



VIRGINIA

REGISTER OF REGULATIONS

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Virginia Code Commission

<http://register.dls.virginia.gov>

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VIRGINIA REGISTER INFORMATION PAGE

THE VIRGINIA REGISTER OF REGULATIONS is an official state publication issued every other week throughout the year. Indexes are published quarterly, and are cumulative for the year. The *Virginia Register* has several functions. The new and amended sections of regulations, both as proposed and as finally adopted, are required by law to be published in the *Virginia Register*. In addition, the *Virginia Register* is a source of other information about state government, including petitions for rulemaking, emergency regulations, executive orders issued by the Governor, and notices of public hearings on regulations.

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

An agency wishing to adopt, amend, or repeal regulations must first publish in the *Virginia Register* a notice of intended regulatory action; a basis, purpose, substance and issues statement; an economic impact analysis prepared by the Department of Planning and Budget; the agency's response to the economic impact analysis; a summary; a notice giving the public an opportunity to comment on the proposal; and the text of the proposed regulation.

Following publication of the proposal in the *Virginia Register*, the promulgating agency receives public comments for a minimum of 60 days. The Governor reviews the proposed regulation to determine if it is necessary to protect the public health, safety and welfare, and if it is clearly written and easily understandable. If the Governor chooses to comment on the proposed regulation, his comments must be transmitted to the agency and the Registrar no later than 15 days following the completion of the 60-day public comment period. The Governor's comments, if any, will be published in the *Virginia Register*. Not less than 15 days following the completion of the 60-day public comment period, the agency may adopt the proposed regulation.

The Joint Commission on Administrative Rules (JCAR) or the appropriate standing committee of each house of the General Assembly may meet during the promulgation or final adoption process and file an objection with the Registrar and the promulgating agency. The objection will be published in the *Virginia Register*. Within 21 days after receipt by the agency of a legislative objection, the agency shall file a response with the Registrar, the objecting legislative body, and the Governor.

When final action is taken, the agency again publishes the text of the regulation as adopted, highlighting all changes made to the proposed regulation and explaining any substantial changes made since publication of the proposal. A 30-day final adoption period begins upon final publication in the *Virginia Register*.

The Governor may review the final regulation during this time and, if he objects, forward his objection to the Registrar and the agency. In addition to or in lieu of filing a formal objection, the Governor may suspend the effective date of a portion or all of a regulation until the end of the next regular General Assembly session by issuing a directive signed by a majority of the members of the appropriate legislative body and the Governor. The Governor's objection or suspension of the regulation, or both, will be published in the *Virginia Register*. If the Governor finds that changes made to the proposed regulation have substantial impact, he may require the agency to provide an additional 30-day public comment period on the changes. Notice of the additional public comment period required by the Governor will be published in the *Virginia Register*.

The agency shall suspend the regulatory process for 30 days when it receives requests from 25 or more individuals to solicit additional public comment, unless the agency determines that the changes have minor or inconsequential impact.

A regulation becomes effective at the conclusion of the 30-day final adoption period, or at any other later date specified by the promulgating agency, unless (i) a legislative objection has been filed, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the 21-day objection period; (ii) the Governor exercises his authority to require the agency to provide for additional public comment, in which event the regulation,

unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the period for which the Governor has provided for additional public comment; (iii) the Governor and the General Assembly exercise their authority to suspend the effective date of a regulation until the end of the next regular legislative session; or (iv) the agency suspends the regulatory process, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the 30-day public comment period and no earlier than 15 days from publication of the readopted action.

A regulatory action may be withdrawn by the promulgating agency at any time before the regulation becomes final.

FAST-TRACK RULEMAKING PROCESS

Section 2.2-4012.1 of the Code of Virginia provides an exemption from certain provisions of the Administrative Process Act for agency regulations deemed by the Governor to be noncontroversial. To use this process, Governor's concurrence is required and advance notice must be provided to certain legislative committees. Fast-track regulations will become effective on the date noted in the regulatory action if no objections to using the process are filed in accordance with § 2.2-4012.1.

EMERGENCY REGULATIONS

Pursuant to § 2.2-4011 of the Code of Virginia, an agency, upon consultation with the Attorney General, and at the discretion of the Governor, may adopt emergency regulations that are necessitated by an emergency situation. An agency may also adopt an emergency regulation when Virginia statutory law or the appropriation act or federal law or federal regulation requires that a regulation be effective in 280 days or less from its enactment. The emergency regulation becomes operative upon its adoption and filing with the Registrar of Regulations, unless a later date is specified. Emergency regulations are limited to no more than 18 months in duration; however, may be extended for six months under certain circumstances as provided for in § 2.2-4011 D. Emergency regulations are published as soon as possible in the *Register*. During the time the emergency status is in effect, the agency may proceed with the adoption of permanent regulations through the usual procedures. To begin promulgating the replacement regulation, the agency must (i) file the Notice of Intended Regulatory Action with the Registrar within 60 days of the effective date of the emergency regulation and (ii) file the proposed regulation with the Registrar within 180 days of the effective date of the emergency regulation. If the agency chooses not to adopt the regulations, the emergency status ends when the prescribed time limit expires.

STATEMENT

The foregoing constitutes a generalized statement of the procedures to be followed. For specific statutory language, it is suggested that Article 2 (§ 2.2-4006 et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia be examined carefully.

CITATION TO THE VIRGINIA REGISTER

The *Virginia Register* is cited by volume, issue, page number, and date. **29:5 VA.R. 1075-1192 November 5, 2012**, refers to Volume 29, Issue 5, pages 1075 through 1192 of the *Virginia Register* issued on November 5, 2012.

The Virginia Register of Regulations is published pursuant to Article 6 (§ 2.2-4031 et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia.

Members of the Virginia Code Commission: **John S. Edwards**, Chair; **James M. LeMunyon**, Vice Chair, **Gregory D. Habeeb**; **Ryan T. McDougle**; **Pamela S. Baskerville**; **Robert L. Calhoun**; **Carlos L. Hopkins**; **E.M. Miller, Jr.**; **Thomas M. Moncure, Jr.**; **Christopher R. Nolen**; **Timothy Oksman**; **Charles S. Sharp**; **Robert L. Tavenner**.

Staff of the Virginia Register: **Jane D. Chaffin**, Registrar of Regulations; **Karen Perrine**, Assistant Registrar; **Anne Bloomsburg**, Regulations Analyst; **Rhonda Dyer**, Publications Assistant; **Terri Edwards**, Operations Staff Assistant.

PUBLICATION SCHEDULE AND DEADLINES

This schedule is available on the *Register's* Internet home page (<http://register.dls.virginia.gov>).

December 2014 through December 2015

<u>Volume: Issue</u>	<u>Material Submitted By Noon*</u>	<u>Will Be Published On</u>
31:7	November 12, 2014	December 1, 2014
31:8	November 25, 2014 (Tuesday)	December 15, 2014
31:9	December 10, 2014	December 29, 2014
31:10	December 22, 2014 (Monday)	January 12, 2015
31:11	January 7, 2015	January 26, 2015
31:12	January 21, 2015	February 9, 2015
31:13	February 4, 2015	February 23, 2015
31:14	February 18, 2015	March 9, 2015
31:15	March 4, 2015	March 23, 2015
31:16	March 18, 2015	April 6, 2015
31:17	April 1, 2015	April 20, 2015
31:18	April 15, 2015	May 4, 2015
31:19	April 29, 2015	May 18, 2015
31:20	May 13, 2015	June 1, 2015
31:21	May 27, 2015	June 15, 2015
31:22	June 10, 2015	June 29, 2015
31:23	June 24, 2015	July 13, 2015
31:24	July 8, 2015	July 27, 2015
31:25	July 22, 2015	August 10, 2015
31:26	August 5, 2015	August 24, 2015
32:1	August 19, 2015	September 7, 2015
32:2	September 2, 2015	September 21, 2015
32:3	September 16, 2015	October 5, 2015
32:4	September 30, 2015	October 19, 2015
32:5	October 14, 2015	November 2, 2015
32:6	October 28, 2015	November 16, 2015
32:7	November 11, 2015	November 30, 2015
32:8	November 24, 2015 (Tuesday)	December 14, 2015

*Filing deadlines are Wednesdays unless otherwise specified.

NOTICES OF INTENDED REGULATORY ACTION

TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS

CRIMINAL JUSTICE SERVICES BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007.01 of the Code of Virginia that the Criminal Justice Services Board intends to consider amending **6VAC20-30, Rules Relating to Compulsory In-Service Training Standards for Law-Enforcement Officers, Jailors or Custodial Officers, Courtroom Security Officers, Process Service Officers and Officers of the Department of Corrections, Division of Operations**. The purpose of the proposed action is to amend regulations relating to firearms requalification for law-enforcement officers, jailors or custodial officers, courtroom security officers, process service officers, and officers of the Department of Corrections, Division of Operations. The planned action is to add an additional three courses of fire for criminal justice academies to choose from when offering annual firearms in-service qualification. This action will also remove the firearms courses, replacing them with a web link to the document of where the firearms courses can be located.

The agency does not intend to hold a public hearing on the proposed action after publication in the Virginia Register.

Statutory Authority: § 9.1-102 of the Code of Virginia.

Public Comment Deadline: December 31, 2014.

Agency Contact: Cindy Campbell, Law Enforcement Program Coordinator, Department of Criminal Justice Services, 1100 Bank Street, Richmond, VA 23219, telephone (804) 786-7898, or email cindy.campbell@dcjs.virginia.gov.

VA.R. Doc. No. R15-4108; Filed November 3, 2014, 11:49 a.m.



TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS AND ONSITE SEWAGE SYSTEM PROFESSIONALS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007.01 of the Code of Virginia that the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals intends to consider amending **18VAC160-20, Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals Regulations**. The Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals will conduct a general review of the regulations. In conformance with Chapters 892 and 924 of the 2007 Acts of Assembly, the board established

a program for licensing individuals as onsite soil evaluators, onsite sewage system installers, and onsite sewage system operators. This program was incorporated into the regulations governing waterworks and wastewater works operators. As the regulations have not undergone cumulative review since the inclusion of the onsite sewage program in 2009, a thorough review is necessary to ensure that the regulation complements current Virginia law, provides minimal burdens on regulants while still protecting the public, and reflects current procedures and policies of the Department of Professional and Occupational Regulation and current industry standards.

The agency intends to hold a public hearing on the proposed action after publication in the Virginia Register.

Statutory Authority: §§ 54.1-201 and 54.1-2301 of the Code of Virginia.

Public Comment Deadline: December 31, 2014.

Agency Contact: Trisha Henshaw, Executive Director, Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8595, FAX (866) 350-5354, or email waterwasteoper@dpor.virginia.gov.

VA.R. Doc. No. R15-4114; Filed November 3, 2014, 12:08 p.m.

REGULATIONS

For information concerning the different types of regulations, see the Information Page.

Symbol Key

Roman type indicates existing text of regulations. Underscored language indicates proposed new text.
Language that has been stricken indicates proposed text for deletion. Brackets are used in final regulations to indicate changes from the proposed regulation.

TITLE 4. CONSERVATION AND NATURAL RESOURCES

DEPARTMENT OF CONSERVATION AND RECREATION

Final Regulation

REGISTRAR'S NOTICE: The Department of Conservation and Recreation is claiming an exemption from Article 2 of the Administrative Process Act in accordance with § 2.2-4006 A 1 of the Code of Virginia, which excludes agency orders or regulations fixing rates or prices. The Department of Conservation and Recreation will receive, consider, and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 4VAC5-36. Standard Fees for Use of Department of Conservation and Recreation Facilities, Programs, and Services (amending 4VAC5-36-50, 4VAC5-36-60, 4VAC5-36-70, 4VAC5-36-90, 4VAC5-36-100, 4VAC5-36-110, 4VAC5-36-120 through 4VAC5-36-160, 4VAC5-36-200, 4VAC5-36-210, 4VAC5-36-220).

Statutory Authority: § 10.1-104 of the Code of Virginia.

Effective Date: January 1, 2015.

Agency Contact: David C. Dowling, Policy and Planning Director, Department of Conservation and Recreation, 600 East Main Street, 24th Floor, Richmond, VA 23219, telephone (804) 786-2291, FAX (804) 786-6141, or email david.dowling@dcr.virginia.gov.

Summary:

This regulatory action establishes, removes, or increases fees for use of the Department of Conservation and Recreation facilities, programs, and services as follows: parking and launch; admission; swimming; camping; cabin; picnic shelters and event tents; amphitheater and gazebo; boat storage; interpretive canoe, boat, and paddleboat; interpretive and educational tours and program; outdoor skill program; miscellaneous rental; conference center and meeting facility; and administrative and processing.

The changes to the State Park System standard rates and prices represent (i) revisions to maintain fair market value and demand for services; (ii) adjustments to camping and cabin fees to provide for a 15% fee differential between the Base Fee and Virginia Resident Fee; (iii) the addition of new facilities and offerings; (iv) updates to ensure consistency with the private sector; (v) the deletion of fees that have become obsolete as there is no longer demand for a service; (vi) revisions to reflect private concessionaires' new seasonal prices; (vii) reasonable increases to offset growing maintenance costs; and (viii) updates to ensure formatting consistency.

4VAC5-36-50. Parking and launch fees.

PARKING FEES (NONTAXABLE)

	<u>BASE RATE</u>		<u>VIRGINIA RESIDENTS</u>	
	<u>WEEKDAYS</u>	<u>WEEKENDS</u>	WEEKDAYS	WEEKENDS
Daily Parking for Passenger Vehicles: Applies to cars, trucks, vans (up to 15 <u>8</u> passengers), and motorcycles.				
All parks unless listed below.	<u>\$5.00</u>	<u>\$6.00</u>	\$3.00	\$4.00
Chippokes, Claytor Lake, Douthat, Fairy Stone, First Landing, Grayson Highlands, Kiptopeke, Lake Anna, Leesylvania, Mason Neck, New	<u>\$6.00</u>	<u>\$7.00</u>	\$4.00	\$5.00

Regulations

River Trail, Pocahontas, Raymond R. "Andy" Guest Jr. Shenandoah River, Sky Meadows, Smith Mountain Lake, Westmoreland				
<u>All days excluding holidays and prime-season weekends: Claytor Lake, First Landing, Lake Anna, Leesylvania, Pocahontas, Raymond R. "Andy" Guest Jr. Shenandoah River, Westmoreland, Staunton River</u>	<u>\$6.00</u>	<u>\$7.00</u>	<u>\$4.00</u>	<u>\$5.00</u>
<u>Holidays and prime-season weekends only: Claytor Lake, First Landing, Lake Anna, Leesylvania, Pocahontas, Raymond R. "Andy" Guest Jr. Shenandoah River, Westmoreland, Staunton River</u>	<u>\$9.00</u>	<u>\$9.00</u>	<u>\$7.00</u>	<u>\$7.00</u>
York River Croaker Landing/Pier Area (also requires boat launch fee for all vehicles)	<u>\$5.00</u>	<u>\$5.00</u>	\$3.00	\$3.00
<u>Daily Parking for High-Occupancy Vehicles: Applies to cars, trucks, SUVs, and vans (with 9 or more passengers).</u>				
<u>All parks unless listed below.</u>	<u>\$10.00</u>	<u>\$10.00</u>	<u>\$8.00</u>	<u>\$8.00</u>
<u>Chippokes, Claytor Lake, Douthat, Fairy Stone, First Landing, Grayson Highlands, Kiptopeke, Lake Anna, Leesylvania, Mason Neck, New River Trail, Pocahontas, Raymond R. "Andy" Guest Jr. Shenandoah River, Sky Meadows, Smith Mountain Lake, Westmoreland, Staunton River</u>	<u>\$12.00</u>	<u>\$12.00</u>	<u>\$10.00</u>	<u>\$10.00</u>
Horse Trailer Parking Fee covers up to two horses in the same trailer (also requires vehicle parking fee.) <u>fee</u> . All parks unless listed below.	<u>\$3.00 per trailer</u>	<u>\$3.00 per trailer</u>	\$3.00 per trailer	\$3.00 per trailer
Lake Anna	<u>\$4.00 per trailer</u>	<u>\$4.00 per trailer</u>	\$4.00 per trailer	\$4.00 per trailer
Surcharge for additional horse in same trailer beyond the first two horses.	<u>\$2.00 per horse</u>	<u>\$2.00 per horse</u>	\$2.00 per horse	\$2.00 per horse

Regulations

Other Trailer Parking Fee: Applies to other trailers not covered by camping, horse trailer, and boat launch fee. (Add to daily parking fee.)	<u>\$2.00 per trailer</u>	<u>\$2.00 per trailer</u>	\$2.00 per trailer	\$2.00 per trailer
Daily Bus Parking: All Seasons. Applies to vehicles with 16 or more passenger capacity.				
All parks unless listed below.	<u>\$10</u>	<u>\$10</u>	\$10	\$10
Claytor Lake, Hungry Mother, Leesylvania, Mason Neck, New River Trail	<u>\$12</u>	<u>\$12</u>	\$12	\$12
First Landing, Kiptopeke, Lake Anna, Pocahontas, Westmoreland	<u>\$15</u>	<u>\$15</u>	\$15	\$15
Natural Area Preserve Parking Fees for any Vehicle: The department may charge these fees at any Natural Area Preserve.	<u>\$2.00</u>	<u>\$2.00</u>	\$2.00	\$2.00
	<u>BASE RATE</u>		<u>VIRGINIA RESIDENTS</u>	
<u>Grayson Highlands Backpacker Parking.</u>	<u>\$12 up to 3 days</u>		<u>\$10 up to 3 days</u>	
	<u>WEEKDAYS</u>	<u>WEEKENDS</u>	<u>WEEKDAYS</u>	<u>WEEKENDS</u>
<p>Boat Launch Fees: Required to use park boat ramps on bodies of water where motorboats are permitted. Required for all vehicles using York River Croaker Landing/Pier Area. May not apply to small "car top" launch facilities (facilities at which boats may only be launched by hand carrying them to the water). The fee is normally added to the parking fee to create a combined park/launch payment. <u>When a vehicle is only dropping off or retrieving a nonmotorized boat or a boater and does not pay the parking fee, the \$3.00 launch fee is required.</u></p>				
Daily Launch Fees: All Seasons				
All parks unless listed below.	<u>\$3.00</u>	<u>\$3.00</u>	\$3.00	\$3.00
Claytor Lake	<u>\$2.00</u>	<u>\$2.00</u>	\$2.00	\$2.00
First Landing, Kiptopeke (with Marine Fishing License), Lake Anna	<u>\$4.00</u>	<u>\$4.00</u>	\$4.00	\$4.00
Kiptopeke (without Marine Fishing License), Leesylvania	<u>\$8.00</u>	<u>\$8.00</u>	\$8.00	\$8.00
Surcharge for second boat on same trailer: jet ski	<u>\$2.00</u>	<u>\$2.00</u>	\$2.00	\$2.00

Regulations

Overnight parking at boat launch: where available	<u>\$10</u>	<u>\$10</u>	\$10	\$10
Camper's Boat Launch Fee Kiptopeke: Does not apply if camper parks trailer at campsite.	<u>\$3.00</u>	<u>\$3.00</u>	\$3.00	\$3.00
Boat Tournament Fee for Fishing Tournaments: Registration fee is based on the number of boats registered and is nonrefundable regardless of number that actually participates. This fee is in addition to the applicable daily launch fee.	<u>No charge</u>	<u>\$2.00 per boat</u>	No charge	\$2.00 per boat

Annual and Lifetime Parking Fees:	FEE
Lifetime Naturally Yours Passport Plus: Lifetime admission and parking pass to all state parks, plus 10% discount on individual camp sites <u>campsites</u> and horse stalls; all state park merchandise, except fuel sales; equipment rentals; and shelter rentals except where these services are provided by private concessionaires.	
Age up to 40	\$333
Age 41-45	\$300
Age 46-50	\$266
Age 51-55	\$233
Age 56-61	\$200
Senior Lifetime Naturally Yours Passport Plus (Age 62 or older): See Lifetime Naturally Yours Passport Plus above.	\$121
Naturally Yours Passport Plus: 12-month from date of purchase admission and parking pass to all state parks, plus 10% discount on camping, all state park merchandise, equipment rentals, and shelter rentals.	\$66
Naturally Yours Parking Passport: 12-month from date of purchase admission and parking pass to park of purchase.	\$40
Senior Naturally Yours Passport Plus: See Naturally Yours Passport Plus above.	\$36
Senior Naturally Yours Parking Passport: See Naturally Yours Parking Passport above.	\$24
Golden Disability Pass: Available to persons with disabilities as verified by U.S. Social Security Administration's (SSA) "Benefit Verification Letter." Pass remains in effect unless SSA withdraws eligibility.	No Charge
Disabled Veterans Passport Admission, parking, and launch pass to all state parks, plus 50% discount on camping fees, swimming fees, shelter rentals, and department equipment rentals when provided by the department. Where equipment rentals are provided by private concessionaires, this passport does not apply. The passport shall be issued upon request to a veteran of the armed forces	No Charge

Regulations

of the United States with a letter from the U.S. Department of Veterans Affairs, or from the military service that discharged the veteran, certifying that such veteran has a service-connected disability rating of 100%. This passport coverage shall be valid for as long as that determination by the U.S. Department of Veterans Affairs remains in effect.	
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Annual and Lifetime Park/Launch/Equestrian Fees:	
Lifetime Naturally Yours Passport Plus for Boaters and Equestrians: Lifetime admission, parking, and launch pass to all state parks, plus 10% discount on camping, all state park merchandise, equipment rentals, and shelter rentals.	
Age up to 40	\$667
Age 41-45	\$600
Age 46-50	\$534
Age 51-55	\$466
Age 56-61	\$400
Senior Lifetime Naturally Yours Passport Plus for Boaters and Equestrians (Age 62 or older): See Lifetime Naturally Yours Passport Plus for Boaters and Equestrians above.	\$345
Naturally Yours Passport Plus for Boaters and Equestrians: 12-month from date of purchase admission, parking, and launch pass to all state parks, plus 10% discount on camping, all state park merchandise, equipment rentals, and shelter rentals.	\$167
Park/Launch/Equestrian Passport:	
12-month from date of purchase admission, parking, and launch pass to all state parks including Leesylvania.	\$141
12-month from date of purchase admission, parking, and launch pass to First Landing, Kiptopeke, or Lake Anna. Good only at park of purchase.	\$107
12-month from date of purchase admission, parking, and launch pass to park of purchase other than Leesylvania, First Landing, Kiptopeke, or Lake Anna.	\$87
Senior Naturally Yours Passport Plus for Boaters and Equestrians: Annual permit for all parks including Leesylvania.	\$133
Senior Park/Launch/Equestrian Passport:	
12-month from date of purchase admission, parking, and launch pass to all state parks including Leesylvania.	\$120
12-month from date of purchase admission, parking, and launch pass to First Landing, Kiptopeke, or Lake Anna. Good only at park of purchase.	\$87
12-month from date of purchase admission, parking, and launch pass to park of purchase other than Leesylvania, First Landing, Kiptopeke, or Lake Anna.	\$73

Regulations

Buggs Island Lake Special Annual Park/Launch/Equestrian Pass: Good only at Occoneechee and Staunton River State Parks.	\$55
Leesylvania Annual Overnight Boating/Parking Pass.	\$74
Disabled Visitor Annual Boat Launch Pass (in addition to disabled tags).	\$48

Special Event Fees:	EVENT FEE
Standard Special Event Parking Fee: Applies to all parks and events that utilize parking fees unless noted below.	\$10 per vehicle
Community Event Fee: May be used by any park as a condition of a Special Use Permit for a community event provided by a nonprofit group or organization or government agency or entity.	\$1.00 per vehicle
Sky Meadows: Strawberry Festival	
Advance payment	\$20 per vehicle
Day of Event	\$25 per vehicle
Sky Meadows: Extended Hours Special Event: for events that take place after park hours such as Astronomy Night, Candlelight Tours, etc.	\$5.00 per vehicle
Grayson Highlands Fall Festival. Hungry Mother Arts and Crafts Festival	\$6.00 per vehicle
Claytor Lake Arts and Crafts Festival	\$5.00 per vehicle with canned food donation on designated day \$10 per vehicle
<u>Fairy Stone: Super Country B-99 Fun Day Event</u>	<u>\$1.99 per vehicle</u>
Kiptopeke: Eastern Shore Birding Festival	Parking Fee waived to registered festival guests; otherwise standard fees apply
Smith Mountain Lake: special park/launch rate for boaters participating in fishing tournaments if the tournament sponsor has also rented the Tournament Headquarters Building.	\$5.00 per vehicle/ boat combination
<u>Raymond R. "Andy" Guest Jr. Shenandoah River: Riverfest Event</u>	\$8.00 per vehicle
Standard Special Event Per Person Entrance Fee: Applies to all parks and events that utilize per person admission fees unless noted below.	\$4.00 per adult \$3.00 per child, 6 through 12 years Children under 6 free
Sailor's Creek Battlefield: Battle of Sailor's Creek Reenactment	\$5.00 per person Children under 6 free \$10 maximum per vehicle \$50 per bus (16 passenger +)
Chippokes Plantation Steam and Gas Engine Show	\$5.00 per person Children under 12 free
Chippokes Plantation Christmas	\$5.00 per person
Chippokes Pork, Peanut & Pine Festival	\$5 \$5.00 per person Children under 13 free
Grayson Highlands Wayne C. Henderson Music Festival	\$10 per person Children under 12 free

Regulations

Natural Tunnel Special Event Parking Fee	\$2.00 per person \$6.00 per vehicle
Occoneechee Pow Wow	\$5.00 per person (13 years and older) \$3.00 per child, 3 through 12 years \$3.00 Seniors (62 and over) Children under 3 free
Occoneechee Pow Wow School Groups	\$4.00 per student Teachers and Chaperones free

Notes on parking fees:

1. Weekend rates apply on Memorial Day, Fourth of July, and Labor Day holidays.
2. Except as otherwise noted, boat launching shall be free for up to one boat per vehicle (maximum of two vehicles) per campsite, cabin, lodge, camping cabin, travel trailer, or camping lodge.
3. Parking fees are waived for any vehicle displaying disabled license plates or temporary disabled parking identification issued by any state or the federal government. However, the fee for any additional types of trailers, the boat launch fee or the portion of any combined parking-launching fee that applies to boat launching shall be collected from such vehicles. Additionally, the price for annual passes and lifetime passes that include boat launching for qualified disabled individuals shall be calculated by subtracting the applicable parking pass fee from the park/launch pass fee.
4. Parking fees are waived for any vehicle occupied solely by students and/or teachers and/or assisting personnel participating in an official activity of a bona fide school, home school, or institution of higher learning. Parks may require that individuals in vehicles other than those marked as a school bus verify their official activity by letter from the school or approved field trip form, or in the case of home school groups, proof of home school status such as current ID card from a state or national home school organization (HEAV, HSLDA, etc.) or a copy of the letter from the school district that acknowledges "Notice of Intent" to home school for that school year.
5. Parking fees are waived for official vehicles of federal, state, and local governments while on official business; vehicles making deliveries to the park; contractor and business vehicles performing work in the park; and emergency vehicles while conducting official business, including training.
6. Parking fees are waived for park employees during time of employment, including family and household members of staff occupying staff residences, visitors to staff residences, and park volunteers entering the park to perform volunteer duties.
7. Parking fees may be waived for vehicles conducting research or collecting activities provided such waiver is included in the language of the Research and Collection Permit as required in 4VAC5-30-50.
8. The period covered by a daily parking fee shall be midnight to midnight. Park guests utilizing overnight parking when and where available (e.g., backpackers, overnight fishermen, etc.) will be required to pay the applicable daily parking fee for each calendar day that their vehicle is in the parking lot (partial days included).
9. Annual permits shall be valid for 12 months from the date of purchase, unless otherwise noted.
10. Parking fees are waived for visitors entering the park for the sole purpose of dining at the park restaurant at Douthat and Hungry Mother State Parks.
11. Parking fees are waived at state parks for participants in Walk for Parks, Fall River Renaissance, Envirothons, March for Parks, Operation Spruce-Up Day, Stewardship Virginia, National Trails Day, and other park-sanctioned public service events as approved by the director.
12. Daily parking fees are reduced to \$1.00 for vehicles occupied by participants in fund-raising events sponsored by nonprofit organizations (Walk-A-Thons, etc.) provided the sponsor has obtained a special use permit from the park that contains provisions for the identification of participants in the event.
13. Parking fees shall be waived for persons using park roads to gain legal access to their private residence and guests to such residences; and for vehicles passing through, but not stopping in, a park on a public roadway.
14. Revenue collected from special event parking and/or admission fees may be divided between the park and the event sponsor if so designated and approved in the special event permit following a determination made by the director that the revenue split is in the benefit of the Commonwealth.
15. Annual Park/Launch/Equestrian passes cover the park entrance or parking fee for up to two horses in the same horse trailer or other allowable trailers. Annual and Lifetime parking-only passes do not include trailers.

16. Parking fees are waived for service vehicles such as tow trucks when entering the park to service a visitor vehicle.
17. Parking fees are waived for visitors entering the park to attend a performance by a U.S. military band if this is a required condition for the band's performance.
18. Parking fees are included in the rental fees for meeting facilities, up to the capacity of the facility and provided that this waiver of fee is included in the rental agreement for the facility.
19. Parking fees are waived for a period of up to 15 minutes for persons entering the park to deposit materials in community recycling collection containers.
20. Parking fees are waived for vehicles occupied entirely by persons attending fee interpretive programs.
21. Annual parking passes that do not include boat launch require payment of daily launch fee if launching a boat at any park or for all vehicles using Croaker Landing/Pier Area at York River State Park.
22. Annual parking pass holders are not guaranteed the parking privileges of the pass should parking places be unavailable.
23. Parking fees are waived at Mason Neck during the park's annual Elizabeth Hartwell Eagle Festival.
24. The payment of a parking fee at one park shall be applied to parking at any state park on the same day provided that the visitor supplies evidence of the paid parking fee.
25. Annual passes are issued to the purchaser and members of the same household and may not be transferred. Improper transfer or use may result in revocation of the pass without refund.
26. Parking fees are waived at all state parks on Veterans Day, November 11, of each year.
27. Holidays are defined as Memorial Day, Fourth of July, and Labor Day, and prime season is the Saturday immediately prior to Memorial Day through the Sunday immediately prior to Labor Day.

4VAC5-36-60. Admission fees.

ADMISSION FEES (NONTAXABLE)

	DAILY ADMISSION PER PERSON (Weekdays and Weekends unless otherwise noted.)	ANNUAL PASS (Good for 12 months from date of purchase.)
Shot Tower	Free	NA
Southwest VA Museum	\$1.50 <u>\$2.00</u> (Groups of 10 or more: age 6 through 12) \$3.00 <u>\$4.00</u> (Groups of 10 or more: age 13 and up)	NA
	\$2.00 <u>\$3.00</u> (Ages 6 through 12)	\$5.00 <u>\$6.00</u> (age 6 through 12) per year
	\$4.00 <u>\$5.00</u> (Age 13 and up)	\$10 <u>\$12</u> (age 13 and over) per year
	NA	\$15 <u>\$20</u> (family: up to 2 adults and 2 children) per year
Kiptopeke Fishing Pier Fishing Fee	\$1.00 (Age 6 through 12) \$3.00 (Age 13 and over)	NA
Kiptopeke Fishing Pier Fishing Fee: Coupon book good for 10 visits	\$20 per 10 Passes	NA
Annual Night Fishing: All parks where available (also requires parking fee)	\$15 per person per year	
Late Night Fishing: All parks where available (also requires parking fee)	\$3.00 per person per night	

Regulations

	ADMISSION
Natural Tunnel Chairlift:	
Children under age 6	Free
Round trip per person	\$3.00
One-way per person	\$2.00
Group Rate Round Trip per person (10 or more)	\$2.00
Season Pass	\$20
Daily Pass (Good for unlimited trips on date of issue, good for one person only)	\$6.00
Archery Range: All parks where available; per person user fee	\$2.00 per day (over 12) \$1.00 per day (age 3 through 12) \$15 per year (any age)
Bear Creek Lake	\$5.00 per day (over 12) \$3.00 per day (age 3 through 12) \$45 per year (any age) \$3.00 per person, per day group fee (minimum of 10 participants)
Pocahontas & <u>and</u> New River Trail Horse Show Admission	\$5.00 per person Children 12 & <u>and</u> under free
Park Sponsored Special Event Vendor Fees. All parks where available unless otherwise noted	\$125 per merchandise vendor \$150 per food vendor
Occoneechee Pow Wow	\$150 per merchandise vendor \$175 per food vendor
Mason Neck Fall Special Event	\$50 per vendor
Caledon Art & <u>and</u> Wine Festival	\$50 per artist vendor \$100 per winery vendor
New River Trail	\$25 per merchandise vendor \$25 per food vendor

Notes on admission/entrance fees:

1. Fees are waived at Natural Tunnel for use of the chairlift on one designated "Customer Appreciation Day" per year.
2. Museum entrance fees are waived at the Southwest Virginia Museum during the "Festival of Trees" event for members of groups who submitted trees for the display.
3. For park museums and historic features that charge an entrance fee, visitors participating in the Time Travelers program of the Virginia Association of Museums shall be charged the existing per person group rate for that facility.
4. Entrance fees are waived at the Southwest Virginia Museum on Veteran's Day, November 11, of each year.

4VAC5-36-70. Swimming fees.

SWIMMING (NONTAXABLE)

Daily Swimming Fees	WEEKDAYS	WEEKENDS
All parks with fee swimming areas unless noted.	Under age 3 Free \$2.00 (Age 3 through 12) \$3.00 (Age 13 and over)	Under age 3 Free \$3.00 (Age 3 through 12) \$4.00 (Age 13 and over)

Regulations

Staunton River, Natural Tunnel, and Westmoreland	Under age 3 Free \$3.00 (Age 3 through 12) \$4.00 (Age 13 and over)	Under age 3 Free \$4.00 (Age 3 through 12) \$5.00 (Age 13 and over)
Pocahontas	Under age 3 Free \$5.00 (Age 3 through 12) \$6.00 (Age 13 and over)	Under age 3 Free \$7.00 (Age 3 through 12) \$8.00 (Age 13 and over)
Group campers utilizing primitive group camps. All parks where available unless otherwise noted.	\$1.00 (all ages)	\$1.00 (all ages)
Pocahontas (Group Cabin Guests)	\$3.00 (all ages)	\$3.00 (all ages)
Deposit on all locker keys: Refunded when key is returned.	\$2.00 each	
Swimming Coupon Book: (Age 3 and over). All parks where available unless otherwise noted.	\$23 per 10 coupons \$44 per 20 coupons	
Staunton River, Natural Tunnel, and Westmoreland	\$31 per 10 coupons \$58 per 20 coupons	
Pocahontas	\$50 per 10 coupons \$95 per 20 coupons	
	WEEKDAYS	WEEKENDS
Group Swimming: per person (10 persons or more). All parks where available unless otherwise noted.	\$1.50 (Age 3 through 12) \$2.50 (Age 13 and over)	\$2.00 (Age 3 through 12) \$3.00 (Age 13 and over)
Staunton River, Natural Tunnel, and Westmoreland Group Swimming (20 persons or more). Five-day advanced registration required.	\$2.50 (all ages)	\$3.50 (all ages)
Pocahontas Group Swimming (20 persons or more). Five-day advanced registration required.	\$4.00 (all ages)	\$5.00 (all ages)
Season Swimming Permit: All parks where available unless otherwise noted.	\$44 (Age 3 through 12) \$55 (Age 13 and over)	
Staunton River, Natural Tunnel, and Westmoreland	\$55 (Age 3 through 12) \$66 (Age 13 and over)	
Pocahontas	\$66 (Age 3 through 12) \$77 (Age 13 and over)	
After-Hours Exclusive Use of Pool or Swimming Area: All parks where available. Requires prior reservation. Rental period of approximately 1-2 hours, depending upon operating schedule and amount of available daylight. Cancellation fee charged if reservation is cancelled <u>canceled</u> less than 3 days before the date of event unless cancellation is for inclement weather or cancelled <u>canceled</u> by the park.	\$100 <u>\$125</u> (up to 25 persons) \$125 <u>\$150</u> (26 to 50 persons) \$175 <u>\$200</u> (51 to 75 persons) \$200 <u>\$225</u> (76 to 100 persons) \$35 to open food concessions with rental \$50 cancellation fee	
Swimming lessons. All parks where available unless otherwise noted. Package of eight 45-minute lessons (includes parking)	\$30 per person \$25 per person if two or more from same family	

Regulations

Notes on swimming fees:

1. Nonswimming adults in street clothes admitted to swimming areas free when supervising children age 12 and under.
2. Rain check Policy for Swimming: All state parks will issue a rain check, good for a period of 12 months from the date of issue, to any paying customer (does not apply to free swimming vouchers) if the swimming area is forced to close for 40 minutes or more due to inclement weather. Rain checks may be issued only to patrons present at the swimming area at the time of closure.
3. A full refund is available for a group reservation only if the park or swimming area contractor is notified three days in advance of the time of the reservation. In the event that the group is unable to complete their reservation due to inclement weather, rain checks will be issued to the individual members of the group in the same manner as other park patrons.
4. All Season Swimming Permits include parking during the swimming season only.
5. Weekend rates apply on Memorial Day, Fourth of July, and Labor Day holidays.

4VAC5-36-90. Camping fees.

CAMPING FEES (TAXABLE, Price here does not include tax)

	<u>BASE RATE</u>	<u>VIRGINIA RESIDENTS</u>
Camping fees include free use of dump station and free swimming and boat launching for members of the camping party during their stay at the property, when and where available, except that at Kiptopeke State Park guest is subject to applicable launch fee unless the trailer is returned to the campsite immediately after launching. The number of campers per campsite is limited to six individuals except when all campers are members of the same household.	ALL SEASONS (Per site fees)	
Standard Sites: No hookup; access to bathhouse and restrooms.		
All parks with standard sites unless noted below.	<u>\$24 per night</u>	\$20 per night
Bear Creek and Occoneechee Waterfront Sites.	<u>\$31 per night</u>	\$26 per night
Kiptopeke, First Landing, Lake Anna.	<u>\$28 per night</u>	\$24 per night
Douthat.	<u>\$31 per night</u>	\$26 per night
Water and Electric Sites: Access to water and electric hookups; access to bathhouse and restrooms.		
All parks where available unless noted below, including Chippokes Campground A.	<u>\$35 per night</u>	\$30 per night
Occoneechee Waterfront Sites and Chippokes Campground B.	<u>\$39 per night</u>	\$33 per night
Kiptopeke, First Landing, Lake Anna, Shenandoah <u>River</u> .	<u>\$41 per night</u>	\$35 per night
Water, Electric, and Sewage Sites: Access to water, electric, and sewage hookups; access to bathhouse and restrooms.		
Kiptopeke.	<u>\$47 per night</u>	\$40 per night
Hungry Mother.	<u>\$39 per night</u>	\$33 per night
Primitive Camping Sites: primitive restrooms; no showers.		
All parks where available unless noted below.	<u>\$13 per night</u>	\$11 per night
James River.	<u>\$15 per night</u>	\$13 per night
Grayson Highlands: Sites with electricity (November, March, and April when bathhouses are closed).	<u>\$18 per night</u>	\$15 per night

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Occoneechee (persons renting the entire equestrian campground will receive a 10% discount on the combined price for sites and stalls, including transaction fees).	<u>\$18 per night</u>	\$15 per night
New River Trail Primitive camping sites at Foster Falls and Cliffview, Primitive Sites at Sky Meadows.	<u>\$18 per night</u>	\$15 per night
New River Trail Water Trail Camping (no potable water).	<u>\$14 per night</u>	\$12 per night
<u>Fairy Stone Equestrian Campsite.</u>	<u>\$24 per night</u>	<u>\$20 per night</u>
Horse Camping		
Horse Stall Fee.	<u>\$7.00 per night (outside stalls)</u> <u>\$9.00 per night (inside stall)</u>	\$7.00 per night (outside stalls) \$9.00 per night (inside stall)
Standard Rates		
Primitive Group Camp Rental (camping in special primitive group areas). All parks where available.		
Up to 20 campers.	<u>\$72 for entire area per night</u>	\$61 for entire area per night
Up to 30 campers.	<u>\$107 for entire area per night</u>	\$91 for entire area per night
31 or more campers, up to maximum capacity of group camp area.	<u>\$144 for entire area per night</u>	\$122 for entire area per night
Grayson Highlands: Primitive camping is available in the stable area November, March, and April.	<u>\$18 per site per night</u>	\$15 per site per night
Special Group Camping Areas:		
Fairy Stone Group Campsites.	<u>\$24 per night</u>	\$20 per site per night
Chippokes Plantation: All 4 Sites; Group Rate; 24 persons maximum. Natural Tunnel Group Area. Grayson Highlands Group Area. James River Group Area. Shenandoah <u>River</u> Group Area. Sky Meadows Group Area.	<u>\$79 per night (only available as entire group area)</u>	\$67 per night (only available as entire group area)
Sky Meadows 6-Site <u>6-Site</u> Group Area.	<u>\$118 per night</u>	\$100 per night
Westmoreland Group Area.	<u>\$144 per night</u>	\$122 per night
Standard Buddy Sites: All parks where available unless noted below.	<u>\$92 per night</u>	\$78 per night
Douthat Buddy Sites. <u>Pocahontas Group Sites.</u> Holliday Lake Group Camp.	<u>\$114 per night</u>	\$97 per night
Sky Meadows Buddy Sites.	<u>\$41 per night</u>	\$35 per night
<u>Pocahontas Group Camp.</u>	<u>\$95 per night</u>	<u>\$81 per night</u>

Regulations

James River Equestrian Group Area (persons renting the entire equestrian campground will receive a 10% discount on the combined price for sites and stalls, including transaction fees).	<u>\$254 per night</u>	\$216 per night
Camping – Other Fees		
Camping Site Transaction Fee: Applies to each purchase transaction of a camping visit to a campsite (i.e., one transaction fee per camping visit per site no matter how many nights). Applies to Internet, reservation center, and walk up visits.	\$5.00	
Dump Station Fee: Free to state park campers during stay.	\$5.00 <u>\$10</u> per use	
Camping Reservation Cancellation Fee Individual Site.	\$10 per reservation	
Camping Reservation Cancellation Fee Group Sites.	\$30 per reservation	
<u>Camping Reservation Transfer Fee.</u>	<u>\$5.00 per reservation</u>	
<u>Douthat: Whispering Pines and Beaverdam Reservation.</u>	<u>\$33 per night</u>	
Hiker or noncamper Shower Fee at Virginia State Parks.	\$5.00 per person	
Sky Meadows: Wheelbarrow Rental Fee for hike-in campers.	\$10 per wheelbarrow rented	

Notes on camping:

1. Check-out time is 3 p.m. and check-in time is 4 p.m.
2. Camping Transfer/Cancellation/Early Departure Policy.
 - a. Any fees to be refunded are calculated less the applicable cancellation fee(s).
 - b. Fees paid to the reservation center by credit card will be refunded to the original credit card charged.
 - c. Fees paid by check or money order to the reservation center, or by any method at the park, will be refunded by state check.
 - d. A customer may move a camping reservation to another date or park, referred to as a transfer, through the reservation center only, and prior to 4 p.m. on the scheduled date of arrival. If the reservation center will not be open again prior to the start date of the reservation, transferring is not an option. There is ~~no~~ a fee to transfer.
 - e. A camping reservation may be canceled until 4 p.m. on the scheduled date of arrival but campers will be charged the cancellation fee. This cancellation fee applies to each separate reservation made.
 - f. Once the 4 p.m. check-in time is reached on the scheduled day of arrival, any adjustment to a reservation is considered an early departure.
 - g. After the check-in time is reached, the first night is considered used whether the site is occupied or not.
 - h. There is a one-night penalty, deducted from any amount available for refund, for early departure.
3. Campers are allowed two vehicles per campsite per day without charge of a parking fee. Additional vehicles, beyond two, must pay the prevailing parking fee in effect at the park for each day that the vehicle(s) is parked in the park. The number of vehicles allowed to park on the campsite varies according to site design and size of other camping equipment. No vehicles shall park on a campsite in other than the designated area for this purpose. Camper vehicles that do not fit on the site, whether or not they require the special camper vehicle fee, must park in the designated overflow parking area.
4. Each member of the camping party, except in primitive group areas, up to the maximum allowable per site, may receive an entrance pass to the park's swimming facility on the basis of one pass per night of camping. Passes are only issued during days and seasons of operation of the swimming facility and are only good during the member's registered stay.
5. Damage to campsites, not considered normal wear and tear, will be billed to the person registered for the campsite on an itemized cost basis.
6. At honor collection sites, the stated camping fees on this list shall be considered as having tax included. Honor collection is defined as the payment of the camping fee on-site at the park at a nonelectronic collection point at which the payment is placed in a box or safe provided for that purpose.

7. Horse stalls may only be rented in conjunction with the rental of a campsite in the equestrian campground and a person must occupy the campsite. All horses brought to the park by overnight guests must be kept in rental stalls except in primitive equestrian areas at New River Trail and James River State Parks.

4VAC5-36-100. Cabin fees.

CABIN RENTALS (TAXABLE, Price here does not include tax)

	BASE RATE		VIRGINIA RESIDENTS	
PRIME SEASON CABIN AND LODGE RATES				
Cabin/Lodge Type	Per-Night Rental Fee	Per-Week Rental Fee	Per-Night Rental Fee	Per-Week Rental Fee
Efficiency	\$92 <u>\$98</u>	\$553 <u>\$586</u>	\$83	\$498
One Bedroom, Standard	\$108 <u>\$115</u>	\$649 <u>\$688</u>	\$98	\$585
One Bedroom, Waterfront or Water View	\$120 <u>\$127</u>	\$719 <u>\$761</u>	\$108	\$647
One Bedroom, Chippokes Plantation	\$126 <u>\$134</u>	\$756 <u>\$800</u>	\$113	\$680
Two Bedroom, Standard, all parks where available unless noted below	\$125 <u>\$133</u>	\$750 <u>\$794</u>	\$112	\$675
Two Bedroom, Bear Creek Lake, James River, Occoneechee, Lake Anna, Shenandoah <u>River</u> , Natural Tunnel	\$131 <u>\$139</u>	\$786 <u>\$833</u>	\$119	\$708
Two Bedroom, Waterfront or Water View, all parks where available unless noted below	\$138 <u>\$146</u>	\$825 <u>\$874</u>	\$124	\$743
Two Bedroom, Waterfront or Water View, Bear Creek Lake, Occoneechee, Lake Anna	\$144 <u>\$153</u>	\$864 <u>\$915</u>	\$130	\$778
Two Bedroom, First Landing, Chippokes Plantation	\$146 <u>\$154</u>	\$873 <u>\$922</u>	\$131	\$784
Three Bedroom, Standard, all parks where available unless noted below	\$142 <u>\$150</u>	\$851 <u>\$900</u>	\$128	\$765
Three Bedroom, Chippokes Plantation, Bel Air Guest House	\$165 <u>\$175</u>	\$990 <u>\$1,048</u>	\$149	\$891
Three Bedroom, Claytor Lake, Bear Creek Lake, James River, Occoneechee, Lake Anna, Southwest Virginia Museum Poplar Hill Cottage, Shenandoah <u>River</u> , Natural Tunnel, Douthat	\$164 <u>\$173</u>	\$979 <u>\$1,036</u>	\$147	\$881
Hill Lodge (Twin Lakes)	\$185 <u>\$195</u>	\$1,105 <u>\$1,169</u>	\$166	\$994
Fairy Stone Lodge (Fairy Stone), Creasy Lodge (Douthat), Bel Air Mansion (Belle Isle)	\$332 <u>\$351</u>	\$1,987 <u>\$2,104</u>	\$298	\$1,788
Douthat Lodge (Douthat), Hungry Mother Lodge (Hungry Mother), Potomac River Retreat (Westmoreland)	\$391 <u>\$414</u>	\$2,342 <u>\$2,479</u>	\$352	\$2,107
6-Bedroom <u>Six-Bedroom</u> Lodge, Kiptopeke, James River, Claytor Lake, Occoneechee, Bear Creek Lake, Shenandoah <u>River</u> , Natural Tunnel, Douthat	\$410 <u>\$434</u>	\$2,454 <u>\$2,599</u>	\$369	\$2,209
MID-SEASON CABIN AND LODGE RATES				
Cabin/Lodge Type	Per-Night Rental Fee	Per-Week Rental Fee	Per-Night Rental Fee	Per-Week Rental Fee
Efficiency	\$83 <u>\$88</u>	\$498 <u>\$527</u>	\$75	\$448

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One Bedroom, Standard	\$98 <u>\$103</u>	\$585 <u>\$619</u>	\$88	\$526
One Bedroom, Waterfront or Water View	\$108 <u>\$115</u>	\$647 <u>\$686</u>	\$98	\$583
One Bedroom, Chippokes Plantation	\$113 <u>\$120</u>	\$680 <u>\$720</u>	\$102	\$612
Two Bedroom, Standard, all parks where available unless noted below	\$112 <u>\$119</u>	\$675 <u>\$714</u>	\$102	\$607
Two Bedroom, Bear Creek Lake, James River, Occoneechee, Lake Anna, Shenandoah <u>River</u> , Natural Tunnel	\$119 <u>\$125</u>	\$708 <u>\$748</u>	\$106	\$636
Two Bedroom, Waterfront or Water View, all parks where available unless noted below	\$124 <u>\$131</u>	\$743 <u>\$787</u>	\$111	\$669
Two Bedroom, Waterfront or Water View, Bear Creek Lake, Occoneechee, Lake Anna	\$130 <u>\$138</u>	\$778 <u>\$824</u>	\$117	\$700
Two Bedroom, First Landing, Chippokes Plantation	\$131 <u>\$139</u>	\$784 <u>\$832</u>	\$118	\$707
Three Bedroom, Standard, all parks where available unless noted below	\$128 <u>\$135</u>	\$765 <u>\$811</u>	\$116	\$689
Three Bedroom, Chippokes Plantation, Bel Air Guest House	\$149 <u>\$158</u>	\$891 <u>\$943</u>	\$134	\$802
Three Bedroom, Claytor Lake, Bear Creek Lake, James River, Occoneechee, Lake Anna, Southwest Virginia Museum Poplar Hill Cottage, Shenandoah <u>River</u> , Natural Tunnel, Douthat	\$147 <u>\$156</u>	\$881 <u>\$933</u>	\$132	\$793
Hill Lodge (Twin Lakes)	\$166 <u>\$176</u>	\$994 <u>\$1,053</u>	\$149	\$895
Fairy Stone Lodge (Fairy Stone), Creasy Lodge (Douthat), Bel Air Mansion (Belle Isle)	\$298 <u>\$316</u>	\$1,788 <u>\$1,894</u>	\$269	\$1,610
Douthat Lodge (Douthat), Hungry Mother Lodge (Hungry Mother), Potomac River Retreat (Westmoreland)	\$352 <u>\$373</u>	\$2,107 <u>\$2,231</u>	\$317	\$1,896
6-Bedroom <u>Six-Bedroom</u> Lodge, Kiptopeke, James River, Claytor Lake, Occoneechee, Bear Creek Lake, Shenandoah <u>River</u> , Natural Tunnel, Douthat	\$369 <u>\$391</u>	\$2,209 <u>\$2,339</u>	\$332	\$1,988
OFF-SEASON CABIN AND LODGE RATES				
Cabin/Lodge Type	Per-Night Rental Fee	Per-Week Rental Fee	Per-Night Rental Fee	Per-Week Rental Fee
Efficiency	\$69 <u>\$73</u>	\$415 <u>\$440</u>	\$62	\$374
One Bedroom, Standard	\$81 <u>\$86</u>	\$487 <u>\$515</u>	\$74	\$438
One Bedroom, Waterfront or Water View	\$90 <u>\$95</u>	\$539 <u>\$571</u>	\$81	\$485
One Bedroom, Chippokes Plantation	\$95 <u>\$100</u>	\$567 <u>\$600</u>	\$85	\$510
Two Bedroom, Standard, all parks where available unless noted below	\$93 <u>\$99</u>	\$563 <u>\$595</u>	\$84	\$506
Two Bedroom, Bear Creek Lake, James River, Occoneechee, Lake Anna, Shenandoah <u>River</u> , Natural Tunnel	\$98 <u>\$104</u>	\$589 <u>\$624</u>	\$88	\$530
Two Bedroom, Waterfront or Water View, all parks where available unless noted below	\$104 <u>\$110</u>	\$620 <u>\$656</u>	\$93	\$558

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Two Bedroom, Waterfront or Water View, Bear Creek Lake, Occoneechee, Lake Anna	\$108 <u>\$115</u>	\$648 <u>\$687</u>	\$98	\$584
Two Bedroom, First Landing, Chippokes Plantation	\$109 <u>\$116</u>	\$654 <u>\$693</u>	\$99	\$589
Three Bedroom, Standard, all parks where available unless noted below	\$106 <u>\$113</u>	\$637 <u>\$674</u>	\$96	\$573
Three Bedroom, Chippokes Plantation, Bel Air Guest House	\$124 <u>\$131</u>	\$742 <u>\$786</u>	\$111	\$668
Three Bedroom, Claytor Lake, Bear Creek Lake, James River, Occoneechee, Lake Anna, Southwest Virginia Museum Poplar Hill Cottage, Shenandoah <u>River</u> , Natural Tunnel, Douthat	\$123 <u>\$130</u>	\$734 <u>\$776</u>	\$110	\$660
Hill Lodge (Twin Lakes)	\$139 <u>\$147</u>	\$828 <u>\$878</u>	\$125	\$746
Fairy Stone Lodge (Fairy Stone), Creasy Lodge (Douthat), Bel Air Mansion (Belle Isle)	\$249 <u>\$263</u>	\$1,490 <u>\$1,578</u>	\$224	\$1,341
Douthat Lodge (Douthat), Hungry Mother Lodge (Hungry Mother), Potomac River Retreat (Westmoreland)	\$293 <u>\$310</u>	\$1,757 <u>\$1,859</u>	\$264	\$1,580
6-Bedroom <u>Six-Bedroom</u> Lodge, Kiptopeke, James River, Claytor Lake, Occoneechee, Bear Creek Lake, Shenandoah <u>River</u> , Natural Tunnel, Douthat	\$308 <u>\$326</u>	\$1,841 <u>\$1,949</u>	\$276	\$1,657
CAMPING CABINS, CAMPING LODGES, YURTS, AND TRAVEL TRAILERS				
(camping <u>Camping</u> cabins, camping lodges, yurts, and travel trailers located in campgrounds and operated in conjunction with the campground).	Per-Night Rental Fee	Per-Week Rental Fee	Per-Night Rental Fee	Per-Week Rental Fee
Camping Cabin rental rate: (2-night minimum rental required)	\$51 <u>\$55</u>	NA	\$47	NA
Yurt rental: Standard fee	\$113 <u>\$120</u>	\$680 <u>\$719</u>	\$101	\$611
Travel Trailers: 25-30' Standard fee	\$113 <u>\$120</u>	\$680 <u>\$719</u>	\$101	\$611
Camping Lodges: Standard fee	\$103 <u>\$109</u>	\$618 <u>\$653</u>	\$92	\$555
OTHER CABIN FEES AND CHARGES				
Additional Cabin Fees:				
Cabin Transaction Fee: Applies to each purchase transaction of a visit to a cabin (i.e., one transaction fee per cabin visit per site no matter how many nights). Applies to Internet, reservation center, and walk up visits.	\$5.00			
Additional Bed Rentals	\$3.00 per rental night			
Additional linens at all parks unless otherwise noted. One set of linens is 1 sheet set (1 fitted sheet, 1 flat sheet, and 1 pillowcase) or 1 towel set (1 bath towel, 1 hand towel, and 1 washcloth or 2 bath towels and 1 washcloth)	\$2.00 per sheet set \$2.00 per towel set			
Cabin Cancellation Fee: Applies to all lodging in this section except as described below in "Lodge Cancellation Fee"	\$20 <u>\$30</u> per cancellation period: See notes on Cabin Transfer/Cancellation/Early Departure Policy-			
<u>Cabin Transfer Fee: Applies to all lodging in this section except as described below in "Lodge Transfer Fee"</u>	<u>\$20</u> per cancellation period: See notes on Cabin Transfer/Cancellation/Early Departure Policy			

Regulations

Lodge Cancellation Fee: Applies to Fairy Stone Lodge, Douthat Lodge, Hungry Mother Lodge, Potomac River Retreat, and all 6-bedroom park lodges	\$50 \$60 per cancellation period: See notes on Cabin Transfer/Cancellation/Early Departure Policy	
<u>Lodge Transfer Fee: Applies to Fairy Stone Lodge, Douthat Lodge, Hungry Mother Lodge, Potomac River Retreat, and all 6-bedroom park lodges</u>	<u>\$50 per cancellation period: See notes on Cabin Transfer/Cancellation/Early Departure Policy</u>	
Pet Fee (this fee does not apply to service or hearing dogs identifiable in accordance with § 51.5-44 of the Code of Virginia).	\$10 per pet per night	
Pocahontas Group Cabins	DAY	WEEK
Algonquian Ecology Camp Dining Hall: 8 a.m. to 10 p.m. for day use, 24-hour use when rented with cabins	\$236	\$1,181
Swift Creek Dining Hall: 8 a.m. to 10 p.m. for day use, 24-hour use when rented with cabins	\$275	\$1,375
Dining Hall: fee for partial day rental when associated with full day rental as noted above	\$140	NA
Cabin Units: per unit, per night	\$112	\$560
Complete Algonquian Ecology Camp (4 units: 112 capacity) with Dining Hall	\$460	\$2,300
Complete Swift Creek Camp (2 units: 56 capacity) with Dining Hall	\$375	\$1,875
Refundable security deposit charged for all reservations	\$100 per reservation	

Notes on Pocahontas Group Cabins:

Pocahontas Group Cabins: Reservations of \$200 or more require a 25% prepayment, due within 14 days of making the reservation. Balance of fees is due 60 days prior to the reservation start date. Reservations of less than \$200 require payment in full to confirm the reservation, due within 14 days of making the reservation. Cancellations made 30 days or more prior to the first day of the reservation shall receive a refund less a \$30 per unit cancellation fee. Cancellations made less than 30 days prior to the first date of the reservation receive no refund unless the units are subsequently rented, in which case the refund shall be full price minus \$30 per unit.

Notes on cabins and lodges:

1. Seasonal cabin and lodge rates shall be in effect according to the following schedule, except for camping cabins, camping lodges, yurts, and travel trailers, which operate on the same schedule and season as the campground at that particular park. In the event that a weekly rental period includes two seasonal rates, the higher rate will apply for the entire weekly rental period.

PARK	PRIME SEASON	MID-SEASON	OFF-SEASON
Bear Creek Lake Belle Isle Chippokes Plantation First Landing Kiptopeke Lake Anna Occoneechee Southwest Virginia Museum Staunton River Twin Lakes Westmoreland	Friday night prior to Memorial Day through the Sunday night prior to Labor Day	April 1 through the Thursday night prior to Memorial Day, and Labor Day through November 30	December 1 through March 31

Claytor Lake Douthat Fairy Stone Hungry Mother James River Smith Mountain Lake Shenandoah <u>River</u> Natural Tunnel	Friday night prior to Memorial Day through the Sunday night prior to Labor Day, and October 1 through October 31	April 1 through the Thursday night prior to Memorial Day, and Labor Day through September 30, and November 1 through November 30	December 1 through March 31
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2. All dates refer to the night of the stay; checkout time is 10 a.m. and check-in time is 3 p.m.
3. The following holiday periods are charged prime season weekend rates: the Wednesday, Thursday, Friday, and Saturday period that includes Thanksgiving Day; ~~and~~ Christmas Eve and Christmas Day; and New Year's Eve and New Year's Day.
4. Cabins and lodges require a two-night minimum stay.
5. Cabin guests are allowed two vehicles for a one or two bedroom cabin, and three vehicles for a three bedroom cabin per day without charge of parking fee. Additional vehicles must pay the prevailing parking fee for each day that the vehicle is parked in the park. The number of vehicles allowed to park at the cabin varies according to site design and other factors. All vehicles must park in designated parking areas, either at the cabin or in the designated overflow parking area.
6. Six-bedroom lodge guests are allowed six vehicles per lodge per day without charge of parking fee. Additional vehicles must pay the prevailing vehicle parking fee for each day the vehicle is parked in the park. The number of vehicles allowed to park at the lodge varies according to site design and other factors. All vehicles must park in designated parking areas, either at the lodge or in the designated overflow parking area.
7. Damage to cabins and other rental units under this section, not considered normal wear and tear, may be billed to the person registered for the cabin or rental unit on an itemized cost basis.
8. Each member of the rental party, up to the maximum allowable for the rented unit, may receive an entrance pass to the park's swimming facility on the basis of one pass per night of rental. Passes are only issued during days and seasons of operation of the swimming facility and are only good during the member's registered stay.
9. Employees of DCR and the members of committees and boards of DCR shall receive a discount of 50% on applicable cabin or lodge rates for any season, when the rental of such cabins or lodge is in connection with the official business of DCR or its committees or boards.

Notes on cabin or lodge transfer/cancellation/early departure policy:

1. Any fees to be refunded are calculated less the applicable cancellation fees listed ~~below~~ in this section.
2. Fees paid to the reservation center by credit card will be refunded to the original credit card charged.
3. Fees paid by check or money order to the reservation center, or by any method at the park, will be refunded by state check.
4. A customer may move a cabin or lodge reservation to another date or park, referred to as a transfer, through the reservation center only, and prior to 5 p.m. on the Monday before the scheduled date of arrival. There is an associated transfer fee. After 5 p.m. on the Monday before the scheduled date of arrival, cancellation is the only option (see note 5 below) except that transfers to a different cabin or lodge for the same rental nights shall be allowed, subject to availability, up to the ~~check-in~~ check-in time for the original reservation.
5. Once the reservation is paid for, a customer may cancel in full with payment of the required cancellation fee if there are more than 30 days before the scheduled arrival date. As long as the reservation is not during the one-week minimum stay requirement period, the length of stay may be reduced without a fee as long as there are more than 30 days before the scheduled arrival. However, the length of stay cannot be less than two nights. During the 30 days prior to the scheduled arrival date, the cancellation fee is charged for each night ~~cancelled~~ canceled or reduced from the stay. Once the official check-in time on the scheduled arrival date is reached, the cancellation policy is no longer in effect and the early departure policy applies.
6. Once the 3 p.m. check-in time is reached on the scheduled day of arrival, any adjustment to a reservation is considered an early departure. There is a two-night minimum charge associated with all cabin, lodge, camping cabin, travel trailer, and camping lodge stays. Reducing the total nights stayed will incur a \$20 per night fee. If the original reservation was for a week, the weekly discount will no longer be valid and the fee will be adjusted to the nightly rate before any refunds are calculated.

Regulations

4VAC5-36-110. Picnic shelters and event tents fees.

PICNIC SHELTERS AND EVENT TENTS (TAXABLE)

The shelter rental periods shall be from park opening until park closing, unless otherwise specified.	DAY
Standard Small Picnic Shelter Rental Fee: Bear Creek Lake, Belle Isle, Caledon, Chippokes Plantation, Claytor Lake, Douthat, Holliday Lake, Hungry Mother (half shelter), Lake Anna, Natural Tunnel, New River Trail, Occoneechee, Pocahontas, Smith Mountain Lake, Twin Lakes, Westmoreland, York River, and all other small park picnic shelters.	\$60
Standard Large Picnic Shelter Rental Fee: Belle Isle, Chippokes Plantation, Claytor Lake, Douthat Fairy Stone, First Landing, Grayson Highlands, Hungry Mother (full shelter), James River, Kiptopeke, Lake Anna, Natural Tunnel, Occoneechee, Pocahontas, Powhatan, Shenandoah <u>River</u> , Smith Mountain Lake (Pavilion), Staunton River, Staunton River Battlefield, Twin Lakes, Westmoreland, York River, and all other large park picnic shelters.	\$90
Sky Meadows: Covered Group Picnic Area Shelter Rental (up to 60 people)	\$130
Sky Meadows: Group Picnic Pad (up to 60 people)	\$64
Leesylvania Shelter, Shenandoah <u>River</u> Large Group Shelter Rental	\$130
Leesylvania: Lee's Landing Picnic Area Rental	\$64
Leesylvania: Lee's Landing Picnic Shelter	\$400
With 15 tables and 100 chairs	\$820
Mason Neck Picnic Area Rental	
Area rental without tent shelter	\$64
Area activity fee (for use of picnic area for "special use" without tent shelter that requires special set-up or clean-up)-	\$35
Area rental with tent shelter (seasonably available)	\$130
Chippokes Plantation Conference Shelter (with kitchen)	\$315 per function
Chippokes Plantation Conference Shelter kitchen cleaning fee (only applicable is kitchen is used and not cleaned in accordance with rental agreement)	\$150 per function
Mini-Shelter: All parks where available unless otherwise noted.	\$21
Event Tent Rental: Full day in-park rental only. Price includes set up and take down.	
Standard fee: All parks where available unless otherwise noted.	\$0.45 per square foot
Chippokes Plantation, Douthat, Kiptopeke, Lake Anna, Pocahontas, Shenandoah River, Smith Mountain Lake, York River:-	\$0.55 per square foot
False Cape, First Landing, Leesylvania, Mason Neck:-	\$0.60 per square foot
Standard 10' x 10' event tent	\$25 per day
Westmoreland, Caledon Natural Area: 20' x 40' tent with tables and chairs	\$400 per day
Wilderness Road: 20' x 40'	\$350 per day
White String Lights for Tent	\$0.80 per foot
Side Panels for Tent	\$1.50 per foot

Regulations

Standard Shelter Cancellation Fee: Cancellation fee deducted from refund if refund is made more than 14 days prior to the reservation date. No refunds if cancellation made within 14 days prior to date. Shelter reservation may be transferred without penalty if the change is made through the reservations center prior to scheduled use.	\$10
<u>Standard Shelter Transfer Fee: Shelter reservation may be transferred if the change is made through the reservations center prior to scheduled use.</u>	<u>\$5.00</u>

4VAC5-36-120. Amphitheater and gazebo fees.

AMPHITHEATERS AND GAZEBOS (TAXABLE, Price here does not include tax)

Amphitheater or Gazebo Rental Fee: The amphitheater or gazebo rental periods shall be from park opening until park closing unless otherwise specified.	DAY
Leesylvania, Fairy Stone, Staunton River, Kiptopeke, and all other amphitheaters and gazebos unless noted below.	\$32
Hungry Mother, Occoneechee, Westmoreland, New River Trail	\$53
Smith Mountain Lake, Natural Tunnel (gazebo at Cove Ridge) , James River	\$74
<u>Natural Tunnel Gazebo at Cove Ridge.</u>	<u>\$100</u>
Claytor Lake (gazebo)	\$84 <u>\$96</u>
First Landing (gazebo at Chesapeake Bay Center): rental period is three <u>3</u> hours	\$84 per 3 hours
York River and Douthat Amphitheater.	\$105
Shenandoah <u>River</u> Overlook Rental	\$16 per half-day \$32 per full-day
Natural Tunnel and First Landing Amphitheaters: Private group or company rate	\$315
Natural Tunnel and First Landing Amphitheaters: Educational group.	\$158
Natural Tunnel Amphitheater Wedding Package: Three consecutive half-day rental periods.	\$420 per package
First Landing: Courtyard at Chesapeake Bay Center; includes amphitheater and gazebo.	\$788
First Landing: Additional hourly charge for hours beyond 10 p.m. for gazebo.	\$11 per hour
First Landing: Additional hourly charge for hours beyond 10 p.m. for Courtyard.	\$53 per hour
Fishing Tournament Staging. All parks where available.	\$26
Pocahontas Amphitheater Area: Without Heritage Center. Includes Amphitheater, Exhibit Area, Restrooms and use of sound system.	\$630
Pocahontas Amphitheater Area Plus Heritage Center.	\$840
Parking Attendant (per attendant).	\$12 per hour
Law Enforcement Officer (per officer).	\$28 per hour
Natural Tunnel: Rental of Observation Deck at mouth of tunnel for dinner parties. Includes use of chairlift for transportation of guests and supplies and set-up/take-down of tables and chairs.	\$300 per 4 hours
Natural Tunnel Amphitheater Concession Building.	\$42
Natural Tunnel: Sound System Rental.	\$32

Regulations

<u>Natural Tunnel: Portable Dance Floor Rental.</u>	<u>\$100</u>
Standard Amphitheater/Gazebo Cancellation Fee: Cancellation fee deducted from refund if refund is made more than 14 days prior to the reservation date. No refunds if cancellation made within 14 days prior to date.	\$11
All parks unless listed below.	\$11
Pocahontas Amphitheater or First Landing Courtyard.	\$105
<u>Wilderness Road Amphitheater.</u>	<u>\$90</u>

4VAC5-36-130. Boat storage fees.

BOAT STORAGE (TAXABLE, Price here does not include tax)

Boat Storage Fees	FEE
Standard Annual Boat Storage Fee: Bear Creek Lake, Douthat, Hungry Mother, and all other parks where available unless noted below.	\$35
Marine Pump-Out Fee (all parks where available)	\$5.00 per usage
Leesylvania Boat Storage Fees: Annual Fee (Dec. 1 – Nov. 30). Fee prorated for partial year on a months-remaining basis. Fee includes one park/launch pass per storage rental space to coincide with the rental period.	
Boat Length Up To 16'	\$755
Boat Length Up To 17'	\$800
Boat Length Up To 18'	\$850
Boat Length Up To 19'	\$895
Boat Length Up To 20'	\$945
Boat Length Up To 21'	\$990
Boat Length Up To 22'	\$1,035
Boat Length Up To 23'	\$1,085
Boat Length Up To 24'	\$1,155
Boat Length Up To 25'	\$1,210
Leesylvania Canoe/Kayak Storage: Renter must possess an annual parking pass.	\$10 per month
Staunton River Boat Shed Fees: Does not include parking or launching fee, if applicable.	
Nightly Storage	\$4.00
Monthly Storage	\$15
Six-Month Storage	\$70
One-year boat storage	\$120 without annual park/launch pass \$150 with Buggs Island Special pass
Claytor Lake: Boat Dock Slips:	FEE PER RENTAL SEASON
7' wide and under, and under 24' in length	\$468
	FEE PER RENTAL NIGHT
	\$11

Regulations

9' wide and under, <u>and under 24' in length</u>	\$715	\$22	
9' wide and under, and 24' or greater in length	\$790	NA	
14' wide and under <u>Over 9' and up to 14' wide, and under 24' in length</u>	\$908	\$22	
<u>Over 9' and up to 14' wide, and 24' or greater in length</u>	\$980	NA	
Extended length slips <u>End of dock slips</u>	\$770 \$980	NA	
Occoneechee:	FEE PER ANNUAL RENTAL PERIOD	FEE PER MONTH	FEE PER RENTAL NIGHT (Transient)
20' with water - 20 amp hookup	\$1,200	\$120	\$18
30' with water - 20 amp hookup	\$1,600	\$160	NA
30' with water - 20 amp and 30 amp hookups	\$1,750	\$175	NA

Notes on Occoneechee marina fees/Claytor Lake board dock slips:

1. The annual rental period shall be March 1 through November 1 at Claytor Lake State Park and through the last day of February in the following year in Occoneechee State Park. All annual rental agreements, no matter when initiated, will end on the last day of an annual period (not 12 months from the time rental).
2. Any annual rental agreement entered into or renewed for a period that includes March 1 through June 30 shall be made at 100% of the annual rental fee.
3. The cancellation fee for an annual slip rental is three months rental. Also, after the first of the month, that month is considered to be "used."

4VAC5-36-140. Interpretive canoe, boat, and paddleboat fees.

INTERPRETIVE CANOE, BOAT, AND PADDLEBOAT PROGRAMS (NONTAXABLE)

Interpretive Canoe, Boat, and Paddleboat Tours:	FEE
Environmental Education Group Canoe Tour: Available only to bona fide educational groups. Requires previous reservation and arrangements. Minimum 10 persons. Mason Neck and all other parks where available unless otherwise noted.	\$3.00 per person
Standard Canoe Interpretive Tour Fee for Individuals: Applies to canoe, rowboat, or paddleboat tours. Child riding as third passenger, where allowed, is free.	
Individuals at all parks unless noted below.	\$5.00 per person
Individuals at Leesylvania, York River, Pocahontas, Kiptopeke, Chippokes.	\$9.00 per person
Individuals at Mason Neck.	\$15 per person
Individuals at Natural Tunnel.	\$15 per person
Individuals at False Cape: Back Bay Interpretive Tour.	\$16 per person
Family Groups at all parks unless noted below. Minimum 4 paying customers.	\$4.00 per person
Family Groups at Leesylvania, Pocahontas, York River, Kiptopeke. Minimum 4 paying customers.	\$6.00 per person
Family Groups at Mason Neck.	\$9.00 per person
Group rate at Natural Tunnel (minimum 10 paying customers).	\$12 per person
Sunset, Moonlight, Dawn, or Extended Canoe Interpretive Tour Fee for Individuals: Applies to canoe, rowboat, or paddleboat tours.	

Regulations

All parks where offered unless noted below.	\$6.00 per person
Sunset, Dawn, Extended Canoe Interpretive Tour Fee for Individuals: Leesylvania, York River, Chippokes, Kiptopeke.	\$11 per person
Sunset, Dawn, Extended Canoe Interpretive Tour Fee for Individuals: New River Trail, Mason Neck.	\$15 per person
Extended Canoe Interpretive Tour Fee for Individuals: Grayson Highlands, Hungry Mother, New River Trail, Natural Tunnel.	\$25 per person
Moonlight/Night Canoe Interpretive Tour Fee for Individuals: Leesylvania, York River, Chippokes.	\$13 per person
Moonlight/Night Canoe Interpretive Tour Fee for Individuals: Mason Neck.	\$20 per person
Sunset, Moonlight, Dawn, or Extended Canoe Interpretive Tour Fee for Family Groups: Applies to canoe, rowboat, or paddleboat tours. Minimum four 4 paying customers.	
All parks where offered unless otherwise noted.	\$5.00 per person
Sunset, Dawn, or Extended Canoe Interpretive Tour Fee for Family Groups: Leesylvania, York River, Chippokes. Requires 4 or more paying customers.	\$7.00 per person
Sunset, Dawn, or Extended Canoe Interpretive Tour Fee for Family Groups: New River Trail, Mason Neck.	\$11 per person
Moonlight/Night Canoe Interpretive Tour Fee for Family Groups: Leesylvania, York River. Requires 4 or more paying customers.	\$8.00 per person
Extended Canoe Interpretive Tour Fee for Family Groups: Grayson Highlands.	\$25 per person
Bear Creek Lake: Willis River Interpretive Canoe Tour	
Short Trip.	\$8.00 per person
Long Trip.	\$10 per person
Natural Tunnel Clinch River:	
Half-Day Trip Group Rate. Requires 10 or more paying customers.	\$12 per person
Full-Day Trip. Group Rate. Requires 10 or more paying customers.	\$20 per person
Half-Day Trip. Individuals.	\$15 per person
Full-Day Trip. Individuals.	\$25 per person
Overnight Trip. Individuals.	\$45 per person
Short Trip. Clinchport to Copper Creek	\$7.00 per person
False Cape: Day Kayak Paddle/Catered Lunch	\$60 per person
False Cape: Back Bay by Water	\$45 per person
Interpretive Kayak Tour, Solo Kayak: All parks where available unless otherwise noted.	\$16 per person
Interpretive Kayak Tour, Solo Kayak: Natural Tunnel	
Settlers Run	\$7.00 per person
Boones Run	\$15 per person

Regulations

Long Hunters Run	\$25 per person
Interpretive Kayak Tour, Solo Kayak: Westmoreland, Caledon	\$19 per person
Interpretive Kayak Tour, Solo Kayak: False Cape	\$20 per person
Interpretive Kayak Tour, Tandem Kayak: All parks where available unless otherwise noted.	\$22 per kayak
Interpretive Kayak Tour, Tandem Kayak: Westmoreland, Caledon	\$25 per kayak
Tag-along Fee: Participant provides their <u>his</u> own canoe or kayak. Not available at all sites.	\$10 per person
Interpretive Stand-Up Paddle Board Tour: Westmoreland	\$25 per person
Interpretive Pontoon Boat Tour: All parks where available.	\$2.00 (Age 3 through 12) \$3.00 (Age 13 and over)
Interpretive Tube Tour: all parks where available unless otherwise noted.	\$6.00 per person
Lake Excursion and Ecology Tour	
Claytor Lake: <u>2-hour tour includes grilled dinner and swimming. (Friday and Saturday only)</u>	\$10 <u>\$20</u> (Age 13 and over) \$7.00 <u>\$12</u> (Age 3 through 12)
Rental of Entire Boat (Exclusive Use): All parks where available	\$60 per tour

Notes on Interpretive Canoe, Boat, and Paddleboat Programs:

1. Cancellation Policy for group reservations: Guest must cancel four days prior to the tour date in order to receive a refund. Any guest canceling less than four days before the start of the reservation will not be eligible for a refund. A one-time \$10 cancellation fee will apply per reservation regardless of number of boats reserved. In the event of inclement weather where the park must cancel, the guest will be offered either a complete refund or reservation transfer to another date.
2. Additional costs for supplies and materials may apply.

4VAC5-36-150. Interpretive and educational tours and program fees.

INTERPRETIVE AND EDUCATIONAL TOURS AND PROGRAMS (NONTAXABLE)

Interpretive and Educational Tours and Programs		
PARK	PROGRAM	FEE
All parks unless otherwise noted:	Standard Interpretive Program or Tour: such as typical staff led nature hikes or campfire programs.	Free
	Fee-based Interpretive Program or Tour: (Fee only applies to programs or tours that have unusual costs or require special equipment, personnel, marketing, or other special arrangements).	\$2.00 per person \$6.00 per family
	Fee-based Night Hike or Evening Program or Evening Tour: (Fee only applies to programs or tours that have unusual costs or require special equipment, personnel, marketing, or other special arrangements).	\$3.00 per person \$8.00 per family
	Standard Workshop Fee	\$5.00 per child (Age 12 and under) \$15 per adult (Age 13 and over)

Regulations

	Standard Wagon Ride Program	\$3.00 per person \$8.00 per family \$25 exclusive group
	Extended or Special Event Wagon Ride Program	\$4.00 per person \$10 per family \$75 exclusive group booking
	Park Outreach Program: Price per park staff member conducting program	\$10 for under 2 hours \$25 for 2 to 3 hours \$50 for 4 hours plus
	Standard Junior Ranger Program: 4-day program. All parks unless noted below.	\$10 full program \$3.00 per day
	Haunted Hike	\$1.00 (Age 3 through 12) \$3.00 (Age 13 and over)
	Geo Caching or Orienteering Interpretive Program-	\$3.00 per person \$8.00 per family \$25 per group
	Nature-Themed Birthday Party: Includes a nature talk, hike, games, songs, and time in the Nature Center for gifts and cakes. At least one staff member is present to conduct activities.	\$96 per hour plus materials cost for 12 children \$8.00 per additional child
	Standard Women's Wellness Weekend Program	\$149 per person
Grayson Highlands	Junior Ranger Program	\$5.00 per person per day
	Hayrides	\$2.00 per child \$3.00 per adult
	Adventure Rangers Interpretive Program	\$10 per person per day
	Make a Birdhouse Program	\$5.00 per person
	Make Your Own Hiking Stick Program	\$3.00 per person
	2-Day Photography Class	\$35 per person
Twin Lakes	Haunted Hike	\$3.00 (Age 3 through 12) \$5.00 (Age 13 and over)
Occoneechee, Caledon	Individual interpretive program pass: (Allows admission for one 1 person to 4 interpretive programs valued at \$3.00 or less)	\$6.00 per pass
	Family interpretive program pass: (Allows admission for members of the same family to 4 interpretive programs valued at \$8.00 or less)	\$18 per pass
Pocahontas	Nature Camps	\$100 per child per program plus materials cost \$30 per child plus materials cost for Jr. Assistant. The Jr. Assistant helps the park staff in conducting camp programs.
	Curious Kids	\$3.00 per program

Regulations

	Nature and Discovery Programs (School/Groups Outreach)	\$4.00 per child \$80 minimum \$15 additional if program is outside of Chesterfield County
Sky Meadows	Nature and Discovery Programs (School/Groups Outreach)	\$2.00 per child \$50 minimum \$15 additional if program is outside of the following counties: Fauquier, Frederick, Clark, and Loudoun
	Junior Ranger Outdoor Adventure Camp	\$100 per child per program plus materials cost \$30 per child plus materials cost for Jr. Assistant. The Jr. Assistant helps the park staff in conducting camp programs.
Smith Mountain Lake	Nature and Discovery Programs (School/Groups Outreach)	\$10 per school visit
	<u>What Bird Am I?</u>	<u>\$3.00 per person</u>
	<u>Who Is Coming to Dinner? (Owl Program)</u>	<u>\$3.00 per person</u>
Southwest Virginia Museum	How Our Ancestors Lived	\$5.00 per person
	Special Themed Interpretive Program	\$10 per person
	Music or Literary Event	\$5.00 per person
	Workshop (Adult)	\$10 per person
	Workshop (Children)	\$5.00 per person
	Nature and Discovery Programs (School/Groups Outreach)	\$25 for under 2 hours \$50 from 2 hours to under 4 hours \$75 for 4 or more hours
	Guided Tour or Activity	School Groups: \$1.50 per person Public Groups: \$2.50 per person
Caledon	Step-On Tour Guide Service	\$7.00 per person
	Caledon Eagle Tours	\$6.00 per person \$50 Flat Rate (minimum: 10; maximum: 20)
	All Group Programs up to 2 hours long	\$5.00 per person
	Haunted Hay Ride	\$5.00 per person (age 7 and over) Children under 7 free
	Special Program Bus Fee: Programs involving transportation within the natural area.	\$3.00 per person
	Workshop (Adult)	\$15 per person
Natural Tunnel: Cove Ridge	Workshop (Children)	\$5.00 per person
	Guided Programs	\$25 per program (Maximum 30 participants) \$25 facility fee (If applicable)

Regulations

	Environmental Education (Children's Activities)	\$25 per program (Maximum 30 participants) \$25 facility fee (If applicable)
	Environmental Education (Adult Facilitation)	\$15 per person
Hungry Mother/ Hemlock Haven	Junior Naturalist Program	\$4.00 per person per week \$12 unlimited participation in interpretive season
Kiptopeke	Birding Program (Group Rates)	\$35 (Corporate) \$25 (Nonprofit)
York River	Guided Adventure Programs	\$4.00 per person \$40 per group (Minimum 12 persons)
Westmoreland	Guided Program Fee	\$25 per person
Natural Tunnel	Junior Ranger Program (Includes T-Shirt)	\$35 per person
	Wagon Ride Program	\$50 Exclusive Education Group Booking
	Hay Wagon and Hot Dog Roast	\$10 per person
	Bike Tours - 2 hours	\$10 per person
	Extended Bike Tours - 4 hours	\$15 per person
	Canoe and Bike Tour - 4 hours	\$20 per person
	Halloween Haunted House/Hay Wagon Ride	\$3.00 (Age 3 through 12) \$5.00 (Age 13 and over)
Mason Neck	Junior Ranger Program	\$50 per person
Holliday Lake	Field Archaeology Workshop	\$25 per person
	Junior Ranger Program (3 half-day workshop workshops) (Ages 6 to 13)	\$25 per child
False Cape	Wildlife Watch Tour – Per Person	\$8.00 per person
	Wilderness Survival Weekend (2-night stay)	\$200 per person
	Wilderness Survival Weekend (1-night stay)	\$100 per person
	Wilderness Survival Program	\$16
	Astronomy Program	\$16 per person
	Wild Women Weekend	\$200 per person
	Summer Survival	\$120 per person
	Blue Berry Blues	\$20 per person
Staunton River	Interpretive Craft	\$2.00 per person
First Landing	Junior Ranger Program 3 Hour Program	\$25 per person
	6 Hour Program	\$50 per person

Regulations

Bear Creek Lake	Junior Ranger Program	\$20 per person
Leesylvania	Junior Ranger Program	\$50 per person
	Halloween Haunted Hike	\$2.00 per person \$6.00 per group (4 person maximum)
	Interpretive Programs	\$2.00 per person
	Kids Fishing Tournament	\$2.00 per child
Natural Tunnel	Pannel Cave Tour	\$10 per person \$7.00 per person (Family-Group; 8-person minimum)
	Bolling Cave Tours	\$15 per person \$12 per person (Family-Group; 10-person minimum)
	Stock Creek Tunnel Tour/Snorkeling on the Clinch	\$5.00 per person
	<u>Canorkle (Canoeing and Snorkeling guided tour)</u>	<u>\$15 per person</u>
	<u>Hike to the Tub</u>	<u>\$10 per person</u>
New River Trail	New River Trail Seniors Van Tour Full Day	\$25 per person
	New River Trail Seniors Van Tour Half Day	\$15 per person
	Bertha Cave Tour	\$10 per person
James River	Haunted Wagon Ride	\$5.00 per person (Age 7 and over) Children 6 and under free
	Interpretive Archery Program	\$5.00 per person
Belle Isle	Triple Treat Program: Hayride/Canoe/Campfire	\$10 per person
	Junior Ranger 3-day program	\$5.00 per class
	Bike Tour: visitors can supply their own bike or rent separately	\$2.00 per person \$6.00 per family

Notes on interpretive and educational tours and programs:

Additional costs for supplies and materials may apply.

4VAC5-36-160. Outdoor skill program fees.

OUTDOOR SKILL PROGRAMS (NONTAXABLE)

Outdoor Skill Programs		FEE
Grayson Highlands	Outdoor Survival Skills and Backpacking	\$95 per person
	Basic Map and Compass	\$25 per person
	Beginning Rock Climbing and Backpacking	\$95 per person
	Advanced Map and Compass Skills	\$25 per person
Westmoreland, Douthat, Hungry Mother, False Cape	Photography Workshop, with meals and lodging	\$325 per person
	Photography Workshop, with meals, no lodging	\$295 per person

Regulations

	Photography Workshop, no meals, no lodging	\$225 per person
	Nonparticipant Lodging and Food	\$235 per person
	Nonparticipant Meals only	\$125 per person
Lake Anna	Prospecting for Gold Workshop	\$50 per person
Kiptopeke <u>Kiptopeke</u>	Kayak Fishing Program	\$35 per person
Hungry Mother	Mountain Empire Fly Fishing School	\$225 per person
Grayson Highlands	Guided Fly Fishing Trip: Half-day Guided Fly Fishing Trip: Full-day	\$50 per person \$75 per person
<u>Shenandoah River</u>	<u>Zipline Canopy Tour</u>	<u>\$89 per person</u>
Sky Meadows	Venture Realm Hiking Retreat	\$53 per person

4VAC5-36-200. Miscellaneous rental fees.

RENTALS (TAXABLE; Price here does not include tax)

Bike Rentals (includes helmet)	FEE
All parks where available unless otherwise noted	\$3.00 per hour \$8.00 per half-day \$15 per full-day
New River Trail, James River, Mason Neck	\$5.00 per hour \$12 per half-day \$18 per day
First Landing	\$5.00 per hour \$16 per day
<u>Claytor Lake</u>	
<u>Adult Bicycles</u>	<u>\$10 per hour</u> <u>\$15 per half-day</u> <u>\$25 per day</u>
<u>Children Bicycles</u>	<u>\$8.00 per hour</u> <u>\$12 per half-day</u> <u>\$20 per day</u>
<u>Children Bicycle Trailer</u>	<u>\$8.00 per hour</u> <u>\$12 per half-day</u> <u>\$20 per day</u>
Bike Helmet without bike rental	\$1.00
Child Cart for bike (<u>unless otherwise noted</u>)	\$5.00
Personal Bike Repair Services	\$25 basic tune-up \$60 standard tune-up \$13.50 flat repairs \$10 minor adjustments

Boat Rentals	
Standard Paddle Boat Paddleboat Rental:	
All parks where available unless otherwise noted	\$4.00 per half-hour \$6.00 per hour
Fairy Stone, Hungry Mother	\$5.00 per half-hour \$8.00 per hour
Smith Mountain Lake	\$25 per half-hour \$35 per one hour
Westmoreland	\$7.00 per half-hour \$12 per hour
Standard Canoe Rental:	
All parks where available unless otherwise noted.	\$8.00 per hour \$15 per half-day \$25 per full-day \$40 for 24 hours \$100 per week
Smith Mountain Lake	\$8.00 per half-hour \$12 per one hour \$60 for 24 hours \$30 additional for each day after first day
Claytor Lake	\$12 per hour \$35 per half-day \$50 per day
Leesylvania, Mason Neck	\$7.00 per half-hour \$12 per hour \$35 per half-day \$50 per day
James River	\$10 per hour (does not include shuttle) \$40 per day (does not include shuttle) \$120 per week (does not include shuttle)
Standard Float Trips:	
James River	
Bent Creek to Canoe Landing:	
Canoe	\$45 Max 3 people
Single Kayak	\$35 per kayak
Canoe Landing to Dixon Landing:	
Tubes	\$12 per tube
Group of four or more	\$10 per tube
Canoe	\$15 per canoe
Single Kayak	\$15 per kayak

Regulations

Bent Creek to Dixon Landing:	
Canoe	\$50 per canoe
Single Kayak	\$40 per kayak
Shuttle Service Only:	
Canoe Landing to Dixon Landing, canoe or single kayak, scheduled or unscheduled	\$2.00 per person \$5.00 per canoe/kayak
Bent Creek Shuttle (Scheduled)	\$5.00 per boat (canoe/kayak) \$5.00 per person
Bent Creek Shuttle (Unscheduled)	\$15 per boat (canoe/kayak) \$15 per person
Tubes	\$5.00 per person/Bent Creek Shuttle \$2.00 between landings in park
Late Rental Fee	\$15 per half hour past return time
New River Trail	\$7.00 per hour \$20 per half-day \$30 per day \$35 per half-day, includes canoe rental and shuttle \$50 per full day, includes canoe rental and shuttle
Canoe Rental (includes shuttle)	
Trip A: Austinville to Foster Falls	\$35 per canoe
Trip B: Ivanhoe to Austinville	\$50 per canoe
Trip C: Ivanhoe to Foster Falls	\$55 per canoe
Trip D: Foster Falls to Allisonia	\$55 per canoe
Kayak Rental (includes shuttle)	
Trip A: Austinville to Foster Falls	\$25 per kayak
Trip B: Ivanhoe to Foster Falls	\$40 per kayak
Trip C: Foster Falls to Allisonia	\$45 per kayak
Standard Rowboat Rental, without motor:	
All parks where available unless otherwise noted	\$6.00 per hour \$12 per half-day \$22 per full-day \$36 per 24 hours \$80 per week
Hungry Mother: Rowboats	\$4.00 per hour \$15 per day \$40 per week
New River Trail: Rafts and flat-bottom boats	\$7.00 per hour \$20 per half-day \$30 per day

Regulations

Standard Rowboat Rental with electric motor and battery: All parks where available unless otherwise noted	\$10 per hour \$20 per 4 hours \$36 per day \$100 per 4 days \$150 per week
Hungry Mother: Standard Rowboat Rental with electric motor and battery	\$12 per hour \$24 per 4 hours \$45 per day \$75 per 24 hours (limited to overnight guests)
Standard Motorboat Rental, 16-foot console steering, 25-45 horsepower outboard. All parks where available.	\$18 per hour \$90 per day
Standard Fishing Boat Rental with gasoline motor and one tank of fuel: All parks where available.	\$10 per hour (2-hour minimum) \$50 per day
Pedal Craft Rental: (Hydro-Bike, Surf-Bike, etc.) All parks where available unless otherwise noted.	
One person.	\$8.00 per hour
Two person.	\$10 per hour
Hungry Mother: Hydro Bike	\$5.25 per half hour \$8.00 per hour
Smith Mountain Lake: Hydro Bike	\$8.00 per half hour \$12 per hour \$4.00 additional per hour after first hour \$60 per 24 hours \$30 additional per day after first day
Barracuda Boat. All parks where available	\$10 per hour
Solo Kayak Rental:	
All parks where available unless otherwise noted	\$8.00 per hour \$20 per half-day \$30 per day \$40 for 24 hours \$100 per week
Westmoreland	\$12 per hour \$17 per half-day
Smith Mountain Lake	\$8.00 per half hour \$12 per hour \$60 per 24 hours \$30 additional per day after first day
Mason Neck	\$6.00 per half-hour \$10 per hour \$35 per half-day \$50 per day
James River	\$7.00 per hour (does not include shuttle) \$20 per day (does not include shuttle) \$80 per week (does not include shuttle) \$12 per half hour past return time

Regulations

Claytor Lake	\$10 per hour \$25 per half-day \$40 per day
Tandem Kayak Rental:	
All parks where available unless otherwise noted.	\$10 per hour \$20 per half-day \$30 per full-day \$45 for 24 hours \$120 per week
Westmoreland	\$15 per hour \$22 per half-day
Smith Mountain Lake	\$10 per half-hour \$15 per hour \$80 for 24 hours \$30 additional for each day after first day
Mason Neck	\$8.00 per half-hour \$15 per hour \$45 per 4 hours \$60 per day
Smith Mountain Lake: 14-foot fishing boat with 5 hp (3 person capacity). Rental does not include fuel and oil. Damage deposit of \$200 required.	\$50 for 3 hours \$10 additional per hour after first 3 hours \$150 for 24 hours \$30 additional per day after first day
Claytor Lake: 16-foot Bass Tracker with 60 hp motor. Damage deposit of 50% required.	\$30 per hour \$75 per half-day \$115 per day
Claytor Lake: 20-foot pontoon boat with 90 hp motor. Damage deposit of 50% required.	\$45 per hour \$120 per half-day \$185 per day
Claytor Lake: 21-foot pontoon boat (10 person capacity) with 75 hp motor and tow hook. Damage deposit of 50% required.	\$45 per hour \$125 per half-day \$195 per day
Claytor Lake: 24-foot pontoon boat with 75 hp motor. Damage deposit of 50% required.	\$50 per hour \$140 per half-day \$210 per day
Claytor Lake: 24-foot pontoon boat with 115 hp motor. Damage deposit of 50% required.	\$55 per hour \$150 per half-day \$225 per day
Claytor Lake: 30-foot pontoon boat with 115 hp motor. Damage deposit of 50% required.	\$60 per hour \$165 per half-day \$250 per day
Claytor Lake: 18-foot bowrider with 190 hp motor. Damage deposit of 50% required.	\$50 per hour \$135 \$130 per half-day \$205 \$200 per day

Regulations

Claytor Lake: 30-foot pontoon boat with 60 hp motor. Damage deposit of 50% required.	\$350 per day \$175 9 a.m. - noon \$225 1 p.m. -5 p.m.
Claytor Lake: 19-foot bowrider with 220 hp motor, Damage deposit of 50% required.	\$55 per hour \$150 per half-day \$225 per day
Occoneechee: 17-1/2-foot fishing boat. Rental includes 30 gallons of fuel. Damage deposit of \$200 required.	\$85 per hour \$20 additional per hour after first hour \$175 per 8 hours \$875 per 7 day week
Occoneechee: 20-foot pontoon boat with motor (8 person capacity) Rental includes 30 gallons of fuel. Damage deposit of \$200 required.	\$85 per hour \$20 additional per hour after first hour \$175 per 8 hours \$875 per 7 day week
Occoneechee: 22-foot pontoon boat with motor (10 person capacity) Rental includes 30 gallons of fuel. Damage deposit of \$200 required.	\$95 per hour \$20 additional per hour after first hour \$185 per 8 hours \$925 per 7 day week
Occoneechee: 25-foot pontoon boat with motor (14 person capacity) Rental includes 30 gallons of fuel. Damage deposit of \$200 required.	\$110 per hour \$25 additional per hour after first hour \$230 per 8 hours \$1,150 per 7 day week
Smith Mountain Lake: 18-20-foot Runabout with 190 hp (8 person capacity). Rental does not include fuel and oil. Damage deposit of \$200 required.	\$165 for 3 hours \$20 additional per hour after first 3 hours \$255 per 8 hours \$320 for 24 hours \$100 additional per day after first day
Claytor Lake: Jet Ski/Personal Watercraft	\$50 per hour \$140 per 4 hours \$210 per 8 hours
Smith Mountain Lake: 24-foot pontoon boat with 40 hp (10-12 person capacity). Damage deposit of \$200 required.	\$90 for 3 hours \$20 additional per hour after first 3 hours \$165 per 8 hours \$215 for 24 hours \$80 additional each day after first day
Smith Mountain Lake: Personal Watercraft (Waverunner 700). Rental does not include fuel and oil. Damage deposit of \$500 required.	\$180 for 3 hours \$20 additional per hour after first 3 hours \$270 per 8 hours \$335 for 24 hours \$130 additional per day after first day
Belle Isle: Motorboat less than 25 horsepower (3 gallons of fuel included, 2 hour minimum)	\$15 per hour \$60 per half-day \$100 per day
Belle Isle: Motorboat 25-49 horsepower (11 gallons of fuel included, 2 hour minimum)	\$22 per hour \$70 per half-day \$110 per day

Regulations

Standard Damage/Replacement Fees: All parks where available unless otherwise noted. Not required for damage due to normal wear and tear.	
Paddle	\$20
Anchor/Rope	\$40
Fuel Tank/Hose	\$60
Fire Extinguisher	\$25
Throw Cushion	\$10
Propeller (small)	\$100
Propeller (large)	\$135
Personal Flotation Device (PFD): replacement fee for lost/damaged PFD	\$25 each
Other Rentals:	
Personal Flotation Device (PFD): When separate from boat rental.	\$1.00 per day
Smith Mountain Lake, James River: Personal Flotation Device, type II.	\$5.00 for first day \$1.00 additional days
Smith Mountain Lake: Personal Flotation Device, type III	\$7.00 for first day \$2.00 additional days
Canoe/Kayak Paddles: All parks where available unless otherwise noted.	\$5.00 per day
New River Trail: Float Tubes	\$5.00 per hour \$12 per half-day \$18 per day
James River:	
Cooler Tubes	\$3.00 per day
Tubes	\$8.00 per hour (does not include shuttle) \$20 per day (does not include shuttle) \$12 per half hour past return time
Claytor Lake: 2-person tow tube and towrope (with rental of boat only)	\$20 per 2 hours \$25 per half-day \$30 per day
Claytor Lake: Water skis and towrope (with rental of boat only)	\$20 per 2 hours \$25 per half-day \$30 per day
Claytor Lake: Kneeboard and towrope (with rental of boat only)	\$15 per 2 hours \$20 per half-day \$25 per day
<u>Claytor Lake: Tubes/Skis (without boat rental)</u>	<u>\$25 per half-day</u> <u>\$35 per day</u>
Smith Mountain Lake: Tow tube; Water Skis; Knee Board	\$15 per day with boat rental \$5.00 per additional day \$25 per day without boat rental

Regulations

Smith Mountain Lake: Wake Board	\$25 per day with boat rental \$10 per additional day \$30 per day without boat rental
Mobile Pig Cooker: All parks where available unless otherwise noted.	\$40 per day
GPS Units	\$6.00 per unit per half-day \$10 per unit per day
Volleyball Net and Ball Rental: All parks where available.	\$10
Binocular Rentals (2 hours): All parks where available.	\$2.00
Beach Floats: All parks where available.	\$1.00 per hour \$3.00 for 4-hours \$5.00 for full-day
Surf Lounge Floating Chair Rental. All parks where available.	\$2.00 per hour, single chair \$5.00 per half-day, single chair \$7.00 per full day, single chair \$3.00 per hour, double chair \$7.00 per half-day, double chair \$10 per full day, double chair
Body Board: First Landing	\$6.00 per day
Standard Stand-Up Paddle Board: Westmoreland	\$15 per hour
Beach Umbrella: All parks where available unless otherwise noted.	\$3.00 per hour \$8.00 for 4 hours \$15 for full-day
First Landing	\$6.00 per day
Beach Chair: All parks where available	\$5.00 per day
First Landing	\$6.00 per day
Fishing Rods: All parks where available unless otherwise noted.	\$5.00 per half-day
First Landing	\$6.00 per day \$3.00 per rod per fishing program
Tents with a group camp reservation. All parks where available.	
2-person tent	\$12 per day
3-person tent	\$20 per day
4-person tent	\$25 per day
5-person tent	\$30 per day
Coleman Camp Stove Rental, includes fuel	\$10 per day
Tabletop Propane Grill, includes fuel	\$15 per day
Coin-Operated Washing Machine: All parks where available unless otherwise noted.	\$1.25 per load, tax included
First Landing	\$1.50 per load, tax included
Coin Operated Dryer: All parks where available unless otherwise noted.	\$1.25 per load, tax included
First Landing	\$1.50 per load, tax included

Regulations

Pump Out: All parks where available unless otherwise noted.	\$5.00
Horse Rentals:	
All parks where available unless otherwise noted.	\$20 per one-hour ride \$35 per two-hour ride \$100 per full day ride
Pony Rides: All parks where available unless otherwise noted.	\$5.00 per 15 minutes
Horseback Riding Lessons: All parks where available unless otherwise noted.	\$25 per lesson on group basis \$30 per lesson for individual
Horseback Summer Day Camp: All parks where available unless otherwise noted.	\$180 per person per week
Horseshoe or Croquet Rental for Campers. All parks where available.	\$1.00 per hour \$5.00 per day \$20 deposit
<u>Grayson Highlands:</u>	
<u>Bouldering pad</u>	<u>\$5.00 per day</u>
<u>Bouldering pad with chalk bag</u>	<u>\$8.00 per day</u>

4VAC5-36-210. Conference center and meeting facility fees.

CONFERENCE CENTERS (TAXABLE)

Prices may be discounted and/or waived by the director when necessary to create competitive bids for group sales.	FEE
Hemlock Haven Conference Center at Hungry Mother	
Main Hall (Capacity: 240)	\$350 per day
Upper Level Dogwood Room (Capacity: 50)	\$200 per day
Lower Level Board Room: (Capacity: 16)	\$100 per day
Ferrell Hall (Entire complex from 8 a.m. through 10 p.m.)	\$575 per day
Day Use Recreational Package (Includes all outside recreational facilities)	
0 – 250 Persons	\$300 per half-day \$600 per full-day
250 <u>251</u> – 500 Persons	\$425 per half-day \$850 per full-day
500 <u>501</u> + persons	\$575 per half-day \$1,200 per full-day
Cedar Crest Conference Center at Twin Lakes	
Complex: Doswell Hall with deck, grounds, volleyball, horseshoes; Kitchen, Latham and Hurt Rooms NOT included.	\$229 per 4 hours \$459 per day \$53 each extra hour
Doswell Meeting Room: Meeting Room only; no kitchen or dining room.	\$164 per room per 4 hours \$328 per room per day \$37 each extra hour

Regulations

Small breakout rooms with main room: Latham and Hurt.	\$65 per room per 4 hours \$131 per room per day \$21 each extra hour	
Small breakout rooms without main room.	\$98 per room per 4 hours \$196 per room per day \$37 each extra hour	
Picnic Shelter or Gazebo at Cedar Crest.	\$68 per 4 hours \$131 per day \$11 each extra hour	
Kitchen rental only available with complex rental.	\$105 per event	
Kitchen Cleaning Fee: Deposit.	\$150 per event	
Chippokes Plantation Meeting, Conference, and Special Use Facilities		
Mansion Conference Room.	\$26 per hour	
Mansion or Historic Area Grounds (Includes parking for party rental).	\$525 per 4 hours	
Mansion Board Room	\$105 per 4 hours	
Chippokes Plantation Conference Shelter (Available on reservation basis only).	\$105 per 4 hours	
Wedding Package (includes historic area grounds, gardens, tent set up and take down, 10 60-inch round tables, 10 standard size rectangle tables, 100 folding chairs, Wedding Coordinator, changing room for bride and groom, Mansion kitchen area, boardroom, no fee for wedding rehearsal).	\$1,412 per 4 hours \$2,073 per 8 hours \$50 nonrefundable reservation fee	
Southwest Virginia Museum	DAY	EVENING
Victorian Parlor		
Up to 30 People (8 tables – 30 chairs) OR Up to 50 people (50 chairs and head table)	\$42	\$68
Additional meeting rooms: Victorian Parlor must be rented in order to rent additional rooms.		
Hallway (downstairs) (Includes three existing tables with linens)	\$11	\$11
Additional Hours	\$10 per hour	\$10 per hour
Exceeding approved hours	\$20 per hour	\$20 per hour
Wedding Portraits	\$52 per 2 hours	\$78 per 2 hours
Wedding Packages	EVENT	
Wedding Package A: Accommodates 100 people. Use of arbor in Victorian Garden. Setup of 100 chairs. One parking attendant. Use of wedding space for previous night's rehearsal. Bride and groom dressing rooms. Free use of facilities for wedding portrait (must be scheduled).	\$500	

Regulations

Wedding Package B: Accommodates 100 people. Use of a 40x40 Tent. Small platform stage (4"H x 8'W x 8'L). Accent rope lighting. Setup of 100 chairs. One parking attendant. Use of wedding space for previous night's rehearsal. Bride and groom dressing rooms. Free use of facilities for wedding portrait (must be scheduled).	\$1,500	
Wedding Package C: Accommodates 200 people (this requires an off-site reception area). Use of a 40x60 tent. Small platform stage (4"H x 8'W x 8'L). Accent rope lighting. Setup of 200 chairs. Two parking attendants. Use of wedding space for previous night's rehearsal. Bride and groom dressing rooms. Free use of facilities for wedding portrait (must be scheduled).	\$2,500	
Reception Packages		
Casual Reception Package A: May be reserved with Wedding Package A or B. Use of Victorian Parlor or foyer; parlor set with serving tables and linens. Use of serving kitchen.	\$200	
Casual Reception Package B: May be reserved with Wedding Package A or B. Use of 20x30 tent; set with tables and linens. Use of serving kitchen.	\$300	
Formal Reception Package C: May be reserved with Wedding Package A or B. Use of 40x60 tent; sit-down reception for 100 to include tables, linens and chairs. Use of serving kitchen.	\$2,250	
Wedding and Reception Combination Package		
Wedding and Reception Combination Package: Accommodates 100 people. Both wedding and reception are held under the same tent. Use of a 40x60 tent. Small platform stage (4"H x 8'W x 8'L). Accent rope lighting. Setup of 100 chairs. One parking attendant. Use of wedding space for previous night's rehearsal. Bride and groom dressing rooms. Free use of facilities for wedding portrait (must be scheduled). Back of tent set with serving tables and linens. Use of serving kitchen.	\$2,500	
Damage Fee: a minimal damage fee will be assessed the person(s) renting the property for damage to the site.	\$200	
Wilderness Road (Mansion and Ground Rental)		
Karlan Mansion and Grounds Rental	\$350 for first day \$150 for each additional day	
<u>Wilderness Road Visitor Center Theater</u>	<u>\$50 per 4 hours</u>	
Cove Ridge Center at Natural Tunnel:	PRIVATE FEE	EDUCATIONAL FEE
Cove Ridge Center Annual Membership: Membership entitles organization to a 25% discount on facility rental fees and group rates on all programming offered through the center.	\$1,050 per year	\$525 per year

Regulations

Day Use: Exclusive use of the auditorium, meeting room, resource library, catering kitchen, great room with stone fireplace and deck for two consecutive half-day rental periods, and parking passes.	\$315 <u>\$415</u>	\$210
Overnight Use of one dorm: Includes Day Use Package plus one dorm rooms for one night and swimming (in season).	\$683	\$498
Overnight Use of both dorms: Includes Day Use Package plus two dorm rooms for one night and swimming (in season).	\$892	\$656
Wedding Package Day Use: Exclusive use of the auditorium, meeting room, resource library, catering kitchen, great room with stone fireplace and deck for three consecutive half-day rental periods, and parking passes.	\$525	NA
Wedding Package Overnight: Includes Day Use Package plus one dorm for one night and swimming (in season).	\$919	NA
Wedding Package Overnight: Includes Day Use Package plus both dorms for one night and swimming (in season).	\$1,102	NA
Wedding Package with Amphitheater: Rental of the park amphitheater in conjunction with any of the above wedding packages.	\$236 for the rental period	NA
Removal of furniture from great room (only available with exclusive use of the center).	\$42	\$42
Additional seating on deck (only available with exclusive use of the center).	\$42	\$0
Auditorium	\$126 <u>\$150</u> per half day \$231 <u>\$250</u> per full day	\$99 per half day \$183 per full day
Classroom – Library (half-day)	\$63	\$47
One dorm: Overnight lodging for up to 30, includes swimming (in season) and parking passes.	\$420 per night April 1-October 31 \$378 per night November 1-March 31	\$315 per night April 1-October 31 \$283 per night November 1-March 31
Both Dorms: Overnight lodging for up to 60, includes swimming (in season) and parking passes.	\$630 per night April 1-October 31 \$567 per night November 1-March 31	\$472 per night April 1-October 31 \$425 per night November 1-March 31
Per Person Student Rate for Overnight Dorm Use	\$13 per person	\$13 per person
Kitchen Use (when not included in package)	\$50 per event	\$50 per event
Heritage Center at Pocahontas: All reservations require 50% down at time of reservation (Nonrefundable within 14 days of event)	PRIVATE FEE	EDUCATIONAL FEE
Large Room (Capacity: seated at tables 50; reception style 125, auditorium 80: includes tables, chairs, and warming kitchen)	\$131 per 4 hours \$236 per full-day \$26 each extra hour	\$78 per 4 hours \$141 per full-day \$15 each extra hour

Regulations

<u>Grayson Highlands</u>	<u>FEE</u>
<u>Wedding Packages:</u>	
<u>0 – 100 persons</u>	<u>\$100</u>
<u>101 – 150 persons</u>	<u>\$150</u>
<u>151 – 200 persons</u>	<u>\$200</u>
<u>Westmoreland</u>	<u>FEE</u>
Tayloe and Helen Murphy Hall Meeting Facility: Includes Main Meeting Room, Kitchen, and Grounds	\$500 (8 a.m. to 10 p.m.) \$350 additional rental days after first day
Wedding and Reception Package for Tayloe and Helen Murphy Hall: The hours accompanying this package are 10:00 a.m. to 10:00 p.m. on Friday, 8:00 a.m. to 10:00 p.m. on Saturday, and 9:00 a.m. to 2:00 p.m. on Sunday.	\$1,000
Potomac Overlook Rental	\$55 per day
Kitchen Clean Up Fee: (Waived if renter cleans facility)	\$250 per event
Potomac River Retreat: Table and Chair Set-up	\$40
<u>Fairy Stone</u>	
Fayerdale Hall Meeting Facility Weekend Rental. Includes Friday, Saturday, and Sunday	
One Day Rental	\$236 (8 a.m. to 10 p.m.)
Two Consecutive Days Rental	\$315
Three Consecutive Days Rental	\$366
Fayerdale Hall Meeting Facility Weekday Rental. Includes Monday through Thursday only.	
One Day Rental	\$75 (8 a.m. to 10 p.m.)
Two Consecutive Days Rental	\$125
Three Consecutive Days Rental	\$174
Four Consecutive Days Rental	\$225
<u>Douthat</u>	
Restaurant (includes table set-up)	\$236
Allegheny Room: Up to 30 persons.	\$158 per day
Wedding Package: Conference room and amphitheater (see "amphitheater section") on day of wedding, plus an extra half-day amphitheater for rehearsal.	\$289
<u>First Landing</u>	
Trail Center Conference Room and Meeting Facility	\$280 per day
<u>Lake Anna</u>	
Visitor Center	\$32 per half-day \$53 per full day

Regulations

Concessions Building Rental	\$100 per day
Bear Creek Lake	
Meeting facility	\$350 per day (Memorial Day weekend through October 31) \$236 per day (November 1 up to Memorial Day weekend) \$25 each extra hour
Wedding Package	\$400 per day (Memorial Day weekend through October 31) \$315 per day (November 1 up to Memorial Day weekend)
Claytor Lake	
Marina Meeting Facility: Includes facility, chairs, and tables.	\$550 <u>\$633</u> per day, Friday – Sunday \$275 per day, Monday – Thursday \$825 <u>\$1,203</u> per two days
Wedding Package: Includes rental of facility, chairs, tables, gazebo, and special use permit (\$10 permit fee is waived with package).	\$625 <u>\$702</u> per day package \$995 <u>\$1,395</u> per two-day package
Leesylvania Wedding/Function Package: Includes Rental of: Lee's Landing Picnic Shelter, 100 Chairs, 15 Tables, and Parking for up to 50 vehicles.	\$840 per half-day \$945 per full-day
Mason Neck	
Small Wedding Package: Includes two 10 foot by 10 foot canopies, up to 50 chairs, and parking for up to 25 cars.	\$250 per event
Wedding Package: Includes a 20 foot by 40 foot tent, up to 100 chairs, and parking for up to 50 cars.	\$788 per event
Parking Attendant	\$53 per 4 hours
Smith Mountain Lake	
Meeting room at Visitor Center	\$158 per day
Exceeding approved hours. All parks unless otherwise noted below.	\$25 per hour
Sky Meadows	
Timberlake House Meeting Room Capacity 15 people	\$50 <u>\$150</u> per day 8 a.m. to 5 p.m. \$75 per evening beyond 5 p.m. <u>\$50</u> additional per day to extend rental to 8 p.m.
Timberlake House Kitchen (in conjunction with rental of meeting room)	\$25 per day or part of day
Equipment and Services Associated with Meetings and Rentals:	
Microphone/Podium Rental	\$15 per day
Stage Section Rental: 4' x 4'	\$24 per event
First Landing	
Trail Center Pergola	\$95 per 3 hours

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Chair Rentals	
White, padded	\$3.00
White, plastic event chair	\$1.50
Standard folding chair	\$1.00
Table Rentals	
Rectangular, 6'	\$7.50
Rectangular, 8'	\$8.00
Round, 4'	\$7.50
Round, 5'	\$8.75
Round, 6'	\$15
Linen Rentals: All parks unless otherwise noted	
Table cloth only Place settings	\$3.00 per table \$2.00 each
Wilderness Road	
Table cloth	\$7.00
Twin Lakes	
Overlay	\$1.25 per table
Napkins	\$0.40 per napkin
Fax	First 2 pages free \$2.00 each extra page
Copies	Single copy free \$0.15 each extra copy
Lost Key Fee	\$10
Easels	\$5.00 per day
Overhead Projector	\$10 per day
TV with VCR	\$10
Second TV	\$10
Overhead Projector with Screen	\$10
Slide Projector with Screen	\$10
Flip Chart	\$10
Event Set-up and Clean Up Fees	
First Landing	
Table and Chair Set-up Fee	\$40 per event
Park labor to clean up after special events and facility rentals if not done in accordance with rental agreement or use permit	\$50 per hour

Notes on conference and meeting facilities fees:

1. Conference and meeting facilities require a 30% prepayment due 10 days after making reservation, and payment of the full balance prior to or on the first day of the reservation. Cancellations made 14 or more days prior to the first day of the reservation shall be charged the lesser of 10% of the total fee or \$100. Cancellations made less ~~that~~ than 14 days prior to the first date of the reservation shall be charged 30% of the total fee.
2. Alcohol use during weddings at the Southwest Virginia Museum: Weddings held during public operating hours of the museum will not be allowed to serve alcohol. Weddings held after regular operating hours of the museum must comply with ABC permit laws and have alcohol in the designated reception areas.

4VAC5-36-220. Administrative and processing fees.

Returned Check Fee	\$35
Special Use Application Fee: Special use Permits, issued by the park, are required for special events, collecting permits, and unusual usage of the park that may interfere with other park visitors, place special demands on park resources, or create unusual risk. The fee is nonrefundable.	\$10 <u>\$25</u>
Replacement fee for annual pass: no replacement fee required for Golden Disability Pass.	\$10 <u>\$15</u>
Disabled Visitor Motorized Vehicle Annual Pass Processing Fee: New River Trail. Applies to specially permitted disabled vehicles and transportation devices allowed within the park. Fifteen dollars of the processing fee is refundable if permit is denied.	\$25

VA.R. Doc. No. R15-4163; Filed November 12, 2014, 11:18 a.m.

MARINE RESOURCES COMMISSION

Emergency Regulation

Title of Regulation: 4VAC20-620. Pertaining to Summer Flounder (amending 4VAC20-620-30, 4VAC20-620-40).

Statutory Authority: §§ 28.2-201 and 28.2-210 of the Code of Virginia.

Effective Dates: November 10, 2014, through December 10, 2014.

Agency Contact: Jane Warren, Agency Regulatory Coordinator, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-2248 or email betty.warren@mrc.virginia.gov.

Preamble:

This emergency action establishes a 20-day consecutive landing period beginning December 1, 2014, for any legally licensed summer flounder endorsement licensee landing summer flounder harvested outside of Virginia waters.

4VAC20-620-30. Commercial harvest quota and allowable landings.

A. During each calendar year, allowable commercial landings of Summer Flounder shall be limited to a quota in total pounds calculated pursuant to the joint Mid-Atlantic Fishery Management Council/Atlantic States Marine Fisheries Commission Summer Flounder Fishery Management Plan, as approved by the National Marine Fisheries Service on August 6, 1992 (50 CFR Part 625); and shall be distributed as described in subsections B through G of this section.

B. The commercial harvest of Summer Flounder from Virginia tidal waters for each calendar year shall be limited to 300,000 pounds of the annual quota described in subsection A of this section. Of this amount, 142,114 pounds shall be set aside for Chesapeake Bay-wide harvest.

C. From the first Monday in January through ~~the day preceding the second Monday in November~~ November 30, allowable landings of Summer Flounder harvested outside of Virginia shall be limited to an amount of pounds equal to 70.7% of the quota, as described in subsection A of this section, after deducting the amount specified in subsection B of this section.

D. From ~~the second Monday in November~~ December 1 through December 31, allowable landings of Summer Flounder harvested outside of Virginia shall be limited to an amount of pounds equal to 29.3% of the quota, as described in subsection A of this section, after deducting the amount specified in subsection B of this section, and as may be further modified by subsection E of this section.

E. Should landings from the first Monday in January through ~~the day preceding the second Monday in November~~ November 30 exceed or fall short of 70.7% of the quota described in subsection A of this section, any such excess shall be deducted from allowable landings described in subsection D of this section, and any such shortage shall be added to the allowable landings as described in subsection D of this section. Should the commercial harvest specified in subsection B of this section be projected as less than 300,000 pounds, any such shortage shall be added to the allowable landings described in subsection D of this section.

F. The Marine Resources Commission will give timely notice to the industry of the calculated poundages and any adjustments to any allowable landings described in

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subsections C and D of this section. It shall be unlawful for any person to harvest or to land Summer Flounder for commercial purposes after the commercial harvest or any allowable landings as described in this section have been attained and announced as such. If any person lands Summer Flounder after the commercial harvest or any allowable landing have been attained and announced as such, the entire amount of Summer Flounder in that person's possession shall be confiscated.

G. It shall be unlawful for any buyer of seafood to receive any Summer Flounder after any commercial harvest or landing quota as described in this section has been attained and announced as such.

4VAC20-620-40. Commercial vessel possession and landing limitations.

A. It shall be unlawful for any person harvesting Summer Flounder outside of Virginia's waters to do any of the following, except as described in subsections B, C, and D of this section:

1. Possess aboard any vessel in Virginia waters any amount of Summer Flounder in excess of 10% by weight of Atlantic croaker or the combined landings, on board a vessel, of black sea bass, scup, squid, scallops and Atlantic mackerel.
2. Possess aboard any vessel in Virginia waters any amount of Summer Flounder in excess of 1,500 pounds landed in combination with Atlantic croaker.
3. Fail to sell the vessel's entire harvest of all species at the point of landing.

B. From the second Wednesday in March through ~~the day preceding the second Monday in November~~ November 30, or until it has been projected and announced that 85% of the allowable landings have been taken, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia waters to do any of the following:

1. Possess aboard any vessel in Virginia waters any amount of Summer Flounder in excess of the combined total of the Virginia landing limit described in subdivision 3 of this subsection and the amount of the legal North Carolina landing limit or trip limit.
2. Land Summer Flounder in Virginia for commercial purposes more than twice during each consecutive 20-day period, with the first 20-day period beginning on the second Wednesday in March.
3. Land in Virginia more than 12,500 pounds of Summer Flounder during each consecutive 20-day period, with the first 20-day period beginning on the second Wednesday in March.
4. Land in Virginia any amount of Summer Flounder more than once in any consecutive five-day period.

C. From ~~the second Monday in November~~ December 1 through December 31 of each year, or until it has been

projected and announced that 85% of the allowable landings have been taken, it shall be unlawful for any person harvesting Summer Flounder outside of Virginia waters to do any of the following:

1. Possess aboard any vessel in Virginia waters any amount of Summer Flounder in excess of the combined total of the Virginia landing limit described in subdivision 3 of this subsection and the amount of the legal North Carolina landing limit or trip limit.
2. Land Summer Flounder in Virginia for commercial purposes more than twice during each consecutive ~~15-day~~ 20-day period, with the first ~~15-day~~ 20-day period beginning on ~~the second Monday in November~~ December 1.
3. Land in Virginia more than a total of 10,000 pounds of Summer Flounder during each consecutive ~~15-day~~ 20-day period, with the first ~~15-day~~ 20-day period beginning on ~~the second Monday in November~~ December 1.
4. Land in Virginia any amount of Summer Flounder more than once in any consecutive five-day period.

D. From January 1 through December 31 of each year, any boat or vessel issued a valid federal Summer Flounder moratorium permit and owned and operated by a legal Virginia Commercial Hook-and-Line Licensee that possesses a Restricted Summer Flounder Endorsement shall be restricted to a possession and landing limit of 200 pounds of Summer Flounder, except as described in 4VAC20-620-30 F.

E. Upon request by a marine police officer, the seafood buyer or processor shall offload and accurately determine the total weight of all Summer Flounder aboard any vessel landing Summer Flounder in Virginia.

F. Any possession limit described in this section shall be determined by the weight in pounds of Summer Flounder as customarily packed, boxed and weighed by the seafood buyer or processor. The weight of any Summer Flounder in pounds found in excess of any possession limit described in this section shall be prima facie evidence of violation of this chapter. Persons in possession of Summer Flounder aboard any vessel in excess of the possession limit shall be in violation of this chapter unless that vessel has requested and been granted safe harbor. Any buyer or processor offloading or accepting any quantity of Summer Flounder from any vessel in excess of the possession limit shall be in violation of this chapter, except as described by subsection I of this section. A buyer or processor may accept or buy Summer Flounder from a vessel that has secured safe harbor, provided that vessel has satisfied the requirements described in subsection I of this section.

G. If a person violates the possession limits described in this section, the entire amount of Summer Flounder in that person's possession shall be confiscated. Any confiscated Summer Flounder shall be considered as a removal from the appropriate commercial harvest or landings quota. Upon

confiscation, the marine police officer shall inventory the confiscated Summer Flounder and, at a minimum, secure two bids for purchase of the confiscated Summer Flounder from approved and licensed seafood buyers. The confiscated fish will be sold to the highest bidder and all funds derived from such sale shall be deposited for the Commonwealth pending court resolution of the charge of violating the possession limits established by this chapter. All of the collected funds will be returned to the accused upon a finding of innocence or forfeited to the Commonwealth upon a finding of guilty.

H. It shall be unlawful for a licensed seafood buyer or federally permitted seafood buyer to fail to contact the Marine Resources Commission Operation Station prior to a vessel offloading Summer Flounder harvested outside of Virginia. The buyer shall provide to the Marine Resources Commission the name of the vessel, its captain, an estimate of the amount in pounds of Summer Flounder on board that vessel, and the anticipated or approximate offloading time. Once offloading of any vessel is complete and the weight of the landed Summer Flounder has been determined, the buyer shall contact the Marine Resources Commission Operations Station and report the vessel name and corresponding weight of Summer Flounder landed. It shall be unlawful for any person to offload from a boat or vessel for commercial purposes any Summer Flounder during the period of 9 p.m. to 7 a.m.

I. Any boat or vessel that has entered Virginia waters for safe harbor shall only offload Summer Flounder when the state that licenses that vessel requests to transfer quota to Virginia, in the amount that corresponds to that vessel's possession limit, and the commissioner agrees to accept that transfer of quota.

J. After any commercial harvest or landing quota as described in 4VAC20-620-30 has been attained and announced as such, any boat or vessel possessing Summer Flounder on board may enter Virginia waters for safe harbor but shall contact the Marine Resources Commission Operation Center in advance of such entry into Virginia waters.

K. It shall be unlawful for any person harvesting Summer Flounder outside of Virginia waters to possess aboard any vessel, in Virginia, any amount of Summer Flounder, once it has been projected and announced that 100% of the quota described in 4VAC20-620-30 A has been taken.

VA.R. Doc. No. R15-4203; Filed November 6, 2014, 10:45 a.m.

Final Regulation

REGISTRAR'S NOTICE: The Marine Resources Commission is claiming an exemption from Article 2 of the Administrative Process Act in accordance with § 2.2-4006 A 11 of the Code of Virginia; however, the commission is required to publish the full text of final regulations.

Title of Regulation: 4VAC20-1090. Pertaining to Licensing Requirements and License Fees (amending 4VAC20-1090-30).

Statutory Authority: § 28.2-201 of the Code of Virginia.

Effective Date: January 1, 2015.

Agency Contact: Jane Warren, Agency Regulatory Coordinator, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-2248, FAX (757) 247-2002, or email betty.warren@mrc.virginia.gov.

Summary:

The amendments increase license fees for saltwater recreational fishing, combined sportfishing, combined sportfishing trip, and tidal boat sportfishing to ensure continuation of core recreational programs, including recreational law enforcement, the Virginia saltwater tournament, the game fish tagging program, and the artificial reef program.

4VAC20-1090-30. License fees.

The following listing of license fees applies to any person who purchases a license for the purposes of harvesting for commercial purposes, or fishing for recreational purposes, during any calendar year. The fees listed below include a \$1.00 agent fee.

1. COMMERCIAL LICENSES	
Commercial Fisherman Registration License	\$190.00
Commercial Fisherman Registration License for a person 70 years or older	\$90.00
Delayed Entry Registration.	\$190.00
Delayed Entry Registration License for a person 70 years or older	\$90.00
Seafood Landing License for each boat or vessel	\$175.00
For each Commercial Fishing Pier over or upon subaqueous beds (mandatory)	\$83.00
Seafood Buyer's License -- For each boat or motor vehicle	\$63.00
Seafood Buyer's License -- For each place of business	\$126.00
Clam Aquaculture Product Owner's Permit	\$10.00
Oyster Aquaculture Product Owner's Permit	\$10.00
Clam Aquaculture Harvester's Permit	\$5.00
Oyster Aquaculture Harvester's Permit	\$5.00
Nonresident Harvester's License	\$444.00

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2. OYSTER RESOURCE USER FEES		For each double-rigged patent tong boat taking oysters	\$70.00
Any licensed commercial fisherman harvesting oysters by hand	\$50.00	Oyster Dredge Public Ground	\$50.00
For any harvester using one or more gear types to harvest oysters or for any registered commercial fisherman who solely harvests or possesses any bushel limit described in 4VAC20-720-80, only one oyster resource user fee, per year, shall be paid	\$300.00	Oyster Hand Scrape	\$50.00
On any business shucking or packing no more than 1,000 gallons of oysters	\$500.00	To shuck and pack oysters, for any number of gallons under 1,000	\$12.00
On any business shucking or packing more than 1,000 but no more than 10,000 gallons of oysters	\$1,000.00	To shuck and pack oysters, for 1,000 gallons, up to 10,000	\$33.00
On any business shucking or packing more than 10,000 but no more than 25,000 gallons of oysters	\$2,000.00	To shuck and pack oysters, for 10,000 gallons, up to 25,000	\$74.00
On any business shucking or packing more than 25,000 gallons of oysters	\$4,000.00	To shuck and pack oysters, for 25,000 gallons, up to 50,000	\$124.00
On any oyster buyer using a single truck or location	\$100.00	To shuck and pack oysters, for 50,000 gallons, up to 100,000	\$207.00
On any oyster buyer using multiple trucks or locations	\$300.00	To shuck and pack oysters, for 100,000 gallons, up to 200,000	\$290.00
Commercial aquaculture operation, on riparian assignment or general oyster planting grounds	\$50.00	To shuck and pack oysters, for 200,000 gallons or over	\$456.00
3. OYSTER HARVESTING, SHUCKING, AND BUYERS LICENSES		4. BLUE CRAB HARVESTING AND SHEDDING LICENSES, EXCLUSIVE OF CRAB POT LICENSES	
Any person purchasing oysters caught from the public grounds of the Commonwealth or the Potomac River, for a single place of business with one boat or motor vehicle used for buying oysters	\$50.00	For each person taking or catching crabs by dip nets	\$13.00
Any person purchasing oysters caught from the public grounds of the Commonwealth or the Potomac River, for a single place of business with multiple boats or motor vehicles used for buying oysters	\$100.00	For ordinary trotlines	\$13.00
For each person taking oysters by hand, or with ordinary tongs	\$10.00	For patent trotlines	\$51.00
For each single-rigged patent tong boat taking oysters	\$35.00	For each single-rigged crab-scrape boat	\$26.00
		For each double-rigged crab-scrape boat	\$53.00
		For up to 210 peeler pots	\$36.00
		For up to 20 tanks and floats for shedding crabs	\$9.00
		For more than 20 tanks or floats for shedding crabs	\$19.00
		For each crab trap or crab pound	\$8.00
		5. CRAB POT LICENSES	
		For up to 85 crab pots	\$48.00
		For over 85 but not more than 127 crab pots	\$79.00
		For over 127 but not more than 170 crab pots	\$79.00

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For over 170 but not more than 255 crab pots	\$79.00	Each fyke net head, weir, or similar device	\$13.00
For over 255 but not more than 425 crab pots	\$127.00	For fish trotlines	\$19.00
6. HORSESHOE CRAB AND LOBSTER LICENSES		Each person using or operating a fish dip net	\$9.00
For each person harvesting horseshoe crabs by hand	\$16.00	On each haul seine used for catching fish, under 500 yards in length	\$48.00
For each boat engaged in fishing for, or landing of, lobster using less than 200 pots	\$41.00	On each haul seine used for catching fish, from 500 yards in length to 1,000 yards in length	\$146.00
For each boat engaged in fishing for, or landing of, lobster using 200 pots or more	\$166.00	For each person using commercial hook and line	\$31.00
7. CLAM HARVESTING LICENSES		For each person using commercial hook and line for catching striped bass only	\$31.00
For each person taking or harvesting clams by hand, rake or with ordinary tongs	\$24.00	For up to 100 fish pots or eel pots	\$19.00
For each single-rigged patent tong boat taking clams	\$58.00	For over 100 but not more than 300 fish pots or eel pots	\$24.00
For each double-rigged patent tong boat taking clams	\$84.00	For over 300 fish pots or eel pots	\$62.00
For each boat using clam dredge (hand)	\$19.00	10. MENHADEN HARVESTING LICENSES	
For each boat using clam dredge (power)	\$44.00	Any person purchasing more than one of the following licenses, as described in this subsection, for the same vessel, shall pay a fee equal to that for a single license for the same vessel.	
For each boat using hydraulic dredge to catch soft shell clams	\$83.00	On each boat or vessel under 70 gross tons fishing for the purse seine menhaden reduction sector	\$249.00
For each person taking surf clams	\$124.00	On each vessel 70 gross tons or over fishing for the purse seine menhaden reduction sector	\$996.00
8. CONCH (WHELK) HARVESTING LICENSES		On each boat or vessel under 70 gross tons fishing for the purse seine menhaden bait sector	\$249.00
For each boat using a conch dredge	\$58.00	On each vessel 70 gross tons or over fishing for the purse seine menhaden bait sector	\$996.00
For each person taking channeled whelk by conch pot	\$51.00	11. COMMERCIAL GEAR FOR RECREATIONAL USE	
9. FINFISH HARVESTING LICENSES		Up to five crab pots	\$36.00
Each pound net	\$41.00	Crab trotline (300 feet maximum)	\$10.00
Each stake gill net of 1,200 feet in length or under, with a fixed location	\$24.00	One crab trap or crab pound	\$6.00
All other gill nets up to 600 feet	\$16.00	One gill net up to 300 feet in length	\$9.00
All other gill nets over 600 feet and up to 1,200 feet	\$24.00	Fish dip net	\$7.00
Each person using a cast net or throw net or similar device	\$13.00		

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Fish cast net	\$10.00	Nonresidents	\$71.00 <u>\$76.00</u>
Up to two eel pots	\$10.00	14. COMBINED SPORTFISHING TRIP LICENSE This license is to fish in all inland waters and tidal waters of the Commonwealth during open season for five consecutive days.	
12. SALTWATER RECREATIONAL FISHING LICENSE		Residents	\$24.00 <u>\$28.00</u>
Individual, resident	\$17.50 <u>\$22.50</u>	Nonresidents	\$31.00 <u>\$35.00</u>
Individual, nonresident	\$25.00 <u>\$30.00</u>	15. TIDAL BOAT SPORTFISHING LICENSE	
Temporary 10-Day, resident	\$10.00 <u>\$15.00</u>	Residents	\$126.00 <u>\$131.00</u>
Temporary 10-Day, nonresident	\$10.00 <u>\$15.00</u>	Nonresidents	\$201.00 <u>\$206.00</u>
Recreational boat, resident	\$48.00 <u>\$53.00</u>	16. LIFETIME SALTWATER RECREATIONAL FISHING LICENSES	
Recreational boat, nonresident, provided a nonresident may not purchase a recreational boat license unless his boat is registered in Virginia	\$76.00 <u>\$84.00</u>	Individual Resident Lifetime License	\$276.00
Head Boat/Charter Boat, resident, six or less passengers	\$190.00 <u>\$224.00</u>	Individual Nonresident Lifetime License	\$500.00
Head Boat/Charter Boat, nonresident, six or less passengers	\$380.00 <u>\$421.00</u>	Individual Resident Lifetime License age 45 - 50	\$132.00
Head Boat/Charter Boat, resident, more than six passengers, plus \$5.00 per person, over six persons	\$190.00 <u>\$224.00</u>	Individual Nonresident Lifetime License age 45 - 50	\$240.00
Head Boat/Charter Boat, nonresident, more than six passengers, plus \$5.00 per person, over six persons	\$380.00 <u>\$421.00</u>	Individual Resident Lifetime License age 51 - 55	\$99.00
Rental Boat, resident, per boat, with maximum fee of \$703	\$14.00 <u>\$19.00</u>	Individual Nonresident Lifetime License 51 - 55	\$180.00
Rental Boat, nonresident, per boat, with maximum fee of \$1270	\$18.00 <u>\$23.00</u>	Individual Resident Lifetime License age 56 - 60	\$66.00
Commercial Fishing Pier (Optional)	\$632.00 <u>\$669.00</u>	Individual Nonresident Lifetime License age 56 - 60	\$120.00
Disabled Resident Lifetime Saltwater License	\$10.00	Individual Resident Lifetime License age 61 - 64	\$35.00
Disabled Nonresident Lifetime Saltwater License	\$10.00	Individual Nonresident Lifetime License age 61 - 64	\$60.00
Reissuance of Saltwater Recreational Boat License	\$5.00	Individual Resident Lifetime License age 65 and older	\$5.00
13. COMBINED SPORTFISHING LICENSE This license is to fish in all inland waters and tidal waters of the Commonwealth during open season.		V.A.R. Doc. No. R15-4202; Filed November 6, 2014, 11:47 a.m.	
Residents	\$39.50 <u>\$44.50</u>	◆ ————— ◆	

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

Fast-Track Regulation

Title of Regulation: 18VAC30-20. Regulations Governing the Practice of Audiology and Speech-Language Pathology (amending 18VAC30-20-80, 18VAC30-20-160, 18VAC30-20-170, 18VAC30-20-171, 18VAC30-20-185).

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Public Hearing Information: No public hearings are scheduled.

Public Comment Deadline: December 31, 2014.

Effective Date: January 15, 2015.

Agency Contact: Leslie L. Knachel, Executive Director, Board of Audiology and Speech-Language Pathology, 9960 Mayland Drive, Suite 300, Richmond, VA 23233-1463, telephone (804) 367-4630, FAX (804) 527-4413, or email leslie.knachel@dhp.virginia.gov.

Basis: 18VAC30-20, Regulations Governing the Practice of Audiology and Speech-Language Pathology, are promulgated under the general authority of § 54.1-2400 of the Code of Virginia. Subdivision 6 of § 54.1-2400 provides the Board of Audiology and Speech-Language Pathology the authority to promulgate regulations to administer the regulatory system.

The specific authority for the board to promulgate regulations for a provisional license in speech-language pathology is found in § 54.1-2604 of the Code of Virginia, which was amended by Chapter 436 of the 2013 Acts of Assembly to require clinical experience for licensure as a speech-language pathologist (SLP) and authorize the board to issue a provisional license to an applicant in speech-language pathology to allow the applicant to obtain clinical experience.

Purpose: If the board continues to grant a full license to SLPs without evidence of clinical competency, the public may be at risk of receiving inadequate or incompetent services. Those services are often provided to young children or elderly stroke victims. The issuance of a provisional license to SLP applicants will allow them to receive clinical supervision for their practice and allow the board to issue full, independent licensure with some assurance of competency to protect the health, safety, and welfare of the public.

Rationale for Using Fast-Track Process: The board expects this regulatory action to be noncontroversial because issuance of and practice with a provisional license is already common for audiologists. The legislation that resulted in Chapter 436 of the 2013 Acts of Assembly was requested by the Speech-Language-Hearing Association of Virginia and is strongly supported by the profession. Additionally, Virginia has been only one of three states not requiring clinical experience for licensure, so these changes will make licensure in the

Commonwealth consistent with other states and improve mobility for practitioners.

Substance: The proposed amendments will allow an applicant for reinstatement or licensure by endorsement to meet the requirements for clinical experience by obtaining a provisional license and practicing under supervision for six months. A provisional license will also be available to a person with a graduate degree who is practicing under supervision to complete a clinical fellowship year and qualify for clinical competency certification from the American Speech-Language-Hearing Association (ASHA). Such certification will be required for full licensure in order to ensure minimal clinical competency for licensed speech-language pathologists.

Issues: The primary advantage to the public is assurance of clinical competency for licensed speech-language pathologists. Additionally, a few SLPs, who are currently unable to be licensed by endorsement, may be able to obtain practical experience through a provisional license, which will qualify them for licensure in Virginia. There are no disadvantages to the public.

The credentials review for SLP applicants will be performed by ASHA, so there is an advantage to the Commonwealth in terms of cost-avoidance to the board. There are no disadvantages to the Commonwealth.

The professional association of speech-language pathologists in Virginia is fully supportive of the changes and worked to get authorizing legislation passed in the General Assembly.

Department of Planning and Budget's Economic Impact Analysis:

Summary of the Proposed Amendments to Regulation. Pursuant to Chapter 436 of the 2013 Acts of the Assembly, the proposed regulations establish provisional licensing for speech-language pathologists who do not have clinical experience.

Result of Analysis. The benefits likely exceed the costs for all proposed changes. However, there is insufficient data to accurately compare the magnitude of the benefits versus the costs. Detailed analysis of the benefits and costs can be found in the next section.

Estimated Economic Impact. Pursuant to Chapter 436 of the 2013 Acts of the Assembly, the proposed regulations establish provisional licensing for speech-language pathologists who do not have clinical experience. Under the current regulations, clinical experience is not required for full licensure in speech-language pathology. If an applicant has met the educational and examination requirements, he or she may be issued a full license to practice speech-language pathology.

Under the proposed regulations, an applicant who has met the educational and examination requirements, but is lacking clinical experience may be allowed to practice speech-language pathology with a provisional license under the

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supervision of a licensed practitioner. At the completion of required clinical experience, a provisional license may be upgraded to a full license. According to the Department of Health Professions (DHP), allowing practice of speech-language pathology without supervision could be risky if the practitioner lacks clinical experience. Thus, the proposed provisional licensure is expected to reduce health and safety risks that may be posed by inexperienced speech-language pathologists.

The main costs of the proposed change will be on the applicants. With the proposed changes, applicants who receive a provisional license may be allowed to practice their profession only under the supervision of a fully licensed practitioner. Because of the required supervision, provisional licensees may see a reduction in the pool of potential employers if some employers are unwilling to provide supervision or unwilling to allow their fully licensed staff to provide supervision. There could also be a negative effect on the pay due to the provisional nature of the license. However, DHP is unaware from the 47 other states that require clinical experience for licensure of any evidence indicating that fully licensed persons would not be willing to supervise a provisional licensee. In addition, the Board of Audiology and Speech-Language Pathology will rely on a certification issued by American Speech Language Hearing Association (ASHA) to determine clinical competency. According to DHP, ASHA may charge \$286 to \$511 to review an applicant's clinical credentials depending on the type of the certificate sought. However, the applicants for provisional license will be required to pay only a \$50 application fee instead of \$135 for a full license, which represents \$85 savings per application.

Another significant benefit will accrue to the speech-language pathologists whose license may have lapsed for more than five years or applicants for licensure by endorsement who have not been actively practicing for three of the past five years. Under the current regulations, these individuals are required to retake the qualifying examination which costs about \$115. Under the proposed regulations, they will be allowed to practice with a provisional license without having to retake the exam and may upgrade to a full license after six months. Not having to retake the exam will provide time and travel savings in addition to the savings in exam fee for these individuals.

Businesses and Entities Affected. DHP receives approximately 300 to 350 applications per year for speech language pathology license. One half of the applicants are estimated to lack clinical experience.

Localities Particularly Affected. The proposed regulations apply throughout the Commonwealth.

Projected Impact on Employment. Required supervision for provisional licensees may have a negative impact on the demand for speech-language pathologists with a provisional license. Increased costs due to ASHA review of clinical credentials may provide disincentives to get into this

profession. Finally, the elimination of the requirement to retake the exam for those with a lapsed license will make it easier for them to get back into the profession. While the net impact of these opposite effects on demand and supply of speech-language pathologists in the Commonwealth is not known, it probably will be small.

Effects on the Use and Value of Private Property. Required supervision for provisional licensees may increase costs for some employers and have a negative effect on their asset values.

Small Businesses: Costs and Other Effects. Some of the entities hiring speech-language pathologists may be small businesses. As discussed above, required supervision may add to their costs.

Small Businesses: Alternative Method that Minimizes Adverse Impact. There is no known alternative that minimizes potential costs on small businesses while accomplishing the same health and safety goals.

Real Estate Development Costs. No impact on real estate development costs is expected.

Legal Mandate. The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Administrative Process Act and Executive Order Number 14 (10). Section 2.2-4007.04 requires that such economic impact analyses include, but need not be limited to, a determination of the public benefit, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. Further, if the proposed regulation has an adverse effect on small businesses, § 2.2-4007.04 requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.

Agency's Response to Economic Impact Analysis: The Board of Audiology and Speech-Language Pathology concurs with the analysis of the Department of Planning and Budget.

Summary:

Pursuant to changes to § 54.1-2604 of the Code of Virginia by Chapter 436 of the 2013 Acts of Assembly, the

amendments (i) require an applicant for full licensure in speech-language pathology to have clinical experience and (ii) add provisional licensure in speech-language pathology for the purpose of allowing applicants to gain the clinical experience.

18VAC30-20-80. Fees.

A. The following fees shall be paid as applicable for licensure:

1. Application for audiology or speech-language pathology license	\$135
2. Application for school speech-language pathology license	\$70
3. Verification of licensure requests from other states	\$20
4. Annual renewal of audiology or speech-language pathology license	\$75
5. Late renewal of audiology or speech-language pathology license	\$25
6. Annual renewal of school speech-language pathology license	\$40
7. Late renewal of school speech-language pathology license	\$15
8. Reinstatement of audiology or speech-language pathology license	\$135
9. Reinstatement of school speech-language pathology license	\$70
10. Duplicate wall certificates	\$25
11. Duplicate license	\$5
12. Returned check	\$35
13. Inactive license renewal for audiology or speech-language pathology	\$40
14. Inactive license renewal for school speech-language pathology	\$20
15. Approval of a continuing education sponsor	\$200
16. Application for provisional license in audiology	\$50
17. Renewal of provisional license in audiology	\$25

B. Fees shall be made payable to the Treasurer of Virginia and shall not be refunded once submitted.

~~C. For the renewal of licenses by December 31, 2013, the fees shall be as follows:~~

1. Annual renewal of audiology or speech-language pathology license	\$55
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2. Annual renewal of school speech language pathology license	\$30
3. Inactive license renewal for audiology or speech language pathology	\$30
4. Renewal of provisional license in audiology	\$20

18VAC30-20-160. Reinstatement of lapsed license.

A. When a license has not been renewed within one year of the expiration date, a person may apply to reinstate his license by submission of a reinstatement application, payment of the reinstatement fee, and submission of documentation of 15 continuing competency hours for each year the license has been lapsed, not to exceed 60 hours obtained during the time the license in Virginia was lapsed.

B. A licensee who does not reinstate within five years as prescribed by subsection A of this section shall either:

1. Reapply for licensure as prescribed by 18VAC30-20-170 and meet the qualifications for licensure in effect at the time of the new application; or
2. Meet the continuing competency requirements specified in subsection A of this section and provide documentation of a current license in another jurisdiction in the United States and evidence of active practice for at least three of the past five years.

C. An applicant for reinstatement ~~in audiology~~ who does not meet one of the requirements of subsection B of this section may qualify for reinstatement by practice under supervision with a provisional license for six months and a recommendation for reinstatement by his supervisor. The board may issue a provisional license to an applicant who can provide evidence of having met the applicable educational qualifications prescribed in 18VAC30-20-170 and passage of the qualifying examination at the time of initial licensure. Provisional licensure shall be practiced ~~under the supervision of a licensed audiologist and~~ in accordance with ~~subsections D and E of~~ 18VAC30-20-171.

D. If the licensee holds licensure in any other state or jurisdiction, he shall provide evidence that no disciplinary action has been taken or is pending. The board reserves the right to deny a request for reinstatement to any licensee who has been determined to have committed an act in violation of 18VAC30-20-280.

Part III
Requirements for Licensure

18VAC30-20-170. Requirements for licensure.

A. The board may grant a license to an applicant who:

1. Holds a current and unrestricted Certificate of Clinical Competence in the area in which he seeks licensure issued by the American Speech-Language-Hearing Association, certification issued by the American Board of Audiology or any other accrediting body recognized by the board.

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Verification of currency shall be in the form of a certified letter from a recognized accrediting body issued within six months prior to licensure; and

2. Has passed the qualifying examination from an accrediting body recognized by the board within three years preceding the date of applying for licensure, or has been actively engaged in the respective profession for which he seeks licensure for one of the past three consecutive years preceding the date of application; or

~~B. The board may grant a license to an applicant for licensure as a speech-language pathologist who:~~

~~1. Holds a master's degree or its equivalent as determined by the board or a doctoral degree from a college or university whose speech language program is accredited by the Council on Academic Accreditation of the American Speech-Language-Hearing Association or an equivalent accrediting body; and~~

~~2. Has passed a qualifying examination from an accrediting body recognized by the board within three years preceding the date of applying for licensure in Virginia or has been actively engaged as a speech language pathologist for one of the past three consecutive years preceding the date of application.~~

~~C. The board may grant a license to an applicant as a school speech-language pathologist who holds a master's degree in speech-language-pathology.~~

~~D. C. Any individual who holds an active, renewable license issued by the Virginia Board of Education with a valid endorsement in speech-language pathology on June 30, 2014, shall be deemed qualified to obtain a school speech-language pathologist license from the board until July 1, 2016, or the date of expiration of such person's license issued by the Virginia Board of Education, whichever is later.~~

18VAC30-20-171. Provisional licensure in audiology.

A. The board may grant a provisional license in audiology to an applicant who submits a completed application and fee with documentation that the applicant:

1. Is a graduate of or is currently enrolled in a doctoral program in audiology at a college or university whose audiology program is accredited by the Council on Academic Accreditation of the American Speech-Language-Hearing Association or an equivalent accrediting body;

2. Has successfully completed all the didactic coursework required for the doctoral degree as documented by the audiology program; and

3. Has passed a qualifying examination from an accrediting body recognized by the board within three years preceding the date of applying for provisional licensure in Virginia.

B. The board may grant a provisional license in speech-language pathology to an applicant who submits a completed application and fee with documentation that the applicant:

1. Is a graduate of or is currently enrolled in a graduate program in speech-language pathology at a college or university whose program is accredited by the Council on Academic Accreditation of the American Speech-Language-Hearing Association or an equivalent accrediting body;

2. Has successfully completed all the didactic coursework required for the graduate degree as documented by the speech-language pathology program; and

3. Has passed a qualifying examination from an accrediting body recognized by the board within three years preceding the date of applying for provisional licensure in Virginia.

~~B. C.~~ A provisional license shall expire 18 months from the date of issuance and may be renewed for an additional six months by submission of a renewal form and payment of a renewal fee. Renewal of a provisional license beyond 24 months shall be for good cause shown as determined by a committee of the board.

~~C. D.~~ The holder of a provisional license in audiology shall only practice under the supervision of a licensed audiologist and the holder of a provisional license in speech-language pathology shall only practice under the supervision of a licensed speech-language pathologist in order to obtain clinical experience as required for certification by the American Speech-Language-Hearing Association, the American Board of Audiology, or any other accrediting body recognized by the board. The provisional licensee shall be responsible and accountable for the safe performance of those direct patient care tasks to which he has been assigned.

~~D. E.~~ Licensed audiologists or speech-language pathologists providing supervision shall:

1. Have an active, current license and at least three years of active practice as an audiologist or speech-language pathologist prior to providing supervision;

~~1. 2.~~ Notify the board electronically or in writing of the intent to provide supervision for a provisional licensee;

~~2. 3.~~ Document the frequency and nature of the supervision of provisional licensees;

~~3. 4.~~ Be responsible and accountable for the assignment of patients and tasks based on their assessment and evaluation of the provisional licensee's knowledge and skills; and

~~4. 5.~~ Monitor clinical performance and intervene if necessary for the safety and protection of the patients.

~~E. F.~~ The identity of a provisional licensee shall be disclosed to the client prior to treatment and shall be made a part of the client's file.

18VAC30-20-185. Licensure by endorsement.

A. An applicant who has been licensed in another jurisdiction in the United States may apply for licensure in Virginia by submission of a completed application, payment of the application fee, and submission of documentation of 15

continuing competency hours for each year in which he has been licensed in the other jurisdiction, not to exceed 60 hours.

B. An applicant shall either:

1. Meet the qualifications for licensure as prescribed by 18VAC30-20-170; or
2. Provide documentation of a current license in another jurisdiction in the United States and evidence of active practice for at least three of the past five years.

C. An applicant for licensure by endorsement ~~in audiology~~ who does not meet one of the requirements of subsection B of this section may qualify for endorsement by practice under supervision with a provisional license for six months and a recommendation for licensure by his supervisor. The board may issue a provisional license to an applicant who can provide evidence of having met the educational qualifications prescribed in 18VAC30-20-170 and passage of the qualifying examination at the time of initial licensure. Provisional licensure shall be practiced ~~under the supervision of a licensed audiologist and in accordance with subsections D and E of 18VAC30-20-171.~~

D. An applicant shall provide evidence that no disciplinary action has been taken or is pending against his license in another jurisdiction. The board reserves the right to deny a request for licensure to any applicant who has been determined to have committed an act in violation of 18VAC30-20-280.

V.A.R. Doc. No. R15-3820; Filed November 6, 2014, 9:14 a.m.

BOARD FOR CONTRACTORS

Proposed Regulation

Title of Regulation: 18VAC50-22. Board for Contractors Regulations (amending 18VAC50-22-20, 18VAC50-22-30).

Statutory Authority: §§ 54.1-201 and 54.1-1102 of the Code of Virginia.

Public Hearing Information:

January 21, 2015 - 10 a.m. - Department of Professional and Occupational Regulation, Perimeter Center, Training Room 2, 9960 Mayland Drive, Richmond, VA 23233

Public Comment Deadline: January 30, 2015.

Agency Contact: Eric L. Olson, Executive Director, Board for Contractors, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-2785, FAX (866) 430-1033, or email contractors@dpor.virginia.gov.

Basis: Section 54.1-1102 of the Code of Virginia provides the authority for the board to promulgate regulations for the licensure of contractors in the Commonwealth. The content of the regulations is pursuant to the board's discretion, but shall not be in conflict with the purposes of the statutory authority.

Purpose: The board seeks to amend the current regulations to include commercial building contractors and residential building contractors. The proposed amendments are required

to comply with the provisions of Chapter 116 of the 2013 Acts of Assembly.

Substance: 18VAC50-22-20 defines the scope of practice allowed for each classification. The proposed amendments add the classification of commercial building contractors and outline the scope of practice this classification is permitted to perform. The proposed amendments also amend the current definition of building contractor, changing it to residential building contractor, and change the definition so that it only references residential work.

18VAC50-22-30 defines the scope of practice allowed for each specialty. The proposed amendments change the definition of any specialty that requires a reference to the new commercial building contractor classification.

Issues: In amending these regulations, the Board for Contractors is complying with the provisions of Chapter 116 of the 2013 Acts of Assembly, which establish the requirement for "commercial building contractors" and "residential building contractors." The General Assembly determined a need for this level of regulation to protect the public. One advantage of these amendments is to ensure that work done on both residential property and commercial property is performed by companies that have demonstrated enough experience to reasonably assume competency in the specific area in which they are licensed. Another advantage of these amendments is to commercial building contractors. The new legislation excludes a contractor holding the commercial building contractor classification from paying into the Virginia Contractor Transaction Recovery Fund.

One possible disadvantage of these amendments is that a contractor who performs both residential and commercial building will need to apply for a contractor license with both classifications. The qualified individual will need to complete an exam for each classification. Another potential disadvantage is a decrease in the balance of the Transaction Recovery Fund. This decrease is expected to be minimal.

The primary advantage to the agency is that the revisions to the regulations will make it easier for investigations concerning the Transaction Recovery Fund. There are no disadvantages to the agency or the Commonwealth.

Department of Planning and Budget's Economic Impact Analysis:

Summary of the Proposed Amendments to Regulation. Pursuant to Chapter 116 of the 2013 Acts of the Assembly, the Board for Contractors (Board) proposes to split contractor classification into two categories and specify which specialties fall under each classification.

Result of Analysis. Benefits likely outweigh costs for these proposed changes.

Estimated Economic Impact. Currently, contractors are licensed by the Board as Class A, B or C contractors depending on the value of the jobs they are contracted to complete. In 2013, the General Assembly passed legislation

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that split the contractor classification in two so that Class A, B or C licenses will classify contractors as commercial building contractors or residential building contractors (or both). The Board now proposes to amend these regulations to conform to Chapter 116 and to specify which specialties fall under each classification so that Board staff, as well as regulated entities, have an understanding of which larger classification is necessary to do certain types of work. Specifically, 1) billboard contracting, 2) commercial improvement contracting, 3) farm improvement contracting, 4) marine facility contracting and 5) recreational facility contracting will fall under the commercial building contractor classification; home improvement contracting will fall under the residential building contractor classification. Additionally, 1) Concrete contracting, 2) industrial building contracting, 3) landscape services contracting, 4) masonry contracting, 5) painting and wallcovering contracting, 6) roofing contracting and 7) swimming pool contracting may fall under either classification depending on the type of property the contractor is working on.

Board staff reports that all currently licensed contractors will be issued appropriate licenses with both classifications and that individuals applying for contractor licensure in the future may receive one or both classifications (with as many specialty designations as they are qualified for) at the time of initial licensure for the same fee paid now for a general building contractors license. Contractors will continue to pay additional fees for specialties added to their licenses after initial licensure.

Licensed contractors are unlikely to incur extra costs on account of these proposed regulations. Regulated entities and other interested parties are likely to gain a small benefit from eliminating possible confusion by having these regulations conform to relevant legislation.

Businesses and Entities Affected. Board staff reports that, as of September 30, 2013, the Board licenses 92,200 contractors. All of these entities, as well as any others that might want to be licensed as contractors in the future, will be affected by these proposed regulations.

Localities Particularly Affected. No locality will be particularly affected by this proposed regulatory action.

Projected Impact on Employment. This regulatory action is unlikely to impact employment in the Commonwealth.

Effects on the Use and Value of Private Property. This regulatory action is unlikely to affect the use or value of private property in the Commonwealth.

Small Businesses: Costs and Other Effects. Affected small businesses are unlikely to incur any additional costs on account of this regulatory action.

Small Businesses: Alternative Method that Minimizes Adverse Impact. Affected small businesses are unlikely to incur any additional costs on account of this regulatory action.

Real Estate Development Costs. This regulatory action will likely have no effect on real estate development costs in the Commonwealth.

Legal Mandate. The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Administrative Process Act and Executive Order Number 14 (10). Section 2.2-4007.04 requires that such economic impact analyses include, but need not be limited to, a determination of the public benefit, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. Further, if the proposed regulation has an adverse effect on small businesses, § 2.2-4007.04 requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.

Agency's Response to Economic Impact Analysis: The Board for Contractors concurs with the analysis of the Department of Planning and Budget.

Summary:

Pursuant to Chapter 116 of the 2013 Acts of Assembly, the proposed amendments (i) add the classification of commercial building contractor and outline the scope of practice this classification is permitted to perform, (ii) change the current definition of building contractor to residential building contractor and amend the definition so that it only references residential work, and (iii) change the definition of any specialty that requires a reference to the new commercial building contractor classification.

18VAC50-22-20. Definitions of license classifications.

The following words and terms when used in this chapter unless a different meaning is provided or is plainly required by the context shall have the following meanings:

~~"Building contractors" (Abbr: BLD) means those individuals whose contracts include construction on real property owned, controlled or leased by another person of commercial, industrial, institutional, governmental, residential (single family, two family or multifamily) and accessory use buildings or structures. This classification also provides for~~

remodeling, repair, improvement or demolition of these buildings and structures.

~~If the BLD contractor performs specialty services other than those listed below, all required specialty designations shall be obtained. The BLD contractor may act as a prime contractor and contract with subcontractors to perform work not permitted by the BLD license. The building classification includes but is not limited to the functions carried out by the following specialties:~~

~~Billboard/sign contracting
Commercial improvement contracting
Concrete contracting
Farm improvement contracting
Home improvement contracting
Industrialized building contracting
Landscape service contracting
Marine facility contracting
Masonry contracting
Recreational facility contracting
Roofing contracting~~

"Commercial building contractors" (Abbr: CBC) means those individuals whose contracts include construction, remodeling, repair, improvement, removal, or demolition on real property owned, controlled, or leased by another person of commercial, industrial, institutional, governmental, and accessory use buildings or structures. The CBC classification does not provide for electrical, plumbing, HVAC, or gas fitting services and does not allow construction, removal, repair, improvement, or demolition of dwellings and townhouses.

If the CBC performs specialty services other than those listed in this definition, all required specialty designations shall be obtained. The CBC may act as a prime contractor and contract with subcontractors to perform work not permitted by the CBC license. The commercial building classification includes but is not limited to the functions carried out by the following specialties for contracts of commercial, institutional, governmental, and accessory use buildings or structures, including multi-family housing:

Billboard/sign contracting
Commercial improvement contracting
Concrete contracting
Farm improvement contracting
Industrialized building contracting
Landscape service contracting
Marine facility contracting
Masonry contracting
Painting and wallcovering contracting
Recreational facility contracting
Roofing contracting
Swimming pool contracting

"Electrical contractors" (Abbr: ELE) means those individuals whose contracts include the construction, repair, maintenance, alteration, or removal of electrical systems. This

classification provides for all work covered by the electrical provisions of the USBC including electronic/communication service contracting (ESC) and fire alarm systems contracting (FAS) specialties. A firm holding an ELE license is responsible for meeting all applicable individual license and certification regulations.

"Highway/heavy contractors" (Abbr: H/H) means those individuals whose contracts include construction, repair, improvement, or demolition of the following:

Bridges
Dams
Drainage systems
Foundations
Parking lots
Public transit systems
Rail roads
Roads
Runways
Streets
Structural signs & and lights
Tanks

The functions carried out by these contractors include but are not limited to the following:

Building demolition
Clearing
Concrete work
Excavating
Grading
Nonwater well drilling
Paving
Pile driving
Road marking
Steel erection

These contractors also install, maintain, or dismantle the following:

1. Power systems for the generation and primary and secondary distribution of electric current ahead of the customer's meter;
2. Pumping stations and treatment plants;
3. Telephone, telegraph, or signal systems for public utilities; and
4. Water, gas, and sewer connections to residential, commercial, and industrial sites, subject to local ordinances.

This classification may also install backflow prevention devices incidental to work in this classification when the installer has received formal vocational training approved by the board that included instruction in the installation of backflow prevention devices.

"HVAC contractors" (Abbr: HVA) means those individuals whose work includes the installation, alteration, repair, or maintenance of heating systems, ventilating systems, cooling systems, steam and hot water heaters, heating systems,

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boilers, process piping, and mechanical refrigeration systems, including tanks incidental to the system. This classification does not provide for fire suppression installations, sprinkler system installations, or gas piping. A firm holding a HVAC license is responsible for meeting all applicable individual license and certification regulations. This classification may install backflow prevention devices incidental to work in this classification.

"Plumbing contractors" (Abbr: PLB) means those individuals whose contracts include the installation, maintenance, extension, or alteration, or removal of all piping, fixtures, appliances, and appurtenances in connection with any of the following:

- Backflow prevention devices
- Boilers
- Hot water baseboard heating systems
- Hot water heaters
- Hydronic systems
- Limited area sprinklers (as defined by the USBC)
- Process piping
- Public/private water supply systems within or adjacent to any building, structure, or conveyance
- Sanitary or storm drainage facilities
- Steam heating systems
- Storage tanks incidental to the installation of related systems
- Venting systems related to plumbing

These contractors also install, maintain, extend, or alter the following:

- Liquid waste systems
- Sewerage systems
- Storm water systems
- Water supply systems

This classification does not provide for (i) gas piping or (ii) the function of fire sprinkler contracting ~~as noted above~~ except for limited area sprinklers as defined by the USBC. A firm holding a PLB license is responsible for meeting all applicable individual license and certification regulations. The classification may install sprinkler systems permitted to be designed in accordance with the plumbing provisions of the USBC when the installer has received formal vocational training approved by the board that included instruction of installation of sprinkler systems.

"Residential building contractors" (Abbr: RBC) means those individuals whose contracts include construction, remodeling, repair, improvement, removal, or demolition on real property owned, controlled, or leased by another person of dwellings and townhouses, including accessory buildings or structures on such property. The RBC classification does not provide for electrical, plumbing, HVAC, or gas fitting services and does not allow construction, removal, repair, or improvement to

commercial, industrial, institutional, or governmental use structures outside of dwellings and townhouses, except for the repair or improvement to dwelling units within commercial buildings.

The residential building classification includes but is not limited to the functions carried out by the following specialties for contracts of dwellings and townhouses and related accessory use buildings or structures:

- Concrete contracting
- Home improvement contracting
- Industrialized building contracting
- Landscape service contracting
- Masonry contracting
- Painting and wallcovering contracting
- Roofing contracting
- Swimming pool contracting

"Specialty \contractors" means those individuals whose contracts are for specialty services ~~which~~ that do not generally fall within the scope of any other classification within this chapter.

18VAC50-22-30. Definitions of specialty services.

The following words and terms when used in this chapter unless a different meaning is provided or is plainly required by the context shall have the following meanings:

"Accessibility services contracting" (Abbr: ASC) means the service that provides for all work in connection with the constructing, installing, altering, servicing, repairing, testing, or maintenance of wheelchair lifts, incline chairlifts, dumbwaiters with a capacity limit of 300 pounds, and private residence elevators in accordance with the Virginia Uniform Statewide Building Code (13VAC5-63). The EEC specialty may also perform this work. This specialty does not include work on limited use-limited application (LULA) elevators.

"Accessibility services contracting – LULA" (Abbr: ASL) means the service that provides for all work in connection with the constructing, installing, altering, servicing, repairing, testing, or maintenance of wheelchair lifts, incline chairlifts, dumbwaiters with a capacity limit of 300 pounds, private residence elevators, and limited use-limited application (LULA) elevators in accordance with the Virginia Uniform Statewide Building Code (13VAC5-63). The EEC specialty may also perform this work.

"Alternative energy system contracting" (Abbr: AES) means the service that provides for the installation, repair or improvement, from the customer's meter, of alternative energy generation systems, supplemental energy systems and associated equipment annexed to real property. This service does not include the installation of emergency generators powered by fossil fuels. No other classification or specialty service provides this function. This specialty does not provide for electrical, plumbing, gas fitting, or HVAC functions.

"Asbestos contracting" (Abbr: ASB) means the service that provides for the installation, removal, or encapsulation of

asbestos containing materials annexed to real property. No other classification or specialty service provides for this function.

"Asphalt paving and sealcoating contracting" (Abbr: PAV) means the service that provides for the installation of asphalt paving or sealcoating, or both, on subdivision streets and adjacent intersections, driveways, parking lots, tennis courts, running tracks, and play areas, using materials and accessories common to the industry. This includes height adjustment of existing sewer manholes, storm drains, water valves, sewer cleanouts and drain grates, and all necessary excavation and grading. The H/H classification also provides for this function.

"Billboard/sign contracting" (Abbr: BSC) means the service that provides for the installation, repair, improvement, or dismantling of any billboard or structural sign permanently annexed to real property. H/H and ~~BLD~~ CBC are the only other classifications that can perform this work except that a contractor in this specialty may connect or disconnect signs to existing electrical circuits. No trade related plumbing, electrical, or HVAC work is included in this function.

"Blast/explosive contracting" (Abbr: BEC) means the service that provides for the use of explosive charges for the repair, improvement, alteration, or demolition of any real property or any structure annexed to real property.

"Commercial improvement contracting" (Abbr: CIC) means the service that provides for repair or improvement to ~~nonresidential property and multifamily property, as defined structures not defined as dwellings and townhouses in the~~ in the Virginia Uniform Statewide Building Code (13VAC5-63). The ~~BLD~~ CBC classification also provides for this function. The CIC classification does not provide for the construction of new buildings, accessory buildings, electrical, plumbing, HVAC, or gas work.

"Concrete contracting" (Abbr: CEM) means the service that provides for all work in connection with the processing, proportioning, batching, mixing, conveying, and placing of concrete composed of materials common to the concrete industry. This includes but is not limited to finishing, coloring, curing, repairing, testing, sawing, grinding, grouting, placing of film barriers, sealing, and waterproofing. Construction and assembling of forms, molds, slipforms, pans, centering, and the use of rebar is also included. The ~~BLD~~ CBC, RBC, and H/H classifications also provide for this function.

"Electronic/communication service contracting" (Abbr: ESC) means the service that provides for the installation, repair, improvement, or removal of electronic or communications systems annexed to real property including telephone wiring, computer cabling, sound systems, data links, data and network installation, television and cable TV wiring, antenna wiring, and fiber optics installation, all of which operate at 50 volts or less. A firm holding an ESC license is responsible for meeting all applicable tradesman

licensure standards. The ELE classification also provides for this function.

"Elevator/escalator contracting" (Abbr: EEC) means the service that provides for the installation, repair, improvement, or removal of elevators or escalators permanently annexed to real property. A firm holding an EEC license is responsible for meeting all applicable individual license and certification regulations. No other classification or specialty service provides for this function.

"Environmental monitoring well contracting" (Abbr: EMW) means the service that provides for the construction of a well to monitor hazardous substances in the ground.

"Environmental specialties contracting" (Abbr: ENV) means the service that provides for installation, repair, removal, or improvement of pollution control and remediation devices. No other specialty provides for this function. This specialty does not provide for electrical, plumbing, gas fitting, or HVAC functions.

"Equipment/machinery contracting" (Abbr: EMC) means the service that provides for the installation or removal of equipment or machinery including but not limited to conveyors or heavy machinery. Boilers exempted by the Virginia Uniform Statewide Building Code (13VAC5-63) but regulated by the Department of Labor and Industry are also included in this specialty. This specialty does not provide for any electrical, plumbing, process piping, or HVAC functions.

"Farm improvement contracting" (Abbr: FIC) means the service that provides for the installation, repair, or improvement of a nonresidential farm building or structure, or nonresidential farm accessory-use structure, or additions thereto. The ~~BLD~~ CBC classification also provides for this function. The FIC specialty does not provide for any electrical, plumbing, HVAC, or gas fitting functions.

"Fire alarm systems contracting" (Abbr: FAS) means the service that provides for the installation, repair, or improvement of fire alarm systems ~~which~~ that operate at 50 volts or less. The ELE classification also provides for this function. A firm with an FAS license is responsible for meeting all applicable tradesman licensure standards.

"Fire sprinkler contracting" (Abbr: SPR) means the service that provides for the installation, repair, alteration, addition, testing, maintenance, inspection, improvement, or removal of sprinkler systems using water as a means of fire suppression when annexed to real property. This specialty does not provide for the installation, repair, or maintenance of other types of fire suppression systems. The PLB classification allows for the installation of systems permitted to be designed in accordance with the plumbing provisions of the USBC. This specialty may engage in the installation of backflow prevention devices in the fire sprinkler supply main and incidental to the sprinkler system installation when the installer has received formal vocational training approved by the board that included instruction in the installation of backflow prevention devices.

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"Fire suppression contracting" (Abbr: FSP) means the service that provides for the installation, repair, improvement, or removal of fire suppression systems including but not limited to halon and other gas systems; dry chemical systems; and carbon dioxide systems annexed to real property. No other classification provides for this function. The FSP specialty does not provide for the installation, repair, or maintenance of water sprinkler systems.

"Gas fitting contracting" (Abbr: GFC) means the service that provides for the installation, repair, improvement, or removal of gas piping and appliances annexed to real property. A firm holding a GFC license is responsible for meeting all applicable individual (tradesman) licensure regulations.

"Home improvement contracting" (Abbr: HIC) means the service that provides for repairs or improvements to ~~one-family and two-family residential buildings~~ dwelling and townhouses as defined in the Virginia Uniform Statewide Building Code (13VAC5-63) or structures annexed to ~~real property those dwellings or townhouses and improvements to dwelling units within commercial buildings.~~ The ~~BLD RBC~~ classification also provides for this function. The HIC specialty does not provide for electrical, plumbing, HVAC, or gas fitting functions. It does not include ~~high-rise buildings, buildings with more than two dwelling units, or new construction functions beyond the existing building structure other than decks, patios, driveways, and utility out buildings of 200 square feet or less.~~

"Industrialized building contracting" (Abbr: IBC) means the service that provides for the installation or removal of an industrialized building as defined in the Virginia Industrialized Building Safety Regulations (13VAC5-91). This classification covers foundation work in accordance with the provisions of the Virginia Uniform Statewide Building Code (13VAC5-63) and allows the licensee to complete internal tie-ins of plumbing, gas, electrical, and HVAC systems. It does not allow for installing additional plumbing, gas, electrical, or HVAC work such as installing the service meter, or installing the outside compressor for the HVAC system. The ~~BLD classification~~ CBC and RBC classifications also ~~provides provide~~ for this function.

"Landscape irrigation contracting" (Abbr: ISC) means the service that provides for the installation, repair, improvement, or removal of irrigation sprinkler systems or outdoor sprinkler systems. The PLB and H/H classifications also provide for this function. This specialty may install backflow prevention devices incidental to work in this specialty when the installer has received formal vocational training approved by the board that included instruction in the installation of backflow prevention devices.

"Landscape service contracting" (Abbr: LSC) means the service that provides for the alteration or improvement of a land area not related to any other classification or service activity by means of excavation, clearing, grading, construction of retaining walls for landscaping purposes, or

placement of landscaping timbers. This specialty may remove stumps and roots below grade. The ~~BLD~~ CBC, RBC, and H/H classifications also provide for this function.

"Lead abatement contracting" (Abbr: LAC) means the service that provides for the removal or encapsulation of lead-containing materials annexed to real property. No other classification or specialty service provides for this function, except that the PLB and HVA classifications may provide this service incidental to work in those classifications.

"Liquefied petroleum gas contracting" (Abbr: LPG) means the service that includes the installation, maintenance, extension, alteration, or removal of all piping, fixtures, appliances, and appurtenances used in transporting, storing, or utilizing liquefied petroleum gas. This excludes hot water heaters, boilers, and central heating systems that require an HVA or PLB license. The GFC specialty also provides for this function. A firm holding an LPG license is responsible for meeting all applicable individual license and certification regulations.

"Manufactured home contracting" (Abbr: MHC) means the service that provides for the installation or removal of a manufactured home as defined in the Virginia Manufactured Home Safety Regulations (13VAC5-95). This classification does not cover foundation work; however, it does allow installation of piers covered under HUD regulations. It does allow a licensee to do internal tie-ins of plumbing, gas, electrical, or HVAC equipment. It does not allow for installing additional plumbing, gas, electrical, or HVAC work such as installing the service meter, or installing the outside compressor for the HVAC system. No other specialty provides for this function.

"Marine facility contracting" (Abbr: MCC) means the service that provides for the construction, repair, improvement, or removal of any structure the purpose of which is to provide access to, impede, or alter a body of surface water. The ~~BLD~~ CBC and H/H classifications also provide for this function. The MCC specialty does not provide for the construction of accessory structures or electrical, HVAC, or plumbing functions.

"Masonry contracting" (Abbr: BRK) means the service that includes the installation of brick, concrete block, stone, marble, slate, or other units and products common to the masonry industry, including mortarless type masonry products. This includes installation of grout, caulking, tuck pointing, sand blasting, mortar washing, parging, and cleaning and welding of reinforcement steel related to masonry construction. The ~~BLD classification~~ CBC and RBC classifications and the HIC and CIC specialties also provide for this function.

"Natural gas fitting provider contracting" (Abbr: NGF) means the service that provides for the incidental repair, testing, or removal of natural gas piping or fitting annexed to real property. This does not include new installation of gas piping for hot water heaters, boilers, central heating systems,

or other natural gas equipment ~~which that~~ requires an HVA or PLB license. The GFC specialty also provides for this function. A firm holding an NGF license is responsible for meeting all applicable individual license and certification regulations.

"Painting and wallcovering contracting" (Abbr: PTC) means the service that provides for the application of materials common to the painting and decorating industry for protective or decorative purposes, the installation of surface coverings such as vinyls, wall papers, and cloth fabrics. This includes surface preparation, caulking, sanding, and cleaning preparatory to painting or coverings and includes both interior and exterior surfaces. ~~The BLD classification~~ CBC and RBC classifications and the HIC and CIC specialties also provide for this function.

"Radon mitigation contracting" (Abbr: RMC) means the service that provides for additions, repairs or improvements to buildings or structures, for the purpose of mitigating or preventing the effects of radon gas. This function can only be performed by a firm holding the ~~BLD classification or CIC (for other than one family and two family dwellings), FIC (for nonresidential farm buildings) or HIC (for one family and two family dwellings) specialty services~~ CBC and RBC classifications or the CIC, FIC, or HIC specialties. No electrical, plumbing, gas fitting, or HVAC functions are provided by this specialty.

"Recreational facility contracting" (Abbr: RFC) means the service that provides for the construction, repair, or improvement of any recreational facility, excluding paving and the construction of buildings, plumbing, electrical, and HVAC functions. ~~The BLD~~ CBC classification also provides for this function.

"Refrigeration contracting" (Abbr: REF) means the service that provides for installation, repair, or removal of any refrigeration equipment (excluding HVAC equipment). No electrical, plumbing, gas fitting, or HVAC functions are provided by this specialty. This specialty is intended for those contractors who repair or install coolers, refrigerated casework, ice-making machines, drinking fountains, cold room equipment, and similar hermetic refrigeration equipment. The HVAC classification also provides for this function.

"Roofing contracting" (Abbr: ROC) means the service that provides for the installation, repair, removal, or improvement of materials common to the industry that form a watertight, weather resistant surface for roofs and decks. This includes roofing system components when installed in conjunction with a roofing project, application of dampproofing or waterproofing, and installation of roof insulation panels and other roof insulation systems above roof deck. ~~The BLD classification~~ CBC and RBC classifications and the HIC and CIC specialties also provide for this function.

"Sewage disposal systems contracting" (Abbr: SDS) means the service that provides for the installation, repair,

improvement, or removal of septic tanks, septic systems, and other ~~on-site~~ onsite sewage disposal systems annexed to real property.

"Swimming pool construction contracting" (Abbr: POL) means the service that provides for the construction, repair, improvement, or removal of in-ground swimming pools. ~~The BLD classification~~ CBC and RBC classifications and the RFC specialty also provide for this function. No trade related plumbing, electrical, backflow, or HVAC work is included in this specialty.

"Vessel construction contracting" (Abbr: VCC) means the service that provides for the construction, repair, improvement, or removal of nonresidential vessels, tanks, or piping that hold or convey fluids other than sanitary, storm, waste, or potable water supplies. The H/H classification also provides for this function.

"Water well/pump contracting" (Abbr: WWP) means the service that provides for the installation of a water well system, including geothermal wells, which includes construction of a water well to reach groundwater, as defined in § 62.1-255 of the Code of Virginia, and the installation of the well pump and tank, including pipe and wire, up to and including the point of connection to the plumbing and electrical systems. No other classification or specialty service provides for construction of water wells. This regulation shall not exclude PLB, ELE, or HVAC from installation of pumps and tanks.

Note: Specialty contractors engaging in construction that involves the following activities or items or similar activities or items may fall under the CIC, HIC, and/or FIC specialty services, or they may fall under the ~~BLD classification~~ CBC and/or RBC classifications.

Appliances	Fireplaces	Rubber linings
Awnings	Fireproofing	Sandblasting
Blinds	Fixtures	Scaffolding
Bulkheads	Floor coverings	Screens
Cabinetry	Flooring	Sheet metal
Carpentry	Floors	Shutters
Carpeting	Glass	Siding
Casework	Glazing	Skylights
Ceilings	Grouting	Storage bins and lockers
Chimneys	Grubbing	Stucco
Chutes	Guttering	Temperature controls
Conduit rodding	Insulation	Terrazzo
Curtains	Interior decorating	Tile
Curtain walls	Lubrication	Vaults

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Decks	Metal work	Vinyl flooring
Doors	Millwrighting	Wall panels
Drapes	Mirrors	Wall tile
Drywall	Miscellaneous iron	Waterproofing
Epoxy	Ornamental iron	Weatherstripping
Exterior decoration	Partitions	Welding
Facings	Protective coatings	Windows
Fences	Railings	Wood floors
Fiberglass	Rigging	

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BOARD OF MEDICINE

Final Regulation

Title of Regulation: **18VAC85-140. Regulations Governing the Practice of Polysomnographic Technologists (adding 18VAC85-140-10 through 18VAC85-140-190).**

Statutory Authority: §§ 54.1-2400 and 54.1-2957.15 of the Code of Virginia.

Effective Date: December 31, 2014.

Agency Contact: William L. Harp, M.D., Executive Director, Board of Medicine, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, telephone (804) 367-4558, FAX (804) 527-4429, or email william.harp@dhp.virginia.gov.

Summary:

As required by Chapter 838 of the 2010 Acts of Assembly, this action establishes the regulations governing the licensure and practice of individuals who, under the direction of a licensed physician, monitor, test, and treat those suffering from sleep disorders. The regulations include requirements for minimal competency for practice, continued competency for renewal of licensure, supervisory responsibilities, and standards of conduct for safe practice of polysomnographic technologists.

Summary of Public Comments and Agency's Response: A summary of comments made by the public and the agency's response may be obtained from the promulgating agency or viewed at the office of the Registrar of Regulations.

CHAPTER 140

REGULATIONS GOVERNING THE PRACTICE OF POLYSOMNOGRAPHIC TECHNOLOGISTS

Part I

General Provisions

18VAC85-140-10. Definitions.

A. The following word and term when used in this chapter shall have the meaning ascribed to it in § 54.1-2900 of the Code of Virginia:

"Board"

B. The following words and terms when used in this chapter shall have the meanings ascribed to them in § 54.1-2957.15 of the Code of Virginia:

"Polysomnographic technology"

"Practice of polysomnographic technology"

C. The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Active practice" means a minimum of 160 hours of professional practice as a polysomnographic technologist within the 24-month period immediately preceding application for reinstatement or reactivation of licensure. The active practice of polysomnographic technology may include supervisory, administrative, educational, or consultative activities or responsibilities for the delivery of such services.

"Advisory board" means the Advisory Board on Polysomnographic Technology to the Board of Medicine as specified in § 54.1-2957.14 of the Code of Virginia.

18VAC85-140-20. Public participation.

A separate board regulation, 18VAC85-11, provides for involvement of the public in the development of all regulations of the Virginia Board of Medicine.

18VAC85-140-30. Current name and address.

Each licensee shall furnish the board his current name and address of record. All notices required by law or by this chapter to be given by the board to any such licensee shall be validly given when mailed to the latest address of record provided or served to the licensee. Any change of name or change in the address of record or public address, if different from the address of record, shall be furnished to the board within 30 days of such change.

18VAC85-140-40. Fees.

The following fees are required:

1. The application fee, payable at the time the application is filed, shall be \$130.
2. The biennial fee for renewal of active licensure shall be \$135 and for renewal of inactive licensure shall be \$70, payable in each odd-numbered year in the license holder's birth month.
3. The additional fee for late renewal of licensure within one renewal cycle shall be \$50.
4. The fee for reinstatement of a license that has lapsed for a period of two years or more shall be \$180 and must be submitted with an application for licensure reinstatement.
5. The fee for reinstatement of a license pursuant to § 54.1-2408.2 of the Code of Virginia shall be \$2,000.
6. The fee for a duplicate license shall be \$5.00, and the fee for a duplicate wall certificate shall be \$15.
7. The fee for a returned check shall be \$35.

8. The fee for a letter of good standing or verification to another jurisdiction shall be \$10.

Part II

Requirements for Licensure as a Polysomnographic Technologist

18VAC85-140-50. Application requirements.

An applicant for licensure shall submit the following on forms provided by the board:

1. A completed application and a fee as prescribed in 18VAC85-140-40.
2. Verification of a professional credential in polysomnographic technology as required in 18VAC85-140-60.
3. Verification of practice as required on the application form.
4. If licensed or certified in any other jurisdiction, documentation of any disciplinary action taken or pending in that jurisdiction.

18VAC85-140-60. Licensure requirements.

A. An applicant for a license to practice as a polysomnographic technologist shall provide documentation of one of the following:

1. Current certification as a Registered Polysomnographic Technologist (RPSGT) by the Board of Registered Polysomnographic Technologists;
2. Documentation of the Sleep Disorders Specialist credential from the National Board of Respiratory Care (NBRC-SDS); or
3. A professional certification or credential approved by the board from an organization or entity that is a member of the National Organization for Competency Assurance.

B. An applicant for licensure shall provide documentation of current certification in Basic Cardiac Life Support with a hands-on practice training evaluation segment.

Part III

Renewal and Reinstatement

18VAC85-140-70. Renewal of license.

A. Every licensed polysomnographic technologist who intends to maintain an active license shall biennially renew his license each odd-numbered year during his birth month and shall:

1. Submit the prescribed renewal fee;
2. Attest to having current certification in Basic Cardiac Life Support (BCLS) with hands-on practice training evaluation segment; and
3. Attest to having met the continuing education requirements of 18VAC85-140-100.

B. The license of a polysomnographic technologist is lapsed if the license has not been renewed by the first day of the month following the month in which renewal is required.

Practice with a lapsed license may be grounds for disciplinary action. A license that is lapsed for two years or less may be renewed by payment of the renewal fee and a late fee as prescribed in 18VAC85-140-40 and attestation of compliance with continuing education requirements and current BCLS certification.

18VAC85-140-80. Inactive license.

A licensed polysomnographic technologist who holds a current, unrestricted license in Virginia shall, upon a request at the time of renewal and submission of the required fee, be issued an inactive license. The holder of an inactive license shall not be entitled to perform any act requiring a license to practice polysomnographic technology in Virginia.

18VAC85-140-90. Reactivation or reinstatement.

A. To reactivate an inactive license or to reinstate a license that has been lapsed for more than two years, a polysomnographic technologist shall submit an attestation of current certification in Basic Cardiac Life Support (BCLS) with hands-on practice training evaluation segment and evidence of competency to return to active practice to include one of the following:

1. Information on continued active practice in another jurisdiction during the period in which the license has been inactive or lapsed;
2. Attestation of at least 10 hours of continuing education for each year in which the license has been inactive or lapsed, not to exceed three years; or
3. Recertification by passage of an examination for the Registered Polysomnographic Technologist (RPSGT), the Sleep Disorders Specialist credential from the National Board of Respiratory Care (NBRC-SDS), or other credential approved by the board for initial licensure.

B. To reactivate an inactive license, a polysomnographic technologist shall pay a fee equal to the difference between the current renewal fee for inactive licensure and the renewal fee for active licensure.

C. To reinstate a license that has been lapsed for more than two years, a polysomnographic technologist shall file an application for reinstatement and pay the fee for reinstatement of his licensure as prescribed in 18VAC85-140-40. The board may specify additional requirements for reinstatement of a license so lapsed to include education, experience, or reexamination.

D. A polysomnographic technologist whose licensure has been revoked by the board and who wishes to be reinstated shall make a new application to the board, fulfill additional requirements as specified in the order from the board, and make payment of the fee for reinstatement of his licensure as prescribed in 18VAC85-140-40 pursuant to § 54.1-2408.2 of the Code of Virginia.

E. The board reserves the right to deny a request for reactivation or reinstatement to any licensee who has been determined to have committed an act in violation of § 54.1-

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2915 of the Code of Virginia or any provisions of this chapter.

18VAC85-140-100. Continuing education requirements.

A. In order to renew an active license as a polysomnographic technologist, a licensee shall attest to having successfully completed 20 hours of continuing education in courses directly related to the practice of polysomnographic technology as approved and documented by a provider recognized by one of the following:

1. The Board of Registered Polysomnographic Technologists Education Advisory Board (BRPT-EAC);
2. The American Academy of Sleep Medicine (AASM);
3. The American Medical Association for Category 1 continuing medical education credit;
4. The American Association of Sleep Technologists (AAST);
5. The American Society of Electroneurodiagnostic Technologists, Inc. (ASET);
6. The American Association for Respiratory Care (AARC);
7. The American Nurses Association (ANA); or
8. The American College of Chest Physicians (ACCP).

B. A practitioner shall be exempt from the continuing education requirements for the first biennial renewal following the date of initial licensure in Virginia.

C. The practitioner shall retain the completed form with all supporting documentation in his records for a period of four years following the renewal of an active license.

D. The board shall periodically conduct a random audit of its active licensees to determine compliance. The practitioners selected for the audit shall provide all supporting documentation within 30 days of receiving notification of the audit.

E. Failure to comply with these requirements may subject the licensee to disciplinary action by the board.

F. The board may grant an extension of the deadline for continuing competency requirements, for up to one year, for good cause shown upon a written request from the licensee prior to the renewal date.

G. The board may grant an exemption for all or part of the requirements for circumstances beyond the control of the licensee, such as temporary disability, mandatory military service, or officially declared disasters.

Part IV

Scope of Practice

18VAC85-140-110. General responsibility.

A polysomnographic technologist shall engage in the practice of polysomnographic technology, as defined in § 54.1-2957.15 of the Code of Virginia, upon receipt of written or verbal orders from a qualified practitioner and under qualified medical direction. The practice of

polysomnographic technology may include supervisory, administrative, educational, or consultative activities or responsibilities for the delivery of such services.

18VAC85-140-120. Supervisory responsibilities.

A. A polysomnographic technologist shall be responsible for supervision of unlicensed polysomnographic personnel who work under his direction and shall be ultimately responsible and accountable for patient care and outcomes under his clinical supervision.

B. Delegation to unlicensed polysomnographic personnel shall:

1. Not include delegation of the discretionary aspects of the initial assessment, evaluation, or development of a treatment plan for a patient nor shall it include any task requiring a clinical decision or the knowledge, skills, and judgment of a licensed polysomnographic technologist.
2. Only be made if, in the judgment of the polysomnographic technologist, the task or procedures do not require the exercise of professional judgment, can be properly and safely performed by appropriately trained unlicensed personnel, and the delegation does not jeopardize the health or safety of the patient.
3. Be communicated on a patient-specific basis with clear, specific instructions for performance of activities, potential complications, and expected results.

C. The frequency, methods, and content of supervision are dependent on the complexity of patient needs, number and diversity of patients, demonstrated competency and experience of the unlicensed personnel, and the type and requirements of the practice setting.

D. The polysomnographic technologist providing clinical supervision shall routinely meet with any unlicensed personnel to review and evaluate patient care and treatment.

E. The polysomnographic technologist shall review notes on patient care entered by unlicensed personnel prior to reporting study results to the supervising physician and shall, by some method, document in a patient record that such a review has occurred.

Part V

Standards of Professional Conduct

18VAC85-140-130. Confidentiality.

A practitioner shall not willfully or negligently breach the confidentiality between a practitioner and a patient. A breach of confidentiality that is required or permitted by applicable law or beyond the control of the practitioner shall not be considered negligent or willful.

18VAC85-140-140. Patient records.

A. A practitioner shall comply with the provisions of § 32.1-127.1:03 of the Code of Virginia related to the confidentiality and disclosure of patient records.

B. A practitioner shall provide patient records to another practitioner or to the patient or his personal representative in a

timely manner in accordance with provisions of § 32.1-127.1:03 of the Code of Virginia.

C. A practitioner shall properly manage and keep timely, accurate, legible, and complete patient records.

D. A practitioner who is employed by a health care institution or other entity in which the individual practitioner does not own or maintain his own records shall maintain patient records in accordance with the policies and procedures of the employing entity.

E. A practitioner who is self-employed or employed by an entity in which the individual practitioner owns and is responsible for patient records shall:

1. Maintain a patient record for a minimum of six years following the last patient encounter with the following exceptions:

a. Records of a minor child, including immunizations, shall be maintained until the child reaches the age of 18 years or becomes emancipated, with a minimum time for record retention of six years from the last patient encounter regardless of the age of the child;

b. Records that have previously been transferred to another practitioner or health care provider or provided to the patient or his personal representative; or

c. Records that are required by contractual obligation or federal law may need to be maintained for a longer period of time.

2. Post information or in some manner inform all patients concerning the time frame for record retention and destruction. Patient records shall only be destroyed in a manner that protects patient confidentiality, such as by incineration or shredding.

3. When closing, selling, or relocating his practice, meet the requirements of § 54.1-2405 of the Code of Virginia for giving notice that copies of records can be sent to any like-regulated provider of the patient's choice or provided to the patient.

18VAC85-140-150. Practitioner-patient communication; termination of relationship.

A. Communication with patients.

1. Except as provided in § 32.1-127.1:03 F of the Code of Virginia, a practitioner shall accurately present information to a patient or his legally authorized representative in understandable terms and encourage participation in decisions regarding the patient's care.

2. A practitioner shall not deliberately make a false or misleading statement regarding the practitioner's skill or the efficacy or value of a medication, treatment, or procedure provided or directed by the practitioner in the treatment of any disease or condition.

3. Before an invasive procedure is performed, informed consent shall be obtained from the patient in accordance with the policies of the health care entity. Practitioners

shall inform patients of the risks, benefits, and alternatives of the recommended procedure that a reasonably prudent practitioner practicing polysomnographic technology in Virginia would tell a patient.

a. In the instance of a minor or a patient who is incapable of making an informed decision on his own behalf or is incapable of communicating such a decision due to a physical or mental disorder, the legally authorized person available to give consent shall be informed and the consent documented.

b. An exception to the requirement for consent prior to performance of an invasive procedure may be made in an emergency situation when a delay in obtaining consent would likely result in imminent harm to the patient.

c. For the purposes of this provision, "invasive procedure" means any diagnostic or therapeutic procedure performed on a patient that is not part of routine, general care and for which the usual practice within the health care entity is to document specific informed consent from the patient or surrogate decision maker prior to proceeding.

4. Practitioners shall adhere to requirements of § 32.1-162.18 of the Code of Virginia for obtaining informed consent from patients prior to involving them as subjects in human research with the exception of retrospective chart reviews.

B. Termination of the practitioner-patient relationship.

1. The practitioner or the patient may terminate the relationship. In either case, the practitioner shall make the patient record available, except in situations where denial of access is allowed by law.

2. A practitioner shall not terminate the relationship or make his services unavailable without documented notice to the patient that allows for a reasonable time to obtain the services of another practitioner.

18VAC85-140-160. Practitioner responsibility.

A. A practitioner shall not:

1. Perform procedures or techniques that are outside the scope of his practice or for which he is not trained and individually competent;

2. Knowingly allow subordinates to jeopardize patient safety or provide patient care outside of the subordinate's scope of practice or area of responsibility. Practitioners shall delegate patient care only to subordinates who are properly trained and supervised;

3. Engage in an egregious pattern of disruptive behavior or interaction in a health care setting that interferes with patient care or could reasonably be expected to adversely impact the quality of care rendered to a patient; or

4. Exploit the practitioner-patient relationship for personal gain.

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B. Advocating for patient safety or improvement in patient care within a health care entity shall not constitute disruptive behavior provided the practitioner does not engage in behavior prohibited in subdivision A 3 of this section.

18VAC85-140-170. Solicitation or remuneration in exchange for referral.

A practitioner shall not knowingly and willfully solicit or receive any remuneration, directly or indirectly, in return for referring an individual to a facility or institution as defined in § 37.2-100 of the Code of Virginia or hospital as defined in § 32.1-123 of the Code of Virginia.

"Remuneration" means compensation, received in cash or in kind, but shall not include any payments, business arrangements, or payment practices allowed by 42 USC § 1320 a-7b(b), as amended, or any regulations promulgated thereto.

18VAC85-140-180. Sexual contact.

A. For purposes of § 54.1-2915 A 12 and A 19 of the Code of Virginia and this section, "sexual contact" includes but is not limited to sexual behavior or verbal or physical behavior that:

1. May reasonably be interpreted as intended for the sexual arousal or gratification of the practitioner, the patient, or both; or
2. May reasonably be interpreted as romantic involvement with a patient regardless of whether such involvement occurs within the professional setting or outside of it.

B. Sexual contact with a patient.

1. The determination of when a person is a patient for purposes of § 54.1-2915 A 19 of the Code of Virginia is made on a case-by-case basis with consideration given to the nature, extent, and context of the professional relationship between the practitioner and the person. The fact that a person is not actively receiving treatment or professional services from a practitioner is not determinative of this issue. A person is presumed to remain a patient until the practitioner-patient relationship is terminated.
2. The consent to, initiation of, or participation in sexual behavior or involvement with a practitioner by a patient neither changes the nature of the conduct nor negates the statutory prohibition.

C. Sexual contact between a practitioner and a former patient after termination of the practitioner-patient relationship may still constitute unprofessional conduct if the sexual contact is a result of the exploitation of trust, knowledge, or influence of emotions derived from the professional relationship.

D. Sexual contact between a practitioner and a key third party shall constitute unprofessional conduct if the sexual contact is a result of the exploitation of trust, knowledge, or influence derived from the professional relationship or if the

contact has had or is likely to have an adverse effect on patient care. For purposes of this section, "key third party of a patient" means spouse or partner, parent or child, guardian, or legal representative of the patient.

E. Sexual contact between a supervisor and a trainee shall constitute unprofessional conduct if the sexual contact is a result of the exploitation of trust, knowledge, or influence derived from the professional relationship or if the contact has had or is likely to have an adverse effect on patient care.

18VAC85-140-190. Refusal to provide information.

A practitioner shall not willfully refuse to provide information or records as requested or required by the board or its representative pursuant to an investigation or to the enforcement of a statute or regulation.

NOTICE: The following forms used in administering the regulation were filed by the agency. The forms are not being published; however, online users of this issue of the Virginia Register of Regulations may click on the name of a form with a hyperlink to access it. The forms are also available from the agency contact or may be viewed at the Office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia 23219.

FORMS (18VAC85-140)

[Instructions for Completing an Application to Practice Polysomnographic Technology in Virginia \(undated\)](#)

[Form A, Claims History \(rev. 08/13\)](#)

[Form B, Employment Activity \(rev. 08/13\)](#)

[Form C, Verification Form \(rev. 08/13\)](#)

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BOARD OF OPTOMETRY

Fast-Track Regulation

Title of Regulation: 18VAC105-20. Regulations Governing the Practice of Optometry (amending 18VAC105-20-10, 18VAC105-20-15, 18VAC105-20-20, 18VAC105-20-45, 18VAC105-20-60).

Statutory Authority: §§ 54.1-2400 and 54.1-3223 of the Code of Virginia.

Public Hearing Information: No public hearings are scheduled.

Public Comment Deadline: December 31, 2014.

Effective Date: January 15, 2015.

Agency Contact: Leslie L. Knachel, Executive Director, Board of Optometry, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, telephone (804) 367-4508, FAX (804) 527-4471, or email leslie.knachel@dhp.virginia.gov.

Basis: Regulations are promulgated under the general authority of § 54.1-2400 of the Code of Virginia, which provides the Board of Optometry the authority to promulgate regulations to administer the regulatory system. The specific requirement for licensure as an optometrist is found in § 54.1-

3204 of the Code of Virginia: "Practicing or offering to practice optometry, or the public representation of being qualified to practice the same by any person not authorized to practice optometry, shall be sufficient evidence of a violation of the law."

Purpose: The purpose of the amended regulation is reduction of or alleviation of barriers to licensure, especially for applicants who have been licensed in other states. A clearer differentiation between licensure by examination and licensure by endorsement will enable applicants to navigate the process more easily. By retaining requirements relating to evidence of competency and ethical practice, the board continues to protect the health, safety, and welfare of the public while making it less burdensome to come to Virginia to establish an optometric practice.

Rationale for Using Fast-Track Process: The amendments proposed will result in a less restrictive regulation or a revision for clarity in requirements for licensure. There should be no controversy with any of the changes, which were approved unanimously by board members.

Substance: The amendments (i) clarify that an applicant who is or was licensed in another state but who does not meet the active practice requirement for endorsement may apply by examination; (ii) allow approval of an applicant whose license has lapsed in another state provided he is eligible for reinstatement and holds at least one current license; (iii) allow an applicant who took the examination more than five years ago to qualify by continuing education rather than retaking the examination; (iv) accept the examination required in another state at the time of initial licensure for an applicant by endorsement rather than requiring a "comparable" examination; and (v) revise renewal language to allow for electronic submissions.

Issues: There are no advantages or disadvantages to the public. Allowing applicants to provide proof of passage of the examination required for initial licensure instead of proof of comparability may benefit a very small number of persons. There are no advantages or disadvantages to the agency or the Commonwealth.

Small Business Impact Review Report of Findings: This regulatory action serves as the report of the findings of the regulatory review pursuant to § 2.2-4007.1 of the Code of Virginia.

Department of Planning and Budget's Economic Impact Analysis:

Summary of the Proposed Amendments to Regulation. The Board of Optometry proposes to: 1) clarify that an applicant who is or was licensed in another state but who does not meet the active practice requirement for endorsement may apply by examination, 2) allow approval of an applicant whose license has lapsed in another state provided he is eligible for reinstatement and has one current license, 3) allow an applicant who took the examination more than five years ago to qualify by continuing education rather than retaking the

examination, 4) accept the examination required in another state at the time of initial licensure for an applicant by endorsement rather than requiring a "comparable" examination, and 5) revise renewal language to allow for electronic submissions.

Result of Analysis. The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact. The proposed amendments reduce barriers to licensure, especially for applicants who have been licensed in other states. A clearer differentiation between licensure by examination and licensure by endorsement will enable applicants to navigate the process more easily. By retaining requirements relating to evidence of competency and ethical practice, the Board continues to protect the public while making it less burdensome to come to Virginia to establish an optometric practice.

Businesses and Entities Affected. The Board estimated that there are 3-4 persons per year who apply for licensure by endorsement who have not taken the national examination. There are currently 1420 licensed optometrists with TPA certification and 151 licensed optometrists without TPA. There are 479 optometry offices in the Commonwealth.

Localities Particularly Affected. The proposed amendments do not disproportionately affect particular localities.

Projected Impact on Employment. By reducing barriers to licensure, the proposed amendments may moderately increase the number of practicing optometrists in the Commonwealth.

Effects on the Use and Value of Private Property. By reducing barriers to licensure, the proposed amendments reduce costs for some optometrists.

Small Businesses: Costs and Other Effects. By reducing barriers to licensure, the proposed amendments reduce costs for some optometry practices.

Small Businesses: Alternative Method that Minimizes Adverse Impact. The proposed amendments do not adversely affect small businesses.

Real Estate Development Costs. The proposed amendments are unlikely to significantly affect real estate development costs.

Legal Mandate. The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Administrative Process Act and Executive Order Number 14 (10). Section 2.2-4007.04 requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. Further, if the proposed regulation has an adverse effect on small businesses, § 2.2-

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4007.04 requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.

Agency's Response to Economic Impact Analysis: The Board of Optometry concurs with the analysis of the Department of Planning and Budget.

Summary:

The amendments, which were adopted following a periodic review of the regulation, (i) clarify that an applicant who is or was licensed in another state but who does not meet the active practice requirement for endorsement may apply by examination, (ii) allow approval of an applicant whose license has lapsed in another state provided he is eligible for reinstatement and has one current license, (iii) allow an applicant who took the examination more than five years ago to qualify by continuing education rather than retaking the examination, (iv) accept the examination required in another state at the time of initial licensure for an applicant by endorsement rather than requiring a "comparable" examination, and (v) revise renewal language to allow for electronic submissions.

18VAC105-20-10. Licensure by examination.

A. The applicant, in order to be eligible for licensure by examination to practice optometry in the Commonwealth, shall meet the requirements for TPA certification in 18VAC105-20-16 and shall:

1. Be a graduate of a school of optometry accredited by the Accreditation Council on Optometric Education; have an official transcript verifying graduation sent to the board;
2. Request submission of an official report from the NBEO of a score received on each required part of the NBEO examination or other board-approved examination; and
3. Submit a completed application and the prescribed fee.

B. Applicants who passed the National Board Examination prior to May 1985 shall apply for licensure by endorsement as provided for in 18VAC105-20-15.

C. Required examinations.

1. For the purpose of § 54.1-3211 of the Code of Virginia, the board adopts all parts of the NBEO examination as its written examination for licensure. After July 1, 1997, the board shall require passage as determined by the board of Parts I, II, and III of the NBEO examination.

2. As part of the application for licensure, an applicant must sign a statement attesting that he has read, understands, and will comply with the statutes and regulations governing the practice of optometry in Virginia.

D. If an applicant has been licensed in another jurisdiction, and has not been engaged in active clinical practice for at least 36 out of the last 60 months preceding application, as required for licensure by endorsement, he may apply for licensure by examination, and the following requirements shall also apply:

1. The applicant shall attest that he is not a respondent in a pending or unresolved malpractice claim; and
2. Each jurisdiction in which the applicant is currently or has been licensed shall verify that:
 - a. The license is ~~full~~ current and unrestricted, or if the license has lapsed, it is eligible for reinstatement; ~~and all~~ b. All continuing education requirements have been completed, if applicable;
 - ~~b. c.~~ d. The applicant is not a respondent in any pending or unresolved board action; and
 - ~~e. d.~~ e. The applicant has not committed any act that would constitute a violation of § 54.1-3204 or 54.1-3215 of the Code of Virginia.

E. An applicant who ~~did not complete~~ completed all parts of the board-approved examination ~~within more than~~ within more than five years prior to the date of the board's receipt of ~~their~~ his application for licensure ~~by this board~~ may be required to ~~retake all or any part of the board-approved examination or~~ take up to 32 hours of board-approved continuing education ~~unless they demonstrate that they have maintained clinical, ethical, and legal practice for 36 of the past 60 months immediately prior to submission of an application for licensure.~~

18VAC105-20-15. Licensure by endorsement.

A. An applicant for licensure by endorsement shall meet the requirements for TPA certification in 18VAC105-20-16, pay the fee as prescribed in 18VAC105-20-20, and file a completed application that certifies the following:

1. The applicant has successfully ~~completed a licensing~~ passed the examination ~~or certification~~ required for licensure in optometry in any jurisdiction of the United States ~~that is approximately comparable to the Virginia examination~~ at the time of initial licensure.
2. The applicant has been engaged in active clinical practice for at least 36 months out of the last 60 months immediately preceding application.
3. The applicant is not a respondent in a pending or unresolved malpractice claim.
4. The applicant is currently licensed in another jurisdiction of the United States.
4. ~~5.~~ Each jurisdiction in which the applicant is currently or has been licensed ~~has verified~~ shall verify that:

- a. The license is ~~full current~~ and unrestricted, or if the license has lapsed, it is eligible for reinstatement;
~~and all b. All~~ continuing education requirements have been completed, if applicable;
- ~~b. c.~~ The applicant is not a respondent in any pending or unresolved board action;
- ~~e. d.~~ The applicant has not committed any act that would constitute a violation of § 54.1-3204 or 54.1-3215 of the Code of Virginia; and
- ~~e. e.~~ The applicant has graduated from an accredited school or college of optometry.

B. The applicant shall also provide proof of competency in the use of diagnostic pharmaceutical agents (DPAs) ~~which that~~ shall consist of a report from the national board of passing scores on all sections of Parts I and II of the NBEO examination taken in May 1985 or thereafter. If the applicant does not qualify through examination, he shall provide other proof of meeting the requirements for the use of DPA as provided in §§ 54.1-3220 and 54.1-3221 of the Code of Virginia.

C. As part of the application for licensure, an applicant must sign a statement attesting that he has read, understands, and will comply with the statutes and regulations governing the practice of optometry in Virginia.

D. In the case of a federal service optometrist, the commanding officer shall also verify that the applicant is in good standing and provide proof of credentialing and quality assurance review to satisfy compliance with applicable requirements of subsection A of this section.

~~E. In the event the examinations for initial licensure are determined not comparable, the board may require the applicant to take and pass a regional or national practical examination.~~

~~F.~~ An optometrist previously licensed in Virginia is not eligible for licensure by endorsement but may apply for reinstatement of licensure under 18VAC105-20-60.

18VAC105-20-20. Fees.

A. Required fees.

Initial application and licensure (including TPA certification)	\$250
Application for TPA certification	\$200
Annual licensure renewal without TPA certification	\$150
Annual licensure renewal with TPA certification	\$200
Late renewal without TPA certification	\$50
Late renewal with TPA certification	\$65
Returned check	\$35

Professional designation application	\$100
Annual professional designation renewal (per location)	\$50
Late renewal of professional designation	\$20
Reinstatement application fee (including renewal and late fees)	\$400
Reinstatement application after disciplinary action	\$500
Duplicate wall certificate	\$25
Duplicate license	\$10
Licensure verification	\$10

B. Unless otherwise specified, all fees are nonrefundable.

~~C. Until December 31, 2013, the following fees shall be in effect:~~

Annual licensure renewal without TPA certification	\$100
Annual licensure renewal with TPA certification	\$135
Annual professional designation renewal (per location)	\$30

18VAC105-20-45. Standards of practice.

A. An optometrist shall legibly document in a patient record the following:

1. During a routine or medical eye examination:
 - a. An adequate case history, including the patient's chief complaint;
 - b. The performance of appropriate testing;
 - c. The establishment of an assessment or diagnosis; and
 - d. A recommendation for an appropriate treatment or management plan, including any necessary follow up.
2. During an initial contact lens examination:
 - a. The requirements of a routine or medical eye examination as prescribed in subdivision 1 of this subsection;
 - b. Assessment of corneal curvature;
 - c. Evaluation of contact lens fitting;
 - d. Acuity through the lens; and
 - e. Directions for the wear, care, and handling of lenses.
3. During a follow-up contact lens examination:
 - a. Evaluation of contact lens fitting and anterior segment health;
 - b. Acuity through the lens; and
 - c. Such further instructions as necessary for the individual patient.

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4. In addition, the record of any examination shall include the signature of the attending optometrist and, if indicated, refraction of the patient.

B. The following information shall appear on a prescription for ophthalmic goods:

1. The printed name of the prescribing optometrist;
2. The address and telephone number at which the patient's records are maintained and the optometrist can be reached for consultation;
3. The name of the patient;
4. The signature of the optometrist;
5. The date of the examination and an expiration date, if medically appropriate; and
6. Any special instructions.

C. Contact lens.

1. Sufficient information for complete and accurate filling of an established contact lens prescription shall include but not be limited to (i) the power, (ii) the material or manufacturer or both, (iii) the base curve or appropriate designation, (iv) the diameter when appropriate, and (v) medically appropriate expiration date.

2. An optometrist shall provide a patient with a copy of the patient's contact lens prescription at the end of the contact lens fitting, even if the patient does not ask for it. An optometrist may first require all fees to be paid, but only if he requires immediate payment from patients whose eye examinations reveal no need for corrective eye products.

3. An optometrist shall provide or verify the prescription to anyone who is designated to act on behalf of the patient, including contact lens sellers.

4. An optometrist shall not require patients to buy contact lens, pay additional fees, or sign a waiver or release in exchange for a copy of the contact lens prescription.

5. An optometrist shall not disclaim liability or responsibility for the accuracy of an eye examination.

D. Spectacle lens.

1. A licensed optometrist shall provide a written prescription for spectacle lenses immediately after the eye examination is completed. He may first require all fees to be paid, but only if he requires immediate payment from patients whose eye examinations reveal no need for corrective eye products.

2. An optometrist shall not require patients to buy ophthalmic goods, pay additional fees, or sign a waiver or release in exchange for a copy of the spectacle prescription.

3. An optometrist shall not disclaim liability or responsibility for the accuracy of an eye examination.

E. Practitioners shall maintain a patient record for a minimum of five years following the last patient encounter with the following exceptions:

1. Records that have previously been transferred to another practitioner or health care provider or provided to the patient or his personal representative; or

2. Records that are required by contractual obligation or federal law to be maintained for a longer period of time.

F. ~~From March 17, 2011, practitioners~~ Practitioners shall post information or in some manner inform all patients concerning the time frame for record retention and destruction. Patient records shall only be destroyed in a manner that protects patient confidentiality.

18VAC105-20-60. Renewal of licensure; reinstatement; renewal fees.

A. Every person authorized by the board to practice optometry shall, on or before December 31 of every year, submit a completed renewal ~~application~~ form and pay the prescribed annual licensure fee.

B. It shall be the duty and responsibility of each licensee to assure that the board has the licensee's current address of record and the public address, if different from the address of record. All changes of address or name shall be furnished to the board within 30 days after the change occurs. All notices required by law or by these rules and regulations are to be deemed to be validly tendered when mailed to the address of record given and shall not relieve the licensee of the obligation to comply.

C. The license of every person who does not ~~return the completed~~ complete the renewal form and submit the renewal fee by December 31 of each year may be renewed for up to one year by paying the prescribed renewal fee and late fee, provided the requirements of 18VAC105-20-70 have been met. After December 31, a license that has not been renewed is lapsed. Practicing optometry in Virginia with a lapsed license may subject the licensee to disciplinary action and additional fines by the board.

D. An optometrist whose license has been lapsed for more than one year and who wishes to resume practice in Virginia shall apply for reinstatement. The executive director may grant reinstatement provided that:

1. The applicant can demonstrate continuing competence;
2. The applicant has satisfied current requirements for continuing education for the period in which the license has been lapsed, not to exceed two years; and
3. The applicant has paid the prescribed reinstatement application fee.

E. The board may require an applicant who has allowed his license to expire and who cannot demonstrate continuing competency to pass all or parts of the board-approved examinations.

VA.R. Doc. No. R15-3603; Filed November 6, 2014, 9:15 a.m.

BOARD OF PHARMACY

Final Regulation

Title of Regulation: 18VAC110-20. Regulations Governing the Practice of Pharmacy (amending 18VAC110-20-10; adding 18VAC110-20-418).

Statutory Authority: §§ 54.1-2400 and 54.1-3307 of the Code of Virginia.

Effective Date: December 31, 2014.

Agency Contact: Caroline Juran, RPh, Executive Director, Board of Pharmacy, 9960 Mayland Drive, Suite 300, Richmond, VA 23233-1463, telephone (804) 367-4416, FAX (804) 527-4472, or email caroline.juran@dhp.virginia.gov.

Summary:

Chapter 124 of the 2011 Acts of Assembly mandates that the Board of Pharmacy promulgate regulations to specify the elements of a continuous quality improvement program that provides a systematic, ongoing process for analyzing dispensing errors and uses those findings to (i) formulate an appropriate response, (ii) develop or improve pharmacy systems and workflow processes, and (iii) prevent or reduce future errors.

The regulation includes (i) definitions for new necessary terms, such as "actively reports," "analysis," and "dispensing error"; (ii) provisions for pharmacies actively reporting to a patient safety organization; and (iii) provisions for a continuous quality improvement program in a pharmacy, to include notification responsibilities, documentation requirements, remediation of systems or procedures, and maintenance of a record of the analysis of the error.

Summary of Public Comments and Agency's Response: A summary of comments made by the public and the agency's response may be obtained from the promulgating agency or viewed at the office of the Registrar of Regulations.

Part I

General Provisions

18VAC110-20-10. Definitions.

In addition to words and terms defined in §§ 54.1-3300 and 54.1-3401 of the Code of Virginia, the following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

"ACPE" means the Accreditation Council for Pharmacy Education.

"Acquisition" of an existing entity permitted, registered or licensed by the board means (i) the purchase or transfer of all or substantially all of the assets of the entity or of any corporation that owns or controls the entity; (ii) the creation of a partnership by a sole proprietor or change in partnership composition; (iii) the acquiring of 50% or more of the outstanding shares of voting stock of a corporation owning the entity or of the parent corporation of a wholly owned subsidiary owning the entity, except that this shall not apply

to any corporation the voting stock of which is actively traded on any securities exchange or in any over-the-counter market; or (iv) the merger of a corporation owning the entity, or of the parent corporation of a wholly owned subsidiary owning the entity, with another business or corporation.

"Actively reports" means reporting all dispensing errors and analyses of such errors to a patient safety organization as soon as practical or at least within 30 days of identifying the error.

"Alternate delivery site" means a location authorized in 18VAC110-20-275 to receive dispensed prescriptions on behalf of and for further delivery or administration to a patient.

"Analysis" means a review of the findings collected and documented on each dispensing error, assessment of the cause and any factors contributing to the dispensing error, and any recommendation for remedial action to improve pharmacy systems and workflow processes to prevent or reduce future errors.

"Beyond-use date" means the date beyond which the integrity of a compounded, repackaged, or dispensed drug can no longer be assured and as such is deemed to be adulterated or misbranded as defined in §§ 54.1-3461 and 54.1-3462 of the Code of Virginia.

"Board" means the Virginia Board of Pharmacy.

"CE" means continuing education as required for renewal of licensure by the Board of Pharmacy.

"CEU" means a continuing education unit awarded for credit as the equivalent of 10 contact hours.

"Chart order" means a lawful order for a drug or device entered on the chart or in a medical record of a patient by a prescriber or his designated agent.

"Compliance packaging" means packaging for dispensed drugs which is comprised of a series of containers for solid oral dosage forms and which is designed to assist the user in administering or self-administering the drugs in accordance with directions for use.

"Contact hour" means the amount of credit awarded for 60 minutes of participation in and successful completion of a continuing education program.

"Correctional facility" means any prison, penitentiary, penal facility, jail, detention unit, or other facility in which persons are incarcerated by government officials.

"DEA" means the United States Drug Enforcement Administration.

"Dispensing error" means one or more of the following discovered after the final verification by the pharmacist [, regardless of whether the patient received the drug]:

1. Variation from the prescriber's prescription drug order, including but not limited to:

a. Incorrect drug;

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b. Incorrect drug strength;

c. Incorrect dosage form;

d. Incorrect patient; or

e. Inadequate or incorrect packaging, labeling, or directions.

2. Failure to exercise professional judgment in identifying and managing:

a. Known therapeutic duplication;

b. Known drug-disease contraindications;

c. Known drug-drug interactions;

d. Incorrect drug dosage or duration of drug treatment;

e. Known drug-allergy interactions;

f. A clinically significant, avoidable delay in therapy; or

g. Any other significant, actual, or potential problem with a patient's drug therapy.

3. Delivery of a drug to the incorrect patient.

4. Variation in bulk repackaging or filling of automated devices, including but not limited to:

a. Incorrect drug;

b. Incorrect drug strength;

c. Incorrect dosage form; or

d. Inadequate or incorrect packaging or labeling.

"Drug donation site" means a permitted pharmacy that specifically registers with the board for the purpose of receiving or redispensing eligible donated prescription drugs pursuant to § 54.1-3411.1 of the Code of Virginia.

"Electronic prescription" means a written prescription that is generated on an electronic application in accordance with 21 CFR Part 1300 and is transmitted to a pharmacy as an electronic data file.

"Expiration date" means that date placed on a drug package by the manufacturer or repacker beyond which the product may not be dispensed or used.

"Facsimile (FAX) prescription" means a written prescription or order which is transmitted by an electronic device over telephone lines which sends the exact image to the receiver (pharmacy) in a hard copy form.

"FDA" means the United States Food and Drug Administration.

"Floor stock" means a supply of drugs that have been distributed for the purpose of general administration by a prescriber or other authorized person pursuant to a valid order of a prescriber.

"Foreign school of pharmacy" means a school outside the United States and its territories offering a course of study in basic sciences, pharmacology, and pharmacy of at least four years in duration resulting in a degree that qualifies a person to practice pharmacy in that country.

"Forgery" means a prescription that was falsely created, falsely signed, or altered.

"FPGEC certificate" means the certificate given by the Foreign Pharmacy Equivalency Committee of NABP that certifies that the holder of such certificate has passed the Foreign Pharmacy Equivalency Examination and a credential review of foreign training to establish educational equivalency to board approved schools of pharmacy, and has passed approved examinations establishing proficiency in English.

"Generic drug name" means the nonproprietary name listed in the United States Pharmacopeia-National Formulary (USP-NF) or in the USAN and the USP Dictionary of Drug Names.

"Hospital" or "nursing home" means those facilities as defined in Title 32.1 of the Code of Virginia or as defined in regulations by the Virginia Department of Health.

"Inactive license" means a license which is registered with the Commonwealth but does not entitle the licensee to practice, the holder of which is not required to submit documentation of CE necessary to hold an active license.

"Long-term care facility" means a nursing home, retirement care, mental care or other facility or institution which provides extended health care to resident patients.

"NABP" means the National Association of Boards of Pharmacy.

"Nuclear pharmacy" means a pharmacy providing radiopharmaceutical services.

"On duty" means that a pharmacist is on the premises at the address of the permitted pharmacy and is available as needed.

"On-hold prescription" means a valid prescription that is received and maintained at the pharmacy for initial dispensing on a future date.

"Patient safety organization" means an organization that has as its primary mission continuous quality improvement under the Patient Safety and Quality Improvement Act of 2005 (Pub. L. 109-41) and is credentialed by the Agency for Healthcare Research and Quality.

"Permitted physician" means a physician who is licensed pursuant to § 54.1-3304 of the Code of Virginia to dispense drugs to persons to whom or for whom pharmacy services are not reasonably available.

"Perpetual inventory" means an ongoing system for recording quantities of drugs received, dispensed or otherwise distributed by a pharmacy.

"Personal supervision" means the pharmacist must be physically present and render direct, personal control over the entire service being rendered or act being performed. Neither prior nor future instructions shall be sufficient nor, shall supervision rendered by telephone, written instructions, or by any mechanical or electronic methods be sufficient.

"Pharmacy closing" means that the permitted pharmacy ceases pharmacy services or fails to provide for continuity of

pharmacy services or lawful access to patient prescription records or other required patient records for the purpose of continued pharmacy services to patients.

"Pharmacy technician trainee" means a person who is currently enrolled in an approved pharmacy technician training program and is performing duties restricted to pharmacy technicians for the purpose of obtaining practical experience in accordance with § 54.1-3321 D of the Code of Virginia.

"PIC" means the pharmacist-in-charge of a permitted pharmacy.

"Practice location" means any location in which a prescriber evaluates or treats a patient.

"Prescription department" means any contiguous or noncontiguous areas used for the compounding, dispensing and storage of all Schedule II through VI drugs and devices and any Schedule I investigational drugs.

"PTCB" means the Pharmacy Technician Certification Board, co-founded by the American Pharmaceutical Association and the American Society of Health System Pharmacists, as the national organization for voluntary examination and certification of pharmacy technicians.

"Quality assurance plan" means a plan approved by the board for ongoing monitoring, measuring, evaluating, and, if necessary, improving the performance of a pharmacy function or system.

"Radiopharmaceutical" means any drug that exhibits spontaneous disintegration of unstable nuclei with the emission of nuclear particles or photons and includes any nonradioactive reagent kit or radionuclide generator that is intended to be used in the preparation of any such substance, but does not include drugs such as carbon-containing compounds or potassium-containing salts that include trace quantities of naturally occurring radionuclides. The term also includes any biological product that is labeled with a radionuclide or intended solely to be labeled with a radionuclide.

"Repackaged drug" means any drug removed from the manufacturer's original package and placed in different packaging.

"Robotic pharmacy system" means a mechanical system controlled by a computer that performs operations or activities relative to the storage, packaging, labeling, dispensing, or distribution of medications, and collects, controls, and maintains all transaction information.

"Safety closure container" means a container which meets the requirements of the federal Poison Prevention Packaging Act of 1970 (15 USC §§ 1471-1476), i.e., in testing such containers, that 85% of a test group of 200 children of ages 41-52 months are unable to open the container in a five-minute period and that 80% fail in another five minutes after a demonstration of how to open it and that 90% of a test

group of 100 adults must be able to open and close the container.

"Satellite pharmacy" means a pharmacy which is noncontiguous to the centrally permitted pharmacy of a hospital but at the location designated on the pharmacy permit.

"Special packaging" means packaging that is designed or constructed to be significantly difficult for children under five years of age to open to obtain a toxic or harmful amount of the drug contained therein within a reasonable time and not difficult for normal adults to use properly, but does not mean packaging which all such children cannot open or obtain a toxic or harmful amount within a reasonable time.

"Special use permit" means a permit issued to conduct a pharmacy of a special scope of service that varies in any way from the provisions of any board regulation.

"Storage temperature" means those specific directions stated in some monographs with respect to the temperatures at which pharmaceutical articles shall be stored, where it is considered that storage at a lower or higher temperature may produce undesirable results. The conditions are defined by the following terms:

1. "Cold" means any temperature not exceeding 8°C (46°F). A refrigerator is a cold place in which temperature is maintained thermostatically between 2° and 8°C (36° and 46°F). A freezer is a cold place in which the temperature is maintained thermostatically between -20° and -10°C (-4° and 14°F).
2. "Room temperature" means the temperature prevailing in a working area.
3. "Controlled room temperature" means a temperature maintained thermostatically that encompasses the usual and customary working environment of 20° to 25°C (68° to 77°F); that results in a mean kinetic temperature calculated to be not more than 25°C; and that allows for excursions between 15° and 30°C (59° and 86°F) that are experienced in pharmacies, hospitals, and warehouses.
4. "Warm" means any temperature between 30° and 40°C (86° and 104°F).
5. "Excessive heat" means any temperature above 40°C (104°F).
6. "Protection from freezing" means where, in addition to the risk of breakage of the container, freezing subjects a product to loss of strength or potency, or to the destructive alteration of its characteristics, the container label bears an appropriate instruction to protect the product from freezing.
7. "Cool" means any temperature between 8° and 15°C (46° and 59°F).

"Terminally ill" means a patient with a terminal condition as defined in § 54.1-2982 of the Code of Virginia.

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"Unit dose container" means a container that is a single-unit container, as defined in United States Pharmacopeia-National Formulary, for articles intended for administration by other than the parenteral route as a single dose, direct from the container.

"Unit dose package" means a container that contains a particular dose ordered for a patient.

"Unit dose system" means a system in which multiple drugs in unit dose packaging are dispensed in a single container, such as a medication drawer or bin, labeled only with patient name and location. Directions for administration are not provided by the pharmacy on the drug packaging or container but are obtained by the person administering directly from a prescriber's order or medication administration record.

"USP-NF" means the United States Pharmacopeia-National Formulary.

"Well-closed container" means a container that protects the contents from extraneous solids and from loss of the drug under the ordinary or customary conditions of handling, shipment, storage, and distribution.

18VAC110-20-418. Continuous quality improvement programs.

A. Notwithstanding practices constituting unprofessional practice indicated in 18VAC110-20-25, any pharmacy that actively reports dispensing errors and the analysis of such errors to a patient safety organization consistent with § 54.1-3434.03 of the Code of Virginia and 18VAC110-20-10 shall be deemed in compliance with this section. A record indicating the date a report was submitted to a patient safety organization shall be maintained for 12 months from the date of reporting. If no dispensing errors have occurred within the past 30 days, a zero report with date shall be recorded on the record.

B. Pharmacies not actively reporting to patient safety organizations, consistent with § 54.1-3434.03 and 18VAC110-20-10, shall implement a program for continuous quality improvement in compliance with this section.

1. Notification requirements:

a. A pharmacy intern or pharmacy technician who identifies or learns of a dispensing error shall immediately notify a pharmacist on duty of the dispensing error.

b. A pharmacist on duty shall appropriately respond to the dispensing error in a manner that protects the health and safety of the patient.

c. A pharmacist on duty shall immediately notify the patient or the person responsible for administration of the drug to the patient and communicate steps to avoid injury or mitigate the error if the patient is in receipt of a drug involving a dispensing error, that may cause patient harm or affect the efficacy of the drug therapy. Additionally, reasonable efforts shall be made to determine if the patient self-administered or was administered the drug

involving the dispensing error. If it is known or reasonable to believe the patient self-administered or was administered the drug involving the dispensing error, the pharmacist shall immediately assure that the prescriber is notified.

2. Documentation and record requirements; remedial action:

a. Documentation of the dispensing error must be initiated as soon as practical, not to exceed three days from identifying the error. Documentation shall include, at a minimum, a description of the event that is sufficient to allow further investigation, categorization, and analysis of the event.

b. The pharmacist-in-charge or designee shall perform a systematic, ongoing analysis, as defined in 18VAC110-20-10, of dispensing errors. An analysis of each dispensing error shall be performed within 30 days of identifying the error.

c. The pharmacist-in-charge shall inform pharmacy personnel of changes made to pharmacy policies, procedures, systems, or processes as a result of the analysis.

d. Documentation associated with the dispensing error need only to be maintained until the systematic analysis has been completed. Prescriptions, dispensing information, and other records required by federal or state law shall be maintained accordingly.

e. A separate record shall be maintained and available for inspection to ensure compliance with this section for 12 months from the date of the analysis of dispensing errors and shall include the following information:

(1) Dates the analysis was initiated and completed;

(2) Names of the participants in the analysis;

(3) General description of remedial action taken to prevent or reduce future errors; and

(4) A zero report with date shall be recorded on the record if no dispensing errors have occurred within the past 30 days.

VA.R. Doc. No. R11-2888; Filed November 3, 2014, 10:08 a.m.

REAL ESTATE APPRAISER BOARD

Final Regulation

Title of Regulation: 18VAC130-30. Appraisal Management Company Regulations (adding 18VAC130-30-10 through 18VAC130-30-170).

Statutory Authority: § 54.1-201 of the Code of Virginia.

Effective Date: February 1, 2015.

Agency Contact: Christine Martine, Executive Director, Real Estate Appraiser Board, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8552, FAX (866) 350-7849, or email reappraisers@dpor.virginia.gov.

Summary:

To implement Chapter 405 of the 2012 Acts of Assembly, the regulatory action creates a new chapter that provides for the licensure and regulation of real estate appraisal management companies. The regulation establishes definitions, qualifications for licensure, fees, and standards of practice and conduct.

Summary of Public Comments and Agency's Response: A summary of comments made by the public and the agency's response may be obtained from the promulgating agency or viewed at the office of the Registrar of Regulations.

CHAPTER 30 APPRAISAL MANAGEMENT COMPANY REGULATIONS

Part I General

18VAC130-30-10. Definitions.

A. Section 54.1-2020 of the Code of Virginia provides definitions of the following terms and phrases as used in this chapter:

"Appraisal management company"

"Appraisal services"

"Appraiser"

"Board"

"Employee"

"Uniform Standards of Professional Appraisal Practice"

B. The following words and phrases when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Address of record" means the mailing address designated by the regulant to receive notices and correspondence from the board. Notice mailed to the address of record by certified mail, return receipt requested, shall be deemed valid notice.

"Applicant" means an appraisal management company that has submitted an application for licensure.

"Application" means a completed, board-prescribed form submitted with the appropriate fee and other required documentation.

"Controlling person" means (i) an owner, officer, or director of a corporation or a partnership or a managing member of a limited liability company or other business entity seeking to offer appraisal management services; (ii) an individual employed, appointed, or authorized by an appraisal management company who has the authority to enter into a contractual relationship with other persons for the performance of appraisal management services and has the authority to enter into agreements with appraisers for the performance of appraisals; or (iii) an individual who possesses, directly or indirectly, the power to direct or cause the direction of the management or policies of an appraisal management company.

"Department" means the Virginia Department of Professional and Occupational Regulation.

"Direct supervision" means exercising oversight and direction of, and control over, the work of another.

"Firm" means a sole proprietorship, association, partnership, corporation, limited liability company, limited liability partnership, or any other form of business organization recognized under the laws of the Commonwealth of Virginia and properly registered, as may be required, with the Virginia State Corporation Commission.

"Regulant" means an appraisal management company as defined in § 54.1-2020 of the Code of Virginia that holds a license issued by the board.

"Reinstatement" means the process and requirements through which an expired license can be made valid without the regulant having to apply as a new applicant.

"Renewal" means the process and requirements for periodically approving the continuance of a license.

"Responsible person" means a person licensed under Chapter 20.1 (§ 54.1-2009 et seq.) of Title 54.1 of the Code of Virginia who shall be designated by each regulant to ensure compliance with Chapter 20.2 (§ 54.1-2020 et seq.) of Title 54.1 of the Code of Virginia, and all regulations of the board, and to receive communications and notices from the board that may affect the regulant.

"Sole proprietor" means any individual, not a corporation or other registered business entity, who is trading under his own name or under an assumed or a fictitious name pursuant to the provisions of §§ 59.1-69 through 59.1-76 of the Code of Virginia.

"Timely payment" means payment to an appraiser for the completion of an appraisal or a valuation assignment within 30 days after the appraiser delivers the completed appraisal or valuation assignment to the appraisal management company except in cases of breach of contract or noncompliance with the conditions of the engagement or performance of services that violates the Uniform Standards of Professional Appraisal Practice.

Part II Entry

18VAC130-30-20. Application procedures.

An applicant seeking licensure shall submit an application with the appropriate fee specified in 18VAC130-30-60. Application shall be made on a form provided by the board or its agent.

By submitting the application to the department, the applicant certifies that the applicant has read and understands the applicable statutes and the board's regulations.

The receipt of an application and the deposit of fees by the board does not indicate approval by the board.

The board may make further inquiries and investigations with respect to the applicant's qualifications to confirm or

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amplify information supplied. All applications shall be completed in accordance with the instructions contained in this chapter and on the application. Applications will not be considered complete until all documents are received by the board.

A firm will be notified within 30 days of the board's receipt of an initial application if the application is incomplete. A firm that fails to complete the process within 12 months of receipt of the application in the board's office must submit a new application and fee.

18VAC130-30-30. Qualifications for licensure as an appraisal management company.

A. Firms that meet the definition of appraisal management company as defined in § 54.1-2020 of the Code of Virginia shall submit an application on a form prescribed by the board and shall meet the requirements set forth in § 54.1-2021.1 of the Code of Virginia, as well as the additional qualifications of this section.

B. Any firm acting as an appraisal management company as defined in § 54.1-2020 of the Code of Virginia shall hold a license as an appraisal management company. All names under which the appraisal management company conducts business shall be disclosed on the application. The name under which the firm conducts business and holds itself out to the public (i.e., the trade or fictitious name) shall also be disclosed on the application. Firms shall be organized as business entities under the laws of the Commonwealth of Virginia or otherwise authorized to transact business in Virginia. Firms shall register any trade or fictitious names with the State Corporation Commission or the clerk of the court in the county or jurisdiction where the business is to be conducted in accordance with §§ 59.1-69 through 59.1-76 of the Code of Virginia before submitting an application to the board.

C. The applicant for an appraisal management company license shall disclose the firm's mailing address and the firm's physical address. A post office box is only acceptable as a mailing address when a physical address is also provided.

D. In accordance with § 54.1-204 of the Code of Virginia, each applicant for an appraisal management company license shall have any person who owns 10% or more of the firm and the controlling person of the firm submit to fingerprinting and a background investigation and disclose the following information:

1. All felony convictions.
2. All misdemeanor convictions in any jurisdiction that occurred within five years of the date of application.
3. Any plea of nolo contendere or finding of guilt regardless of adjudication or deferred adjudication shall be considered a conviction for the purposes of this section. The record of conviction certified or authenticated in such form as to be admissible in evidence under the laws of the

jurisdiction where convicted shall be admissible as prima facie evidence of such guilt.

E. The applicant for an appraisal management company license, the controlling person, the responsible person, and any person who owns 10% or more of the firm shall be in good standing in Virginia and in every jurisdiction and with every board or administrative body where licensed, certified, or registered, and the board, in its discretion, may deny licensure to any applicant who has been subject to, or whose controlling person or responsible person has been subject to, or any person who owns 10% or more of the firm has been subject to, any form of adverse disciplinary action, including but not limited to (i) reprimand; revocation, suspension, or denial of license; imposition of a monetary penalty; requirement to complete remedial education, or any other corrective action in any jurisdiction or by any board or administrative body or (ii) surrender of a license, a certificate, or registration in connection with any disciplinary action in any jurisdiction prior to obtaining licensure in Virginia.

F. The board shall deny the application for licensure of an applicant for an appraisal management company if any person or entity that owns 10% or more of the appraisal management company has had an appraiser license refused, denied, canceled, or revoked in Virginia or any jurisdiction.

G. The applicant for an appraisal management company license shall be in compliance with the standards of conduct and practice set forth in Part V (18VAC130-30-120 et seq.) of this chapter at the time of application, while the application is under review by the board, and at all times when the license is in effect.

H. The applicant for an appraisal management company license shall submit evidence of a bond or letter of credit in accordance with § 54.1-2021.1 [~~C~~ D] of the Code of Virginia. Proof of current bond or letter of credit with the appraisal management company as the named bond holder or letter of credit holder must be submitted to obtain or renew the license. The bond or letter of credit must be in force no later than the effective date of the license and shall remain in effect through the date of expiration of the license. The bond or letter of credit shall include:

1. The principal of the bond or letter of credit;
2. The beneficiary of the bond or letter of credit;
3. The name of the surety or financial institution that issued the bond or letter of credit;
4. The bond or letter of credit number as assigned by the issuer;
5. The dollar amount; and
6. The expiration date or, if self-renewing, the date by which the bond or letter of credit shall be renewed.

I. The firm shall provide the name, address, and contact information for any person or entity that owns 10% or more of the appraisal management company.

J. The firm shall designate a responsible person.

18VAC130-30-40. Application denial.

The board may refuse initial licensure due to an applicant's failure to comply with entry requirements or for any of the reasons the board may discipline a regulant.

**Part III
Fees**

18VAC130-30-50. General fee requirements.

All fees are nonrefundable and shall not be prorated. The date on which the fee is received by the department or its agent will determine whether the fee is on time. Checks or money orders shall be payable to the Treasurer of Virginia.

18VAC130-30-60. Fee schedule.

Fee Type	Fee Amount	When Due
<u>Initial Application - Appraisal Management Company</u>	\$490 [<u>plus National Registry fee of \$50 per appraiser working for or contracting with the appraisal management company</u>]	<u>With application</u>
<u>Renewal - Appraisal Management Company</u>	\$300 [<u>plus National Registry fee of \$50 per appraiser working for or contracting with the appraisal management company</u>]	<u>With renewal application</u>
<u>Reinstatement - Appraisal Management Company</u>	\$790 (includes a \$490 reinstatement fee in addition to the regular \$300 renewal fee) [<u>plus National Registry fee of \$50 per appraiser working for or contracting with the appraisal management company</u>]	<u>With reinstatement application</u>

[Each appraisal management company shall submit a \$50 National Registry fee assessment for each appraiser working for or contracting with the appraisal management company during the previous year in accordance with § 1109 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 USC §§ 3331-3351). This fee may be adjusted and charged to an appraisal management company in accordance with the Act.]

**Part IV
Renewal and Reinstatement**

18VAC130-30-70. Renewal required.

A license issued under this chapter shall expire two years from the last day of the month in which it was issued. A fee shall be required for renewal.

18VAC130-30-80. Expiration and renewal.

A. Prior to the expiration date shown on the license, licenses shall be renewed upon (i) completion of the renewal application, (ii) submittal of proof of current bond or letter of credit as detailed in 18VAC130-30-30 [G H], and (iii) payment of the fees specified in 18VAC130-30-60.

B. The board will mail a renewal notice to the regulant at the last known mailing address of record. Failure to receive this notice shall not relieve the regulant of the obligation to renew. If the regulant fails to receive the renewal notice, a copy of the license may be submitted with the required fees as an application for renewal. By submitting an application for renewal, the regulant is certifying continued compliance with the standards of conduct and practice in Part V (18VAC130-30-120 et seq.) of this chapter.

C. Applicants for renewal shall continue to meet all of the qualifications for licensure set forth in Part II (18VAC130-30-20 et seq.) of this chapter.

18VAC130-30-90. Reinstatement of appraisal management company license required.

A. If all of the requirements for renewal of a license as specified in 18VAC130-30-80 A are not completed within 30 days of the license expiration date, the regulant shall be required to reinstate the license by meeting all renewal requirements and by paying the reinstatement fee specified in 18VAC130-30-60.

B. A license may be reinstated for up to one year following the expiration date. After one year, the license may not be reinstated under any circumstances and the firm must meet all current entry requirements and apply as a new applicant.

C. Any regulated activity conducted subsequent to the license expiration date may constitute unlicensed activity and be subject to prosecution under Chapter 1 (§ 54.1-100 et seq.) of Title 54.1 of the Code of Virginia.

18VAC130-30-100. Status of license during the period prior to reinstatement.

A regulant [~~who~~ that] applies for reinstatement of a license shall be subject to all laws and regulations as if the regulant had been continuously licensed. The regulant shall remain under and be subject to the disciplinary authority of the board during this entire period.

18VAC130-30-110. Board discretion to deny renewal or reinstatement.

The board may deny renewal or reinstatement of a license for the same reasons as the board may refuse initial licensure or discipline a regulant.

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The board may deny renewal or reinstatement of a license if the regulant has been subject to a disciplinary proceeding and has not met the terms of an agreement for licensure or other board order, has not satisfied all sanctions, or has not fully paid any monetary penalties and costs imposed by the board, plus any accrued interest.

Part V

Standards of Conduct and Practice

18VAC130-30-120. Grounds for disciplinary action.

The board has the power to fine any regulant, to place any regulant on probation, and to suspend or revoke any license issued under the provisions of Chapter 20.2 (§ 54.1-2020 et seq.) of Title 54.1 of the Code of Virginia and the regulations of the board, in accordance with [subdivision 7 of] § 54.1-201 [A 7] and § 54.1-202 of the Code of Virginia and the provisions of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) when any regulant has been found to have violated or cooperated with others in violating any provision of Chapter 20.2 of Title 54.1 of the Code of Virginia, any relevant provision of the Uniform Standards of Professional Appraisal Practice as developed by the Appraisal Standards Board of the Appraisal Foundation, or any regulation of the board.

18VAC130-30-130. Maintenance of license.

A. No license issued by the board shall be assigned or otherwise transferred.

B. A regulant shall report, in writing, all changes of address to the board within 30 days of the change and shall return the license to the board. In addition to the address of record, a physical address is required for each license. If the regulant holds more than one license, certificate, or registration, the regulant shall inform the board of all licenses, certificates, and registrations affected by the address change.

C. Any change in any of the qualifications for licensure found in 18VAC130-30-30 shall be reported to the board within 30 days of the change.

D. Notwithstanding the provisions of subsection C of this section, a regulant shall report the cancellation, amendment, expiration, or any other change of any bond or letter of credit submitted in accordance with 18VAC130-30-30 [G H] within five days of the change.

E. A regulant shall report to the board the discharge or termination of the responsible person and provide to the board the new responsible person designated by the regulant within five business days of the discharge or termination and name a new responsible person.

18VAC130-30-140. Change of business entity requires a new license.

A. Licenses are issued to firms as defined in this chapter and are not transferable. Whenever the legal business entity holding the license is dissolved or altered to form a new business entity, the license becomes void and shall be

returned to the board within 30 days of the change. Such changes include but are not limited to:

1. Cessation of the business or the voluntary termination of a sole proprietorship or general partnership;

2. Death of a sole proprietor;

3. Formation, reformation, or dissolution of a general partnership, limited partnership, corporation, limited liability company, association, or any other business entity recognized under the laws of the Commonwealth of Virginia; or

4. The suspension or termination of the corporation's existence by the State Corporation Commission.

B. When a new firm is formed, the new firm shall apply for a new license on a form provided by the board before engaging in any activity regulated by Chapter 20.2 (§ 54.1-2020 et seq.) of Title 54.1 of the Code of Virginia or the regulations of the board.

18VAC130-30-150. Notice of adverse action.

A. Licensed appraisal management companies shall notify the board of the following actions against the firm, the responsible person, any controlling person, or any person who owns 10% or more of the firm:

1. Any disciplinary action taken by any jurisdiction, board, or administrative body of competent jurisdiction, including, but not limited to, any reprimand; license or certificate revocation, suspension, or denial; monetary penalty; or requirement for remedial education or other corrective action.

2. Any voluntary surrender of a license, certificate, or registration done in connection with a disciplinary action in another jurisdiction.

3. Any conviction, finding of guilt, or plea of guilty, regardless of adjudication or deferred adjudication, in any jurisdiction of the United States of any misdemeanor involving moral turpitude, sexual offense, drug distribution, or physical injury, or any felony, there being no appeal pending therefrom or the time for appeal having lapsed. Review of convictions shall be subject to the requirements of § 54.1-204 of the Code of Virginia. Any plea of nolo contendere shall be considered a conviction for the purpose of this section.

B. The notice must be made to the board in writing within 30 days of the action. A copy of the order or other supporting documentation must accompany the notice. The record of conviction, finding, or case decision shall be considered prima facie evidence of a conviction or finding of guilt.

18VAC130-30-160. Prohibited acts.

The following acts are prohibited and any violation may result in disciplinary action by the board:

1. Violating, inducing another to violate, or cooperating with others in violating any of the provisions of any of the regulations of the board or Chapter 20.2 (§ 54.1-2020 et

- seq.) of Title 54.1 of the Code of Virginia, or engaging in any acts enumerated in § 54.1-111 of the Code of Virginia.
2. Allowing a license issued by the board to be used by another.
3. Obtaining or attempting to obtain a license by false or fraudulent representation, or maintaining, renewing, or reinstating a license by false or fraudulent representation.
4. The regulant, the responsible person, any controlling person, or any person who owns 10% or more of the firm having been convicted, found guilty, or disciplined in any jurisdiction of any offense or violation enumerated in 18VAC130-30-150.
5. Failing to inform the board in writing within 30 days that the regulant, the responsible person, any controlling person, or any person who owns 10% or more of the firm was convicted, found guilty, or disciplined in any jurisdiction of any offense or violation enumerated in 18VAC130-30-150.
6. Failing to report a change as required by 18VAC130-30-130 or 18VAC130-30-140.
7. Engaging in dishonest or fraudulent conduct as an appraisal management company.
8. Failing to satisfy any judgments or restitution orders entered by a court or arbiter of competent jurisdiction.
9. Engaging in any acts enumerated in subsections A through D of § 54.1-2022 of the Code of Virginia.
10. Failing to act as an appraisal management company in a manner that safeguards the interests of the public.
11. Advertising in any name other than the name or names in which licensed.
12. Failing to maintain the bond or letter of credit as required by 18VAC130-30-30 [G H].
13. Failing to have a system in place to review the work of all appraisers who may perform appraisal services for the appraisal management company on a periodic basis to ensure that the appraisal services are being conducted in conformance with the Uniform Standards of Professional Appraisal Practice.
14. Failing to maintain a detailed record of the following: (i) each request for an appraisal service that the appraisal management company receives [and the date the appraiser delivers the completed appraisal or valuation assignment to the appraisal management company], (ii) the name of each independent appraiser [~~that~~ who] performs the appraisal, (iii) the physical address or legal identification of the subject property, (iv) the name of the appraisal management company's client for the appraisal, (v) the amount paid to the appraiser, and (vi) the amount paid to the appraisal management company.
15. Failing to have a system in place to ensure compliance with § 129E of the Truth in Lending Act (15 USC § 1601 et seq.).

16. Failing to include the regulant's Virginia license number on all contracts, agreements, letters of engagement, or other documentation entered with an independent appraiser for the performance of appraisal services.

18VAC130-30-170. Response to inquiry and provision of records.

A. A regulant must respond within 10 days to a request by the board or any of its agents regarding any complaint filed with the department.

B. Unless otherwise specified by the board, a regulant of the board shall produce to the board or any of its agents within 10 days of the request any document, book, or record concerning any transaction pertaining to a complaint filed in which the regulant was involved, or for which the regulant is required to maintain records for inspection and copying by the board or its agents. The board may extend such time frame upon a showing of extenuating circumstances prohibiting delivery within such 10-day period.

C. A regulant shall not provide a false, misleading, or incomplete response to the board or any of its agents seeking information in the investigation of a complaint filed with the board.

D. With the exception of the requirements of subsections A and B of this section, a regulant must respond to an inquiry by the board or its agents within 21 days.

NOTICE: The following form used in administering the regulation was filed by the agency. The form is not being published; however, online users of this issue of the Virginia Register of Regulations may click on the name of the form to access it. The form is also available from the agency contact or may be viewed at the Office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia 23219.

FORMS (18VAC130-30)

[~~Appraisal Management Company License Application, A461-40###LIC v1 (2014)~~

[Appraisal Management Company License Application, A461-4009LIC \(eff. 2/15\)](#)

[Owners and Controlling Person\(s\) Change Application, A461-40CHG \(eff. 2/15\)](#)

[Responsible Person Change Application, A461-40RPCHG \(eff. 2/15\)](#)]

VA.R. Doc. No. R13-3435; Filed November 6, 2014, 1:09 p.m.

BOARD OF SOCIAL WORK

Proposed Regulation

Title of Regulation: 18VAC140-20. Regulations Governing the Practice of Social Work (amending 18VAC140-20-30, 18VAC140-20-100, 18VAC140-20-105, 18VAC140-20-106, 18VAC140-20-110, 18VAC140-20-130).

Statutory Authority: § 54.1-2400 of the Code of Virginia.

Regulations

Public Hearing Information:

December 5, 2014 - 10 a.m. - Perimeter Center,
Department of Health Professions, 9960 Mayland Drive,
2nd Floor, Richmond, VA 23233.

Public Comment Deadline: January 30, 2015.

Agency Contact: Catherine Chappell, Executive Director,
Board of Social Work, 9960 Mayland Drive, Suite 300,
Richmond, VA 23233-1463, telephone (804) 367-4406, FAX
(804) 527-4435, or email
catherine.chappell@dhp.virginia.gov.

Basis: Regulations Governing the Practice of Social Work (18VAC140-20) are promulgated under the general authority of Chapter 24 (§ 54.1-2400 et seq.) of Title 54.1 of the Code of Virginia, which establishes the general powers and duties of health regulatory boards including (i) the responsibility to promulgate regulations in accordance with the Administrative Process Act that are reasonable and necessary and (ii) the authority to levy and collect fees that are sufficient to cover all expenses for the administration of a regulatory program.

The proposed regulation is mandated by § 54.1-113 of the Code of Virginia; however the board must exercise some discretion in the amount and type of fees that will be increased in order to comply with the statute. Section 54.1-113 A states "Following the close of any biennium, when the account for any regulatory board within the Department of Professional and Occupational Regulation or the Department of Health Professions maintained under § 54.1-308 or § 54.1-2505 shows expenses allocated to it for the past biennium to be more than ten percent greater or less than moneys collected on behalf of the board, it shall revise the fees levied by it for certification or licensure and renewal thereof so that the fees are sufficient but not excessive to cover expenses."

Purpose: The issue to be addressed is the need of the Board of Social Work to increase its fees to cover expenses for essential functions of licensing, investigation of complaints against licensees, and adjudication of disciplinary cases to protect the health and safety of clients and patients who receive social work and clinical services in the Commonwealth.

Section 54.1-113 of the Code of Virginia requires that at the end of each biennium, an analysis of revenues and expenditures of each regulatory board shall be performed. It is necessary that each board have sufficient revenue to cover its expenditures. In the 2009 fiscal year (FY09), the board collected biennial renewal fees, resulting in a balance of \$404,324. However, the combination of income in FY10 and FY11 did not equal the combined expenditures for those fiscal years. At the time the NOIRA was adopted, it was projected that the board may conclude FY14 with a deficit of (\$124,132) and that the board will continue to have deficits through the fiscal years going forward. However, because of extraordinary increases in information technology (IT) services, increases in health care costs, building lease payments, and other expenditures, the projected deficit for

FY14 is now (\$254,794) and is projected to increase to (\$505,232) without action by the board.

In FY05 when the contract for information technology services was signed, placing all IT hardware, software, and services under a contract with Northrop Grumman through the Virginia Information Technologies Agency (VITA), Department of Health Professions (DHP) costs for IT services was \$850,000. In FY11, the cost for those services was \$3.6 million, and it is projected to be \$4.4 million in FY12. Since DHP and its boards are under the VITA contract, the agency has no other options for information technology.

Additionally, some of DHP's nongeneral funds were transferred, in accordance with the Budget Bill of 2010, to the General Fund to help close the gap between revenue and expenditures. The share of that cash transfer allocated to the Board of Social Work was \$11,818. There is a possibility that the General Assembly could opt to require another cash transfer in 2011 and beyond.

Since the fees from licensees no longer generate sufficient funds to pay operating expenses for the board, adoption of a fee increase is essential to continue licensing, investigating, and disciplining social workers.

Substance: Amendments reflect an increase in the application and renewal fees, fees charged for late renewal, administrative fees, and reinstatement after disciplinary action. The renewal cycle is changed from biennial to annual, but the verification of continuing education remains on a two-year cycle.

An application and licensure fee will increase from \$100 to \$165 for a licensed clinical social worker and from \$100 to \$115 for a licensed social worker. Renewal fees will change from \$125 biennially to \$90 annually for a licensed clinical social worker and from \$110 biennially to \$65 annually for a licensed social worker.

Issues: The primary advantage to the public is that increased fees will produce adequate revenue to fund the licensing and disciplinary activities of the board. With the shortfall of \$254,794 projected in FY14, there could be significant delays in licensing and in the investigation and adjudication of complaints against licensees. There are no disadvantages to the public; increases in renewal fees are mitigated by moving from a biennial to an annual license and should not significantly impact the cost of social work services for Virginians.

There are no disadvantages to the agency; the advantage would be that fees would be sufficient to cover expenditures, especially significant increases in IT services, which is a requirement of the Code of Virginia.

Department of Planning and Budget's Economic Impact Analysis:

Summary of the Proposed Amendments to Regulation. The Board of Social Work (Board) proposes to increase most fees paid by licensees and registrants that are subject to the

Board's authority and to move from biennial renewal to annual renewal.

Result of Analysis. For one of these proposed changes, costs for licensees likely outweigh benefits for the agency. There is insufficient information to accurately gauge whether benefits are likely to outweigh costs for these proposed changes.

Estimated Economic Impact. Under current regulations, licensed clinical social workers and licensed social workers pay the same initial licensure fees (\$100). During biennial renewal licensed clinical social workers currently pay more than licensed social workers (\$125 to \$110). Currently all classes of licensed or registered social workers can renew their licenses or registrations for up to four years after their expiration dates by paying a late renewal fee of \$10 and providing proof of completed continuing education.

With these proposed regulations, the Board intends to 1) separate initial licensure fee paid by licensed clinical social workers from that paid by licensed social workers (all fees except the fee for reinstatement of licensure after disciplinary action), 2) require renewal of licensure every year instead of every two years (although proof of continuing education will still be required only every other year), 3) limit late renewal to within one year of expiration of license or registration and 4) separate fee for adding or changing supervision from that for initial registration of supervision. The Board also proposes to increase all fees except those for late renewal for registered social workers and associate social workers and the returned check fee. Below is a comparison table for current and proposed fees:

FEE TYPE	CURRENT FEE	PROPOSED FEE	% INCREASE
Registration of Supervision	\$25	\$50	100%
Add/Change Supervision	\$25	\$25	No change
Application Processing for Licensed Clinical Social Workers	\$100	\$165	65%
Application Processing for Licensed Social Workers	\$100	\$115	15%
Registration Renewal for Registered Social Workers	\$35 (biennially)	\$25 (annually)	$((25*2)-35)/35=$ 42.86%
Registration Renewal for Associate Social Worker	\$35 (biennially)	\$25 (annually)	$((25*2)-35)/35=$ 42.86%

License Renewal for Licensed Social Worker	\$110 (biennially)	\$65 (annually)	$((65*2)-110)/110=$ 18.18%
License Renewal for Licensed Clinical Social Worker	\$125 (biennially)	\$90 (annually)	$((90*2)-125)/125=$ 44%
Penalty for Late Renewal for Registered Social Worker	\$10	\$10	No Change
Penalty for Late Renewal for Associate Social Worker (within one year)	\$10	\$10	No Change
Penalty for Late Renewal for Licensed Social Workers	\$10	\$20	100%
Penalty for Late Renewal for Licensed Clinical Social Workers (within one year)	\$10	\$30	200%
Verification of License to Another Jurisdiction	\$10	\$25	150%
Additional or Replacement Licenses	\$10	\$15	50%
Verification Additional or Replacement Wall Certificates	\$15	\$25	66.67%
Returned Check Charge	\$35	\$35	No Change
Reinstatement Following Disciplinary Action	\$200	\$500	150%

Board staff reports that the Board had a surplus for FY 2009 of 404,324 but expects to run a deficit for FY2010 and FY2011 and that, absent approval of these fee increases, "the projected deficit for FY14 is now \$254,794" and may reach as high as \$505,232. Board staff reports that these fee increases are needed because 1) the costs of health care for Board employees and lease payments for office space have increased, 2) some Board non-general funds were transferred in FY2010 to the General Fund to help close the budget gap and, so, won't be available to cover the cost of licensure services and 3) costs for information technology (IT) services have skyrocketed.

The Department of Health Professions (DHP) reports that a large portion of the expected expenditure increases over their

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forecast horizon are needed to cover increased costs for services from the Virginia Information Technologies Agency (VITA). DHP reports that its VITA services costs have more than tripled from FY2005 to FY2011, from \$850,000 to \$3.6 million, and are expected to be \$4.4 million in FY2012. A large portion of the increase in costs, at least for FY 2010 and FY 2011, can be attributed to the planned move of DHP's licensing servers from DHP to Northrop Grumman. DHP anticipates that this will increase the costs for maintaining these servers by approximately \$80,000 per month (\$960,000 per year). The Board is and will be responsible for a proportional share of these costs. Although it is likely beyond the capacity of DHP to control the very rapid growth of these costs, licensees of this Board (and all other DHP Boards) would benefit from increased scrutiny of services provided to DHP through VITA.

Board staff also reports that a portion of DHP's non-general fund bank account balances that would have partially offset the need for fee increases were instead moved to the General Fund by the Budget Bill of 2010 to help close the gap between revenue and expenditures. Staff reports that the Board's portion of this transfer was \$11,818. Staff further reports that there is a possibility that further transfers could be required in the current budget or future budgets. Licensees likely are harmed by these transfers as funds that were collected from them (and the interest those funds earned) that would have been used to cover the costs of administering their licensure program are instead used to offset the need for an increase in general taxes or for further budget cuts.

The Board proposes one change to these regulations that will increase costs for regulants even though they are not fee increases per se. The Board proposes to require annual, rather than biennial, license renewal. Board staff reports that this proposal will only raise Board costs slightly, even though the number of renewals that will be processed over each biennium will roughly double. The Board expects revenues will be higher with annual renewal because "the Board may derive revenue from persons on an annual basis who would have retired, moved away or changed professions by the time biennial renewal is due." One could argue, however, that individuals are more likely to know about changes that will be happening in the near future (within one year) that would affect a decision about license renewal and that changes in status that will occur further into the future are less known. This would mean that the Board may actually see a slight decrease in revenue because people who know that they are moving soon or have gotten a job that does not require licensure will choose not to renew. Regulants' implicit costs (time spent filling out renewal forms, etc.) for renewing their licenses or registrations will likely double if license renewal is required annually. Because proof of continuing education is not required for license renewal, and because continuing education will remain on a biennial schedule, this change is likely to be a source of confusion. For these reasons, costs will likely outweigh benefits for this proposed change.

Businesses and Entities Affected. DHP reports that the Board currently regulates 4,967 licensed clinical social workers, 349 licensed social workers, 2 associate social workers and 27 registered social workers. All of these entities, as well as any individuals or entities who may wish to become licensed or registered in the future, will be affected by these proposed regulations.

Localities Particularly Affected. No locality will be particularly affected by this proposed regulatory action.

Projected Impact on Employment. Fee increases in this regulatory action will likely marginally decrease the number of individuals who choose to work in professional fields that are regulated by the Board. Individuals who work part time or whose earnings are only slightly higher in these licensed fields than they would be in other jobs that do not require licensure will be more likely to be affected.

Effects on the Use and Value of Private Property. To the extent that affected licensees are in private practice, fee increases will likely slightly decrease business profits and make their businesses slightly less valuable.

Small Businesses: Costs and Other Effects. DHP does not know how many affected entities would qualify as small businesses but does know that many licensed clinical social workers are small business independent practitioners.

Small Businesses: Alternative Method that Minimizes Adverse Impact. There are several actions that the Board could take that might mitigate the necessity of raising fees overall. The Board could slightly lengthen the time that it takes to process both license applications and complaints so that staff costs could be cut. This option would benefit current licensees but would slightly delay licensure, and the ability to legally work, for new applicants. Affected small businesses would also likely benefit from increased scrutiny of the IT costs that are driving increases in both agency and Board expenditures.

Real Estate Development Costs. This regulatory action will likely have no effect on real estate development costs in the Commonwealth.

Legal Mandate. The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Administrative Process Act and Executive Order Number 14 (10). Section 2.2-4007.04 requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. Further, if the proposed regulation has an adverse effect on small businesses, § 2.2-4007.04 requires that such economic impact analyses include (i) an identification and estimate of the number of small

businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.

Agency's Response to Economic Impact Analysis: The Board of Social Work does not concur with the analysis of the Department of Planning and Budget on proposed amended regulations for 18VAC140-20, Regulations Governing the Practice of Social Work, relating to a fee increase.

The supposition that a change to an annual renewal may result in a slight decrease in revenue is not supported by past experience with budgets of other boards. The Board of Audiology and Speech-Language Pathology changed from biennial to annual renewal in 2004; by 2009 there was a sufficient surplus in revenue to warrant a decrease in renewal fees. The Board of Psychology changed from biennial to annual renewal in 2003; that board has had subsequent reductions in renewal fees in 2007 and again in 2010 because surplus revenue resulted. The Board of Counseling changed from a biennial to annual renewal in 2000 and has been able to adopt a reduction in renewal fees for 2006, 2007, and 2010.

The economic impact analysis is also incorrect in the statement that proof of continuing education is required for license renewal; the licensee is required to attest on the electronic renewal form that he is in compliance with continuing education requirements. Only those licensees who are audited every two years are required to provide proof of continuing education.

The agency strongly disagrees with the statement that costs will outweigh benefits of the proposed change because evidence from the experience of other boards points to the opposite conclusion.

Summary:

The proposed amendments (i) increase fees for initial application, renewal, late renewal, and reinstatement after disciplinary action, among others; (ii) establish a fee for an addition to or change in registration of supervision; and (iii) change the license renewal cycle from biennial to annual.

18VAC140-20-30. Fees.

A. The board has established fees for the following:

- 1. Registration of supervision \$25 ~~\$50~~
- 2. Addition to or change in registration of supervision \$25
- ~~2.~~ 3. Application processing \$100

- a. Licensed clinical social worker \$165
- b. Licensed social worker \$115
- ~~3. Biennial~~ 4. Annual license renewal
 - a. Registered social worker \$35 ~~\$25~~
 - b. Associate social worker \$35 ~~\$25~~
 - c. Licensed social worker \$110 ~~\$65~~
 - d. Licensed clinical social worker \$125 ~~\$90~~
- 4- ~~5.~~ 5. Penalty for late renewal \$10
 - a. Registered social worker \$10
 - b. Associate social worker \$10
 - c. Licensed social worker \$20
 - d. Licensed clinical social worker \$30
- ~~5- 6.~~ 6. Verification of license to another jurisdiction \$40 ~~\$25~~
- ~~6- 7.~~ 7. Additional or replacement licenses \$40 ~~\$15~~
- ~~7- 8.~~ 8. Additional or replacement wall certificates \$15 ~~\$25~~
- ~~8- 9.~~ 9. Returned check \$35
- ~~9- 10.~~ 10. Reinstatement following disciplinary action \$200 ~~\$500~~

B. Fees shall be paid by check or money order made payable to the Treasurer of Virginia and forwarded to the board. All fees are nonrefundable.

C. Examination fees shall be paid directly to the examination service according to its requirements.

18VAC140-20-100. Licensure renewal.

A. ~~At~~ Beginning with the 2013 renewal, licensees shall renew their licenses on or before June 30 of each ~~odd-numbered~~ year and pay the renewal fee prescribed by the board.

B. Licensees who wish to maintain an active license shall pay the appropriate fee and document on the renewal form compliance with the continued competency requirements prescribed in 18VAC140-20-105. Newly licensed individuals are not required to document continuing education on the first renewal date following initial licensure.

C. A licensee who wishes to place his license in inactive status may do so upon payment of a fee equal to one-half of the ~~biennial~~ annual license renewal fee as indicated on the renewal form. No person shall practice social work or clinical social work in Virginia unless he holds a current active license. A licensee who has placed himself in inactive status may become active by fulfilling the reactivation requirements set forth in 18VAC140-20-110.

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D. Each licensee shall furnish the board his current address of record. All notices required by law or by this chapter to be mailed by the board to any such licensee shall be validly given when mailed to the latest address of record given by the licensee. Any change in the address of record or the public address, if different from the address of record, shall be furnished to the board within 30 days of such change.

18VAC140-20-105. Continued competency requirements for renewal of an active license.

A. Licensed clinical social workers shall be required to have completed a minimum of 30 contact hours of continuing education and licensed social workers shall be required to have completed a minimum of 15 contact hours of continuing education for each biennial prior to licensure renewal in even years. Courses or activities shall be directly related to the practice of social work or another behavioral health field. A minimum of two of those hours must pertain to ethics or the standards of practice for the behavioral health professions or to laws governing the practice of social work in Virginia.

1. The board may grant an extension for good cause of up to one year for the completion of continuing education requirements upon written request from the licensee prior to the renewal date. Such extension shall not relieve the licensee of the continuing education requirement.

2. The board may grant an exemption for all or part of the continuing education requirements due to circumstances beyond the control of the licensee such as temporary disability, mandatory military service, or officially declared disasters upon written request from the licensee prior to the renewal date.

B. Hours may be obtained from a combination of board-approved activities in the following two categories:

1. Category I. Formally Organized Learning Activities. A minimum of 20 hours for licensed clinical social workers or 10 hours for licensed social workers shall be documented in this category, which shall include one or more of the following:

a. Regionally accredited university or college academic courses in a behavioral health discipline. A maximum of 15 hours will be accepted for each academic course.

b. Continuing education programs offered by universities or colleges accredited by the Council on Social Work Education.

c. Workshops, seminars, conferences, or courses in the behavioral health field offered by federal, state or local social service agencies, public school systems or licensed health facilities and licensed hospitals.

d. Workshops, seminars, conferences or courses in the behavioral health field offered by an individual or organization that has been certified or approved by one of the following:

(1) The Child Welfare League of America and its state and local affiliates.

(2) The National Association of Social Workers and its state and local affiliates.

(3) The National Association of Black Social Workers and its state and local affiliates.

(4) The Family Service Association of America and its state and local affiliates.

(5) The Clinical Social Work Association and its state and local affiliates.

(6) The Association of Social Work Boards.

(7) Any state social work board.

2. Category II. Individual Professional Activities. A maximum of 10 of the required 30 hours for licensed clinical social workers or a maximum of five of the required 15 hours for licensed social workers may be earned in this category, which shall include one or more of the following:

a. Participation in an Association of Social Work Boards item writing workshop. (Activity will count for a maximum of two hours.)

b. Publication of a professional social work-related book or initial preparation/presentation of a social work-related course. (Activity will count for a maximum of 10 hours.)

c. Publication of a professional social work-related article or chapter of a book, or initial preparation/presentation of a social work-related in-service training, seminar, or workshop. (Activity will count for a maximum of five hours.)

d. Provision of a continuing education program sponsored or approved by an organization listed under Category I. (Activity will count for a maximum of two hours and will only be accepted one time for any specific program.)

e. Field instruction of graduate students in a Council on Social Work Education-accredited school. (Activity will count for a maximum of two hours.)

f. Serving as an officer or committee member of one of the national professional social work associations listed under subdivision B 1 d of this section or as a member of a state social work licensing board. (Activity will count for a maximum of two hours.)

g. Attendance at formal staffings at federal, state, or local social service agencies, public school systems, or licensed health facilities and licensed hospitals. (Activity will count for a maximum of five hours.)

h. Individual or group study including listening to audio tapes, viewing video tapes, reading, professional books or articles. (Activity will count for a maximum of five hours.)

18VAC140-20-106. Documenting compliance with continuing education requirements.

A. All licensees in active status are required to maintain original documentation for a period of ~~five~~ three years following renewal.

B. ~~After the end of each renewal period, the~~ The board shall ~~may~~ conduct a random an audit of licensees to verify compliance with the requirement for ~~that a~~ renewal period.

C. Upon request, a licensee shall provide documentation as follows:

1. Documentation of Category I activities by submission of:
 - a. Official transcripts showing credit hours earned; or
 - b. Certificates of participation.
2. Attestation of completion of Category II activities.

D. Continuing education hours required by disciplinary order shall not be used to satisfy renewal requirements.

18VAC140-20-110. Late renewal; reinstatement; reactivation.

A. A social worker or clinical social worker whose license has expired may renew that license within ~~four years~~ one year after its expiration date by:

1. Providing evidence of having met all applicable continuing education requirements.
2. Paying the penalty for late renewal and the ~~biennial license renewal fee for each biennium~~ as prescribed in 18VAC140-20-30.

B. A social worker or clinical social worker who fails to renew the license ~~for four years or more~~ after one year and who wishes to resume practice shall apply for reinstatement, and pay the reinstatement fee and, which shall consist of the application processing fee and the penalty fee for late renewal, as set forth in 18VAC140-20-30. An applicant for reinstatement shall also provide documentation of having completed all applicable continued competency hours equal to the number of years the license has lapsed, not to exceed four years. An applicant for reinstatement shall also provide evidence of competency to practice by documenting:

1. Active practice in another U.S. jurisdiction for at least three of the past five years immediately preceding application;
2. Active practice in an exempt setting for at least three of the past five years immediately preceding application; or
3. Practice as a supervisee under supervision for at least 360 hours in the 12 months immediately preceding licensure in Virginia.

C. A social worker or clinical social worker wishing to reactivate an inactive license shall submit the renewal fee for active licensure minus any fee already paid for inactive licensure renewal, and document completion of continued competency hours equal to the number of years the license

has been inactive, not to exceed four years. An applicant for reactivation shall also provide evidence of competency to practice by documenting:

1. Active practice in another U.S. jurisdiction for at least three of the past five years immediately preceding application;
2. Active practice in an exempt setting for at least three of the past five years immediately preceding application; or
3. Practice as a supervisee under supervision for at least 360 hours in the 12 months immediately preceding licensure in Virginia.

18VAC140-20-130. Renewal of registration for associate social workers and registered social workers.

The registration of every associate social worker and registered social worker with the former Virginia Board of Registration of Social Workers under former § 54-775.4 of the Code of Virginia shall expire on June 30 of each ~~odd-numbered~~ year.

1. Each registrant shall return the completed application before the expiration date, accompanied by the payment of the renewal fee prescribed by the board.
2. Failure to receive the renewal notice shall not relieve the registrant from the renewal requirement.

VA.R. Doc. No. R10-2391; Filed November 3, 2014, 10:13 a.m.

BOARD FOR PROFESSIONAL SOIL SCIENTISTS, WETLAND PROFESSIONALS, AND GEOLOGISTS

Final Regulation

Title of Regulation: **18VAC145-40. Regulations for the Geology Certification Program (amending 18VAC145-40-20).**

Statutory Authority: § 54.1-201 of the Code of Virginia.

Effective Date: January 1, 2015.

Agency Contact: Kathleen R. Nosbisch, Executive Director, Board for Professional Soil Scientists, Wetland Professionals, and Geologists, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8514, FAX (866) 465-6206, or email soilscientist@dpor.virginia.gov.

Summary:

The amendments increase the application, renewal, and reinstatement fees for professional geologists and align the fees with those of professional soil scientists and wetland professionals.

Summary of Public Comments and Agency's Response: No public comments were received by the promulgating agency.

18VAC145-40-20. Fees.

All fees for application, examination, renewal, and reinstatement shall be established by the board pursuant to § 54.1-201 of the Code of Virginia. All fees are nonrefundable and shall not be prorated.

1. The application fee for certification shall be ~~\$40~~ \$90.

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2. The fee for renewal of certification shall be ~~\$35~~ \$70.
3. The application fee for the Geologist-in-Training (GIT) designation shall be \$20.
4. The fee for examination or reexamination is subject to contracted charges to the department by an outside vendor. These contracts are competitively negotiated and bargained for in compliance with the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia). Fees may be adjusted and charged to the candidate in accordance with this contract.
5. The penalty fee for late renewal shall be \$25 in addition to the renewal fee.
6. The reinstatement fee shall be ~~\$40~~ \$90.

NOTICE: The following forms used in administering the regulation were filed by the agency. The forms are not being published; however, online users of this issue of the Virginia Register of Regulations may click on the name of a form with a hyperlink to access it. The forms are also available from the agency contact or may be viewed at the Office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia 23219.

FORMS (18VAC145-40)

~~Certification Application, 28CERT (rev. 6/00).~~

~~Geologist in Training Designation Application (rev. 10/12).~~

~~Experience Log, 28EXP (rev. 1/05).~~

[Geologists Certification and Reinstatement Application, A439-28CERT-v6 \(rev. 1/15\)](#)

[Geologist-in-Training Designation Application, A439-28GIT-v1 \(rev. 1/13\)](#)

[Geological Work Experience Log, A439-28EXP-v5 \(rev. 1/13\)](#)

[Information Sheet, A439-28INFO-v5 \(rev. 1/15\)](#)

VA.R. Doc. No. R12-3180; Filed November 6, 2014, 4:27 p.m.

TITLE 19. PUBLIC SAFETY

DEPARTMENT OF STATE POLICE

Final Regulation

REGISTRAR'S NOTICE: The Department of State Police is claiming an exemption from the Administrative Process Act pursuant to § 2.2-4002 B 6 of the Code of Virginia, which exempts agency action relating to customary military, naval, or police functions.

Title of Regulation: **19VAC30-230. Verification Checks on Firearm Transfers to Dealers (adding 19VAC30-230-10, 19VAC30-230-20).**

Statutory Authority: § 18.2-308.2:4 of the Code of Virginia.

Effective Date: January 1, 2015.

Agency Contact: Lt. Colonel Robert Kemmler, Regulatory Coordinator, Department of State Police, Bureau of Administrative and Support Services, P.O. Box 27472, Richmond, VA 23261-7472, telephone (804) 674-4606, FAX (804) 674-2234, or email robert.kemmler@vsp.virginia.gov.

Summary:

As required by Chapter 821 of the 2014 Acts of Assembly, this action establishes requirements to ensure the identity, confidentiality, and security of records and data provided for verification checks on certain firearm transfers to dealers.

CHAPTER 230

VERIFICATION CHECKS ON FIREARM TRANSFERS TO DEALERS

19VAC30-230-10. Purpose and authority.

Section 18.2-308.2:4 of the Code of Virginia allows any dealer who is receiving by sale, transfer, or trade a firearm from a person who is not a dealer to obtain a verification check from the Department of State Police to determine if the firearm has been reported to a law-enforcement agency as lost or stolen. Section 18.2-308.2:4 provides the definitions, procedures, and requirements for obtaining such verification.

19VAC30-230-20. Maintenance of, confidentiality of, and access to records of dealer verification checks.

A. All data, records, reports, and the log of requests maintained by the Department of State Police required under § 18.2-308.2:4 F of the Code of Virginia related to the verification process shall be confidential and shall not be disseminated except as provided in this chapter pursuant to § 18.2-308.2:4 H of the Code of Virginia.

B. The Department of State Police or other law-enforcement agency of the Commonwealth or any political subdivision thereof or any federal agency conducting a criminal investigation consistent with state or federal law may be granted access to the data, records, reports, and the log of requests maintained by the department required under § 18.2-308.2:4 F of the Code of Virginia. A law-enforcement officer of an agency of the Commonwealth, a political subdivision of the Commonwealth, or a federal agency within the Commonwealth seeking access shall make the request in writing.

C. The requestor shall adhere to all state and federal laws regarding confidentiality. Records related to accessing logs and the information accessed shall be kept and retained by the Department of State Police for a period of one year following the access.

D. Upon completion of the retention period all data, records, and reports, except those made part of a criminal investigative file, must be destroyed in a manner that renders the record unidentifiable and nonretrievable.

NOTICE: The following forms used in administering the regulation were filed by the agency. The forms are not being published; however, online users of this issue of the Virginia Register of Regulations may click on the name of a form with a hyperlink to access it. The forms are also available from the agency contact or may be viewed at the Office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia 23219.

FORMS (19VAC30-230)

[SP-315 Virginia State Police Query of Lost or Stolen Firearms \(rev. 6/14\)](#)

VA.R. Doc. No. R15-4207; Filed November 12, 2014, 10:34 a.m.



TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

COMMONWEALTH TRANSPORTATION BOARD

Final Regulation

REGISTRAR'S NOTICE: The Commonwealth Transportation Board is claiming an exemption from Article 2 of the Administrative Process Act in accordance with § 2.2-4006 A 4 a of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The Commonwealth Transportation Board will receive, consider, and respond to petitions from any interested person at any time with respect to reconsideration or revision.

Titles of Regulations: **24VAC30-21. General Rules and Regulations of the Commonwealth Transportation Board (amending 24VAC30-21-30, 24VAC30-21-40).**

24VAC30-91. Subdivision Street Requirements (amending 24VAC30-91-10, 24VAC30-91-30, 24VAC30-91-110, 24VAC30-91-150).

24VAC30-92. Secondary Street Acceptance Requirements (amending 24VAC30-92-10, 24VAC30-92-20, 24VAC30-92-60, 24VAC30-92-120, 24VAC30-92-130).

24VAC30-120. Rules and Regulations Controlling Outdoor Advertising and Directional and other Signs and Notices (amending 24VAC30-120-10, 24VAC30-120-80, 24VAC30-120-140, 24VAC30-120-160, 24VAC30-120-170, 24VAC30-120-190).

24VAC30-151. Land Use Permit Regulations (amending 24VAC30-151-20, 24VAC30-151-50, 24VAC30-151-110, 24VAC30-151-120, 24VAC30-151-270, 24VAC30-151-550, 24VAC30-151-590, 24VAC30-151-620, 24VAC30-151-710).

24VAC30-200. Vegetation Control Regulations on State Rights-Of-Way (amending 24VAC30-200-10 through 24VAC30-200-35).

24VAC30-271. Economic Development Access Fund Policy (amending 24VAC30-271-20).

24VAC30-325. Urban Maintenance and Construction Policy (amending 24VAC30-325-10).

24VAC30-380. Public Hearings for Location and Design of Highway Construction Projects (amending 24VAC30-380-10).

24VAC30-401. Change of Limited Access Control (amending 24VAC30-401-10).

24VAC30-451. Airport Access Fund Policy (amending 24VAC30-451-10, 24VAC30-451-20).

24VAC30-540. Conveyance of Land and Disposal of Improvements (amending 24VAC30-540-10, 24VAC30-540-30).

24VAC30-620. Rules, Regulations, and Rates Concerning Toll and Bridge Facilities (amending 24VAC30-620-20).

Statutory Authority: § 33.2-210 of the Code of Virginia.

Effective Date: December 31, 2014.

Agency Contact: Robert H. Hofrichter, Assistant Director for Land Use, Department of Transportation, 1401 East Broad Street, Richmond, VA 23219, telephone (804) 786-0780, FAX (804) 786-0628, or email robert.hofrichter@vdot.virginia.gov.

Summary:

The amendments update (i) citations to the Code of Virginia to reflect the recodification of Title 33.1 to Title 33.2 of the Code of Virginia pursuant to Chapter 805 of the 2014 Acts of Assembly and (ii) citations to the Virginia Administrative Code.

24VAC30-21-30. General provisions concerning use of right of way.

A. No person, firm, or corporation shall use or occupy the right of way of any highway for any purpose except travel, except as may be authorized by VDOT, either pursuant to regulation or as provided by law.

B. Except as permitted by subdivision 2 of this subsection, the following restrictions apply to activities occurring on bridges forming a part of the system of state highways:

1. No person, firm, or corporation shall stand or park a vehicle of any description on any bridge unless authorized by VDOT.
2. No person shall fish or seine from any bridge except when facilities are provided for such purposes as set out in § ~~33.1-207~~ 33.2-278 of the Code of Virginia.
3. No person, firm, or corporation shall use any bridge as a wharf from which to load or unload any vehicle, as a place of deposit for any property, or for any other purpose except crossing.
4. No master or owner of any vessel shall make it fast to or lay it alongside such bridge.

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5. Provisions of this subsection shall not apply to highway maintenance vehicles or vessels.

C. No person, firm, or corporation shall, without the consent of VDOT, remove, injure, destroy, break, deface, or in any way tamper with any property, real or personal, that is growing or has been placed on the right of way of any highway within the system of state highways by or with the consent of VDOT.

D. No person, firm, or corporation may cause water to flow from any source upon the right of way of any highway within the system of state highways, nor shall any person, firm, or corporation cause any increase of the water, at present, lawfully on the right of way of any highway or concentrate the flow of water upon the right of way of any highway in the system of state highways without the written consent of VDOT.

E. No road, railroad, or tracks of any description shall be laid along, upon, or across any portion of a highway in the system of state highways without the written consent of VDOT.

24VAC30-21-40. Board authority to regulate entrances from adjacent property to right of way of highways within the state highway system.

The board, under ~~subdivision 3 of § 33.1-12~~ § 33.2-210 of the Code of Virginia, reserves the power to regulate entrances from adjacent property upon the right of way of any highway within the system of state highways. No entrance of any nature shall be made, built, or constructed upon the right of way of any highway within the system of state highways until the location has been determined in the opinion of the commissioner or designee of VDOT to be acceptable from a public safety standpoint and, further, until approval has been granted by VDOT. The design and construction of such entrances as approved by the commissioner pursuant to §§ ~~33.1-198~~ 33.2-241 and ~~33.1-198.1~~ 33.2-245 of the Code of Virginia must comply with VDOT's regulations where applicable.

Part I General Provisions

24VAC30-91-10. Definitions.

The following words and terms when used in these regulations shall have the following meanings unless the context clearly indicates otherwise:

"AASHTO" means the American Association of State Highway and Transportation Officials.

"Abandon" in all its forms means the legislative action reserved for and granted to the local governing body to extinguish the public's right to a roadway under the jurisdiction of the Virginia Department of Transportation, pursuant to §§ ~~33.1-151~~ 33.2-909 and ~~33.1-155~~ 33.2-912 of the Code of Virginia.

"Accessible route" means a continuous unobstructed, stable, firm and slip-resistant path connecting all accessible elements

of a facility (may include parking access aisles, curb ramps, crosswalks at vehicular ways, walks, ramps and lifts) that can be approached, entered and used by persons with disabilities. An accessible route shall, to the maximum extent feasible, coincide with the route for the general public.

"ADT" means average daily traffic count (see "Projected Traffic").

"Board" means the Commonwealth Transportation Board.

"Clear zone" means the total border area of a roadway or shared use path that is sufficiently wide for an errant vehicle to avoid a serious accident. (See the Subdivision Street Design Guide (24VAC30-91-160) for details.)

"Commissioner" means the chief executive officer of the Virginia Department of Transportation.

"Complete development (land)" means the utilization of the available areas in a manner as to realize its highest density for the best potential use based on zoning, pending rezoning, the adopted comprehensive plan of the governing body, or the customary use of similar parcels of land.

"Complete development (streets)" means the development of a subdivision street in full compliance with all applicable provisions of these regulations to the necessary standards of design and construction for the effective and efficient accommodation of the traffic generated by the complete development of the land, both internal and external to the subdivision.

"County controlled grade separation structure" means a grade separation structure that does not qualify for maintenance by the department but was established within the right-of-way of a street intended for state maintenance.

"County official" means the representative of the governing body appointed to serve as its agent in matters relating to subdivisions.

"Cul-de-sac" means a street with only one outlet and having an appropriate turnaround for a safe and convenient reverse traffic movement and more specifically the turning area.

"Dam" means an embankment or structure intended or used to impound, retain, or store water, either as a permanent pond or as a temporary storage facility.

"Department" means the Virginia Department of Transportation.

"Design manual" means the department's Road Design Manual (see 24VAC30-91-160), Location and Design Division.

"Design speed" means a speed selected for purposes of design and correlation of those features of a street such as curvature, super elevation, and sight distance, upon which the safe operation of vehicles is dependent.

"Developer" means an individual, corporation, or registered partnership engaged in the subdivision of land.

"Discontinue," in all its forms, means the legislative act of the Commonwealth Transportation Board, pursuant to § ~~33.1-~~

~~150~~ ~~33.2-908~~ of the Code of Virginia, that determines that a road no longer serves public convenience warranting its maintenance with funds at the disposal of the department.

"District administrator" means the department employee assigned the overall supervision of the departmental operations in each of the Commonwealth's nine construction districts.

"Drainage manual" means the department's Drainage Manual (see 24VAC30-91-160), Location and Design Division.

"Dwelling unit" means a structure or part of a structure containing sleeping, kitchen, and bathroom facilities that is suitable for occupancy as a home or residence by one or more persons.

"Easement" means a grant of a right to use property of an owner for specific, limited use or purpose.

"Functional classification" means the process by which streets and highways are grouped into classes, or systems, according to the character of service they are intended to provide.

"Governing body" means the board of supervisors of the county but may also mean the local governing body of a town or city, if appropriate, in the application of these requirements.

"Intersection" means the juncture of two or more streets at which point there are three or more legs.

"Level of service" means a qualitative measure describing operational conditions within a traffic stream, and their perception by motorists and passengers. For the purposes of these requirements, the applicable provisions of the Highway Capacity Manual (see 24VAC30-91-160) shall serve as the basis for determining "levels of service."

"Level terrain" means that condition where highway sight distances, as governed by both horizontal and vertical restrictions, are generally long or could be made so without construction difficulty or major expense.

"Loop street" means a street whose two outlets are to the same street.

"Mountainous terrain" means that condition where longitudinal and traverse changes in the elevation of the ground with respect to the road or street are abrupt and where benching and side hill excavation are frequently required to obtain acceptable horizontal and vertical alignment.

"Neotraditional development" means a type of subdivision that creates a neighborhood or community design with qualities of a traditional small town, combining a mix of uses that may include retail establishments, offices, civic buildings, public squares, and multi-family and single-family housing, all within walking distance of one another, as well as a mix of transportation facilities that focuses on the needs of pedestrians and bicyclists in addition to the needs of motorists. These developments may include a variety of

buildings and land use densities along the same street. Street layout may follow a grid pattern using narrow streets and having multiple connections to surrounding neighborhoods. These developments may be referred to as "villages" or "hamlets" within the ordinances of the governing body.

"Nonresidential street" means a subdivision street adjacent to property that is anticipated to develop for purposes other than residential use.

"Office building" means a building that is used primarily for conducting business transactions other than retail sales.

"Parking bay" means an off-street area for parking two or more vehicles that are served by a short driveway connecting the parking area and the public street.

"Parking lane" means an area, generally seven or eight feet in width, adjacent to and parallel with the travel lane of a roadway that is used for parking vehicles.

"Pavement Design Guide" means the Pavement Design Guide for Subdivision and Secondary Roads in Virginia (see 24VAC30-91-160).

"Permit Regulations" means the department's Land Use Permit Regulations (~~see 24VAC30-91-160~~) (24VAC30-151).

"Phased development" (streets) means the method outlined in 24VAC30-91-70 (Phased development of subdivision streets) whereby the acceptance of certain subdivision streets into the secondary system of state highways may be considered before being completely developed in accordance with all applicable requirements (e.g., two lanes of a four-lane facility are considered for acceptance in advance of lanes 3 and 4 being finished).

"Plans" means the standard drawings, including profile and roadway typical section, that show the location, character, dimensions and details for the proposed construction of the subdivision street.

"Plat" means the schematic representation of the land divided or to be divided.

"Private streets" means subdivision streets that have not been dedicated to public use or that require the permission or invitation of a resident or owner to use the street. Such streets are not intended to be included in the secondary system of state highways maintained by the department.

"Privately maintained streets" means any public or private street that is not maintained by the department or the local governing body.

"Projected traffic" means the number of vehicles, normally expressed in average daily traffic (ADT), forecast to travel over the segment of the subdivision street involved.

"Public street" means a street dedicated to public use and available to the public's unrestricted use without regard to the jurisdictional authority responsible for its operation and maintenance.

"Requirements" means the design, construction, and related administrative considerations herein prescribed for the

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acceptance of a subdivision street for maintenance by the department as part of the secondary system of state highways.

"Resident engineer" means the department employee or employees designated by the district administrator to oversee the implementation of this regulation. In cities and towns that maintain and operate their own system of streets and elect to use the pavement and right-of-way width requirements of the Subdivision Street Design Guide (24VAC30-91-160) as a basis for street maintenance payments under the provisions of ~~§ 33.1-41.1~~ § 33.2-319 of the Code of Virginia, as well as the counties of Arlington and Henrico, the local official responsible for the review and approval of subdivision street design.

"Residential street" means a subdivision street adjacent to property that is anticipated to develop as single-family residences, apartment buildings, or other similar dwelling structures.

"Right-of-way" means the land, property, or interest therein, usually in a strip, acquired for or devoted to a public street designated to become part of the secondary system of state highways.

"Roadway" means the portion of the road or street within the limits of construction and all structures, ditches, channels, etc., necessary for the correct drainage thereof.

"Secondary system of state highways" means those public roads, streets, bridges, etc., established by a local governing body pursuant to ~~§ 33.1-229~~ § 33.2-705 of the Code of Virginia and subsequently accepted by the department for supervision and maintenance under the provisions of ~~Articles 6 (§ 33.1-67 et seq.) and 11 (§ 33.1-150 et seq.) of Chapter 1 of Title 33.1~~ Article 3 (§ 33.2-324 et seq.) of Chapter 3 and Article 2 (§ 33.2-908 et seq.) of Chapter 9 of Title 33.2 of the Code of Virginia.

"Shared use path" means a facility, as defined in § 46.2-100 of the Code of Virginia, that is set apart from the travelway and intended to be used by pedestrians and bicyclists.

"Shopping center" means a building or buildings containing two or more stores that are used primarily for retail sales but may include commercial trade or professional uses.

"Single-family residence" means a structure, other than an apartment building, maintained and used as a single dwelling unit or any dwelling unit that has direct access to a street and shares neither heating facilities, hot water equipment, nor any other essential facility or service with any other dwelling unit.

"Specifications" means the department's Road and Bridge Specifications (24VAC30-91-160), including related supplemental specifications and special provisions.

"Standards" means the applicable drawings and related criteria contained in the department's Road and Bridge Standards (24VAC30-91-160).

"Subdivision" means the division of a lot, tract, or parcel into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of

building development. Any resubdivision of a previously subdivided tract or parcel of land shall also be interpreted as a "subdivision." The division of a lot or parcel permitted by § 15.2-2244 of the Code of Virginia will not be considered a "subdivision" under this definition, provided no new road or street is thereby established. However, any further division of such parcels shall be considered a "subdivision."

"Subdivision street" means a public way for purposes of vehicular travel that results from the subdivision of land, including the entire area within the right-of-way. Public streets developed in accordance with these requirements and meeting the necessary public service provisions established herein shall be eligible for addition to the secondary system of state highways maintained by the department. Streets primarily intended to access property abutting or in the immediate vicinity of the street are deemed "local" subdivision streets.

"Subdivision Street Design Guide" means Appendix B of the Road Design Manual (24VAC30-91-160).

"Swale" means a broad depression within which stormwater may drain during inclement weather, but which does not have a defined bed or banks.

"Through street" means a street that provides access between two other streets.

"Traveled way" means the portion of the subdivision street designated for the movement of vehicles, exclusive of shoulders, parking areas, turn lanes, etc.

"VDOT" means the Virginia Department of Transportation.

"VPD" means vehicles per day.

"VPH" means vehicles per hour.

"Watercourse" means a definite channel with bed and banks within which water flows, either continuously or in season.

24VAC30-91-30. Local subdivision ordinances

A. Precedence of local subdivision ordinance. Pursuant to ~~§ 33.1-229~~ § 33.2-705 of the Code of Virginia, new streets are established by the governing body of the locality in which they are located. Any requirements of the subdivision ordinance adopted by the governing body that are equal to or greater than these provisions shall become the department's requirements in that locality and govern unless the local governing body concurs with an exception to their higher standards.

B. Exemptions in local ordinances. The department does not recognize any provision of an ordinance adopted by the governing body that exempts the development of streets from these requirements based on its definition of the term subdivision. Consequently, any street proposed for addition to the secondary system of state highways maintained by the department shall comply with applicable requirements as herein provided or, if greater than these provisions, the requirements of the local ordinance.

Part II
Specific Provisions

24VAC30-91-110. Design and agreement requirements.

A. General requirements. Most criteria addressing the design of new subdivision streets can be found in the Subdivision Street Design Guide (24VAC30-91-160). However, the following provisions are provided for guidance, particularly in regard to features that require agreements or formal acknowledgements of the governing body before VDOT's acceptance of the street or streets within a subdivision.

When an agreement is required between the local governing body and the department as a prerequisite to the acceptance of a subdivision street, nothing in these requirements shall preclude the local governing body from entering into separate agreements with other entities to fulfill its responsibilities. However, if the provisions are intended to ensure the safety of the public using the street, the department reserves the right to approve the involvement of the other party or parties.

B. Geometric requirements. Geometric requirements for new subdivision streets are established in the Subdivision Street Design Guide of the Road Design Manual (24VAC30-91-160). In certain circumstances the Subdivision Street Design Guide (24VAC30-91-160) allows reduced pavement widths for curb and gutter sections. Any such reduction must be specifically requested by the governing body in writing and be approved by the resident engineer. Sufficient off-street parking must be provided by the local governing body as indicated in the Subdivision Street Design Guide (24VAC30-91-160) to accommodate any request for reduced pavement widths. However, no special request from the local governing body shall be required in the event the department has approved a design standard for use throughout that county that includes street width reductions for a specific type of subdivision, such as a Neotraditional subdivision.

C. Turn lanes. Left or right turn lanes shall be provided at intersections when the department determines that projected turning movements warrant their installation. These facilities shall be designed in accordance with the Subdivision Street Design Guide (24VAC30-91-160) and, if necessary, additional right-of-way shall be provided to accommodate these facilities.

D. Pavement structure.

1. Pavement design. The pavement structure for new subdivision streets shall be in accordance with the Pavement Design Guide (24VAC30-91-160), including any prescribed underdrains. Prior to construction of the pavement sub-base and finish courses, the resident engineer shall approve the proposed pavement design.

2. Special pavement surfaces. The resident engineer may approve special pavement surfaces, such as the use of stamped pavement or the use of paving blocks or bricks. However, if the pavement design is a type not addressed by the Pavement Design Guide (24VAC30-91-160) or

otherwise not in general use by the department, an agreement shall be provided by the governing body that addresses the future maintenance of such pavement.

3. Pavement additions to existing streets. When an existing VDOT maintained roadway is to be widened to accommodate additional lanes or the addition of turn lanes, the necessary pavement design shall be obtained from the resident engineer and the entire surface of the roadway (old and new portions) shall be overlaid and re-striped as required by the resident engineer.

E. Parking.

1. Perpendicular and angle parking along subdivision streets is normally prohibited. However, perpendicular and angle parking along subdivision streets may be considered if the features along the street cause the street to readily appear to be a street rather than a travel way through a parking lot. In addition, additional pavement width may be necessary between the travel lanes and the parking spaces to allow a car to back from its normal parked position, orient itself for entering the travel lanes and stop without either encroaching into the travel lanes or having the driver's vision of oncoming traffic obscured by adjacent, parked vehicles.

Street designs that anticipate the restriction of on-street parking shall only be approved with the consent of the county official and the resident engineer.

2. Localities are encouraged to adopt local ordinances to appropriately address adequate off street parking in subdivisions. In the absence of local regulations that are deemed acceptable by the department, the following criteria shall apply for the design of subdivision streets:

a. A minimum of two off-street parking spaces per dwelling unit, exclusive of garage facilities associated with the unit, shall be provided in the proximity of the unit they are intended to serve. Additional off-street parking space shall be provided when the width of any residential curb and gutter roadway is proposed for reduction as permitted in the Subdivision Street Design Guide (24VAC30-91-160). Except as may be associated with corner dwellings, the availability of on-street parking along other streets will not normally be considered as additional off-street parking.

b. If parking bays are provided, they shall be located off the street's right-of-way and designed to prevent vehicles from backing into the adjacent subdivision street.

c. Entrances to parking bays shall be separated by at least 50 feet and designed in accordance with the appropriate provisions of the standards or Land Use Permit Regulations.

F. Cul-de-sacs and turnarounds. An adequate turnaround facility shall be provided at the end of each cul-de-sac or stub street to permit the safe and convenient maneuvering by service vehicles. Various configurations of turnarounds are

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illustrated in the Subdivision Street Design Guide (24VAC30-91-160); however, alternative configurations may be approved by the resident engineer. Additional right-of-way shall be provided as required by the design of the turnaround. Normally, any nontraveled way areas within the turnaround, such as an island, shall be included in the dedicated right-of-way of the facility.

For circular turnarounds, a well-defined, identifiable street segment, equal to the normal lot width along the intersected street that serves the cul-de-sac or 50 feet, whichever is greater, shall extend from the intersected street to the turning area.

G. Curb and gutter. For the purpose of these requirements, the use of curb and gutter is an acceptable roadway design alternative, rather than a requisite. However, when used, curb and gutter shall be designed in accordance with the Subdivision Street Design Guide (24VAC30-91-160) and only one curb and gutter design may be used along the length of a street.

1. Driveway entrance requirements. Without regard to the curb design used, the curb shall incorporate a driveway entrance apron, as illustrated in the Subdivision Street Design Guide (24VAC30-91-160), to provide a smooth transition from the gutter invert or roadway surface onto the driveway. However, exceptions may be granted by the resident engineer when roll top curb is used if requested by the local official.

2. Curb ramps. All streets that incorporate accessible routes for pedestrian use shall, without regard to the curb design used, include curb ramps at intersections for use by persons with disabilities and shall incorporate other applicable provisions of the Americans with Disabilities Act.

H. Private entrances. All private entrances shall be designed and constructed in accordance with the Subdivision Street Design Guide (24VAC30-91-160).

I. Pedestrian, bicycle, and shared use path facilities. The Commonwealth Transportation Board's "Policy for Integrating Bicycle and Pedestrian Accommodations" emphasizes accommodating pedestrian and bicycle traffic as an essential part of any VDOT financed transportation project. While separate pedestrian and bicycle facilities are not mandated for local subdivision streets, unless required by local ordinance, any street proposed for VDOT acceptance should accommodate the anticipated pedestrian and bicycle traffic. When separate pedestrian and bicycle facilities are deemed appropriate, they should be included in the initial construction of the street, prior to VDOT acceptance. These facilities are eligible for VDOT acceptance based on the criteria of this section.

1. Compliant facilities. Pedestrian and bicycle facilities, including shared use paths as defined under § 46.2-100 of the Code of Virginia, shall be accepted as part of subdivision streets, unless otherwise requested by the governing body, provided they are located fully within the

dedicated right-of-way of the street and they are constructed in accordance with applicable criteria and standards of the department.

a. Sidewalk criteria. Sidewalks shall be constructed in accordance with the Subdivision Street Design Guide (24VAC30-91-160). However, sidewalks that meander vertically in comparison to the grade of the roadway may be considered noncompliant sidewalks.

b. Bicycle facility criteria. Bicycle facilities contiguous with the street shall be in accordance with the department's design and construction criteria set forth in the Road Design Manual (24VAC30-91-160).

c. Shared use path criteria. Shared use paths shall be constructed in accordance with the Road Design Manual (24VAC30-91-160) and closely follow the vertical alignment of the roadway without meandering on and off the right-of-way.

2. Noncompliant sidewalk, bicycle, and shared use paths. Noncompliant sidewalk, bicycle and shared use paths that fail to meet requirements of the department's standards for construction, alignment, or placement within the dedicated right of the street shall be deemed to be noncompliant and not qualify for maintenance. However, such facilities may co-exist within the dedicated right-of-way of the street under a land use permit issued by the resident engineer to the local governing body responsible for having established the facility through its subdivision process.

Such permits will clearly specify the responsibility for maintenance of the facility and related activities to the extent the facility occupies the street's right-of-way. The permit applicant should be a county, incorporated town, or other entity that has perpetual maintenance capability. Noncompliant sidewalks and shared use paths may be constructed of bituminous concrete, hydraulic concrete, gravel, or other stabilizer convenient to the applicant.

J. Bridge, drainage, and other grade separation structures. Bridges, drainage, and other grade separation structures shall be designed and constructed in accordance with all applicable department criteria and standards. The resident engineer may require special review of the plans and construction inspection.

The department will accept grade separation structures as part of new subdivision streets provided the structure is a drainage structure or is intended to separate the movement of registered motor vehicles. In addition, the department will accept grade separation structures intended to separate pedestrians or bicyclists or any combination thereof from traffic using the roadway, provided:

1. The structure is available for unrestricted public use;
2. The structure is accessible to pedestrian facilities, if any, situated along the street; and
3. The projected traffic volume of the street is not less than 4000 vpd or, if the structure otherwise serves as part of the

principle pedestrian access to a school and a peak hour traffic volume of 450 vph is projected.

In all other instances, the grade separation structure shall be deemed to be a county controlled grade separation structure within the right-of-way of the street, in which case the street will only be accepted as part of the secondary system of state highways maintained by the department after the local governing body and the department have executed an agreement acceptable to the department that (i) acknowledges the department has no responsibility or liability due to the presence of the structure and (ii) assures the costs of inspection, maintenance, and future improvements to the structure are provided from sources other than those administered by the department.

In all cases, whether the structure is accepted as an integral part of the roadway for maintenance by the department or it remains a county controlled structure, the responsibility for lighting, safety, and security of those using such facilities shall remain a responsibility of local government.

K. Dams. The department will only consider accepting subdivision streets for maintenance that occupy dams when all of the following provisions are satisfied. For the purpose of this section, a roadway will be considered to occupy a dam if any part of the fill for the roadway and the fill for the dam overlap or if the area between the two embankments is filled in so that the downstream face of the dam is obscured or if a closed drainage facility from a dam extends under a roadway fill.

1. Agreements with the governing body. Except as exempt under subdivision 6 of this subsection, the governing body acknowledges by formal agreement the department's liability is limited to the maintenance of the roadway and that the department has no responsibility or liability due to the presence of the dam, the maintenance of which shall remain the responsibility of an owner, other than VDOT, as established by § ~~33.1-176~~ 33.2-409 of the Code of Virginia.

2. Design review. An engineer, licensed to practice in the Commonwealth of Virginia, shall certify that the hydraulic and structural design of any dam, as described below, is in accordance with current national and state engineering practice and that all pertinent provisions of the Subdivision Street Design Guide (24VAC30-91-160) have been considered. Prior to approval of the roadway construction plans, the hydraulic and structural design of a proposed dam shall be reviewed by and meet the department's satisfaction if:

- a. A roadway is considered to occupy a dam; or
- b. A roadway is located below but sufficiently close to the dam that a catastrophic breach could endanger the roadway or the safety of those using the roadway.

3. Right-of-way requirements. The right-of-way of roads considered to occupy dams shall be recorded either as an

easement for public road purposes or as a dedication specifically to the governing body. Right-of-way dedicated in the name of the Commonwealth or any of its agencies is not acceptable if it includes a dam and roads through such right-of-way will not be accepted as a part of the secondary system of state highways maintained by the department.

4. Supplemental, alternative access. To be considered for VDOT maintenance, roadways that occupy a dam must be supplemented by an appropriate alternative roadway facility for public ingress or egress, having suitable provisions that ensure perpetual maintenance.

5. Permits. All applicable federal and state permits associated with dams shall be secured and filed with the county prior to VDOT's acceptance of any street that occupies a dam.

6. Dams exempt from agreements. The acceptance of roadways that occupy dams shall be exempt from the requirements for an agreement with the governing body, as required by subdivision 1 of this subsection, if all of the following is satisfied:

- a. The dam is used to create a stormwater detention or retention facility;
- b. The maximum depth of the water retained by the impoundment at its 100-year storm flood elevation is not greater than four feet; and
- c. The surface area of the impoundment at full flood is not greater than two acres and is beyond the right-of-way dedicated to public use.

L. Roadway drainage.

1. Policy and procedures. All drainage facilities shall be designed in accordance with the department's Drainage Manual (24VAC30-91-160) and supplemental directives. All drainage computations supporting a proposed drainage design shall be submitted to the department for review as part of the documents necessary for the approval of a construction plan.

2. Stormwater management. Whereas the department considers matters regarding stormwater management associated with the construction of new subdivision streets to be under the authority of the local governing body, decisions regarding stormwater management in the construction of subdivision streets are deferred to the locality. However, stormwater management, including the construction of detention or retention facilities, or both, is recognized as an available design alternative. Where the developer is required by regulations promulgated by an agency or governmental subdivision other than the department or the developer chooses to use stormwater management facilities in the design of a subdivision, the governing body shall, by formal agreement, and as a prerequisite for the transfer of jurisdiction over the street to the department, acknowledge that the department is not responsible for the operation, maintenance, or liability of

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the stormwater management facility or facilities associated with the subdivision. However, in the event the governing body has executed a comprehensive, countywide agreement with the department addressing these matters, a specific agreement addressing stormwater management controls in the subdivision will not be required as a condition for street acceptance.

Stormwater management controls for VDOT projects are designed in accordance with the VDOT Erosion and Sediment Control and Stormwater Management Program Specifications Manual (24VAC30-91-160), the ~~Virginia~~ Erosion and Sediment Control Regulations, ~~4VAC50-30~~ 9VAC25-840, and the ~~Virginia Stormwater Management Regulations, 4VAC3-20~~ Program (VSMP) Regulation, 9VAC25-870. While these controls may be necessary whenever a street maintained by VDOT is widened or relocated, the department does not require them in the development of new subdivision streets, because such activity is regulated by the local governments. However, developers and counties may find these controls useful in managing land development activity.

Devices and treatments intended to mitigate the impact of stormwater shall be placed off of the right-of-way and shall be designed to prevent the backup of water against the roadbed.

Where development activity results in increased runoff to the extent that adjustment of an outfall facility is required, such adjustment shall be at the developer's expense and be contained within an appropriate easement.

3. Drainage easements.

a. An acceptable easement shall be provided from all drainage outfalls to a natural watercourse, as opposed to a swale. (See 24VAC30-91-10 for definitions.)

b. The department normally accepts and maintains only that portion of a drainage system that falls within the limits of the dedicated right-of-way for a street. The department's responsibility to enter drainage easements outside of the dedicated right-of-way shall be limited to undertaking corrective measures to alleviate problems that may adversely affect the safe operation or integrity of the roadway.

c. In the event drainage to a natural watercourse is not accomplished or is interrupted, an acceptable agreement from the governing body may be considered as an alternative to providing an easement to a natural watercourse, provided the agreement acknowledges that the department is neither responsible nor liable for drainage from the roadway.

M. Other design considerations.

1. Guardrail. Guardrail shall be used when required by the resident engineer consistent with the Road Design Manual (24VAC30-91-160). For placement considerations, see the Subdivision Street Design Guide (24VAC30-91-160).

2. Landscaping and erosion control. All disturbed areas within the dedicated right-of-way and easements of any subdivision street shall be restored with vegetation compatible with the surrounding area. Where there is visual evidence of erosion or siltation, acceptance of the street as part of the secondary system of state highways maintained by the department will be postponed until appropriate protective measures, in accordance with VDOT's construction practices, are taken. Except as otherwise approved by the resident engineer, planting of trees or shrubs on the right-of-way shall be in accordance with the Subdivision Street Design Guide (24VAC30-91-160).

3. Lighting. Roadway, security, or pedestrian lighting, when required by the governing body or desired by the developer, shall be installed in accordance with the Subdivision Street Design Guide (24VAC30-91-160). However, VDOT shall not be responsible for the maintenance or replacement of lighting fixtures or the provision of power for lighting.

4. Railroad crossings.

a. Short-arm gates with flashing signals, flashing signals alone, or other protective devices as deemed appropriate by the department shall be provided at any at-grade crossing of an active railroad by a subdivision street.

b. Crossings of railroad right-of-way are subject to the requirements of the railroad. Subdivision streets to be accepted by the department for maintenance as part of the secondary system of state highways that cross railroad right-of-way will only be considered if the protective measures outlined under this section have been fully installed and an agreement between the railroad, the developer and the local governing body has been executed. Prior to execution, such agreements shall be presented to the department for consideration in consultation with the Department of Rail and Public Transportation.

5. Utilities. Local governments, the development community, and the utility community are encouraged to coordinate and consolidate their interests as part of the initial development plan.

a. Underground utilities. The department allows the placement of underground utilities within the dedicated right-of-way of streets, but normally restricts placement to areas outside of the travel lanes and desirably beyond pavement areas. However, if the governing body has established adequate requirements for the design, location, and construction of underground utilities within the right-of-way of subdivision streets, including provisions that ensure that adequate testing and inspection is performed to minimize future settlement, those requirements shall become the department's requirements and govern unless those requirements conflict with a requirement of the department.

When location of the utilities outside of the pavement area is not practical and is endorsed by the local government through its requirements, such installations:

- (1) Are acceptable within the shoulders along the street or within the parking area adjacent to curb and gutter roadways.
- (2) May be acceptable beneath the travel lanes of the street when provisions are made to ensure adequate inspection and compaction tests and:
 - (a) Longitudinal installations and manholes are located outside of the normal travel lanes, or
 - (b) Longitudinal installations and manholes are placed in the center of an undivided roadway out of the wheel path.

However, manholes shall not be placed in sidewalk or shared use path facilities within five feet of curb ramps or within driveway entrances.

b. Open-cutting of hard-surfaced roadways. The department usually prohibits the open-cutting of hard-surfaced roads except in extenuating circumstances. Therefore, all underground utilities within the right-of-way, as determined necessary by good engineering practice to serve the complete development of adjacent properties, shall be installed during the street's initial construction and prior to the application of its final pavement surface course. This shall include extensions of all necessary cross-street connections or service lines to an appropriate location beyond the pavement and preferably the right-of-way line.

In the event it is necessary to open the street pavement to work on utilities after the surface has been placed, additional compaction tests and paving as necessary to restore the integrity and appearance of the roadway may be required at the discretion of the resident engineer.

c. Cross-street conduits. To facilitate the placement of future underground utilities, cross-street conduits are encouraged, with placement of such conduits occurring on each street at intersections and approximately every 1,000 feet along the length of a street.

d. Aboveground utilities. All aboveground utilities shall be installed behind the sidewalk or as close as possible to the limits of the street's right-of-way but shall not encroach on the sidewalk, the shared use path, or any clear zone.

To assure the unencumbered dedication of the right-of-way for subdivision street additions, easements or other interests within the platted right-of-way shall be quitclaimed of any prior rights therein. In exchange, a permit may be issued by the department for a utility to occupy the area involved. This permit will be processed by the resident engineer upon acceptance of the street into the secondary system of state highways maintained by the department. No inspection fee is required for permits so issued. However, the approval of the permit

shall be contingent upon the utility's compliance with applicable provisions of the Land Use Permit Regulations.

Part III
Reference Section

24VAC30-91-150. Subdivision street development, plan review, and acceptance.

A. The county-state partnership governing VDOT acceptance of new streets for maintenance. Section ~~33.1-229~~ 33.2-705 of the Code of Virginia (a Byrd Act provision) creates the authority under which local governments establish new roads as part of the secondary system of state highways. Sections 15.2-2240 and 15.2-2241 of the Code of Virginia establish the authority of local subdivision ordinances and the authority of counties to set the standards for new streets within their territories.

VDOT's participation in the development and acceptance of subdivision streets for maintenance is a cooperative commitment of the Commonwealth Transportation Board.

VDOT's concurrence with or approval of a construction plan represents VDOT's commitment to accept the streets shown on the plan when satisfactorily constructed and all other requirements governing the department's acceptance of streets are satisfied, including the governing body's request for the acceptance of or transfer of the maintenance and operational jurisdiction over the street, as outlined in these requirements.

Pursuant to these principles:

- 1. Local government controls land development activity and establishes new streets, the relocation of existing streets, and the criteria governing the development of such streets.
- 2. VDOT establishes the minimum standards that must be satisfied for new subdivision streets to be considered for maintenance by the department as part of the secondary system of state highways under its jurisdiction.

Within each locality, VDOT is represented by a resident engineer or comparable designee.

B. Street development and acceptance of maintenance process.

- 1. Concept and construction plan approval phase. The proposed construction plan shall be considered incomplete in the absence of a preliminary pavement design based on the Pavement Design Guide (24VAC30-91-160) and the presumed values therein.
- 2. Construction phase. Upon approval of the construction plan and prior to construction, the resident engineer should advise the developer regarding inspection of the construction phases and the scheduling of those inspections. VDOT approval of each of the following phases of construction is recommended.
 - a. Installation of any enclosed drainage system before it is covered.

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b. Installation of any enclosed utility placements within the right-of-way before being covered.

c. Construction of the cuts and fills, including field density tests, before placement of roadbed base materials.

d. A final pavement design, based on actual soil characteristics and certified tests, shall be completed and approved before the pavement structure is placed.

e. Placement of base materials, including stone depths, consistent with the approved pavement design, prior to placement of the paving course or courses, followed by field density and moisture tests and the placement of a paving course as soon as possible.

f. Construction of pavement, including depth and density, upon completion as part of the final inspection.

3. Street acceptance process. In the absence of any other formal acceptance, the governing body's resolution requesting the department to accept a street for maintenance as part of the secondary system of state highways completes the dedication and is deemed to constitute the governing body's acceptance of the street.

4. Post acceptance phase.

24VAC30-92-10. Definitions.

The following words and terms when used in these regulations shall have the following meanings unless the context clearly indicates otherwise:

"Abandonment" in all its forms means the legislative action reserved for and granted to the local governing body to extinguish the public's right to a roadway under the jurisdiction of the Virginia Department of Transportation pursuant to §§ ~~33.1-154~~ 33.2-909 and ~~33.1-155~~ 33.2-912 of the Code of Virginia.

"Accessible route" means a public or private continuous unobstructed, stable, firm and slip-resistant path connecting all accessible elements of a facility (which may include parking access aisles, curb ramps, crosswalks at vehicular ways, walks, ramps and lifts) that can be approached, entered and used by persons with disabilities. An accessible route shall, to the maximum extent feasible, coincide with the route for the general public.

"ADT" means average daily traffic count (see "projected traffic").

"Applicable former requirements" means the 2005 Subdivision Street Requirements for developments submitted prior to July 1, 2009, and the 2009 edition of the Secondary Street Acceptance Requirements for developments submitted between July 1, 2009, and January 31, 2012, inclusive.

"Best management practice" or "BMP" means schedules of activities; prohibitions of practices, including both structural and nonstructural practices; maintenance procedures; and other management practices to prevent or reduce the pollution of surface waters and groundwater systems from the impacts of land-disturbing activities.

"Clear zone" means the total border area of a roadway including, if any, parking lanes or planting strips that is sufficiently wide for an errant vehicle to avoid a serious accident. (See the Road Design Manual, 2011 (VDOT) and its Appendix B (1) (the Subdivision Street Design Guide) for details.)

"Commissioner" means the chief executive officer of the Virginia Department of Transportation or his designee.

"Conceptual sketch" means a drawing of the proposed development showing the location of existing and proposed land uses, any existing and proposed transportation facilities, and any additional information required so that the reviewer can determine the appropriate functional classification of the proposed street or streets and verify if the connectivity standards have been met.

"Cul-de-sac" means a street with only one outlet and having an appropriate turnaround for a safe and convenient reverse traffic movement.

"Dam" means an embankment or structure intended or used to impound, retain, or store water, either as a permanent pond or as a temporary storage facility.

"Department" or "VDOT" means the Virginia Department of Transportation.

"Design speed" means a speed selected for purposes of design and correlation of those features of a street such as curvature, super elevation, and sight distance, upon which the safe operation of vehicles is dependent.

"Developer" means an individual, corporation, local government, or registered partnership engaged in the subdivision, improvement, or renovation of land.

"Discontinuance," in all its forms, means the legislative act of the Commonwealth Transportation Board, pursuant to § ~~33.1-150~~ 33.2-908 of the Code of Virginia, that determines that a road no longer serves public convenience warranting its maintenance with funds at the disposal of the department.

"District administrator" means the department employee assigned the overall supervision of the departmental operations in one of the Commonwealth's construction districts.

"District administrator's designee" means the department employee or employees designated by the district administrator to oversee the implementation of this regulation.

"Drainage Manual" means the department's Drainage Manual, 2002.

"Dwelling unit" means a structure or part of a structure containing sleeping, kitchen, and bathroom facilities that is suitable for occupancy as a home or residence by one or more persons.

"Easement" means a grant of a right to use property of an owner for specific or limited purpose.

"FAR" means floor area ratio, which is the ratio of the total floor area of a building or buildings on a parcel to the land area of the parcel where the building or buildings are located.

"Functional classification" means the assigned classification of a roadway based on the roadway's intended purpose of providing priority to through traffic movement and access to adjoining property as determined by the department, based on the federal system of classifying groups of roadways according to the character of service they are intended to provide.

"Governing body" means the board of supervisors of the county, but may also mean the local governing body of a town or city, if appropriate, in the application of these requirements.

"Level of service" means a qualitative measure describing operational conditions within a vehicular traffic stream, and their perception by motorists and passengers. For the purposes of these requirements, the applicable provisions of the Highway Capacity Manual, 2010 (TRB) shall serve as the basis for determining "levels of service."

"Locally controlled grade separation structure" means a grade separation structure that does not qualify for maintenance by the department but was established within the right-of-way of a street intended for state maintenance.

"Local official" means the representative of the governing body appointed to serve as its agent in matters relating to subdivisions and land development.

"Multiuse trail" means a facility designed and constructed for the purpose of providing bicycle and pedestrian transportation, located within a dedicated public way and is anticipated to be maintained by an entity other than the department.

"Municipal separate storm sewer system" or "MS4" means all separate storm sewers that are designated under ~~4VAC50-60-380~~ 9VAC25-870-380 as municipal separate storm sewer systems.

"Municipal Separate Storm Sewer System Management Program" or "MS4 Program" means a management program covering the duration of a permit for a municipal separate storm sewer system that includes a comprehensive planning process that involves public participation and intergovernmental coordination, to reduce the discharge of pollutants to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act and corresponding regulations and the Virginia Stormwater Management Act and attendant regulations, using management practices, control techniques, and system, design and engineering methods, and such other provisions that are appropriate.

"Network addition" means a group of interconnected street segments and intersections shown in a plan of development that are connected to the state highway system.

"Parking bay" means an off-street area for parking two or more vehicles that provides access to a public street.

"Parking lane" means an area, generally seven or eight feet in width, adjacent to and parallel with the travel lane of a roadway that is used for parking vehicles.

"Pavement Design Guide" means the Pavement Design Guide for Subdivision and Secondary Roads in Virginia, 2009 (VDOT).

"Permit Regulations" means the department's Land Use Permit Regulations (24VAC30-151).

"Phased development (streets)" means the method outlined in 24VAC30-92-80 (phased development of streets) whereby the acceptance of certain streets into the secondary system of state highways may be considered before being completely developed in accordance with all applicable requirements (e.g., two lanes of a four-lane facility are considered for acceptance in advance of lanes three and four being finished).

"Plan of development" means any site plat, subdivision plan, preliminary subdivision plat, conceptual subdivision sketch, or other engineered or surveyed drawings depicting proposed development of land and street layout, including plans included with rezoning proposals.

"Plans" means the standard drawings, including profile and roadway typical section, that show the location, character, dimensions, and details for the proposed construction of the street.

"Planting strip" means a section of land between the curb face and the pedestrian accommodation or shared use path.

"Plat" means the schematic representation of the land divided or to be divided.

"Projected traffic" means the number of vehicles, normally expressed in average daily traffic (ADT), forecast to travel over the segment of the street involved.

"Public street" means a street dedicated to public use and available to the public's unrestricted use without regard to the jurisdictional authority responsible for its operation and maintenance.

"Requirements" means the design, construction, public benefit, and related administrative considerations herein prescribed for the acceptance of a street for maintenance by the department as part of the secondary system of state highways.

"Right-of-way" means the land, property, or interest therein, usually in a strip, acquired for or devoted to a public street designated to become part of the secondary system of state highways.

"Roadway" means the portion of the road or street within the limits of construction and all structures, ditches, channels, etc., necessary for the correct drainage thereof.

"Secondary system of state highways" means those public roads, streets, bridges, etc., established by a local governing body pursuant to ~~§ 33.1-229~~ § 33.2-705 of the Code of Virginia

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and subsequently accepted by the department for supervision and maintenance under the provisions of Articles 6 (§ 33.1-67 et seq.) and 11 (§ 33.1-150 et seq.) of Chapter 1 of Title 33.1 Article 3 (§ 33.2-324 et seq.) of Chapter 3 and Article 2 (§ 33.2-908 et seq.) of Chapter 9 of Title 33.2 of the Code of Virginia.

"Shared use path" means a facility that is designed and constructed according to the Road Design Manual, 2011 (VDOT), for the purpose of providing bicycle and pedestrian transportation.

"Specifications" means the department's Road and Bridge Specifications, 2007, revised 2011, including related supplemental specifications and special provisions.

"Standards" means the applicable drawings and related criteria contained in the department's Road and Bridge Standards, 2008, revised 2011.

"Storm sewer system" means a conveyance or system of conveyances and its appurtenances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains.

"Street" means any roadway that is created as part of a plan of development, other subdivision of land, or is constructed by or at the direction of the local governing body and is a public way for purposes of vehicular traffic, including the entire area within the right-of-way.

"Stub out" means a transportation facility (i) whose right-of-way terminates at a parcel abutting the development, (ii) that consists of a short segment that is intended to serve current and future development by providing continuity and connectivity of the public street network, (iii) that based on the spacing between the stub out and other streets or stub outs, and the current terrain there is a reasonable expectation that connection with a future street is possible, and (iv) that is constructed to the property line.

"Subdivision" means the division of a lot, tract, or parcel into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development. Any resubdivision of a previously subdivided tract or parcel of land shall also be interpreted as a "subdivision." The division of a lot or parcel permitted by § 15.2-2244 of the Code of Virginia will not be considered a "subdivision" under this definition, provided no new road or street is thereby established. However, any further division of such parcels shall be considered a "subdivision."

"Subdivision Street Design Guide" means Appendix B (1) of the Road Design Manual, 2011 (VDOT).

"Swale" means a broad depression within which stormwater may drain during inclement weather, but that does not have a defined bed or banks.

"Total maximum daily load" or "TMDL" is a water quality term that means the sum of the individual wasteload allocations for point sources, load allocations (LAs) for nonpoint sources, natural background loading and a margin of

safety. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure. The TMDL process provides for point versus nonpoint source trade-offs.

"Traveled way" means the portion of the secondary street designated for the movement of vehicles, exclusive of shoulders, parking areas, turn lanes, etc.

"Tree well" means an opening on a sidewalk, generally abutting the curb, where a tree may be planted.

"VPD" means vehicles per day.

"VPH" means vehicles per hour.

"Wasteload allocation" or "wasteload" or "WLA" means the portion of a receiving surface water's loading or assimilative capacity allocated to one of its existing or future point sources of pollution. WLAs are a type of water quality-based effluent limitation.

"Watercourse" means a defined channel with bed and banks within which water flows, either continuously or periodically.

24VAC30-92-20. Applicability, effective date, and transition.

A. Applicability. This regulation is intended to govern secondary street development and the criteria for acceptance of these streets by the department for subsequent maintenance. The Road Design Manual, 2011 (VDOT) and its Appendix B (1), the Subdivision Street Design Guide offer guidance on the design and construction features of secondary street development and set out design parameters deemed appropriate for most land development scenarios. However, the business of land development is fluid and the department, in consultation with the local official, is prepared to consider innovative transportation approaches associated with land development proposals that are consistent with the design and connectivity requirements of this chapter and the Subdivision Street Design Guide, Appendix B (1) of the Road Design Manual, 2011 (VDOT). However, when not specifically addressed in one of those documents, the relevant requirements of the Road Design Manual, 2011 (VDOT), standards, specifications, the Pavement Design Guide for Subdivision and Secondary Roads in Virginia, 2009 (VDOT) and associated instructions shall govern.

These requirements apply to all streets designated to be maintained by the department as part of the secondary system of state highways, except for streets whose construction was funded by state highway construction allocations. The department's review and approval shall apply only to streets proposed for addition to the secondary system of state highways maintained by the department. Any plans submitted for review that contain only streets proposed for maintenance by entities other than the department may be reviewed for general guidance at the discretion of the district administrator but will not be officially approved. However, any such review shall not represent the department's commitment to accept such streets for maintenance irrespective of the quality of the construction of the street or streets.

Any streets proposed to be privately maintained shall have a notation on the plat and impacted deeds that clearly indicates that as a prerequisite for the streets' future acceptance, the streets must be improved to the department's prevailing requirements for acceptance at no cost to the department. All notations made on plats or similar instruments pursuant to this section shall be in accordance with § ~~33.1-72.2~~ 33.2-336 of the Code of Virginia.

B. Grandfathering.

1. Streets where the street layout has been proffered pursuant to § 15.2-2297, 15.2-2298, or 15.2-2303 of the Code of Virginia prior to February 1, 2012, may, at the discretion of the developer, be considered for acceptance in accordance with the applicable former requirements, provided the requirements of § 15.2-2307 of the Code of Virginia have been met. This grandfathering shall not apply to any streets where the proffered layout may be adjusted, without requiring a significant affirmative governmental zoning action to modify such proffered conditions, to meet the requirements of this chapter, unless a site plan, subdivision plat, or preliminary plat relying on such proffered street layout has been submitted for approval prior to February 1, 2012. In such instances the grandfathering may, at the discretion of the developer, apply to the applicable site plan, subdivision plat, or preliminary subdivision plat. Notwithstanding any other provision of this subsection, the grandfathering provided based upon proffers shall not be lost or adversely impacted due to a modification of the relevant plan or plat so long as no more than 20% (cumulative) of the original street centerline mileage is eliminated, realigned, or added compared to the proffered layout and the modification is not expected to result in an increase in traffic generation.

2. Streets that are part of a recorded plat or final site plan valid pursuant to § 15.2-2261 of the Code of Virginia and approved in accordance with §§ ~~15.2-2286~~ and 15.2-2241 through 15.2-2245 and 15.2-2286 of the Code of Virginia prior to February 1, 2012, shall be considered for acceptance in accordance with the applicable former requirements as long as such plats or plans remain valid under applicable law. However, such streets may be considered for acceptance under requirements of this chapter at the discretion of the developer.

3. Streets that are part of a preliminary subdivision plat valid pursuant to § 15.2-2260 of the Code of Virginia approved in accordance with §§ ~~15.2-2286~~ and 15.2-2241 through 15.2-2245 and 15.2-2286 of the Code of Virginia prior to February 1, 2012, shall be considered for acceptance in accordance with the applicable former requirements for a period of up to five years or such longer period as such preliminary subdivision plat is valid under applicable law, provided the requirements of § 15.2-2260 of the Code of Virginia have been met. Such grandfathering shall apply to construction plans, site plans,

and final plats submitted and approved in furtherance of such preliminary subdivision plat for as long as such plans or plats remain valid under applicable law. However, such streets may be considered for acceptance under requirements of this chapter at the discretion of the developer.

4. Streets that are part of a street construction plan approved by the department prior to February 1, 2012, shall be considered for acceptance in accordance with the applicable former requirements. However, such streets may be considered for acceptance under requirements of this chapter at the discretion of the developer.

5. If requested by the applicable locality, the applicable former requirements shall apply if the applicant has submitted at a minimum a conceptual sketch that includes all of the elements required under 24VAC30-92-70 A prior to February 1, 2012. Subdivisions 1 through 4 of this subsection shall take precedence over this subdivision in any instances of a conflict.

C. Effective date. All streets proposed for acceptance by the department after January 1, 2012, shall be considered for acceptance in accordance with this chapter, except as provided for in this section and as may be waived by the commissioner pursuant to this chapter.

D. Transition. Prior to February 1, 2012, the department will consider complete plats and plans developed in accordance with the applicable former requirements or these requirements. Any plat or plan initially submitted to the department for consideration after January 31, 2012, however, shall be in accordance with these requirements.

24VAC30-92-60. Public benefit requirements.

A. Public benefit. A street or network addition may only be accepted by the department for maintenance as part of the secondary system of state highways if it provides sufficient public benefit to justify perpetual public maintenance as defined by this chapter. A street shall be considered to provide sufficient public benefit if it meets or exceeds the public service, pedestrian accommodation, and connectivity requirements of this chapter.

B. Public service requirements. In the event the governing body requests the addition of a street or network addition before it meets these public service provisions, the district administrator will review each request on an individual case basis and determine if the acceptance of a street prior to normal service requirements is justified, provided the street or network addition meets all other applicable requirements including the connectivity requirements of this chapter. At the request of the local governing body, subject to approval by the district administrator, the public service requirements may be reduced for individual streets serving state or local economic development projects.

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1. Individual streets. For the purpose of these requirements, public service may include, but is not necessarily limited to, streets meeting one or more of the following situations:

- a. Serves three or more occupied units with a unit being a single-family residence, owner-occupied apartment, owner-occupied residence in a qualifying manufactured home park, a stand-alone business, or single business entity occupying an individual building, or other similar facility. Also, streets serving manufactured home parks may only be considered when the land occupied by the manufactured home is in fee simple ownership by the residents of such manufactured home.
- b. Constitutes a connecting segment between other streets that qualify from the point of public service.
- c. Such street is a stub out.
- d. Serves as access to schools, churches, public sanitary landfills, transfer stations, public recreational facilities, or similar facilities open to public use.
- e. Serves at least 100 vehicles per day generated by an office building, industrial site, or other similar nonresidential land use in advance of the occupancy of three or more such units of varied proprietorship. Any addition under this provision shall be limited to the segment of a street that serves this minimum projected traffic and has been developed in compliance with these requirements.
- f. Constitutes a part of the network of streets envisioned in the transportation plan or element of a locality's comprehensive plan that, at the time of acceptance, serves an active traffic volume of at least 100 vehicles per day.

2. Multifamily, townhouse, and retail shopping complexes. A through street that serves a multifamily building may be considered for maintenance as part of the secondary system of state highways if it is deemed by the department to provide a public service and provided it is well defined and the district administrator's designee determines that it is not a travel way through a parking lot.

Entrance streets and the internal traffic circulation systems of retail shopping complexes qualify only if more than three property owners are served and the district administrator's designee determines that it is not a travel way through a parking lot.

3. Network additions. A network addition shall be considered to provide service if each street within the addition meets at least one of the criteria in subdivision 1 of this subsection.

4. Special exceptions. There may be other sets of circumstances that could constitute public service. Consequently, any request for clarification regarding unclear situations should be made in writing to the district administrator's designee.

C. Connectivity requirements. All streets in a development as shown in a plan of development shall be considered for acceptance into the secondary system of state highways as one or multiple network additions. However, streets with a functional classification of collector and above may be eligible for acceptance as individual streets.

For the purposes of this subsection, connection shall mean a street connection to an adjacent property or a stub out that will allow for future street connection to an adjacent property.

The connectivity requirements of this chapter shall not apply to the following: a frontage road or reverse frontage road as defined in the ~~Access Management Regulations: Principal Arterials (24VAC30-72)~~ or Access Management Regulations: ~~Minor Arterials, Collectors, and Local Streets (24VAC-30-73)~~, streets petitioned for acceptance into the secondary system of state highways through the Rural Addition Program pursuant to §§ ~~33.1-72.1~~ 33.2-335 and ~~33.1-72.2~~ 33.2-336 of the Code of Virginia, or streets petitioned for acceptance into the secondary system of state highways through the Commonwealth Transportation Board's Rural Addition Policy provided such streets were constructed prior to January 1, 2012.

1. Stub out connection standard. If a stub out or stub outs maintained by the department adjoin the property of a development with a network addition or individual street proposed for acceptance into the secondary system of state highways, such network addition or individual street must connect to such stub out or stub outs to be eligible for acceptance into the secondary system of state highways. The district administrator may waive this requirement if the existing stub out is of such design as to make such a connection unsafe.

2. Multiple connections in multiple directions standard. The streets within a network addition may be accepted into the secondary system of state highways if the network addition

provides at least two external connections, one of which must be to a publicly maintained highway and the other providing a connection to a different highway or a stub out to an adjoining property. Local street stub outs generally should not exceed 500 feet in length. If a stub out is constructed, the applicant shall post a sign in accordance with the department's standards that indicates that such stub out is a site for a future roadway connection. Nothing in this chapter shall be construed as to prohibit a stub out from providing service to lots within a development. The district administrator's designee shall waive or modify the second required connection of this standard if one or more of the following situations renders the provision of such connection impracticable:

- a. The adjoining property is completely built out, its state is such that redevelopment within 20 years is unlikely, and there is no stub out (either constructed or platted) to the property served by the network addition;

b. The adjoining property is zoned for a use whose traffic is incompatible with the development being served by the network addition, providing, however, that in no case shall retail, residential, or office uses be considered incompatible with other retail, residential, or office uses; or

c. There is no reasonable connection possible to adjoining property or adjacent highways due to a factor outside the control of the developer of the network addition, such as the presence of conservation easements not put in place by the developer of the network addition, water features such as rivers or lakes, jurisdictional wetlands, grades in excess of 15% whose total elevation change is greater than five feet, limited access highways, railroads, or government property to which access is restricted.

3. Additional connections standard. Network additions providing direct access to (i) more than 200 dwelling units or (ii) lots whose trip generation is expected to be over 2,000 VPD may be accepted into the secondary system of state highways if the network addition provides an additional external connection beyond that required under subdivision 2 of this subsection for each additional 200 dwelling units or 2,000 VPD or portion of each over and above the initial 200 dwelling units or 2,000 VPD. For the purposes of this requirement, each external connection of collector facilities that are elements of the county's transportation plan and to which there is no direct lot access provided counts as two external connections. The district administrator's designee shall waive or modify this additional connections standard if one or more of the following situations renders the provision of such connection impracticable:

a. The adjoining property is completely built out, its state is such that redevelopment within 20 years is unlikely, and there is no stub out (either constructed or platted) to the property served by the network addition;

b. The adjoining property is zoned for a use whose traffic is incompatible with the development being served by the network addition, providing, however, that in no case shall retail, residential, or office uses be considered incompatible with retail, residential, or office uses;

c. In developments with a median density of more than eight lots per acre or with a FAR of 0.4 or higher, where the number of connections provided would be contrary to the public interest; or

d. There is no reasonable connection possible to adjoining property or adjacent highways due to a factor outside the control of the developer of the network addition, such as the presence of conservation easements not put in place by the developer of the network addition, water features such as rivers or lakes, jurisdictional wetlands, grades in excess of 15% whose total elevation change is greater than five feet, limited access highways,

railroads, or government property to which access is restricted.

4. Individual street standard. Streets that are not part of a network addition shall be accepted into the secondary system of state highways upon petition by the local governing body as long as they meet the requirements of the applicable design standard and one terminus of the street is an intersection with a roadway that is part of the existing publicly maintained highway network and the other terminus is either an intersection with a roadway that is part of the existing publicly maintained highway network or a stub out to an adjoining property. Streets considered for individual acceptance should be (i) streets that provide a connection between two existing publicly maintained streets or (ii) streets with a functional classification as collector or higher.

5. Connectivity exceptions.

Where the above standards for waiver or modification have been met, the connectivity requirements for a network addition shall be waived or modified by the district administrator's designee. The developer shall submit any request for connectivity waiver or modification to the district administrator's designee with a copy to the local official. The district administrator's designee shall respond to requests for connectivity exceptions within 30 calendar days of receipt of a request. For projects where a scoping meeting pursuant to the Traffic Impact Analysis ~~regulations~~ Regulations (24VAC30-155) will be held, requests for exceptions and supporting data should be presented and discussed.

6. In instances where there is potential for conflict between this chapter and ~~the Access Management Regulations: Principal Arterials (24VAC30-72)~~ or the Access Management Regulations: Minor Arterials, Collectors, and Local Streets (24VAC30-73), the following shall apply:

a. For streets with a functional classification of collector where additional connections necessary to meet the connectivity requirements of this chapter cannot be accommodated within the applicable spacing standards and cannot otherwise be met through connections to lower order roadways or stub outs, such spacing standards shall be modified by the district administrator's designee to allow for such connection. Such connection or connections shall be required to meet intersection sight distance standards specified in the Road Design Manual, 2011 (VDOT).

b. For streets with a functional classification of minor arterial where additional connections necessary to meet the connectivity requirements of this chapter cannot be accommodated within the applicable spacing standards and cannot otherwise be met through connections to lower order roadways or stub outs, the district administrator's designee shall, in consultation with the developer and the local official, either modify the

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applicable spacing standards to allow for such connection or connections, or modify the connectivity requirements of this chapter to account for the inability to make such connection. Such connection shall be required to meet intersection sight distance as specified in the Road Design Manual, 2011 (VDOT).

c. For streets with a functional classification of principal arterial where additional connections necessary to meet the external connectivity requirements of this chapter cannot be accommodated within the applicable spacing standards and cannot otherwise be met through connections to lower order roadways or stub outs, the connectivity requirements shall be modified by the district administrator's designee to account for the inability to make such connection.

7. Failure to connect. If a local government approves a subdivision plat for a new development that does not connect to a stub out or stub outs in an adjacent development and such development's network addition or individual street would meet the applicable requirements of this chapter if it connected to a stub out or stub outs in the adjacent development, the network addition or individual street may or may not be accepted into the secondary system of state highways for maintenance pursuant to the authority granted to the district administrators in accordance with 24VAC30-92-100.

24VAC30-92-120. Design and agreement requirements.

A. General requirements. Most criteria addressing the design of new streets can be found in the Road Design Manual, 2011 (VDOT) and its Appendix B (1), the Subdivision Street Design Guide. However, the following provisions are provided for guidance, particularly in regard to features that require agreements or formal acknowledgements of the governing body before VDOT's acceptance of the street or streets within a development.

When an agreement is required between the local governing body and the department as a prerequisite to the acceptance of a street, nothing in these requirements shall preclude the local governing body from entering into separate agreements with other entities to fulfill its responsibilities. However, if the provisions are intended to ensure the safety of the public using the street, the department reserves the right to approve the involvement of the other party or parties.

All streets functionally classified as local shall have a design speed equal to the posted speed limit, except for streets functionally classified as local with a projected traffic volume of 400 vehicles per day or less, which may have a design speed less than the posted speed limit.

The department, locality, and developer shall take measures to minimize the impacts of through traffic on streets functionally classified as local and accepted into the secondary system of state highways under these regulations. Such measures shall include initial street designs that manage motor vehicle speed to match local context.

B. Geometric requirements. Geometric requirements for new streets are established in the Road Design Manual, 2011 (VDOT) and its Appendix B (1), the Subdivision Street Design Guide. Sufficient off-street parking must be provided by the local governing body in accordance with this chapter if streets in a proposed network addition are constructed in accordance with design requirements for streets with off-street parking.

C. Turn lanes. Left or right turn lanes shall be provided at intersections when the department determines that projected turning movements warrant their installation. These facilities shall be designed in accordance with the Road Design Manual, 2011 (VDOT) and its Appendix B (1), the Subdivision Street Design Guide and, if necessary, additional right-of-way shall be provided to accommodate these facilities.

D. Pavement structure.

1. Pavement design. The pavement structure for new streets shall be in accordance with the Pavement Design Guide for Subdivision and Secondary Roads in Virginia, 2009 (VDOT), including any prescribed underdrains. Prior to construction of the pavement sub-base and finish courses, the district administrator's designee shall approve the proposed pavement design.

2. Special pavement surfaces. The district administrator's designee may approve special pavement surfaces, such as the use of stamped pavement. However, if the pavement design is a type not addressed by the Pavement Design Guide for Subdivision and Secondary Roads in Virginia, 2009 (VDOT), an agreement shall be provided by the governing body that addresses the future maintenance of such pavement.

3. Pavement additions to existing streets. When an existing VDOT-maintained roadway is to be widened to accommodate additional lanes or the addition of turn lanes, the necessary pavement design shall be obtained from the district administrator's designee and the entire surface of the roadway (old and new portions) may be required to be overlaid and restriped if required by the district administrator's designee. The district administrator's designee shall not require the entire surface of the roadway to be overlaid and restriped when the only pavement addition to the existing roadway was for bicycle lanes unless extenuating circumstances require that the entire surface of the roadway be overlaid and restriped.

E. Parking.

1. Perpendicular and angle parking along streets is normally prohibited. However, perpendicular and angle parking along streets may be considered if the features along the street cause the street to readily appear to be a street rather than a travel way through a parking lot.

Street design that anticipates limited or no on-street parking shall be approved when sufficient off-street

parking is provided in accordance with this chapter. Street design that anticipates the restriction of on-street parking on one side of the street shall be approved when sufficient off-street parking is provided for buildings on the side of the street where it is anticipated parking will be restricted.

2. For streets designed without on-street parking, a minimum of two off-street parking spaces per dwelling unit shall be provided in proximity of the unit that they are intended to serve. Such spaces, which may be provided in a parking bay, driveway, or garage facilities, shall be provided outside of the street's right-of-way. The district administrator's designee may approve lesser parking requirements for individual developments or classes of developments when evidence is presented to support such an approval such as proximity to transit service or the nature of the development. Entrances to parking bays and garage facilities shall be designed in accordance with the appropriate provisions of the ~~Access Management Regulations: Principal Arterials (24VAC30-72) and Access Management Regulations: Minor Arterials, Collectors, and Local Streets (24VAC30-73).~~

3. In instances where the local governing body has determined, through adoption of a parking ordinance or other similar ordinance, that lesser parking requirements are sufficient for certain classes of development, such lesser requirements shall govern.

4. The department shall not prohibit roadway design that allows for the provision of on-street parking on any roadway with a functional classification of collector or local where the posted speed limit is 35 miles per hour or less.

F. Cul-de-sacs and turnarounds. An adequate turnaround facility shall be provided at the end of each cul-de-sac to permit the safe and convenient maneuvering by service vehicles. Various configurations of turnarounds are illustrated in the Subdivision Street Design Guide (Appendix B (1) of the Road Design Manual, 2011 (VDOT)); however, alternative configurations may be approved by the district administrator's designee. Additional right-of-way shall be provided as required by the design of the turnaround. Normally, any nontraveled way areas within the turnaround, such as an island, shall be included in the dedicated right-of-way of the facility unless the department and the locality are able to reach an agreement for the maintenance of such nontraveled way areas. Nothing in this chapter shall prohibit the provision of stormwater management facilities in the nontraveled way areas of a cul-de-sac, provided the requirements of subsection L of this section are met.

For circular turnarounds, a well-defined, identifiable street segment, equal to the normal lot width along the intersected street that serves the cul-de-sac, or 50 feet, whichever is greater, shall extend from the intersected street to the turning area.

G. Curb and gutter. For the purpose of these requirements, the use of curb and gutter is an acceptable roadway design, rather than a requirement. However, when used, curb and gutter shall be designed in accordance with the Road Design Manual and the Subdivision Street Design Guide (Appendix B (1) of the Road Design Manual, 2011 (VDOT)) and only one curb and gutter design may be used along the length of a street.

1. Driveway entrance requirements. Without regard to the curb design used, the curb shall incorporate a driveway entrance apron, as illustrated in the Subdivision Street Design Guide (Appendix B (1) of the Road Design Manual, 2011 (VDOT)), to provide a smooth transition from the gutter invert or roadway surface onto the driveway.

2. Curb ramps. All streets that incorporate accessible routes for pedestrian use shall, without regard to the curb design used, include curb ramps at intersections for use by persons with disabilities and shall incorporate other applicable provisions of the Americans with Disabilities Act (42 USC § 12101 et seq.).

H. Private entrances. All private entrances shall be designed and constructed in accordance with the Subdivision Street Design Guide (Appendix B (1) of the Road Design Manual, 2011 (VDOT)).

I. Pedestrian, bicycle, and shared use path facilities. The Commonwealth Transportation Board's "Policy for Integrating Bicycle and Pedestrian Accommodations," 2004 emphasizes accommodating pedestrian and bicycle traffic. Any street proposed for VDOT acceptance shall accommodate pedestrian and bicycle traffic in accordance with the Commonwealth Transportation Board's policy and this chapter. Pedestrian and bicycle facilities should be generally uniform between intersections and included in the initial construction of the street, prior to VDOT acceptance.

1. Pedestrian accommodation requirements. Pedestrian accommodations shall be provided based upon density of development, the plans for or existence of public schools in the vicinity, the presence of existing pedestrian accommodations, and the operational nature of the fronting street. In all developments with pedestrian accommodations, such accommodations shall connect with existing pedestrian accommodations and allow for connection to future pedestrian accommodations to adjacent parcels. If multiple requirements apply to a street, the greater accommodation requirement shall govern. The district administrator's designee may waive or modify these requirements for the provision of pedestrian accommodations in situations when the accommodation exception provisions of the Commonwealth Transportation Board's policy are met.

a. Pedestrian accommodations shall be provided along both sides of the street or provisions made that provide equivalent pedestrian mobility for streets with an ADT

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over 400 that are located in a development with a median lot size of one-quarter acre or smaller or when the ADT for the street is over 8,000.

b. Pedestrian accommodations shall be provided along at least one side of the street or provisions made that provide equivalent pedestrian mobility for streets with an ADT over 400 that are located in a development with a median lot size between one-quarter acre and one-half acre or when the ADT for the street is between 2,000 and 8,000.

c. Pedestrian accommodations shall be provided along at least one side of the street or provisions made that provide equivalent pedestrian mobility within one-half street centerline mile of a public school.

d. When connecting to a stub street that has pedestrian accommodations, the new street shall also include pedestrian accommodations.

e. Pedestrian accommodations shall be provided along both sides of, or provisions made that provide equivalent pedestrian mobility along, streets functionally classified as collectors or arterials with three or more travel lanes. In no instance shall any sidewalk abut the curb or the edge of a collector or higher order street, unless the sidewalk is at least eight feet wide. In such instances tree wells shall be provided. In instances where it is necessary to retrofit streets with pedestrian accommodations to allow the streets to be accepted into the secondary system of state highways, the pedestrian accommodations less than eight feet wide may abut the curb or the edge of the street.

2. Maintenance of pedestrian and bicycle accommodations. Pedestrian and bicycle facilities are eligible for VDOT acceptance and maintenance based on the criteria of this section. A copy of an agreement or other document showing the proposed maintenance responsibilities of pedestrian and bicycle facilities shall be provided to VDOT for any pedestrian accommodation outside of the VDOT right-of-way that is used to meet the accommodation requirements of this subsection.

a. Compliant facilities. Pedestrian and bicycle facilities, including ~~shared-use~~ shared-use paths as defined under § 46.2-100 of the Code of Virginia, shall be accepted as part of the street or network addition, unless otherwise requested by the governing body, provided they are located fully within the dedicated right-of-way of the street and they are constructed in accordance with applicable criteria and standards of the department.

(1) Sidewalk criteria. Sidewalks shall be constructed in accordance with the Subdivision Street Design Guide (Appendix B (1) of the Road Design Manual, 2011 (VDOT)).

(2) Bicycle facility criteria. Bicycle facilities contiguous with the street shall be in accordance with the

department's design and construction criteria set forth in the Road Design Manual, 2011.

(3) Shared use path criteria. Shared use paths shall be constructed in accordance with the Road Design Manual, 2011 and closely follow the vertical alignment of the roadway without meandering on and off the right-of-way.

b. Noncompliant sidewalk, bicycle, and shared use paths. Noncompliant sidewalk, bicycle, and shared use paths that fail to meet requirements of the department's standards for construction, alignment, or placement within the dedicated right-of-way of the street shall be deemed to be noncompliant and not qualify for maintenance unless a design waiver or exemption is granted by the department. Noncompliant sidewalks and shared use paths may be constructed of stabilizer convenient to the applicant. Noncompliant facilities may co-exist within the dedicated right-of-way of the street under a land use permit issued by the district administrator's designee to the local governing body responsible for having established the facility through its subdivision process or other development process.

Such permits will clearly specify the responsibility for maintenance of the facility and related activities to the extent the facility occupies the street's right-of-way. The permit applicant should be an entity that can be reasonably expected to have perpetual maintenance capability.

J. Bridge, drainage, and other grade separation structures. Bridges, drainage, and other grade separation structures shall be designed and constructed in accordance with all applicable department criteria and standards. The district administrator's designee may require special review of the plans and construction inspection.

The department will accept grade separation structures as part of new streets, provided the structure is a drainage structure or is intended to separate the movement of registered motor vehicles. In addition, the department will accept grade separation structures intended to separate pedestrians or bicyclists or any combination thereof from traffic using the roadway, provided:

1. The structure is available for unrestricted public use;
2. The structure is accessible to pedestrian accommodations situated along the street; and
3. The projected traffic volume of the street is (i) not less than 4,000 ADT or (ii) if the structure otherwise serves as part of the principal pedestrian access to a school or a mass transit facility including stops and stations and a peak hour traffic volume of 450 VPH or greater.

In all other instances, the grade separation structure shall be deemed to be a locally controlled grade separation structure within the right-of-way of the street, in which case the street will only be accepted as part of the secondary system of state highways maintained by the department after the local

governing body and the department have executed an agreement acceptable to the department that (i) acknowledges the department has no responsibility or liability due to the presence of the structure and (ii) assures the burden and costs of inspection, maintenance, and future improvements to the structure are provided from sources other than those administered by the department.

In all cases, whether the structure is accepted as an integral part of the roadway for maintenance by the department or it remains a locally controlled structure, the lighting, safety, and security of those using such facilities shall remain a responsibility of local government.

K. Dams. The department will only consider accepting streets for maintenance that traverse dams when all of the following provisions are satisfied. For the purpose of this section, a roadway will be considered to traverse a dam if any part of the fill for the roadway and the fill for the dam overlap or if the area between the two embankments is filled in so that the downstream face of the dam is obscured or if a closed drainage facility from a dam extends under a roadway fill.

1. Agreements with the governing body. Except as exempt under subdivision 6 of this subsection, the governing body acknowledges by formal agreement the department's liability is limited to the maintenance of the roadway and that the department has no responsibility or liability due to the presence of the dam, the maintenance of which shall remain the responsibility of an owner, other than the department, as established by § ~~33.1-176~~ 33.2-409 of the Code of Virginia.

2. Design review. An engineer licensed to practice in the Commonwealth of Virginia shall certify that the hydraulic and structural design of any dam, as described below, is in accordance with current national and state engineering practice and that all pertinent provisions of the Subdivision Street Design Guide (Appendix B (1) of the Road Design Manual, 2011 (VDOT)) have been considered. Prior to approval of the roadway construction plans, the hydraulic and structural design of a proposed dam shall be reviewed by the department and meet the department's satisfaction if:

- a. A roadway is considered to traverse a dam; or
- b. A roadway is located below but sufficiently close to the dam that a catastrophic breach could endanger the roadway or the safety of those using the roadway.

3. Right-of-way requirements. The right-of-way of roads considered to occupy dams shall be recorded either as an easement for public road purposes or as a dedication specifically to the governing body. Right-of-way dedicated in the name of the Commonwealth or any of its agencies is not acceptable if it includes a dam, and roads through such right-of-way will not be accepted as a part of the secondary system of state highways maintained by the department.

4. Supplemental, alternative access. To be considered for VDOT maintenance, roadways that traverse a dam must be supplemented by an appropriate alternative roadway facility for public ingress or egress having suitable provisions that ensure perpetual maintenance.

5. Permits. All applicable federal and state permits associated with dams shall be secured and filed with the locality prior to VDOT's acceptance of any street that traverses a dam.

6. Dams exempt from agreements. The acceptance of roadways that traverse dams shall be exempt from the requirements for an agreement with the governing body, as required by subdivision 1 of this subsection, if all of the following is satisfied:

- a. The dam is used to create a stormwater detention or retention facility;
- b. The maximum depth of the water retained by the impoundment at its 100-year storm flood elevation is not greater than four feet; and
- c. The surface area of the impoundment at full flood is not greater than two acres and is beyond the right-of-way dedicated to public use.

L. Roadway drainage.

1. Policy and procedures. All drainage facilities shall be designed in accordance with the department's Drainage Manual, 2002 and supplemental directives or the Subdivision Street Design Guide (Appendix B (1) of the Road Design Manual, 2011 (VDOT)) as may be appropriate. All drainage computations supporting a proposed drainage design shall be submitted to the department for review as part of the documents necessary for the approval of a construction plan.

2. Stormwater management. Whereas the department considers matters regarding stormwater management associated with the construction of streets to be under the authority of the local governing body, decisions regarding stormwater management in the construction of streets are deferred to the locality. However, stormwater management, including the construction of detention or retention facilities, or both, is recognized as an available design alternative or BMP for water quantity, quality, or both. Where the developer is required by regulations promulgated by an agency or governmental subdivision other than the department or the developer chooses to use stormwater management facilities in the design of a subdivision or other development, the governing body shall, by formal agreement, and as a prerequisite for the transfer of jurisdiction over the street to the department, acknowledge that the department is not responsible for the operation, maintenance, retrofitting, or liability of the stormwater management facility or facilities associated with the subdivision or the development. Any retrofits required to comply with a TMDL WLA will be the

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responsibility of the locality. However, in the event the governing body has executed a comprehensive, localitywide agreement with the department addressing these matters, a specific agreement addressing stormwater management controls in the subdivision or development will not be required as a condition for street acceptance.

Stormwater management controls for VDOT projects are to be designed in accordance with the approved VDOT Erosion and Sediment Control and Stormwater Management Program Standards and Specifications, 2010, as annually approved by the ~~Department of Conservation and Recreation~~ State Water Control Board, the Virginia Erosion and Sediment Control Regulations (4VAC50-30) (9VAC25-840), and the Virginia Stormwater Management Program (VSMP) Permit Regulations (4VAC50-60) Regulation (9VAC25-870), and, if applicable, VDOT's MS4 Program Plan, 2008. While these controls may be necessary whenever a street maintained by the department is widened or relocated, the department does not require them in the development of new streets because such activity is regulated by the local governments. However, developers and counties may find these controls useful in managing land development activity.

Generally devices and treatments intended to mitigate the impact of stormwater shall be placed off of the right-of-way and shall be designed to prevent the backup of water against the roadbed. However, such devices and treatments may be placed within the right-of-way if the department and the local governing body have executed an agreement that (i) acknowledges the department has no responsibility or liability due to the presence of the devices or treatments, or both; (ii) assures the burden and costs of inspection, maintenance, VSMP permit requirements, TMDL WLA requirements, retrofitting or other future improvements to the devices and treatments, or other costs related to the placement of such devices or treatments within the right-of-way are provided from sources other than those administered by the department; (iii) a professional engineer licensed by the Commonwealth or the manufacturer as required by the department, certifies the construction of the facility to plans reviewed by the department; and (iv) design requirements of the facility are included in the department's Drainage Manual, 2002, the Department of Conservation and Recreation's Stormwater Management Handbook, First Edition, 1999, or supplemental directives.

Where development activity results in increased runoff to the extent that adjustment of an outfall facility is required, such adjustment shall be at the developer's expense and shall be contained within an appropriate easement.

The department is required to implement the Municipal Separate Storm Sewer System (MS4) permit for facilities located on its right-of-way. To comply with these requirements, the local governing body shall provide to the

district administrator's designee all aspects of a proposed development's storm sewer system and associated stormwater management plan that are pertinent to the locality's or the department's MS4 permit. Additionally, the local governing body shall provide to the district administrator's designee an inventory of all outfalls to waters of the United States, physical interconnections with other stormwater systems, stormwater management devices, or both related to the project that are located within VDOT right-of-way as a condition of street acceptance in accordance with the VDOT MS4 Stormwater Outfall Inventory Manual, 2011. VDOT shall not accept a street for maintenance as part of the secondary system of state highways that are not in compliance with conditions of the pertinent MS4 permit and VDOT's MS4 Program Plan, 2008, as such conditions existed at the time of the relevant street construction plan's approval. VDOT shall not accept a street for maintenance if there is an illicit discharge to the system, as defined by ~~4VAC50-60-10~~ 9VAC25-870-10 until the illicit discharge is eliminated.

3. Drainage easements.

- a. An acceptable easement shall be provided from all drainage outfalls to a natural watercourse, as opposed to a swale.
- b. The department normally accepts and maintains only that portion of a drainage system that falls within the limits of the dedicated right-of-way for a street. The department's responsibility to enter drainage easements outside of the dedicated right-of-way shall be limited to undertaking corrective measures to alleviate problems that may adversely affect the safe operation or integrity of the roadway.
- c. In the event drainage to a natural watercourse is not accomplished or is interrupted, an acceptable agreement from the governing body may be considered as an alternative to providing an easement to a natural watercourse, provided the agreement acknowledges that the department is neither responsible nor liable for drainage from the roadway.

M. Other design considerations.

1. Guardrail. Guardrail shall be used when required by the district administrator's designee, consistent with the Road Design Manual, 2011. For placement considerations, see the Subdivision Street Design Guide (Appendix B (1) of the Road Design Manual, 2011 (VDOT)).
2. Landscaping and erosion control. All disturbed areas within the dedicated right-of-way and easements of any street shall be restored with vegetation compatible with the surrounding area. Where there is visual evidence of erosion or siltation, acceptance of the street as part of the secondary system of state highways maintained by the department will be postponed until appropriate protective measures, in accordance with VDOT's construction

practices, are taken. Except as otherwise approved by the district administrator's designee, planting of trees or shrubs on the right-of-way shall be in accordance with the Road Design Manual, 2011 (VDOT) and its Appendix B (1) (the Subdivision Street Design Guide).

3. Lighting. Roadway, security, or pedestrian lighting, when required by the governing body or desired by the developer, shall be installed in accordance with the Road Design Manual, 2011 (VDOT) and its Appendix B (1) (the Subdivision Street Design Guide). However, VDOT shall not be responsible for the maintenance or replacement of lighting fixtures or the provision of power for lighting.

4. Railroad crossings.

a. Short-arm gates with flashing signals, flashing signals alone, or other protective devices as deemed appropriate by the department shall be provided at any at-grade crossing of an active railroad by a street.

b. Crossings of railroad right-of-way are subject to the requirements of the railroad. Streets to be accepted by the department for maintenance as part of the secondary system of state highways that cross railroad right-of-way will only be considered if the protective measures outlined under this section have been fully installed and an agreement between the railroad, the developer, and the local governing body has been executed. Prior to execution, such agreements shall be presented to the department for consideration in consultation with the Department of Rail and Public Transportation.

5. Utilities. Local governments, the development community, and the utility community are encouraged to coordinate and consolidate their interests as part of the initial development plan.

a. Underground utilities. The department allows the placement of underground utilities within the dedicated right-of-way of streets, but normally restricts placement to areas outside of the travel lanes. However, if the governing body has established adequate requirements approved by the department for the design, location, and construction of underground utilities within the right-of-way of streets, including provisions that ensure that adequate testing and inspection is performed to minimize future settlement, those requirements shall become the department's requirements and govern provided those requirements exceed the department's requirements.

Manholes shall not be placed in sidewalk, multiuse trail, or shared use path facilities, within five feet of curb ramps or within driveway entrances.

When location of the utilities outside of the pavement area is not practical such as in high density developments incorporating the principles of new urbanism as described in § 15.2-2223.1 of the Code of Virginia, such installations:

(1) Are acceptable within the shoulders along the street or within the parking area.

(2) May be acceptable beneath the travel lanes of the street or alley when provisions are made to ensure adequate inspection and compaction tests and:

(a) Longitudinal installations and manholes are located outside of the normal travel lanes; or

(b) Longitudinal installations and manholes are placed in the center of a travel lane out of the wheel path.

b. Open-cutting of hard-surfaced roadways. The department usually prohibits the open-cutting of hard-surfaced roads except in extenuating circumstances. Therefore, all underground utilities within the right-of-way, as determined necessary by good engineering practice to serve the complete development of adjacent properties, shall be installed during the street's initial construction and prior to the application of its final pavement surface course. This shall include extensions of all necessary cross-street connections or service lines to an appropriate location beyond the pavement and preferably the right-of-way line.

In the event it is necessary to open the street pavement to work on utilities after the surface has been placed, additional compaction tests and paving as necessary to restore the integrity and appearance of the roadway may be required at the discretion of the district administrator's designee.

c. Cross-street conduits. To facilitate the placement of future underground utilities, cross-street conduits are encouraged, with placement of such conduits occurring on each street at intersections.

d. Aboveground utilities. All aboveground utilities shall be installed behind the sidewalk or as close as possible to the limits of the street's right-of-way but shall not encroach on the sidewalk, the shared use path, or any clear zone.

To assure the unencumbered dedication of the right-of-way for street additions, easements or other interests within the platted right-of-way shall be quitclaimed of any prior rights therein. In exchange, a permit may be issued by the department for a utility to occupy the area involved. This permit will be processed by the district administrator's designee upon acceptance of the street into the secondary system of state highways maintained by the department. No fee is required for permits so issued. However, the approval of the permit shall be contingent upon the utility's compliance with applicable provisions of the Land Use Permit Regulations (24VAC30-151).

24VAC30-92-130. Right-of-way width, spite strips, and encroachments.

A. Right-of-way width. A clear and unencumbered right-of-way shall be dedicated to public use for any street proposed for addition to the secondary system of state highways

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maintained by the department. However, in certain rare extenuating circumstances involving a party beyond the influence of the developer, an easement for transportation purposes may be approved by the district administrator's designee in lieu of dedicated right-of-way. In all other cases, any easement that might interfere with the public's unencumbered use of the street shall be quitclaimed in exchange for a land use permit as outlined in 24VAC30-92-120 M 5.

The width of right-of-way shall be as indicated in the Subdivision Street Design Guide (Appendix B (1) of the Road Design Manual, 2011 (VDOT)) and the Road Design Manual, 2011 (VDOT) and shall be sufficient to include all essential elements of the roadway intended to be maintained by the department, including pedestrian, multiuse trail, bicycle, or shared use path facilities and clear zone. However, supplemental easements may be used to accommodate sight distance requirements and slopes for cuts and fills. The right-of-way requirements are defined in the Subdivision Street Design Guide (Appendix B (1) of the Road Design Manual, 2011 (VDOT)) and the Road Design Manual, 2011 (VDOT).

When an existing state maintained road is widened, the additional right-of-way should be dedicated as follows:

1. If the existing right-of-way consists of a prescriptive easement, to the degree that the developer controls the land, the right-of-way shall be dedicated to public use from the centerline of the alignment.
2. If the existing right-of-way is dedicated to public use, the additional right-of-way shall be dedicated to public use.
3. If the existing right-of-way is titled in the name of the department or the Commonwealth, the additional right-of-way shall be deeded to the department or to the Commonwealth, consistent with the title of the existing right-of-way.

B. "Spite strips." Plans that include a reserved or "spite" strip that prohibits otherwise lawful vehicular access to a street from the adjacent properties, whether within or outside the subdivision or development, will not be approved.

C. Encroachments within the right-of-way. Recording of a plat causes the fee title interest of areas dedicated to public use to transfer to the local governing body. Therefore, objects installed within the right-of-way for purposes other than transportation may be considered an unlawful encroachment in the right-of-way and prevent the right-of-way from being considered clear and unencumbered.

Posts, walls, signs, or similar ornamental devices that do not interfere with roadway capacity, encroach into a clear zone, or interfere with prescribed sight distance requirements, or are not in conflict with ~~Chapter 7 (§ 33.1-351 et seq.) of Title 33.1~~ Chapter 12 (§ 33.2-1200 et seq.) of Title 33.2 of the Code of Virginia may be permitted within the right-of-way. However, specific authorization by the district administrator's designee or as authorized under the Land Use Permit

Regulations (24VAC30-151) is a requisite for these devices or any other encroachment located within the right-of-way. For the purposes of this subsection, mailboxes installed on breakaway posts may occupy the right-of-way without permit. Otherwise, encroachments that do not fall within the clear zone may be allowed within the right-of-way pursuant to a land use permit issued by the district administrator's designee.

Part I

Outdoor Advertising in Zoned and Unzoned Commercial and Industrial Areas

24VAC30-120-10. Definitions.

For the purposes of this chapter, the following definitions shall apply:

"Commercial or industrial activities" means those activities generally recognized as commercial or industrial by zoning authorities in this Commonwealth, except that none of the following activities shall be considered commercial or industrial:

1. Outdoor advertising structures.
2. Agricultural, forestry, grazing, farming, and related activities including, but not limited to, wayside fresh produce stands.
3. Transient or temporary activities.
4. Activities not visible from the main-traveled way.
5. Activities more than 300 feet from the nearest edge of the right of way.
6. Activities conducted in a building principally used as a residence.
7. Railroad tracks and minor sidings.

"National highway system" means the federal-aid highway system described in subsection (b) of § 103 of Title 23, United States Code, and regulations adopted pursuant to that law, or as defined in ~~§ 33.1-354~~ § 33.2-1200 of the Code of Virginia.

"Unzoned commercial or industrial areas" means those areas on which there is located one or more permanent structures devoted to a business or industrial activity or on which a commercial or industrial activity is actually conducted, whether or not a permanent structure is located thereon, and the area along the highway extending outward 500 feet from and beyond the edge of such activity. Each side of the highway will be considered separately in applying this definition.

"Zoned commercial or industrial areas" means those areas which are reserved for business, commerce, or trade pursuant to a comprehensive state or local zoning ordinance or regulation. All measurements shall be from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the activities, not from the property lines of the activities, and shall be along or parallel to the edge or pavement of the highway.

Part II

Directional and Other Official Signs and Notices (Located Off Highway Right of Way)

24VAC30-120-80. Definitions.

The following definitions apply to directional and other official signs and notices which are erected and maintained within 660 feet of the nearest edge of the right of way of interstate, federal-aid primary and national highway systems, which are not erected on the highway right of way and which are visible from the main-traveled way of the system.

"Directional and other official signs and notices" means only official signs and notices, public utility signs, service club and religious notices, public service signs, and directional signs.

"Directional signs" means signs containing directional information about public places owned or operated by federal, state, or local governments or their agencies; publicly or privately owned natural phenomena, historic, cultural, scientific, educational, and religious sites; and areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public.

"Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.

"Federal or state law" means a federal or state constitutional provision or statute, or an ordinance, rule or regulation enacted or adopted by a state or federal agency or a political subdivision of a state pursuant to a federal or state constitution or statute.

"Freeway" means a divided arterial highway for through traffic with full control of access.

"Interstate system" means the national system of interstate and defense highways, described in § 103(e) of Title 23, United States Code.

"Maintain" means to allow to exist.

"Main-traveled way" means the through traffic lanes of the highway, exclusive of frontage roads, auxiliary lanes and ramps.

"National highway system" means the federal-aid highway system described in subsection (b) of § 103 of Title 23, United States Code, and regulations adopted pursuant to that law, or as defined in § ~~33.1-354~~ 33.2-1200 of the Code of Virginia.

"Official signs and notices" means signs and notices erected and maintained by public officers or public agencies within their territorial or zoning jurisdiction and pursuant to and in accordance with direction or authorization contained in federal, state or local law for the purposes of carrying out an official duty or responsibility. Historical markers authorized by state law and erected by state or local government agencies or nonprofit historical societies may be considered official signs.

"Parkland" means any publicly owned land which is designated or used as a public park, recreation area, wildlife or waterfowl refuge or historic site.

"Primary system" means the federal-aid highway system described in § 103(b) of Title 23, United States Code.

"Public service signs" means signs located on school bus stop shelters, which:

1. Identify the donor, sponsor, or contributor of said shelter;
2. Contain safety slogans or messages, which shall occupy not less than 60% of the area of the sign;
3. Contain no other message;
4. Are located on school bus shelters which are authorized or approved by city, county, or state law, regulation or ordinance, and at places approved by the city, county, or state agency controlling the highway involved; and
5. May not exceed 32 square feet in area. Not more than one sign on each shelter shall face in any one direction.

"Public utility signs" means warning signs, informational signs, notices, or markers which are customarily erected and maintained by publicly or privately owned public utilities, as essential to their operations.

"Rest area" means an area or site established and maintained within or adjacent to the highway right of way by or under public supervision or control for the convenience of the traveling public.

"Scenic area" means any area of particular scenic beauty or historical significance as determined by the federal, state, or local officials having jurisdiction thereof, and includes interests in land which has been acquired for the restoration, preservation, and enhancement of scenic beauty.

"Service club and religious notices" means signs and notices whose erection is authorized by law, relating to meetings of nonprofit service clubs or charitable associations, or religious services, which signs do not exceed eight square feet in area.

"Sign" means an outdoor sign, light, display device, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, or used to advertise or inform any part of the advertising or informative contents of which is visible from any place on the main-traveled way of the interstate or federal-aid primary highway.

"Single route" means one numbered highway or a combination of numbered highways affording a means of reaching an advertised activity from any one point.

"State" means any one of the 50 states, the District of Columbia, or Puerto Rico.

"Visible" means capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.

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24VAC30-120-140. Administration of regulations.

The Commissioner of Highways, under § ~~33.1-352~~ 33.2-1201 of the Code of Virginia, has the duty to administer and enforce provisions of ~~Chapter 7 (§ 33.1-351 et seq.) of Title 33.1~~ Chapter 12 (§ 33.2-1200 et seq.) of Title 33.2 of the Code of Virginia. The board and the Commissioner of Highways recognize that there are other state agencies which have as their primary purpose the control and administration of the type of specific unique phenomena or site, for which a directional sign application may be made, that have valuable experience and knowledge in the matters contained in the definition of "directional signs." Therefore, the following state agencies are hereby recognized for the purpose of making recommendations whether a site, area, agency, or phenomena falls within the definition of "directional signs" set forth in 24VAC30-120-80:

Department of Conservation and Recreation
Department of Historic Resources
The Library of Virginia

The recommendations must be based upon criteria presently utilized or hereinafter adopted by one of these agencies.

After the recommendation is received the commissioner must employ the following standards in addition to those which appear elsewhere to ascertain whether a site, area, agency, or phenomena is eligible for directional signs.

1. That publicly or privately owned activities or attractions eligible for directional signing are limited to the following: natural phenomena; scenic attractions; historic, educational, cultural, scientific, and religious sites; and areas naturally suited for outdoor recreation.
2. Any of the above must be nationally or regionally known as determined by the commissioner.
3. Any of the above must be of outstanding interest to the traveling public as determined by the Commissioner of Highways.

The area, site, agency, or phenomena seeking to qualify for "directional signs" shall be the principal area, site, agency, or phenomena which would appear on proposed sign and not ancillary to the message which would appear on the sign.

Part IV

Control and Continuance of Nonconforming Signs,
Advertisements, and Advertising Structures

24VAC30-120-160. Definitions.

The definitions set out in § ~~33.1-351~~ 33.2-1200 of the Code of Virginia and the following definitions shall apply:

"Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.

"Nonconforming sign" means one which was lawfully erected but which does not comply with the provisions of state law or state regulations passed at a later date or which

later fails to comply with state law or state regulations due to changed conditions.

An example of changed conditions would be a sign or advertisement lawfully in existence in a commercial area which at a later date becomes noncommercial and thus required to be protected, or a sign or advertisement lawfully erected on a federal-aid secondary highway later upgraded to a federal-aid primary highway. Illegally erected or maintained signs or advertisements are not nonconforming signs.

"Nonconforming sign - grandfather clause" means a sign lawfully in existence on certain dates or as specified in the state-federal agreement erected in a commercial or industrial area which does not conform to size, lighting, or spacing criteria.

24VAC30-120-170. Criteria for the maintenance and continuance of a nonconforming sign, advertisement or advertising structure.

A. To be classified as a nonconforming sign or structure, such sign or structure must have been in lawful existence on the effective date of the state law or regulation or changed condition and must continue to be lawfully maintained.

B. To be allowed to continue as nonconforming, a sign or structure must remain substantially unchanged from its condition as of the effective date of the state law or regulations or changed condition.

1. Replacement, extension, or enlargement of the sign or structure is a substantial change in the existing use.
2. The change of location or height of such sign or structure is a substantial change in the existing use.
3. A change of the message content is not a substantial change in existing use. In the event a sign has been blank for a period of 18 consecutive months, the owner will be given written notice of 120 days to display a message on or remove such sign structure. In the event a message is not displayed on the sign structure within 120 days from the postdate of the aforementioned written notice, the permit shall be cancelled.
4. Rebuilding, or re-erecting the sign or structure, is a substantial change in existing use if such rebuilding, or re-erection expenses exceed 50% of the current replacement cost new of the entire sign or structure.

EXCEPTION:

If it can be demonstrated to the satisfaction of the commissioner that a nonconforming sign or structure has been vandalized or subject to other criminal or tortious act, then the replacement, rebuilding, or re-erecting of such sign or structure will not be considered a substantial change in existing use irrespective of the cost of such replacement; however, it will be considered a substantial change in existing use if damage to nonconforming signs or structures is caused by natural disasters, hurricanes, high winds, hail, or the like, and such damage exceeds 50% of the current replacement cost new of the entire sign or

structure. In the event vandalism and an act of God combine to damage a nonconforming sign or structure, the commissioner shall determine the percentage allocated to each cause of damage before determining whether a substantial change in existing use has occurred.

5. Normal upkeep and repair of such sign or structure on a frequent basis, to the extent that the total cost of such repairs in the 12-month period would not exceed 50% of the current replacement cost new of the entire sign or structure, is not a substantial change in existing use.

C. In reaching a determination on the cost point in subdivisions B 4 and B 5 of this section the following will apply:

1. The sign owner shall furnish the commissioner cost data supporting any contention that such sign or structure is not damaged more than 50% of the current replacement cost new.

2. The commissioner may also utilize any other data available to him.

3. A sign or advertising structure lawfully in existence under the "Grandfather Clause" (see 24VAC30-120-160, Definitions) must conform to the criteria set out herein.

4. Certain standard maintenance practices and techniques utilized by the industry relating to how repairs are accomplished may be individually approved, in which case nonconforming rights shall not be terminated.

5. A nonconforming sign or structure that does not conform to the foregoing criteria shall constitute a substantial change in existing use thereby terminating nonconforming rights and legal status.

D. Once the sign owner has submitted the data per subsection C of this section, the commissioner, per §§ ~~33.1-352~~ 33.2-1201 and ~~33.1-370.2~~ 33.2-1219 of the Code of Virginia, shall make a determination whether the cost of the requested or required repairs exceeds 50% of the current replacement cost new of the entire billboard or structure. The determination shall be communicated to the sign owner and the building official of the locality. The sign owner is required to apply for a building permit from the locality before repairs can be commenced. If the building official of the locality objects to the commissioner's determination, for good cause shown, he may submit the objection to the commissioner, with a copy to the sign owner, within 30 days of the building permit application by the sign owner. Upon receipt of the objection the commissioner, per §§ ~~33.1-352~~ 33.2-1201 and ~~33.1-370.2~~ 33.2-1219 of the Code of Virginia, shall consider the documentation submitted by the building official and reissue a determination, which shall be binding upon the locality.

24VAC30-120-190. Owner's responsibility.

The owner is responsible for the maintenance and continuance of a sign, advertisement, or advertising structure in conformity with the foregoing, which is not construed to

relieve owner of such responsibility, nor to waive applicable provisions of the Code of Virginia relating to outdoor advertising including, but not limited to, §§ ~~33.1-351, 33.1-364, 33.1-369, 33.1-370, 33.1-371~~ 33.2-1200, 33.2-1211, 33.2-1216, 33.2-1217, 33.2-1220, and ~~33.1-375~~ 33.2-1227 of the Code of Virginia.

Part II Authority

24VAC30-151-20. Authority.

The General Rules and Regulations of the Commonwealth Transportation Board (see 24VAC30-151-760) are adopted pursuant to the authority of § ~~33.1-12~~ 33.2-210 of the Code of Virginia, and in accordance with the Virginia Administrative Process Act (Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2 of the Code of Virginia). These rules and regulations provide that no work of any nature shall be performed on any real property under the ownership, control, or jurisdiction of VDOT until written permission has been obtained from VDOT. Real property includes, but is not limited to, the right-of-way of any highway in the state highways system. Written permission is granted either by permit or a state-authorized contract let by VDOT. By issuing a permit, VDOT is giving permission only for whatever rights it has in the right-of-way; the permittee is responsible for obtaining permission from others who may also have an interest in the property. Employees of VDOT are authorized to issue permits as described in this chapter. This chapter prescribes the specific requirements of such permits.

24VAC30-151-50. Violations of rules and regulations.

A. Objects placed on, above, or under the right-of-way in violation of the general rules and regulations shall be removed within 10 calendar days of receipt of notice from VDOT. Objects not removed within 10 calendar days shall be moved at the owner's expense. Objects requiring immediate removal for public safety, use, or maintenance of any highway shall be moved immediately at the owner's expense. The provisions of § ~~33.1-373~~ 33.2-1224 of the Code of Virginia shall govern the removal of advertisements from within the right-of-way. The provisions of § ~~33.1-375~~ 33.2-1227 of the Code of Virginia shall govern the removal of other signs from within the right-of-way.

B. The permittee will be civilly liable to the Commonwealth for expenses and damages incurred by VDOT as a result of violation of any of the rules and regulations of this chapter. Violators shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided for in § ~~33.1-19~~ 33.2-210 of the Code of Virginia.

C. Failure to implement proper traffic control and construction standards mandated by the permit shall be cause for the district administrator's designee to remove the permittee from the right-of-way or revoke the permit, or both.

D. See 24VAC30-151-30 for violations related to specific district-wide permit types.

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Part III

Denial or Revocation of Permits

24VAC30-151-110. Denial; revocation; refusal to renew.

A. A land use permit may be revoked upon written finding that the permittee violated the terms of the permit, which shall incorporate by reference these rules, as well as state and local laws and ordinances regulating activities within the right-of-way. Repeated violations may result in a permanent denial of the right to work within the right-of-way. A permit may also be revoked for misrepresentation of information on the application, fraud in obtaining a permit, alteration of a permit, unauthorized use of a permit, or violation of a water quality permit. Upon revocation, the permit shall be surrendered without consideration for refund of fees. Upon restoration of permit privileges a new land use permit shall be obtained prior to performing any work within the right-of-way.

B. Land use permits may be denied to any applicant or company, or both, for a period not to exceed six months when the applicant or company, or both, has been notified in writing by the Commissioner of Highways, the central office permit manager, district administrator, or district administrator's designee that violations have occurred under the jurisdiction of a districtwide or previously issued single use permit. Any person, firm, or corporation violating a water quality permit shall permanently be denied a land use permit. Furthermore, these violators may be subject to criminal prosecution as provided for by § ~~33.1-19~~ 33.2-210 of the Code of Virginia.

Part IV

Entrances

24VAC30-151-120. Provisions governing entrances.

VDOT's authority to regulate highway entrances is provided in §§ ~~33.1-197, 33.1-198, 33.2-240, 33.2-241, and 33.198.1~~ 33.2-245 of the Code of Virginia and its authority to make regulations concerning the use of highways generally is provided in § ~~33.1-12~~ (3) 33.2-210 of the Code of Virginia.

Regulations regarding entrances are set forth in VDOT's regulations promulgated pursuant to § ~~33.1-198.1~~ 33.2-245 of the Code of Virginia (see 24VAC30-151-760).

24VAC30-151-270. Railroad crossing permit requests by other companies.

Where a person, firm or chartered company engaged in mining, manufacturing or lumber getting, as defined in § ~~33.1-214~~ 33.2-252 of the Code of Virginia, applies directly for a permit to construct a tramway or railroad track across the right-of-way, a permit may be issued under the following conditions:

1. Operations by the permittee shall conform to applicable statutes of the Code of Virginia in regard to construction and maintenance of the crossing surface, signing and other warning devices, blocking of crossing, etc.
2. In the event of future widening of the highway, the permittee shall lengthen the crossing surface, relocate signs

and signals, etc., as may be necessary, at no expense to the Commonwealth.

3. The permittee shall furnish a performance and indemnifying bond of such amounts as VDOT deems necessary and agree to continue the same in force so long as the crossing is in place.

4. The permittee shall notify VDOT prior to the permittee transferring ownership of a crossing so that proper arrangement can be made for the transfer of permitted responsibilities.

24VAC30-151-550. Roadside memorials.

A. Section ~~33.1-206.1~~ 33.2-216 of the Code of Virginia directs the Commonwealth Transportation Board to establish regulations regarding the authorized location and removal of roadside memorials. Roadside memorials shall not be placed on state right-of-way without first obtaining a permit. At the site of fatal crashes or other fatal incidents, grieving families or friends often wish for a roadside memorial to be placed within the highway right-of-way. The following rules shall be followed in processing applications to place roadside memorials within the highway right-of-way:

1. Applications for a memorial shall be submitted to the district administrator's designee. The district administrator's designee will review, and if necessary, amend or reject any application.

2. If construction or major maintenance work is scheduled in the vicinity of the proposed memorial's location, the district administrator's designee may identify an acceptable location for the memorial beyond the limits of work, or the applicant may agree to postpone installation.

3. If the applicant requests an appeal to the district administrator's designee's decision regarding amendment or rejection of an application, this appeal will be forwarded to the district administrator.

4. Criteria used to review applications shall include, but not be limited to, the following factors:

- a. Potential hazard of the proposed memorial to travelers, the bereaved, VDOT personnel, or others;
- b. The effect on the proposed site's land use or aesthetics; installation or maintenance concerns; and
- c. Circumstances surrounding the accident or incident.

5. Approval of a memorial does not give the applicant, family, or friends of the victim permission to park, stand, or loiter at the memorial site. It is illegal to park along the interstate system, and because of safety reasons and concerns for the public and friends and family of the deceased, parking, stopping, and standing of persons along any highway is not encouraged.

B. The following rules will be followed concerning roadside memorial participation:

1. Any human fatality that occurs on the state highway system is eligible for a memorial. Deaths of animals or pets are not eligible.
2. The applicant must provide a copy of the accident report or other form of information to the district administrator's designee so that the victim's name, date of fatality, and location of the accident can be verified. This information may be obtained by contacting the local or state police. The district administrator's designee may also require that the applicant supply a copy of the death certificate.
3. Only family members of the victim may apply for a memorial.
4. The applicant will confirm on the application that approval has been obtained from the immediate family of the victim and the adjacent property owner or owners to locate the memorial in the designated location. If any member of the immediate family objects in writing to the memorial, the application will be denied or the memorial will be removed if it has already been installed.
5. If the adjacent property owner objects in writing, the memorial will be relocated and the applicant will be notified.
6. Memorials will remain in place for two years from the date of installation, at which time the permit shall expire. The Commissioner of Highways may, upon receipt of a written request, grant an extension of the permit. An extension may be granted for a period of one year, and requests for further extensions must be submitted for each subsequent year. The applicant or the family of the victim may request that the memorial be removed less than two years after installation.
7. The applicant shall be responsible for the fabrication of the memorial. VDOT will install, maintain, and remove the memorial, but the cost of these activities shall be paid by the applicant to VDOT.

C. Roadside memorial physical requirements.

1. The memorial shall be designed in accordance with ~~Chapter 7 (§ 33.1-351 et seq.) of Title 33.1~~ Chapter 12 (§ 33.2-1200 et seq.) of Title 33.2 and § 46.2-831 of the Code of Virginia and the Rules and Regulations Controlling Outdoor Advertising and Directional and Other Signs and Notices and Vegetation Control Regulations on State Rights-Of-Way (see 24VAC30-151-760). The use of symbols, photographs, drawings, logos, advertising, or similar forms of medium is prohibited on or near the memorial.
2. Only one memorial per fatality shall be allowed.
3. VDOT reserves the right to install a group memorial in lieu of individual memorials to commemorate a major incident where multiple deaths have occurred.
4. The memorial shall be located as close as possible to the crash site, but location of the memorial may vary depending on the site and safety conditions.

- a. Memorials shall be installed outside of the mowing limits and ditch line and as close to the right-of-way line as reasonably possible.
- b. Memorials shall be located in such a manner as to avoid distractions to motorists or pose safety hazards to the traveling public.
- c. Memorials shall not be installed in the median of any highway, on a bridge, or within 500 feet of any bridge approach.
- d. Memorials shall not be permitted in a construction or maintenance work zone. VDOT reserves the right to temporarily remove or relocate a memorial at any time for highway maintenance or construction operations or activities.
- e. If VDOT's right-of-way is insufficient for a memorial to be installed at the crash site, the district administrator's designee will locate a suitable location as close as possible to the incident vicinity to locate the memorial where sufficient right-of-way exists.

D. Removal. After the two-year term or any extension of the term approved in accordance with this section, the memorial shall be removed by VDOT personnel. The memorial nameplate will be returned to the applicant or the designated family member, if specified on the application. If the applicant does not wish to retain the nameplate, the nameplate will be reused, recycled, or disposed at VDOT's discretion.

24VAC30-151-590. Outdoor advertising adjacent to the right-of-way.

Permits for outdoor advertising located off the right-of-way are obtained through the roadside management section at any VDOT district office or the Maintenance Division in accordance with ~~Chapter 7 (§ 33.1-351 et seq.) of Title 33.1~~ Chapter 12 (§ 33.2-1200 et seq.) of Title 33.2 of the Code of Virginia. Selective pruning permits for outdoor advertising shall be issued in accordance with ~~§ 33.1-374.1~~ § 33.2-1221 of the Code of Virginia.

24VAC30-151-620. Roadside management, landscaping.

Placement and maintenance of plant materials by individuals or organizations may be allowed under permit in strict accordance with VDOT Road and Bridge Specifications (see 24VAC30-151-760), VDOT Road and Bridge Standards (see 24VAC30-151-760), ~~§ 33.1-223.2-9~~ § 33.2-265 of the Code of Virginia, and the Comprehensive Roadside Management Program (see 24VAC30-151-760). The applicant shall maintain any altered roadside area in perpetuity. All related permit applications shall be accompanied by a corresponding maintenance agreement. If permit conditions, including the maintenance agreement, are violated at any time, VDOT reserves the right to reclaim and restore such permitted area to its original condition or otherwise establish turf in accordance with VDOT Road and Bridge Specifications (see 24VAC30-151-760). The costs of reclamation and restoration activities shall be paid by the permittee. Tree pruning or

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removal may be allowed on right-of way for maintenance purposes for utility facilities or as part of a roadside beautification project sponsored by the local government or to daylight an outdoor advertising structure in accordance with Vegetation Control Regulations on State Rights-of-Way (see 24VAC30-151-760). See VDOT's Tree and Brush Trimming Policy (see 24VAC30-151-760) for further information.

All pesticide applicators shall meet the applicable requirements established by the Department of Agricultural and Consumer Services in Rules and Regulations for Enforcement of the Virginia Pesticide Law (~~2VAC20-20~~) (2VAC5-670) (see 24VAC30-151-760). Pesticide activities shall comply with all applicable federal and state regulations.

24VAC30-151-710. Fees.

A. Single use permit. A nonrefundable application fee shall be charged to offset the cost of reviewing and processing the permit application and inspecting the project work, in accordance with the requirements below:

1. The application fee for a single permit is \$100.
2. Additive costs shall be applied as indicated below. The district administrator's designee will determine the total permit fees using the following schedule:

Activity	Fee
Private Entrances	none
Commercial Entrance	\$150 for first entrance \$50 for each additional entrance
Street Connection	\$150 for first connection \$50 for each additional connection
Temporary Logging Entrance	\$10 for each entrance
Temporary Construction Entrance	\$10 for each entrance
Turn Lane	\$10 per 100 linear feet
Crossover	\$500 per crossover
Traffic Signal	\$1,000 per signal installation
Reconstruction of Roadway	\$10 per 100 linear feet
Curb and Gutter	\$10 per 100 linear feet
Sidewalk	\$10 per 100 linear feet
Tree Trimming (for outdoor advertising)	in accordance with § 33-1-374 <u>§ 33.2-1221</u> of the Code of Virginia

Tree Trimming (all other activities)	\$10 per acre or 100 feet of frontage
Landscaping	\$10 per acre or 100 feet of frontage
Storm Sewer	\$10 per 100 linear feet
Box Culvert or Bridge	\$5 per linear foot of attachment
Drop Inlet	\$10 per inlet
Paved Ditch	\$10 per 100 linear feet
Under Drain or Cross Drain	\$10 per crossing
Above-ground Structure (including poles, pedestals, fire hydrants, towers, etc.)	\$10 per structure
Pole Attachment	\$10 per structure
Span Guy	\$10 per crossing
Additive Guy and Anchor	\$10 per guy and anchor
Underground Utility - Parallel	\$10 per 100 linear feet
Overhead or Underground Crossing	\$10 per crossing
Excavation Charge (including Test Bores and Emergency Opening)	\$10 per opening

3. Time extensions for active permits shall incur a monetary charge equal to one-half the application fee charged to the initial permit. Expired permits may be reinstated; however, fees for reinstatement of expired permits shall equal the application fee.

4. If a permit is cancelled prior to the beginning of work, the application fee and one-half of the additive fee will be retained as compensation for costs incurred by VDOT during plan review.

5. The district administrator's designee may establish an account to track plan review and inspection costs, and may bill the permittee not more often than every 30 calendar days. If an account is established for these costs, the permittee shall be responsible for the nonrefundable application fee and the billed costs. When actual costs are billed, the district administrator's designee shall waive the additive fees above.

B. Districtwide permits. Districtwide permits, as defined in 24VAC30-151-30, are valid for a period of two years. The biennial fee for a districtwide permit for utilities and logging operations is \$750 per district. The biennial fee for a districtwide permit for surveying is \$200 per district. The central office permit manager may exercise discretion in combining requests for multijurisdictional districtwide permits.

C. Miscellaneous permit fees. To connect the facility to the transmission grid pipeline, the operator of a nonutility renewable energy facility that produces not more than two megawatts of electricity from a renewable energy source, not more than 5,000 mmBtus/hour of steam from a renewable energy source, or landfill gas from a solid waste management facility, shall remit to VDOT a one-time permit fee of \$1,500 per mile as full compensation for the use of the right-of-way in accordance with § 67-1103 of the Code of Virginia.

D. No-fee permits. The following permits shall be issued at no cost to the applicant:

1. In-place permits as defined in 24VAC30-151-30 and 24VAC30-151-390.
2. Prior-rights permits as defined in 24VAC30-151-30 and 24VAC30-151-390.
3. As-built permits as defined in 24VAC30-151-30.
4. Springs and wells as defined in 24VAC30-151-280.
5. Crest stage gauges and water level recorders as defined in 24VAC30-151-500.
6. Filming for movies as defined in 24VAC30-151-520.
7. Roadside memorials as defined in 24VAC30-151-550.
8. No loitering signs as defined in 24VAC30-151-570.

24VAC30-200-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

"Agent" means the person, firm, or corporation representing the permittee.

"Board" means the Commonwealth Transportation Board as defined in § ~~33.1-1~~ 33.2-200 of the Code of Virginia.

"Certified arborist" means an individual who has taken and passed the certification examination sponsored by the International Society of Arboriculture and who maintains a valid certification status.

"Cutting" means to completely remove at ground level.

"Daylighting" means to prune or remove vegetation to improve the motorists' view of an outdoor advertising structure or business.

"Department" means the Virginia Department of Transportation (VDOT) and its employees.

"Federal-aid primary highway" means any highway as defined in § ~~33.1-354~~ 33.2-1200 of the Code of Virginia.

"Inspector" means any employee designated by the Commissioner of Highways or local government official, to review and approve or deny the permit application and landscape plan, inspect the work performed under authority of this chapter, and make a final approval concerning the work performed.

"Interstate system" means any highway as defined in § ~~33.1-48~~ 33.2-100 of the Code of Virginia.

"Land Use Permit Regulations" means the regulations (24VAC30-151) promulgated by the board for the purpose of authorizing activities within the limits of state rights-of-way.

"Limited access highway" means any highway as defined in § ~~33.1-57~~ 33.2-400 of the Code of Virginia.

"Local beautification project" means any project in a locality that includes installation of plant materials, using public or other funds, in any public right-of-way within a city or town, or on a highway or street in a county with the county manager form of government.

"Local government official" means an employee of a local government delegated authority by the city or town council or county board of supervisors where the public right-of-way is within the jurisdictional limits of a city or town on a highway or street not within the jurisdiction of the Commissioner of Highways under § ~~33.1-353~~ 33.2-1202 of the Code of Virginia, or on a highway or street in a county with the county manager form of government.

"Permittee" means the person, firm, or corporation owning the outdoor advertising sign, advertisement, or advertising structure or the business for whom the vegetation control work is being performed.

"Pruning" means to remove branches from healthy vegetation in a manner that is acceptable using the natural method under the standards and guidelines listed in 24VAC30-200-40 published by the American National Standards Institute, the American Association of Nurserymen, and the International Society of Arboriculture.

"Specifications" means the current Virginia Department of Transportation's Road and Bridge Specifications (effective January 2002).

"Unightly" means vegetation to be selectively removed at VDOT's or the local government official's discretion.

24VAC30-200-20. General provisions.

A. Permits will be issued by the department to control vegetation in front of a sign/structure that is not exempt from the provisions of § ~~33.1-355~~ 33.2-1204 of the Code of Virginia or business that is visible from any highway as defined in § ~~33.1-354~~ 33.2-1200 of the Code of Virginia and regulated by the territorial limitations as defined in § ~~33.1-353~~ 33.2-1202 of the Code of Virginia provided the vegetation control work meets the criteria set forth in § ~~33.1-374~~ 33.2-1221 and this chapter. An application may be filed with the Commissioner of Highways by an agent, including but not limited to companies that trim trees. In all other areas the local government official shall issue the permits.

B. All cutting to make an outdoor advertising structure more visible from the roadway shall be limited to vegetation with trunk base diameters of less than six inches. All cutting to make a business more visible from the roadway shall be limited to vegetation with trunk base diameters of less than two inches. All stumps shall be treated with a cut-stump pesticide applied by a licensed pesticide applicator with a

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license issued by the Virginia Department of Agriculture and Consumer Services in Category 6. All pesticides shall be approved by the department or local government official prior to use. Selective thinning in accordance with specifications or removal of unsightly vegetation will be allowed on an individual basis to enhance the health and growth of the best trees or to eliminate roadway hazards if recommended by the certified arborist supervising the work and agreed to by the department or local government official. Trees that are diseased, damaged by insects, unsightly, or that pose a safety hazard may be removed when recommended by the certified arborist supervising the work and approved by the department or local government official. When tree removal is recommended by the certified arborist and approved by this permit, the permittee shall provide a list of suitable trees and shrubs and a landscape plan to replace vegetation removed to the inspector or local government official for review and approval prior to issuance of the permit. The certified arborist and the department or local government official shall agree on size and species of replacement vegetation. The permittee shall plant, at his expense, all replacement vegetation at the locations shown on the landscape plan in accordance with the specifications. The establishment period for replacement vegetation shall be in accordance with § 605.05 of the specifications. No pruning of vegetation to make an outdoor advertising sign more visible from the roadway will be permitted if the cut at the point of pruning will exceed four inches in diameter. No pruning of vegetation to make a business more visible from the roadway will be permitted if the cut at the point of pruning will exceed two inches in diameter. No leader branches shall be cut off in such a manner as to retard the normal upright growth of the tree unless recommended by the certified arborist and approved by the department or local government official. All trees and brush removed shall be cut at ground level. Dogwood or other small flowering trees on the site shall not be removed. The use of climbing irons or spurs is positively forbidden in any tree.

C. When daylighting signs, every effort shall be made to form a picture frame around the sign with remaining vegetation so as to accent the beauty of the surrounding roadside. A picture frame effect shall be achieved by leaving vegetation in place that will cover the sign structure supports below the face as seen from the main-traveled way.

D. A permit must be obtained from the department or local government official prior to any vegetation control work on the state's rights-of-way. All work shall be performed by the permittee at his expense, including permit and inspection fees.

E. A violation of this chapter shall, in addition to penalties provided in § ~~33.1-377~~ 33.2-1229 of the Code of Virginia, result in a permittee or its agent or both losing its vegetation control permit privilege for five years. Additionally, the bond amount used to secure the permit will be used for any reparations to the site. Inadvertent violations of this permit

will require replacement on a four-to-one basis with other suitable small trees approved by the department or local government official to enhance the roadside beauty. The department or local government official shall have full authority to determine specie and size of all replacement vegetation if inadvertent cutting occurs.

24VAC30-200-30. Special provisions.

A. The permittee shall attach two each 8" x 10" color glossy photographs (a closeup and a distant view) with the permit application showing the vegetation to be controlled, the highway, and the sign or business.

The permit for selective pruning or tree cutting, or both, will be inspected by the department or local government official and approval or denial given.

A permit may be denied any applicant, and all permits issued by the board or local government official may be revoked whenever, in the opinion of the inspector, the safety, use, or maintenance of the highway so requires or the integrity of the permit system so dictates.

If, during or before work begins, it is deemed necessary by the department or local government official to assign inspectors to the work, the permittee shall pay the department or local government issuing the permit an additional inspection fee in an amount that will cover the salary, expense and mileage allowance, equipment rental, etc., of the inspector or inspectors assigned by the department or local government for handling work covered by this chapter. Said inspection fee to be paid promptly each month on bills rendered by the department or local government.

The absence of a state or local government inspector does not in any way relieve the permittee of his responsibility to perform the work in accordance with provisions of § ~~33.1-371.4~~ 33.2-1221 of the Code of Virginia, this chapter, or permit.

B. The inspector or local government official shall be notified at least seven days in advance of the date any work is to be performed and when completed, in order than an inspection may be made.

C. No trees, shrubs, vines, or plant material, except as covered by this chapter, shall be cut or disturbed. Stubs and dead wood in trees covered by this chapter must be removed, whether occasioned by present requirements or not.

Pruning of trees shall only be performed by qualified tree workers who, through related training or experience or both, are familiar with the techniques and hazards of arboricultural work including trimming, maintaining, repairing or removing trees, and the equipment used in such operations. The supervisor, a certified arborist, and tree workers shall be approved by the inspector or local government official, prior to issuance of a permit to perform work under this chapter. The certified arborist supervising the work shall remain on-site whenever work is underway.

All brush, wood, etc., shall be chipped and beneficially used or removed immediately and disposed of in accordance with the Solid Waste Management Regulations (9VAC20-81) of the Virginia Waste Management Board.

D. All access and work shall be accomplished from the abutting property side of rights-of-way on interstate and other limited access highways, except where a local beautification project has allowed landscape plant material to be planted within a median area. Plant material in median areas may be relocated to other areas within the local beautification project limits in accordance with an approved landscape plan. All work performed on VDOT rights-of-way shall comply with the Virginia Work Area Protection Manual (part of 24VAC30-310-10 et seq.). Any damage caused to property owned by the Commonwealth shall be repaired or replaced in kind when work is complete.

All work done under this chapter on the right-of-way shall in all respects be subject to department or local government official directions and shall be completed to the satisfaction of the inspector or local government official, or his representative.

E. The department or local government official reserves the right to stop the work at any time the terms of this chapter are not satisfactorily complied with, and the department or local government official may, at its discretion, complete any of the work covered in the permit at the expense of the permittee. If it is in the best interest of traffic safety, the department or local government official may complete or have completed at the expense of the permittee any of the work that must be done to properly protect the traveling public.

F. The permittee shall immediately have corrected any condition that may arise as a result of this work that the department or local government official deems hazardous to the traveling public or state maintenance forces even though such conditions may not be specifically covered in this chapter or in the Land Use Permit Regulations (24VAC30-151).

G. Permittees and their agents to whom permits are issued shall at all times indemnify and save harmless the Commonwealth Transportation Board, local city or town councils, local boards of supervisors, and the Commonwealth of Virginia and its employees, agents, and officers from responsibility, damage, or liability arising from the exercise of the privilege granted in such permit except if political subdivisions are the applicants. Then special arrangements will be made whereby the agent of the political subdivision performing the work will indemnify and save harmless the board and others. All work shall be performed by the permittee at his expense. All permit and inspection fees shall be paid to the department or local government official by the permittee.

H. The permittee agrees that if the work authorized by this chapter including any work necessary to restore shoulders, ditches, and drainage structures to their original condition, is

not completed by the permittee to the satisfaction of the department or local government official, the department or local government official will do whatever is required to restore the area within the right-of-way to department standards, and the permittee will pay to the Commonwealth or local government official the actual cost of completing the work. When the permittee is a political subdivision, this requirement will be satisfied by a sum certain that will appear in the permit.

I. Road and street connections and private and commercial entrances are to be kept in a satisfactory condition. Entrances shall not be blocked. Ample provisions must be made for safe ingress and egress to adjacent property at all times. Where entrances are disturbed, they shall be restored to the satisfaction of the department or local government official.

J. Road drainage shall not be blocked. The pavement, shoulders, ditches, roadside and drainage facilities, shall be kept in an operable condition satisfactory to the department or local government official. Necessary precautions shall be taken by the permittee to ensure against siltation of adjacent properties, streams, etc., in accordance with the ~~Virginia~~ Erosion and Sediment Control Law (§ ~~40.1-560~~ 62.1-44.15:51 et seq. of the Code of Virginia) and ~~Virginia~~ Erosion and Sediment Control Regulations (~~4VAC50-30~~) (9VAC25-840).

K. Any conflicts with existing utility facilities shall be resolved between the permittee and the utility owners involved. The permittee shall notify and receive clearance from the utility owner or owners and comply with the Overhead High Voltage Line Safety Act (§ 59.1-406 et seq. of the Code of Virginia) before proceeding with work in the vicinity of utilities.

L. Where landscape is disturbed on state rights-of-way or local street and roads not under the jurisdiction of the Commissioner of Highways in accordance with § ~~33.1-353~~ 33.2-1202 of the Code of Virginia, it shall be replaced with a minimum of two inches of topsoil and reseeded according to department specifications.

24VAC30-200-35. Appeal to the Commissioner of Highways.

A. Appeals by the local government official.

1. The local government official appeal of a landscape plan shall be in writing within 60 days of the permittee submitting a permit application and accompanied by a \$400 fee.

2. The appeal shall specify reasons why the local government official is dissatisfied with the landscape plan and why it does not meet the intent of § ~~33.1-371.1~~ 33.2-1221 of the Code of Virginia. It shall include any motorist or worker safety concerns, selection of plant material, placement of plant material, method or time-of-year for planting or relocating plant material, and any other pertinent information.

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B. Appeals by the permittee.

1. The permittee appeal of a landscape plan shall be in writing within 10 days after final action of the local government official and shall be accompanied by a \$400 fee.
2. The appeal shall specify reasons why the permittee is dissatisfied with the action or stipulations placed on the permittee by the local government official including all pertinent information to help the Commissioner of Highways make a final determination.

C. Commissioner of Highways' determination of appeal.

The Commissioner of Highways shall consult department personnel with expertise in horticulture and landscape architecture in making a final determination on the merits of the landscape plan presented by the permittee, weigh objections by both the local government official and the permittee, and shall provide a final determination within 30 days of receipt of the appeal request.

24VAC30-271-20. General provisions.

A. The use of economic development access funds shall be limited to:

1. Providing adequate access to economic development sites on which new or substantially expanding manufacturing, processing, research, and development facilities; distribution centers; regional service centers; corporate headquarters or other establishments that also meet basic employer criteria as determined by the Virginia Economic Development Partnership (VEDP) in consultation with the Virginia Department of Business Assistance (DBA);
2. Improving existing roads that may not be adequate to serve the establishments as described in subdivision 1 of this subsection; and
3. Providing for costs associated directly with program administration and management of project requests prior to board approval with such costs not expected to exceed 1.0% of the allocation annually.

B. Economic development access funds shall not be used for the acquisition of rights of way or adjustment of utilities. These funds are to be used only for the actual construction and engineering of a road facility adequate to serve the traffic generated by the new or expanding eligible establishments.

C. Economic development access funds may not be used for the construction of access roads to schools, hospitals, libraries, airports, armories, speculative office buildings, shopping centers, apartment buildings, professional offices, residential developments, churches, hotels, motels, or similar facilities, whether public or private. (Access roads to licensed, public-use airports, while provided for in § ~~33.1-224~~ 33.2-1509 of the Code of Virginia, are funded and administered separately.)

D. No cost incurred prior to the board's approval of an allocation from the economic development access funds may be reimbursed by such funds. Economic development access funds shall be authorized only after certification that the economic development establishment as listed or meeting the criteria as described will be built under firm contract, or is already constructed, or upon presentation of acceptable surety in accordance with § ~~33.1-224~~ 33.2-1509 A of the Code of Virginia.

E. When an eligible establishment is not yet constructed or under firm contract and a local governing body guarantees by bond or other acceptable surety that such will occur, the maximum time limit for such bond shall be five years, beginning on the date of the allocation of the economic development access funds by the Commonwealth Transportation Board. At the end of the five-year period, the amount of economic development access funds expended on the project and not justified by eligible capital outlay of one or more establishments acceptable to the board shall be reimbursed to the Virginia Department of Transportation (VDOT) voluntarily by the locality or by forfeiture of the surety. In the event that, after VDOT has been reimbursed, but still within 24 months immediately following the end of the five-year period, the access funds expended come to be justified by eligible capital outlay of one or more eligible establishments, then the locality may request a refund of one-half of the sum reimbursed to VDOT, which request may be granted if funds are available, on a first-come, first-served basis in competition with applications for access funds from other localities.

F. Economic development access funds shall not be used to construct or improve roads on a privately owned economic development site. Nor shall the construction of a new access road to serve any economic development site on a parcel of land that abuts a road constituting a part of the systems of state highways or the road system of the locality in which it is located be eligible for economic development access funds, unless the existing road is a limited access highway and no other access exists. Further, where the existing road is part of the road system of the locality in which it is located, or the secondary system of state highways, economic development access funds may be used to upgrade the existing road only to the extent required to meet the needs of traffic generated by the new or expanding eligible establishment.

In the event an economic development site has access according to the foregoing provisions of this chapter, but it can be determined that such access is not adequate in that it does not provide for safe and efficient movement of the traffic generated by the eligible establishment on the site or that the site's traffic conflicts with the surrounding road network to the extent that it poses a safety hazard to the general public, consideration will be given to funding additional improvements. Such projects shall be evaluated on a case-by-case basis upon request, by resolution, from the local governing body. Localities are encouraged to establish

planning policies that will discourage incompatible mixes such as industrial and residential traffic.

G. Not more than \$500,000 of unmatched economic development access funds may be allocated in any fiscal year for use in any county, city or town that receives highway maintenance payments under § ~~33.1-41.1~~ 33.2-319 of the Code of Virginia. A town whose streets are maintained under either § ~~33.1-79~~ 33.2-339 or § ~~33.1-82~~ 33.2-340 of the Code of Virginia shall be considered as part of the county in which it is located. The maximum eligibility of unmatched funds shall be limited to 20% of the capital outlay of the designated eligible establishments and certain investment by the locality in the land or the building, or both, on the site occupied by the designated eligible establishment. The unmatched eligibility may be supplemented with additional economic development access funds, in which case the supplemental access funds shall be not more than \$150,000, to be matched dollar-for-dollar from funds other than those administered by the board. Such supplemental funds shall be considered only if the total estimated cost of eligible items for the economic development access improvement exceeds \$500,000.

If an eligible site is owned by a regional industrial facility authority, as defined in § 15.2-6400 of the Code of Virginia, funds may be allocated for construction of an access road project to that site without penalty to the jurisdiction in which the site is located. This provision may be applied to one regional project per fiscal year in any jurisdiction with the same funding limitations as prescribed for other individual projects.

H. Notwithstanding the provisions of this section, for Major Employment and Investment (MEI) projects as defined in § 2.2-2260 of the Code of Virginia and administered by the VEDP, the locality may receive up to the maximum unmatched allocation and matched allocation for a design-only project. The local governing body shall guarantee by bond or other acceptable surety that plans for a MEI project will be developed to standards acceptable to VDOT.

In addition, for projects utilizing economic development access funds to serve approved MEI projects, the locality may receive up to the maximum unmatched allocation and an additional \$500,000 matched allocation for a road construction project. Project allocations for a given MEI project may be cumulative for not more than two years.

I. Eligible items of construction and engineering shall be limited to those that are essential to providing an adequate facility to serve the anticipated traffic while meeting all appropriate Commonwealth Transportation Board and state policies and standards. However, additional pavement width or other features may be eligible where necessary to qualify the road facility in a city or town for maintenance payments under § ~~33.1-41.1~~ 33.2-319 of the Code of Virginia.

J. Except as provided for in subsection H of this section pertaining to MEI projects, it is the intent of the board that economic development access funds not be anticipated from

year to year. Unused eligibility cannot be allowed to accumulate and be carried forward from one fiscal year to another.

K. The Commonwealth Transportation Board will consult and work closely with the VEDP and the DBA in determining the use of economic development access funds and will rely on the recommendations of the VEDP and the DBA in making decisions as to the allocation of these funds. In making its recommendations to the board, the VEDP and the DBA will take into consideration the impact of the proposed facility on the employment and tax base of both the area in which the facility is to be located and the Commonwealth of Virginia.

L. Prior to the formal request for the use of economic development access funds to provide access to new or expanding eligible establishments, the location of the access road shall be submitted for approval by VDOT. VDOT shall take into consideration the cost of the facility as it relates to the location and as it relates to the possibility of the future extension of the road to serve other possible eligible establishments, as well as the future development of the area traversed.

M. Prior to the board's allocation of funds for such construction or road improvements to an eligible economic development establishment proposing to locate or expand in a county, city or town, the governing body shall by resolution request the access funds and shall be responsible for the preliminary negotiations with the eligible establishment and others who may be interested. Engineers of VDOT will be available for consultation with the governing bodies and others, and may prepare surveys, plans, engineering studies, and cost estimates.

N. The Commissioner of Highways is directed to establish administrative procedures to assure the provisions of this chapter and legislative directives are adhered to and complied with.

24VAC30-325-10. Eligibility criteria and conditions governing receipt and use of urban maintenance and construction funds.

A. In addition to the eligibility requirements identified in § ~~33.1-41.1~~ 33.2-319 of the Code of Virginia, the road and street eligibility criteria for urban maintenance payments shall also include the following:

1. The basic right-of-way width for cul-de-sacs eligible for payment will be 40 feet, with consideration of requests for pavement widths less than 30 feet. For the purpose of making this assessment, a cul-de-sac will be defined as a dead-end street, open only at one end.
2. If a municipality has jurisdiction over and operates a toll facility, such facility is eligible for street payments.
3. Local one-way streets, loop roads, and school bus entrances will be eligible for payment provided that they are constructed to a width of 16 feet with a right-of-way

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width of not less than 40 feet. This includes service and frontage roads where contiguous to an interstate, primary, or urban system route.

4. VDOT can consider a waiver of standards on a site-specific basis with appropriate supporting information. Each case will be considered on its own merits.

B. In determining lane mileage eligibility, the following conditions will apply:

1. Turning lanes and ramps will not be considered for street payments. This includes center turn lanes unless they serve as moving through lanes during peak hours.

2. Parking must be restricted and enforced by towing during peak traffic periods.

3. Each road or street with more than two moving lanes must have pavement markings in accordance with the Manual on Uniform Traffic Control Devices for Streets and Highways, 2003 Edition, including Revision 1 dated November 2004, published by the U.S. Department of Transportation, Federal Highway Administration.

4. Pavement widths of less than 14 feet qualify for only one moving lane even if it carries traffic in two directions.

5. Nonhard surfaced streets do not qualify for street payments.

C. Mileage adjustments, including the results of annexations, mergers, or incorporations, will be made on an annual basis as part of the board's approval of the annual maintenance payments. All adjustments submitted to the department by February 1 will be eligible for payment effective July 1 of the following fiscal year.

D. For the purpose of calculating maintenance payments, streets will be functionally classified based on the Federal Functional Classification system, except where the federal system is not parallel with the state system.

E. Bridge safety and regular inspection is of utmost importance. The Federal Highway Administration and the department require strict compliance with the National Bridge Inspection Standards (23 CFR Part 650) regarding the frequency of inspection and load posting requirements. The Commissioner of Highways may elect to withhold street payments from a municipality for delinquent or inadequate bridge inspection reports.

F. Municipalities, by resolution of their governing body and agreement with the department, may elect to utilize up to one-third of their urban construction allocation for reimbursement of debt incurred for eligible project costs on approved projects. The payback is limited to a maximum 20-year timeframe.

G. Landscaping is important to enhance the safety and visual quality of roads and to maintain quality of life for communities. It is the intent of the board that a maximum of 3.0% of the construction budget for individual urban construction projects may be allocated for landscape

improvements. Pavers and stamped asphalt for crosswalks are considered a pedestrian safety and traffic calming measure for project participation and are not subject to this limitation. Elements of streetscape can also be constructed at project expense if the project is an identified gateway project or located within a historic or cultural district.

H. The Commissioner of Highways is directed to establish administrative procedures to assure the provisions of this chapter and legislative directives are adhered to and complied with.

24VAC30-380-10. General provisions.

A. In the development of highway construction projects, VDOT shall consider a wide range of factors and opportunity shall be allowed for consideration and participation by public and private interests before final approval of highway locations or designs, or both. A public hearing is a well-publicized opportunity for VDOT to present studies and projects while receiving and documenting comments from affected or interested citizens.

B. These are the rules that apply to the implementation of this regulation:

1. A notice to hold a public hearing or the willingness to hold a public hearing must be stated in public advertisement.

2. All public hearings should be scheduled approximately 60 days in advance. Advertisements must appear 30 days prior to the hearing.

3. The public involvement process must be held in accordance with applicable federal and state statutes and regulations, including §§ ~~33.1-18, 33.1-70.2~~ 33.2-208, 33.2-333 and 51.5-40 of the Code of Virginia, 23 USC § 128, 23 CFR Part 771, and 40 CFR Parts 1500-1508.

4. The publication of a notice of willingness to hold a public hearing, with no public request for such a hearing by the established expiration date in the notice, or conducting a public hearing pursuant to subsection C of this section will satisfy any public hearing requirements.

C. If the system is interstate, primary, urban, or secondary, the following types of hearings will be held for the following project categories:

1. Projects on proposed roadway corridors, which are completely on new location, require a location public hearing followed by a design public hearing.

2. Projects within the existing roadway corridor with a predominant portion of the work on new location require a combined location and design public hearing.

3. Projects within the existing roadway corridor that have a significant social, economic or environmental impact require a design public hearing.

4. Projects within the existing roadway corridor where insignificant public interest or environmental impacts, or both, are anticipated require publication of a notice of

willingness to hold a design public hearing. VDOT will hold a design public hearing if a request for such a hearing is made, and the issues raised in relation to the request cannot be resolved through any other means.

D. Exceptions from the public hearing process. Hearing processes are not required for emergency projects, as well as those that are solely for highway maintenance or operational improvements, or both, except when they:

1. Involve emergency paving of unpaved secondary roads pursuant to § ~~33.1-70.2~~ 33.2-333 of the Code of Virginia;
2. Require the acquisition of additional right of way;
3. Would have an unfavorable effect upon abutting real property; or
4. Would change the layout or function of connecting roadways or of the facility being improved.

E. The Commissioner of Highways or his designee shall establish administrative procedures to assure the adherence to and compliance with the provisions of this regulation.

24VAC30-401-10. Authority.

A. Pursuant to the authority granted by § ~~33.1-58~~ 33.2-401 of the Code of Virginia, the Commonwealth Transportation Board (CTB) may designate all or any part of any existing or new highway as limited access, as the term "limited access highway" is defined in § ~~33.1-57~~ 33.2-400 of the Code of Virginia, the designation of which requires the CTB to extinguish all easements of access, light or air. Actions regarding limited access control, including changes in control, require CTB approval. These changes typically include shifting, moving, or breaking control, or any combination of these, after a project is completed, finalized and serving in its intended capacity. The commissioner shall pay damages, if any, to owners of properties abutting the existing or new highway for the extinguishment of these rights. This chapter establishes the rules pertaining to change of limited access control.

B. The commissioner or his designee may issue additional instructions to implement this chapter.

24VAC30-451-10. Purpose.

This chapter describes the conditions set by the Commonwealth Transportation Board governing the use of funds for the construction or improvement of access roads to public use airports within the counties, cities, and towns of the Commonwealth pursuant to § ~~33.1-224~~ 33.2-1509 of the Code of Virginia.

24VAC30-451-20. General provisions.

A. The program for implementation of this policy and the funding available for this program shall be designated respectively as the Airport Access Roads Program and Airport Access Fund.

B. The use of airport access funds shall be limited to assisting in the financing of adequate access to a licensed,

public use airport. Termination of access to a licensed, public use airport shall be at the property line of the airport.

C. No cost incurred prior to this board's approval of the allocation of airport access funds may be reimbursed by such funds. Airport access funds shall be authorized only upon confirmation that the licensed airport facility is already constructed or will be built under firm contract or upon provision of acceptable surety in accordance with § ~~33.1-224~~ 33.2-1509 A of the Code of Virginia.

D. Airport access funds shall be used only for the design and construction of the roadway, including preliminary environmental review and standard drainage and storm water facilities required solely by construction of the road. Airport access funds shall not be used for the acquisition of rights of way, the adjustment of utilities, or the attainment of necessary environmental permits.

E. Eligible items in the design and construction of an airport access road shall be limited to those essential for providing an adequate roadway facility to serve the anticipated traffic generated by the airport's operations with adherence to all appropriate Commonwealth Transportation Board and state policies and standards. However, additional pavement width or other features may be eligible where necessary to qualify the road facility in a city or town for maintenance payments under § ~~33.1-41.1~~ 33.2-319 of the Code of Virginia.

F. The governing body of a city, county, or town in which the proposed airport access road is located shall serve as the applicant and submit a formal resolution to request airport access funds from this board. A town whose streets are maintained under either § ~~33.1-79~~ 33.2-339 or ~~33.1-82~~ 33.2-340 of the Code of Virginia shall file the application through the governing body of the county in which it is located. The resolution of request shall include commitments to provide for the rights of way, adjustment of utilities, and necessary environmental permits for the project from funds other than airport access funds allocated by this board.

G. Not more than \$650,000 (\$500,000 unmatched and \$150,000 matched dollar for dollar) of the airport access funds may be used in any fiscal year to provide access to any one airport. Local matching funds shall be provided from funds other than those administered by this board.

H. It is the intent of the Commonwealth Transportation Board that airport access funds not be anticipated from year to year. Unused eligibility cannot be allowed to accumulate and be carried forward from one fiscal year to another.

I. Prior to the formal request for the use of airport access funds, the location for the new access road shall be submitted for approval by the Virginia Department of Transportation.

J. The board will consult with, and may rely on, the recommendations of the Virginia Department of Aviation in determining the use of these airport access funds for a requested project.

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K. Airport access funds may be authorized only after all contingencies of the Commonwealth Transportation Board's allocation of funding to the project have been met for airport access.

L. The Commissioner of Highways is directed to establish administrative procedures to assure adherence to and compliance with the provisions of this chapter and legislative directives.

24VAC30-540-10. Policy.

It is the policy of VDOT to convey residue and surplus land based upon highest and best use.

VDOT classifies residue and surplus land in two ways:

1. Residue and surplus land suitable for independent development;
2. Residue and surplus land assembled with adjacent properties.

Upon the approval to dispose of land, the locality in which the land is located shall be notified in writing of VDOT's interest in accordance with § ~~33.1-223.2-2~~ 33.2-230 of the Code of Virginia once all previous landowner obligations have been satisfied.

24VAC30-540-30. Land assembled with adjacent properties.

A. Certain surplus land is unsuitable for independent development and therefore is only usable for assemblage with adjacent property.

B. Whenever VDOT conveys land or an interest in land to owners of record of adjoining land, one of the following actions is required to verify and confirm adjacent ownership:

STEP	ACTION
1	Owners of record must furnish the Right of Way and Utilities Division with an affidavit signed by one or more of the owners. This affidavit must certify the exact manner and names in which title to adjoining land stands in the local courthouse records.
2	Certification of title from the adjacent landowner's attorney may be required by the Chief Engineer or Director of Right of Way and Utilities if: substantial road frontage is involved and liens or deeds of trust exist on the adjacent property.

Upon satisfying the above, the Commissioner of Highways will execute the deeds in accordance with §§ ~~33.1-93, 33.1-149, 33.2-907, 33.2-913,~~ and ~~33.1-154~~ 33.2-1010 of the Code of Virginia.

24VAC30-620-20. General conditions and criteria concerning suspension of toll collection.

A. Tolls may be temporarily suspended on any toll facility subject to this chapter, under the following conditions:

1. The Commissioner of Highways or his designee has investigated or assessed a threat to public safety on or in the vicinity of the toll facility; and
2. As a result of the investigation or assessment, the Commissioner of Highways or his designee believes that a temporary suspension of toll collection will alleviate an actual or potential threat or risk to the public's safety, or facilitate the flow of traffic on or within the vicinity of the toll facility.

B. Incidents which may justify the temporary suspension of toll collection operations include, but are not limited to, the following: natural disasters, such as hurricanes, tornadoes, fires, and floods; accidental releases of hazardous materials, such as chemical spills; major traffic accidents, such as multi-vehicle collisions; and any other incidents deemed to present a risk to public safety.

C. Judicial proceedings arising from any incident resulting in the suspension of toll collection will be conducted as provided for by § ~~33.1-252~~ 33.2-613 of the Code of Virginia.

VA.R. Doc. No. R15-4159; Filed November 7, 2014, 2:01 p.m.

DEPARTMENT OF TRANSPORTATION

Final Regulation

REGISTRAR'S NOTICE: The Department of Transportation is claiming an exemption from Article 2 of the Administrative Process Act in accordance with § 2.2-4006 A 4 a of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The Department of Transportation will receive, consider, and respond to petitions from any interested person at any time with respect to reconsideration or revision.

Titles of Regulations: **24VAC30-73. Access Management Regulations (amending 24VAC30-73-20, 24VAC30-73-60).**

24VAC30-155. Traffic Impact Analysis Regulations (amending 24VAC30-155-10).

Statutory Authority: § 33.2-245 of the Code of Virginia (24VAC30-73-20, 24VAC30-73-60).

§ 15.2-2222.1 of the Code of Virginia (24VAC30-155-10).

Effective Date: December 31, 2014.

Agency Contact: Paul Grasewicz, AICP, Access Management Program Administrator, Transportation and Mobility Management Division, Department of Transportation, 1401 East Broad Street, Richmond, VA 23219, telephone (804) 786-0778, FAX (804) 662-9405, or email paul.grasewicz@vdot.virginia.gov.

Summary:

The amendments update Code of Virginia citations to reflect the recodification of Title 33.1 to Title 33.2 of the Code of Virginia, pursuant to Chapter 805 of the 2014 Acts of Assembly.

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 ~~§§ 33.1-13, 33.1-197, 33.1-198, 33.1-198.1, and 33.1-199~~ §§ 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 ~~§ 33.1-58~~ § 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. The district administrators or their designees are authorized to issue private entrance permits and commercial entrance permits in accordance with the provisions of this chapter.

24VAC30-73-60. 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 ~~§ 33.1-198~~ § 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.

24VAC30-155-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Floor area ratio" means the ratio of the total floor area of a building or buildings on a parcel to the size of the parcel where the building or buildings are located.

"Local traffic impact statement" means a traffic impact statement accepted or prepared by a locality pursuant to its land development approval process and whose requirements regarding content are set out in the locality's ordinances or published policies if such ordinances or policies have been reviewed and certified by VDOT as requiring acceptable standards of preparation and providing sufficient information to determine the current and future impacts of development proposals.

"Locality" means any local government, pursuant to § 15.2-2223 of the Code of Virginia, that must prepare and recommend a comprehensive plan for the physical development of the territory within its jurisdiction.

"Network addition" means a group of interconnected street segments and intersections shown in a plan of development that is connected to the state highway system and meets the requirements of the Secondary Street Acceptance Requirements (24VAC30-92).

"Pedestrian facility coverage" means the ratio of: (length of pedestrian facilities, such as sidewalks, foot paths, and multiuse trails, along both sides of a roadway) divided by (length of roadway multiplied by two).

"Receipt" means the date on which a proposal or request for a meeting is first in the possession of VDOT or a locality or an agent thereof, as applicable.

"Redevelopment site" means any existing use that generates traffic and is intended to be developed as a different or denser land use.

"Service level" means a measure of the quality, level or comfort of a service calculated using methodologies approved by VDOT.

"Small area plan" means a plan of development for multiple contiguous properties that guides land use, zoning, transportation, urban design, open space, and capital improvements at a high level of detail within an urban development area or for a transit-oriented development that is at least 1/2 square mile in size unless otherwise approved by VDOT due to proximity to existing moderate to high density developments. A small area plan shall include the following: (i) densities of at least four residential units per acre and at least a floor area ratio of 0.4 or some proportional combination thereof; (ii) mixed-use neighborhoods, including mixed housing types and integration of residential, office, and retail development; (iii) reduction of front and side yard building setbacks; and (iv) pedestrian-friendly road design and connectivity of road and pedestrian networks.

Regulations

"State-controlled highway" means a highway in Virginia that is part of the interstate, primary, or secondary systems of state highways and that is maintained by the state under the direction and supervision of the Commissioner of Highways. Highways for which localities receive maintenance payments pursuant to §§ ~~33.1-23.5:1 and 33.1-41.1~~ 33.2-319 and 33.2-366 of the Code of Virginia and highways maintained by VDOT in accordance with §§ ~~33.1-31, 33.1-32, 33.1-33, and 33.1-68~~ 33.2-311, 33.2-312, 33.2-313, and 33.2-325 of the Code of Virginia are not considered state-controlled highways for the purposes of determining whether a specific land development proposal package must be submitted to meet the requirements of this regulation.

"Traffic impact statement" means the document prepared in accordance with best professional practice and standards that assesses the impact of a proposed development on the transportation system and recommends improvements to lessen or negate those impacts.

"Transit-oriented development" means an area of commercial and residential development at moderate to high densities within 1/2 mile of a station for heavy rail, light rail, commuter rail, or bus rapid transit transportation and includes the following: (i) densities of at least four residential units per acre and at least a floor area ratio of 0.4 or some proportional combination thereof; (ii) mixed-use neighborhoods, including mixed housing types and integration of residential, office, and retail development; (iii) reduction of front and side yard building setbacks; and (iv) pedestrian-friendly road design and connectivity of road and pedestrian networks.

"Transportation demand management" means a combination of measures that reduce vehicle trip generation and improve transportation system efficiency by altering demand, including but not limited to the following: expanded transit service, employer-provided transit benefits, bicycle and pedestrian investments, ridesharing, staggered work hours, telecommuting, and parking management including parking pricing.

"Urban development area" means an area designated on a local comprehensive plan pursuant to § 15.2-2223.1 of the Code of Virginia that includes the following: (i) densities of at least four residential units per acre and at least a floor area ratio of 0.4 or some proportional combination thereof; (ii) mixed-use neighborhoods, including mixed housing types and integration of residential, office, and retail development; (iii) reduction of front and side yard building setbacks; and (iv) pedestrian-friendly road design and connectivity of road and pedestrian networks.

"VDOT" means the Virginia Department of Transportation, the Commissioner of Highways, or a designee.

"VDOT traffic impact statement" means a traffic impact statement prepared pursuant to 24VAC30-155-60.

VA.R. Doc. No. R15-4158; Filed November 7, 2014, 1:06 p.m.

GENERAL NOTICES/ERRATA

STATE BOARD OF EDUCATION

Public Hearings on the Proposed Revised History and Social Science, Health Education, Physical Education, and Driver Education Standards of Learning

The Virginia Board of Education will hold four public hearings to solicit comments on the proposed revised History and Social Science, Health Education, Physical Education, and Driver Education Standards of Learning. The Standards of Learning identify the essential content, processes, and skills for grade levels and subject courses. The proposed revised History and Social Science, Health Education, Physical Education, and Driver Education Standards of Learning can be accessed on the Virginia Department of Education's website (www.doe.virginia.gov). Public comment regarding the proposed revised Standards of Learning may be offered through public hearings or public comment through the Virginia Department of Education website.

Each public hearing will begin at 7 p.m. Registration of speakers will begin at 6:30 p.m. Speakers will have three minutes to speak and should bring copies of their comments for the Board of Education. The dates, times, and locations of the public hearings are as follows:

December 2, 2014 – 7 p.m.

Thomas Jefferson's Monticello - Carl and Hunter Smith Education Center, 931 Thomas Jefferson Parkway, Charlottesville, VA 22902. Directions to this location may be found at <http://www.monticello.org/site/visit/hours-and-directions>.

December 3, 2014 – 7 p.m.

Edith Bolling Wilson Hotel – George Wythe Ballroom, 170 East Main Street, Wytheville, VA 24382. Directions to this location may be found at <http://www.mapquest.com/mq/9-p7Oma3yw>.

December 4, 2014 – 7 p.m.

George Washington's Mount Vernon – Robert H. and Clarice Smith Auditorium, 3200 Mount Vernon Memorial Highway, Mount Vernon, VA 22121. Directions to this location may be found at <http://www.mountvernon.org/plan-your-visit/map-of-the-estate-gardens/#robert-h-and-clarice-smith-auditorium>.

December 4, 2014 – 7 p.m.

Colonial Williamsburg – Bruton Heights Education Center, 301 1st Street, Williamsburg, VA 23185. Directions to this location may be found at <https://www.google.com/maps/place/301+1st+St,+Williamsburg,+VA+23185/@37.2764258,-76.6945979,15z/data=!4m2!3m1!1s0x89b08904bf7caf33:0x57f78f56e4b039bb>.

For additional information about the proposed revised History and Social Science Standards of Learning, contact Christonya

Brown by email at christonya.brown@doe.virginia.gov or by telephone at (804) 225-2893.

For additional information about the proposed revised Health Education, Physical Education, and Driver Education Standards of Learning, contact Vanessa Wigand by email at vanessa.wigand@doe.virginia.gov or by telephone at (804) 225-3300.

Contact Information: Melissa Luchau, Director for Board Relations, Department of Education, P.O. Box 2120, 101 North 14th Street, 25th Floor, Richmond, VA 23219, telephone (804) 225-2924, FAX (804) 225-2524, or email melissa.luchau@doe.virginia.gov.

DEPARTMENT OF ENVIRONMENTAL QUALITY

Director's Determination - Small Renewable Energy (Water Related) Permit by Rule Regulation 9VAC15-80

Pursuant to the Small Renewable Energy Projects Act of 2009 (§ 10.1-1197.5 et seq. of the Code of Virginia), the Department of Environmental Quality (DEQ) is directed to develop one or more permits by rule "if it is determined by the department that one or more such permits by rule are necessary for the construction and operation of small renewable energy projects." Regulatory advisory panels (RAPs) comprised of stakeholders were established for each renewable source category, (i.e., wind, solar, combustion, and water), to make recommendations regarding a permit by rule (PBR) for each energy source. The director has approved a PBR regulation for wind energy projects, solar energy projects, and combustion energy projects.

The water-related RAP made a consensus recommendation in the fall of 2011 that it was not necessary or appropriate, under current conditions, for DEQ to develop a PBR regulation for renewable energy projects that generate electricity from falling water, wave motion, tides, or geothermal power. The RAP further recommended that DEQ re-evaluate the potential need for a PBR regulation concerning these water related renewable energy resources in 2014, or sooner if circumstances or public requests so indicate. The director issued a decision memorandum on December 2, 2011, in which he accepted the RAP's recommendation.

In the summer of 2014 members of the water related RAP were contacted to review the Director's 2011 decision. They were also notified of legal analysis received in March 2014 from the Federal Energy Regulatory Commission (FERC) and the Virginia Office of the Attorney General (OAG) that the federal Hydropower Regulatory Efficiency Act of 2013, codified at 16 U.S.C. § 2705, did not alter federal preemption of state authority over hydroelectric projects (copy attached). The RAP members recommended by unanimous consensus that it continues to be appropriate for DEQ not to develop a

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water related PBR regulation and that no regulatory action should be conducted at the present time.

Opportunity for the public to comment on the RAP Recommendation for Small Renewable energy (water related) PBR regulation was announced through a Virginia Regulatory Town Hall General Notice on September 18, 2014. The comment period closed on October 20, 2014. The notice provided the opportunity for the public to consider the consensus recommendation of the RAP members and explained why, at this time, it is not necessary, or appropriate, for DEQ to develop a PBR regulation for projects that generate electricity from water related renewable energy sources (i.e., falling water, tides, wave motion, or geothermal power). No comments were received.

DEQ staff is not aware of any circumstances, technological developments, or other factors that have changed materially since the Director's 2011 decision. Staff is aware of a change in federal law that occurred in 2013; however, representatives of FERC and the Virginia OAG have affirmed that these changes did not alter the fact that DEQ is pre-empted by federal law from regulating hydroelectric projects.

Based on the above information, November 6, 2014, the director (i) approved the consensus-based recommendations of the water-related RAP and determined that it is not necessary for the department to develop a PBR at the present time for small renewable energy projects that generate electricity from falling water, wave motion, tides, or geothermal power; (ii) directed that 9VAC15-80 be retained on the Virginia Regulatory Town Hall in case the department later determines that a permit by rule regulation is necessary for one or more of these renewable energy sources (i.e., falling water, wave motion, tides, or geothermal power); and (iii) directed that DEQ re-evaluate the potential need for a PBR regulation concerning these water related renewable energy resources in 2019, or sooner if circumstances or public requests so indicate.

Contact Information: Mary E. Major, Department of Environmental Quality, 629 East Main Street, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4423, FAX (804) 698-4510, or email mary.major@deq.virginia.gov.

STATE BOARD OF HEALTH

Notice of Periodic Review and Small Business Impact Review

Pursuant to Executive Order 17 (2014) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the Department of Health is conducting a periodic review and small business impact review of **12VAC5-200, Regulations Governing Eligibility Standards and Charges for Medical Care Services to Individuals**. The review of this regulation will be guided by the principles in Executive Order 17 (2014).

The purpose of this review is to determine whether this regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

The comment period begins December 1, 2014, and ends December 22, 2014.

Comments may be submitted online to the Virginia Regulatory Town Hall at <http://www.townhall.virginia.gov/L/Forums.cfm>. Comments may also be sent to Lisa Park, Health Care Reimbursement Manager, Department of Health, 109 Governor Street, Richmond, VA 23219, telephone (804) 864-7018, FAX (804) 864-7022, or email lisa.park@vdh.virginia.gov.

Comments must include the commenter's name and address (physical or email) information in order to receive a response to the comment from the agency. Following the close of the public comment period, a report of both reviews will be posted on the Town Hall and a report of the small business impact review will be published in the Virginia Register of Regulations.

BOARD OF MEDICINE

Draft Telemedicine Guidance Document

The proposed draft version of the Telemedicine Guidance Document that will be considered by the Executive Committee of the Board of Medicine on Friday, December 5, 2014, may be accessed at <http://www.dhp.virginia.gov/medicine/>. Forward comments or suggestions regarding this draft document to the attention of Jennifer Deschenes at jennifer.deschenes@dhp.virginia.gov by the close of business December 3, 2014.

Contact Information: Colanthis Opher, Operations Manager, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 364-4400, FAX (804) 364-4426, or email coco.morton@dhp.virginia.gov.

STATE WATER CONTROL BOARD

Proposed Consent Special Order for Eugene E. Cooke

An enforcement action has been proposed for Eugene E. Cooke for alleged violations at property located off of Ware Point Road, Gloucester County, Virginia. The State Water Control Board proposes to issue a consent special order to Eugene E. Cooke to address noncompliance with State Water Control Law. A description of the proposed action is

available at the Department of Environmental Quality office named below or online at www.deq.virginia.gov. Gina Pisoni will accept comments by email at gina.pisoni@deq.virginia.gov, FAX at (804) 527-5106, or postal mail at Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, VA 23060, from December 1, 2014, through January 3, 2015.

VIRGINIA CODE COMMISSION

Notice to State Agencies

Contact Information: *Mailing Address:* Virginia Code Commission, General Assembly Building, 201 North 9th Street, 2nd Floor, Richmond, VA 23219; *Telephone:* Voice (804) 786-3591; FAX (804) 692-0625; *Email:* varegs@dls.virginia.gov.

Meeting Notices: Section 2.2-3707 C of the Code of Virginia requires state agencies to post meeting notices on their websites and on the Commonwealth Calendar at <http://www.virginia.gov/connect/commonwealth-calendar>.

Cumulative Table of Virginia Administrative Code Sections Adopted, Amended, or Repealed: A table listing regulation sections that have been amended, added, or repealed in the *Virginia Register of Regulations* since the regulations were originally published or last supplemented in the print version of the Virginia Administrative Code is available at <http://register.dls.virginia.gov/documents/cumultab.pdf>.

Filing Material for Publication in the Virginia Register of Regulations: Agencies use the Regulation Information System (RIS) to file regulations and related items for publication in the *Virginia Register of Regulations*. The Registrar's office works closely with the Department of Planning and Budget (DPB) to coordinate the system with the Virginia Regulatory Town Hall. RIS and Town Hall complement and enhance one another by sharing pertinent regulatory information.

ERRATA

BOARD OF AGRICULTURE AND CONSUMER SERVICES

Title of Regulation: 2VAC5-585. Retail Food Establishment Regulations.

Publication: 31:4 VA.R. 199-261 October 20, 2014.

Corrections to Proposed Regulation:

Page 217, column 2, 2VAC5-585-100 subdivision 1 c (2) after "as specified in" should read "(i) subdivision 5 a or 5 b of this section, or ~~5 a and e (1)~~ (ii) subdivisions 1 c (1) and 5 a of this section are met." ^E

Page 230, column 2, 2VAC5-585-700 A 2 after "holding time for ratites" replace "and mechanically tenderized and injected

meats" with "mechanically tenderized meats, and injected meats"

Page 239, column 1, 2VAC5-585-950 subdivision 1 a, lines 1 and 2 should read "a. For the purposes of subdivision 1 of this section only, children who are age 9 nine years or"

Page 241, column 1, 2VAC5-585-1110 A, line 2 should read "under 2VAC5-585-1100 and shall be designed"

Page 257, column 2, 2VAC5-585-3660, replace "Responsibilites" with "Responsibilities"

VA.R. Doc. No. R15-4032; Filed November 7, 2014, 12:44 p.m.

STATE CORPORATION COMMISSION

Title of Regulation: 14VAC5-200. Rules Governing Long-Term Care Insurance.

Publication: 31:5 VA.R. 314-332 November 3, 2014.

Correction to Title of Regulation:

Page 314, column 2, line 7, delete "; repealing 14VAC5-200-20"

Editor's Note: 14VAC5-200-20 was repealed effective September 1, 2007, as published in Virginia Register Volume 23, Issue 17 on April 30, 2007. Erroneously included in the proposed regulatory action for 14VAC5-200, Rules Governing Long-Term Care Insurance, it is removed from that action.

VA.R. Doc. No. R15-4149; Filed October 27, 2014, 1:43 p.m.

