

Registrar of Regulations	Date/Time filed with Registrar of Regulations
<b><i>AUTHORIZATION TO FILE DOCUMENTS INCORPORATED BY REFERENCE BY DESCRIPTION</i></b>	

① Agency: Virginia Department of Transportation

② Regulation Numbers: N/A 24 VAC 30-72  
 Title of Regulation: Access Management Regulations: Principal Arterials

③ Effective Date of Regulation: December 2011

④ Name of Document Incorporated by Reference:  
VDOT's Road & Bridge Specifications, 2007, revised 2011

⑤ Attach a summary of the document incorporated by reference, including publication date and a copy of the cover page.  
See attachments

⑥ Document available for inspection at the following location: <u>Va. Dept. of Transportation</u> <u>Asset Management Division</u> <u>1401 E. Broad St.</u> <u>Richmond, Va. 23219</u> <u><a href="http://www.virginiadot.org/business/const/resources/2007SpecBook.pdf">http://www.virginiadot.org/business/const/resources/2007SpecBook.pdf</a></u>	⑦ Copy of referenced document may be procured from: <u>Va. Dept. of Transportation</u> <u>State Contract Engineer</u> <u>1401 E. Broad St.</u> <u>Richmond, Va. 23219</u> <u><a href="http://www.virginiadot.org/business/const/spec-default.asp">http://www.virginiadot.org/business/const/spec-default.asp</a></u>
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⑧ Exemptions Claimed (Specific Reference):  
 Administrative Process Act N/A- see 8/10/93 OAG letter  
 Virginia Register Act N/A- see 8/10/93 OAG letter  
 Virginia Code Commission Regulations § 3.3 (B) (1) - exceeds 500 pages in length; generally available to the public

Request submitted by: Jo Anne P. Maxwell  
Agency Regulatory Coordinator 11/28/11  
 Title Date

Approved: \_\_\_\_\_  
Jane D. Chaffin, Registrar of Regulations Date



# COMMONWEALTH of VIRGINIA

Stephen D. Rosenthal  
Attorney General

Office of the Attorney General  
Richmond 23219

Supreme Court Building  
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Richmond, Virginia 23219  
804 - 786 - 2071

August 10, 1993

Mr. David L. Roberts  
Management Services  
Virginia Department of Transportation  
1401 East Broad Street  
Richmond, Virginia 23219

Dear Mr. Roberts:

Here is my analysis of the filing requirement with the Registrar. The exemptions noted, in some instances, might not survive a strong challenge, but are defensible. I recognize the Registrar may allow only a listing, in lieu of filing. That might work for Speed limits and Weight limits reductions.

With respect to the Department of Rail and Public Transportation, the Rail Corridor Preservation and Industrial Rail Access both need to be filed, but are exempt from APA public hearing process per § 9-6.14:4.1B(4). I imagine that the Transit side have some documents, too, but have not been called upon to review them.

Sincerely,

A handwritten signature in cursive script that reads "John J. Beall, Jr.".

John J. Beall, Jr.  
Senior Assistant Attorney General

56/157

Attachment

Construction

1. Rules and Regulations Governing Pre-Qualification and Classification of Prospective Bidders.
2. Rules and Regulations Governing the Pre-Qualification and Classification of Prospective Bidders for Minimum Pre-Qualification.
3. Debarment and/or Suspension of Contractors Policy.
4. Road and Bridge Specifications \*
5. Special Provisions in contracts
6. Copied notes on Plans
7. Construction Manual
8. Construction/Maintenance Claims Manual
9. Construction Phase Inspection Manual

The first three documents need to be filed with the Registrar. In fact, the first document went through the APA process. That document and documents 2 and 3 are exempt from APA § 9-6.14:4.1B(2).

The remaining documents do not have the "force of law." I see documents 4, 5 and 6 as being strictly contractual clauses and documents 7, 8 and 9 as instructional and internal, having no "force of law."

## **SUMMARY OF DOCUMENT INCORPORATED BY REFERENCE**

### ***VDOT'S ROAD & BRIDGE SPECIFICATIONS***

VDOT's *Road and Bridge Specifications* contain the technical information and procedural rules for all construction and maintenance contracts awarded by the Commonwealth Transportation Board. The *Specifications* address topics such as: bidding rules and conditions; the process governing the award and execution of contracts; submissions and disposition of claims; the authority and responsibilities of VDOT and the contractor; materials specifications; construction specifications concerning roadways, bridges and structures; incidental construction specifications; and roadside development specifications. The *Specifications* or special provisions, or both, are incorporated into construction and maintenance contracts, and are available to the public. Table of Contents are attached.

**2007**

Road and Bridge  
Specifications



**VDOT** Virginia Department  
of Transportation

**2007**

Road and Bridge  
Specifications



**VDOT** Virginia Department  
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