



Virginia
Regulatory
Town Hall

Exempt Action Final Regulation Agency Background Document

Agency Name:	Virginia Department of Transportation (Commonwealth Transportation Board)
VAC Chapter Number:	24 VAC 30-280-10
Regulation Title:	Guide to the Revenue Sharing Program
Action Title:	Amend Existing APA-Exempt Regulation
Date:	March 24, 2003

Where a regulation is exempt in part or in whole from the requirements of the Administrative Process Act (§ 9-6.14:1 *et seq.* of the *Code of Virginia*) (APA), the agency may provide information pertaining to the action to be included on the Regulatory Town Hall. The agency must still comply the requirements of the Virginia Register Act (§ 9-6.18 *et seq.* of the *Code of Virginia*) and file the final regulation with the Registrar in a style and format conforming with the *Virginia Register Form, Style and Procedure Manual*. The agency must also comply with Executive Order Fifty-Eight (99) which requires an assessment of the regulation's impact on the institution of the family and family stability.

Note agency actions exempt pursuant to § 9-6.14:4.1(B) do not require filing with the Registrar a Notice of Intended Regulatory Action, or at the proposed stage. When the regulation is promulgated and submitted to the Registrar, the agency need only provide a statement citing the specific Virginia Code section referencing the exemption and an authority certification letter from the Attorney General's Office. No specific format is required.

This form should be used for actions **exempt from the Administrative Process Act pursuant to § 9-6.14:4.1(C)** at the final stage. Note that agency actions exempt pursuant to § 9-6.14:4.1(C) of the APA do not require filing with the Registrar a Notice of Intended Regulatory Action, and at the proposed stage.

Summary

Please provide a brief summary of the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation, instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

This regulation establishes the policies and procedures VDOT uses to assist the Commonwealth Transportation Board in determining the allocation of funds for the maintenance or improvement of the primary and secondary highway systems and eligible additions in the counties of the Commonwealth, including the former Nansemond County portion of the City of Suffolk.

The Office of the Attorney General originally determined that this regulation was exempt from Article 2 of the Administrative Process Act in 1993 under § 9-6.1:4.1B4, (now § 2.2-4002 B4) and reaffirmed this exemption in 2003.

The changes involve revisions to the regulatory text reflecting VDOT's reorganization, which occurred during 2002. These changes include:

Page 1, 24 VAC 30-280-10: In definition for "budget item number," replace "rrr-ccc-BI, yy" format with "rrr-ccc-RS, yy"

Page 4, 24 VAC 30-280-20: Replace "Virginia Transportation Development Plan" with "Six Year Program"

Page 7, VAC 30-280-40: In subdivision 1, replace "state secondary roads engineer" with "director of local assistance"

Page 8, VAC 30-280-40: In subdivision 3, replace "Secondary Roads Division" with "Local Assistance Division"

Page 9, VAC 30-280-50: In subdivision 1, replace "Secondary Roads Division" with "Local Assistance Division"

Page 9, VAC 30-280-50: In subdivision 1, delete sentence beginning "The Maintenance and Programming and Scheduling Divisions will . . . " and replace it with sentence beginning "The Local Assistance Division will . . . "

Page 9, VAC 30-280-60: In subdivision A 1, replace "Secondary Roads Division" with "Local Assistance Division"

Page 10, VAC 30-280-60: In subdivision A 2, replace "Secondary Roads Division" with "Local Assistance Division"

Page 11, VAC 30-280-60: In subdivision B 1, replace "Secondary Roads Division" with "Local Assistance Division"

Page 11, VAC 30-280-60: In subdivision B 2, replace "Secondary Roads Division" with "Local Assistance Division"

Sections 24 VAC-30-280-30 and 24 VAC-30-280-70 are unchanged.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

VDOT amended the regulation entitled *Guide to the Revenue Sharing Program* by signature of the Deputy Commissioner on March 21, 2003. Under the rules established in *the Registrar's Form, Style, and Procedure Manual*, regulations exempt from the APA under the provisions of § 9-6.14:4.1 B (now § 2.2- 4002 B) become effective upon filing, so the amended regulation will become effective upon receipt by the Registrar. VDOT expects the regulation will be published in *The Virginia Register* in April of 2003.

Family Impact Statement

Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

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