



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Nicholas Donohue
Chairperson

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Agenda item # 11

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

April 22, 2026

MOTION

Made By: Ms. Sellers, **Seconded By:** Mr. Good

Action: Motion Carried, Unanimously

Title: Commonwealth Transportation Board Freedom of Information Act Policy

WHEREAS, in 1968 the Virginia General Assembly enacted the Virginia Freedom of Information Act (FOIA), now codified at Chapter 37 of Title 2.2 (§ 2.2-3700 *et seq.*) of the *Code of Virginia*, to guarantee that citizens of the Commonwealth and representatives of the media have access to public records held by public bodies, public officials, and public employees; and

WHEREAS, FOIA is subject to amendment annually by the Virginia General Assembly, with amendments generally becoming effective in due course on July 1 of each year; and

WHEREAS, FOIA (in § 2.2-3704(F) and § 2.2-3704.1(A)(6) of the *Code of Virginia*), provides that a public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records; and

WHEREAS, FOIA (in § 2.2-3704.1(A)(7) of the *Code of Virginia*), requires public bodies subject to the provisions of FOIA to make available on the homepage of their public website a “written policy (i) explaining how the public body assesses charges for accessing or searching for requested records and (ii) noting the current fee charged, if any, for accessing and searching for such requested records”; and

WHEREAS, the Commonwealth Transportation Board (CTB) policy pertaining to CTB FOIA requests is attached hereto as Attachment A (the “CTB FOIA Policy”);

WHEREAS, the CTB public website contains a FOIA page, at <https://ctb.virginia.gov/foia/>, on which all required content will be posted and kept up-to-date.

NOW, THEREFORE, BE IT RESOLVED, the CTB hereby approves and adopts the CTB FOIA Policy set forth in Attachment A.

BE IT FURTHER RESOLVED, that the FOIA page on the CTB's public website shall be updated to include the content of the CTB FOIA Policy as described in Attachment A, in accordance with § 2.2-3704.1(A)(7) of the *Code of Virginia*.

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Attachment A

Commonwealth Transportation Board (CTB) FOIA Policy

The Freedom of Information Act (FOIA) ([Chapter 37 of Title 2.2](#) of the *Code of Virginia*) provides that “public bodies may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying or searching for the requested records and shall make all reasonable efforts to supply the requested records at the lowest possible cost.” Virginia Code § 2.2-3704.1(A)(7) requires public bodies to develop a written policy explaining how the public body assesses charges for accessing or searching for records and note the current fee charged.

The CTB, the Virginia Department of Transportation (VDOT), and the Department of Rail and Public Transportation (DRPT) are separate public bodies.

The CTB’s FOIA policy may be found on the CTB website at <https://ctb.virginia.gov/foia/>.

The CTB will assess charges as permitted by FOIA, but the Chair has the discretion to waive fees in appropriate circumstances, as permitted by FOIA. *See* Virginia Code § 2.2-3704(F). If the Chair is vacant or unavailable for more than four (4) business days, the Assistant Secretary of the Board may waive fees in appropriate circumstances, as permitted by FOIA.

Where charges are not waived, the CTB will make reasonable efforts to supply the requested records at the lowest possible cost. Except for ex officio members, the CTB will not charge for time that a member may spend accessing, duplicating, supplying, or searching for the requested records. For staff time, the CTB will use VDOT’s Central Office rate, as posted on VDOT’s website at: <https://www.vdot.virginia.gov/policies/foia/>. Should time from DRPT staff be needed to fulfill a FOIA request to the CTB, the CTB will apply the DRPT FOIA policy, as posted on the DRPT website: <https://drpt.virginia.gov/foia/>.