



Exempt Action Final Regulation Agency Background Document

Agency name	Virginia Dept. of Transportation (Commonwealth Transportation Board)
Virginia Administrative Code (VAC) citation	24 VAC 30-200
Regulation title	<i>Vegetation Control Regulations on State Rights-of-Way</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- References to the *Land Use Permit Manual* (24 VAC 30-150), which has been repealed, have been replaced with references to the new *Land Use Permit Regulations* (24 VAC 30-151).
- Division names in the documents incorporated by reference section have been removed in order to accommodate changes in division names and transfer of responsibilities within VDOT.

VDOT's statutory authority for promulgating this regulation is §§ 33.1-12 and 33.1-351 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. These regulations address requirements for permits to control vegetation along state highways that may obstruct signs and structures. Permit fees are minimal, and the regulation allows for commercial entities to ensure their signs remain visible to the traveling public, where allowable.

Continued need for the rule. This regulation ensures the safety of persons engaged in vegetation control as well as the traveling public. As a result, its requirements properly belong in the Virginia Administrative Code. However, in 2008, the Office of the Attorney General’s Regulatory Reform Task Force recommended that the regulation be combined with the Rules and Regulations Controlling Outdoor Advertising and Directional and Other Signs And Notices (24 VAC 30-120) due to similar content area. VDOT plans a regulatory action to enact this recommendation.

Nature of complaints or comments received concerning the regulation from the public. VDOT has not recently received any complaints or comments regarding this regulation.

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.

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 last amended in 2007. There have been no significant changes in vegetation control 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 *Vegetation Control Regulations on State Rights-of-Way* (24 VAC 30-200).

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.

