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Exempt Action: Final Regulation Agency Background Document

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
Action title	Repeal Regulation
Final agency action date	
Date this document prepared	September 4, 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.

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 Commonwealth Transportation Board (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. 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.

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 this regulation was conducted by VDOT and is the basis for the determination that this regulation should be repealed.

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.

On MONTH, DATE, 2020, the Commissioner of Highways approved the repeal of 24 VAC 30-490, Roads in the Grounds of State Institutions, on behalf of the Virginia Department of Transportation.