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Periodic Review and Small Business Impact Review Report of Findings

Agency name	Virginia Department of Transportation
Virginia Administrative Code (VAC) Chapter citation(s)	24 VAC 30-490
VAC Chapter title(s)	Roads in the Grounds of State Institutions
Date this document prepared	9/1/2020

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

Acronyms and Definitions

Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.

CTB means the Commonwealth Transportation Board.
VDOT means the Virginia Department of Transportation.

Legal Basis

Identify (1) the promulgating agency, 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 agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

Section 33.2-313 of the *Code of Virginia* states that the Commissioner of Highways may, when requested by the governing body of a state institution, assume the maintenance of any highway within the grounds

of such state institution that has been established and constructed by such institution to standards acceptable to the Commissioner of Highways. The Office of the Attorney General has previously determined that this regulation is exempt from the Administrative Process Act under *Code of Virginia* § 2.2-4002 B3.

Alternatives to Regulation

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.

The CTB adopted a policy in 1956 which specified several standards that VDOT should consider before accepting roads on the grounds of state institutions into the primary state highway system. The CTB has the authority to set policy for VDOT pursuant to § 33.2-215 of the *Code of Virginia*. Consistent with that policy, the Commissioner of Highways issued a Departmental Memorandum which instructs VDOT staff to ensure that those standards are met prior to accepting roads on the grounds of state institutions into the primary state highway system. The current regulation consists of that internal Departmental Memorandum filed by description. VDOT believes that the purpose of the regulation can be met by the CTB Policy and Departmental Memorandum, therefore VDOT recommends repeal of this regulation.

Public Comment

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

No comment was received during the public comment period.

Commenter	Comment	Agency response

Effectiveness

Pursuant to § 2.2-4017 of the Code of Virginia, 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.

This regulation consists of internal VDOT documents, specifically a Department Memorandum and a CTB Policy regarding roads in the grounds of state institutions. These internal documents, facilitate VDOT’s ability to fulfill its mission, which is clearly related to public safety and welfare, however VDOT does not believe that these documents should continue to be a regulation, as no regulation is statutorily required and the purpose of the regulation can be met by the CTB Policy and Departmental Memorandum.

Decision

Explain the basis for the promulgating agency’s decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

The regulation is not required by federal law or regulations or by state law. The regulation is also duplicative of internal VDOT documents designed to carry out the CTB policy on the standards for roads in the grounds of state institutions to be accepted into the primary state highway system. VDOT believes that the purpose of the regulation can be met by the CTB Policy and Departmental Memorandum, therefore VDOT recommends repeal of this regulation.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (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 applicable law, will minimize the economic impact of regulations on small businesses.

There is no continued need for this regulation. VDOT has received no complaints concerning the regulation. The regulation is not complex, and does not conflict with state or federal law. The regulation was last reviewed in 2001. Repealing this regulation does not impact small businesses, as the CTB policy and internal VDOT Department Memorandum regarding roads in the grounds of state institutions will remain in place at VDOT.
