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Fast-Track Regulation Agency Background Document

Agency name	VMFA
Virginia Administrative Code (VAC) Chapter citation(s)	8VAC103-20
VAC Chapter title(s)	Chapter 20. Parking Regulations, Appeals and Fines
Action title	8VAC103-20 VMFA Parking: Reduce and simplify outdated and redundant regulations
Date this document prepared	December 4, 2024

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 this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

This change amends the existing regulation to reduce the number of regulations regarding visitor parking on the museum grounds. These changes will make it simpler for museum visitors who read VMFA's regulatory documents ahead of their visit. They will be able to spend more time enjoying the museum's grounds and collection. The amended version has also removed mentions of parking meters, which no longer exist on the property. **On December 4, 2024 the VMFA Board of Trustees unanimously approved these amendments.**

Acronyms and Definitions

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

VMFA = Virginia Museum of Fine Arts

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

On October 22, 2024 the VMFA filed Project ID 8126 “8VAC103-20 VMFA Parking: Reduce and simplify outdated and redundant regulations” in the Regulation Information System as well as on Town Hall.

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.”

Consistent with Virginia Code § 2.2-4012.1, also explain why this rulemaking is expected to be noncontroversial and therefore appropriate for the fast-track rulemaking process.

At the request of the Office of Regulatory Management, and in keeping with Governor Youngkin’s Executive Order 19, these changes are proposed to reduce and simplify the list of regulations for visitors to the VMFA by 29% by making the agency’s two regulatory documents simpler, shorter, and by removing references to infrastructure that no longer exists on the museum grounds. These changes further VMFA’s goal of remaining the most accessible comprehensive art museum in the nation.

These amendments do not significantly alter the VMFA’s parking policy and they have no direct impact on the museum’s revenue. These changes simply shorten the current regulatory document and make it simpler to read and comprehend.

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 promulgating agency is VMFA, led by its Board of Trustees. **On December 4, 2024 the VMFA Board of Trustees unanimously approved these amendments.** Relevant citations to the Code of Virginia are as follows:

An Act to amend the Code of Virginia by adding in Title 23 a chapter numbered 18.1, consisting of sections numbered 23-253.1 through 23-253.7, and to repeal Chapter 9 (§§ 9-78 through 9-84) of Title 9 of the Code of Virginia, relating to the Virginia Museum of Fine Arts.

[H 1766]

Approved March 15, 1997

§ 23-253.1. Membership of board of trustees; quorum.

The management and control of the Virginia Museum of Fine Arts, hereinafter in this chapter called the "Museum," together with the building, contents, furnishings, grounds and other properties thereof shall be vested in a board of trustees...

Purpose

Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.

This regulatory change helps avoid confusion for people seeking to visit the museum by updating and simplifying outdated and confusing regulations in the agency’s two current regulatory documents. The goal is to make it easier than ever for people to visit the museum in keeping with the guidance from Governor Youngkin’s Executive Order 19.

Substance

Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the “Detail of Changes” section below.

These changes reduce the number of regulations regarding parking for visitors on the museum grounds without making any change to the intent of the original document. These changes simply consolidate and simplify the regulatory document. They also remove several paragraphs referencing parking meters, which were removed from the grounds of the museum approximately fourteen years ago.

Issues

Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.

The primary advantage to the public is that VMFA will have simpler, shorter regulatory documents. Small businesses and local governments will not be affected by these changes. VMFA does not anticipate any disadvantages to the public as a result of these changes.

Requirements More Restrictive than Federal

Identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.

There are no applicable federal requirements, nor any requirements that exceed applicable federal requirements.

Agencies, Localities, and Other Entities Particularly Affected

Consistent with § 2.2-4007.04 of the Code of Virginia, identify any other state agencies, localities, or other entities particularly affected by the regulatory change. Other entities could include local partners such as tribal governments, school boards, community services boards, and similar regional organizations. "Particularly affected" are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.

Other State Agencies Particularly Affected

No agency is particularly affected by these changes.

Localities Particularly Affected

No locality is particularly affected by these changes.

Other Entities Particularly Affected

No entity is particularly affected by these changes.

Economic Impact

Consistent with § 2.2-4007.04 of the Code of Virginia, identify all specific economic impacts (costs and/or benefits), anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is the proposed change versus the status quo.

Impact on State Agencies

<p><i>For your agency:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including: a) fund source / fund detail; b) delineation of one-time versus on-going expenditures; and c) whether any costs or revenue loss can be absorbed within existing resources</p>	<p>These amendments do not change the amount of revenue the museum will collect from parking fees.</p>
<p><i>For other state agencies:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.</p>	<p>These changes do not affect other state agencies.</p>

<i>For all agencies:</i> Benefits the regulatory change is designed to produce.	These changes do not create significant changes for other state agencies.
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Impact on Localities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a or 2) on which it was reported. Information provided on that form need not be repeated here.

Projected costs, savings, fees or revenues resulting from the regulatory change.	See table 1a
Benefits the regulatory change is designed to produce.	See table 1a

Impact on Other Entities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a, 3, or 4) on which it was reported. Information provided on that form need not be repeated here.

Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect.	See table 1a
Agency’s best estimate of the number of such entities that will be affected. Include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that: a) is independently owned and operated and; b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	See table 1a
All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Be specific and include all costs including, but not limited to: a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change; c) fees; d) purchases of equipment or services; and e) time required to comply with the requirements.	See table 4
Benefits the regulatory change is designed to produce.	These changes will reduce and simplify the list of regulations for visitors to the VMFA by 29% by making the agency’s two regulatory documents simpler, shorter, and by removing references to infrastructure that no longer exists on the museum grounds. These changes further VMFA’s goal of remaining the most accessible comprehensive art museum in the nation.

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.

The only alternative considered was the status quo. It was determined that these changes present less of a burden to the public than the status quo. See table 1c

If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.

Regulatory Flexibility Analysis

Consistent with § 2.2-4007.1 B of the Code of Virginia, describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.

See each entry in the ORM Economic Impact Form. Consolidation or simplification of compliance or reporting requirements was the guiding principle for every change.

If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.

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.

Consistent with § 2.2-4011 of the Code of Virginia, if an objection to the use of the fast-track process is received within the 30-day public comment period from 10 or more persons, any member of the applicable standing committee of either house of the General Assembly or of the Joint Commission on Administrative Rules, the agency shall: 1) file notice of the objections with the Registrar of Regulations for publication in the Virginia Register and 2) proceed with the normal promulgation process with the initial publication of the fast-track regulation serving as the Notice of Intended Regulatory Action.

If you are objecting to the use of the fast-track process as the means of promulgating this regulation, please clearly indicate your objection in your comment. Please also indicate the nature of, and reason for, your objection to using this process.

The VMFA is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal and any alternative approaches, (ii) the potential impacts of the regulation, and (iii) the agency's regulatory flexibility analysis stated in this background document.

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 David Cary at David.cary@vmfa.museum, 200 N Arthur Ashe Blvd Richmond, VA 23220 or 804.340.1628. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

Detail of Changes

List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Use all tables that apply, but delete inapplicable tables.

If an existing VAC Chapter(s) is being amended or repealed, use Table 1 to describe the changes between existing VAC Chapter(s) and the proposed regulation. If existing VAC Chapter(s) or sections are being repealed and replaced, ensure Table 1 clearly shows both the current number and the new number for each repealed section and the replacement section.

Table 1: Changes to Existing VAC Chapter(s)

Current chapter-section number	New chapter-section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
8VAC103-20-20		Currently contains the general provisions of parking regulations at the museum.	The amended language does not change the intent of the original document. It simply shortens and simplifies the document. And removes outdated references to timed parking meters, which have been removed from the grounds of the museum
8VAC103-20-20		Regards enforcement of parking regulations	The amended version shortens the chapter by consolidating the list of parking offenses and enforcement actions
8VAC103-20-50		Regards the schedule of parking fines	The amended version shortens and simplifies an unnecessarily long schedule of fines and removes fines related to parking meters.

If a new VAC Chapter(s) is being promulgated and is not replacing an existing Chapter(s), use Table 2.

Table 2: Promulgating New VAC Chapter(s) without Repeal and Replace

New chapter-	New requirements	Other regulations and law that apply	Intent and likely impact of new requirements
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section number			

If the regulatory change is replacing an **emergency regulation**, and the proposed regulation is identical to the emergency regulation, complete Table 1 and/or Table 2, as described above.

If the regulatory change is replacing an **emergency regulation**, but changes have been made since the emergency regulation became effective, also complete Table 3 to describe the changes made since the emergency regulation.

Table 3: Changes to the Emergency Regulation

Emergency chapter-section number	New chapter-section number, if applicable	Current <u>emergency</u> requirement	Change, intent, rationale, and likely impact of new or changed requirements since emergency stage