



Exempt Action Final Regulation Agency Background Document

Agency name	Commonwealth Transportation Board
Virginia Administrative Code (VAC) citation	24 VAC 30-281
Regulation title	Revenue-Sharing Program Policy
Action title	Repeal of Existing Regulation
Final agency action date	April 20, 2011
Document preparation date	May 24, 2011

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.

This regulation establishes the policies and procedures the Virginia Department of Transportation (VDOT) will follow in providing funding under the Revenue-Sharing Program, as established by the *Code of Virginia* and administered by the Commonwealth Transportation Board (CTB). During the 2011 session, the General Assembly enacted Chapters 830 and 868, which, among other things, amended § 33.1-23.05 of the *Code of Virginia* relating to revenue-sharing funds for systems in certain counties, cities and towns of the Commonwealth. Program changes included:

- An increase from \$50 million to \$200 million in the maximum matching allocation the CTB may provide;
- An increase in the maximum amount a locality may request from \$1million to \$10 million;
- The replacement of the four-tier system to prioritize requests for funds previously described in § 33.1-23.05 B of the *Code of Virginia* with a criterion that gives priority to projects that accelerate projects in the Six-Year Improvement Program or the locality's capital plan; and

- An explicit requirement for the establishment of revenue-sharing program guidelines by the CTB to administer the distribution of funds.

VDOT prepared new guidelines, the *Revenue Sharing Program Guidelines*, to administer the program as amended by the General Assembly. With development of the new guidelines, the existing regulation was obsolete and needed to be repealed. The CTB approved the new guidelines for the administration of the program on April 20, 2011.

The Office of the Attorney General (OAG) found that repeal of this regulation was exempt from the APA pursuant to § 2.2-4002 B 4, which deals with the granting of state funds, in correspondence dated May 22, 2011. Furthermore, the OAG determined that the new *Revenue Sharing Program Guidelines* met the statutory definition of a "Guidance Document" set out in § 2.2-4001 of the APA.

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.

At its April 20, 2011 meeting, the Commonwealth Transportation Board repealed the *Revenue-Sharing Program Policy* (24VAC30-281).

Family impact

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

Repeal of this regulation will not affect the institution of the family or family stability.