



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 § 2.2-407.1 and § 2.2-4017 of the Code of Virginia

Periodic Regulatory Review – Process Authorities

Executive Order 19 – Issued June 30, 2022

- Created the 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.

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.

Regulatory Reduction Program

ORM's guidance on 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 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.**

2024 CTB Periodic Review

- **Regulatory reduction efforts will be included as part of this year's CTB periodic review process.**
- **Regulations to be reviewed for this round of periodic reviews:**
 - 24VAC30-21 General Rules and Regulations of the Commonwealth Transportation Board
 - 24VAC30-50 Rules and Regulations for the Administration of Waysides and Rest Areas
 - 24VAC30-61 Rules and Regulations Governing the Transportation of Hazardous Materials Through Bridge-Tunnel Facilities
 - 24VAC30-100 Rules and Regulations for the Administration of Parking Lots and Environs
- **VDOT staff have engaged in preliminary reviews and will be reviewing each section of the regulations above in more detail to identify requirements that can be streamlined.**

2024 CTB Periodic Review

- **Periodic Reviews are initiated by posting Notice on Townhall**
 - **Can be a Notice of Periodic Review Action, or**
 - **Can be a Notice of Intended Regulatory Action (NOIRA) if it appears that an amendment of a regulation will be warranted—expedites the process**
- **After its initial review, VDOT has identified amendments that are needed for all four regulations and is recommending that the CTB authorize NOIRAs be filed now for these regulations.**
 - **Nature of potential amendments include:**
 - **substantive amendments,**
 - **amendments to address regulatory reductions, and**
 - **possible combination of two regulations into one.**

2024 CTB Periodic Review

If authorized by CTB, VDOT staff will file NOIRAs for:

- 24VAC30-21 General Rules and Regulations of the Commonwealth Transportation Board
- 24VAC30-50 Rules and Regulations for the Administration of Waysides and Rest Areas
- 24VAC30-61 Rules and Regulations Governing the Transportation of Hazardous Materials Through Bridge-Tunnel Facilities
- 24VAC30-100 Rules and Regulations for the Administration of Parking Lots and Environs

VDOT staff will review the regulations and present and seek CTB approval of periodic review results and proposed amendments in Fall 2024.

- **Proposed stages could then be filed in late 2024 or early 2025 (after CTB approval)**
- **Final stages could be filed in mid or late 2025**