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Periodic Review and Small Business Impact Review Report of Findings

Agency name	Commonwealth Transportation Board
Virginia Administrative Code (VAC) Chapter citation(s)	24 VAC30-100
VAC Chapter title(s)	Rules and Regulations for the Administration of Parking Lots and Environs
Date this document prepared	March 18, 2021

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), 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.

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

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.

The promulgating agency for this regulation is the Commonwealth Transportation Board (CTB). The statutory authority for this regulation is found in *Code of Virginia* §§ 33.2-118 (regulation of mobile food vending in parking lots), 33.2-210 (providing that the CTB has authority "to make rules and regulations, from time to time, not in conflict with the laws of this Commonwealth, for the protection or and covering traffic on and the use of systems of state highways"), and 23 U.S.C. § 111. This regulation establishes rules and conditions governing the use of, and activities that may be conducted in, parking lots and related environs under the control of the CTB.

Currently, the regulation addresses subjects such as restrictions on parking, activities prohibited at all times, and those activities that may be performed by permit from the Commissioner of Highways.

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.

State statutes explicitly authorize the CTB to make regulations concerning the use of the system of state highways. Without some written directives concerning their operation, users would not be aware of prohibited and permitted activities. Therefore, VDOT and the CTB believe that a regulation is the least burdensome alternative available for achieving the purpose of the regulation.

Public Comment

Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency 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 Executive Order 14 (as amended, July 16, 2018), including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

This regulation meets the criteria set out in Executive Order 14 (as amended, July 16, 2018). The CTB believes that this regulation is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable. Safety of the users is preserved by prohibiting potentially dangerous conduct, such as setting fires. The integrity of the facilities is protected by prohibiting conduct such as disturbing animals and birds, or posting signs and other advertisements, so that all users may have the benefits of the facilities. The regulation clearly states prohibited conduct, as well as activities that may be performed with permission of the Commissioner.

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).

The CTB recommends the regulation be retained without making changes.

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.

There is a continued need for this regulation. Without some written directives concerning their operation, users would not be aware of prohibited and permitted activities in VDOT parking lots. This regulation is not complex, nor does it overlap, duplicate, or conflict with federal or state law or regulation. The last time this regulation was subjected to periodic regulatory review was in 2013, and the regulation was last amended in 2018, when the regulation was amended in response to legislation passed by the General Assembly to allow mobile food vending in certain areas of the parking lots. VDOT's decision to retain this regulation will minimize the economic impact on small businesses because the regulation will remain in place without change as a result of this periodic regulatory review.