



Exempt Action Final Regulation Agency Background Document

Agency name	Commonwealth Transportation Board (Virginia Department of Transportation)
Virginia Administrative Code (VAC) citation	24VAC30-451
Regulation title	Airport Access Fund Policy
Action title	Repeal of Existing Regulation and Replacement with New Updated Regulation
Final agency action date	March 14, 2012
Document preparation date	March 9, 2012

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 Commonwealth Transportation Board (CTB) approved a policy governing the use of access road funds set aside under § 33.1-221 of the *Code of Virginia*, which establishes the fund to be utilized for providing an adequate access road to airports and economic development sites. This policy, appearing in VDOT's Department Policy Memoranda Manual, was filed as part of the *Virginia Administrative Code* as 24VAC30-450, *Airport Access Program*.

New or expanding airports and funding for airport access are recognized as valuable tools in economic development for localities. The current policy, adopted in 1996, stipulates a \$300,000 limitation of unmatched funding to any one airport within one fiscal year.

Legislative changes in 2006 resulted in the former Industrial Access Program, which is also administered under § 33.1-221 of the *Code of Virginia*, being renamed to replace "Industrial Access" with "Economic Development." Also, the maximum amount of unmatched funding for access roads to these economic

development sites had not been adjusted to accommodate the increase in estimated cost of road construction since 1980. The maximum Economic Development Access Fund Policy unmatched allocation for a locality within a fiscal year was increased from \$300,000 to \$500,000 by the CTB in 2006.

The new Airport Access Fund Policy increases the maximum amount of unmatched funding from \$300,000 to \$500,000, updates the content to be consistent with that of the *Economic Development Access Fund Policy* (24VAC30-271), and directs the Highway Commissioner to establish administrative procedures for the use of airport access funds. The increase in the maximum unmatched funding is consistent with funding limitation already prescribed for access road projects administered under the *Economic Development Access Fund Policy*.

The Office of the Attorney General confirmed statutory authority to repeal the existing policy and promulgate the new one as §§ 33.1-12 (providing for general authority to adopt regulations) and 33.1-221 (providing for the administration of funding access roads to licensed, public use airports), along with the exemption from the Administrative Process Act afforded by § 2.2-4002 B (4) by letter dated April 4, 2012, 2012.

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 March 14, 2012, the Commonwealth Transportation Board repealed the existing *Airport Access Program* (24VAC30-450) and approved the new *Airport Access Fund Policy* (24VAC30-451).

Family impact

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

This regulatory action will not affect the institution of the family, nor will it affect family stability.