



# COMMONWEALTH of VIRGINIA

## Commonwealth Transportation Board

W. Sheppard Miller, III  
Chairperson

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*Agenda item # 5*

### RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

**December 4, 2024**

#### MOTION

**Made By:** Mr. Fowlkes, **Seconded By:** Mr. Davis

**Action:** Motion Carried, Unanimously

**Title: Regulatory Reduction Program and Proposed Regulatory Amendments: Rules and Regulations for the Administration of Waysides and Rest Areas (24VAC30-50) and Rules and Regulations for the Administration of Parking Lots and Environs (24VAC30-100)**

**WHEREAS**, pursuant to the resolution titled *Approval of Notices of Intended Regulatory Action in Conjunction with Periodic Regulatory Review* approved at the Commonwealth Transportation Board's (CTB) July 16, 2024, action meeting, the Virginia Department of Transportation (VDOT) filed the approved Notice of Intended Regulatory Action (NOIRA) and associated Agency Background Document for the Rules and Regulations for the Administration of Waysides and Rest Areas (24VAC30-50) and Rules and Regulations for the Administration of Parking Lots and Environs (24VAC30-100) on the Virginia Regulatory Town Hall website to initiate the process of amending the regulations; and

**WHEREAS**, no comments were received during the 30-day public comment period held in conjunction with publication of the NOIRA in the *Virginia Register of Regulations*; and

**WHEREAS**, this action was initiated to (i) fulfill the periodic regulatory review requirements of the Virginia Administrative Process Act (Section 2.2-4000 *et seq* of the *Code of Virginia*) and Executive Order (EO) 19 (June 30, 2022) and (ii) pursue regulatory reduction in accordance with EO 19 and guidance from the Office of Regulatory Management (ORM) requiring each agency to reduce the agency's discretionary regulatory burden on the public by 25%, with reductions generally requiring amendment of regulations through the rulemaking process; and

Resolution of the Board

Regulatory Reduction Program and Proposed Regulatory Amendments: Rules and Regulations for the Administration of Waysides and Rest Areas (24VAC30-50) and Rules and Regulations for the Administration of Parking Lots and Environs (24VAC30-100)

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**WHEREAS**, VDOT conducted a full review of 24VAC30-50 and 24VAC30-100 pursuant to the ORM requirements and has identified opportunities for clarifying and streamlining the regulatory language through potential consolidation of and amendments to these regulations, as detailed in Attachment A; and

**WHEREAS**, pursuant to the Administrative Process Act, the proposed amendments to the regulations must now be posted on the Virginia Regulatory Town Hall in conjunction with the Proposed stage of the regulatory process and published in the *Virginia Register of Regulations* for a public comment period of 60 days before the consolidated, amended regulations may be finalized and become effective; and

**WHEREAS**, VDOT has completed an Agency Background Document (TH-02) to be filed on Town Hall in conjunction with the Proposed stage for these regulations (Attachment B); and

**WHEREAS**, the CTB originally adopted 24VAC30-50 and 24VAC30-100 pursuant to the authority set forth in §§ 33.2-118, 33.2-210, and 33.2-246 of the *Code of Virginia*, 23 USC § 111, and 23 CFR § 752.5, and is authorized to take action to amend, repeal or retain said regulations.

**NOW, THEREFORE, BE IT RESOLVED** that the Commonwealth Transportation Board hereby approves the proposed consolidation of and amendments to the Rules and Regulations for the Administration of Waysides and Rest Areas (24VAC30-50) and Rules and Regulations for the Administration of Parking Lots and Environs (24VAC30-100), attached hereto (Attachment A).

**BE IT FURTHER RESOLVED**, that the Commonwealth Transportation Board directs the Commissioner of Highways or his designees to take all necessary actions to promulgate the consolidated, amended regulations, filing the necessary forms, including the Proposed Regulation Agency Background Document (Attachment B), as may be required by the Virginia Administrative Process Act.

**BE IT FURTHER RESOLVED**, that the Commonwealth Transportation Board authorizes and directs the Commissioner of Highways or his designees to complete the regulatory process for these regulations, including the Final Stage, and to bring Final amendments/the regulations back to the Board for approval, prior to finalization, only if public comments are received, substantive changes are suggested to the proposed amendments attached hereto, or additional amendments are suggested for the regulations.

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## CTB Decision Brief

### **Regulatory Reduction Program and Proposed Regulatory Amendments: Rules and Regulations for the Administration of Waysides and Rest Areas (24VAC30-50) and Rules and Regulations for the Administration of Parking Lots and Environs (24VAC30-100)**

**Issue:** The Virginia Department of Transportation (VDOT) conducted a periodic review, in compliance with the requirements of the Virginia Administrative Process Act (APA), Executive Order (EO) 19 (June 30, 2022), and Office of Regulatory Management (ORM) procedures, of the Rules and Regulations for the Administration of Waysides and Rest Areas (24VAC30-50) and Rules and Regulations for the Administration of Parking Lots and Environs (24VAC30-100) and at the direction of the Commonwealth Transportation Board (CTB), filed a Notice of Intended Regulatory Action (NOIRA) to advise the public of the intent to modify the regulations. VDOT is now recommending that the CTB advance consolidation of and specific changes to the regulations to the Proposed stage of the regulatory process.

**Facts:** Sections 2.2-4007.1 and 2.2-4017 of the *Code of Virginia* require that all state agencies that adopt regulations periodically review those regulations once every four years. EO 19 and the ORM guidance require each agency to reduce the agency's discretionary regulatory burden on the public by 25%. Reductions may be made by cutting discretionary regulatory requirements identified in the agency's regulatory baseline catalog or by streamlining regulatory requirements (i.e., reducing costs, time, etc.). Reductions generally require amendments to regulations which are accomplished using the rulemaking process.

VDOT's initial review of 24VAC30-50 and 24VAC30-100 indicated there were opportunities for clarifying the regulatory language and streamlining the requirements contained in the regulations. VDOT sought and received approval from the CTB on July 16, 2024, to move forward with a NOIRA for the regulations to initiate the rulemaking process. VDOT filed the NOIRA and associated Agency Background Document on the Virginia Regulatory Town Hall, with no comments received during the 30-day public comment period.

As a result of VDOT's full review of the regulations, VDOT developed proposed regulatory amendments, including consolidation of the two regulations, which are set out in Attachment A. VDOT has also completed an Agency Background Document (TH-02) to be filed on the Virginia Regulatory Town Hall in conjunction with the Proposed stage for the regulations (Attachment B).

On October 22, 2024, VDOT made a presentation to the CTB relating to the proposed consolidation of and amendments to the regulations (24VAC30-50 and 24VAC30-100). Brief summaries of the regulations and the proposed amendments are provided below.

The CTB has the authority to promulgate these regulations pursuant to its general authority to make regulations "for the protection of and covering traffic on and for the use of systems of state highways" in § 33.2-210 of the *Code of Virginia*. Further, 23 USC § 111 and 23 CFR § 752.5 govern agreements between states and the federal government for the construction of projects on the Interstate System and grant states the ability to acquire,

## CTB Decision Brief

Regulatory Reduction Program and Proposed Regulatory Amendments: Rules and Regulations for the Administration of Waysides and Rest Areas (24VAC30-50) and Rules and Regulations for the Administration of Parking Lots and Environs (24VAC30-100)

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construct, operate, and maintain rest areas along Interstate highways and place restrictions and limitations on the use of the areas. The CTB is authorized to "establish regulations for the use of recreational waysides, including regulations relating to (i) the time, place, and manner of parking of vehicles; (ii) activities that may be conducted within such waysides; (iii) solicitation and selling within the waysides; and (iv) such other matters as may be necessary or expedient in the interest of the motoring public" pursuant to subsection E of § 33.2-246 of the *Code of Virginia*. Additionally, § 33.2-118 of the *Code of Virginia* provides authority for the regulation of mobile food vending in commuter parking lots in Planning District 8.

The Rules and Regulations for the Administration of Waysides and Rest Areas, 24VAC30-50, establishes overall policies, procedures, and conditions under which waysides and rest areas under the control of the CTB may be used. The Rules and Regulations for the Administration of Parking Lots and Environs, 24VAC30-100, establishes the rules and conditions governing the use of, and activities that may be conducted in, parking lots and related environs under the control of the CTB.

The proposed amendments will combine Chapters 50 and 100 into a new Chapter 51 as there is considerable overlap between the two existing regulations. Text that is outdated and no longer reflects agency practice is proposed for removal.

A proposed addition will allow for state government entities to request permission for activities at and uses and occupation of rest areas not otherwise prohibited by state or federal law. This will ensure the restrictions on uses of rest areas do not prohibit the distribution by state government entities of relevant safety information to travelers. Additional changes allow for permitting of events in parking lots on weekends, which will provide for use of the parking lot facilities when they are typically not otherwise being used by parked vehicles, and expand mobile food vending to parking lots outside of Planning District 8.

VDOT is seeking approval from the CTB to move forward with the Proposed stage of the regulatory process for the consolidation of and amendments to 24VAC30-50 and 24VAC30-100. This will entail posting the proposed regulatory amendments and necessary forms, including the Proposed Regulation Agency Background Document/TH-02, to Town Hall and publication of the Proposed stage in the *Virginia Register of Regulations*, upon which the 60-day public comment period will commence. VDOT also seeks authorization from the CTB to complete the Final stage of the regulatory process, which will entail a final 30-day public comment period, and to finalize the regulatory amendments provided no public comments are received or substantive amendments to the regulations are proposed between the Proposed and Final stages.

**Recommendations:** VDOT recommends the CTB authorize VDOT to file the Proposed regulatory stage, including the proposed consolidation and amendments and associated Agency Background Document, for 24VAC30-50 and 24VAC30-100.

CTB Decision Brief

Regulatory Reduction Program and Proposed Regulatory Amendments: Rules and Regulations for the Administration of Waysides and Rest Areas (24VAC30-50) and Rules and Regulations for the Administration of Parking Lots and Environs (24VAC30-100)

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**Action Required by CTB:** The CTB will be presented with a resolution and the corresponding proposed regulatory amendments and Agency Background Document for a formal vote.

**Result, if Approved:** VDOT will advance the proposed consolidation of and amendments to 24VAC30-50 and 24VAC30-100 through the regulatory process by filing the Proposed stage. VDOT will also file the Final stage upon conclusion of the Proposed stage if no public comments are received or substantive changes are made to the proposed amendments.

**Options:** Approve, Deny, or Defer.

**Public Comments/Reactions:** No comments were received during the 30-day public comment period held in conjunction with publication of the NOIRA in the *Virginia Register of Regulations*.



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## Proposed Regulation Agency Background Document

<b>Agency name</b>	Commonwealth Transportation Board
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	24VAC30-50 and 24VAC30-100
<b>VAC Chapter title(s)</b>	Review of Rules for the Administration of Waysides, Rest Areas, Parking Lots and Environs
<b>Action title</b>	Chapters 50 and 100 Regulatory Reform and Periodic Review
<b>Date this document prepared</b>	[REDACTED], 2024

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

### Brief Summary

*Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.*

The Rules and Regulations for the Administration of Waysides and Rest Areas, 24VAC30-50, establishes overall policies, procedures, and conditions under which waysides and rest areas under the control of the CTB may be used. Currently, Chapter 50 addresses subjects such as operating hours and prohibited and restricted activities. The Rules and Regulations for the Administration of Parking Lots and Environs, 24VAC30-100, establishes the rules and conditions governing the use of, and activities that may be conducted in, parking lots and related environs under the control of the CTB. Currently, Chapter 100 addresses subjects such as restrictions on parking, prohibited activities, and activities that may be performed under a permit.

The CTB has undertaken a comprehensive review of 24VAC30-50 and 24VAC30-100. The intent of this action is to achieve regulatory reduction and streamlining and to remove redundant or obsolete language in accordance with Governor Youngkin's Executive Order 19 (EO 19). The two regulatory chapters are

proposed to be combined into a new Chapter 51 to remove the overlapping requirements currently duplicated in both regulations. The requirements common to both current chapters will be consolidated into one section within the new regulatory text. The unique provisions of each current chapter will be retained as new standalone sections to ensure the public can easily find and understand the applicable requirements.

Other proposed new additions include the allowance for state government entities to request and be granted permission for activities at and uses and occupation of rest areas not otherwise prohibited by state or federal law, allowance for permitting of events in parking lots on weekends, and expansion of the allowance for mobile food vending to parking lots outside of Planning District 8.

### Acronyms and Definitions

*Define all acronyms used in this form, and any technical terms that are not also defined in the "Definitions" section of the regulation.*

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"Agency" or "VDOT" means the Virginia Department of Transportation.

"CTB" means the Commonwealth Transportation Board.

### Mandate and Impetus

*Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."*

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On July 16, 2024, the CTB approved a Notice of Intended Regulatory Action to review 24VAC30-50 and 24VAC30-100 to potentially amend any overly burdensome requirements, remove any obsolete information, and provide more clarity with streamlined text. The CTB conducted a review of these regulations in accordance with Governor Youngkin's Executive Order 19. As a result of this review, the CTB identified several areas for streamlining, including combining the two regulations to eliminate overlapping requirements. The CTB approved the proposed amendments on [REDACTED], 2024.

### 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 and 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.*

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Authority for these chapters comes from § 33.2-210 of the Code of Virginia and 23 USC § 111 and related federal regulations. 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 has "the authority to add to, amend, or repeal such regulations" pursuant to § 33.2-210 of the Code of Virginia. 23 USC § 111 and 23 CFR § 752.5 govern agreements between states and the federal government for the construction of projects on the Interstate System and grant states the ability to acquire, construct, operate, and maintain rest areas along Interstate highways and place restrictions and limitations on the use of the areas.

Additional authority for Chapter 50 is provided under subsection E of § 33.2-246 of the Code of Virginia, which authorizes the CTB to "establish regulations for the use of recreational waysides, including regulations relating to (i) the time, place, and manner of parking of vehicles; (ii) activities that may be conducted within such waysides; (iii) solicitation and selling within the waysides; and (iv) such other matters as may be necessary or expedient in the interest of the motoring public."

Additional authority for Chapter 100 comes from § 33.2-118 of the Code of Virginia, which provides authority for regulation of mobile food vending in commuter parking lots in Planning District 8.

## Purpose

*Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.*

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The CTB believes Chapters 50 and 100 are necessary for the protection of public health, safety, and welfare. The safety of users and the integrity of the facilities are preserved through the prohibitions on potentially dangerous conduct and restrictions of other conduct which may negatively interfere with the intended uses of these areas. The combination of Chapters 50 and 100 into a new Chapter 51 is beneficial as there is considerable overlap between the two existing regulations. This change will streamline and improve the clarity of the regulations. Text that is outdated and no longer reflects agency practice is proposed for removal. Many changes to the text of the regulation will be made in accordance with the Virginia Register of Regulation's "Form, Style and Procedure Manual for Publication of Virginia Regulations" to ensure the regulation is easily readable and understandable.

A provision will be added to allow for state government entities to request permission for activities at and uses and occupation of rest areas not otherwise prohibited by state or federal law. This will ensure the restrictions on uses of rest areas do not prohibit the distribution of relevant safety information to travelers by state government entities. Additional changes allow for permitting of events in parking lots on weekends. This will provide for use of the parking lot facilities on weekends when they are typically not otherwise being used by parked vehicles. Another change is to expand mobile food vending to parking lots outside of Planning District 8. Other changes to the regulation are necessary to update language which is no longer relevant or which no longer reflects current practice.

## Substance

*Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.*

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Substantive changes include combining the two regulatory chapters into a new Chapter 51 to remove the overlapping requirements currently duplicated in both regulations. The overlapping requirements will be consolidated into one section within the new regulatory text and the unique provisions of each current chapter will be retained as new standalone sections to ensure the public can easily find and understand the applicable requirements.

Furthermore, new substantive additions include the allowance for state government entities to request permission for activities at and uses and occupation of rest areas not otherwise prohibited by state or federal law, the allowance for permitting events in parking lots on weekends, and expansion of the allowance for mobile food vending to parking lots outside of Planning District 8.



Other proposed amendments will achieve administrative updates, add clarifying language, and bring the text in line with current practice.

### Issues

*Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.*

The primary benefit to the public of combining the two regulatory chapters into a new Chapter 51 is to ensure the regulatory requirements are easy to find and understand. Other proposed changes will benefit the public through removing outdated language and providing clarity as to current VDOT practice.

The allowance for state government entities to request permission for activities at and uses and occupation of rest areas not otherwise prohibited by state or federal law will benefit other state government entities as they will be able to request permission to set up tables or hand out educational materials to the public at Virginia’s rest areas. This will also benefit the traveling public as they will be better informed as a result of the information provided to them by government entities.

The allowance for permitting events in parking lots will benefit the public as there will be more opportunities for productive use of the parking lots on weekends. Example activities that could be permitted include farmers markets or car shows.

Expanding the opportunity for mobile food vending in parking lots outside of Planning District 8 will benefit mobile food vendors as they will be able to obtain permits for vending in more lots than allowed under the current regulation. The number and location of lots where new vending would be permitted has not yet been determined.

There are no anticipated disadvantages to the public or the Commonwealth from the proposed regulatory changes.

### Requirements More Restrictive than Federal

*Identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.*

There are no requirements that exceed applicable federal requirements.

### Agencies, Localities, and Other Entities Particularly Affected

*Consistent with § 2.2-4007.04 of the Code of Virginia, identify any other state agencies, localities, or other entities particularly affected by the regulatory change. Other entities could include local partners such as tribal governments, school boards, community services boards, and similar regional organizations. “Particularly affected” are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. “Locality” can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or*

*regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.*

Other State Agencies Particularly Affected

Other state agencies may benefit from the new allowance for requesting permission for activities at and uses and occupation of rest areas not otherwise prohibited by state or federal law.

Localities Particularly Affected

Local governments will not be particularly affected by the proposed regulatory changes.

Other Entities Particularly Affected

Mobile food vendors may benefit from the new allowance for mobile food vending within commuter lots outside of Planning District 8.

**Economic Impact**

*Consistent with § 2.2-4007.04 of the Code of Virginia, identify all specific economic impacts (costs and/or benefits) anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is the proposed change versus the status quo.*

**Impact on State Agencies**

<p><i>For your agency:</i> projected costs, savings, fees, or revenues resulting from the regulatory change, including:                  a) fund source / fund detail;                  b) delineation of one-time versus on-going expenditures; and                  c) whether any costs or revenue loss can be absorbed within existing resources.</p>	<p>There are no projected costs, savings, fees, or revenues for VDOT resulting from the regulatory changes.</p>
<p><i>For other state agencies:</i> projected costs, savings, fees, or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.</p>	<p>There are no projected costs, savings, fees, or revenues for other state agencies resulting from the regulatory changes.</p>
<p><i>For all agencies:</i> Benefits the regulatory change is designed to produce.</p>	<p>General benefits of the regulatory changes include the streamlining and improved clarity of the regulations which will come from combining Chapters 50 and 100. The removal of text that is outdated and no longer reflects agency practice and the changes made in accordance with the Virginia Register of Regulation’s “Form, Style and Procedure Manual for Publication of Virginia Regulations” will ensure the regulation is easily readable and understandable. Other state agencies may specifically benefit from the new allowance for requesting permission for activities at and uses and occupation of rest areas not otherwise prohibited by state or federal law.</p>

**Impact on Localities**

*If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a or 2) on which it was reported. Information provided on that form need not be repeated here.*

Projected costs, savings, fees, or revenues resulting from the regulatory change.	There are no projected costs, savings, fees, or revenues for localities resulting from the regulatory changes.
Benefits the regulatory change is designed to produce.	General benefits of the regulatory changes include the streamlining and improved clarity which will come from combining Chapters 50 and 100. The removal of text that is outdated and no longer reflects agency practice and the changes made in accordance with the Virginia Register of Regulation’s “Form, Style and Procedure Manual for Publication of Virginia Regulations” will ensure the regulation is easily readable and understandable.

**Impact on Other Entities**

*If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a, 3, or 4) on which it was reported. Information provided on that form need not be repeated here.*

Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect.	Mobile food vendors may benefit from the new allowance for mobile food vending within parking lots outside of Planning District 8.
Agency’s best estimate of the number of such entities that will be affected. Include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that: a) is independently owned and operated, and; b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	In the last 6 years, 81 permits have been issued to mobile food vendors in Planning District 8 for operating in commuter lots. Most of these vendors are assumed to be small businesses, and expanding the opportunity to operate in other districts across the state can be expected to be beneficial to these and other mobile food vendors. The specific number of mobile food vendors that would be affected by the regulatory change cannot be estimated at this time.
All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Be specific and include all costs including, but not limited to: a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change; c) fees; d) purchases of equipment or services; and e) time required to comply with the requirements.	There are no projected costs for other entities resulting from the regulatory changes.
Benefits the regulatory change is designed to produce.	General benefits of the regulatory changes include the streamlining and improved clarity that will come from combining Chapters 50 and 100.

	The removal of text that is outdated and no longer reflects agency practice and the changes made in accordance with the Virginia Register of Regulation’s “Form, Style and Procedure Manual for Publication of Virginia Regulations” will ensure the regulation is easily readable and understandable.
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### **Alternatives to Regulation**

*Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.*

The proposed regulatory changes were identified during a review conducted in accordance with the principles of EO 19. The focus of the review was to reduce overly burdensome requirements, remove any obsolete information, and provide more clarity with streamlined regulatory requirements. As such, no alternative to the proposed changes were identified. The proposed changes add flexibility for small businesses and no alternatives were considered.

*If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.*

### **Regulatory Flexibility Analysis**

*Consistent with § 2.2-4007.1 B of the Code of Virginia, describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.*

No alternative regulatory methods are applicable, nor were alternative regulatory methods considered.

*If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.*

### **Periodic Review and Small Business Impact Review Report of Findings**

*If you are using this form to report the result of a periodic review/small business impact review that is being conducted as part of this regulatory action, and was announced during the NOIRA stage, indicate whether the regulatory change meets the criteria set out in EO 19 and the ORM procedures, e.g., is necessary for the protection of public health, safety, and welfare; minimizes the economic impact on small*

*businesses consistent with the stated objectives of applicable law; and is clearly written and easily understandable. In addition, 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 proposed changes are largely intended to reduce redundancy and improve clarity in alignment with the criteria set out in EO 19 and the ORM procedures. The regulations allow for the protection of public health, safety, and welfare and continue to be needed. The regulations overlap considerably, which is why the combination of the two existing regulations into a new consolidated Chapter 51 is beneficial. The regulatory text is not overly complex. These regulations were last reviewed in 2021 and no complaints have been received since the last reviews. The proposed regulation is not overly burdensome for small businesses.

**Public Comment**

*Summarize all comments received during the public comment period following the publication of the previous stage, and provide the agency’s response. Include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. If no comment was received, enter a specific statement to that effect.*

No public comments were received during the public comment period following the publication of the previous stage.

**Public Participation**

*Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below.*

The CTB is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal, (ii) any alternative approaches, (iii) the potential impacts of the regulation, and (iv) the agency’s regulatory flexibility analysis stated in that section of this background document.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>. Comments may also be submitted by mail, email or fax to Jo Anne Maxwell, Agency Regulatory Coordinator, 1401 E. Broad St. Richmond, VA 23219, telephone (804) 786-1830, fax (804) 225-4700, [JoAnne.Maxwell@VDOT.Virginia.gov](mailto:JoAnne.Maxwell@VDOT.Virginia.gov). In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will not be held following the publication of this stage of this regulatory action.

**Detail of Changes**

List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Use all tables that apply, but delete inapplicable tables.

If an existing VAC Chapter(s) is being amended or repealed, use Table 1 to describe the changes between the existing VAC Chapter(s) and the proposed regulation. If the existing VAC Chapter(s) or sections are being repealed and replaced, ensure Table 1 clearly shows both the current number and the new number for each repealed section and the replacement section.

**Table 1: Changes to Existing VAC Chapter(s)**

Current chapter-section number	New chapter-section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
50-10(A)	51-20(A)	Sets the hours during which certain waysides will be open.	This language will be added to the new section pertaining to waysides. In the new regulatory text, "Unless otherwise posted," will be added to the beginning of this provision to allow flexibility for signage to be posted at specific waysides setting different opening hours.
50-10(B)		States that when an area is posted for limited parking, the operator of each vehicle may be required to sign a register setting forth the time of arrival.	This language is proposed to be removed as it is not current practice to require vehicle operators to sign a register setting forth the time of arrival.
50-10(C)	51-20(B)	States that when posted, parking shall be limited to the period specified.	This language will be added to the new section pertaining to waysides.
50-10(D)	51-20(C) and 51-30(A)	Prohibits overnight parking.	This language will be simplified and added to the new sections pertaining to waysides and rest areas.
50-10(E)	51-10(B)	States that camping is not permitted at any time.	The text of this requirement will be simplified to state, "Camping is not permitted." In the combined regulation, this will become a generally applicable requirement for waysides, rest areas, and parking lots and environs.
50-10(F)	51-30(B)	Prohibits sleeping in rest area buildings.	This language will be added to the new section pertaining to rest areas.
50-10(G) and 100-10(B)	51-10(C)	States that no vehicle shall be parked in such manner as to occupy more than one marked parking space. The word "marked" is not included in the very similar text from Chapter 100.	The text of this requirement will be simplified, and the word "marked" will be included. In the combined regulation, this will become a generally applicable requirement for waysides, rest areas, and parking lots and environs.
50-10(H)	51-10(E) and 51-30(C)	Prohibits domestic animals from going at large; requires dogs to be kept on leash and	The prohibition on domestic animals going at large will become a generally applicable requirement for waysides, rest

		prohibits them from being taken into any shelter or other building; and exempts guide, hearing, or service dogs as defined by the Code of Virginia.	areas, and parking lots and environs. The text will be simplified.  Specific language regarding dogs entering buildings will be added to the new section pertaining to rest areas. The text will also be simplified.
50-10(I) and 100-10(E)	51-10(F)	Prohibit picking any flowers, foliage, or fruit; cutting, breaking, digging up or in any way mutilating or injuring any tree, shrub, plant, grass, turf, fence, structure, or anything within the area; or cutting, carving, painting, marking, pasting, or in any way attaching on any tree, stone, fence, wall, building, or other object therein, any bill, advertisement, or inscription whatsoever.	This language will become a generally applicable requirement for waysides, rest areas, and parking lots and environs. The text will be simplified.
50-10(J) and 100-10(F)	51-10(G)	State that no person shall disturb or injure any bird, birds' nest or eggs, or any squirrel or other animal within the area.	This language will become a generally applicable requirement for waysides, rest areas, and parking lots and environs. The text will be simplified.
50-10(K)	51-10(H)	Prohibits digging up or removing any dirt, stones, rock or other thing, making any excavation, quarrying any stone or laying or setting off any blast, or causing or assisting in doing any of said things without the special order or license of the commissioner.	This language will become a generally applicable requirement for waysides, rest areas, and parking lots and environs. The text will be simplified and modified to reflect the current agency practice of requiring a Land Use Permit in accordance with 24VAC30-151 for conduct of the noted activities.
50-10(L) and 100-10(G)	51-10(I)	Prohibit threatening, abusive, boisterous, insulting or indecent language or gestures within these areas and prohibits any oration, or other public demonstration, unless permitted by the commissioner.	This language will become a generally applicable requirement for waysides, rest areas, and parking lots and environs. The text will be rewritten and clarified to state, "No oration, demonstration, picketing, public display, assembly, dissemination, or similar activity may occur in waysides, rest areas, and parking lots and environs except as may be allowed in section 40 of this chapter. This prohibition does not apply to the Virginia Department of Transportation (VDOT)." These changes will reflect text proposed to be added to section 40 of the new regulation pertaining to parking lots and environs.
50-10(M) and 100-10(H)	51-10(J)	Prohibit offering any article or thing for sale within these areas except by permission of the CTB for waysides and	This language will become a generally applicable requirement for waysides, rest areas, and parking lots and environs. The text will be simplified and modified to



		rest areas or the commissioner for parking lots and environs.	reflect the current agency practice of requiring a vendor contract or a Land Use Permit in accordance with 24VAC30-151 for conduct of the noted activities and to reflect text proposed to be added to section 40 of the new regulation pertaining to parking lots and environs.
50-10(N)	51-20(D)	Prohibits bathing or fishing in any waters within waysides or rest areas, except in such places and subject to such regulations as the commissioner may, from time to time, specially designate by a public notice set up for that purpose within the same.	This language will be simplified and added to the new section pertaining to waysides.
50-10(O) and 100-10(J)	51-20(E), 51-30(D), and 51-40(C)	Prohibit lighting, kindling, or using any fire within these areas. The current Chapter 50 text provides an exemption for fires at fireplaces designed and built for such purposes and requires the person or persons building a fire therein to be responsible for having it completely extinguished before leaving it. The current Chapter 100 text provides an exemption for fires authorized by the terms of a land use permit issued to a mobile food vendor.	The proposed fire-related text for the new sections on waysides and rest areas will make minor changes to the current Chapter 50 text, including replacing “fireplaces” with “designated areas.” An additional sentence will clarify that, “Ashes shall be removed from the designated areas and disposed of in such receptacles as may be provided for their disposal.”  The proposed text for the new section on parking lots and environs will make minor changes to the current Chapter 100 text.
50-10(P) and 100-10(K)	51-10(K)	Prohibit the discharge or setting off of any firearms, firecrackers, and other various incendiary devices except by permit from the commissioner.	This language will become a generally applicable requirement for waysides, rest areas, and parking lots and environs. The text will be simplified and modified to reflect the current agency practice of requiring a Land Use Permit in accordance with 24VAC30-151 for conduct of the noted activities.
50-10(Q) and 100-10(D)	51-10(L)	Prohibit bottles, broken glass, ashes, waste paper, or other rubbish from being left within these areas except in such receptacles as may be provided for the same.	This language will become a generally applicable requirement for waysides, rest areas, and parking lots and environs. The text will be simplified.
50-10(R)	51-10(M)	Prohibits automobiles or other vehicles from being taken into or driven upon these areas, except upon such drives and subject to such regulations as the commissioner may, from time	This language will become a generally applicable requirement for waysides, rest areas, and parking lots and environs. The text will be simplified. A new sentence will also be added to state, “Drivers shall obey all traffic signs posted



		to time, designate by a public notice set up for that purpose within the same.	in waysides, rest areas, and parking lots and environs.”
50-10(S) and 100-10(L)	51-10(N)	State that, “Any person violating any of the preceding rules and regulations shall be guilty of a misdemeanor and, upon conviction, be fined not less than five dollars nor more than \$100 for each offense.	This language will become a generally applicable requirement for waysides, rest areas, and parking lots and environs. Edits regarding civil liability will be made to the text to conform to similar proposed amendments to the Land Use Permit Regulations.
100-10(A)	51-10(A)	Requires all persons within the regulated parking lots and associated environs to be subject to such regulations as the commissioner may designate by posted signs or public notice posted within the area.	This requirement will be simplified to state, “While in waysides, rest areas, and parking lots and environs, persons shall obey signs or public notices posted within the areas.” In the combined regulation, this will be a generally applicable requirement for waysides, rest areas, and parking lots and environs.
100-10(C)	51-10(D)	Requires that no person paste, attach or place on any vehicle parked in parking lots any bill, advertisement or inscription whatsoever.	This language will become a generally applicable requirement for waysides, rest areas, and parking lots and environs. The text will be simplified.
100-10(I)	51-40(D)	Sets the requirements for mobile food vending within commuter lots in Planning District 8.	This language will be added to the new section pertaining to parking lots and environs. The requirement that mobile food vending be allowed within commuter lots in Planning District 8 will be expanded to state, “...and may be allowed at other parking lots...” This change reflects interest from localities and mobile food vendors in having the option for mobile food vending available in parking lots not in Planning District 8.  Additional changes will be made to simplify and clarify the text.
N/A	51-30(E)		Adds the ability for state government entities to request permission for activities at and uses and occupation of rest areas not otherwise prohibited by state or federal law.
N/A	51-40(A)		A new subsection in the section pertaining to parking lots and environs will state, “Overnight parking may be restricted in accordance with posted signs.” This is in accordance with § 46.2-1219.2 of the Code of Virginia which requires parking to be in conformance with posted signs and pavement markings and which also requires in Planning District 8 that such signs clearly indicate that before 10:00 a.m. Monday through Friday except holidays parking is

			only for commuters using mass transit or who are car pool or bicycle riders.
N/A	51-40(B)		<p>A new subsection in the section pertaining to parking lots and environs will provide the ability for the CTB to permit persons, organizations, or groups to use the lots for various purposes and events when the use will not interfere with or disrupt the normal and intended function of the lots in accordance with 24VAC30-151. This addition is proposed to reflect requests from localities to allow for events to be held in these parking lots on weekends.</p> <p>Proposed restrictions will state that no activities will be permitted that violate or are inconsistent with the regulatory chapter, Virginia or federal law, or local ordinances, including noise ordinances; that events must provide reasonable safety for all participants, spectators, other parking lot users, and the public; and that events must preserve the aesthetic appearance of buildings and grounds and provide for the removal of waste that may be left by event participants.</p> <p>Additional proposed text will clarify that requests for permits generally will be considered on a first-come, first-served basis, that parking lots may only be available for permitted events on Saturdays and Sundays, and that no more than one event will be scheduled for the same time on the same day, including set up and break down.</p> <p>Text will also be added to state that VDOT may require the cancellation of a permitted event and the immediate removal of all related equipment if the permittee violates the permit conditions, to preserve public safety or order, or prevent damage to the lot and environs.</p>

If a new VAC Chapter(s) is being promulgated and is not replacing an existing Chapter(s), use Table 2.

**Table 2: Promulgating New VAC Chapter(s) without Repeal and Replace**

<b>New chapter-section number</b>	<b>New requirements to be added to VAC</b>	<b>Other regulations and laws that apply</b>	<b>Change, intent, rationale, and likely impact of new requirements</b>

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If the regulatory change is replacing an **emergency regulation**, and the proposed regulation is identical to the emergency regulation, complete Table 1 and/or Table 2, as described above.

If the regulatory change is replacing an **emergency regulation**, but changes have been made since the emergency regulation became effective, also complete Table 3 to describe the changes made since the emergency regulation.

**Table 3: Changes to the Emergency Regulation**

Emergency chapter-section number	New chapter-section number, if applicable	Current <u>emergency</u> requirement	Change, intent, rationale, and likely impact of new or changed requirements since emergency stage

## Project 8000 - NOIRA

## Department of Transportation

## Review of Rules for the Administration of Waysides, Rest Areas, Parking Lots and Environs

## Chapter 50

## Rules and Regulations for the Administration of Waysides and Rest Areas

**24VAC30-50-10. Waysides and rest areas. (Repealed.)**

~~A. Waysides identified by name and without lights shall be open from 8 a.m. to one hour after sunset. Areas having security lighting will be open at all times.~~

~~B. When an area is posted for limited parking, the operator of each vehicle may be required to sign a register setting forth the time of arrival.~~

~~C. When posted, parking shall be limited to the period specified.~~

~~D. No overnight parking will be permitted.~~

~~E. Camping is not permitted at any time.~~

~~F. Sleeping in any section of the rest area building is not permitted at any time.~~

~~G. No vehicle shall be parked in such manner as to occupy more than one marked parking space.~~

~~H. No domestic animals shall be permitted to go at large. Dogs must be kept on leash and shall not be taken into any shelter or other building; guide, hearing, or service dogs as defined by the Code of Virginia are an exception to this rule.~~

~~I. No person shall pick any flowers, foliage, or fruit, or cut, break, dig up, or in any way mutilate or injure any tree, shrub, plant, grass, turf, railing, seat, fence, structure, or anything within this area; or cut, carve, paint, mark or paste on any tree, stone, fence, wall, building, monument or other object therein, any bill, advertisement, or inscription whatsoever.~~

~~J. No person shall disturb or injure any bird, birds' nests or eggs, or any squirrel or other animal within this area.~~

~~K. No person shall dig up or remove any dirt, stones, rock or other thing, make any excavation, quarry any stone or lay or set off any blast, or cause or assist in doing any of said things within this area without~~

~~the special order or license of the commissioner.~~

~~L. No threatening, abusive, boisterous, insulting or indecent language or gesture shall be used within this area. Nor shall any oration, or other public demonstration be made, unless by special authority of the commissioner.~~

~~M. No person shall offer any article or thing for sale within this area except by permission of the Commonwealth Transportation Board.~~

~~N. No person shall bathe or fish in any waters within this area, except in such places and subject to such regulations as the commissioner may, from time to time, specially designate by a public notice set up for that purpose within the same.~~

~~O. No person shall light, kindle or use any fire within this area, except at fireplaces designed and built for such purposes and the person or persons building a fire therein will be responsible for having it completely extinguished before leaving it.~~

~~P. No person shall discharge or set off within this area, any firearms, firecrackers, torpedoes, rockets, or other fireworks, except by permit from the commissioner.~~

~~Q. No bottles, broken glass, ashes, waste paper, or other rubbish shall be left within this area, except at such places as may be provided for the same.~~

~~R. No automobile or other vehicle shall be taken into or driven upon this area, except upon such drives and subject to such regulations as the commissioner may, from time to time, designate by a public notice set up for that purpose within the same.~~

~~S. Any person violating any of the preceding rules and regulations shall be guilty of a misdemeanor and, upon conviction, be fined not less than five dollars nor more than \$100 for each offense.~~

## Chapter 51

### Rules for the Administration of Waysides, Rest Areas, and Parking Lots

#### **24VAC30-51-10. Provisions concerning the use of waysides, rest areas, parking lots and environs.**

A. While in waysides, rest areas, parking lots and their environs, all persons shall obey official posted signs and public notices.

B. Camping is not permitted in waysides, rest areas, parking lots and their environs.

C. No person may park a vehicle in such a manner as to occupy more than one parking space in waysides, rest areas, or parking lots.

D. No person may paste, attach or place bills, advertisements, or inscriptions on vehicles parked in waysides, rest areas or parking lots.

E. No domestic animals may go at large in waysides, rest areas, parking lots and their environs.

F. While in waysides, rest areas, parking lots and their environs, no person may pick any flowers, foliage, or fruit; cut, break, dig up, mutilate, or injure trees, shrubs, plants, grass, turf, railings, seats, fences, structures or other objects; or cut, carve, paint, mark, paste, or attach bills, advertisements, or inscriptions on trees, stones, fences, walls, buildings, monuments, or other objects.

G. No person may disturb or injure any bird, birds' nests or eggs, or other animal within waysides, rest areas, parking lots and their environs.

H. No person may dig up or remove any dirt, stones, rock, or other thing, make any excavation, quarry any stone, or lay or set off any blast, or cause or assist in any of these activities within waysides, rest areas, parking lots and their environs, except by permit issued pursuant to the Land Use Permit Regulations (24 VAC 30-151).

I. No oration, demonstration, picketing, public display, assembly, dissemination, or similar activity may occur in waysides, rest areas, parking lots or their environs, except as may be allowed in sections 30 and 40 of this chapter. This prohibition does not apply to the Virginia Department of Transportation.

J. No person may offer any article or thing for sale within waysides, rest areas, parking lots and their environs except pursuant to a vendor contract with the Virginia Department of Transportation, by permit in accordance with the Land Use Permit Regulations (24 VAC 30-151), or as permitted by section 40 of this chapter.

K. No person may discharge or set off, within waysides, rest areas, parking lots and their environs, firearms, fireworks as defined in § 27-95 of the Code of Virginia, or other incendiary device, except by permit issued pursuant to the Land Use Permit Regulations (24 VAC 30-151).

L. No bottles, broken glass, wastepaper, or other rubbish may be left within waysides, rest areas, parking lots or their environs, except in such receptacles as may be provided for the same.

M. Vehicles may only be taken into or driven upon designated locations within waysides, rest areas, parking lots and their environs. Drivers shall obey all traffic signs and markings posted in waysides, rest areas, and parking lots.

N. Any person found in violation of this chapter shall be guilty of a misdemeanor and, upon conviction, be fined not less than five dollars nor more than \$100 for each offense, and shall be civilly liable to the Commonwealth for all actual damage caused by a violation of this chapter.

**24VAC30-51-20. Provisions governing waysides.**

A. Unless otherwise posted, waysides identified by name and without lights are open from 8 a.m. until one hour after sunset, and waysides having security lighting are open at all times.

B. When posted, parking in waysides shall be limited to the period specified.

C. Overnight parking in waysides is not permitted.

D. Unless otherwise posted, no person may swim or fish in any waters within a wayside.

E. No person may light, kindle, or use a fire within a wayside or its environs, except at designated areas designed and built for such purposes, and the person building a fire therein is responsible for having it completely extinguished before leaving it. Ashes shall be removed from the designated areas and disposed of in such receptacles as may be provided for their disposal.

**24VAC30-51-30. Provisions governing rest areas.**

A. Overnight parking is not permitted in rest areas.

B. Sleeping in any section of the rest area building is not permitted at any time.

C. Dogs may not be taken into any rest area building; guide, hearing or service dogs as defined by the Code of Virginia are an exception to this rule.

D. No person may light, kindle, or use a fire within a rest area or its environs, except at designated areas designed and built for such purposes, and the person building a fire therein is responsible for having it completely extinguished before leaving it. Ashes shall be removed from the designated areas and disposed of in such receptacles as may be provided for their disposal.

E. Notwithstanding the provisions of this chapter, state government entities may request permission for activities at and uses and occupation of rest areas not otherwise prohibited by state or federal

law, and the Virginia Department of Transportation may grant such requests at its discretion.

**24VAC30-51-40. Provisions governing parking lots.**

A. Overnight parking may be restricted in accordance with posted signs.

B. In accordance with a permit issued pursuant to the Land Use Permit Regulations (24 VAC 30-151), the Commonwealth Transportation Board may permit persons, organizations, or groups to use these lots or their environs for various purposes or events when the use will not interfere with or disrupt the normal and intended functions of the lots.

1. No activities will be permitted that would constitute a violation of, or that are inconsistent with, the provisions of this chapter, state or federal law, or local ordinances, including noise ordinances.

2. Events must provide reasonable safety for all participants, spectators, other parking lot users, and the public.

3. Events must preserve the aesthetic appearance of buildings and grounds and provide for the removal of waste that may be left by event participants or spectators.

4. Requests for permits generally will be considered on a first-come, first-served basis. Parking lots may only be available for permitted events on Saturdays and Sundays. No more than one event will be scheduled for the same time on the same day. This includes permitted setup and takedown time.

5. The Virginia Department of Transportation may require the cancellation of a permitted event and the immediate removal of all related equipment if the permittee violates the permit conditions, does not preserve public safety or order, or does not prevent damage to the parking lot and its environs during the permitted event.

C. Except as authorized by the terms of a land use permit issued to a mobile food vendor, no person may light, kindle, or use any fire within parking lots or their environs.

D. Mobile food vending.

1. Mobile food vending shall be allowed within commuter lots in Planning District 8, and may be allowed in other parking lots, except parking lots that meet at least one of the following conditions:



- a. Parking lots or the portions thereof determined to be part of the Interstate system.
  - b. Parking lots that, as of the last Virginia Department of Transportation survey, had occupancy rates of 98% or higher, except that mobile food vending may be permitted in such lots (i) if a paved area, the use of which does not include or block access to one or more parking spaces, is available within the lot; (ii) if the vending is from a non-motorized cart on sidewalks, provided that the vehicle that is used to transport the cart is not parked in the parking lot; or (iii) on weekends.
  - c. Parking lots that have been requested by the locality in which the lot is located to not be made available for mobile food vending.
2. Permission for mobile food vending shall be granted through a land use permit issued to the mobile food vendor in accordance with the Land Use Permit Regulations (24 VAC 30-151).
  3. In order for a mobile food vendor to be granted or to retain a land use permit for mobile food vending at parking lots pursuant to this subsection, the vendor must comply with all of the following:
    - a. All relevant locality and Department of Health policies and requirements for mobile food vending.
    - b. All conditions and requirements set forth within or attached to the land use permit, which may include provisions relating to the location of the vending unit, the collection and disposal of litter, a limitation on vending times, a requirement for minimum insurance, and the provision of surety.
    - c. Posted signs or public notices setting out regulations or requirements for the use of the parking lot.
    - d. Ensuring that mobile food vending shall be conducted with pedestrians only, and may not be conducted with occupants of vehicles.
    - e. Neither the mobile food vendor nor the vending operation may interfere with the intended operation of the parking lot and the safety of the lot's users. The determination of interference shall be solely within the discretion of the Virginia Department of Transportation.
    - f. The mobile food vendor may not post advertising within or upon the grounds of the parking lot or its environs. Advertising on the mobile food vending unit (vehicle, trailer or pushcart),

promoting the products or services offered by the mobile food vendor at that mobile food vending unit, shall not be considered a violation of this subdivision.

4. Failure to comply with subdivision 3 will result in the revocation of the land use permit.

## Chapter 100

### Rules and Regulations for the Administration of Parking Lots and Environs

#### **24VAC30-100-10. ~~Parking lots and environs. (Repealed.)~~**

~~A. While in this area all persons shall be subject to such regulations as the commissioner may designate by posted signs or public notice posted within the area.~~

~~B. No vehicle shall be parked in such a manner as to occupy more than one parking space.~~

~~C. No person shall paste, attach or place on any vehicle parked in this lot any bill, advertisement or inscription whatsoever.~~

~~D. No bottles, broken glass, ashes, waste paper, or other rubbish shall be left within this area except in such receptacles as may be provided for the same.~~

~~E. No person shall pick any flowers, foliage, or fruit; or cut, break, dig up or in any way mutilate or injure any tree, shrub, plant, grass, turf, fence, structure, or anything within this area; or cut, carve, paint, mark, paste, or in any way attach on any tree, stone fence, wall, building, or other object therein, any bill, advertisement, or inscription whatsoever.~~

~~F. No person shall disturb or injure any bird, birds' nest or eggs, or any squirrel or other animal within this area.~~

~~G. No threatening, abusive, boisterous, insulting or indecent language, or gesture shall be used within this area; furthermore, no oration or other public demonstration be made, except by permit from the commissioner.~~

~~H. No person shall offer any article or thing for sale within this area except by permission of the commissioner.~~

~~I. Mobile food vending.~~

~~1. Mobile food vending shall be allowed within commuter lots in Planning District 8 except lots that meet at least one of the following conditions:~~

- ~~a. Commuter lots or the portions thereof determined to be part of the interstate system.~~
  - ~~b. Commuter lots that, as of last Virginia Department of Transportation (VDOT) survey, had occupancy rates of 98% or higher, except that mobile food vending may be permitted in such lots (i) if a paved area, the use of which does not include one or more parking spaces or block one or more parking spaces, is available within the lot; (ii) if vending is from a nonmotorized cart on sidewalks, provided that the vehicle used to transport the cart is not parked within the commuter lot; or (iii) on weekends.~~
  - ~~c. Commuter lots that have been requested by the locality to not be made available for mobile food vending.~~
- ~~2. Permission for mobile food vending shall be granted through a land use permit issued to the mobile food vendor in accordance with the Land Use Permit Regulations (24VAC30-151).~~
  - ~~3. In order for a mobile food vendor to be granted or to retain a land use permit for mobile food vending at commuter lots pursuant to this subsection, the vendor must comply with all of the following:
    - ~~a. All relevant locality and Department of Health policies and requirements for mobile food vending.~~
    - ~~b. All land use permit conditions and requirements set forth within or attached to the land use permit, which may include provisions relating to the location of the vending unit, the collection and disposal of litter, a limitation on vending times, a requirement for minimum insurance, and the provision of surety.~~
    - ~~c. Posted signs or public notices setting out regulations or requirements for the use of commuter lots.~~
    - ~~d. Mobile food vending shall be conducted with pedestrians only and shall not be conducted with occupants of vehicles.~~
    - ~~e. Neither the mobile food vendor nor the vendor's operation shall interfere with the operation of the commuter lot and the safety of the lot's users, and the determination of whether the mobile food vendor or the vendor's operation is interfering with the operation of the commuter lot or the safety of the lot's users shall be solely within the discretion of VDOT.~~~~

~~f. The mobile food vendor shall post no advertising within or upon the grounds of the commuter lot. Advertising on the mobile food vending unit (vehicle, trailer, or pushcart), promoting the products or services offered by the mobile food vendor at that mobile food vending unit, is not considered a violation of this section.~~

~~Failure to comply with this subdivision 3 will result in the revocation of the permit.~~

~~J. Except as authorized by the terms of a land use permit issued to a mobile food vendor, no person shall light, kindle, or use any fire within this area.~~

~~K. No person shall discharge or set off within this area, any firearms or fireworks, except by permit from the commissioner.~~

~~L. Any person violating any of the preceding rules and regulations shall be guilty of a misdemeanor and, upon conviction, be fined not less than five dollars nor more than \$100 for each offense.~~