



Exempt Action Final Regulation Agency Background Document

Agency name	Department of Transportation
Virginia Administrative Code (VAC) citation	24VAC30-301
Regulation title	Recreational Access Fund Policy
Action title	Repeal of Recreational Access Fund Policy Consistent with Amendments by Chapter 222, 2013 Acts of Assembly
Final agency action date	October 17, 2013
Document preparation date	July 17, 2014

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.

The Virginia Department of Transportation (VDOT) successfully pursued a legislative proposal as a means of streamlining its regulatory inventory, after determining that regulations were not necessary to administer one of its programs. Chapter 222 of the 2013 Acts of Assembly amended § 33.1-223 of the *Code of Virginia* to allow guidelines (as opposed to regulations) established by the Commonwealth Transportation Board to be used to administer the Recreational Access Fund Program. This program was originally established by the General Assembly in 1966 to authorize funds for the construction, reconstruction, maintenance, or improvement of access roads to public recreational areas and historical sites. A Program Guide explaining how the program is administered has been included on VDOT's List of Guidance Documents posted on the Department of Planning and Budget's Regulatory Town Hall.

Repealing the Recreational Access Fund Policy as a regulation will streamline VDOT's regulatory inventory and will render this program consistent with other Board funding programs, such as the Revenue Sharing Program, that are administered by means of guidance documents. Sufficient guidance

for the administration of the Recreational Access Fund has been, and will continue to be, available to the public as a guidance document, which contains the current Board policy on the subject.

The statutory authorities allowing the Board to amend the regulation previously were §§ 33.1-12 (3) and 33.1-223. This regulation is exempt from Article 2 of the Administrative Process Act under § 2.2-4002 B4. By letter dated July 28, 2014, the Office of the Attorney General affirmed these authorities and the exemption.

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 17, 2013, the Commonwealth Transportation Board approved the repeal of the *Recreational Access Fund Policy* (24VAC30-301) as a *Virginia Administrative Code* regulation in accordance with amendments made to the *Code of Virginia* by Chapter 222 of the 2013 Acts of Assembly. The Policy will continue to be maintained as part of a guidance document for administration of the program.

By letter dated June 16, 2014, the Department of Conservation and Recreation concurred with the repeal of the regulation and retaining the policy as a guidance document.

Family impact

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

There is no impact on the institution of the family and family stability.