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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 VAC30-121
<b>VAC Chapter title(s)</b>	Comprehensive Roadside Management Program
<b>Date this document prepared</b>	4/22/2020

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.*

CRMP means the Comprehensive Roadside Management Program.  
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 Virginia Department of Transportation has the authority to implement a comprehensive roadside management program pursuant to § 33.2-265 of the *Code of Virginia*. Guidance documents have been developed by VDOT to provide further guidance on how the CRMP program is administered.

**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.*

No viable alternatives were identified for achieving the purpose of this regulation. This regulation is the least burdensome means for achieving its purpose.

**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.*

No public comment was received during the public comment period.

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.*

The regulation is necessary to allow private businesses, civic organizations, communities, individuals and local governments an opportunity to improve the appearance and safety of the state maintained right-of-way or real property, herein referred to as right-of-way, by participating in the project development, establishment, and maintenance of landscaping activities within the state-maintained right-of-way. Acknowledgement signs must comply with clear zone safety requirements and the criteria for placement for specific highway systems and access type. The regulation is clearly written and easily understandable.

**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 decision is to retain this regulation without making changes. There is a continued need for this regulation. There have been several participants throughout the Commonwealth since the beginning of

the CRMP. Currently, there are additional projects in the early planning stages of development within the Commonwealth.

### 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 because it enables private businesses, civic organizations, communities, individual and local governments to have an opportunity to improve the appearance and safety of the state maintained right-of-way. The program allows participants the flexibility of providing monetary or noncash contributions in addition to selecting the highway system which they would like to participate, based on their contribution. To date, comments on the existing projects have been positive. Guidance documents developed by VDOT assist participants with the implementation of the program, however the regulation is not overly complex. There is no overlap, duplication or conflict with federal or state law or regulation. The regulation was adopted in 2006, and was last amended in 2011.