

Access Management Regulations Provide Flexibility in Their Application

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Overview

The Virginia Department of Transportation (VDOT) maintains the third largest state highway system in the country. To preserve the public's investment in the highways, the Virginia General Assembly enacted §33.2-245 of the Code instructing VDOT to develop access management regulations and standards addressing:

- Spacing of entrances, intersections, median openings, and traffic signals;
- Locating entrances a safe distance from intersections/ interchange ramps;
- Vehicular/pedestrian circulation between adjoining properties;
- Shared entrances; and
- Restricting turning movements at an entrance in certain situations.

Public Input on Regulations

A multistep process was used to gain public input, including public hearings and establishing a policy advisory committee. Composed of VDOT management and representatives from local government, land development, environmental and transportation engineering organizations, the committee met to review the draft regulations in the effort to arrive at a consensus that they could support.

Policy Committee's Unique Concept

A key contribution was the decision to go beyond the normal practice of just having a regulatory procedure for handling variances or exceptions. Instead, the policy committee *developed the unique concept of including exceptions to the regulations and spacing standards within the body of the document*. This innovation, probably more than anything else, led to an acceptable level of comfort for access management to be adopted in Virginia.

The committee's procedure was to take each access management requirement and discuss possible impediments to compliance. How could a shared entrance be achieved if the adjacent land owner refused to cooperate? What if the land owner did not have enough property frontage on the highway to meet the spacing standards? Physical constraints, such as topography, a wetland, or a hazardous land use, could prevent vehicular circulation between adjoining properties.

Identify Potential Exceptions

The result was the identification of legitimate reasons why an access management requirement or spacing standard could not be met. These reasons were then drafted as exceptions and included after each requirement. Anticipating circumstances in which compliance could be difficult also proved to be an excellent way to better understand the access management concepts.

Justification for Each Exception Request

The next step was determining what information would be necessary to document that the circumstances existed to warrant an exception.

- For shared entrances, it was simply "written evidence that a reasonable agreement cannot be reached with the adjoining property owner."
- A plat of the parcel could be used to demonstrate insufficient highway frontage to meet the entrance spacing standards.
- A physical constraint to interparcel circulation can be identified on an aerial photo.
- For more technical provisions like traffic signal spacing, it was agreed that "a traffic engineering study . . . showing highway operation and safety will not be adversely impacted" would need to be prepared.

Finally, the committee discussed the importance of designing an exception request form that was not only easy to use, but could serve as a master list of all of the exceptions and supporting documentation. Each access management requirement was listed followed by the exceptions and information to attach to justify the request.

Conclusion: Unique Approach to Drafting Regulations

This innovative approach to drafting regulations, in which circumstances that might prevent compliance are anticipated and specified within the regulations as potential exceptions, has proven to be a very effective way of gaining public and private sector acceptance of access management in Virginia. Those impacted by the regulations recognize that flexibility in the application of access management techniques is provided.