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Exempt Action: Final Regulation Agency Background Document

Agency name	Virginia Department of Transportation
Virginia Administrative Code (VAC) Chapter citation(s)	24VAC30-17
VAC Chapter title(s)	Solicitation and Use of VDOT Buildings and Grounds for Non-work Purposes
Action title	Repeal
Final agency action date	6/26/2020
Date this document prepared	5/1/2020

Although 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 (1VAC7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

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.

This regulation establishes criteria and procedures the Virginia Department of Transportation (VDOT) follows in granting access to, and use of, VDOT facilities for purposes other than transacting official state business. This policy generally applies to the central office, district offices, and residencies which have dedicated space for meetings.

VDOT is proposing repealing the regulation, but amending two sections of the existing policy to change the position title to which user fees are paid and to which requests to use VDOT Central Office facilities are directed. The change in position title is due to a recent re-organization of several Divisions within the agency. The policy would then be retained as a written internal agency policy. This regulation has previously been determined by the Office of the Attorney General to be exempt from the Administrative

Process Act under § 2.2-4006(A)(2) as a regulation that establishes or prescribes agency organization, or internal practice or procedures, including delegations of authority.

Mandate and Impetus

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, or board decision). "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."

A periodic review of the regulation was conducted in accordance with §§ 2.2-4007.1 and 2.2-4017 of the *Code of Virginia*. As a result of that periodic review, the Virginia Department of Transportation determined that, as an internal agency policy and procedure document, the purposes and effect of the regulation could be achieved as or more effectively by repealing the regulation but retaining the underlying policy. While the Department does not believe the subject matter of the regulation warrants treatment or status as a regulation, the written policy would be retained with changes to the position title to which user fees are paid and to which requests to use VDOT Central Office facilities are directed. These changes are necessary due to a recent re-organization of several Divisions within the agency.

Statement of Final Agency Action

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 Commissioner of Highways approved the proposed repeal of the regulation, 24 VAC 30-17, Solicitation and Use of VDOT Buildings and Grounds, on June 26, 2020