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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 VAC 30-21
VAC Chapter title(s)	General Rules and Regulations of the Commonwealth Transportation Board
Date this document prepared	03/16/2021

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.

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 Commonwealth Transportation Board has general authority to adopt regulations “for the protection of and covering traffic on and for the use of systems of state highways and shall have the authority to add to, amend, or repeal such regulations” pursuant to § 33.2-210 of the Code of Virginia. Through this regulation, the CTB regulates generally the activities that occur on highway rights-of-way under its jurisdiction, dictating that uses other than travel are subject to the land use permit framework and that access/entrances are subject to the access management framework, and providing for regulation of other uses of the highway systems.

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 alternatives are viable that meet the essential purpose of the regulation, which is to preserve the integrity of the state system of highways, as well as to facilitate the safe and convenient transportation of goods and people.

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 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.

Pursuant to its authority granted by § 33.2-210, it is reasonable and appropriate for the CTB to regulate the activities that occur on highway rights-of-way under its jurisdiction through the land use permit framework. It is also reasonable and appropriate for the CTB to establish rules concerning the use of highway rights-of-way. Both of these situations involve the safety of the traveling public, cargo carriers, anyone performing work on the highways or adjacent areas, as well as the integrity and soundness of the highway network itself.

This regulation works in complement to the detailed regulations concerning land use, access management, and administration of facilities such as parking lots, waysides, and rest areas that the CTB has also established. The regulation is therefore necessary for the protection of public health, safety, and welfare. Additionally, 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 existing regulation serves a necessary purpose and is not overly burdensome on the public. The CTB recommends retaining the regulation as is.

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.

The regulation continues to be necessary for the safety and protection of the travelling public and workers performing tasks on or near the highways. The CTB has received no complaints concerning this regulation. The regulation is not complex, and does not duplicate, or conflict with other state or federal laws. The regulation was last amended in 2009.