



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
Chairperson

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Agenda item # 6

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

December 4, 2024

MOTION

Made By: Ms. Green, **Seconded By:** Ms. Sellers

Action: Motion Carried, Unanimously

Title: Regulatory Reduction Program and Proposed Regulatory Amendments: Rules and Regulations Governing the Transportation of Hazardous Materials Through Bridge-Tunnel Facilities (24VAC30-61)

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 Governing the Transportation of Hazardous Materials Through Bridge-Tunnel Facilities (24VAC30-61) on the Virginia Regulatory Town Hall website to initiate the process of amending the regulation; 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

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Regulatory Reduction Program and Proposed Regulatory Amendments: Rules and Regulations Governing the Transportation of Hazardous Materials Through Bridge-Tunnel Facilities (24VAC30-61)

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WHEREAS, VDOT conducted a full review of 24VAC30-61 pursuant to the ORM requirements and has identified opportunities for clarifying and streamlining the regulatory language through potential amendments to this regulation, as detailed in Attachment A; and

WHEREAS, pursuant to the Administrative Process Act, the proposed amendments to the regulation 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 amended regulation 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 this regulation (Attachment B); and

WHEREAS, the CTB originally adopted 24VAC30-61 pursuant to the authority set forth in §§ 33.2-210 and 33.2-300 of the *Code of Virginia*, 49 USC § 5112, and 49 CFR Part 397, and is authorized to take action to amend, repeal or retain said regulation.

NOW, THEREFORE, BE IT RESOLVED that the Commonwealth Transportation Board hereby approves the proposed amendments to the Rules and Regulations Governing the Transportation of Hazardous Materials Through Bridge-Tunnel Facilities (24VAC30-61) 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 amended regulation, 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 the regulation, including the Final Stage, and to bring Final amendments/the regulation 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 regulation.

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CTB Decision Brief

Regulatory Reduction Program and Proposed Regulatory Amendments: Rules and Regulations Governing the Transportation of Hazardous Materials Through Bridge-Tunnel Facilities (24VAC30-61)

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 Governing the Transportation of Hazardous Materials Through Bridge-Tunnel Facilities (24VAC30-61), 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 regulation. VDOT is now recommending that the CTB advance specific changes to the regulation 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 24VAC30-61 indicated there were opportunities for clarifying the regulatory language contained in the regulation. VDOT sought and received approval from the CTB on July 16, 2024, to move forward with a NOIRA for the regulation 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 regulation, VDOT developed proposed regulatory amendments 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 this regulation (Attachment B).

On October 22, 2024, VDOT made a presentation to the CTB relating to the proposed amendments to the regulation (24VAC30-61). A brief summary of the regulation and the proposed amendments is provided below.

- **24VAC30-61 Rules and Regulations Governing the Transportation of Hazardous Materials Through Bridge-Tunnel Facilities**

The Commonwealth Transportation Board is authorized to make regulations for the protection of and covering traffic on and for the use of systems of state highways pursuant to § 33.2-210 of the *Code of Virginia*, and that authority is extended to Interstate highways pursuant to §

CTB Decision Brief

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33.2-300. Further, 49 USC 5112 and 49 CFR Part 397 authorize each state to establish, maintain, and enforce designations of specific highway routes over which hazardous material may and may not be transported by motor vehicles in commerce and limitations and requirements related to highway routing.

This regulation establishes the rules by which transporters of hazardous materials are governed while traveling through state owned bridge-tunnel facilities. The proposed regulatory changes are intended to remove or update redundant or obsolete language.

VDOT is seeking approval from the CTB to move forward with the Proposed stage of the regulatory process for the amendments to 24VAC30-61. 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 regulation are proposed between the Proposed and Final stages.

Recommendations: VDOT recommends the CTB authorize VDOT to file the Proposed regulatory stage, including the proposed amendments and associated Agency Background Document, for 24VAC30-61.

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 amendments to 24VAC30-61 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*.

Project 8001 - NOIRA

Department of Transportation

**Review Rules and Regulations Governing the Transportation of Hazardous Materials Through
Bridge-Tunnel Facilities**

Chapter 61

Rules and Regulations Governing the Transportation of Hazardous Materials Through Bridge-Tunnel
Facilities

24VAC30-61-10. Applicability and purpose.

This chapter ~~applies to all state-owned bridge-tunnel facilities in the Commonwealth of Virginia, and establishes the rules by which all interstate, intrastate, and public and private transporters of hazardous materials are governed while traveling through these~~certain bridge-tunnel facilities.

24VAC30-61-20. List of state-owned bridge-tunnel facilities in the Commonwealth.

The following table lists the six state-owned bridge-tunnel facilities in the Commonwealth. ~~The Virginia Department of Transportation owns and operates all six facilities listed~~ to which this chapter applies. A list of telephone numbers for each facility is available at the following website: <https://www.vdot.virginia.gov/travel-traffic/freight/hazmat/>.

Name of Facility	Route	Type
Big Walker Mountain Tunnel	Interstate 77	<u>Rural</u>
East River Mountain Tunnel	Interstate 77	<u>Rural</u>
Elizabeth River Tunnel-Downtown	Interstate 264	<u>Urban</u>
Elizabeth River Tunnel-Midtown	Route 58	<u>Urban</u>
Hampton Roads Bridge-Tunnel	Interstate 64	<u>Urban</u>
Monitor-Merrimac Memorial Bridge-Tunnel	Interstate 664	<u>Urban</u>

For purposes of this chapter, the facilities listed above are classified into two groups: rural ~~and essentially distanced from bodies of water,~~ and urban ~~and essentially proximate to bodies of water,~~ as listed in the table.

24VAC30-61-30. Restrictions on hazardous material transportation across rural and distanced from water facilities.

The two rural and distanced from water tunnel facilities are: the Big Walker Mountain Tunnel and the East River Mountain Tunnel. For these the two rural tunnels, and these two only, no restrictions apply on the transport of hazardous materials, so long as transporters and shippers are in compliance with 49 CFR 100 through 180; and any present and future applicable state regulations which may become in force to implement the federal regulations. In addition, the Commissioner of Highways may, at any time, impose emergency or temporary restrictions on the transport of hazardous materials through these facilities, so long as sufficient advanced signage is positioned to allow for a reasonable detour.

Questions on this section of the regulation should be directed to the VDOT Office of Safety, Security and Emergency Management, which can be reached by calling VDOT at 804-786-4692. Copies of the regulation will be provided free of charge. For copies, please write to:

Virginia Department of Transportation
 ATTN: Office of Safety, Security and Emergency Management
 1221 East Broad Street
 Richmond, Virginia 23219

24VAC30-61-40. Restrictions on hazardous material transportation across urban and water proximate facilities.

Hazardous materials are regulated in the four urban and water proximate tunnels (Elizabeth River (Midtown and Downtown), Hampton Roads, and Monitor-Merrimac) based exclusively on the "hazard class" of the material being conveyed. The following tables list those categories of materials grouped under the designations "Prohibited," "No Restrictions," or "Restricted."

Regulations concerning the transportation of hazardous materials across the Chesapeake Bay Bridge Tunnel (CBBT) are available from the CBBT website: <https://www.cbbt.com/regulations/#hazmat>.

PROHIBITED		
Materials defined in the following classes are not allowed passage through the four urban, water proximate tunnels.		
CATEGORY	PLACARD NAME	PLACARD REFERENCE
1.1	Explosives 1.1	49 CFR 172.522

1.2	Explosives 1.2	49 CFR 172.522
1.3	Explosives 1.3	49 CFR 172.522
2.3	Poison Gas	49 CFR 172.540
4.3	Dangerous When Wet	49 CFR 172.548
6.1 (Packing Group (PG) I, inhalation hazard only)	Poison <u>Inhalation Hazard</u>	49 CFR 172.554 <u>49 CFR 172.555</u>

NO RESTRICTIONS

Materials in the following hazard classes are not restricted in the four urban, ~~water-proximate~~ tunnels.

CATEGORY	PLACARD NAME	PLACARD REFERENCE
1.4	Explosives 1.4	49 CFR 172.523
1.5	Explosives 1.5	49 CFR 172.524
1.6	Explosives 1.6	49 CFR 172.525
2.2	Nonflammable Gas	49 CFR 172.528
3	Combustible Liquids	49 CFR 172.544
4.1	Flammable Solid	49 CFR 172.546
4.2	Spontaneously Combustible	49 CFR 172.547
6.1 (PG I or II, other than PG I inhalation hazard)	Poison	49 CFR 172.554
6.1 (PG III)	Keep Away From Food <u>Inhalation Hazard</u>	49 CFR 172.553 <u>49 CFR 172.555</u>
6.2	(None) <u>Infectious Substance</u>	<u>49 CFR 172.432</u>
7 Radioactive	Radioactive	49 CFR 172.556
9	Class 9	49 CFR 172.560
ORM-D	(None)	

RESTRICTED

Materials in the following hazard classes are allowed access to the four urban, ~~water-proximate~~ tunnels in "Non-bulk" (maximum capacity of 119 gallons/450 liters or less as a receptacle for liquids, a water capacity of 1000 pounds/454 kilograms or less as a receptacle for gases, and a maximum net mass of 882 pounds/400 kilograms or less and a maximum capacity of 119 gallons/450 liters or less as a receptacle for solids) quantities per container only.

CATEGORY	PLACARD NAME	PLACARD REFERENCE
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2.1	Flammable Gas	49 CFR 172.532
3	Flammable	49 CFR 172.542
5.1	Oxidizer	49 CFR 172.550
5.2	Organic Peroxide	49 CFR 172.552
8	Corrosive	49 CFR 172.558



townhall.virginia.gov

Proposed Regulation Agency Background Document

Agency name	Commonwealth Transportation Board
Virginia Administrative Code (VAC) Chapter citation(s)	24VAC30-61
VAC Chapter title(s)	Rules and Regulations Governing the Transportation of Hazardous Materials Through Bridge-Tunnel Facilities
Action title	Chapter 61 Regulatory Reform and Periodic Review
Date this document prepared	[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 Governing the Transportation of Hazardous Materials Through Bridge-Tunnel Facilities, 24VAC30-61, establishes the rules by which transporters of hazardous materials are governed while traveling through state owned bridge-tunnel facilities. The Commonwealth Transportation Board (CTB) has undertaken a comprehensive review of 24VAC30-61. The intent of this action is to remove or update redundant or obsolete language.

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.

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.”

On July 16, 2024, the CTB approved a Notice of Intended Regulatory Action to review 24VAC30-61 to potentially amend any overly burdensome requirements, remove any obsolete information, and provide more clarity with streamlined text. The CTB conducted a review of this regulation in accordance with Governor Youngkin’s Executive Order 19. As a result of this review, the CTB identified opportunities for updating and streamlining this regulation. 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.

The Commonwealth Transportation Board is authorized to make regulations for the protection of and covering traffic on and for the use of systems of state highways pursuant to § 33.2-210 of the Code of Virginia, and that authority is extended to Interstate highways pursuant to § 33.2-300. 49 USC 5112 and 49 CFR Part 397 authorize each state to establish, maintain, and enforce designations of specific highway routes over which hazardous material may and may not be transported by motor vehicles in commerce and limitations and requirements related to highway routing.

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.

The proposed regulatory changes are intended to remove or update redundant or obsolete language. The regulatory changes are necessary to protect the health, safety, and welfare of the traveling public. The changes align 24VAC30-61 with the current federal regulation, ensuring consistency and ease of interpretation for the regulated community.

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.

The proposed amendments will achieve administrative updates, eliminate redundancy, and clarify the regulatory language.

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 proposed changes benefit the public through removing or updating redundant or outdated language and providing clarity and are not anticipated to present a disadvantage to the public or the Commonwealth.

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.

None of the regulatory changes implement 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

No other state agencies are particularly affected by the regulatory changes.

Localities Particularly Affected

No localities are particularly affected by the regulatory changes.

Other Entities Particularly Affected

No other entities are particularly affected by the regulatory changes.

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 anticipated 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 anticipated costs, savings, fees, or revenues for other state agencies resulting from this regulatory action.</p>
<p><i>For all agencies:</i> Benefits the regulatory change is designed to produce.</p>	<p>The benefits of the proposed changes are improved clarity and updating of the regulatory text.</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.

<p>Projected costs, savings, fees, or revenues resulting from the regulatory change.</p>	<p>There are no anticipated costs, savings, fees, or revenues for localities resulting from this regulatory action.</p>
<p>Benefits the regulatory change is designed to produce.</p>	<p>The benefits of the proposed changes are improved clarity and updating of the regulatory text.</p>

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.

<p>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.</p>	<p>No other entities are expected to be affected by the regulatory changes.</p>
<p>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.</p>	<p>N/A</p>

<p>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:</p> <ul style="list-style-type: none"> 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. 	
<p>Benefits the regulatory change is designed to produce.</p>	<p>The benefits of the proposed changes are improved clarity and updating of the regulatory text.</p>

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 alternatives to the proposed changes were identified.

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.

The regulation does not adversely impact small businesses. 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 to 24VAC30-61 are intended to reduce redundancy and improve clarity of the regulation in alignment with the criteria set out in Executive Order 19 and the ORM procedures. The regulation enables VDOT to protect the public health, safety, and welfare by preserving the integrity of the state system of highways, tunnels in particular, and by facilitating the safe transportation of hazardous materials and continues to be necessary. The regulation was last reviewed in 2020 and no complaints have been received. The regulation does not overlap or conflict with state law, federal law, or federal regulation. The regulation does not negatively affect 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. 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
61-10		This section outlines the applicability and purpose of the regulation.	Redundant text will be removed from this section for streamlining and clarity.
61-20		This section includes the list of the state-owned bridge-tunnel facilities to which the regulation applies.	Redundant text will be removed from this section for streamlining and clarity. Clarity will be added to the table in this section by adding the designations of “rural” or “urban.” Language regarding proximity to water will be removed as these geographic distinctions are not necessary and the rural and urban distinctions provide the more appropriate differentiation between the two categories of tunnels and their respective restrictions on the transportation of hazardous materials.
61-30		Section 30 explains that there are no restrictions on the transport of hazardous materials through the two rural tunnels named in the regulation, so long as transporters and shippers are in compliance with relevant federal and state regulations.	Language regarding proximity to water will be removed as these geographic distinctions are not necessary and the rural and urban distinctions provide the more appropriate differentiation between the two categories of tunnels and their respective restrictions on the transportation of hazardous materials. Redundant text will be removed from this section for streamlining and clarity.
61-40		Section 40 lists the hazard classes of materials which	Language regarding proximity to water will be removed as these geographic

		are designated as either prohibited, restricted, or not restricted in the four urban tunnels named in the regulation.	<p>distinctions are not necessary and the rural and urban distinctions provide the more appropriate differentiation between the two categories of tunnels and their respective restrictions on the transportation of hazardous materials.</p> <p>The sentence referencing the Chesapeake Bay Bridge Tunnel's regulation concerning the transportation of hazardous materials is proposed to be removed. This information is not necessary to be contained in VDOT's regulation and is proposed to be removed for streamlining and clarity. A similar sentence, however, will remain on VDOT's public hazardous materials website.</p> <p>Updates related to changes to the relevant sections of the Code of Federal Regulations will be made to the tables in this section. Redundant text will be removed from this section for streamlining and clarity.</p>
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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

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

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