the County of Prince George, Virginia, which benefits both the County of Prince George and the Commonwealth of Virginia, is created by patrons of businesses and users of the provided services who reside outside the County; and

WHEREAS, the County of Prince George, Virginia has identified Interstate 95 Exit-45 at South Crater Road (U.S. Route 301) as a Gateway Entrance to the county by investing public funds to construct enhanced signage, landscaping and lighting at this Interstate Interchange; and

WHEREAS, many existing and longstanding businesses have been located and are operating at the Interstate Interchanges in the County of Prince George, Virginia for many years with existing vehicular entrances; and

WHEREAS, the Virginia Commonwealth of Virginia has promulgated regulations, enumerated in Section 24VAC30-73 (December 5, 2013), Access Management Regulations, as codified in the Code of Virginia of 1950, as amended, specifying a minimum distance of separation between vehicular entrances; and

WHEREAS, the strict enforcement of the Access Management Regulations, currently enforced by VDOT, will or may prevent the location of new and the continued use of existing vehicular entrances on older, established business corridors which, as a result, may preclude the construction of proposed and renovated entrances, or their continued operation serving existing entrances to businesses; and

WHEREAS, the Access Management Regulations, in Section 24VAC30-73-120(C)(3)(c) of the Code of Virginia of 1950, as amended, stipulates: On older, established business corridors along a highway in a locality where existing entrances and intersections did not meet the spacing standards prior to July 1, 2008 for principal arterials or October 14, 2009 for minor arterials, collectors, or local streets, spacing for new entrances and intersections may be allowed by the district administrator's designee that is consistent with the established spacing along the highway, provided that the permit applicant submits a request according to 24VAC30-73-120D for an exception to the spacing standards that includes evidence that reasonable efforts were made to comply with the other access management requirements of this section including restricting entrances within the functional areas of intersections, sharing entrances with and providing vehicular and pedestrian connections between adjoining properties, and physically restricting entrances to right-in or right-out or both movements.

WHEREAS, the County of Prince George, Virginia encourages the owners of contiguous properties along a vehicular corridor designated as a Principal Arterial, as is physically or legally possible to do so, to cooperate in the creation of inter-parcel vehicular access plans for points of access to minimize the number of commercial entrances; and

WHEREAS, Mr. Ernest W. Harrison has requested from the Prince George County Board of Supervisors that his subject property at 12200 South Crater Road, South Prince George, VA 23805, Tax Map Number 430(0A)00-038-0 be considered for a VDOT exception under the Access Management Regulations; and

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Board of Supervisors of the County of Prince George, Virginia supports consideration of a VDOT district administrator's exception under Access Management Regulation 24VAC30-73-120(C)(3)(c) to allow two entrances at 12200 South Crater Road, South Prince George, VA 23805, Tax Map Number 430(0A)00-038-0 for future site development in an older, established business corridor.

Adopted by the Board of Supervisors of the County of Prince George, Virginia, on the 10th day of July, 2018.

A Copy Teste:

_____

Percy C. Ashcraft
County Administrator

Virginia Department of Transportation

Access Management Regulations

24VAC30-73

December 5, 2013

Table of Contents

24VAC30-73-10. Definitions. 1

24VAC30-73-20. Authority to regulate entrances to systems of state highways. 5

24VAC30-73-30. Applicability. 5

24VAC30-73-40. Administrative procedures and rules for obtaining entrance permits. 5

24VAC30-73-50. Appeal and sight distance exception procedure. 5

24VAC30-73-60. General provisions governing entrances. 6

24VAC30-73-70. Commercial entrance design. 7

24VAC30-73-80. Minimum sight distance for commercial entrances. 9

24VAC30-73-90. Private entrances. 9

24VAC30-73-100. Commercial entrances - coordination with local governments. 10

24VAC30-73-110. Existing commercial entrances. 11

24VAC30-73-120. Commercial entrance access management. 11

24VAC30-73-130. Drainage. 16

24VAC30-73-140. (Repealed.) 16

24VAC30-73-150. Temporary entrances (construction/logging entrances). 16

24VAC30-73-160. Access to public waters. 17

24VAC30-73-170. (Repealed.) 17

Forms: Entrance Permit (24VAC30-73) 17

Documents Incorporated By Reference (24VAC30-73) 17

Click on a title to move to that Chapter in the document

CHAPTER 73

ACCESS MANAGEMENT REGULATIONS

24VAC30-73-10. Definitions.

"Access management" means the systematic control of the location, spacing, design, and operation of entrances, median openings/crossovers, traffic signals, and interchanges for the purpose of providing vehicular access to land development in a manner that preserves the safety and efficiency of the systems of state highways.

"Collectors" means the functional classification of highways that provide land access service and traffic circulation within residential, commercial, and industrial areas. The collector system distributes trips from principal and minor arterials through the area to the ultimate destination. Conversely, collectors also collect traffic and channel it into the arterial system.

"Commissioner" means the individual who serves as the chief executive officer of the Department of Transportation or his designee.

"Commonwealth" means the Commonwealth of Virginia.

"Crossover" means an opening in a nontraversable median (such as a concrete barrier or raised island) that provides for crossing movements and left turning movements.

"Design speed" means the selected speed used to determine the geometric design features of the highway.

"District" means each of the nine areas in which VDOT is divided to oversee the maintenance and construction on the state highways, bridges and tunnels within the boundaries of the area.

"District administrator" means the VDOT employee assigned to supervise the district.

"District administrator's designee" means the VDOT employee or employees designated by the district administrator.

"Entrance" means any driveway, street, or other means of providing for movement of vehicles to or from the highway.

"Entrance, Commercial" means any entrance serving land uses that generate more than 50 vehicular trips per day or the trip generation equivalent of more than five individual private residences or lots for individual private residences using the methodology in the Institute of Transportation Engineers Trip Generation, 8th Edition.

"Entrance, Low Volume Commercial" means any entrance, other than a private entrance, serving five or fewer individual residences or lots for individual residences on a privately owned and maintained road or land uses that generate 50 or fewer vehicular trips per day using the methodology in the Institute of Transportation Engineers Trip Generation, 8th Edition.

“Entrance, Private” means an entrance that serves up to two private residences and is used for the exclusive benefit of the occupants or an entrance that allows agricultural operations to obtain access to fields or an entrance to civil and communication infrastructure facilities that generate 10 or fewer trips per day such as cell towers, pump stations, and stormwater management basins.

"Frontage road" means a road that generally runs parallel to a highway between the highway right-of-way and the front building setback line of the abutting properties and provides access to the abutting properties for the purpose of reducing the number of entrances to the highway and separating the abutting property traffic from through traffic on the highway.

"Functional area" means the area of the physical highway feature, such as an intersection, roundabout, railroad grade crossing, or interchange, plus that portion of the highway that comprises the decision and maneuver distance and required vehicle storage length to serve that highway feature.

"Functional area of an intersection" means the physical area of an at-grade intersection plus all required storage lengths for separate turn lanes and for through traffic, including any maneuvering distance for separate turn lanes.

"Functional classification" means the federal system of classifying groups of highways according to the character of service they are intended to provide and classifications made by the commissioner based on the operational characteristics of a highway. Each highway is assigned a functional classification based on the highway's intended purpose of providing priority to through traffic movement or adjoining property access. The functional classification system groups highways into three basic categories identified as (i) arterial, with the function to provide through movement of traffic; (ii) collector, with the function of supplying a combination of through movement and access to property; and (iii) local, with the function of providing access to property and to other streets.

"Highway," "street," or "road" means a public way for purposes of vehicular travel, including the entire area within the right-of-way, that is part of the systems of state highways.

"Intersection" means (i) a crossing of two or more highways at grade, (ii) a crossover, or (iii) any at-grade connection with a highway such as a commercial entrance.

“Intersection sight distance” means the sight distance required at an intersection to allow the driver of a stopped vehicle a sufficient view of the intersecting highway to decide when to enter, or cross, the intersecting highway.

"Legal speed limit" means the speed limit set forth on signs lawfully posted on a highway or, in the absence of such signs, the speed limit established by Article 8 (§46.2-870 et seq.) of Chapter 8 of Title 46.2 of the Code of Virginia.

"Level of service" means a qualitative measure describing the operational conditions within a vehicular traffic stream, generally in terms of such service measures as speed, travel time, freedom to maneuver, traffic interruptions, and comfort and convenience. "Level-of-

service" is defined and procedures are presented for determining the level of service in the Highway Capacity Manual, 2010 (Transportation Research Board).

"Limited access highway" means a highway especially designed for through traffic over which abutting properties have no easement or right of light, air, or access by reason of the fact that those properties abut upon the limited access highway.

"Local streets" means the functional classification for highways that comprise all facilities that are not collectors or arterials. Local streets serve primarily to provide direct access to abutting land and to other streets.

"Median" means the portion of a divided highway that separates opposing traffic flows.

"Median opening" means a crossover or a directional opening in a nontraversable median (such as a concrete barrier or raised island) that physically restricts movements to specific turns such as left turns and U turns.

"Minor arterials" means the functional classification for highways that interconnect with and augment the principal arterial system. Minor arterials distribute traffic to smaller geographic areas providing service between and within communities.

"Operating speed" means the speed at which drivers are observed operating their vehicles during free-flow conditions with the 85th percentile of the distribution of observed speeds being the most frequently used measure of the operating speed of a particular location or geometric feature.

"Permit" or "entrance permit" means a document that sets the conditions under which VDOT allows a connection to a highway.

"Permit applicant" means the person or persons, firm, corporation, government, or other entity that has applied for a permit.

"Permittee" means the person or persons, firm, corporation, government, or other entity that has been issued a permit.

"Preliminary subdivision plat" means a plan of development as set forth in §15.2-2260 of the Code of Virginia.

"Principal arterials" means the functional classification for major highways intended to serve through traffic where access is carefully controlled, generally highways of regional importance, with moderate to high volumes of traffic traveling relatively long distances and at higher speeds.

"Professional engineer" means a person who is qualified to practice engineering by reason of his special knowledge and use of mathematical, physical and engineering sciences and the principles and methods of engineering analysis and design acquired by engineering education and experience, and whose competence has been attested by the Virginia Board

for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects through licensure as a professional engineer.

"Reverse frontage road" means a road that is located to the rear of the properties fronting a highway and provides access to the abutting properties for the purpose of reducing the number of entrances to the highway and removing the abutting property traffic from through traffic on the highway.

"Right-of-way" means that property within the systems of state highways that is open or may be opened for public travel or use or both in the Commonwealth. This definition includes those public rights-of-way in which the Commonwealth has a prescriptive easement for maintenance and public travel.

"Roundabout" means a circular intersection with yield control of all entering traffic to traffic within the circular intersection and channelized approaches and a central island that deflect entering traffic to the right.

"Shared entrance" means a single entrance serving two or more adjoining parcels.

"Sight distance" means the distance visible to the driver of a vehicle when the view is unobstructed by traffic.

"Site plan" and "subdivision plat" mean a plan of development approved in accordance with §§15.2-2286 and 15.2-2241 through 15.2-2245 of the Code of Virginia.

"Stopping sight distance" means the distance required by a driver of a vehicle, traveling at a given speed, to bring the vehicle to a stop after an object on the highway becomes visible, including the distance traveled during the driver's perception and reaction times and the vehicle's braking distance.

"Systems of state highways" means all highways, streets, and roads under the ownership, the control, or the jurisdiction of VDOT, including but not limited to, the primary, secondary, and interstate highways.

"Trip" means a single or one-directional vehicle movement either entering or exiting a property; a vehicle leaving the property is one trip and a vehicle returning to the property is one trip.

"Turn lane" means a separate lane for the purpose of enabling a vehicle that is entering or leaving a highway to increase or decrease its speed to a rate at which it can more safely merge or diverge with through traffic; an acceleration or deceleration lane.

"VDOT" means the Virginia Department of Transportation, its successor, the Commissioner of Highways, or his designees.

24VAC30-73-20. Authority to regulate entrances to systems of state highways.

A. VDOT's authority to regulate entrances and manage access to highways is provided in §§33.2-223, 33.2-240, 33.2-241, 33.2-242, and 33.2-245 of the Code of Virginia. Each proposed highway entrance creates a potential conflict point that impacts the safe and efficient flow of traffic on the highway; therefore, private property interests in access to the highway must be balanced with public interests of safety and mobility.

Managing access to highways can reduce traffic congestion, help maintain the levels of service, enhance public safety by decreasing traffic conflict points, support economic development by promoting the efficient movement of people and goods, reduce the need for new highways and road widening by improving the performance of existing highways, preserve the public investment in new highways by maximizing their efficient operation, and better coordinate transportation and land use decisions.

B. The Commonwealth Transportation Board has the authority to designate highways as limited access and to regulate access rights to those facilities as provided in §33.2-401 of the Code of Virginia. No private or commercial entrances shall be permitted within limited access rights-of-way except as may be provided for by the regulation titled Change of Limited Access Control (24VAC30-401).

C. VDOT district administrators or their designees are authorized to issue private entrance permits and commercial entrance permits in accordance with the provisions of this chapter.

24VAC30-73-30. Applicability.

A. This chapter shall apply to any highway with a functional classification as a principal arterial, minor arterial, collector, or local street unless otherwise indicated herein.

B. The commissioner shall publish maps of the Commonwealth on the VDOT web site which show all highways with the above functional classifications and shall periodically update such maps.

24VAC30-73-40. Administrative procedures and rules for obtaining entrance permits.

All applications for entrance permits shall be obtained from and submitted to the district administrator's designee for the county in which the work is to be performed. The permit applicant shall submit the permit application form, and the entrance permit, if approved, will be issued in accordance with the applicable administrative rules, requirements and procedures of this chapter and the Land Use Permit Regulations (24VAC30-151).

24VAC30-73-50. Appeal and sight distance exception procedure.

A. The permit applicant may appeal denial or revocation or conditions of a permit in writing to the district administrator with a copy to the district administrator's designee and the chief administrative officer of the locality where the entrance is proposed.

1. All appeals must be received within 30 calendar days of receipt of written notification of denial or revocation or issuance of a permit with contested conditions and must set forth the grounds for the appeal and include copies of all prior correspondence with any local government official and VDOT representatives regarding the issue or issues. The permit

applicant may request a meeting with the district administrator concerning the appeal and the district administrator will set a date, time, and location for such meeting.

2. After reviewing all pertinent information, the district administrator will advise the permit applicant in writing regarding the decision on the appeal within 60 calendar days of receipt of the written appeal request or such longer timeframe jointly agreed to by the parties, with a copy to the district administrator's designee and the chief administrative officer of the locality where the entrance is proposed.

3. The permit applicant may further appeal the district administrator's decision to the commissioner within 30 calendar days of receipt of written notification of the district administrator's decision. The commissioner will advise the permit applicant in writing regarding the decision on the appeal within 60 calendar days of receipt of the written appeal request, with a copy to the district administrator and the chief administrative officer of the locality where the entrance is proposed.

B. The commissioner may grant an exception to the required sight distance after a traffic engineering investigation has been performed.

1. If a sight distance exception is requested, the permit applicant shall provide such request in writing to the commissioner with a copy to the district administrator's designee and the chief administrative officer of the locality where the entrance is proposed and shall furnish the commissioner with a traffic engineering investigation report, prepared by a professional engineer. Refer to Instructional and Informational Memorandum IIM-LD-227.5, 2011 (VDOT) for requirements concerning approval of sight distance exceptions.

2. The commissioner will advise the permit applicant in writing regarding the decision on the sight distance exception request within 60 calendar days of receipt of the written exception request or such longer timeframe jointly agreed to by the parties, with a copy to the district administrator's designee and the chief administrative officer of the locality where the entrance is proposed.

24VAC30-73-60. General provisions governing entrances.

A. No entrance of any nature may be constructed within the right-of-way until the location has been approved by VDOT and an entrance permit has been issued. The provisions of § 33.2-241 of the Code of Virginia shall govern any violation.

B. VDOT will permit reasonably convenient access to a parcel of record. VDOT is not obligated to permit the most convenient access, nor is VDOT obligated to approve the permit applicant's preferred entrance location or entrance design. If a parcel is served by more than one road in the systems of state highways, the district administrator's designee shall determine upon which road or roads the proposed entrance or entrances is or are to be constructed.

C. Entrance standards established by localities that are stricter than those of VDOT shall govern.

24VAC30-73-70. Commercial entrance design.

A. Low volume commercial entrance design and construction shall comply with the private entrance design standards in Appendix F of the Road Design Manual, 2011 (VDOT) and the stopping or intersection sight distance provision in 24VAC30-73-80.

Commercial entrance design and construction shall comply with the provisions of this chapter and the standards in the Road Design Manual, 2011 (VDOT), the Road and Bridge Standards, 2008, revised 2011 (VDOT), the Road and Bridge Specifications, 2007, revised 2011 (VDOT), other VDOT engineering and construction standards as may be appropriate, and any additional conditions, restrictions, or modifications deemed necessary by the district administrator's designee to preserve the safety, use and maintenance of the systems of state highways. Entrance design and construction shall comply with applicable guidelines and requirements of the Americans with Disabilities Act of 1990 (42 USC §12101 et seq.).

Ramps for curb sections shall be provided as required in §15.2-2021 of the Code of Virginia. The standard drawing for depressed curb ramp as shown in the Road and Bridge Standards, 2008, revised 2011 (VDOT) shall be utilized in the design.

1. In the event an entrance is proposed within the limits of a funded highway project that will ultimately change a highway, the permit applicant may be required to construct, to the extent possible, entrances compatible with the highway's ultimate design.

2. All entrance design and construction shall accommodate pedestrian and bicycle users of the abutting highway in accordance with the Commonwealth Transportation Board's "Policy for Integrating Bicycle and Pedestrian Accommodations", 2004.

3. All entrance design and construction shall accommodate transit users of the abutting highway where applicable and provide accommodations to the extent possible.

4. Based on the existing and planned developments, the district administrator's designee will determine the need for curb and gutter, sidewalks, or other features within the general area of the proposed entrance in accordance with the requirements of this chapter and the design standards in Appendix F of the Road Design Manual, 2011 (VDOT).

5. Sites accessed by an entrance shall be designed so as to prevent unsafe and inefficient traffic movements from impacting travel on the abutting highway. At the request of the district administrator's designee, the permit applicant shall furnish a report that documents the impact of expected traffic movements upon the function of the abutting highway during the peak hours of the abutting highway or during the peak hours of the generator, whichever is appropriate as determined by the district administrator's designee.

6. The use of a shared entrance between adjacent property owners shall be the preferred method of access.

7. The construction of new crossovers, or the relocation, removal, or consolidation of existing crossovers shall be approved in accordance with the crossover location approval process specified in Appendix F of the Road Design Manual, 2011 (VDOT).

B. It is essential that entrance and site design allow safe and efficient movements of traffic using the entrance while minimizing the impact of such movements on the operation of the systems of state highways.

1. The permit applicant shall supply sufficient information to demonstrate to the satisfaction of the district administrator's designee that neither the entrance, nor the proposed traffic circulation patterns within the parcel will compromise the safety, use, operation, or maintenance of the abutting highway. A rezoning traffic impact statement submitted for a proposed development of a parcel in accordance with the Traffic Impact Analysis Regulations (24VAC30-155) may be used for this purpose, provided that it adequately documents the effect of the proposed entrance and its related traffic on the operation of the highway to be accessed.

2. If the proposed entrance will cause the systems of state highways to experience degradation in safety or a significant increase in delay or a significant reduction in capacity beyond an acceptable level of service, the applicant shall be required to submit a plan to mitigate these impacts and to bear the costs of such mitigation measures.

3. Proposed mitigation measures must be approved by the district administrator's designee prior to permit approval. The district administrator's designee will consider what improvements will be needed to preserve the operational characteristics of the highway, accommodate the proposed traffic and, if entrance design modifications are needed, incorporate them accordingly to protect the transportation corridor. Mitigation measures that may be considered include but are not limited to:

a. Construction of auxiliary lanes or turning lanes, or pavement transitions/tapers;

b. Construction of new crossovers, or the relocation, removal, or consolidation of existing crossovers;

c. Installation, modification, or removal of traffic signals and related traffic control equipment;

d. Provisions to limit the traffic generated by the development served by the proposed entrance;

e. Dedication of additional right-of-way or easement, or both, for future highway improvements;

f. Reconstruction of existing highway to provide required vertical and horizontal sight distances;

g. Relocation or consolidation of existing entrances; or

h. Recommendations from adopted corridor studies, design studies, other access management practices and principles, or any combination of these, not otherwise mentioned in this chapter.

4. If an applicant is unwilling or unable to mitigate the impacts identified in the traffic impact analysis, the entrance shall be physically restricted to right-in or right-out movements or both or similar restrictions such that the public interests in a safe and efficient flow of traffic on the systems of state highways are protected.

24VAC30-73-80. Minimum sight distance for commercial entrances.

A. No less than minimum intersection sight distance shall be obtained for a commercial entrance and no less than minimum stopping or intersection sight distance shall be obtained for a low volume commercial entrance. Sight distances shall be measured in accordance with VDOT practices, and sight distance requirements shall conform to VDOT standards as described in Appendix F of the Road Design Manual, 2011 (VDOT). The legal speed limit shall be used unless the design speed is available and approved for use by VDOT.

B. The operating speed may be used in lieu of the legal speed limit in cases where the permit applicant furnishes the district administrator's designee with a speed study prepared in accordance with the Manual on Uniform Traffic Control Devices, 2003, revised 2007 (FHWA) methodology that demonstrates the operating speed of the segment of highway is lower than the legal speed limit and, in the judgment of the district administrator's designee, use of the operating speed will not compromise safety for either a driver at an entrance or a driver on the abutting highway.

C. VDOT may require that the vertical or horizontal alignment of the existing highway be adjusted to accommodate certain design elements of a proposed commercial entrance including, but not limited to, median openings, crossovers, roundabouts, and traffic signals, where adjustment is deemed necessary. The cost of any work performed to adjust the horizontal or vertical alignment of the highway to achieve required intersection sight distance at a proposed entrance shall be borne by the permit applicant.

24VAC30-73-90. Private entrances.

A. The property owner shall identify the desired location of the private entrance with the assistance of the district administrator's designee. If the minimum intersection sight distance standards specified in Appendix F of the Road Design Manual, 2011 (VDOT) cannot be met, the entrance should be placed at the location with the best possible sight distance as determined by the district administrator's designee.

The district administrator's designee may require the property owner to grade slopes, clear brush, remove trees, or conduct other similar efforts, or any combination of these, necessary to provide the safest possible means of ingress and egress that can be reasonably achieved.

B. The property owner shall obtain an entrance permit and, on shoulder and ditch section roads, shall be responsible for installing the private entrance in accordance with VDOT policies and engineering standards.

The property owner may request VDOT to perform the stabilization of the shoulder and installation of the entrance pipe. In such cases, VDOT may install the private entrance pipe and will stabilize the shoulder at the property owner's expense. If VDOT installs these portions of the entrance, a cost estimate for the installation will be provided to the property

owner; however, VDOT will bill the property owner the actual cost of installation. The property owner shall be responsible for all grading beyond the shoulder.

C. Grading and installation of a driveway from the edge of the pavement to the right-of-way line shall be the responsibility of the property owner.

D. Installation of a private entrance on a curb and gutter street shall be the responsibility of the property owner.

E. Maintenance of private entrances shall be by the owner of the entrance, except that VDOT shall maintain:

1. On shoulder section highways, that portion of the entrance within the normal shoulder portion of the highway.

2. On highways with ditches, the drainage pipe at the entrance.

3. On highways with curb, gutter, and sidewalk belonging to VDOT, that portion of the entrance that extends to the back of the sidewalk. If a sidewalk is not present, that portion of the entrance that extends to the back of the curb line.

4. On highways with curb, gutter, and sidewalk not belonging to VDOT, only to the flow line of the gutter pan.

5. On highways with shoulders, ditches, and sidewalk belonging to VDOT, that portion of the entrance that extends to the back of the sidewalk.

24VAC30-73-100. Commercial entrances - coordination with local governments.

A. For all commercial entrances, the permit applicant shall contact and coordinate with appropriate local government agencies to identify possible conflicts with local, state or federal regulations and plans, including but not limited to local zoning and subdivision regulations, environmental regulations, land use plans, transportation plans, corridor studies, and access management plans.

B. If local governments have established site plan/subdivision plat approval processes for developments, VDOT will not approve a commercial entrance permit for the development prior to the local government's approval of the site plan or subdivision plat for the development.

If neither a local government site plan nor a subdivision plat approval process is applicable, VDOT will not approve a commercial entrance permit for the development prior to the local government's approval of any applicable land use authorization for the development.

C. Any transportation-related funds, real property, or improvements committed to or received by a local government through the land use regulatory process does not release the applicant from fees and improvements required by VDOT. When a local government requires improvements to the abutting state highway in accordance with the locality's adopted transportation plan, VDOT may require additional improvements to ensure the safety and capacity of the proposed entrances and to manage existing entrances along the highway.

24VAC30-73-110. Existing commercial entrances.

A. The tenure of a commercial entrance to any highway is conditional. Reconstruction, relocation, commercial entrance consolidation, or upgrading, or a combination of these, may be required at the owner's cost when the district administrator's designee determines after review that one of the conditions listed below exists. If the necessary changes are not made, the entrance may be closed at the direction of the district administrator's designee.

1. Safety - When the entrance has been found to be unsafe for public use in its present condition because of physical degradation of the entrance, increase in motor vehicle traffic, or some other safety-related condition.

2. Use - When traffic in and out of the entrance has changed significantly to require modifications or reconstruction, or both. Such changes may include, but are not limited to, changes in traffic volume or operational characteristics of the traffic.

3. Maintenance - When the entrance becomes unserviceable due to heavy equipment damage or reclamation by natural causes.

B. VDOT will maintain the commercial entrance only within the normal shoulder of the highway or to the flow line of the gutter pan. The owner shall maintain all other portions of the entrance, including entrance aprons, curb and gutter, culvert and drainage structures.

C. Commercial entrances may also be reviewed by the district administrator's designee, and reconstruction, relocation, commercial entrance consolidation, or upgrading, or a combination of these, may be required, when any of the following occur:

1. The property is being considered for rezoning or other local legislative action that involves a change in use of the property.

2. The property is subject to a site plan or subdivision plat review.

3. There is a change in commercial use either by the property owner or by a tenant.

4. Vehicular/pedestrian circulation between adjoining properties becomes available.

These periodic reviews are necessary to provide both the driver and other highway users with a safe and operationally efficient means of travel on state highways.

D. The provisions of this section shall apply to low volume commercial entrances.

24VAC30-73-120. Commercial entrance access management.

A. As commercial entrance locations and designs are prepared and reviewed, appropriate access management regulations and standards shall be utilized to ensure the safety, integrity and operational characteristics of the systems of state highways are maintained.

The proposed commercial entrance shall meet the access management standards contained in Appendix F of the Road Design Manual, 2011 (VDOT) and the regulations in this chapter to provide the users of such entrance with a safe means of ingress and egress while minimizing the impact of such ingress and egress on the operation of the highway.

B. A proposed development's compliance with the access management requirements specified below should be considered during the local government and VDOT's review of

any rezoning, site plan, or subdivision plat for the development. VDOT's review of a rezoning traffic impact statement submitted for a development in accordance with the Traffic Impact Analysis Regulations (24VAC30-155) shall include comments on the development's compliance with the access management requirements specified below.

C. Access management requirements, in addition to other regulations in this chapter, include but are not limited to:

1. **Restricting commercial entrance locations.** To prevent undue interference with free traffic movement and to preserve safety, entrances to the highways shall not be permitted within the functional areas of intersections, roundabouts, railroad grade crossings, interchanges or similar areas with sensitive traffic operations. A request for an exception to this requirement submitted according to 24VAC30-73-120 D shall include a traffic engineering study that contains specific and documented reasons showing that highway operation and safety will not be adversely impacted.

2. **Commercial entrances shared with adjoining properties.** To reduce the number of entrances to state highways, a condition of entrance permit issuance shall be that entrances serve two or more parcels. A shared commercial entrance shall be created and designed to serve adjoining properties. A copy of the property owners' recorded agreement to share use of and maintain the entrance shall be included with the entrance permit application submitted to the district administrator's designee. The shared entrance shall be identified on any site plan or subdivision plat of the property. The district administrator's designee is authorized to approve an exception to this requirement upon submittal of a request according to 24VAC30-73-120 D that includes the following:

a. Written evidence that a reasonable agreement to share an entrance cannot be reached with adjoining property owners, or

b. Documentation that there are physical constraints, including but not limited to topography, environmentally sensitive areas, and hazardous uses, to creating a shared entrance.

3. **Spacing of commercial entrances and intersections.** The spacing of proposed entrances and intersections shall comply with the spacing standards for entrances and intersections in Appendix F of the Road Design Manual, 2011 (VDOT) except as specified below.

a. Where a plan of development or a condition of development that identifies the specific location of an entrance or entrances was proffered pursuant to §15.2-2297, 15.2-2298, or 15.2-2303 of the Code of Virginia as part of a rezoning approved by the locality prior to July 1, 2008 for principal arterials or October 14, 2009 for minor arterials, collectors, or local streets, such entrances shall be exempt from the applicable spacing standards for entrances and intersections, provided the requirements of §15.2-2307 of the Code of Virginia have been met.

Entrances shall be exempt from the applicable spacing standards for entrances and intersections when the location of such entrances are shown on a subdivision plat, site plan, preliminary subdivision plat, or a Secondary Street Acceptance Requirements (24VAC30-92) conceptual sketch that was submitted by the locality to VDOT for review and received by VDOT prior to July 1, 2008 for principal arterials or October 14, 2009 for

minor arterials, collectors, or local streets, or is valid pursuant to §§15.2-2260 and 15.2-2261 and was approved in accordance with §§15.2-2286 and 15.2-2241 through 15.2-2245 of the Code of Virginia prior to July 1, 2008 for principal arterials or October 14, 2009 for minor arterials, collectors, or local streets.

The district administrator's designee is authorized to exempt such entrances from the spacing standards upon submittal of a request according to 24VAC30-73-120 D that includes documentation of the above criteria.

b. VDOT may work with a locality or localities on access management corridor plans. Such plans may allow for spacing standards that differ from and supersede the applicable spacing standards for entrances and intersections, subject to approval by the district administrator. Such plans may also identify the locations of any physical constraints to creating shared entrances or vehicular/pedestrian connections between adjoining properties (see 24VAC30-73-120 C.2 and C.4).

If the permit applicant submits a request according to 24VAC30-73-120 D for an exception to the spacing standards and provides documentation that the location of the proposed commercial entrance is within the limits of an access management plan approved by the local government and by VDOT, the plan should guide the district administrator's designee in approving the exception request and in determining the appropriate location of the entrance.

c. On older, established business corridors along a highway in a locality where existing entrances and intersections did not meet the spacing standards prior to July 1, 2008 for principal arterials or October 14, 2009 for minor arterials, collectors, or local streets, spacing for new entrances and intersections may be allowed by the district administrator's designee that is consistent with the established spacing along the highway, provided that the permit applicant submits a request according to 24VAC30-73-120 D for an exception to the spacing standards that includes evidence that reasonable efforts were made to comply with the other access management requirements of this section including restricting entrances within the functional areas of intersections, sharing entrances with and providing vehicular and pedestrian connections between adjoining properties, and physically restricting entrances to right-in or right-out or both movements.

d. Where a developer proposes a development within a designated urban development area as defined in §15.2-2223.1 of the Code of Virginia or an area designated in the local comprehensive plan for higher density development that incorporates principles of new urbanism and traditional neighborhood development, which may include but need not be limited to (i) pedestrian-friendly road design, (ii) interconnection of new local streets with existing local streets and roads, (iii) connectivity of road and pedestrian networks, (iv) preservation of natural areas, (v) satisfaction of requirements for stormwater management, (vi) mixed-use neighborhoods, including mixed housing types, (vii) reduction of front and side yard building setbacks, and (viii) reduction of subdivision street widths and turning radii at subdivision street intersections, the district administrator's designee may approve spacing standards for entrances and intersections internal to the development that differ from the otherwise applicable spacing standards, provided that the developer submits a request according to

24VAC30-73-120 D for an exception to the spacing standards that includes information on the design of the development and on the conformance of such entrances and intersections with the intersection sight distance standards specified in Appendix F of the Road Design Manual, 2011 (VDOT).

e. Where a development's second or additional commercial entrances are necessary for the streets in the development to be eligible for acceptance into the secondary system of state highways in accordance with the Secondary Street Acceptance Requirements (24VAC30-92) and such commercial entrances cannot meet the spacing standards for highways, the developer may submit a request according to 24VAC30-73-120 D for an exception to the spacing standards that includes information on the design of the development. The following shall apply to the exception request:

1) For highways with a functional classification as a collector or local street, the district administrator's designee may approve spacing standards that differ from the otherwise applicable spacing standards to allow the approval of the entrance or entrances. Such commercial entrances shall be required to meet the intersection sight distance standards specified in Appendix F of the Road Design Manual, 2011 (VDOT).

2) For highways with a functional classification as a principal or minor arterial, the district administrator's designee shall, in consultation with the developer and the locality within which the development is proposed, either approve spacing standards that differ from the otherwise applicable spacing standards to allow the approval of the entrance or entrances, or waive such state requirements that necessitate second or additional commercial entrances. If approved, such commercial entrances shall be required to meet the intersection sight distance standards specified in Appendix F of the Road Design Manual, 2011 (VDOT).

f. Where a parcel of record has insufficient frontage on a highway to meet the spacing standards because of the dimensions of the parcel or a physical constraint such as topography or an environmentally sensitive area, the entrance shall be physically restricted to right-in or right-out movements or both or similar restrictions such that the public interests in a safe and efficient flow of traffic on the systems of state highways are protected and preserved.

A request for an exception to this requirement submitted according to 24VAC30-73-120 D shall include a traffic engineering study that contains specific and documented reasons showing that highway operation and safety will not be adversely impacted.

4. Vehicular/pedestrian circulation between undeveloped adjoining properties. To facilitate traffic circulation between adjacent properties, reduce the number of entrances to the highway, and maximize use of new signalized intersections, the permit applicant shall be required on a highway with a functional classification as a principal or minor arterial highway, and may be required by the district administrator's designee on a highway with a functional classification as a collector, as a condition of commercial entrance permit issuance, to record access easements and to construct vehicular connections to the

boundaries of the adjoining undeveloped property (which may include frontage roads or reverse frontage roads) in such a manner that affords safe and efficient future access between the permit applicant's property and adjoining undeveloped properties.

a. Where appropriate, the permit applicant also shall construct pedestrian connections to the boundary lines of adjoining undeveloped properties and adjoining developed properties with sidewalks that abut the property.

b. At such time that a commercial entrance permit application is submitted for the adjoining property, a condition of permit issuance shall be to extend such vehicular/pedestrian connections into the proposed development.

c. Development sites under the same ownership or consolidated for the purposes of development and comprised of more than one building site shall provide a unified vehicular and pedestrian access connection and circulation system between the sites.

d. Such connections shall not be required if the permit applicant submits a request for an exception according to 24VAC30-73-120 D and provides documentation that there are physical constraints to making such connections between properties, including but not limited to topography, environmentally sensitive areas, and hazardous uses, or provides documentation of other constraints to making such connections.

e. If a permit applicant does not wish to comply with this requirement, the permit applicant's entrance shall be physically restricted to right-in or right-out movements or both or similar restrictions such that the public interests in a safe and efficient flow of traffic on the systems of state highways are protected.

5. Traffic signal spacing. To promote the efficient progression of traffic on highways, commercial entrances that are expected to serve sufficient traffic volumes and movements to require signalization shall not be permitted if the spacing between the entrance and at least one adjacent signalized intersection is below signalized intersection spacing standards in Appendix F of the Road Design Manual, 2011 (VDOT).

If sufficient spacing between adjacent traffic signals is not available, the entrance shall be physically restricted to right-in or right-out movements or both or similar restrictions such that the public interests in a safe and efficient flow of traffic on the systems of state highways are protected and preserved.

A request for an exception to this requirement submitted according to 24VAC30-73-120 D shall include a traffic engineering study that (i) evaluates the suitability of the entrance location for design as a roundabout and (ii) contains specific and documented reasons showing that highway operation and safety will not be adversely impacted.

6. Limiting entrance movements. To preserve the safety and function of certain highways, the district administrator's designee may require an entrance to be designed and constructed in such a manner as to physically prohibit certain traffic movements.

D. A request for an exception from the access management requirements in 24VAC30-73-120 C shall be submitted in writing to the district administrator's designee. The request shall identify the type of exception, describe the reasons for the request, and include all documentation specified in 24VAC30-73-120 C for the type of exception.

After considering all pertinent information including any improvements that will be needed to the entrance or intersection to protect the operational characteristics of the highway, the district administrator's designee will advise the applicant in writing regarding the decision on the exception request within 30 calendar days of receipt of the written exception request, with a copy to the district administrator. The applicant may appeal the decision of the district administrator's designee to the district administrator in accordance with the procedures for an appeal set forth in 24VAC30-73-50.

24VAC30-73-130. Drainage.

A. Entrances shall be constructed so as not to impair drainage within the right-of-way and so that surface water shall drain from the highway.

B. Where deemed necessary by the district administrator's designee, a commercial entrance applicant shall provide copies of a complete drainage layout based on a drainage study by a licensed design professional. This layout shall clearly show how the permit applicant proposes to handle the drainage and run-off from applicant's development.

C. Pipe ends of culverts shall be reviewed independently by the district administrator's designee and grading or treatment at pipe ends shall minimize any hazard the pipe ends or structures may present to an errant vehicle.

24VAC30-73-140. (Repealed.)

24VAC30-73-150. Temporary entrances (construction/logging entrances).

A. Construction of temporary construction or logging entrances upon the systems of state highways shall be authorized in accordance with the provisions in the Land Use Permit Regulations, (24VAC30-151). The permit applicant must contact the appropriate district administrator's designee to approve the location prior to installing an entrance or utilizing an existing entrance. The district administrator's designee shall also be contacted to arrange and conduct a final inspection prior to closing a temporary construction or logging entrance.

In the event that adequate sight distance is not achieved, additional signage that meets the Manual on Uniform Traffic Control Devices standards, 2003, revised 2007 (FHWA) and certified flaggers shall be used to ensure safe ingress and egress.

B. Entrances shall be designed and operated in such a manner as to prevent mud and debris from being tracked from the site onto the highway's paved surface. If debris is tracked onto the highway, it shall be removed by the permittee immediately as directed by the district administrator's designee.

C. The permittee must restore, at the permittee's cost, all disturbed highway rights-of-way, including, but not limited to, ditches, shoulders and pavement, to their original condition when removing the entrance. All such restorations are subject to approval by the district administrator's designee.

24VAC30-73-160. Access to public waters.

VDOT may grant the use of portions of the highway right-of-way for access to public waters upon written request from the Executive Director of the Virginia Department of Game and Inland Fisheries to the commissioner. The district administrator's designee may require that a commercial entrance permit be obtained in accordance with the provisions of this chapter for entrances that will provide access to landings, wharves, and docks.

24VAC30-73-170. (Repealed.)

FORMS (24VAC30-73)

Entrance Permit Forms

LUP-A - Land Use Permit Application (rev. 03/10).

LUP-SP – Land Use Permit Special Provisions: Notice of Permittee Liability (rev. 12/10).

LUP-CSB - Corporate Surety Bond (rev. 03/10).

LUP-LC - Letter of Credit Bank Agreement (rev. 03/10).

LUP-SB – Land Use Permit Surety Bond (rev. 03/10).

DOCUMENTS INCORPORATED BY REFERENCE (24VAC30-73)

Information pertaining to the availability and cost of any of these publications should be directed to the address indicated for the specific document. Requests for documents of the Virginia Department of Transportation (VDOT) may be obtained from the department at 1401 E. Broad St., Richmond, Virginia 23219; however, department documents may be available over the Internet at www.virginiadot.org.

VDOT Road Design Manual, 2011
Note: Appendix F (Access Management Design Standards for Entrances and Intersections) contains the access management standards referenced in Chapters 863 and 928 of the 2007 Acts of Assembly and Chapters 274 and 454 of the 2008 Acts of Assembly.

VDOT Road and Bridge Specifications, 2007, revised 2011.

VDOT Road and Bridge Standards, 2008, revised 2011.

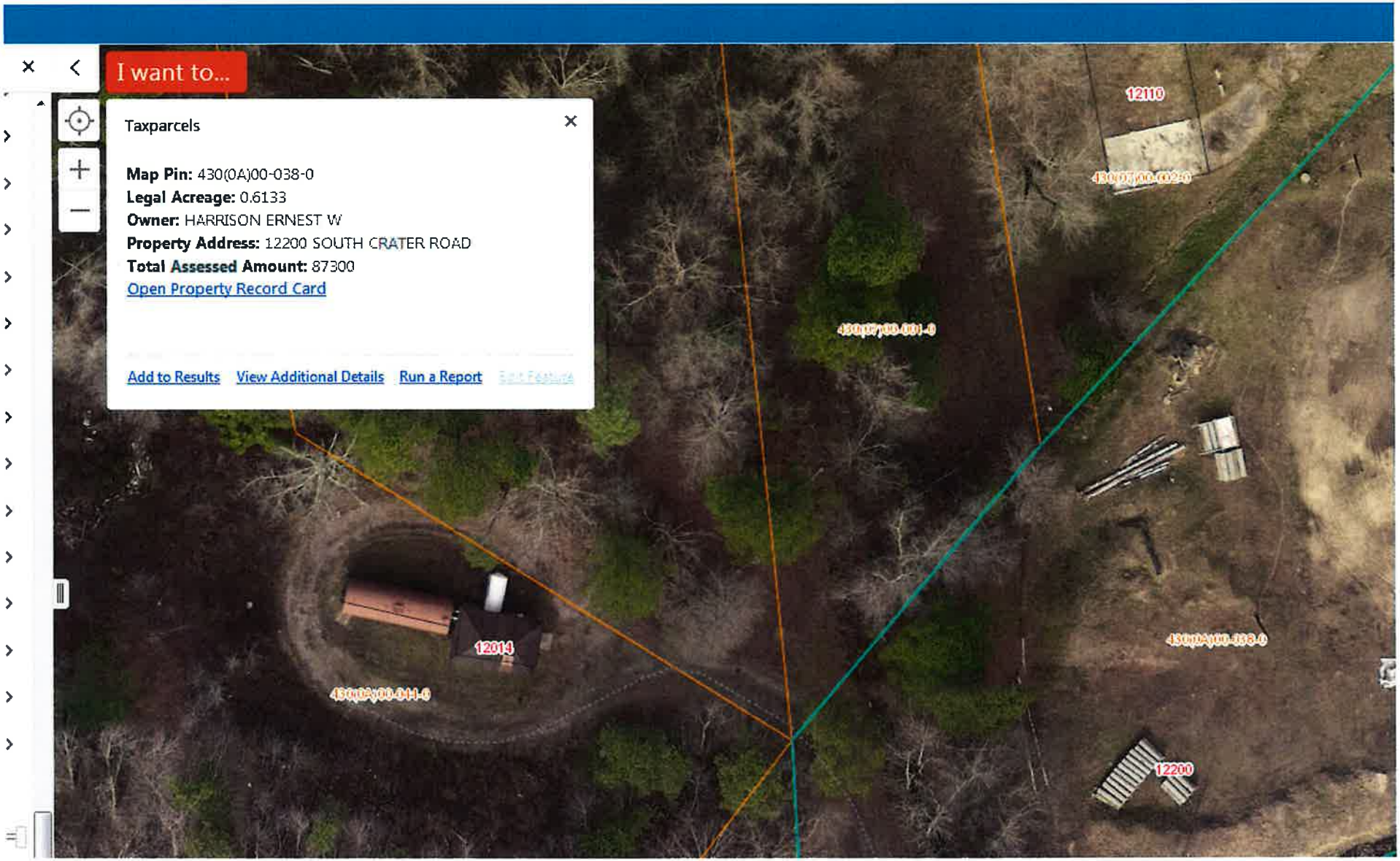
Manual on Uniform Traffic Control Devices for Streets and Highways, effective 2003, revised 2007, Federal Highway Administration, Superintendent of Documents, U.S. Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15250-7954.

VDOT Policy for Integrating Bicycle and Pedestrian Accommodations, 2004.

Highway Capacity Manual, 2010, Transportation Research Board, 500 Fifth Street, NW, Washington, DC 20001.

VDOT Instructional and Informational Memorandum IIM-LD 227.5, 2011.

Trip Generation 8th Edition, 2008, Institute of transportation Engineers, 1099 14th Street, N.W., Suite 300 West, Washington, D.C. 20005.



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Original two entrances are still visible on 2018 map.