



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Aubrey L. Layne, Jr.
Chairman

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Agenda item # 3

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

July 15, 2015

MOTION

Made By: Mr. Garczynski, Seconded By: Mr. Williams
Action: Motion Carried, Unanimously

Title: Authorization to Amend the *Land Use Permit Regulations (24VAC30-151)* to allow mobile food vending in accordance with Chapter 466 of the 2015 Acts of Assembly

WHEREAS, the Commonwealth Transportation Board (CTB) adopted the *Land Use Permit Regulations (24VAC30-151)* on October 15, 2009, which prohibited vending on state highway right of way; and

WHEREAS, Chapter 466 of the 2015 Acts of Assembly directs the Commonwealth Transportation Board to amend its regulations to allow mobile food vending on state highway rights-of-way except on limited access highways; and

WHEREAS, the Virginia Department of Transportation (VDOT) is directed to solicit input from localities and other stakeholders in the process of amending the regulations; and

WHEREAS, VDOT issued a general notice on April 2, 2015 that was published in the *Virginia Register* and online through the Department of Planning & Budget's Virginia Regulatory Town Hall soliciting comments regarding mobile food vending on state highway rights-of-way; and

WHEREAS, VDOT contacted the Virginia Association of Counties, the Virginia Municipal League, the Fairfax County Chamber of Commerce, Fairfax County, and the DC-Maryland-Virginia Food Truck Association for comments; and

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WHEREAS, the general notice expired on May 4, 2015 with 6 comments received; and

WHEREAS, comments received to date have been positive and in support of the recommended action; and

WHEREAS, the Commonwealth Transportation Board finds that amending the *Land Use Permit Regulations* to allow mobile food vendors to operate in accordance with Chapter 466 should be accomplished expeditiously.

NOW, THEREFORE BE IT RESOLVED, the Commonwealth Transportation Board approves the amendments to the *Land Use Permit Regulations* (24VAC30-151) as shown in Attachment A as required by Chapter 466 of the 2015 Acts of Assembly; and

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board directs VDOT to process the amendments as required under procedures established by the *Code of Virginia*, the Governor, the Registrar of Regulations, and the Department of Planning and Budget for the amendment of regulations under the Administrative Process Act.

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