



Exempt Action Final Regulation Agency Background Document

Agency name	Virginia Dept. of Transportation (Commonwealth Transportation Board)
Virginia Administrative Code (VAC) citation	24 VAC 30-92
Regulation title	<i>Secondary Street Acceptance Requirements</i>
Action title	Update references to current regulations
Final agency action date	October 15, 2009
Document preparation date	February 17, 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.

This action amends the regulation to correct citations and reflect the current organizational structure of the Virginia Department of Transportation (VDOT). Specifically:

- References to the *Land Use Permit Manual* (24 VAC 30-150), which has been repealed, have been replaced with references to the new *Land Use Permit Regulations* (24 VAC 30-151).
- Replaces a reference to regulations concerning spacing standards for minor arterials and collector roadways with a reference to the *Access Management Regulations: Minor Arterials, Collectors, and Local Streets* (24 VAC 30-73) because the regulation, not promulgated at the time the *Secondary Street Acceptance Regulations* were promulgated, is now in effect.
- Division names and position titles, particularly in the documents incorporated by reference section, have been removed and replaced with more appropriate references in

order to accommodate changes in division names and transfer of responsibilities within VDOT.

- Minor typographical errors not noticed previously have been corrected.

VDOT's statutory authority for promulgating this regulation is § 33.1-70.3 of the *Code of Virginia*. The Office of the Attorney General has certified that this action is exempt from the requirements of the Administrative Process Act (§ 2.2-4000 et seq. of the *Code of Virginia*) pursuant to § 2.2-4006 A 3.

Regulatory Flexibility Analysis (§ 2.2-4007.1 of the *Code of Virginia*)

Economic impact on small businesses. The economic impact of the regulation on a business is not determined by the business size. The regulation establishes standards that a secondary street must meet in order to be accepted for state maintenance.

Continued need for the rule. The regulation establishes standards that a secondary street must meet in order to be accepted for state maintenance. It is promulgated in accordance with § 33.1-70.3 of the Code of Virginia. The regulation ensures that roads accepted by VDOT are built to sufficiently high standards that they will not require significant taxpayer expense to rebuild.

Nature of complaints or comments received concerning the regulation from the public. The comments and complaints regarding this regulation have concerned the concept as well as the implementation. The General Assembly has directed the CTB to review and make amendments to the regulation; should the Governor sign the legislation, this action will be in effect by January 1, 2012, in accordance with the mandate.

Complexity of the regulation. The regulation is intended to be as clear as possible without compromising public safety and benefit.

Extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation. There are no applicable federal requirements concerning the subject of this regulation. Two CTB regulations govern subdivision/secondary street acceptance. This regulation clearly delineates which roads it governs and which roads have been grandfathered into the Subdivision Street Requirements (24 VAC 30-91).

Length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. The regulation was initially promulgated in 2009. There have been no significant changes in road building and maintenance principles since that time, and changes in economic conditions have not given rise to a need to change the regulation.

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 October 15, 2009, the Commonwealth Transportation Board amended *Subdivision Street Acceptance Requirements* (24 VAC 30-92).

Family impact

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

The amendments to this regulation will have no impact on the family or family stability.