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Exempt Action Final Regulation Agency Background Document

Agency name	Commonwealth Transportation Board
Virginia Administrative Code (VAC) citation(s)	24 VAC30-590
Regulation title(s)	Policies and Procedures for Control of Residential and Non-Residential Cut-Through Traffic
Action title	Repeal
Final agency action date	12-11-2019
Date this document prepared	12-13-2019

While a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

Brief Summary

Please provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

24VAC 30-590 does not establish but only references the policy established by the Commonwealth Transportation Board under Section 46.2-809.1 and which is available on the Commonwealth Transportation Board's website in its Policy Index. Therefore, this regulation is not necessary for the protection of public health, safety, and welfare because it is duplicative of the policy.

Mandate and Impetus

Please identify the mandate for this regulatory change, and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, board decision, etc.). "Mandate" is defined as "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

Section 46.2-809.1 of the Code of Virginia provides that the Commonwealth Transportation Board may develop a residential cut-through traffic policy and procedure for the control of residential cut-through traffic on designated secondary highways, but does not require the adoption of regulations to accomplish that purpose. The Commonwealth Transportation Board has adopted such a policy, and this regulation references that policy. Further, in 2015, the Virginia Code Commission adopted a regulation, 1 VAC 7-10-140, that suggests that "an agency may not incorporate one of its own documents by reference unless the agency establishes that the documents or circumstances are unique and highly unusual."

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

The Commonwealth Transportation Board adopted a resolution on December 11, 2019, repealing 24 VAC 30-590 in its entirety.

Periodic Review Small Business Impact Review Report of Findings

If you are using this form to report the result of a periodic review/small business impact review that is being conducted as part of this regulatory action, and was announced during the proposed stage, please indicate whether the regulatory change meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), e.g., is necessary for the protection of public health, safety, and welfare; minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and is clearly written and easily understandable.

In addition, as required by § 2.2-4007.1 E and F of the Code of Virginia, include a discussion of the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation.

This regulation is not necessary for the protection of public health, safety and welfare, because the objectives of the regulation can be achieved through other means, such as the Commonwealth Transportation Board Policy. There will be no effect on the public due to the repeal of this regulation.