

Unified Regulatory Plan of the Department of Transportation for State Fiscal Year 2023

Prepared on October 3, 2022

Description of Agency or Boards

The Virginia Department of Transportation (VDOT) is an executive branch agency under the supervision and management of the Commissioner of Highways and responsible to the Secretary of Transportation, who serves as Chairman of the Commonwealth Transportation Board (CTB). The *Code of Virginia* authorizes the CTB, VDOT, or the commissioner to promulgate regulations, establish guidelines, administer programs, or take other actions related to transportation. Title 33.2, Subtitle I, Chapter 2 of the *Code of Virginia* outlines the general powers and duties of the CTB and charges VDOT with implementing and enforcing the policies and regulations of the CTB.

Title of Proposed Regulatory Action or Guidance Document Periodic Review of Public Participation Guidelines Regulation	
Brief Overview Pursuant to Executive Order 19 and §§ 2.2-4007.1 and 2.2-4017 of the <i>Code of Virginia</i> , 24 VAC 30-11, Public Participation Guidelines, is undergoing a periodic review. The purpose of this review is to determine whether this regulation should be repealed, amended, or retained in its current form. Results of the periodic review as approved by the CTB, the promulgating entity for the regulation, are expected to be published in late October or early November, followed by any necessary regulatory actions to comply with the periodic review results.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule <input checked="" type="checkbox"/> Periodic Review
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary action
Deregulatory Component	The periodic review would have a deregulatory effect if the result is to repeal the regulation or amend the regulation in such a manner as to reduce regulatory requirements or compliance burdens.
Expected Date	Late October/Early November 2022

Title of Proposed Regulatory Action or Guidance Document Periodic Review of Rules and Regulations Governing Relocation Assistance	
Brief Overview Pursuant to Executive Order 19 and §§ 2.2-4007.1 and 2.2-4017 of the <i>Code of Virginia</i> , 24 VAC 30-41, Rules and Regulations Governing Relocation Assistance, is undergoing a periodic review. The purpose of this review is to determine whether this regulation should be repealed, amended, or retained in its current form. Results of the periodic review as approved by the CTB, the promulgating entity for the	

regulation, are expected to be published in late October or early November, followed by any necessary regulatory actions to comply with the periodic review results.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule <input checked="" type="checkbox"/> Periodic Review
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary action
Deregulatory Component	The periodic review would have a deregulatory effect if the result is to repeal the regulation or amend the regulation in such a manner as to reduce regulatory requirements or compliance burdens.
Expected Date	Late October/Early November 2022

Title of Proposed Regulatory Action or Guidance Document Periodic Review of Subdivision Street Requirements Regulation	
Brief Overview Pursuant to Executive Order 19 and §§ 2.2-4007.1 and 2.2-4017 of the <i>Code of Virginia</i> , 24 VAC 30-91, Subdivision Street Requirements, is undergoing a periodic review. The purpose of this review is to determine whether this regulation should be repealed, amended, or retained in its current form. Results of the periodic review as approved by the CTB, the promulgating entity for the regulation, are expected to be published in late October or early November, followed by any necessary regulatory actions to comply with the periodic review results.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule <input checked="" type="checkbox"/> Periodic Review
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary action
Deregulatory Component	The periodic review would have a deregulatory effect if the result is to repeal the regulation or amend the regulation in such a manner as to reduce regulatory requirements or compliance burdens.
Expected Date	Late October/Early November 2022

Title of Proposed Regulatory Action or Guidance Document Periodic Review of Secondary Street Acceptance Requirements Regulation	
Brief Overview Pursuant to Executive Order 19 and §§ 2.2-4007.1 and 2.2-4017 of the <i>Code of Virginia</i> , 24 VAC 30-92, Secondary Street Acceptance Requirements, is undergoing a periodic review. The purpose of this review is to determine whether this regulation should be repealed, amended, or retained in its current form. Results of the periodic review as approved by the CTB, the promulgating entity for the regulation, are expected to be published in late October or early November, followed by any necessary regulatory actions to comply with the periodic review results.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule <input checked="" type="checkbox"/> Periodic Review
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary action
Deregulatory Component	The periodic review would have a deregulatory effect if the result is to repeal the regulation or amend the regulation in such a manner as to reduce regulatory requirements or compliance burdens.
Expected Date	Late October/Early November 2022

Title of Proposed Regulatory Action or Guidance Document Periodic Review of Traffic Impact Analysis Regulations	
Brief Overview Pursuant to Executive Order 19 and §§ 2.2-4007.1 and 2.2-4017 of the <i>Code of Virginia</i> , 24 VAC 30-155, Traffic Impact Analysis Regulations, is undergoing a periodic review. The purpose of this review is to determine whether this regulation should be repealed, amended, or retained in its current form. Results of the periodic review as approved by VDOT, the promulgating entity for the regulation, are expected to be published in late October or early November, followed by any necessary regulatory actions to comply with the periodic review results.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule <input checked="" type="checkbox"/> Periodic Review
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary action
Deregulatory Component	The periodic review would have a deregulatory effect if the result is to repeal the regulation or amend the regulation in such a manner as to reduce regulatory requirements or compliance burdens.
Expected Date	Late October/Early November 2022

Title of Proposed Regulatory Action or Guidance Document Periodic Review of Urban Maintenance and Construction Policy Regulation	
Brief Overview Pursuant to Executive Order 19 and §§ 2.2-4007.1 and 2.2-4017 of the <i>Code of Virginia</i> , 24 VAC 30-325, Urban Maintenance and Construction Policy, is undergoing a periodic review. The purpose of this review is to determine whether this regulation should be repealed, amended, or retained in its current form. Results of the periodic review as approved by the CTB, the promulgating entity for the regulation, are expected to be published in late October or early November, followed by any necessary regulatory actions to comply with the periodic review results.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule <input checked="" type="checkbox"/> Periodic Review
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Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary action
Deregulatory Component	The periodic review would have a deregulatory effect if the result is to repeal the regulation or amend the regulation in such a manner as to reduce regulatory requirements or compliance burdens.
Expected Date	Late October/Early November 2022

Title of Proposed Regulatory Action or Guidance Document Periodic Review of Public Hearings for the Location and Design of Highway Projects Regulation	
Brief Overview Pursuant to Executive Order 19 and §§ 2.2-4007.1 and 2.2-4017 of the <i>Code of Virginia</i> , 24 VAC 30-380, Public Hearings for the Location and Design of Highway Projects, is undergoing a periodic review. The purpose of this review is to determine whether this regulation should be repealed, amended, or retained in its current form. Results of the periodic review as approved by the CTB, the promulgating entity for the regulation, are expected to be published in late October or early November, followed by any necessary regulatory actions to comply with the periodic review results.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule <input checked="" type="checkbox"/> Periodic Review
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Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary action
Deregulatory Component	The periodic review would have a deregulatory effect if the result is to repeal the regulation or amend the regulation in such a manner as to reduce regulatory requirements or compliance burdens.
Expected Date	Late October/Early November 2022

Title of Proposed Regulatory Action or Guidance Document Periodic Review of Access Management Regulations	
Brief Overview Pursuant to Executive Order 19 and §§ 2.2-4007.1 and 2.2-4017 of the <i>Code of Virginia</i> , 24 VAC 30-73, Access Management Regulations, will undergo a periodic review. The purpose of this review is to determine whether this regulation should be repealed, amended, or retained in its current form. The initial notice of the periodic review for the regulation, which was promulgated by VDOT, is expected to be published on Town Hall and in the <i>Virginia Register</i> for public comment in May/June 2023.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule <input checked="" type="checkbox"/> Periodic Review
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary action
Deregulatory Component	The periodic review would have a deregulatory effect if the result is to repeal the regulation or amend the regulation in such a manner as to reduce regulatory requirements or compliance burdens.
Expected Date	May/June 2023

Title of Proposed Regulatory Action or Guidance Document Periodic Review of Comprehensive Roadside Management Program Regulations	
Brief Overview Pursuant to Executive Order 19 and §§ 2.2-4007.1 and 2.2-4017 of the <i>Code of Virginia</i> , 24 VAC 30-121, Comprehensive Roadside Management Program Regulations, will undergo a periodic review. The purpose of this review is to determine whether this regulation should be repealed, amended, or retained in its current form. The initial notice of the periodic review for the regulation, which was promulgated by VDOT, is expected to be published on Town Hall and in the <i>Virginia Register</i> for public comment in May/June 2023.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule <input checked="" type="checkbox"/> Periodic Review
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary action
Deregulatory Component	The periodic review would have a deregulatory effect if the result is to repeal the regulation or amend the regulation in such a manner as to reduce regulatory requirements or compliance burdens.
Expected Date	May/June 2023

Title of Proposed Regulatory Action or Guidance Document Periodic Review of Land Use Permit Regulations	
Brief Overview Pursuant to Executive Order 19 and §§ 2.2-4007.1 and 2.2-4017 of the <i>Code of Virginia</i> , 24 VAC 30-151, Land Use Permit Regulations, will undergo a periodic review. The purpose of this review is to determine whether this regulation should be repealed, amended, or retained in its current form. The initial notice of the periodic review for the regulation, which was promulgated by the CTB, is expected to be published on Town Hall and in the <i>Virginia Register</i> for public comment in May/June 2023.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule <input checked="" type="checkbox"/> Periodic Review
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary action
Deregulatory Component	The periodic review would have a deregulatory effect if the result is to repeal the regulation or amend the regulation in such a manner as to reduce regulatory requirements or compliance burdens.
Expected Date	May/June 2023

Title of Proposed Regulatory Action or Guidance Document Periodic Review of Vegetation Control Regulations on State Rights of Way Regulation	
Brief Overview Pursuant to Executive Order 19 and §§ 2.2-4007.1 and 2.2-4017 of the <i>Code of Virginia</i> , 24 VAC 30-200, Vegetation Control Regulations on State Rights of Way, will undergo a periodic review. The purpose of this review is to determine whether this regulation should be repealed, amended, or retained in its current form. The initial notice of the periodic review for the regulation, which was promulgated by the CTB, is expected to be published on Town Hall and in the <i>Virginia Register</i> for public comment in May/June 2023.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule <input checked="" type="checkbox"/> Periodic Review
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary action
Deregulatory Component	The periodic review would have a deregulatory effect if the result is to repeal the regulation or amend the regulation in such a manner as to reduce regulatory requirements or compliance burdens.
Expected Date	May/June 2023

Title of Proposed Regulatory Action or Guidance Document Periodic Review of Change of Limited Access Control Regulation	
Brief Overview Pursuant to Executive Order 19 and §§ 2.2-4007.1 and 2.2-4017 of the <i>Code of Virginia</i> , 24 VAC 30-401, Change of Limited Access Control, will undergo a periodic review. The purpose of this review is to determine whether this regulation should be repealed, amended, or retained in its current form. The initial notice of the periodic review for the regulation, which was promulgated by the CTB, is expected to be published on Town Hall and in the <i>Virginia Register</i> for public comment in May/June 2023.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule <input checked="" type="checkbox"/> Periodic Review
Additional Description	<input type="checkbox"/> Expedited Rule <input checked="" type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary action
Deregulatory Component	The periodic review would have a deregulatory effect if the result is to repeal the regulation or amend the regulation in such a manner as to reduce regulatory requirements or compliance burdens.
Expected Date	May/June 2023

Title of Proposed Regulatory Action or Guidance Document Periodic Review of Guidelines for Considering Requests for Restricting Through Trucks on Primary and Secondary Highways Regulation	
Brief Overview Pursuant to Executive Order 19 and §§ 2.2-4007.1 and 2.2-4017 of the <i>Code of Virginia</i> , 24 VAC 30-580, Guidelines for Considering Requests for Restricting Through Trucks on Primary and Secondary Highways, will undergo a periodic review. The purpose of this review is to determine whether this regulation should be repealed, amended, or retained in its current form. The initial notice of the periodic review for the regulation, which was promulgated by the CTB, is expected to be published on Town Hall and in the <i>Virginia Register</i> for public comment in May/June 2023.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule <input checked="" type="checkbox"/> Periodic Review
Additional Description	<input type="checkbox"/> Expedited Rule <input checked="" type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary action
Deregulatory Component	The periodic review would have a deregulatory effect if the result is to repeal the regulation or amend the regulation in such a manner as to reduce regulatory requirements or compliance burdens.
Expected Date	May/June 2023

Title of Proposed Regulatory Action or Guidance Document	
Periodic Review of Rules, Regulations, and Rates Concerning Toll and Bridge Facilities	
Brief Overview	
Pursuant to Executive Order 19 and §§ 2.2-4007.1 and 2.2-4017 of the <i>Code of Virginia</i> , 24 VAC 30-620, Rules, Regulations, and Rates Concerning Toll and Bridge Facilities, will undergo a periodic review. The purpose of this review is to determine whether this regulation should be repealed, amended, or retained in its current form. The initial notice of the periodic review for the regulation, which was promulgated by the CTB, is expected to be published on Town Hall and in the <i>Virginia Register</i> for public comment in May/June 2023.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule <input checked="" type="checkbox"/> Periodic Review
Additional Description	<input type="checkbox"/> Expedited Rule <input checked="" type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary action
Deregulatory Component	The periodic review would have a deregulatory effect if the result is to repeal the regulation or amend the regulation in such a manner as to reduce regulatory requirements or compliance burdens.
Expected Date	May/June 2023

Title of Proposed Regulatory Action or Guidance Document	
Promulgate new regulation governing Parking on Primary and Secondary Highways	
Brief Overview	
An action that is already underway (Action 5269, Stage 9479) has been approved by the Governor and will be published in the Virginia Register on October 24, 2022, with the public comment period open until December 23, 2022. This proposed rulemaking would result in the establishment of a new regulation on parking (24 VAC 30-640, Parking on Primary and Secondary Highways). Section 46.2-1223 of the <i>Code of Virginia</i> provides that the Commissioner of Highways may, by regulation, regulate parking on any part of the primary and secondary systems of state highways. However, no such regulation has yet been established. Therefore, this action is to establish a new regulation to address the parking-related issues of concern to VDOT that are not in conflict with localities' authority to regulate parking under other sections of the <i>Code of Virginia</i> . Such parking-related issues of concern to VDOT include areas along highways where parking impedes the safe or efficient flow of vehicular traffic or the proper operation of the highway. VDOT expects to file the Final Rule stage of the rulemaking process upon completion of the public comment period.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input checked="" type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule <input type="checkbox"/> Periodic Review
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Discretionary action

	<input type="checkbox"/> Action required by state statute
Deregulatory Component	N/A
Expected Date	January 2023

Title of Proposed Regulatory Action or Guidance Document Amendments to Secondary Street Acceptance Requirements	
Brief Overview Chapter 425 of the 2022 Acts of Assembly directed VDOT to convene a stakeholder advisory group, no later than January 1, 2023, for the purpose of developing and providing recommended amendments to the Secondary Street Acceptance Requirements of the CTB. Based on the legislation, provisions of these regulations regarding connectivity of highway and pedestrian networks with transportation networks during secondary street acceptance are required to include flexibility to limit the number of such connections to adjacent property or highway networks as deemed appropriate. Findings and recommended amendments are due to the CTB for adoption prior to June 1, 2023. The NOIRA to implement the amendments is expected to be published on Town Hall and in the <i>Virginia Register</i> for public comment no later than June 2023.	
Regulatory Stage (check one box)	<input checked="" type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule <input type="checkbox"/> Periodic Review
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute <input checked="" type="checkbox"/> Discretionary action
Deregulatory Component	Through any forthcoming amendments, it is possible that regulatory requirements may be reduced.
Expected Date	June 2023