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Periodic Review Report of Findings

Agency name	Commonwealth Transportation Board
Virginia Administrative Code (VAC) citation	24VAC30-590
Regulation title	Policy and Procedures for Control of Residential Cut-Through Traffic
Date this document prepared	09/10/2019

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), 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*.

Acronyms and Definitions

Please define all acronyms used in this Report. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

No acronyms are present in 24VAC30-590. There are no complex technical terms that require a definition.

Legal Basis

Please identify (1) the agency or other promulgating entity, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency or promulgating entity's overall regulatory authority.

The Commonwealth Transportation Board is the promulgating entity. 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. The Commonwealth Transportation Board has general authority, pursuant to § 33.2-210 of the *Code of Virginia*, to make regulations that are not in conflict with the laws of the Commonwealth for the protection of and covering traffic on and for the use of systems of state highways

Alternatives

Please describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

No alternatives are necessary and thus were not considered. The Commonwealth Transportation Board has adopted a policy on this topic that is available on its website.

Public Comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Ensure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency or board. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

No comments were received during the public comment period.

Commenter	Comment	Agency response

Effectiveness

Pursuant to § 2.2-4017, please indicate whether the regulation meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

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

Decision

Please explain the basis for the rulemaking entity’s decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

The Commonwealth Transportation Board recommends repeal of this regulation. As stated above, the regulation simply references the policy established by the Commonwealth Transportation Board under Section 46.2-809.1. Further, a statement that a policy is on file at a specific address does not appear to meet the definition of a “regulation” under §2.2-4001 of the *Code of Virginia*, as they are not a “statement of general application, having the force of law, affecting the rights or conduct of any person, adopted by an agency...” Nor does the policy itself affect the rights of any person; it simply states internal agency procedures and guidance for agency staff in setting residential cut through traffic restrictions.

Small Business Impact

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. Also, discuss why the agency's decision, consistent with the stated objectives of applicable law, will minimize the economic impact of regulations on small businesses.

Repealing this regulation does not impact small businesses.