COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Pierce R. Homer
Chairman

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Agenda item # New Business

RESOLUTION
OF THE
COMMONWEALTH TRANSPORTATION BOARD

February 19, 2008

MOTION

Made By: Mr. Keen **Seconded By: Mr. Bowie**
Action: Motion Carried, Unanimously

Title: Correction to December 2008 Resolution Concerning Adoption of Secondary Street Acceptance Requirements (24 VAC 30-92)

WHEREAS, Chapter 382 of the Acts of Assembly of 2007 requires the Commonwealth Transportation Board (CTB) to develop Secondary Street Acceptance Requirements (SSAR) to determine the conditions and standards that must be met before streets constructed by developers, localities, and entities other than the Virginia Department of Transportation (VDOT) will be accepted into the state secondary system for maintenance by VDOT; and

WHEREAS, this chapter also provides that initial promulgation of this regulation is exempt from the Administrative Process Act (§2.2-4000 et seq. of the *Code of Virginia*); and

WHEREAS, at this December 2008 action meeting, a presentation was delivered to the Commonwealth Transportation Board concerning the SSAR ; and

WHEREAS, in preparing documentation to accompany the Final Regulatory Package for transmittal to the State Registrar of Regulations and the Department of Planning and Budget's Virginia Regulatory Town Hall, it was determined that the regulation was not attached to the December 2008 resolution and thus was not properly before the Commonwealth Transportation Board when it took action on the December 2008 resolution ; and

WHEREAS, since the regulation was not properly before the Commonwealth Transportation Board when it took action on the December 2008 resolution, the regulation was not properly adopted and, accordingly, it is necessary to issue a corrected resolution to ensure that the regulation has been properly adopted and promulgated

NOW THEREFORE BE IT RESOLVED, that the Commonwealth Transportation Board hereby corrects the December 2008 resolution concerning adoption of the SSAR as follows: that the Commonwealth Transportation Board hereby adopts the Secondary Street Acceptance Requirements (24 VAC 30-92) attached hereto, and further, that the effective date for the regulation shall be as provided for by the regulatory filing requirements established by the Code of Virginia and the State Registrar of Regulations.

BE IT FURTHER RESOLVED, that all other provisions and language, including but not limited to the other requirements concerning regulatory implementation contained in the December 2008 resolution, to the extent they are not inconsistent with the provisions contained herein, are incorporated into this resolution.

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