



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
Chairperson

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Agenda item # 4

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

June 21, 2023

MOTION

Made By: Ms. Hynes, **Seconded By:** Mr. Kasprovicz

Action: Motion Carried, Unanimously

Title: Approval of Notices of Intended Regulatory Action in Conjunction with Periodic Regulatory Review

WHEREAS, the Virginia Administrative Process Act (the APA), particularly in §§ 2.2-4007.1 and 2.2-4017 of the *Code of Virginia*, requires that all state agencies that adopt regulations periodically review those regulations, including consideration of: 1) the extent to which regulations remain supported by statutory authority and do not duplicate, overlap, or conflict with state or federal law; 2) the nature of complaints or 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; and

WHEREAS, Executive Order (EO) Number 19 (2022) requires, among other things, all regulations to be so reviewed every four years and requires agencies to follow procedures for conducting such review as developed by the Office of Regulatory Management (ORM); and

WHEREAS, a periodic review may be initiated either by issuing a Notice of Periodic Review or, when it is clear at the outset of a review that the regulation will need to be amended, the review may be initiated by issuing a Notice of Intended Regulatory Action (NOIRA); and

WHEREAS, by posting a NOIRA to the Virginia Regulatory Town Hall website, the public will be notified of the regulation's ongoing periodic review and comment from the public will be solicited for 30 days after the NOIRA is published in the *Virginia Register of Regulations*; and

WHEREAS, ORM has issued guidance pursuant to EO 19, requiring each agency to reduce the agency’s discretionary regulatory burden on the public by 25%, and reductions generally will require amendments to regulations which are accomplished using the rulemaking process; and

WHEREAS, the Virginia Department of Transportation (VDOT) conducted an initial internal review and, pursuant to the ORM requirements, has identified potential opportunities for clarifying the regulatory language and streamlining the regulatory requirements in each regulation set forth in the table below:

Chapter	Title	Proposed Disposition
24 VAC 30-151	Land Use Permit Regulations	Amend—file NOIRA
24 VAC 30-200	Vegetation Control Regulations on State Rights of Way	Amend—file NOIRA

; and,

WHEREAS, VDOT has completed an Agency Background Document (TH01) to be filed on Town Hall in conjunction with the NOIRA for each regulation (attached as Exhibits A and B); and

WHEREAS, the Commonwealth Transportation Board originally adopted the regulations listed in the table above pursuant to its authority in § 33.2-210 of the *Code of Virginia* and other relevant sections of the *Code of Virginia* and is authorized to take action to amend, repeal or retain said regulations.

NOW THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board approves the respective Agency Background Documents for each of the regulations listed in the table above and attached hereto as Exhibits A and B, with any changes deemed necessary by the Commissioner.

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board directs the Commissioner of Highways or his designees to take all actions necessary to initiate the rulemaking process for the regulations listed in the table above by filing the NOIRAs and posting the associated Agency Background Documents to Town Hall.

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board directs the Commissioner of Highways to submit to the Board, for its approval, the proposed amendments to these regulations prior to advancing to the next stage of the rulemaking process.

CTB Decision Brief
Approval of Notices of Intended Regulatory Action in Conjunction with Periodic Regulatory Review

Issue: The Administrative Process Act (APA) requires all state agencies that adopt regulations to periodically review those regulations. Executive Order (EO) 19 (2022) requires periodic reviews to take place every four years to determine if the regulation should be continued with no changes or be amended or repealed and requires agencies to follow the procedures developed by the Office of Regulatory Management (ORM) for conducting such review. In accordance with these requirements, the Virginia Department of Transportation (VDOT) has initiated a review of the regulations listed below and is providing a recommendation to the Commonwealth Transportation Board (CTB) that Notices of Intended Regulatory Action be filed for each regulation.

Facts:

- The APA, particularly in §§ 2.2-4007.1 and 2.2-4017 of the *Code of Virginia*, requires that all state agencies that adopt regulations periodically review those regulations, once every four years, including consideration of: 1) the extent to which the regulations remain supported by statutory authority and do not duplicate, overlap, or conflict with state or federal law; 2) the nature of complaints or 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.
- The Governor's EO 19 created the Office of Regulatory Management (ORM) to also, among other things, work with each regulatory agency to review all existing regulations, for the purpose of reducing the overall regulatory burden on the public. The ORM procedures now outline the specific periodic review requirements.
- In addition, 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.
- VDOT has historically conducted periodic reviews using a process that is initiated by issuing/publishing a Notice of Periodic Review. However, when it is clear at the outset that a regulation that is undergoing review will need to be amended, the periodic review may also be initiated/conducted through the issuance/publication of a Notice of Intended Regulatory Action (NOIRA) which will also serve to initiate the rulemaking process necessary for a comprehensive review and amendment of the regulation.
- ORM has issued guidance on EO 19 requiring each agency to reduce the agency's discretionary regulatory burden on the public by 25%. Reductions may 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,

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paperwork, etc.). Reductions generally will require amendments to regulations which are accomplished using the rulemaking process and thus are counted only when the regulatory process making the reductions has been completed.

- VDOT conducted an initial internal review of the regulations listed in the table below and, pursuant to the ORM requirements, has identified potential opportunities for clarifying the regulatory language and streamlining the regulatory requirements in each regulation. VDOT has also completed an Agency Background Document (TH01) to be filed on the Virginia Regulatory Town Hall in conjunction with the NOIRA for each regulation (attached as Exhibits A and B). The TH01 provides additional information relating to the regulation and issues that will be considered during the intended rulemaking process.
- The regulations that are the subject of this proposed CTB review and action are listed in the table below, along with the proposed disposition of the regulation. The table is followed by a description of each regulation and the findings made by VDOT based upon its initial review.

Chapter	Title	Proposed Disposition
24 VAC 30-151	Land Use Permit Regulations	Amend
24 VAC 30-200	Vegetation Control Regulations on State Rights of Way	Amend

- **24 VAC 30-151 Land Use Permit Regulations**

The CTB promulgated the Land Use Permit Regulations pursuant to its general authority to make regulations “for the protection of and covering traffic on and for the use of systems of state highways” in § 33.2-210 of the *Code of Virginia*. Additional sections of the *Code of Virginia* authorize specific aspects of the Land Use Permit Regulations. Federal law and regulation, including 23 U.S.C. 111 and 23 CFR 710.203, require states to restrict access to and use of certain highway rights-of-way. Other federal regulations authorize or mandate regulation of the use of highway right-of-way, including 23 CFR Part 645, Subpart B (Accommodation of Utilities). This regulation sets forth the policies and procedures that VDOT will use to issue permits on behalf of the CTB to perform work on state-owned property. VDOT’s initial review has identified opportunities to clarify and streamline the Land Use Permit Regulations, which will require amendments by means of a rulemaking process.

- **24 VAC 30-200 Vegetation Control Regulations on State Rights of Way**

VDOT has the authority to promulgate this regulation pursuant to § 33.2-1221(B)(3) of the *Code of Virginia* on selective pruning permits, which states in part, “[t]he Commissioner of Highways shall promulgate such regulations as he deems necessary or desirable to carry out the provisions of this section.” The regulation establishes procedures by which the outdoor advertising industry and businesses can remove vegetation to increase their visibility from a highway, in accordance with agency policies, procedures, and criteria concerning aesthetics and health of vegetation. VDOT’s initial review has identified opportunities to clarify and streamline the Vegetation Control Regulations, which will require amendments by means of a rulemaking process.

Recommendations: VDOT recommends that the CTB authorize VDOT to file a NOIRA, including the associated Agency Background Documents, for 24 VAC 30-151 and 24 VAC 30-200.

Action Required by CTB: A resolution will be presented for the CTB (i) to approve the Agency Background Documents for each of the regulations listed in the table above and to authorize VDOT to take all actions necessary to file the NOIRAs and post the Agency Background Documents to Town Hall, and (ii) to require VDOT to submit to the CTB the proposed regulatory amendments for approval prior to moving forward with the next stage of the rulemaking process.

Result, if Approved: The NOIRAs and Agency Background Documents will, after executive reviews and approvals, be posted to Town Hall and the *Virginia Register of Regulations*. After the close of the public comment period, VDOT will finalize the proposed regulatory amendments and present them to the CTB for approval.

Options: Approve, Deny, or Defer.

Public Comments/Reactions: The public comment period is open for 30 days after the NOIRA is posted in the *Virginia Register of Regulations*. Public comments will also be received during the Proposed and Final stages of the rulemaking process.



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Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Commonwealth Transportation Board
Virginia Administrative Code (VAC) Chapter citation(s)	24VAC30-151
VAC Chapter title(s)	Land Use Permit Regulations
Action title	Chapter 151 Regulatory Reform and Periodic Review
Date this document prepared	_____, 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*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of the subject matter, intent, and goals of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation).

The Commonwealth Transportation Board (CTB) is undertaking a comprehensive review of 24VAC30-151, Land Use Permit Regulations. These regulations permit work activities on the right-of-way of state highways for construction, utility installations, entrances, events and other activities. The intent of this action is to remove redundant or obsolete language, with the goal of identifying opportunities for regulatory reduction and streamlining in accordance with Governor Youngkin's Executive Order 19.

Acronyms and Definitions

Define all acronyms or technical definitions used in this form.

CTB means the Commonwealth Transportation Board.

Department or VDOT means the Virginia Department of Transportation.
CFR means the Code of Federal Regulations.
U.S.C. means the United States Code.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation, (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

On [REDACTED], 2023, the CTB approved a Notice of Intended Regulatory Action to review 24VAC30-151 to potentially amend any overly burdensome requirements, remove any obsolete information, and provide more clarity with streamlined regulatory requirements. The CTB is conducting a review of its regulations in accordance with Governor Youngkin's Executive Order 19.

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 and 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 Commonwealth Transportation Board promulgated the Land Use Permit Regulations pursuant to its general authority to make regulations "for the protection of and covering traffic on and for the use of systems of state highways" in § 33.2-210 of the Code of Virginia. Federal law, including 23 U.S.C. 111 and 23 CFR 710.203, requires states to restrict access to and use of certain highway rights-of-way.

Additional Code sections authorize certain sections or aspects of the Land Use Permit Regulations. Section 33.2-118 authorizes the Department to issue permits for mobile food vending in certain parking areas. Section 33.2-216 requires the CTB to "establish regulations regarding size, distance from the roadway, and other safety concerns to govern the installation, maintenance, and removal of roadside memorials, plaques, and other devices placed within the right-of-way that commemorate the memory of persons killed in vehicle crashes within the right-of-way of any state highway." Sections 33.2-240, 33.2-241, and 33.2-245 of the Code of Virginia authorize the Department and the CTB to regulate access to and entrances onto the state highway system. Section 33.2-1208 authorizes the Department to issue permits to allow outdoor advertising structures, in accordance with 23 U.S.C. 131. Section 46.2-1149 authorizes the Department to issue permits for use of the highways by certain oversize or overweight loaders or haulers.

Section 2.2-1151.1 authorizes the department to issue permits for "(i) a person providing utility service solely for his own agricultural or residential use, provided that the utilities are located on property owned by the person, or (ii) the owner of a private residence or business for water or sewer service to cross the Department's right-of-way when no viable alternative exists to provide potable water or to transfer sewer effluent to a qualified drain field." Several additional sections of the Code of Virginia authorize the CTB and the Department to regulate the access to and use of the highway right-of-way by various utilities, including §§ 56-458 and 56-484.28.

Additionally, federal regulations authorize or mandate regulation of the use of highway right-of-way, including 23 CFR Part 645, Subpart B (Accommodation of Utilities).

Purpose

Describe the specific reasons why the agency has determined that this regulation is essential to protect the health, safety, or welfare of citizens. In addition, explain any potential issues that may need to be addressed as the regulation is developed.

All occupation of state highway right-of-way, including occupation by utilities and other proprietary functions of localities, is to be under the authority granted by a land use permit issued in accordance with the Virginia Department of Transportation's Land Use Permit Manual. The Land Use Permit Regulations set out the requirements that must be met in order to occupy state highway right-of-way. The permits address safety issues such as proper procedures for temporarily closing travel lanes, standards for 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. The Land Use Permit Regulations are necessary for the protection of the public health, safety and welfare of the public travelling on or near public highways.

Substance

Briefly identify and explain the new substantive provisions that are being considered, the substantive changes to existing sections that are being considered, or both.

No new substantive provisions are being considered.

During its review of the regulation, the CTB is expected to consider the following topics:

1. General
 - a. Review to ensure the regulation comports with statute and applicable federal requirements.
 - b. Focus on making the regulation organized and clear.
 - c. Review for opportunities to reduce or alleviate regulatory burdens.
2. Definitions
 - a. Review definitions, revise and update where appropriate.
3. Documents Incorporated by Reference
 - a. Review use of documents and identify possible opportunities for updating or removal.
4. Forms
 - a. Review use of forms and identify possible opportunities for updating or removal.

The above list is not inclusive of all items that may be considered. Draft regulatory text is not available at this time.

Alternatives to Regulation

Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.

This regulation is necessary for the health, safety, and welfare of the travelling public. As a part of the CTB's review, alternatives to the current regulatory text will be considered. The CTB will also consider the burden on individuals and small businesses for achieving the goals set forth by the regulation.

Periodic Review and Small Business Impact Review Announcement

If you wish to use this regulatory action to conduct, and this NOIRA to announce, a periodic review (pursuant to § 2.2-4017 of the Code of Virginia and the ORM procedures), and a small business impact review (§ 2.2-4007.1 of the Code of Virginia) of this regulation, keep the following text. Modify it as necessary for your agency. Otherwise, delete the paragraph below and insert “This NOIRA is not being used to announce a periodic review or a small business impact review.”

In addition, pursuant to the ORM procedures and § 2.2-4007.1 of the *Code of Virginia*, the CTB is conducting a periodic review and small business impact review of this regulation to determine whether this regulation should be terminated, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare; (ii) minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below. In addition, as required by § 2.2-4007.02 of the Code of Virginia, describe any other means that will be used to identify and notify interested parties and seek their input, such as regulatory advisory panels or general notices.

The CTB is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal, (ii) any alternative approaches, and (iii) the potential impacts of the regulation.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>. Comments may also be submitted by mail, email or fax to Jo Anne Maxwell, Agency Regulatory Coordinator, 1401 E. Broad St. Richmond, VA 23219, telephone (804) 786-1830, fax (804) 225-4700, JoAnne.Maxwell@VDOT.Virginia.gov. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will not be held following the publication of the proposed stage of this regulatory action.



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Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Commonwealth Transportation Board
Virginia Administrative Code (VAC) Chapter citation(s)	24VAC30-200
VAC Chapter title(s)	Vegetation Control Regulations on State Rights-of-Way
Action title	Chapter 200 Regulatory Reform and Periodic Review
Date this document prepared	_____, 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*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of the subject matter, intent, and goals of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation).

The Commonwealth Transportation Board (CTB) is undertaking a comprehensive review of 24VAC30-200, Vegetation Control Regulations on State Rights-of-Way. This regulation enables the Virginia Department of Transportation (VDOT) to permit vegetation removal, set forth the standards for which vegetation removal shall be permissible, and analyze proposed vegetation removal applications, in order to mitigate any potential adverse impacts on the aesthetics and health of vegetation and state-controlled highways. The intent of this action is to remove redundant or obsolete language, with the goal of identifying opportunities for regulatory reduction and streamlining in accordance with Governor Youngkin's Executive Order 19.

Acronyms and Definitions

Define all acronyms or technical definitions used in this form.

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

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation, (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

On [REDACTED], 2023, the CTB approved a Notice of Intended Regulatory Action to review 24VAC30-200 to potentially amend any overly burdensome requirements, remove any obsolete information, and provide more clarity with streamlined regulatory requirements. The CTB is conducting a review of its regulations in accordance with Governor Youngkin's Executive Order 19.

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 and 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.

VDOT has the authority to promulgate this regulation pursuant to § 33.2-1221(B)(3) of the Code of Virginia, which states in part, "[t]he Commissioner of Highways shall promulgate such regulations as he deems necessary or desirable to carry out the provisions of this section." The CTB originally adopted this regulation in 1991 and amended the regulation in 1998, 2007, 2011 and 2014.

Purpose

Describe the specific reasons why the agency has determined that this regulation is essential to protect the health, safety, or welfare of citizens. In addition, explain any potential issues that may need to be addressed as the regulation is developed.

The regulation establishes procedures by which the outdoor advertising industry and businesses can remove vegetation to increase their visibility from a highway, in accordance with agency policies, procedures, and criteria concerning aesthetics and health of vegetation. This regulation is necessary to protect the public's health, safety, and welfare with the least possible cost and intrusiveness to the citizens and businesses of the Commonwealth. The administration of this regulation intends to protect the aesthetics and health of vegetation and ensures that all work performed on VDOT rights-of-way shall comply with the Virginia Work Area Protection Manual.

Substance

Briefly identify and explain the new substantive provisions that are being considered, the substantive changes to existing sections that are being considered, or both.

No new substantive provisions are being considered.

During its review of the regulation, the CTB is expected to consider the following topics:

1. General
 - a. Review to ensure the regulation comports with statute and applicable federal requirements.
 - b. Focus on making the regulation organized and clear.
 - c. Review for opportunities to reduce or alleviate regulatory burdens.
2. Definitions
 - a. Review definitions, revise and update where appropriate.
3. Documents Incorporated by Reference
 - a. Review use of documents and identify possible opportunities for updating or removal.
4. Forms
 - a. Review use of forms and identify possible opportunities for updating or removal.

The above list is not inclusive of all items that may be considered. Draft regulatory text is not available at this time.

Alternatives to Regulation

Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.

This regulation is necessary for the health, safety, and welfare of the travelling public. As a part of the CTB’s review, alternatives to the current regulatory text will be considered. The CTB will also consider the burden on individuals and small businesses for achieving the goals set forth by the regulation.

Periodic Review and Small Business Impact Review Announcement

If you wish to use this regulatory action to conduct, and this NOIRA to announce, a periodic review (pursuant to § 2.2-4017 of the Code of Virginia and the ORM procedures), and a small business impact review (§ 2.2-4007.1 of the Code of Virginia) of this regulation, keep the following text. Modify it as necessary for your agency. Otherwise, delete the paragraph below and insert “This NOIRA is not being used to announce a periodic review or a small business impact review.”

In addition, pursuant to the ORM procedures and § 2.2-4007.1 of the *Code of Virginia*, the CTB is conducting a periodic review and small business impact review of this regulation to determine whether this regulation should be terminated, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare; (ii) minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below. In addition, as required by § 2.2-4007.02 of the Code of Virginia, describe any other means that will be used to identify and notify interested parties and seek their input, such as regulatory advisory panels or general notices.

The CTB is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal, (ii) any alternative approaches, and (iii) the potential impacts of the regulation.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>. Comments may also be submitted by mail, email or fax to Jo Anne Maxwell, Agency Regulatory Coordinator, 1401 E. Broad St. Richmond, VA 23219, telephone (804) 786-1830, fax (804) 225-4700, JoAnne.Maxwell@VDOT.Virginia.gov. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will not be held following the publication of the proposed stage of this regulatory action.