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Exempt Action: Final Regulation Agency Background Document

Agency name	Commonwealth Transportation Board
Virginia Administrative Code (VAC) Chapter citation(s)	24 VAC30-451
VAC Chapter title(s)	Airport Access Fund Policy
Action title	Repeal
Final agency action date	December 8, 2021
Date this document prepared	December 9, 2021

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 Commonwealth Transportation Board has “the power and duty to make regulations that are not in conflict with the laws of the Commonwealth for the protection of and covering traffic on and for the use of systems of state highways” pursuant to § 33.2-210. Section 33.2-1509 authorizes the CTB to use certain funds “for constructing, reconstructing, maintaining, or improving access roads within localities to ... licensed, public-use airports.”

The CTB has adopted a policy for the Airport Access Program and VDOT has developed a guide consistent with that policy which provides additional details for the program. The Airport Access Program Guide can be posted as a guidance document on Townhall, and provide sufficient guidance without the need for a separate regulation. Because the enabling legislation does not specifically require regulation, the guidance document is a viable alternative option.

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."

Based on the results of its periodic review, the CTB voted on December 8, 2021, to repeal 24VAC30-451, Airport Access Fund Policy. The CTB has adopted a policy for the Airport Access Program and VDOT has developed a guide consistent with that policy which provides additional details for the program. The Airport Access Program Guide can be posted as a guidance document on Townhall, and provide sufficient guidance without the need for a separate regulation. Because the enabling legislation does not specifically require regulation, the guidance document is a viable alternative option.

The funding decisions that the CTB makes for the Airport Access Fund Program will continue to follow the same criteria and process, using the existing statutory requirements, CTB policy and VDOT guide.

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.

Based on the results of its periodic review, the CTB voted on December 8, 2021, to repeal 24VAC30-451, Airport Access Fund Policy.