



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 30-530-10 et seq.
Regulation Title:	Roadway and Structure Lighting
Action Title:	Review and Retain
Date:	July 13, 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 establishes the policies and rules that VDOT will follow in matters relating to roadway lighting, including conditions under which VDOT will pay for the construction and maintenance of roadway lighting, and when these costs should be borne by others. 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 (3) and 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.

Under the provisions of § 33.1-12, the Commonwealth Transportation Board (CTB) has general authority to make regulations concerning use of the system of state highways. This regulation addresses circumstances when VDOT may pay for the construction and maintenance of roadway lighting, and when others should bear the costs. The essential criteria established for VDOT to pay for the installation, maintenance, and operation of such lighting features are:

- whether, in the judgment of VDOT engineers, such lighting is necessary for traffic safety; and
- which part of the highway system a given lighting project is located.

Depending on these factors, the construction, maintenance, and operation of roadway lighting may be funded from system allocations for construction or maintenance, from allocations to the locality, or these costs may be the responsibility of the locality or other parties.

This regulation does not exceed the minimum requirements of the state mandate.

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 intrusiveness to the citizens and businesses of the Commonwealth.
2. Is the regulation written clearly and understandably?

Goal 1: To ensure that finite transportation funds are used prudently, as well as preserve motorist safety, VDOT has a reasonable interest in establishing rules regarding financial responsibility for roadway lighting. Roadway lighting differs from other road features in that it has both safety and aesthetic or convenience benefits. VDOT has chosen to differentiate financial responsibility for the two sets of benefits to provide some degree of control over project costs. Without such a policy, VDOT would be liable for the installation, maintenance, and operation of roadway lighting, regardless of its purpose. Given the variety of lighting technologies, designs, and the unpredictability of future energy costs, this situation would create a strain on precious transportation funds, and prevent their use to deliver other transportation services and programs. The regulation does not prohibit roadway lighting for non-safety purposes; it simply states that VDOT will not assume financial responsibility for such features. Therefore, this regulation helps VDOT preserve or improve motorist safety within a responsible, reasonable framework of financial responsibility. VDOT believes that both of these outcomes are in the public interest.

Goal 2: The regulation defines specific terms used in the policy statement. The policy statement identifies the circumstances under which VDOT will fund the cost of roadway lighting, and the sources of such funding. The policy statement also identifies circumstances in which VDOT will not bear financial responsibility for the installation, maintenance, or operation of roadway lighting, with special allowances for conduit and other amenities, provided that approved lighting plans exist. The regulation also lists rules concerning prioritization of stand-alone lighting projects, identifies an effective date for the policy, along with applicable standards. 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 substitute for a regulation that sets forth policies and procedures establishing circumstances under which VDOT may pay for the construction and maintenance of

roadway lighting, and when the costs should be the responsibility of others. Such a document ensures that localities have access to the criteria used by the VDOT and the CTB, and that the policy is applied consistently and fairly.

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 direct effect on the family or family stability, nor does it affect any of the factors listed above.