



Virginia
Regulatory
Town Hall

Proposed Regulation Agency Background Document

Agency Name:	Department of State Police
VAC Chapter Number:	19 VAC 30-150
Regulation Title:	Regulations Relating to Standards and Specifications for Over-dimensional Warning lights
Action Title:	Updating the existing regulation to make it more consistent with the Society of Automotive Engineers standards and specifications
Date:	05/16/2000

This information is required pursuant to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99), and the *Virginia Register Form, Style and Procedure Manual*. Please refer to these sources for more information and other materials required to be submitted in the regulatory review package.

Summary

Please provide a brief summary of the proposed new regulation, proposed amendments to an existing regulation, or the regulation proposed to be repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation; instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The proposed amendments to 19 VAC 30-150, Standards and Specifications For Over-dimensional Warning Lights, are revised in order to make the regulation consistent with the Society of Automotive Engineers (SAE) Standards J575, J578, J579 and J845, upon which the standards and specifications are based.

Basis

Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided. Please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law.

Virginia regulation 19 VAC 30-150 was adopted to establish standards and specifications for over-dimensional warning lights required by § 46.2-1026 of the Code of Virginia. The proposed changes to this regulation are intended to:

1. Provide the proper referenced sections of the Society of Automotive Engineers (SAE) Standards J575, J578, J759 and J845.
2. Correct spelling or other non-substantive errors.
3. Clarify the existing regulation.
4. Make the existing regulation consistent with the Society of Automotive Engineers (SAE) Standards J575, J578, J759 and J845.

The Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed regulation in accordance with § 46.2-1005 of the Code of Virginia and the revisions comport with applicable state and/or federal laws.

Purpose

Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the proposed regulatory action and detail the specific reasons it is essential to protect the health, safety or

welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.

The statutory responsibility for establishing standards and specifications for over-dimensional warning lights required by § 46.2-1026 of the Code of Virginia rests with the Superintendent of the Department of State Police. To fulfill this responsibility, regulation 19 VAC 30-150 was established. This regulation is based upon the Society of Automotive Engineers (SAE) Standards J575, J578, J759 and J845.

Section 46.2-1026 of the Code of Virginia reads as follows:

§ 46.2-1026. Flashing high-intensity amber warning lights. -- High-intensity flashing, blinking, or alternating amber warning lights visible for at least 500 feet, of types approved by the Superintendent, shall be used on any vehicle engaged in either escorting or towing over-dimensional materials, equipment, boats, or manufactured housing units by authority of a highway hauling permit issued pursuant to § 46.2-1139. Such lights shall be mounted on the top of the escort and tow vehicles and on the upper rear end of the over-dimensional vehicles or loads for maximum visibility, front and rear. However, any vehicles operating under a permit issued pursuant to § 46.2-1139 shall be deemed to be in compliance with the requirements of this section if accompanied by escort vehicles.

The provisions of this section shall apply only to vehicles or loads which are either (i) more than twelve feet wide or (ii) more than seventy-five feet long. (Code 1950, § 46-273; 1954, c. 310; 1958, c. 541, § 46.1-267; 1960, cc. 156, 391; 1962, c. 512; 1966, cc. 655, 664; 1968, c. 89; 1972, c. 7, 1974, c. 537; 1976, c. 6; 1977, c. 72; 1978, cc. 311, 357; 1980, c. 337; 1981, c. 338; 1984, cc. 440, 539; 1985, cc. 248, 269, 287, 462; 1986, cc. 124, 127, 229; 1987, cc. 347, 370; 1988, cc. 339, 351; 1989, c. 727.)

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement providing detail of the regulatory action's changes.

The statutory responsibility for establishing standards and specifications for over-dimensional warning lights required by § 46.2-1026 of the Code of Virginia rests with the Superintendent of the Department of State Police. To fulfill this responsibility, regulation 19 VAC 30-150 was established. A recent review of this regulation revealed the need to make several changes to the

existing regulation to make it consistent with the Society of Automotive Engineers (SAE) Standards J575, J578, J759 and J845 upon which this regulation is based.

These changes make the existing regulation consistent with SAE Standards J575, J578, J759 and J845, provide the proper referenced sections of SAE Standards J575, J578, J759 and J845, correct spelling or other non-substantive errors, or simply clarify the existing regulation.

Issues

Please provide a statement identifying the issues associated with the proposed regulatory action. The term "issues" means: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.

This regulation is essential to ensure the safety of the motoring public and reduce the risk of death or injury to citizens using our highways. Only those over-dimensional warning lights required by § 46.2-1026 of the Code of Virginia, and which meet or exceed the standards set forth in Virginia regulation 19 VAC 30-150 are approved for sale and/or use.

Fiscal Impact

Please identify the anticipated fiscal impacts and at a minimum include: (a) the projected cost to the state to implement and enforce the proposed regulation, including (i) fund source / fund detail, (ii) budget activity with a cross-reference to program and subprogram, and (iii) a delineation of one-time versus on-going expenditures; (b) the projected cost of the regulation on localities; (c) a description of the individuals, businesses or other entities that are likely to be affected by the regulation; (d) the agency's best estimate of the number of such entities that will be affected; and e) the projected cost of the regulation for affected individuals, businesses, or other entities.

These proposed changes will not create any additional burden or greater intrusion into the lives of our citizens, and should make the regulation more comprehensible to the individuals and entities affected. The majority of these revisions provide clarification and correction to the existing regulation.

Detail of Changes

Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or cross-walk - of changes implemented by the proposed regulatory action. Where applicable, include citations to the specific sections of an existing regulation being amended and explain the consequences of the proposed changes.

Page 1 - a new heading is created and added to the top of each page to comply with the guidelines in the Virginia Register Form, Style and Procedure Manual. The State Police heading is deleted.

Page 1 - the definition section is set out as 19 VAC 30-150-10, the first section of this regulation in accordance with the Virginia Register Form, Style and Procedure Manual.

Page 1 - adds language required by the Virginia Register Form, Style and Procedure Manual concerning words and terms.

Page 1 - adds language consistent with § 46.2-1026 of the Code of Virginia. Grammatical errors are corrected.

Page 1 - adds a definition for the "SAE".

Page 1 - is revised in accordance with the Virginia Register Form, Style and Procedure Manual, which requires the "definition" section to be listed as the first section of a regulation, the "purpose" section has been renumbered as 19 VAC 30-150-20.

Page 1 - text of 19 VAC 30-150-20 is revised with additions and deletions, making the language consistent with established regulations. The code section which gives the Superintendent the authority to establish standards and specifications for over-dimensional warning lights is added to the regulation.

Pages 1 and 2 - text of 19 VAC 30-150-30 is revised with additions and deletions, making the language consistent with established regulations. Reference to SAE J845 has been added.

Page 2 - section 19 VAC 30-150-50 is revised with additions and deletions, making the language consistent with SAE J578.

Page 2 - section VAC 30-150-70 is revised by deleting the effective date of this regulation.

Page 2 - the date that this regulation was adopted has been deleted.

Alternatives

Please describe the specific alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action.

Amendment of the existing regulation is the only alternative that meets the essential purpose of the action.

Public Comment

Please summarize all public comment received during the NOIRA comment period and provide the agency response.

No public comments were received.

Clarity of the Regulation

Please provide a statement indicating that the agency, through examination of the regulation and relevant public comments, has determined that the regulation is clearly written and easily understandable by the individuals and entities affected.

The agency has carefully reviewed the regulation and has determined it to be clearly written and easily understandable by law enforcement officials, citizens, and public businesses involved in the sales and inspection of over-dimensional lighting equipment. There were no public comments received.

Periodic Review

Please supply a schedule setting forth when the agency will initiate a review and re-evaluation to determine if the regulation should be continued, amended, or terminated. The specific and measurable regulatory goals should be outlined with this schedule. The review shall take place no later than three years after the proposed regulation is expected to be effective.

This regulation will be reviewed and re-evaluated by July 1, 2003 and each three years thereafter to determine if the regulation should be continued, amended, or terminated.

Family Impact Statement

Please provide an analysis of the proposed regulatory action that assesses the potential impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

This proposed regulatory action will have no potential impact on the institution of the family and family stability.