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Periodic Review Report of Findings

Agency name	Commonwealth Transportation Board
Virginia Administrative Code (VAC) citation	24VAC30-610-10
Regulation title	List of Differentiated Speed Limits
Date this document prepared	06/28/2019

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 24VAC30-610-10 or are used in this report. 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 46.2-870 and §§46.2-873 through 46.2-875 of the *Code of Virginia* specify statutory speed limits on various highways. Section 46.2-878 of the *Code of Virginia* authorizes the Commissioner of Highways

to increase or decrease the speed limits on the highways under his jurisdiction from those statutorily prescribed limits based on a traffic engineering study. Section 46.2-878 further requires that for those increased or decreased speed limits to be effective, the Commissioner of Highways must post the new speed limit on appropriate signs and is required to maintain a list of all speed limits increased or decreased in accordance with that section in the Central Office of the Virginia Department of Transportation.

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.

Section 46.2-878 requires the Commissioner of Highways to maintain a list of differentiated speed limits on file.

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 public comments were received during the comment period following the publication of the Notice of Periodic Review.

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.

24 VAC 30-610-10 is duplicative of the requirement that the Commissioner of Highways maintain a list of differentiated speed limits on file found in §46.2-878, therefore this regulation is not necessary for the protection of public health, safety, and welfare.

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 is duplicative of the requirement in §46.2-878. Further, neither a list of the locations of differentiated speed limits nor a statement that such a list is on file at a specific address appears 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...”.

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.