



Exempt Action Final Regulation Agency Background Document

Agency name	Virginia Department of Transportation (Commonwealth Transportation Board)
Virginia Administrative Code (VAC) citation	24 VAC30-11
Regulation title	Public Participation Guidelines
Action title	Amendments to VAC Entries Concerning Commissioner's Title Due to Change in State Law
Final agency action date	September 21, 2011
Document preparation date	September 27, 2011

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), 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, Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

Chapters 36 and 152 (HB1825/SB1005) of the Acts of Assembly of 2011 made various amendments to the *Code of Virginia* relating to the office of Commonwealth Transportation Commissioner. Some of these amendments affected the duties involved in making formal reports to the General Assembly, transferring roads between the primary and secondary systems, road abandonments and discontinuances, and conveyances of property. These chapters also replaced the formal title used for VDOT's chief executive officer (Commonwealth Transportation Commissioner) with a new title (Commissioner of Highways). References to the Commissioner's title in the *Public Participation Guidelines* and other regulatory references in the Virginia Administrative Code (VAC) are being updated through this regulatory action.

The Office of the Attorney General has determined that Chapters 36 and 152 require these obsolete references be updated. Statutory authority and the titles for each regulatory reference in the VAC is included in Tables A and B on the next page. This action is exempt from Article 2 of the APA under § 2.2-4006 (A) (4) (a), because it is necessary to comply with a change in state law.

Statement of final agency 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 September 21, 2011, the Commonwealth Transportation Board approved non-substantive changes to the following regulations to update the VAC references from "Commonwealth Transportation Commissioner" to "Commissioner of Highways:"

**Table A
CTB Regulations Amended**

Regulatory Title	Statutory Authority
<i>Public Participation Guidelines: 24VAC30-11</i>	§§ 2.2-4007.02 and 33.1-12 of the <i>Code of Virginia</i>
<i>General Rules and Regulations of the Commonwealth Transportation Board: 24VAC30-21</i>	§ 33.1-12 of the <i>Code of Virginia</i>
<i>Rules and Regulations Governing Relocation Assistance: 24VAC30-41</i>	§§ 25.1-402-253 and 33.1-12 of the <i>Code of Virginia</i> ; 42 USC § 4601 et seq.
<i>Rules and Regulations Governing the Transportation of Hazardous Materials through Bridge-Tunnel Facilities: 24VAC30-61</i>	§§ 33.1-12(3) and 33.1-49 of the <i>Code of Virginia</i>
<i>Rules and Regulations Controlling Outdoor Advertising and Directional and Other Signs and Notices: 24VAC30-120</i>	§§ 33.1-12, 33.1-351, 33.1-370 and 33.1-371 of the <i>Code of Virginia</i>
<i>Land Use Permit Regulations: 24VAC30-151</i>	§ 33.1-12 of the <i>Code of Virginia</i>
<i>Vegetation Control Regulations on State Rights of Way: 24VAC30-200</i>	§§ 33.1-12 and 33.1-351 of the <i>Code of Virginia</i>
<i>Economic Development Access Fund Policy: 24VAC30-271</i>	§§ 33.1-12 and 33.1-221 of the <i>Code of Virginia</i>
<i>Urban Maintenance and Construction Policy: 24VAC30-325</i>	§§ 33.1-23.3 and 33.1-41.1 of the <i>Code of Virginia</i>
<i>Debarment or Suspension of Contractors: 24VAC30-340</i>	§ 33.1-12 of the <i>Code of Virginia</i>
<i>Public Hearings for the Location and Design of Highway Projects: 24VAC30-380</i>	§§ 33.1-12 and 33.1-18 of the <i>Code of Virginia</i>
<i>Classifying and Marking State Highways: 24VAC30-520</i>	§§ 33.1-12 and 46.2-830 of the <i>Code of Virginia</i>
<i>Conveyance of Lands and Disposal of Improvements: 24VAC30-540</i>	§§ 33.1-12 and 33.1-223.2:2 of the <i>Code of Virginia</i>
<i>Integrated Directional Signing Program (IDSP) Criteria: 24VAC30-551</i>	§§ 33.1-12 and 33.1-371 of the <i>Code of Virginia</i>
<i>Adoption of the Federal Manual on Uniform Traffic Control Devices: 24VAC30-561</i>	§§ 33.1-12 (3) and 46.2-830 of the <i>Code of Virginia</i>
<i>Rules, Regulations, and Rates Concerning Toll and Bridge Facilities: 24VAC30-620</i>	§§ 2.2-604, 33.1-8, 33.1-12 and 33.1-252 of the <i>Code of Virginia</i>

ATTACHMENT A
LIST OF REGULATIONS AFFECTED BY CHAPTERS 36 AND 152 OF THE 2011
ACTS OF ASSEMBLY

In addition, VAC entries concerning the Commissioner's title were also updated for the regulations listed below without CTB action:

Table B
VDOT/Commissioner Regulations Amended

Regulatory Title	Statutory Authority
<i>Access Management Regulations: Principal Arterials: 24VAC30-72</i>	§ 33.1-198.1 of the <i>Code of Virginia</i>
<i>Access Management Regulations: Minor Arterials, Collectors, & Local Streets: 24VAC30-73</i>	§ 33.1-198.1 of the <i>Code of Virginia</i>
<i>Traffic Impact Analysis Regulations: 24VAC30-155</i>	§ 15.2-2222.1 of the <i>Code of Virginia</i>
<i>List of Differentiated Speed Limits: 24VAC30-610</i>	§§ 33.1-12 and 46.2-878 of the <i>Code of Virginia</i>

Family impact

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

As it is a technical updating of the VAC associated with a change in state law, this action will have no effect on the institution of the family and family stability.