



Virginia
Regulatory
Town Hall

Periodic Review and Retention of Existing Regulations Agency Background Document

Agency Name:	Virginia Department of Transportation (Commonwealth Transportation Board)
VAC Chapter Number:	24 VAC 30-430-10 et seq.
Regulation Title:	Maintenance of Roads Crossing the Interstate System
Action Title:	Review and Retain
Date:	April 25, 2001

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to retain an existing regulation.

Summary

Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.

Establishes VDOT's role in the maintenance of roads crossing the interstate system, including roads in cities and towns; roads in counties; and roads in Arlington and Henrico counties. The Office of the Attorney General has determined that this regulation is exempt from the APA under the exemption granted by § 9-6.14:4.1 B (4).

Basis

Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or

discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.

The statutory bases for this regulation are the following *Code of Virginia* sections:

- § 33.1-27, which authorizes the Commonwealth Transportation Board at its discretion to assume the maintenance and control of any extension of the arterial network of highways within a municipality of 3,500 or more population when the extension has been constructed without contribution by the municipality and the action is deemed to be in the Commonwealth's best interests;
- § 33.1-30, which authorizes the Commonwealth Transportation Board, after consultation with the municipality, at its discretion to continue the maintenance and control of any portion of the arterial network of highways which is located within an area annexed, merged, or incorporated into a city or town of 3,500 or more population, subsequent to the construction of such portion of the highway, when the action is deemed to be in the Commonwealth's best interests;
- § 33.1-39, which authorizes the Commonwealth Transportation Commissioner to acquire lands or interest necessary to construct and improve bypasses or extensions of the primary system through or around cities and incorporated towns, as the Commonwealth Transportation Board may deem necessary for the State Highway System, subject to the consent of the governing bodies of the cities or towns to participate as provided for by § 33.1-44, which relates to funding of urban system projects; and
- § 33.1-51, which states that whenever any portion of the Interstate System constructed within cities and towns is to occupy existing streets, the right of way in the street shall be occupied by the Interstate System free of cost to the Commonwealth; furthermore, when the Interstate System extending into cities or towns has been constructed to the required standards, streets or roads occupied thereby, shall cease to be maintained and controlled by the governing bodies of the cities or towns, and these bodies are relieved from civil liability arising from the physical condition of such roads.

Public Comment

Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

VDOT received no public comment during the Notice of Periodic Review, so no response was prepared. No advisory group was formed to assist in the periodic review.

Effectiveness

Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. Please assess the regulation's impact on the institution of the family and family stability. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.

Goals:

1. To protect the public's health, safety, and welfare with the least possible cost and intrusiveness to the citizens of the Commonwealth.
2. Is the regulation written clearly and understandably?

Goal 1: Under § 33.1-12, the Commonwealth Transportation Board has general responsibility for allocating funds for maintenance and construction of the State Highway System, and for oversight of the Virginia Department of Transportation; other parts of Title 33.1 deal with specific activities concerning funding and the State Highway System. This regulation's purpose is to specify maintenance responsibilities, determined at the CTB's discretion, with respect to cities and towns; counties except Arlington and Henrico; and Arlington and Henrico counties. It is reasonable to have a policy in place that clearly identifies such responsibilities, since the maintenance of a roadway and associated amenities has a direct relationship on the safety of the road, as well as the integrity of the infrastructure itself. Therefore, the policy outlined in the regulation ensures that both the safety of the public and the public investment in the State Highway System are preserved.

Goal 2: VDOT believes that the lack of public comment received concerning the regulation indicates broad satisfaction with the format of the regulation, the manner in which it is implemented, its clarity and ease of comprehension, and its effectiveness.

This regulation has no direct effect on the family or family stability.

Alternatives

Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.

There is no viable alternative to achieve the purpose of this regulation in another form. The Commonwealth Transportation Board revised part of the policy concerning interchanges in 1976

in response to inquiries from cities in the Tidewater area, who believed that it would be more efficient and better serve the public for city streets passing through the interchange to be maintained by cities themselves. A clear policy statement outlining responsibility for maintenance of roads crossing the interstate system for the three possible categories (cities and towns; counties except Arlington and Henrico; and Arlington and Henrico), allows interested parties to identify responsibility for various roadway features (e.g., sidewalks, ramps, handrails, etc.). Therefore, the CTB and VDOT consider this regulation to be the least burdensome alternative available for achieving the purpose of the regulation.

Recommendation

Please state that the agency is recommending that the regulation should stay in effect without change.

VDOT recommends that this regulation be retained without change.

Family Impact Statement

Please provide an analysis of the regulation's impact on the institution of the family and family stability including the extent to which it: 1) strengthens or erodes the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourages or discourages economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthens or erodes the marital commitment; and 4) increases or decreases disposable family income.

This regulation has no effect on the family or family stability, nor does it affect any of the factors outlined above.