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Exempt Action: Final Regulation Agency Background Document

Agency name	Commonwealth Transportation Board
Virginia Administrative Code (VAC) Chapter citation(s)	24 VAC30-570
VAC Chapter title(s)	Procedures for Inclusion of Routes into the Non-Interstate Qualifying Network and Virginia Access Systems (Filed by Description with the Registrar of Regulations)
Action title	Repeal
Final agency action date	06/17/2020
Date this document prepared	04/29/2020

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.

The Surface Transportation Assistance Act (STAA) (Public Law 97-424), which was originally enacted in 1982, established different networks of highways for access by over-dimensional vehicles. Each state is required by 23 CFR 658.19 to have its access provisions approved by the Federal Highway Administration. However, the federal regulation does not specify that the access provisions need to be in the form of a state law or regulation.

Sections 46.2-1109, 46.2-1112, 46.2-1114, 46.2-1114.1, 46.2-1116, 46.2-1117, and 46.2-1151.1 of the Code of Virginia authorize the CTB to designate highways on which over-dimensional vehicles may travel and authorize the Commissioner of Highways to designate highways for reasonable access to terminals, facilities for food, fuel, repairs and rest for those over-dimensional vehicles.

The existing regulation merely incorporates by reference the procedures for requesting the inclusion of routes in the network of highways for use by over-dimensional vehicles as designated by either the CTB or the Commissioner of Highways. The procedures impose no legal burden on the public, and can be maintained as a guidance document or internal policy after the regulation is 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 on June 17, 2020, and determined that the regulation was not required by law nor necessary to carry out the purpose of providing guidance for the requests and consideration of routes to be included in the networks designated by the CTB and the Commissioner of Highways.

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 completed a periodic review on June 17, 2020, and determined that the regulation, 24 VAC 30-570, Procedures for Inclusion of Routes into the Non-Interstate Qualifying Network and Virginia Access Systems, was not required by law nor necessary to carry out the purpose of providing guidance for the requests and consideration of routes to be included in the networks designated by the CTB and the Commissioner of Highways. Therefore, the CTB voted to authorize the repeal of the regulation.