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Exempt Action: Final Regulation Agency Background Document

Agency name	Commonwealth Transportation Board
Virginia Administrative Code (VAC) Chapter citation(s)	24 VAC30-420
VAC Chapter title(s)	Operation and Maintenance of Roads in Incorporated Towns Less Than 3,500
Action title	Repeal
Final agency action date	
Date this document prepared	

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 33.2-339 of the *Code of Virginia* states that the “Commissioner of Highways may, subject to the approval of the [CTB], upon request of the governing bodies of towns with a population of less than 3,500, according to the last United States census, select certain streets and highways in such towns for maintenance, improvement, construction, and reconstruction from allocations available from secondary highway funds not to exceed two miles of streets or highways in such towns included in the secondary state highway system.”

Section 33.2-340 of the *Code of Virginia* states that “[i]f no request is made to the [CTB] by the governing body of any town as provided in § 33.2-339, the Commissioner of Highways, subject

to the approval of the [CTB], may maintain, improve, construct, and reconstruct all streets in such town that” meet certain specified criteria.

This regulation specifies the CTB’s policy on approving requests for maintenance of roads under §§ 33.2-339 and 33.2-340. The regulation guides the CTB in its future decisions on funding of maintenance of highways in towns. The purpose for which this regulation has been adopted may be accomplished through a similar guidance document or CTB Policy. Therefore, the CTB is recommending the regulation be repealed.

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.”

The CTB completed a periodic review of this regulation in July, 2021, and based on the results of that review, recommends repeal of the regulation.

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 CTB voted on *****, 2021 to repeal 24 VAC 30-420, Operation and Maintenance of Roads in Incorporated Towns Less Than 3500.