



Virginia Department of Planning and Budget **Economic Impact Analysis**

24 VAC 30-640 Parking on Primary and Secondary Highways
Department of Transportation
Town Hall Action/Stage: 5269 / 9479
February 24, 2022

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia (Code) and Executive Order 14 (as amended, July 16, 2018). The analysis presented below represents DPB’s best estimate of these economic impacts.¹

Summary of the Proposed Amendments to Regulation

The Commissioner of Highways (Commissioner) proposes to promulgate 24 VAC 30-640 *Parking on Primary and Secondary Highways* as a new chapter in the Virginia Administrative Code.

Background

Code of Virginia § 46.2-830 states that “The Commissioner of Highways may classify, designate, and mark state highways and provide a uniform system of traffic control devices for such highways under the jurisdiction of the Commonwealth.” The definition of traffic control device includes signs.² VDOT has in practice placed no parking signs in appropriate areas for public safety and to facilitate the mobility of traffic.

Code of Virginia § 46.2-1223 states that “Except as otherwise provided in this article, the Commissioner of Highways may, by regulation, regulate parking on any part of the primary and

¹ Code § 2.2-4007.04 requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the analysis should include but not be limited to: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

² See Code § 46.2-100: <https://law.lis.virginia.gov/vacode/title46.2/chapter1/section46.2-100/>

secondary systems of state highways.” The Virginia Department of Transportation (VDOT) does not currently have a parking regulation. The Commissioner proposes to establish a new regulation to clarify the parking-related issues of concern to VDOT that are not in conflict with localities’ authority to regulate parking under other sections of the Code of Virginia. Such parking-related issues of concern to VDOT include areas along highways where parking impedes the safe or efficient flow of vehicular traffic or the proper operation of the highway. The agency believes it is highly desirable that counties and towns continue to address, through their ordinances, parking issues on their local streets within their boundaries and that are otherwise maintained by VDOT. Such streets are typically classified as local (or collectors that serve a similar purpose) and primarily serve to provide access to residences or businesses (including parking for those residences and businesses). These streets typically have speed limits of 25 mph and are within a neighborhood or subdivision or in a “residence district” or “business district” of a town.

Estimated Benefits and Costs

The proposed new regulation has five sections: 24 VAC 30-640-10 Definitions, 24 VAC 30-640-20 Prohibition on parking generally, 24 VAC 30-640-30 Signs, 24 VAC 30-640-40 Enforcement, and 24 VAC 30-640-50 Exceptions and authority of localities. Section 10 “Definitions” is self-explanatory.

In Section 20 “Prohibition on parking generally,” Subsection A states that “The Department may restrict or prohibit parking, stopping or standing on any portion of the right-of-way of a primary or secondary highway where, in the Department’s discretion, such parking, stopping or standing impedes the safe or intended use of the highway.” Subsection B states that “Parking, stopping or standing is prohibited on any bridge or in any tunnel and on any bicycle lane or shared use path unless otherwise indicated by the Department.” Subsection C lists the factors VDOT shall consider when determining whether to restrict or prohibit parking, stopping, or standing in a location, including: 1) the intended use of the highway, 2) the roadway design, speed and traffic, 3) where parking, stopping or standing may cause undue damage to any portion of the highway maintained by VDOT, and 4) where parking, stopping or standing obstructs the actions required by VDOT for operating, maintaining or constructing the highway.

Section 30 “Signs” simply states that: a) any restriction or prohibition on parking, stopping or standing pursuant to Section 20 shall be indicated by signs erected in the area of the restriction or prohibition, and b) all signs erected in accordance with this section shall conform in content, location and design with the uniform standards for traffic control devices established by the Commissioner of Highways pursuant to § 46.2-830.³

Subsection A of Section 40 “Enforcement” states that “Any vehicle parked, stopped or standing in violation of this regulation may be issued a citation by an appropriate law enforcement officer for a traffic infraction and shall be subject to penalties set in accordance with § 46.2-113⁴ and the Rules of the Supreme Court of Virginia.” Subsection B indicates that uncontested citations are to be paid to the local government in which the part of the highway lies.⁵ Subsection C states that “Citations issued under the provisions of this section and which are contested or delinquent shall be certified or a complaint, summons, or warrant shall be issued as provided in § 46.2-1225⁶ to the general district court in whose jurisdiction the part of the highway lies. Any sums collected by such court, minus court costs, shall be promptly paid by the clerk into the general fund of the state treasury.” VDOT has indicated that it has not, and has no future plans to issue its own citations. When violations come to the attention of agency employees, appropriate law enforcement agencies may be contacted.

Subsection A of Section 50 “Exceptions and authority of localities” exempts law-enforcement vehicles, emergency vehicles, and VDOT vehicles acting in the performance of their official duties from restrictions and prohibitions on parking pursuant to this regulation. Subsections B, C, and D state that nothing in this regulation shall be construed so as to infringe on: B) localities’ authority to regulate or prohibit parking in accordance with the Code of Virginia, C) the authority of any board of visitors or other governing body of an educational institution relating to parking on property owned by the institution in accordance with the Code of Virginia, and D) the authority of the State Board of Behavioral Health and Developmental

³ See <https://law.lis.virginia.gov/vacode/title46.2/chapter8/section46.2-830/>

⁴ See <https://law.lis.virginia.gov/vacode/title46.2/chapter1/section46.2-113/>

⁵ More specifically, “Citations issued under the provisions of this regulation and which are uncontested shall be paid to the administrative official or officials appointed under the provisions of § 46.2-1227 in the locality in which the part of the highway lies, or for any locality where there is no such appointed administrative official the citations shall be paid to the local treasurer, who shall promptly pay them into the general fund of the state treasury.”

⁶ See <https://law.lis.virginia.gov/vacode/title46.2/chapter12/section46.2-1225/>

Services relating to parking on property owned by the Department of Behavioral Health and Developmental Services in accordance with the Code of Virginia.

The promulgation of the regulation is not likely to have a large impact in practice, but is beneficial in that it helps clarify for the public VDOT's rules and procedures concerning parking.

Businesses and Other Entities Affected

The regulation pertains to all business, other entities, and individuals who use motor vehicles on the Commonwealth's highways.

The Code of Virginia requires DPB to assess whether an adverse impact may result from the proposed regulation.⁷ An adverse impact is indicated if there is any increase in net cost or reduction in net revenue for any entity, even if the benefits exceed the costs for all entities combined. No adverse impact is indicated.

Small Businesses⁸ Affected:⁹

The proposed regulation does not appear to adversely affect small businesses.

Localities¹⁰ Affected¹¹

The proposed regulation neither disproportionately affects particular localities, nor does it substantively affect costs for local governments.

⁷ Pursuant to Code § 2.2-4007.04(D): In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance. Statute does not define "adverse impact," state whether only Virginia entities should be considered, nor indicate whether an adverse impact results from regulatory requirements mandated by legislation.

⁸ Pursuant to § 2.2-4007.04 of the Code of Virginia, small business is defined as "a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million."

⁹ If the proposed regulatory action may have an adverse effect on small businesses, Code § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to Code § 2.2-4007.1, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules shall be notified.

¹⁰ "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulatory change are most likely to occur.

¹¹ § 2.2-4007.04 defines "particularly affected" as bearing disproportionate material impact.

Projected Impact on Employment

The proposed regulation is unlikely to affect total employment.

Effects on the Use and Value of Private Property

The proposed regulation is unlikely to substantively affect either the use and value of private property or real estate development costs.