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Periodic Review Report of Findings

Agency name	Virginia Department of Transportation
Virginia Administrative Code (VAC) citation	24 VAC 30-155
Regulation title	Traffic Impact Analysis Regulations
Date this document prepared	March 26, 2019

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 (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

Acronyms and Definitions

Please define all acronyms used in this Report. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

"VDOT" means the Virginia Department of Transportation, the Commissioner of Highways, or a designee.

Legal Basis

Please identify (1) the agency or other promulgating entity, 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 entity to regulate this specific subject or program, as well as a reference to the agency or promulgating entity'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

Please 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.

VDOT is required to implement and promulgate regulations that allow VDOT to analyze proposed comprehensive plans, transportation plans, plan amendments, and rezonings, and recommend transportation improvements in order to mitigate any potential adverse impacts on state-controlled highways. In the interests of ensuring the safety and well-being of the traveling public, VDOT believes there are no viable alternatives to this regulation and that the current regulation is the least burdensome approach for achieving the purposes set forth by the regulation.

Public Comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Ensure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency or board. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

No comments were received during the public comment period following publication of the Notice of Periodic Review.

Commenter	Comment	Agency response

Effectiveness

Pursuant to § 2.2-4017, please 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.

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

Please explain the basis for the rulemaking entity’s decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

VDOT recommends that this regulation be retained without change.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, include a discussion of the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (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 the stated objectives of applicable law, will minimize the economic impact of regulations on small businesses.

There is a continued need for the regulation, as it provides the most cost-effective means of analyzing and mitigating any potential adverse impacts on state-controlled highways with regards 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. Although this is the first full evaluation since the regulation was codified in 2007, there have been amendments to the regulation in 2008, 2010, 2011, and 2014. Through the examination of the regulation, especially the thresholds set for site trip generation that trigger the need for a submission, VDOT has determined that the regulatory requirements currently minimize the economic impact of 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.