



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

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Agenda item # 10

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

October 17, 2013

MOTION

**Made By: Mr. Miller Seconded By: Mr. Louderback
Action: Motion Carried, Unanimously**

Title: Repeal of Two Fleet Management Regulations (24VAC30-170 and 24VAC30-190)

WHEREAS, prior to 2001, the Office of Fleet Management was under the jurisdiction of the Virginia Department of Transportation's (VDOT's) Commonwealth Transportation Commissioner under statutory authority provided by Chapter 12 of Title 33.1 (§§ 33.1-400 *et seq.*) of the *Code of Virginia*; and

WHEREAS, two Administrative Process Act- (APA) exempt regulations were promulgated concerning the Commonwealth's centralized vehicle fleet, 24VAC30-170 (*Rules and Regulations Governing the Use, Operation and Maintenance of State-Owned Fleet Vehicles*) and 24VAC30-190 (*Rules and Regulations Governing the Purchase or Lease of Motor Vehicles with Public Funds*) (collectively "Fleet Management Regulations of the Board"); and

WHEREAS, Chapter 815 of the 2001 Acts of Assembly transferred the Office of Fleet Management and its functions to the Department of General Services (DGS), repealed the original statutory authority provided in Chapter 33.1 of the *Code of Virginia*, and created new language in Title 2.1 (recodified as Title 2.2) of the *Code of Virginia* relating to management of the Commonwealth's fleet of vehicles; and

WHEREAS, DGS issued a manual of policies and procedures concerning fleet management rather than promulgate regulations, which had the effect of rendering the Fleet Management Regulations of the Board obsolete; and

WHEREAS, in 2012, Governor McDonnell began a Regulatory Reform Initiative; and

WHEREAS, the Initiative's objective is to eliminate unnecessary or obsolete regulations, and to lessen undue regulatory burdens on Virginia's citizens and businesses; and

WHEREAS, state agencies were encouraged to review their inventories of existing regulations, and determine if it was appropriate to eliminate any statutory authority to promulgate regulations where they were not necessary; and

WHEREAS, during the 2013 Session, VDOT collaborated with DGS to effectuate technical changes to language in the *Code of Virginia* that previously prevented repeal of the obsolete Fleet Management Regulations of the Board; and

WHEREAS, Chapter 485 of the Acts of Assembly of 2013 (see Attachment A) states that "[r]egulations previously promulgated by the Commonwealth Transportation Board under the authority granted by § 33.1-407 concerning the purchase, use, storage, maintenance, repair, and disposal of all passenger-type vehicles owned by the Commonwealth and assigned to the centralized fleet shall remain in effect until the Director establishes replacement guidance documents . . ."; and

WHEREAS, DGS has adopted a revised *Office of Fleet Management Policies and Procedures Manual*, which establishes the procedures by which DGS manages the centralized vehicle fleet, and posted the Manual as a guidance document on the Virginia Regulatory Town Hall; and

WHEREAS, the purchase or lease of fleet vehicles is addressed by the *Agency Procurement and Surplus Property Manual (APSPM)*, which DGS has filed by description in the *Virginia Administrative Code* as 1VAC30-130-10; and

WHEREAS, with the establishment of the foregoing guidance documents concerning the management of the centralized fleet by DGS, the regulations promulgated by the Commonwealth Transportation Board can now be repealed.

NOW, THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board authorizes the repeal of 24VAC30-170, *Rules and Regulations Governing the Use, Operation and Maintenance of State-Owned Fleet Vehicles* and 24VAC30-190, *Rules and Regulations Governing the Purchase or Lease of Motor Vehicles with Public Funds*.

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ATTACHMENT A

VIRGINIA ACTS OF ASSEMBLY -- 2013 SESSION

CHAPTER 485

An Act to amend and reenact §§ 2.2-1175, 2.2-1179, and 2.2-1180 of the Code of Virginia, relating to the Department of General Services; guidance documents establishing fleet management policy.

[H 1393]

Approved March 13, 2013

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-1175, 2.2-1179, and 2.2-1180 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-1175. Responsibilities of Director.

The Director shall establish an appropriate administrative unit within the Department to manage the centralized fleet. The Director's responsibilities for the centralized fleet shall include, but not be limited to, the following:

1. Administering the assignment of vehicles to officers and employees of the Commonwealth;
2. Managing a pool of vehicles for short-term use;
3. Purchasing vehicles necessary to the operation of the centralized fleet;
4. Repairing and maintaining vehicles;
5. Monitoring the use of vehicles and enforcing ~~regulations~~ *guidance documents* regarding their proper use; and
6. Maintaining records related to the operation and maintenance of vehicles, and the administration of the centralized fleet.

§ 2.2-1179. Use of vehicles for commuting.

No passenger-type vehicle purchased or leased with public funds shall be used to commute between an employee's home and official work station without the prior written approval of the agency head and, in the case of vehicles assigned to the centralized fleet, the Director. The Director shall ~~issue regulations~~ *establish guidance documents* governing such use of vehicles and shall ensure that costs associated with such use shall be recovered from employees. Employees who do not report to an official work station shall not be required to pay for travel between their homes and field sites. ~~Regulations promulgated~~ *Guidance documents established* by the Director and recovery of costs shall not apply to use of vehicles by law-enforcement officers. By executive order of the Governor, such ~~rules and regulations~~ *guidance documents* may extend to all motor vehicles of any type owned by the Commonwealth, or such of them as the Governor may designate.

§ 2.2-1180. Guidance documents governing state-owned passenger-type vehicles.

The Director may ~~promulgate regulations~~ *establish guidance documents* for the purchase, use, storage, maintenance, repair, and disposal of all passenger-type vehicles owned by the Commonwealth and assigned to the centralized fleet. By executive order of the Governor, such ~~regulations~~ *guidance documents* may extend to all motor vehicles of any type owned by the Commonwealth, or such of them as the Governor may designate.

If any state officer, agent, or employee fails to comply with any ~~regulation~~ *guidance documents* of the Director made pursuant to the provisions of this section, the Secretary of Administration shall be so notified, and the Comptroller shall, upon request of the Secretary, refuse to issue any warrant or warrants on account of expenses incurred, or to be incurred in the purchase, operation, maintenance, or repair of any motor vehicle now or to be in the possession or under the control of such officer, agent, or employee, or the Secretary of Administration may order the Director to take possession of any such vehicle and to return or transfer it to the centralized fleet for assignment or use as prescribed by this chapter. Regulations previously promulgated by the Commonwealth Transportation Board under the authority granted by § 33.1-407 concerning the purchase, use, storage, maintenance, repair, and disposal of all passenger-type vehicles owned by the Commonwealth and assigned to the centralized fleet shall remain in effect until the Director ~~promulgates~~ *establishes* replacement ~~regulations~~ *guidance documents* under the authority granted by this article.