



Virginia  
Regulatory  
Town Hall

## Periodic Review and Retention of Existing Regulations Agency Background Document

<b>Agency Name:</b>	Virginia Department of Transportation (Commonwealth Transportation Board)
<b>VAC Chapter Number:</b>	24 VAC 30-360-10 et seq.
<b>Regulation Title:</b>	Notice of Reductions of Weight Limits (Posted Structures Report M-50)
<b>Action Title:</b>	Review and Retain
<b>Date:</b>	March 7, 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.*

This regulation consists of a list of locations of structures on the Primary and Secondary System of State Highways where traffic parameters (e. g., weight, speed, etc.) are limited for a period exceeding 90 days. The list is generated from a computerized database. The Office of the Attorney General has determined that this regulation is exempt from the APA under the exemption granted by § 9-6.14:4.1B11 (traffic signs, markers, or control devices.)

### 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.*

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The statutory basis for this regulation is § 46.2-1104 of the *Code of Virginia*. Under this statute, the Commonwealth Transportation Commissioner, through district or resident engineers, may prescribe the width, height, length, or speed of any vehicles or combination of vehicles passing over a road segment or bridge that is part of the interstate, primary, or secondary system of highways. Any reduction in limits that is effective beyond 90 days must be prescribed by the Commonwealth Transportation Commissioner in writing and kept on file at the Central Office. Furthermore, a list of all highways on which there has been a reduction of limits as provided for by the statute shall be kept on file at the Central Office of VDOT. Individuals who believe they have been harmed by the actions to reduce limits may appeal to the Commissioner for redress.

The statute permits limitations prescribed to be less than those allowed in Title 46.2 whenever an engineering study determines that such a limitation would promote safe travel, or protect the highway.

### 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.*

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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.*

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Goals:

1. To ensure compliance with state statute (§ 46.2-1104) requiring VDOT to keep list of posted structures on file at Central Office (Maintenance Division) in Richmond.
2. To protect the public's health, safety, and welfare with the least possible intrusiveness to the citizens and businesses of the Commonwealth.

Goal 1: VDOT believes this goal is being met. The Maintenance Division is responsible for maintaining the M-50 listing and having the Chief Engineer reauthorize the weight limit restrictions every 90 days. This listing is made available to customers based on referrals from the Maintenance Division or the Office of Community and Public Relations.

Goal 2: VDOT believes that this regulation serves two important purposes: preservation of public safety and protection of the structural integrity of the road system. This regulation permits limits on weight, width, height, speed, etc., to be extended for a duration exceeding 90 days. Such limits may be necessary when a structure has been damaged, or its capacity has been compromised by age. Under such circumstances, it may not be feasible to effect repair or replacement within the 90-day duration of the original designation. Therefore, the regulation provides a means to extend the effective date of the restriction until such time as the structure can be repaired or replaced. Maintaining a list of such limited structures on file permits those who believe they have been harmed by such designations to seek remedy from VDOT.

This regulation has no direct effect on the institution of the family and family stability, other than those relating to the preservation of motorist safety.

VDOT believes that the lack of public comment received concerning the list indicates broad satisfaction with its format, the manner in which it is implemented, and its effectiveness.

## 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.*

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There is no viable alternative to achieve the purpose of this regulation in another form. State statute defines the conditions under which limits may be reduced, and how these reductions are documented. Therefore, VDOT believes that the regulation is the least burdensome alternative available for achieving the regulation's purpose.

## Recommendation

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

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VDOT recommends that this regulation be retained without change. VDOT plans to seek a waiver to the periodic review requirement for the entire list due to the following reasons:

- In form and structure, the *Notice of Reductions of Weight Limits* does not fit the normal definition of a regulation;

- Individual road segments and structures of the System of State Highways are reviewed in the course of routine traffic engineering studies; and
- The information is routinely made available to the public (trucking firms, etc.) upon request.

Therefore, it is unnecessary to review the entire list as a single regulation. The Registrar of Regulations permitted VDOT to file this document by description because the list met the following criteria: it is generated from a computerized database; restrictions are limited to a specific locality and for a temporary duration; and it is updated more than twice yearly.

### 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.*

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This regulation has no direct effect on the family or family stability, other than the obvious beneficial effects on motorist safety.