

Office of Regulatory Management  
Economic Review Form

<b>Agency name</b>	Commonwealth Transportation Board
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	24 VAC 30-200
<b>VAC Chapter title(s)</b>	Vegetation Control Regulations on State Rights-of-Way
<b>Action title</b>	Chapter 200 Regulatory Reform and Periodic Review
<b>Date this document prepared</b>	July 29, 2024
<b>Regulatory Stage (including Issuance of Guidance Documents)</b>	Proposed

**Cost Benefit Analysis**

Complete Tables 1a and 1b for all regulatory actions. You do not need to complete Table 1c if the regulatory action is required by state statute or federal statute or regulation and leaves no discretion in its implementation.

Table 1a should provide analysis for the regulatory approach you are taking. Table 1b should provide analysis for the approach of leaving the current regulations intact (i.e., no further change is implemented). Table 1c should provide analysis for at least one alternative approach. You should not limit yourself to one alternative, however, and can add additional charts as needed.

Report both direct and indirect costs and benefits that can be monetized in Boxes 1 and 2. Report direct and indirect costs and benefits that cannot be monetized in Box 4. See the ORM Regulatory Economic Analysis Manual for additional guidance.

**Table 1a: Costs and Benefits of the Proposed Changes (Primary Option)**

(1) Direct & Indirect Costs & Benefits (Monetized)	No monetizable direct or indirect costs or benefits of the proposed changes have been identified.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a)	(b)
(3) Net Monetized Benefit		
(4) Other Costs & Benefits (Non-Monetized)	<p>Under the proposed changes, one key benefit is that businesses visible from a highway would be permitted to cut trees with trunk base diameters up to six inches and prune vegetation up to four inches in diameter in order to make more visible their locations. Under 24VAC30-200-20, when tree removal is recommended, the permittee shall provide a list of suitable trees and shrubs and a landscape plan to replace the vegetation removed. The certified arborist and VDOT or the local government official shall agree on size and species of replacement vegetation. The permittee must then plant, at their own expense, the approved replacement vegetation at the locations shown on the landscape plan and in accordance with VDOT’s specifications. In instances where permittees opt to utilize the new regulatory flexibility to cut tree trunks or branches with wider diameters than those currently permitted, the monetary cost to permittees of the required replacement vegetation could be higher. However, such costs are unknown at this time.</p> <p>The proposed amendments will remove the requirement for permittees to submit two 8" x 10" color glossy photographs with their application. This change will allow for electronic submission of photographs, which represents a monetary benefit to permittees through printing and postage savings. The average savings to permittees from this change are unknown at this time.</p> <p>Other non-monetized direct benefits of the changes include added clarity for regulated entities through the removal of the Documents Incorporated by Reference (DIBR), elimination of redundant and unnecessary text, and other updating and streamlining amendments. Including the DIBR in the terms of the land use permit instead of the regulation will benefit the regulated community by more narrowly tailoring requirements to the specific type of permit and associated activity and easing burdens on permittees in determining applicability. This also provides an indirect benefit to VDOT by ensuring projects follow the correct standards and specifications.</p>	

	<p>The inclusion of invasive trees and trees which present safety threats in the new definition of “undesirable” will facilitate the removal of these trees from the highway right-of-way. The focus on invasive species is further emphasized through the removal of non-native flowering trees from the protection afforded dogwood and other native flowering trees. These changes will benefit the public and the environment through improved safety and protection of native plants.</p>
(5) Information Sources	

**Table 1b: Costs and Benefits under the Status Quo (No change to the regulation)**

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>No monetizable direct or indirect costs or benefits from the status quo have been identified.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a)	(b)
(3) Net Monetized Benefit		
(4) Other Costs & Benefits (Non-Monetized)	<p>Under the status quo, permittees may only cut trees and branches that are two inches in diameter or less to make a business more visible. Permittees are required to pay for and plant trees and shrubs as designated in an approved landscape plan to replace the vegetation removed. The current cost to permittees of replacement vegetation could be lower than under the proposed changes in instances where additional trees and branches could be cut if the permittee opts to utilize the proposed flexibility related to the larger diameter size allowed. The current average cost to permittees of replacement vegetation is unknown at this time.</p> <p>The current regulation requires permittees to submit two 8" x 10" color glossy photographs with their application, which represents a monetary cost to permittees for printing and postage. The average cost to permittees from this requirement is unknown at this time.</p> <p>Another non-monetizable cost of the status quo regulation is that it does not provide adequate clarity and flexibility in the areas where amendments are proposed. The current regulation also does not provide for potential benefits to the public and the environment through</p>	

	improved safety and protection of native plants proposed by the amendments, which serves as a cost.
(5) Information Sources	

**Table 1c: Costs and Benefits under Alternative Approach(es)**

(1) Direct & Indirect Costs & Benefits (Monetized)	There are no monetizable direct or indirect costs or benefits under the alternative approach.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a)	(b)
(3) Net Monetized Benefit		
(4) Other Costs & Benefits (Non-Monetized)	A potential alternative to the proposed change for cutting and pruning in front of businesses would be to instead amend the regulation to stipulate that all cuttings to make outdoor advertising signs more visible from the roadway shall be limited to vegetation with trunk base diameters of less than two inches, which is consistent with current regulatory requirement for businesses. While this would decrease the size of cuttings relative to the status quo and achieve regulatory parity between businesses and outdoor advertising, more restrictive regulation of outdoor advertising signs with respect to cutting and pruning would be in conflict of § 33.2-1221(B)(1)(b) of the Code of Virginia. Further, billboard owners would view the more stringent restrictions as interfering with their ability to maintain visibility of their billboards and thus potentially diminishing a billboard’s value, or in the alternative, increasing costs necessitated by more frequent cuttings. Additionally, VDOT has determined through surveying VDOT roadside managers that the less than two inch in diameter limitation for cutting and pruning vegetation is too restrictive and impractical in many cases due to the rate of vegetation growth.	
(5) Information Sources		

**Impact on Local Partners**

Use this chart to describe impacts on local partners. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

**Table 2: Impact on Local Partners**

(1) Direct & Indirect Costs & Benefits (Monetized)	No monetizable direct or indirect costs or benefits to local partners from these proposed changes have been identified.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a)	(b)
(3) Other Costs & Benefits (Non-Monetized)	Cities or towns where the relevant public right-of-way is within the jurisdictional limits of the city or town on a highway or street not within the jurisdiction of the Commissioner of Highways are delegated authority for activities pertaining to making billboards in those localities more visible; vegetation control in front of businesses in this regulation does not apply to highways and streets not under the Commissioner’s authority. No adverse impacts are expected. Additionally, to the extent that local partners are affected by this regulation, they will benefit from the clarity and streamlining provided by the proposed changes.	
(4) Assistance		
(5) Information Sources		

**Impacts on Families**

Use this chart to describe impacts on families. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

**Table 3: Impact on Families**

(1) Direct & Indirect Costs & Benefits (Monetized)	No monetizable direct or indirect costs or benefits to families from these proposed changes have been identified.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a)	(b)

(3) Other Costs & Benefits (Non-Monetized)	
(4) Information Sources	

**Impacts on Small Businesses**

Use this chart to describe impacts on small businesses. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

**Table 4: Impact on Small Businesses**

(1) Direct & Indirect Costs & Benefits (Monetized)	No monetizable direct or indirect costs or benefits to small businesses have been identified.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a)	(b)
(3) Other Costs & Benefits (Non-Monetized)	<p>Under the proposed changes, small businesses visible from the highway could cut and prune more trees and branches blocking the view of their locations than is currently permitted. This greater visibility to passing vehicles will serve as a benefit to small businesses impacted by the regulation.</p> <p>Small businesses would see printing and postage savings from the removed requirement to submit two 8" x 10" color glossy photographs with permit applications and the allowance for electronic submission of these photographs. The average savings to small businesses from this change are unknown at this time. Small businesses will also benefit from the clarity and streamlining provided by the proposed changes.</p> <p>If small businesses affected by this regulation opt to utilize the new regulatory flexibility to cut tree trunks or branches with wider diameters than those currently permitted, those small businesses could potentially see higher costs for the corresponding additional replacement vegetation that could be required. Such costs are unknown at this time.</p>	
(4) Alternatives		

(5) Information Sources	
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**Changes to Number of Regulatory Requirements**

**Table 5: Regulatory Reduction**

For each individual action, please fill out the appropriate chart to reflect any change in regulatory requirements, costs, regulatory stringency, or the overall length of any guidance documents.

*Change in Regulatory Requirements*

VAC Section(s) Involved*	Authority of Change	Initial Count	Additions	Subtractions	Total Net Change in Requirements
24VAC30-200-10	(M/A):	0			0
	(D/A):	0			0
	(M/R):	0			0
	(D/R):	0			0
24VAC30-200-20	(M/A):	1			0
	(D/A):	0			0
	(M/R):	10		2	-2
	(D/R):	10		2	-2
24VAC30-200-30	(M/A):	0			0
	(D/A):	0			0
	(M/R):	6			0
	(D/R):	23		2	-2
24VAC30-200-40	(M/A):	0			0
	(D/A):	7,200		7,200	-7,200
	(M/R):	0			0
	(D/R):	9,349		-9,349	-9,349
24VAC30-200-FORMS	(M/A):	0			0
	(D/A):	0			0
	(M/R):	0			0
	(D/R):	0			0
<b>Grand Total of Changes in Requirements:</b>					(M/A): 0 (D/A): -7,200 (M/R): -2 (D/R): -9,353

**Key:**

*Please use the following coding if change is mandatory or discretionary and whether it affects externally regulated parties or only the agency itself:*

**(M/A):** Mandatory requirements mandated by federal and/or state statute affecting the agency itself

**(D/A):** Discretionary requirements affecting agency itself

**(M/R):** Mandatory requirements mandated by federal and/or state statute affecting external parties, including other agencies

**(D/R):** Discretionary requirements affecting external parties, including other agencies



*Cost Reductions or Increases (if applicable)*  
 N/A

*Other Decreases or Increases in Regulatory Stringency (if applicable)*

<b>VAC Section(s) Involved*</b>	<b>Description of Regulatory Change</b>	<b>Overview of How It Reduces or Increases Regulatory Burden</b>
24VAC30-200-20	Subsection B will be amended to allow cutting and pruning in front of businesses to be consistent with that for outdoor advertising signs by relaxing the limitation on cutting to vegetation with trunk base diameters of less than six inches and pruning of limbs up to four inches in diameter.	This will remove the distinction between cutting related to outdoor advertising structures and that related to businesses, granting businesses more flexibility with regard to cutting and pruning to make their locations more visible from the roadway.
24VAC30-200-30	Subsection A will be amended to remove the requirement that a permittee attach 8" x 10" color glossy photographs with their application.	This will alleviate the regulatory burden of having to mail physical photographs as electronic submission of photographs will be allowed under the change.

*Length of Guidance Documents (only applicable if guidance document is being revised)*  
 N/A

\*If the agency is modifying a guidance document that has regulatory requirements, it should report any change in requirements in the appropriate chart(s).