

PERIODIC REGULATORY REVIEW

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Periodic Regulatory Review—APA Requirement

- **The Administrative Process Act requires any agency that adopts regulations to periodically review those regulations, including consideration of:**
 - 1) the extent to which regulations remain supported by statutory authority/do not duplicate/overlap/conflict with state or federal law;**
 - 2) the nature of complaints/comments received from the public;**
 - 3) whether the regulations are necessary for the protection of public health, safety and welfare;**
 - 4) whether the regulations are clearly written and easily understandable;**
 - 5) whether the regulations' economic impacts on small businesses and families are minimized as much as possible; and**
 - 6) the length of time since the regulation has been evaluated.**

See § 2.2-4007.1 and § 2.2-4017 of the *Code of Virginia*

Periodic Regulatory Review Process Authorities

- ❑ **The Governor's Executive Order 14:**
 - specifies the process for conducting the periodic review
 - requires that the review be performed on all regulations at least once every four years.

- ❑ **Chapter 444 of the 2018 Acts of Assembly**
 - requires the Department of Planning and Budget (DPB) to track and report to the General Assembly annually which agencies are complying with the periodic review requirements.

Periodic Regulatory Review Process

- ❑ The agency posts a notice to the public on Virginia Town Hall that it is beginning a periodic review of one or more of its regulations
- ❑ The notice is published in the next edition of the Virginia Register of Regulations
- ❑ The agency collects public comment on the regulations
- ❑ Within 120 days of the end of the public comment period, the agency must report on its review, indicating one of the following:
 - That the regulation will be retained “as is”;
 - That the regulation will be amended; or
 - That the regulation will be repealed.

Summary of Periodic Regulatory Review for CTB Regulations

☐ **Thirty-three** Chapters to be reviewed over three years, beginning 7/30/19:

☐ **Review Schedule:**

- 7 Chapters due 7/30/19
- 7 Chapters due 12/31/2019
- 3 (previously 6) Chapters due 6/30/2020
- 5 (previously 6) Chapters due 12/31/2020
- 8 (previously 7) Chapters due 6/30/2021
- 3 (previously 5) Chapters due 12/31/2021

☐ **Process for each review period**

- **Workshop presentation describing regulation and proposed action for each regulation (retain, repeal, or amend)**
- **Resolution approving action and authorizing Commissioner to take all action necessary to implement approved action**

Periodic Regulatory Review

Three CTB Regulations to be Reviewed by December 31, 2021

<u>Chapter Number</u>	<u>Title</u>
24 VAC 30-120	Rules and Regulations Controlling Outdoor Advertising and Directional and Other Signs and Notices
24 VAC 30-451	Airport Access Fund Policy
24 VAC 30-551	Integrated Directional Signing Program (IDSP) Participation Criteria

Periodic Regulatory Review

Rules and Regulations Controlling Outdoor Advertising and Directional and Other Signs and Notices (24 VAC 30-120)

- ❑ The CTB has authority to make regulations “with respect to the regulation and control of signs, advertisements and advertising structures” in § 33.2-1200 and § 33.2-1220.
 - ❑ Consistent with requirements of federal law and regulation relating to highway beautification and outdoor advertising.
 - ❑ Address key issues for advertisements, directional and other official signs such as size, spacing, lighting and administration of the regulations by the Commissioner of Highways.
- Originally adopted by the CTB in 1995. Amended in 2004.
 - Necessary for the protection of the public; written to be understandable; no negative impact on small businesses.
 - No Public Comments received
 - Recommendation: Retain As Is.

Periodic Regulatory Review Airport Access Fund Policy (24 VAC 30-451)

- ❑ Per § 33.2-1509 , the CTB is authorized to allocate and expend funds to construct, reconstruct, maintain, or improve access roads to licensed, public-use airports.
- ❑ CTB adopted Airport Access Fund Policy and the Airport Access Program Guide is listed as a guidance document on Townhall
- Adopted as regulation in 1996. Last amended in 2012.
- Policy necessary for the protection of the public; written to be understandable; no negative impact on small businesses.
- No Public Comments received
- Recommendation: Repeal, retaining policy and Program Guide as a guidance document.

Periodic Regulatory Review

Integrated Directional Signing Program (IDSP) Participation Criteria (24 VAC 30-551)

- ❑ **The CTB has authority to make regulations with respect to the regulation and control of signs in § 33.2-1220. The CTB has authority to set fees for IDSP program participants pursuant to § 33.2-218.**
 - ❑ **Facilitates motorist awareness and accessibility to historical, cultural, or commercial attractions.**
 - ❑ **Addresses LOGO, TODS, Supplemental Guide signs, and General Motorist Services signs, but not advertisements.**
- **Adopted as regulation in 2006. Has not been amended, nor has it been subject to a periodic review.**
 - **Necessary for the protection of the public; written to be understandable; no negative impact on small businesses.**
 - **No Public Comments received**
 - **Recommendation: Retain as is.**

Periodic Regulatory Review—Next Steps

- ❑ **CTB will be presented with a resolution in December to approve recommended actions for the three CTB regulations reviewed this review period.**
- ❑ **VDOT will post results on Town Hall**
- ❑ **In the ensuing months and years, CTB will be presented with results of scheduled reviews and requests to approve recommended actions.**

