



PERIODIC REGULATORY REVIEW

Commonwealth Transportation Board

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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:

- **the extent to which regulations remain supported by statutory authority/do not duplicate/overlap/conflict with state or federal law;**
- **the nature of complaints/comments received from the public;**
- **whether the regulations are necessary for the protection of public health, safety and welfare;**
- **whether the regulations are clearly written and easily understandable;**
- **whether the regulations' economic impacts on small businesses and families are minimized as much as possible; and**
- **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

Executive Order 19 – Issued June 30, 2022

- **Creates new Office of Regulatory Management (ORM) to, among other things, work with each regulatory agency to review all existing regulations, required once every four years, to reduce the overall regulatory burden on the public.**

New ORM Procedures

- **Outline the periodic review requirements, including a new economic analysis comprised of a benefit-cost analysis, consideration of local government impact and economic impacts on families and small businesses, and the count of regulatory requirements embedded in the regulation.**

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

- **An agency may initiate a periodic regulatory review by posting a Notice of periodic review action on Town Hall.**
- **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 - **That the regulation will be repealed.**

Virginia Regulatory Town Hall – Notifications

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What is this site?

A source of information about proposed changes to Virginia's regulations, including a meetings calendar and board minutes. This site also facilitates public participation through online comment forums and an email notification service.

Public comment forums

- [53 open comment forums](#), [9 of which have some comments](#), [51 opened in the last 21 days](#)
- [33 comment forums closed within the last 21 days](#), [10 of which have some comments](#)

Recent Activity

- [2 regulatory changes published in the most recent Virginia Register \(7/31/2023\)](#)
- [13 regulatory changes scheduled to be published in future issues of the Virginia Register](#)
- [10 board meetings scheduled for today](#)
- [Regulatory changes became effective in the last 90 days](#)
- [Regulatory stages approved by the Governor in the last 90 days](#)
- [Periodic reviews of regulations in progress](#)
- [Proposed and final stages under way](#)

Email notification service

[Register as a public user](#) - Receive emails when regulatory actions or meetings are posted for the agencies, boards, or regulations you select!

Regulatory Review Resources

- [Regulatory Reform Pilot Program](#) Updated September 2, 2021
- [Governor Youngkin's Executive Order 19 Development and Review of State Regulations](#)

Town Hall provides the public the opportunity to sign up to receive notifications of CTB periodic regulatory reviews, regulatory actions, and public meetings.

Summary of Periodic Review for CTB Regulations

- **Eighteen** Chapters to be reviewed in four-year timeframe.
- **Review Schedule:**
 - **6** Chapters were reviewed in 2022
 - **5** Chapters due 12/15/2023
 - **5** Chapters due 12/20/2024
 - **2** Chapters due 12/19/2025
- **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

Five CTB regulations to be reviewed by 12/15/2023.

Chapter Number	Title
24VAC30-151*	Land Use Permit Regulations
24VAC30-200*	Vegetation Control Regulations on State Right-of-Way
24VAC30-401	Change of Limited Access Control
24VAC30-580	Guidelines for Considering Requests for Restricting Through Trucks on Primary and Secondary Highways
24VAC30-620	Rules, Regulations and Rates Concerning Toll and Bridge Facilities

*** Due to the anticipated need for amendments to 24VAC30-151 and 24VAC30-200, the CTB approved Notices of Intended Regulatory Action (NOIRAs) for these regulations in June. The NOIRAs initiated the periodic reviews for these two regulations, which will be addressed in separate presentations.**

Periodic Regulatory Review

Change of Limited Access Control (24VAC30-401)

- The CTB is authorized to regulate use of limited access highways under § 33.2-401 of the *Code of Virginia* and several other state/federal statutory authorities.
- Specifies the conditions and procedures for requesting a change in limited access (typically, shifting, moving, or breaking) for a limited access highway.
- The CTB initially approved a policy in 1990, which was filed as a regulation in 1993. Last substantive amendments became effective in 2006.
- Last periodic review in 2019.
- Protects the public by regulating limited access control changes and thereby reducing the number of interactions with vehicles entering or exiting the highway; written to be understandable; no negative impact on local partners/families/small businesses.
- No public comments received.
- Recommendation: Retain as is.

Periodic Regulatory Review

Guidelines for Considering Requests for Restricting Through Trucks on Primary and Secondary Highways (24VAC30-580)

- Section 46.2-809 of the *Code of Virginia* provides that the CTB may prohibit or restrict through truck traffic on a primary or secondary highway in response to a formal request by a local governing body and after due notice and a proper hearing.
- The CTB is authorized to promulgate regulations for the protection of and covering traffic on and for the use of systems of state highways pursuant to § 33.2-210.
- Sets forth limited instances when restricting through trucks from using a segment of a primary/secondary roadway will reduce potential conflicts, create a safer environment and one in accord with the current use of the roadway.
- Restrictions can apply to any truck, truck and trailer or semitrailer combination, or any combination of those classifications.
- Originally adopted by the CTB in 2003. Last substantive amendments became effective in 2020 as a result of the last periodic review in 2019.
- Protects public by allowing for the restriction of trucks from using a segment of highway where they pose a safety risk or are incompatible with the character of the roadway environment; written to be understandable; no negative impact on local partners/families/small businesses.
- No public comments received.
- Recommendation: Retain as is.

Periodic Regulatory Review

Rules, Regulations, and Rates Concerning Toll and Bridge Facilities (24 VAC 30-620)

- Sections 33.2-604, 33.2-613 and 33.2-1701 of the *Code of Virginia* provide that toll rates may be charged as set by law or as fixed by the CTB and specify when tolls may not be charged.
- The CTB is authorized to promulgate regulations for the protection of and covering traffic on and for the use of systems of state highways pursuant to § 33.2-210.
- Specify the rates for use of non-P3, VDOT-owned toll facilities and the authority and procedures for suspension of toll collection on those facilities.
- Originally adopted in 1995. Last substantive amendments became effective in 2021 as a result of the last periodic review in 2020.
- Protects public by establishing tolls and providing for the suspension of tolls during emergencies or other events where it is in the public interest to allow for free, efficient movement of vehicles through non-P3, VDOT-owned toll facilities; written to be understandable; no negative impact on local partners/families/small businesses.
- No public comments received
- Recommendation: Retain as is

Periodic Regulatory Review – Next Steps

- **The CTB will be presented with a resolution in the upcoming months to approve recommended actions for the three CTB regulations discussed.**
- **VDOT will post the results on Town Hall.**
- **In the ensuing years, the CTB will be presented with results of scheduled reviews and requests to approve recommended actions.**



Virginia Department of Transportation



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Periodic Review and Small Business Impact Review Report of Findings

Agency name	Commonwealth Transportation Board
Virginia Administrative Code (VAC) Chapter citation(s)	24VAC30-401
VAC Chapter title(s)	Change of Limited Access Control
Date this document prepared	[REDACTED], 2023

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Acronyms and Definitions

Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.

"CTB" means the Commonwealth Transportation Board.
"VDOT" means the Virginia Department of Transportation.

Legal Basis

Identify (1) the promulgating agency, 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 agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

The regulation was promulgated by the CTB based on several federal and state statutory authorities, including those found in 23 USC 109 and 23 USC 111 and Sections 33.2-210 and 33.2-401 of the Code of Virginia.

Alternatives to Regulation

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.

This regulation specifies the procedures by which the CTB and VDOT will change/adjust the limited access boundaries of limited access highways under certain circumstances. Many of these procedures are required by current federal and state laws and regulations regarding changes of limited access control on all limited access control roadways using state and federal funds. As such, the CTB believes the present version of the regulation is the least burdensome alternative.

Public Comment

Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency’s response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

Commenter	Comment	Agency response

Effectiveness

Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in the ORM procedures, including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

The regulation is necessary for the protection of public health, safety, and welfare. Limited access highways can provide greater vehicle capacity and improved safety over non-limited access highways by reducing the number of interactions with vehicles entering or exiting the highway and by prohibiting pedestrians and other non-motorized traffic from the highway. This regulation specifies the procedures by which the CTB and VDOT will change/adjust the limited access boundaries of such highways under certain circumstances. Adjustments take into consideration factors such as impact on traffic, changes in abutting land use, environmental impacts and whether there is support from the locality and thus are effective in furthering safety and the purposes of limited access control. The CTB believes that the regulation is clearly written and easily understandable.

Decision

Explain the basis for the promulgating agency’s decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

If the result of the periodic review is to retain the regulation as is, complete the ORM Economic Impact form.

The CTB is proposing to retain this regulation without making any changes. The regulation continues to promote the health, safety and welfare of the citizens of the Commonwealth without creating an undue hardship on any of the users of the transportation system.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (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 applicable law, will minimize the economic impact of regulations on small businesses.

There is continued need for the regulation for purposes of complying with state and federal laws and regulations regarding changes of limited access control on all limited access control roadways. No complaints have been received. The regulation is not overly complex, nor does it duplicate or conflict with federal or state laws. The regulation was last amended in 2014 and the last periodic review of this regulation was conducted in 2019. The regulation does not negatively impact small businesses.



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Periodic Review and Small Business Impact Review Report of Findings

Agency name	Commonwealth Transportation Board
Virginia Administrative Code (VAC) Chapter citation(s)	24VAC30-580
VAC Chapter title(s)	Guidelines for Considering Requests for Restricting Through Trucks on Primary and Secondary Highways
Date this document prepared	[REDACTED], 2023

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Acronyms and Definitions

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"CTB" means the Commonwealth Transportation Board.
"VDOT" means the Virginia Department of Transportation.

Legal Basis

Identify (1) the promulgating agency, 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 agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

Section 46.2-809 of the Code of Virginia provides that the CTB, in response to a formal request by a local governing body may, after due notice and a proper hearing, prohibit or restrict through truck traffic on a primary or secondary highway. More generally, § 33.2-210 of the Code of Virginia authorizes the CTB 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.

Alternatives to Regulation

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.

This regulation specifies the criteria and procedures by which a prohibition or restriction on through truck traffic may be established as provided under § 46.2-809. Section 46.2-809 authorizes the CTB to delegate this authority to a designee, which it has done in this regulation by delegating the authority to impose such through truck restrictions to the Commissioner of Highways on secondary highways after consideration of certain criteria. The CTB retains this authority on primary highways. In order to streamline the process, in 2020, the CTB amended the regulation to allow VDOT District Administrators/Engineers to deny requests without presenting those requests to the Commissioner of Highways or CTB, respectively, only where the request clearly and objectively does not meet the required criteria. Additionally, the regulation outlines the requirements for reasonable alternate routing to be provided. As such, the CTB believes the present version of the regulation is the least burdensome alternative.

Public Comment

Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency’s response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

Commenter	Comment	Agency response

Effectiveness

Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in the ORM procedures, including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

The regulation provides for the restriction of trucks from using a segment of highway where they pose a safety risk or are incompatible with the character of the roadway environment. The regulation continues to be necessary for the protection of public health, safety, and welfare. The regulation is clearly written and easily understandable.

Decision

Explain the basis for the promulgating agency's decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

If the result of the periodic review is to retain the regulation as is, complete the ORM Economic Impact form.

The CTB is proposing to retain this regulation without making any changes. The regulation continues to promote the health, safety and welfare of the citizens of the Commonwealth without creating an undue hardship on any of the users of the transportation system.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (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 applicable law, will minimize the economic impact of regulations on small businesses.

There is continued need for the regulation because it provides for the protection of public health, safety, and welfare. No complaints have been received. The regulation is not overly complex, nor does it duplicate or conflict with federal or state laws. The regulation was adopted in 2003 and was amended in 2020 as a result of the last periodic review conducted. Trucking companies which are small businesses could be affected by the process provided by this regulation through the additional time and fuel necessary for a truck to drive an alternative route. Other small businesses which rely on trucks to transport and deliver goods could also be impacted if delivery times are delayed or if shipping costs increase due to the rerouting. However, the regulation requires that the termini of the proposed restriction be identical to the alternate routing to allow a time and distance comparison to be conducted, and that the alternate routing not create an undue hardship for trucks in reaching their destination. These requirements ensure that the potential economic impacts to small businesses from any restriction imposed under the regulation are considered and minimized.



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Periodic Review and Small Business Impact Review Report of Findings

Agency name	Commonwealth Transportation Board
Virginia Administrative Code (VAC) Chapter citation(s)	24VAC30-620
VAC Chapter title(s)	Rules, Regulations and Rates Concerning Toll and Bridge Facilities
Date this document prepared	[REDACTED], 2023

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Acronyms and Definitions

Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.

"CTB" means the Commonwealth Transportation Board.
"P3" means facilities built pursuant to the Public Private Transportation Act.
"VDOT" means the Virginia Department of Transportation.

Legal Basis

Identify (1) the promulgating agency, 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 agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

This regulation was promulgated by the CTB pursuant to several state statutory authorities found in the Code of Virginia, including that found in § 33.2-210 regarding the CTB’s general authority to adopt regulations governing the use of highways, as well as those authorities found in §§ 33.2-604, 33.2-613 and 33.2-1701 which provide that toll rates may be charged as set by law or as fixed by the CTB and which specify when tolls may not be charged.

Alternatives to Regulation

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.

The CTB is the legal entity assigned with making policy for transportation matters in the Commonwealth and is charged with fixing toll rates. The regulation establishes the rules for collecting tolls on non-P3, VDOT-owned toll facilities and the procedures for the suspension of toll collection during emergencies, which are designed for quick and appropriate action. As such, these are the least burdensome means to regulate policy and toll rates for toll roads established and operated by the Commonwealth of Virginia.

Public Comment

Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency’s response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

Commenter	Comment	Agency response

Effectiveness

Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in the ORM procedures, including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

The regulation is necessary for the protection of the public health, safety, and welfare because it ensures that toll rates charged at VDOT toll facilities are fixed by a process that allows for public input, and that toll collection may be suspended during emergencies or other events where it is in the public interest to allow for free, efficient movement of vehicles through toll facilities. The regulation is clearly written and easily understandable.

Decision

Explain the basis for the promulgating agency’s decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

If the result of the periodic review is to retain the regulation as is, complete the ORM Economic Impact form.

The CTB is proposing to retain this regulation without making any changes. The regulation continues to promote the health, safety and welfare of the citizens of the Commonwealth without creating an undue hardship on any of the users of the transportation system.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (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 applicable law, will minimize the economic impact of regulations on small businesses.

There is continued need for this regulation to ensure public input can be provided during the process of fixing toll rates and to establish the process by which toll collection may be suspended during emergencies or other events where it is in the public interest to allow for free, efficient movement of vehicles through toll facilities. No complaints have been received. The regulation is not overly complex, nor does it duplicate or conflict with federal or state laws. The regulation was amended in 2021 as a result of the last periodic review in 2020. The regulation does not negatively impact small businesses.
