



townhall.virginia.gov

Exempt Action Final Regulation Agency Background Document

Agency name	Virginia Department of Transportation (Commonwealth Transportation Board)
Virginia Administrative Code (VAC) citation(s)	24 VAC 30-290
Regulation title(s)	<i>Guide for Additions, Abandonments, and Discontinuances</i>
Action title	Repeal due to Reclassification of Regulation as Guidance Document
Final agency action date	July 15, 2015
Date this document prepared	July 20, 2015

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) or an agency's basic statute, the agency is not required, however, 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 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

This regulation was prepared to serve as a reference for Virginia Department of Transportation (VDOT) personnel throughout the Commonwealth. It references the policies and procedures VDOT uses to make major categories of changes to the secondary system: additions to subdivision streets; rural additions; and additions to the secondary system at the request of certain towns under 3,500 or facilities that serve as primary access to public schools; abandoning roads that are part of the secondary system; and discontinuing a road from the secondary system.

In 2009, the Attorney General's Government and Regulatory Reform Task Force recommended that VDOT repeal the *Guide for Additions, Abandonments and Discontinuances* ("Guide") because the

regulation appears to be a “guidance document” for VDOT personnel and not necessary to retain as a regulation.

The *Code of Virginia* has been amended in recent years to provide more detailed information on making changes to the Secondary System of State Highways, making much of the current *Guide* obsolete or unnecessary. For example § 33.2-336 was enacted in 2006 to provide specific instruction on use of Rural Addition funds and later updated in 2014. As another example, procedures for discontinuance of road, public landing, or railway crossing as part of the Secondary System in § 33.2-314 were amended to allow the Commissioner to make the transfer where the Chief Engineer recommends that such an action is appropriate in connection with the completion of a construction or maintenance project.

When the current *Guide* is repealed as a regulation, VDOT will include a revised *Guide* as part of its list of Guidance Documents. This action would allow VDOT the flexibility to make changes to the *Guide* to keep it updated in a more timely manner.

In a letter dated January 28, 2016, the Office of the Attorney General (OAG) confirmed that the CTB has authority to repeal this regulation through its statutory authority to make regulations concerning the addition, abandonment, or discontinuance of state highways, which is covered by a general authority to regulate highways granted by § 33.2-210 (A) of the *Code of Virginia*. The OAG also confirmed that this action is exempt from the Administrative Process Act through § 2.2-4006 (A) of the *Code of Virginia*. Finally, the OAG concurred that VDOT could file the revised *Guide* on the DPB Virginia Regulatory Town Hall as a Guidance Document as recommended by the OAG Task Force and directed by the CTB.

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.

The Commonwealth Transportation Board repealed the regulation *Guide for Additions, Abandonments and Discontinuances* (24 VAC 30-290) on July 15, 2015.

Family impact

Please assess the impact of this regulatory action on the institution of the family and family stability including to what extent 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 regulatory action will have no effect on the institution of the family or family stability.