



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.**

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 - That the regulation will be repealed.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-eight Chapters to be reviewed over next three years**

- ❑ **Review Schedule:**
 - 7 Chapters due 7/30/19
 - 7 Chapters due 12/31/2019
 - 6 Chapters due 6/30/2020
 - 6 Chapters due 12/31/2020
 - 7 Chapters due 6/30/2021
 - 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**

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CTB Regulations to be Reviewed by June 30, 2019

<u>Chapter Number</u>	<u>Title</u>
24 VAC 30-11	Public Participation Guidelines
24 VAC 30-91	Subdivision Street Requirements
24 VAC 30-92	Secondary Street Acceptance Requirements
24 VAC 30-160	Rules and Regulations to Comply with the Setoff Debt Collection Act
24 VAC 30-325	Urban Maintenance and Construction Policy
24 VAC 30-380	Public Hearings for Location and Design of Highway Construction Projects
24 VAC 30-610	List of Differentiated Speed Limits

Periodic Regulatory Review Public Participation Guidelines (24 VAC 30-11)

- ❑ **Promote public involvement in the development, amendment or repeal of the regulations of the Commonwealth Transportation Board, the Commissioner of Highways, or the Virginia Department of Transportation.**

- **Virginia's Model Public Participation Guidelines were amended in 2016**
- **CTB's Public Participation Guidelines were last amended in 2011**
- **No Public Comments received**
- **Recommendation: Amend for consistency with 2016 model guidelines.**

Periodic Regulatory Review Subdivision Street Requirements (24 VAC 30-91)

- ❑ **Governs subdivision street development and the criteria for acceptance of these streets by VDOT for subsequent maintenance.**
- ❑ **Offers guidance on the design and construction features of subdivision street development and sets out design parameters deemed appropriate for most land development scenarios.**
- **Necessary for the protection of the public; written to be understandable; no negative impact on small businesses.**
- **Subdivision Street Requirements were last amended in 2014**
- **No Public Comments received**
- **Recommendation: Retain as is.**

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Secondary Street Acceptance Requirements (24 VAC 30-92)

- ❑ **Governs secondary street development and the criteria for acceptance of these streets by VDOT for subsequent maintenance.**
 - **Necessary for the protection of the public; written to be understandable; no negative impact on small businesses.**
- ❑ **Offers guidance on the design and construction features of secondary street development and sets out design parameters deemed appropriate for most land development scenarios.**
 - **Secondary Street Acceptance Requirements were last amended in 2014**
 - **No Public Comments received**
 - **Recommendation: Retain as is.**

Periodic Regulatory Review Set-Off Debt Collection Act Rules/Regulations (24 VAC 30-160)

- **Section 58.1-526 requires agencies that wish to use the Setoff Debt Collection Act to collect delinquent debts to which they are owed to establish internal procedures to determine whether a claim is valid.**
- **VDOT has determined that the adopted regulations are duplicative of the statutory authority and unnecessary.**
- **The Rules and Regulations to Comply with the Setoff Debt Collection Act were adopted in 1984 and have never been amended.**
- **No Public Comments received**
- **Recommendation: Repeal.**

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Urban Maintenance and Construction Policy

(24 VAC 30-325)

- ❑ Section 33.2-319 of the *Code of Virginia* authorizes payments for maintenance, construction, or reconstruction of highways to all cities and towns eligible for funds under this section.
 - ❑ Such payments, however, shall only be made if those highways functionally classified as principal and minor arterial roads are maintained to a standard satisfactory to VDOT.
 - ❑ These regulations set the standards necessary for funding eligibility.
- Necessary for the protection of the public; written to be understandable; no negative impact on small businesses.
 - Urban Maintenance and Construction Policy Regulations were last amended in 2014.
 - No Public Comments received
 - Recommendation: Retain as is.

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Public Hearings for Location and Design (24 VAC 30-380)

- Promote public involvement in the development of highway construction projects.
- Necessary for the protection of the public; written to be understandable; no negative impact on small businesses.
- Public Hearings for Location and Design of Highway Construction Projects Regulations were last amended in 2014.
- No Public Comments received
- Recommendation: Retain as is.

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List of Differentiated Speed Limits (24 VAC 30-610)

- ❑ Section 46.2-878 of *Code of Virginia* authorizes Commissioner of Highways to increase or decrease statutorily set speed limits at specific locations based on a traffic engineering study
- ❑ List of those increased or decreased speed limits must be maintained at VDOT Central Office.
- Regulation is duplicative of statutory language and notes only where list is maintained—which could be addressed by other means.
- Regulation is not necessary for protection of public
- No Public Comments received
- Recommendation: Repeal

Periodic Regulatory Review—Next Steps

- ❑ **CTB will be presented with a resolution to approve recommended actions for the seven regulations reviewed this review period.**

- ❑ **VDOT will post results on Town Hall**

- ❑ **Next Fall VDOT will repeat the process for the next set of regulations to be reviewed by December 31, 2019: will present to CTB and seek approval for recommended actions and 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.**