



Exempt Action Final Regulation Agency Background Document

Agency name	Virginia Department of Transportation (Commonwealth Transportation Board)
Virginia Administrative Code (VAC) citation	24 VAC 30-580
Regulation title	Guidelines for Considering Requests for Restricting Through Trucks on Secondary Highways
Action title	Expansion of Truck Restrictions to Primary Highways/Update of Criteria/Revision of Title
Document preparation date	Enter date this form is uploaded on the Town Hall

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006(A) of the of the Administrative Process Act (APA) (townhall.state.va.us/dpbpages/dpb_apa.htm), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act (leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-4100), the *Virginia Register Form, Style, and Procedure Manual* (legis.state.va.us/codecomm/register/download/styl8_95.rtf), and Executive Orders 21 (02) and 58 (99) (governor.state.va.us/Press_Policy/Executive_Orders/EOHome.html)

Summary

In a short paragraph, please summarize all substantive changes that are being proposed in this regulatory action.

This regulation establishes the policies and procedures concerning decisions made by the Commonwealth Transportation Board (CTB) dealing with restrictions or prohibitions of the use of any part of a secondary highway by through traffic, including requirements for local governing bodies. The Office of the Attorney General previously found that this regulation is exempt from the APA under § 9-6.14:4.1 B 11 (effective 10/2001, 2.2-4002 B11). In reviewing the amendments, the OAG reaffirmed this APA exemption by correspondence dated September 15, 2003, and recommended that the authority afforded by § 33.1-12(3) also be cited regarding this regulation.

The 2003 General Assembly amended § 46.2-809 of the Code of Virginia to allow the CTB to regulate truck traffic on primary highways, as well as secondary highways. The action also allowed the CTB to designate another authority rather than the CTB itself to approve truck restrictions. The CTB decided to delegate authority to approve truck restrictions on secondary highways, but retained the authority to approve truck restrictions on primary highways. The amendments implement the discretionary authority

granted the CTB, re-format the regulation to comply with the Registrar’s ”Form, Style and Procedure Manual” (the previous version was filed by description) and also update the criteria to be used in evaluating such requests from the localities to reflect current engineering practices. The amendments will:

- Promote wider access by the public to the regulation, since it will be filed in full text form with the Registrar;
- Provide localities with an additional tool to address situations in which truck traffic poses a hazard to the community by extending the authority to primary highways; and
- Expedite the ability to implement justifiable requests from localities, since the Commissioner will be able to approve the restrictions for secondary roads, thereby preserving the welfare and public safety of the citizens of the Commonwealth.

Statement of agency final action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

On October 16, 2003, the CTB approved the amendments to 24 VAC 30-580-10 et seq., “Guidelines for Considering Requests for Restricting Through Trucks on Secondary Highways,” including changing the title to “Guidelines for Considering Requests for Restricting Through Trucks on Primary and Secondary Highways,”

Substance

Please detail any changes that are proposed. Please outline new substantive provisions, all substantive changes to existing sections, or both where appropriate.

Note: the regulation was previously filed by description, so some changes deal with formatting only, such as catchlines and VAC section numbers. All changes are listed in the table following the one immediately below, which lists only substantive changes:

Substantive Changes to Regulation

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
N/A	N/A	N/A	<ul style="list-style-type: none"> • Change title to include primary roads due to expanded scope of regulation
N/A	20	N/A	<ul style="list-style-type: none"> • Add 24 VAC 30-580-20 as new section with VAC number and catchline to comply with Registrar’s format • CTB authorizes Commissioner to act concerning requests for through truck restrictions on secondary roads, subject to CTB guidelines; implements discretionary authority to delegate approval responsibility granted by statute

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
N/A	30	No time limit for acting on requests	<ul style="list-style-type: none"> Add sentence indicating nine-month time limit for Commissioner to act on requests, unless good cause is shown; reflects amendment to Code
N/A	40	<p>Discussion of criteria concerning through truck restrictions; list of five criteria below reordered and revised to four criteria:</p> <ol style="list-style-type: none"> Alternate routing provided – retained. Functional classification – retained in revised criteria Character of road; truck traffic volumes – table of ranges deleted Engineering/accident history – added to revised criteria Dwelling number and location – retained in revised criteria <p>Failure to meet at least three of the five criteria normally results in rejection of proposal</p>	<ul style="list-style-type: none"> Add sentence before list of criteria concerning requirement to meet first and second criteria Revise and reorder criteria as follows: <ol style="list-style-type: none"> Alternate routing provided retained as criterion Character of road retained as criterion; truck traffic volume table of ranges deleted; engineering/accident history criterion added to this criterion from existing list Dwelling number and location – retained in revised criteria, with nature of roadway added Functional classification retained as criterion In addition to meeting criteria #1 and #2, either #3 or #4 must be met Failure to meet #1 and #2, and either #3 or #4, normally result in rejection, rather than requirement to meet at least three of the five criteria The changes to the criteria reflect current engineering practices, promote clarity, or comply with Registrar’s format

Explanation of All Changes to Regulation

Page Number and Section	Change
Page 1, title	Change title to include primary roads
Page 1, following “Chapter 580	Delete statutory language
Page 1, 24 VAC 30-580-10	Add 24 VAC 30-580-10 as new section with VAC number and catchline to comply with Registrar’s format Add text setting out philosophy and reason for truck restrictions
Page 2, 24 VAC 30-580-20	Add 24 VAC 30-580-20 as new section with VAC number and catchline Add text relating to Commissioner’s authority to restrict truck traffic, scope of restrictions, and requirement that decisions are subject to board guidelines
Pages 2-3, 24 VAC 30-580-30	Add 24 VAC 30-580-30 and catchline to existing text Revise first sentence as shown to include statutory reference and purpose for hearings Reword second sentence as shown Redesignate A – D as 1 – 4, and revise reference accordingly Add sentence indicating time duration of nine months for action, unless good

Page Number and Section	Change
Pages 3-5, 24 VAC 30-580-40	<p>cause is shown</p> <p>Add 24 VAC 30-580-40 and catchline to existing text</p> <p>Delete sentence concerning philosophy of CTB</p> <p>Revise second sentence as shown concerning undue hardship</p> <p>Revise third sentence as shown concerning CTB</p> <p>Add sentence with requirement that first and second criteria must be met for proposed restriction to be approved</p> <p>Revise first criterion and:</p> <ul style="list-style-type: none"> • Delete parentheses around 1 • Add sentence concerning alternate routes • Revise sentence concerning appropriateness of alternate route • Delete sentence concerning effects on alternate routing • Revise sentence concerning improvement to upgrade alternate route • Revise sentence concerning termini of the restricted and alternate routes <p>Delete second criterion (it will be moved to revised fourth criterion below)</p> <p>Renumber existing third criterion as revised second criterion and:</p> <ul style="list-style-type: none"> • Delete “and” from “and/or” and add “or both,” in first sentence • Revise next sentence to insert accident history, engineering, vehicle composition, etc., and delete truck traffic table and related references as shown <p>Delete fourth criterion (it is included in revised criterion above)</p> <p>Delete fifth criterion (it is included in revised third criterion below)</p> <p>Add sentence concerning requirement for proposal to meet first two criteria and either third or fourth criterion</p> <p>Add revised third criterion concerning nature, number and location of dwellings in relation to roadway</p> <p>Add revised fourth criterion concerning functional classification</p> <p>Revise sentence dealing with failure to satisfy criteria as shown</p> <p>In final sentence, delete “and” from “and/or”</p>

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

Aside from some indirect benefits on safety for motorists and pedestrians (which would affect families), this regulation has no direct impact on family and family stability.