



REGULATORY REDUCTION PROGRAM & PROPOSED REGULATORY AMENDMENTS

Land Use Permit Regulations (24VAC30-151) and
Vegetation Control Regulations on State Rights-of-Way
(24VAC30-200)

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Periodic Regulatory Review/Regulatory Reduction Program

Executive Order 19

- EO 19 requires each agency to reduce the agency's discretionary regulatory burden on the public by 25%.
- Reductions can be made by cutting discretionary requirements or by streamlining regulatory requirements.

The CTB approved a Notice of Intended Regulatory Action (NOIRA) for the Land Use Permit Regulations (24VAC30-151) and Vegetation Control Regulations on State Rights-of-Way (24VAC30-200) in June.

VDOT filed the NOIRAs and they were published in the Virginia Register in August for a 30-day public comment period—no comments received.

Background – Land Use Permit Requirements

Land Use Permit Regulations

- The regulations set rules other entities must follow to conduct activities other than travel on state highways.
- Address safety issues such as temporarily closing travel lanes, entrances and access points onto highways, affixing signs and other objects to structures in the right-of-way, and location and protection of utility lines.
- Originally adopted by the CTB in 2010. Last periodic review in 2020. Last substantive amendments in 2018 to allow mobile food vending and to change wireless structure use fees.



Background – Vegetation Control Regulations

Vegetation Control Regulations

- Govern cutting of vegetation to improve visibility of outdoor advertising structures and businesses. Cutting is done under a land use permit.
- Last periodic review in 2019, CTB directed that the regulations be amended to make the diameter of vegetation that may be cut for business visibility consistent with the diameter of vegetation that may be cut for outdoor advertising structure visibility.
- The CTB- approved amendments were pursued via the fast-track regulatory process. In 2022, the fast-track process was abandoned due to the number of objections received.



Proposed Significant Amendments (Generally)

- Proposed amendments are intended to remove redundant and obsolete language, add clarity, and achieve regulatory reduction and streamlining
- The most significant amendments remove the Documents Incorporated by Reference (DIBR) in each of the regulations and instead reference relevant documents in the actual permits
 - Ensures the most relevant documents are being followed
 - Narrowly tailor requirements to the specific type of activity
 - Eases burdens on permittees in determining applicability of specific standards

Proposed Significant Amendments – Vegetation Control Regulations

Summary of significant amendments

- Allow cutting and pruning for business visibility to be equivalent to that allowed for outdoor advertising. Provides consistency between the different cutting purposes.
- Include invasive species and trees that pose a safety threat in new definition of “Undesirable”. Reduces ambiguity regarding what should be removed.
- Remove the protection for small flowering trees other than dogwoods. Many invasive species are flowering and this change reduces ambiguity regarding their removal.
- Eliminate language on creating a picture frame effect around signs. “Picture frame” trimming creates an unsightly squaring of vegetation.
- Remove the requirement for the submission of 8” x 10” glossy photographs with permit applications. Supports use of electronic submissions.
- Clarify leaving wood chips on site not allowed. Wood chips decompose slowly and retard growth of grasses.

Proposed Significant Amendments – Land Use Permit Regulations

General Rules (24VAC30-151-40)

- Remove 2-mile limit for single use permits. Enhances efficiency, allowing longer installations under the same permit without the need for Central Office approval.
- Strengthen “hold harmless” language. Provides improved clarity on protection of Commonwealth organizations, staff, and officials.
- Remove items dealing with backfill or pavement settlement process, as permittee responsibility for damages to VDOT R/W and facilities is covered elsewhere.

Permit Time Limits (24VAC30-151-80)

- Remove 6-month permit duration guidance. Guidance is unnecessary within the regulations.

Remove Sections for Entrances, Commercial and Agricultural Use Agreements, Springs and Wells, and Public Telephones (24VAC30-151-120, -220, -230, -280, -290)

- Entrances are covered by Access Management Regulations.
- No commercial use agreements, agricultural use agreements, spring and well, or phone booth permits have been issued in the last 15 years (if needed, can be accommodated via a special request).

Proposed Significant Amendments – Land Use Permit Regulations (cont'd)

Communication Towers (24VAC30-151-350)

- Update to fully incorporate Chapter 15.1 of Title 56. Enhance clarity with respect to cell tower and small cell processes.

Miscellaneous Signs (24VAC30-151-570)

- Delete rescue squad and fire station signing, as they are installed and maintained by VDOT.
- Add subsection dealing with automated traffic enforcement devices. These were not used in Virginia in 2010 and must currently be handled through the special request process requiring central office approval.

Roadside Management (24VAC30-151-620)

- Add volunteer mowing and one-time litter pickup. Currently accommodated through special request process requiring central office approval.

Proposed Significant Amendments – Land Use Permit Regulations (cont'd)

Prohibited Uses (24VAC30-151-670)

- Describe prohibited signs as including temporary signs, banners, inflatable signs and decorations. Improves clarity with respect to what constitutes a sign.
- Exempt micromobility stations and electric charging stations from vending prohibition. Currently, bicycle rental facilities are accommodated through the special request process, requiring central office approval.
- Exempt support buildings for wireless communication facilities from prohibition on dwellings. Shelters for communication equipment are considered dwellings and are currently accommodated through the special request process.

Accommodation Fees (24VAC30-151-730)

- Update to fully incorporate Chapter 15.1 of Title 56. Enhance clarity with respect to cell tower and small cell fees.
- Remove annual accommodation fees for utilities crossing limited access right-of-way. These fees have the unintended consequence of encouraging crossings at bridges and interchanges, which presents risks to VDOT structures.

Next Steps

- **If amendments are approved by the CTB, VDOT staff will file the proposed regulations on Town Hall.***
- **The amendments will then go through executive branch review, after which they will be published in the Virginia Register for the public to review.**
- **Public comment will be received for 60 days.**
- **Proposed Regulations may be adopted as Final Regulations with or without further amendments or not at all.**

*** Text of proposed amendments and proposed Town Hall documentation is included in CTB package.**

