



PERIODIC REGULATORY REVIEW/REGULATORY REDUCTION PROGRAM

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

- **Will 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.**

Regulatory Reduction Program

ORM has issued guidance on EO 19, requiring each agency to reduce the agency's discretionary regulatory burden on the public by 25%

- Reductions can be made by cutting discretionary regulatory requirements identified in the agency's regulatory baseline catalog or by streamlining regulatory requirements (i.e., reducing costs, time, paperwork, etc.)
- Reductions are counted only when the regulatory process making the reductions has been completed
 - Regulatory process typically includes:
 - 1) a Notice of Intended Regulatory Action (NOIRA), followed by executive branch review and 30 days public comment;
 - 2) a Proposed stage where actual amendments to regulatory language are drafted, followed by executive branch review and 60 days public comment; and
 - 3) a Final stage, where the agency considers the previous public comment(s) and adopts final amendments to the regulatory language, followed by executive branch review and 30 days public comment.

2023 CTB Periodic Review

- **This year, regulatory reduction efforts will be included as part of the CTB's periodic review process**
- **VDOT staff will be reviewing each section of the reviewed regulations in detail to identify requirements that can be streamlined or cut.**
- **Regulations to be reviewed:**
 - 24VAC30-151 Land Use Permit Regulation
 - 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

2023 CTB Periodic Review

- **Periodic Reviews may be initiated by posting Notice on Townhall**
 - Can be a Notice of a periodic review action
 - Can be a Notice of Intended Regulatory Action (NOIRA) if it appears that an amendment of a regulation will be warranted—expedites the process
 - VDOT has identified amendments that will be needed and thus is recommending that the CTB authorize a NOIRA be filed now for the following regulations:
 - **24VAC30-151** **Land Use Permit Regulation**
 - **24VAC30-200** **Vegetation Control Regulations on State Right-of-Way**

If authorized by CTB, VDOT staff will file a NOIRA for:

- 24VAC30-151 Land Use Permit Regulation
- 24VAC30-200 Vegetation Control Regulations on State Right-of-Way

Notices of periodic reviews will be filed for:

- 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

VDOT staff will review regulations, and present and seek CTB approval of periodic review results and proposed amendments in Fall 2023

- Proposed stage of Land Use Permit and Vegetation Control regulations could then be filed in late 2023 or early 2024 (after CTB approval)
- Final stage for Land Use Permit and Vegetation Control regulations could be filed in mid 2024



Virginia Department of Transportation