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Exempt Action: Final Regulation Agency Background Document

Agency name	Commonwealth Transportation Board
Virginia Administrative Code (VAC) Chapter citation(s)	24 VAC 30-325
VAC Chapter title(s)	Urban Maintenance and Construction Policy
Action title	Amend Regulation to Remove Outdated Text
Final agency action date	12/6/2022
Date this document prepared	12/9/2022

This information is required for executive branch review pursuant to Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), 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.

This regulation was promulgated by the Commonwealth Transportation Board (CTB) and specifies the appropriate design standards to which urban highways should be constructed and maintained in order for the cities and towns in which those urban highways are located to be eligible for certain state funds. The regulation also provides internal and external instructions in the administration of maintenance and construction payments for qualifying cities and towns.

The regulation is being amended to repeal 24VAC30-325-10(F) and (G), which are based on outdated references to the urban construction allocation to localities. Chapter 684 of the 2015 Acts of Assembly amended § 33.2-358 of the *Code of Virginia* by changing the previous construction formula distribution – 40% to the primary system, 30% to the secondary system, and 30% to the urban system – to the current process which no longer utilizes an urban construction allocation. Correspondingly, § 33.2-362 of the

Code of Virginia, which outlined the allocation of construction funds for urban system highways, was repealed by Chapter 684 of the 2015 Acts of Assembly.

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). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "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."

A periodic review of the regulation was conducted in accordance with § 2.2-4007.02 in the summer and fall of 2022. As a result of that periodic review, the CTB determined that the regulation meets the statutory requirements found in § 2.2-4007.02 and therefore is necessary, but that changes to §§ 33.2-358 and 33.2-362 require the regulation to now be updated to reflect current law.

The CTB is authorized to promulgate regulations for the protection of and covering traffic on and for the use of systems of state highways pursuant to § 33.2-210 of the *Code of Virginia*, and is specifically authorized to approve payments for maintenance, construction, or reconstruction of highways to all cities and towns eligible for funds under § 33.2-319 of the *Code of Virginia*. Such payments, however, shall only be made if those highways functionally classified as principal and minor arterial roads are maintained to a standard satisfactory to the Virginia Department of Transportation (VDOT).

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.

On December 6, 2022, the Commonwealth Transportation Board approved the amendment of 24VAC30-325, Urban Maintenance and Construction Policy, to remove paragraphs F and G of Section 10.