



## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	Virginia Dept. of Transportation (Commonwealth Transportation Board)
<b>Virginia Administrative Code (VAC) citation</b>	24 VAC 30-360
<b>Regulation title</b>	<i>Notice of Reduction of Weight Limits (Posted Structures Report M-50)</i>
<b>Action title</b>	Repeal regulation due to availability of reduced weight limits on the VDOT website
<b>Final agency action date</b>	April 26, 2010
<b>Document preparation date</b>	March 30, 2010

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 36 (06) and 58 (99).

### Summary

*Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

*Notice of Reduction of Weight Limits (Posted Structures Report M-50)* is authorized pursuant to a specific grant of authority, § 46.2-1104 of the *Code of Virginia*. Section 46.2-1104 authorizes the Commonwealth Transportation Commissioner to “prescribe the weight, width, height, length, or speed of any vehicle or combination of vehicles passing over any highway or section of highway or bridge constituting a part of the interstate, primary, or secondary system of highways.” It further authorizes the Commissioner to limit these dimensions beyond what is prescribed by statute subject to the findings of an engineering study. Any such reduction of limits is required to be kept on file at the Virginia Department of Transportation. This file constitutes the Posted Structures Report.

Technology has made it advisable to pursue repealing the regulatory entry for this report. The Posted Structures Report is available in VDOT’s Highway Traffic Records Information System (HTRIS) and can be updated and produced at any time. To provide public access to the report, a posted structures list file can be downloaded directly from the Dashboard on VDOT’s website. The Dashboard information is updated nightly and provides essentially the same information as the Posted Structures Report.

In 2008, the Office of the Attorney General (OAG) established a Government and Regulatory Reform Task Force. The Task Force reviewed governmental rules and regulations and made recommendations to increase efficiencies, reduce bureaucracy and mitigate adverse impacts on Virginia businesses and individuals. Among these recommendations was a list of VDOT regulations the Task Force believed could be consolidated or eliminated. One of these was the *List of Differentiated Speed Limits (24 VAC 30-610)*. The OAG Task Force report found that these speed limits are changed pursuant to a specific grant of statutory authority, and determined that this regulation appeared to be unnecessary. Although repeal of the Posted Structures Report was not included in the Task Force's recommendations, the same conditions apply, prompting VDOT to repeal this regulation.

VDOT's statutory authority for repealing this regulation is § 46.2-1104 of the *Code of Virginia*. The Office of the Attorney General has certified that this action is exempt from the requirements of the Administrative Process Act (§ 2.2-4000 et seq. of the *Code of Virginia*) pursuant to § 2.2-4002 B 11.

**Statement of final agency action**

*Please 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.*

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On April 26, 2010, the Commonwealth Transportation Commissioner or his designee repealed *Notice of Reduction of Weight Limits (Posted Structures Report M-50) (24 VAC 30-360)*.

**Family impact**

*Assess the impact of this regulatory action on the institution of the family and family stability.*

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The repeal of this regulation will have no impact on the family or family stability.