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## Exempt Action: Final Regulation Agency Background Document

<b>Agency name</b>	Commonwealth Transportation Board
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	24 VAC30-151
<b>VAC Chapter title(s)</b>	Land Use Permit Regulation
<b>Action title</b>	Amend
<b>Final agency action date</b>	December 8, 2021
<b>Date this document prepared</b>	November 18, 2021

Although a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

### Brief Summary

*Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.*

The Land Use Permit Regulation permits work activities on the VDOT right of way for construction, utility installations, entrances, events and other activities. The regulation authorizes VDOT to charge fees for permit applications as well as for the occupation of the public right of way. Those fees are specified in section 710 of the regulation.

In specifying such fees, particularly for renewable energy generation permits, section 710 includes a reference to *Code of Virginia* § 67-1103, which was part of the Virginia Energy Plan and specified right of way fees for renewable energy generators. However, Chapter 387 of the 2021 Special Session of the General Assembly recodified statutes relating to mining and energy, and as part of that recodification, moved § 67-1103 and the other sections in its chapter to a newly created chapter in Title 56. Due to this recodification, the reference in the Land Use Permit regulation for § 67-1103 should now reference § 56-617.

## Mandate and Impetus

*Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). "Mandate" is defined as "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."*

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## Statement of Final Agency Action

*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.*

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The Commonwealth Transportation Board voted to approve the amendment to the Land Use Permit Regulation, 24VAC30-151, on December 8, 2021.