

# Virginia Legislative Record

VOLUME 18, ISSUE 1

JUNE 2008

## HJR 159: U. S. Route 460 Communications Committee

April 28, 2008

The U.S. Route 460 Communications Committee met in Hampton Roads on April 28, 2008. Delegate Chris Jones was elected chairman and Senator Quayle was re-elected vice chairman.

### Presentation

Richard Walton, Jr.  
VA Department of Transportation

Richard Walton of the Virginia Department of Transportation (VDOT) explained that the Commonwealth Transportation Board (CTB) had looked at three options for the project's location: a southern alignment, a northern alignment, and the existing alignment. In making a decision, the CTB reviewed the need for the project, including increased truck freight, safety concerns, hurricane evacuation, and the operational and design defects of the current route. After taking everything into consideration, the southern alignment was chosen.

Mr. Walton next provided an update on the progress of the project since the September 26, 2007, meeting. While VDOT had initially anticipated making a request for detailed proposals (RFDP) in Fall 2007, VDOT now plans on making its RFDP in Fall 2008, with the detailed proposals due in Spring 2009.

Three proposals have been submitted for the project (from Cintra 460, Itinere, and Virginia Corridor Partners). For the private sector, a question that still remains

is how much public funding will be available. Until there is a commitment of public funding, it is hard to move forward on this project. Delegate Cosgrove stressed the importance of building in the public financing portion of the project. He advised that too many people might think that PPTA means no public funding is required.

Chairman Jones stated that as the project continues, the committee should look at the public's level of tolling tolerance, public moneys, and any interchange issues.

### Next Meeting

The date of the next meeting of the U.S. Route 460 Communications Committee will be posted online on the General Assembly calendar when the information becomes available.

HJR 159

### The U.S. Route 460 Communications Committee

Delegate S. Chris Jones, Chair

Alan Wambold and Caroline Stalker,  
DLS Staff

(804) 786-3591

Inside this issue:

#### *Study Committees*

U.S. Route 460 1

Transportation Network  
of Hampton Roads 2

#### *Commissions and Councils*

Civil War Commission 3

Regulatory Alert 8

Study Staff 11

*For more information,  
visit study websites.  
DLS Staff members  
maintain a  
comprehensive website  
on each study that  
contains a complete  
summary of each  
meeting and links to  
additional study  
information, handouts,  
and resources.*

# HJR 194: Transportation Network of Hampton Roads

June 10, 2008

*After discussion by the members, four major areas of concern were proposed for study, which are the Hampton Roads Bridge-Tunnel, the Midtown/Downtown Tunnels, Bland Boulevard to Route 199 on the Peninsula, and the Third Crossing.*

The Joint Subcommittee to Study the Transportation Network of Hampton Roads met in Suffolk on June 10, 2008. Delegate Chris Jones and Senator Quayle were unanimously elected chairman and vice chairman, respectively.

## Presentations

Mike Robinson  
ODU, Senior Project Scientist, Virginia Modeling, Analysis & Simulation Center

Mike Robinson of the Virginia Modeling, Analysis, and Simulation Center (VMASC) at Old Dominion University (ODU) explained that the Hampton Roads Transportation Authority had proposed six options to address the transportation concerns in Hampton Roads. These options include:

- Third Crossing.
- Southeastern Expressway/Dominion Boulevard.
- Midtown Tunnel /Martin Luther King extension.
- Improvements to U.S. Route 460.
- Widening of I-64 on Peninsula to Route 199.
- Widening of I-64 on Southside, including the High Rise Bridge, from Battlefield Boulevard to Bowers Hill.

ODU, through VMASC, will contribute to the General Assembly's efforts to address the transportation concerns of Hampton Roads by modeling the current network and impacts of these six alternatives, both singly and in various combinations. VMASC will use modeling and simulation techniques to assess each alternative's impact on congestion levels and to identify locations with the highest congestion.

Mr. Robinson anticipates that the report will be complete in mid-November and will provide an analysis of "no build" impact; an analysis of alternatives (such as number and location of bottlenecks, length of congested periods during peak flow, total travel time and total expected delay between selected origin/destination pairs); the impact of one proposed Hampton Roads Bridge-Tunnel (HRBT) modification, including effect of tolls; and the ability of alternatives to overcome nonrecurrent events.

Mr. Robinson further explained that VMASC would need the following information:

- Desired sequence of alternatives analysis.
- Current and anticipated travel demand, network capacity, and incident data.
- Alternative combinations of greatest interest.
- Known planned developments that will impact alternatives and analysis.
- Areas of congestion of greatest interest.
- Primary concerns in addition to congestion to be examined as funding permits.
- One desired HRBT alternative.

The chairman asked the members to name their areas of greatest concern. After reviewing all suggestions, four areas of concern were proposed for the study—the Hampton Roads Bridge-Tunnel, the Midtown/Downtown Tunnels, Bland Boulevard to Route 199 on the Peninsula, and the Third Crossing. Mr. Robinson stated that VMASC had enough information to move forward on its analysis.

## Next Meeting

The next meeting will be held on September 10, 2008, at 10 a.m. at the Virginia Modeling, Analysis and Simulation Center located in Suffolk.

HJR 194

*The Joint Subcommittee to  
Study the Transportation  
Network of Hampton Roads*

Delegate S. Chris Jones, Chair

Alan Wambold and Caroline Stalker,  
DLS Staff

(804) 786-3591

## COMMISSIONS AND COUNCILS

Legislative Commissions and Advisory Councils are also staffed or monitored by Division of Legislative Services and some, such as FOIA and JCOTS and others that are featured in the Legislative Record, have independent, comprehensive websites that contain a wealth of information regarding research, proposed legislation, and ongoing activities and scheduled workshops. Be sure to visit each respective Commission and Council website for more detailed information.

### Virginia Sesquicentennial of the American Civil War Commission - HB 1440 (2006) 4/29/08

The Commission meeting was held on April 29, 2008, with Speaker William J. Howell as chair. Senator Colgan was elected as vice chair, and he also will serve as chair of Workgroup 1 - Coordination - and as vice chair of the executive committee.

#### Presentations

##### MUSEUM OF THE SHENANDOAH VALLEY

Jennifer Esler

Jennifer Esler welcomed the group and shared information about the Museum of the Shenandoah Valley by presenting a video for the members.

##### SHENANDOAH VALLEY BATTLEFIELDS FOUNDATION

Howard Kittell

Howard Kittell briefed the Commission on the purpose of the Shenandoah Valley Battlefields Foundation and its accomplishments since being created by Congress in 1996. The Shenandoah Valley Battlefields Foundation's purpose is to:

- Protect resources.
- Provide interpretation and educate the public.
- Foster tourism and economic development.
- Create federal and local partnerships.
- Create a new national park.

##### SESQUICENTENNIAL SPECIAL LICENSE PLATE

Eula Moore Anderson, DMV

Eula Anderson of DMV reported that the license plate design had been completed, which will include the Virginia Sesquicentennial of the American Civil War's website address on the bottom and the logo on the left-hand side. The Commission members unanimously approved the design.

The license plate will be available for sale on July 1, 2008. A link to the DMV will be posted on the

sesquicentennial website to order the license plate. Revenue from the plate will be disbursed in September or October, annually.

##### VIRGINIA ASSOCIATION OF MUSEUMS: TIME TRAVELERS PROGRAM

Scott Harris, Past President of the VAM Council

Scott Harris described the Time Travelers Program to the Commission members. Youth receive a passport and take it to museums and historic sites all across Virginia. After they collect six or more stamps, they can earn a certificate of completion signed by Governor Tim Kaine. The Time Travelers Program was created in 1996 through the Virginia History Initiative. The program aims to support historic and cultural resources by increasing visitation and visibility; promote summer learning; and increase tourism revenue in Virginia by promoting multiple museum visits. Mr. Harris indicated that 38% of the 137 sites in the program contain Civil War content.

Mr. Harris also discussed the program's need for funding in order to continue its services. The Virginia Association of Museums (VAM) proposes the Commission fund the Time Travelers Program \$30,000 annually for 2009-2015 or a single allocation of \$210,000 to be applied over the 2009-2015 period. The Time Travelers Program would then promote the Sesquicentennial on its website and all printed materials, highlight special events, provide incentives to tour Civil War specific sites, and produce special sesquicentennial certificates for the completion of the program.

Discussion was held regarding whether the program would give enough focus to the Sesquicentennial, but noted the importance for the program. The Commission did not act on VAM's request.

##### COMPREHENSIVE MARKETING PLAN FOR THE CIVIL WAR SESQUICENTENNIAL

Richard Lewis, National Public Relations Manager for the Virginia Tourism Corporation

Upon request of the Chairman, the Virginia Tourism Corporation developed a strategic marketing plan for the Sesquicentennial. Civil War tourism is already high in Virginia and Civil War tourists tend to stay longer and spend more than average visitors.

However, challenges remain, including: (i) better-known battlefields in other states; (ii) overall, the number of visitors to historic sites is declining; and (iii) the abundance of Civil War destinations in Virginia that may present confusion to visitors.

Richard Lewis presented the message of the Sesquicentennial as one that states American life - the very structure and evolution of our society - can be traced to the Civil War. So much of what America is today can be traced to the effects of the Civil War and, now more than ever, Americans are poised to discover how learning about it has an impact upon how they view their democracy and society. Virginia was the epicenter of the most pivotal event in American history; the stories of the enormous sacrifices, the tragedy, the triumph and the legacy are all told here - and everyone should hear those stories. Therefore, the goal of the marketing plan is to raise awareness of Virginia as a Civil War tourism destination and position Virginia as a top-choice prior to and during the Sesquicentennial.

The marketing plan will begin with research and will integrate tactics such as public relations, advertising, targeted email, sales, special promotions, international marketing, community outreach and support, and resources of the Virginia Tourism Corporation and Virginia Film Office. An estimated budget for the marketing plan throughout the Sesquicentennial is \$8,246,500. There was a motion by Dr. James Robertson to allocate funds to the Virginia Tourism Corporation for 2008 (\$30,000) and 2009 (\$25,000). The motion was agreed to by the Commission. Delegate Lingamfelter suggested the Virginia Tourism Corporation collaborate with Pennsylvania to market Virginia as a precursor to Gettysburg and capture the two million people that travel there.

## Staff Reports

Danielle Watkins

Daniel Watkins briefly informed the Commission on current development activities. The NEH grant proposal in support of the museum exhibition and its traveling components, including the HistoryMobile, was submitted in January and is currently under review. The Commission continues to work with the VHS to develop the museum exhibition that will serve as the foundation for the traveling components. An implementation grant proposal will be submitted in January 2009 requesting support of up to \$1 million for these projects. Final notification on this request will come in August 2009.

A grant proposal was submitted to the Richard S. Reynolds Foundation for support of the Signature Conference series, law symposium and the website. Dominion has expressed interest in supporting the visitor kiosk program based on its very successful support and feedback of the kiosks within Virginia state parks, and Phillip Morris, Bank of America and S & M Brands have expressed general support and Ms. Watkins will continue to follow these proposals.

Cheryl Jackson

Cheryl Jackson introduced Tomi Dechant and Mike Shuman, who are new support staff for the Commission. She also discussed a schedule for upcoming meetings.

## Senate Finance Committee Report

Dick Hickman

Dick Hickman informed the Commission that \$2.17 million of the general fund has been appropriated for the Commission for 2009 and 2010. He also noted that \$5 million from the general fund has been appropriated at two-to-one matching rate for Civil War battlefield preservation.

Mr. Hickman has finished drafting the first "Sesquicentennial Moments" article, entitled *Kansas, 1854-1858*. These notes are intended to highlight the state of the country related to the Civil War 150 years ago. The "Sesquicentennial Moments" will be put on the website as an educational resource for visitors. Mr. Hickman will continue writing the pieces, but encouraged members and staff to take part, as well. Delegate Lingamfelter suggested taking the articles and using them as lecture series. The lecture series could also be used as a fundraiser for the Commission.

For multiple copies of the *Virginia Legislative Record* or other DLS publications, please contact the House or Senate Clerks Office.

## Programs Reports

### FOUNDATION

The 501(c)(3) Virginia Sesquicentennial of the American Civil War foundation has filed the necessary forms and the Foundation is waiting to hear back from the IRS. The Foundation has been incorporated with the SCC as a nonprofit corporation, distinct from the Commission and the adopted bylaws are currently under review. The initial board had its first meeting in April and developed a list of candidates for board members.

### LOCAL COMMITTEES

There are currently 39 local sesquicentennial committees. Staff members have met with many of these local committees and regional meetings are also being developed. The committees are most excited about the DVD, the HistoryMobile, and the possibility of a grant program. Commission members were provided a list of the localities in their district and were encouraged to reach out to those who have not responded to the Speaker's letter mailed last September.

### LOGO

A Memorandum of Understanding (MOU) is also being drafted for the Commission's approval to protect the Commission's logo. It has also been suggested that the local committees be used as the first line of review for any group that wants to associate itself with the Commission by use of the logo and would have the right to refuse anyone. A motion was made by Delegate A. Howell for staff to draft an MOU. This motion was seconded by Senator Colgan and agreed to by the Commission.

### WEBSITE

Cheryl Jackson briefly demonstrated the "Then/Now" interactive map on the website and informed the Commission that the maps rely heavily on the local committees to provide the descriptions/history. A demonstration on the computer will be done at the next meeting.

### SIGNATURE CONFERENCE

For the first Signature Conference, Dr. Edward Ayers has proposed a fresh perspective and challenged attendees to forget that they know how history turns out while discussing recent events and what effect they may have, limiting themselves to what was known in 1859. A transcript of the conference will also be published. Delegate Lingamfelter made a motion to approve Dr. Ayers' conference proposal, which was seconded by Dr. Robertson. The Commission unanimously passed the motion.

## Other Business

The Commission has received responses from 15 institutions of higher education, offering support for meetings, tours or conferences. Speaker Howell sent a letter to each college and university in December. The Commission will discuss this item further and make decisions at the June meeting.

The Commission, after funding the DVD project, paying its first installment to VHS, and paying the first two years of the strategic marketing plan from VTC, has a fund balance slightly over \$1 million. Discussion was held as to how to allocate the remaining funds. Dr. Robertson motioned to appropriate \$10,000 for the Internet battlefield tours project, which will be matched by CWPT, \$100,000 to fund micro-grants for localities, and \$750,000 to VHS to be applied to the remaining balance owed by the Commission. Senator Colgan seconded the motion and the Commission unanimously approved the motion.

Dr. Robertson gave a status report on the DVD, which is aimed at 8th graders. He has written all nine scripts. Blue Ridge Public Television has purchased high definition cameras and filming will begin late in April at major Civil War sites, including Manassas, Harper's Ferry, and Antietam. Theme music selected for the DVD is "Shenandoah," performed by Bobby Horton. The DVD is scheduled for completion in August 2009, but Dr. Robertson is hoping that it will be finished in June or July so that it can be previewed. Members of the Executive Committee requested notification prior to the beginning of postproduction for donor recognition.

### *6/10/08 CWC Meeting*

## Presentations

### **FORT MONROE: PAST, PRESENT, & FUTURE** Conover Hunt and John Quarstein

Conover Hunt, the deputy director of the Fort Monroe Federal Area Development Authority, gave an update on the current situation and future of Fort Monroe when the base closes in 2011. The development plans include protecting the historic assets while providing public access to the land and beaches, seeking economic sustainability, and allowing new development within strict limits that will not compromise Fort Monroe's National Historic Landmark designation. This is a long-term development plan that may take 20-30 years to fully implement.

John Quarstein, Historian from the City of Hampton, gave a brief history of Fort Monroe and its significance during the Civil War. It was at Fort Monroe, that General Benjamin Butler declared that slaves were "contraband of war," making the fort a place of refuge for enslaved persons and referred to as "Freedom's Fortress."

#### **CIVIL WAR TRAILS PROGRAM: SESQUICENTENNIAL COORDINATION PARTNER** **Mitch Bowman**

Mitch Bowman, Executive Director of the Civil War Trails Program, presented to the Commission an overview of the program and the partnership formed between the two entities. The Civil War Trails Program has installed over 800 interpretive markers at Civil War sites in Virginia, Maryland, North Carolina, West Virginia, and Tennessee. The program has gained popularity throughout the country with 3,000 map guides downloaded per week from its website and in the first half of 2008, the Virginia Tourism Corporation has mailed out over 50,000 Civil War Trails Program packets. The Civil War Trails Program provides a seamless travel system across state lines, a tourism structure for communities and states, and opportunities for preservation, interpretation, and education.

Dr. Charles Bryan inquired about the possibility of using a radio station for travelers to tune into while driving throughout the state that would give area-specific information about nearby Civil War sites. Mr. Bowman explained that the program has looked into similar options and found that the cost is very high. He noted that the program's website does have podcasts and his staff continues to explore other technological advances. Mr. Bowman stated that an important part of the program and the secret to preservation is getting the traveler out of the vehicle.

### **Staff Report**

Cheryl Jackson commended the Commission after reading an article published by the American Association of State and Local History for being on the right track with its sesquicentennial recommendations.

### **Programs Reports**

#### **EDUCATIONAL DVD**

Dr. Robertson sent a message to share with the Commission about the progress of the Virginia Tech/Blue Ridge DVD project. Over two dozen scenes have been filmed already and while the scripts are not finalized yet, Dr. Robertson hopes to be able to provide the Commission with some short clips during the fall meeting.

### **MUSEUM EXHIBITION**

Dr. Bryan updated the Commission on the status of the museum exhibition. The exhibition will be in two parts, "The Battle Front" and "The Home Front." It will be open in February 2011 at the Virginia Historical Society. From 2012 to 2015, the exhibition will be divided into two components and travel to various museums throughout the Commonwealth. "The Battle Front" will interpret the major military actions in a chronological narrative. "The Home Front" will give visitors an understanding of life behind and between battle lines.

At the last meeting, the Commission allocated \$750,000 to the Virginia Historical Society (VHS) to pay for the museum exhibit. The Commission members were informed that due to their current budget situation, they could allocate more funds to the VHS this year if they desired. The Commission decided, by acclamation, to allocate an additional \$250,000 to VHS. The total amount to be paid to VHS is \$1,000,000 this year.

### **HISTORY MOBILE**

Ms. Jackson also discussed the progress of the HistoryMobile. Delegate Lingamfelter has been working on finding a trailer that would be donated to the Commission and there has been an offer of an in-kind donation of a tractor. For the HistoryMobile, the Commission allocated \$5,000 to hire a consultant who will determine which pieces of the museum exhibition would be appropriate in the HistoryMobile and develop a budget for the project, so the Commission will know what the HistoryMobile will look like and cost. The consultant will work with the Commission staff and will make a report in September. Dr. Bryan noted that rising fuel prices may affect the HistoryMobile.

### **LOCAL COMMITTEES**

Currently 44 local committees have been formed. Follow-up letters to those localities that have not formed committees will be sent.

### **LOGO**

A Memorandum of Understanding has also been drafted for local committees who seek use of the Commission's logo in furtherance of the Commission's goals. Any group that wants to use the logo must apply through their local committee and the local committee would have the first right of refusal.

### **WEBSITE**

Ms. Jackson demonstrated the newly launched interactive map and the "Ask an Expert" on the Commission's website. She encouraged members to work with local committees to fill in the narrative portion for

accuracy of the website. Delegate Lingamfelter suggested researching which regiments were at each battle and placing the information on the website.

Sandy Treadwell, Chair of the Advisory Council, was introduced. The Advisory Council will have its second meeting on June 24 and report to the Commission in the fall. The proposed agenda includes a review of the plans to date and the development of new ways to reach out to localities and market the Sesquicentennial.

Delegate Landes asked that the Advisory Council develop ways to encourage localities to form local committees and begin planning for the Sesquicentennial.

**NATIONAL EVENT KICKOFF**

Commission staff will be traveling to Harper's Ferry next week to meet with representatives from the West Virginia legislature, Civil War Preservation Trust, and Harper's Ferry National Historic Park to plan the national kickoff event June 25-26, 2009. The proposed two-day event includes panel discussions on the first day and tours of Harper's Ferry on the second day.

**SIGNATURE CONFERENCES**

The Commission members reviewed the proposals for the Signatures Conferences/Meeting Tours and will make a final decision at a later meeting.

**Next Meeting**

The next meeting date will be posted on the Commission websites and the General Assembly calendar as soon as information is available.

**VIRGINIA SESQUICENTENNIAL OF THE AMERICAN CIVIL WAR COMMISSION**

**SPEAKER WILLIAM J. HOWELL, CHAIR**

Cheryl Jackson, Brenda Edwards,  
and Danielle Watkins, DLS Staff

Telephone (804) 786-3591

<http://dls.state.va.us/civilwar.htm>

<http://www.virginiacivilwar.org>

**Meeting Calendar for July - August '08**

<i>Study/Commission Name</i>	<i>Meeting Information</i>	<i>DLS Staff</i>
JCOTS Open Education Subcommittee	10:00 a.m., Tuesday, July 8, 2008 General Assembly Bldg, 6th Floor Conference Room	Patrick Cushing, Lisa Wallmeyer
Virginia Uniform Law Commission	10:00 a.m., Wednesday, July 9, 2008 General Assembly Bldg, 4th Floor, W. Conference Room	Jescey French
Freedom of Information Advisory Council	10:00 a.m., Monday, July 14, 2008 General Assembly Building, House Room C	Maria Everett, Alan Gernhardt
Study on Transfer of Development Rights	1:00 p.m., Tuesday, August 5, 2008 General Assembly Building, House Room D	Jeff Sharp, Amigo Wade
Virginia Housing Commission	See website for ongoing meeting information <a href="http://dls.state.va.us/HousComm.HTM">http://dls.state.va.us/HousComm.HTM</a>	Elizabeth Palen

*Meetings may be added at anytime, so please check the General Assembly and DLS Websites for updates.*

## REGULATORY ALERT

### A CONVENIENT GUIDE TO REGULATORY ACTIVITY IN THE COMMONWEALTH

The Regulatory Alert is intended to assist General Assembly members as they keep up with the myriad regulations being proposed by agencies in the Commonwealth. The goal of this project is to provide a timely, simple, and accurate summary of the rules that are being proposed by agencies, boards, and commissions. Highlighting regulations when they are published as "proposed regulations" gives General Assembly members notice that the critical public participation phase of the rulemaking process is well underway. It is during the public participation process that the questions of an Assembly member or constituent may be most effectively communicated to the agency and examined by the individuals crafting the regulatory proposal.

The Regulatory Alert is not intended to be a substitute for the comprehensive information on agency rulemaking activity that is currently published biweekly in the *Virginia Register of Regulations* or the notification services offered by the Regulatory Town Hall website maintained by the Department of Planning and Budget. It is hoped that the Legislative Record will assist all members as they monitor the development, modification, and repeal of administrative rules in the Commonwealth. Access the *Virginia Register of Regulations* online at <http://legis.state.va.us/codecomm/register/regindex.htm> or contact [epalen@leg.state.va.us](mailto:epalen@leg.state.va.us) or the Code Commission staff at (804) 786-3591 for further information.

## TITLE 8. EDUCATION STATE BOARD OF EDUCATION

### Proposed Regulation

**8VAC20-40. Regulations Governing Educational Services for Gifted Students (amending 8VAC20-40-10, 8VAC20-40-20, 8VAC20-40-40, 8VAC20-40-60; adding 8VAC20-40-55; repealing 8VAC20-40-30, 8VAC20-40-50, 8VAC20-40-70).**

Public hearings will be held September 25, 2008 at 11 a.m. in the James Monroe Building, Richmond, VA; September 22, 2008 at 7 p.m. at Marshall High School, Falls Church, VA; September 22, 2008 at 7 p.m. at Oscar F. Smith High School, Chesapeake, VA; and September 23, 2008 at 7 p.m. at Radford High School, Radford, VA.

Written public comments may be submitted until 5 p.m. on September 26, 2008.

*The proposed amendments (i) eliminate the requirement that school divisions submit their plan for the education of gifted students to the Department of Education for approval, (ii) require that school divisions post their plan for the education of gifted students on their websites and have printed copies of the plan available for citizens who do not have online access, (iii) require that the identification and placement committee determine the eligibility status of each student referred for the division's gifted education program and notify the parent or guardian of its decision within 60 business days of the receipt of the referral, (iv) require that requests filed by parents or legal guardians to appeal any action of*

*the identification and placement committee shall be filed within 10 business days of receipt of notification of the action by the division, (v) reduce the minimum number of criteria used for the identification of gifted students from four to three, (vi) explicitly require that gifted services include English, history and social science in place of the current vague requirement for gifted services in humanities, (vii) clarify that the appropriately differentiated curriculum and instruction for gifted students be provided "continuously and sequentially," and (viii) require that school divisions provide professional development for instructional personnel who deliver services within the gifted education program based on the competencies specified for the gifted education add-on endorsement.*

For more information, please contact Dr. Margaret N. Roberts, Office of Policy & Communications, Department of Education, Richmond, VA, (804) 225-2540, or email [margaret.roberts@doe.virginia.gov](mailto:margaret.roberts@doe.virginia.gov).

### Proposed Regulation

**8VAC20-80. Regulations Governing Special Education Programs for Children with Disabilities in Virginia (repealing 8VAC20-80-10 through 8VAC20-80-190).**

**8VAC20-81. Regulations Governing Special Education Programs for Children with Disabilities in Virginia (adding 8VAC20-81-10 through 8VAC20-81-340).**

Written public comment may be submitted to the Department of Education until 5 p.m. on June 30, 2008.

*The proposed action makes substantive changes to the Regulations Governing Special Education Programs for Children with Disabilities in Virginia. In a concurrent action, the Board of Education proposes to repeal the text of the current regulations (8VAC20-80) and promulgate*



*new regulations (8VAC20-81). Substantive new changes are proposed for the following areas: (i) functions of the Virginia Department of Education (VDOE); (ii) referral for evaluation; (iii) eligibility determinations; (iv) the development, review and revision of a student's individualized education program (IEP); (v) parentally placed private school students; (vi) discipline; (vii) procedural safeguards, including the appointment of surrogate parents and dispute resolution; (viii) local educational agency administration and governance; (ix) funding; and (x) the requirements regarding highly qualified personnel.*

For more information, please contact Melissa Smith, Coordinator of Administrative Services, Department of Education, Richmond, VA, (804) 371-0524, or email [melissa.smith@doe.virginia.gov](mailto:melissa.smith@doe.virginia.gov).

#### **Proposed Regulation**

**8VAC20-280. Jointly Owned and Operated Schools and Jointly Operated Programs (repealing 8VAC20-280-10, 8VAC20-280-20).**

**8VAC20-281. Regulations Governing Jointly Owned and Operated Schools and Jointly Operated Programs (adding 8VAC20-281-10, 8VAC20-281-20).**

A public hearing will be held on July 17, 2008, at 11 a.m. in the James Monroe Building, Richmond, VA.

Written public comments may be submitted until 5 p.m. on August 25, 2008.

*The Regulations Governing Jointly Owned and Operated Schools and Jointly Operated Programs were adopted on or before September 1, 1980. These regulations have not been amended since then and do not address changes made in these programs since that time. Joint schools include academic-year Governor's schools, alternative education centers, career and technical centers, and special education centers. In a concurrent action, the Board of Education proposes to repeal the text of the current regulations (8VAC20-280) and promulgate new regulations (8VAC20-281).*

*Significant changes are made in the proposed regulations. The first section of the regulations has been deleted because it is primarily aspirational; the second section has been reorganized, revised, and streamlined; and a definitions section has been added for clarity. The proposed regulations also make membership requirements of the governing board of the joint school less restrictive and, in response to Chapter 45 of the 2007 Acts of Assembly, specify that the fiscal agent can be selected from any of the treasurers of the participating localities.*

For more information, please contact Dr. Margaret N. Roberts, Office of Policy and Communications, Department of Education, Richmond, VA, (804) 225-2540, or email [margaret.roberts@doe.virginia.gov](mailto:margaret.roberts@doe.virginia.gov).

## **TITLE 9. ENVIRONMENT STATE WATER CONTROL BOARD**

#### **Proposed Regulation**

**9VAC25-720. Water Quality Management Planning Regulation (amending 9VAC25-720-50).**

A public hearing will be held June 26, 2008, at 7 p.m. at the Department of Environmental Quality, Valley Regional Office, in Harrisonburg, Virginia. Written public comment may be submitted to the Department of Environmental Quality until 5 p.m. on July 25, 2008.

*The proposed amendments provide increases for total nitrogen (TN) and total phosphorus (TP) for two facilities:*

- 1. Frederick-Winchester S.A.-Opequon WRF  
VPDES #VA0065552).*
- 2. Merck WWTP (VPDES #VA0002178).*

For more information, please contact John M. Kennedy, Department of Environmental Quality, Richmond, VA, (804) 698-4312, FAX (804) 698-4116, or email [jmkennedy@deq.virginia.gov](mailto:jmkennedy@deq.virginia.gov).

#### **Proposed Regulation**

**REGISTRAR'S NOTICE:** The following regulation filed by the State Water Control Board is exempt from the Administrative Process Act in accordance with §2.2-4006 A 9 of the Code of Virginia, which exempts general permits issued by the State Water Control Board pursuant to the State Water Control Law (§62.1-44.2 et seq.), Chapter 24 (§62.1-242 et seq.) of Title 62.1 and Chapter 25 (§62.1-254 et seq.) of Title 62.1, if the board (i) provides a Notice of Intended Regulatory Action in conformance with the provisions of §2.2-4007.01, (ii) following the passage of 30 days from the publication of the Notice of Intended Regulatory Action forms a technical advisory committee composed of relevant stakeholders, including potentially affected citizens groups, to assist in the development of the general permit, (iii) provides notice and receives oral and written comment as provided in §2.2-4007.03, and (iv) conducts at least one public hearing on the proposed general permit.

**9VAC25-860. General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Potable Water Treatment Plants (adding 9VAC25-860-10 through 9VAC25-860-70).**

Written public comment may be submitted to the Department of Environmental Quality until 5 p.m. on July 11, 2008.

*The proposed regulation establishes appropriate and necessary permitting requirements for discharge of wastewater from potable water treatment plants. The proposed regulation sets forth standard language for effluent limitations and monitoring requirements necessary to regulate this category of dischargers.*

For more information, please contact George E. Cosby, Department of Environmental Quality, Office of Water Permits and Compliance Assistance, Richmond, VA, (804) 698-4067, or email [gecosby@deq.virginia.gov](mailto:gecosby@deq.virginia.gov).

## TITLE 12. HEALTH STATE BOARD OF HEALTH

### Proposed Regulation

**12VAC5-490. Virginia Radiation Protection Regulations: Fee Schedule (adding 12VAC5-490-30, 12VAC5-490-40).**

Written public comments may be submitted until 5 p.m. on August 22, 2008.

*The proposed amendments establish a fee structure to support the radioactive materials licensing and inspection program for those materials the U.S. Nuclear Regulatory Commission intends to transfer to the Commonwealth by agreement.*

For more information, please contact Les Foldesi, Director, Bureau of Radiological Health, Department of Health, Richmond, VA, telephone (804) 864-8151, or email [les.foldesi@vdh.virginia.gov](mailto:les.foldesi@vdh.virginia.gov).

## TITLE 24. TRANSPORTATION AND MOTOR VEHICLES COMMONWEALTH TRANSPORTATION BOARD

### Proposed Regulation

**REGISTRAR'S NOTICE:** Chapter 382 of the 2007 Acts of Assembly exempts the Commonwealth Transportation Board from the Administrative Process Act (§2.2-4000 et seq.) for the purpose of promulgating the initial regulations establishing secondary street acceptance requirements. The exemption does not apply to subsequent regulations or amendments thereto promulgated by the board.

**24VAC30-92. Secondary Street Acceptance Requirements (adding 24VAC30-92-10 through 24VAC30-92-160).**

Written public comment may be submitted to the Office of the Secretary of Transportation until June 30, 2008.

*This regulation sets forth the requirements applicable to all streets in the Commonwealth that are designated to become part of the secondary system of state highways, including procedures for approval and criteria used to consider the acceptance of new streets for maintenance as part of the secondary system. (Note: This regulation does not apply to the counties of Arlington or Henrico, which maintain their own roads, but the pavement and right-of-way widths may apply in the independent cities or towns with populations greater than 3,500 pursuant to §33.1-41.1 of the Code of Virginia.)*

*Chapter 382 of the 2007 Acts of Assembly requires that the Commonwealth Transportation Board include several provisions in the regulation. These mandatory provisions are as follows:*

- 1. Requirements to ensure the connectivity of road and pedestrian networks with the existing and future transportation network;*
- 2. Provisions to minimize stormwater runoff and impervious surface area; and*
- 3. Provisions for performance bonding of new secondary streets and associated cost recovery fees.*

For more information, please contact Nicholas M. Donohue, Assistant Secretary of Transportation, Office of Secretary of Transportation, Richmond, VA, (804) 786-8032, FAX (804) 786-6683, or email [nicholas.donohue@drpt.virginia.gov](mailto:nicholas.donohue@drpt.virginia.gov).

## 2008 Legislative and Agency Studies staffed by DLS

### **NEW** Legislative Studies

Bill and Patron	Description	DLS Staff
HB 1391 (Cox) SB 383 (Martin)	Bicentennial of the American War of 1812 Commission.	Jeff Sharp, Sarah Stanton, Brenda Edwards
HJ 72 (Purkey)	Privatization of ports of Virginia.	Caroline Stalker, Kevin Stokes
HJ 75 (Cole)	Local incentives to private businesses for economic development.	David Rosenberg, Amigo Wade
HJ 91 (Hamilton)	Commonwealth and Virginia's private nonprofit colleges work to meet state higher education needs.	Jessica Eades, Nikki Cheuk
HJ 177 (Byron) SJ 101 (Stosch)	Single sales factor for corporation income tax.	Joan Putney, Mark Vucci
HJ 178 (Athey) SJ 70 (Vogel)	Land use tools of localities.	Kevin Stokes, Jeff Sharp
HJ 194 (Jones, S.C.)	Transportation network of Hampton Roads.	Alan Wambold, Caroline Stalker
HJ 195 (Lohr)	Transfer of development rights.	Jeff Sharp, Amigo Wade
HJ 248 (Sickles)	Development and enhancement of the biosciences and biotechnology in the Commonwealth.	Lisa Wallmeyer, Patrick Cushing
SB 464 (Whipple)	Virginia Commission on Energy and Environment.	Ellen Porter, Patrick Cushing Advisor: Marty Farber
SJ 77 (Hanger)	Substance abuse prevention and treatment.	Sarah Stanton, Robie Ingram
SJ 92 (Stolle)	Transportation entities.	Robie Ingram, Jescey French Advisors: Jeff Sharp, Alan Wambold
SJ 122 (Colgan)	Regional rapid transit network.	Alan Wambold, Caroline Stalker

### **CONTINUING** Legislative Studies

Bill and Patron	Description	DLS Staff
HB 1233 (Purkey) SB 261 (Wagner)	Manufacturing Development Commission.	Mark Vucci, Joan Putney
HB 1440 (Howell, W.J.)	Virginia Sesquicentennial American Civil War Commission.	Cheryl Jackson, Brenda Edwards, E. M. Miller
HB 2923 (Ebbin)	Human trafficking.	Robie Ingram, Jescey French
HJ 90 (Cosgrove)	Science, math, and technology education in the Commonwealth.	Patrick Cushing, Nikki Cheuk
HJ 159 (Jones, S.C.)	U.S. Route 460 Communications Committee.	Alan Wambold, Caroline Stalker
SJ 75 (Hanger)	Comprehensive Services Program for At-Risk Youth and Families.	Sarah Stanton, Patrick Cushing
SJ 99 (Stolle)	Operations of circuit court clerks' offices.	Mary Felch
SJ 223 (1993)	Block grants.	Jessica Eades
SJ 418 (McDougle)	Redistricting judicial circuits.	Mary Felch, Julie Smith, David Cotter, Kent Stigall

*Division of Legislative Services*

*910 Capitol Street, 2nd Floor  
Richmond, Virginia 23219  
(804) 786-3591*

E. M. Miller, Jr., Director  
R.J. Austin, Manager, Special Projects  
Lynda Waddill and Mindy Tanner, Editor/Publisher

© 2008 Division of Legislative Services

Published in Richmond, Virginia

by the Division of Legislative Services,  
an agency of the General Assembly of Virginia.

The Legislative Record is available online at-

*<http://dls.state.va.us/pubs/legisrec/2008/welcome.htm>*

Division of Legislative Services  
910 Capitol Street, GAB, 2nd Floor  
Richmond, Virginia 23219

