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## Periodic Review and Small Business Impact Review Report of Findings

<b>Agency name</b>	Virginia Department of Transportation
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	24 VAC 30-155
<b>VAC Chapter title(s)</b>	Traffic Impact Analysis Regulations
<b>Date this document prepared</b>	10/25/2022

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*.

## Acronyms and Definitions

*Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.*

VDOT – the Virginia Department of Transportation, the Commissioner of Highways, or a designee

## 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 or 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.*

Chapter 527 of the 2006 Acts of Assembly added § 15.2-2222.1 to state law and directed VDOT to promulgate regulations to carry out the provisions of the statute, which requires localities to submit

comprehensive plans and amendments to comprehensive plans that will substantially affect transportation on state-controlled highways to VDOT in order for the agency to review and provide comments on the impact of the item submitted. This section also requires localities to submit traffic impact statements along with proposed rezonings that will substantially affect transportation on state-controlled highways to VDOT for comment by the agency.

**Alternatives to Regulation**

*Describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.*

At the recommendation of the Office of Regulatory Management (ORM), due to the advanced stage of this periodic review at the time new procedures were issued, this form has been prepared with consideration of the regulation in its current form as the only alternative.

**Public Comment**

*Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency’s response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.*

Commenter	Comment	Agency response

**Effectiveness**

*Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in the ORM procedures, including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.*

The regulation establishes procedures by which localities submit proposals that will affect the state controlled transportation network to VDOT for review and comment. With that in mind, VDOT believes this regulation is necessary for the protection of the public health, safety, and welfare, as its administration intends to improve the manner in which land use and transportation planning decisions are coordinated and executed throughout the Commonwealth by establishing standardized methodologies and procedures for analyzing transportation impacts.

VDOT believes the regulation is not overly complex and should be easily understood by the regulated community and the public.

**Decision**

*Explain the basis for the promulgating agency’s decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).*

*If the result of the periodic review is to retain the regulation as is, complete the ORM Economic Impact form.*

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VDOT is proposing to retain this regulation without making any changes. The regulation promotes public health, safety, and welfare and mitigates any potential adverse impacts on state-controlled highways with regard to comprehensive plans, amendments to comprehensive plans, and rezoning proposals.

### **Small Business Impact**

*As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.*

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There is a continued need for the regulation, as it provides the most cost-effective means of analyzing and developing plans mitigating potential adverse impacts on state-controlled highways with regard to comprehensive plans, amendments to comprehensive plans, and rezoning proposals. There have been no complaints received from the public to date. VDOT believes the regulation is not overly complex, and there is no overlap, duplication, or conflict with federal or state laws or regulations. There have been no amendments to the regulation since it was last reviewed in 2019. Pursuant to its examination of the regulation, especially the reasonable site trip generation thresholds that have been established for determining a substantial impact that triggers the requirement for a submission, VDOT has determined that the regulatory requirements currently minimize the economic impact of the regulation on small businesses and thereby minimize the impact on existing and potential Virginia employers and their ability to maintain and increase the number of jobs in the Commonwealth.

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