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## Periodic Review and Small Business Impact Review Report of Findings

<b>Agency name</b>	Commonwealth Transportation Board
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	24 VAC30-315
<b>VAC Chapter title(s)</b>	Standards for Use of Traffic Control Devices to Classify, Designate, Regulate, and Mark State Highways
<b>Date this document prepared</b>	September 20, 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.*

CFR means the Code of Federal Regulations.  
CTB means the Commonwealth Transportation Board.  
MUTCD means the Manual on Uniform Traffic Control Devices.  
U.S.C. mean the United States Code.

### 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 46.2-830 of the Code of Virginia authorizes the Commissioner of Highways to classify, designate, and mark state highways and provide a uniform system of traffic control devices for such highways under the jurisdiction of the Commonwealth. It further states that such system of traffic control devices shall correlate with and, so far as possible, conform to the system adopted in other states. Federal regulation, particularly 23 CFR 655.603, requires that “The MUTCD approved by the Federal Highway Administrator is the national standard for all traffic control devices installed on any street, highway, or bicycle trail open to public travel in accordance with 23 U.S.C. 109(d) and 402(a).” The same federal regulation further states that “[w]here State or other Federal agency MUTCDs or supplements are required, they shall be in substantial conformance with the National MUTCD.” Further, 23 CFR 655.603(b)(2) provides that “States and other Federal agencies are encouraged to adopt the National MUTCD in its entirety as their official Manual on Uniform Traffic Control Devices.”

The CTB is authorized generally to make regulations for the protection of and covering traffic on and for the use of systems of state highways pursuant to § 33.2-210 of the Code of Virginia. According to prior guidance from the Office of the Attorney General, this regulation is exempt from the provisions of the Administrative Process Act pursuant to § 2.2-4002(B)(3) and (11) of the Code of Virginia.

**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.*

No viable alternatives for achieving the purpose of this regulation were identified or considered as part of the periodic review.

**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.*

The Standards for Use of Traffic Control Devices to Classify, Designate, Regulate, and Mark State Highways is necessary for the protection of public health, safety and welfare. Uniform standards for traffic control devices (signs, roadway markings, traffic signals, work zone devices, and highway/rail grade

crossing devices) promote safe, orderly, and efficient use of the highways for all road users. The regulation is clearly written and easily understandable.

### 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).*

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The Commonwealth Transportation Board recommends retaining the regulation as is. The regulation is required by federal law and promotes the health, safety and welfare of the travelling public.

### 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.*

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The Standards for Use of Traffic Control Devices to Classify, Designate, Regulate, and Mark State Highways remains needed. The CTB has received no complaints concerning the regulation, and although long and detailed, the regulation is not complex. The regulation adopts federal standards as required by federal law, and does not conflict with that federal law. The regulation was adopted in 2012 pursuant to a CTB Resolution dated December 7, 2011, and has not been amended since.