



# COMMONWEALTH of VIRGINIA

## Commonwealth Transportation Board

W. Sheppard Miller, III  
Chairperson

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*Agenda item # 11*

### RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

July 16, 2024

#### MOTION

**Made By:** Mr. Coleman, **Seconded By:** Ms. Sellers

**Action:** Motion Carried, Unanimously

#### **Title: Approval of Notices of Intended Regulatory Action in Conjunction with Periodic Regulatory Review**

**WHEREAS**, the Virginia Administrative Process Act (the APA), particularly in §§ 2.2-4007.1 and 2.2-4017 of the *Code of Virginia*, requires that all state agencies that adopt regulations periodically review those regulations, including consideration of: 1) the extent to which regulations remain supported by statutory authority and do not duplicate, overlap, or conflict with state or federal law; 2) the nature of complaints or comments received from the public; 3) whether the regulations are necessary for the protection of public health, safety and welfare; 4) whether the regulations are clearly written and easily understandable; 5) whether the regulations' economic impacts on small businesses and families are minimized as much as possible; and 6) the length of time since the regulation has been evaluated; and

**WHEREAS**, Executive Order (EO) Number 19 (2022) requires, among other things, all regulations to be so reviewed every four years and requires agencies to follow procedures for conducting such review as developed by the Office of Regulatory Management (ORM); and

**WHEREAS**, a periodic review may be initiated either by issuing a Notice of Periodic Review or, when it is clear at the outset of a review that the regulation will need to be amended, the review may be initiated by issuing a Notice of Intended Regulatory Action (NOIRA); and

**WHEREAS**, by posting a NOIRA to the Virginia Regulatory Town Hall website, the public will be notified of the regulation's ongoing periodic review and comment from the public

will be solicited for 30 days after the NOIRA is published in the *Virginia Register of Regulations*; and

**WHEREAS**, ORM has issued guidance pursuant to EO 19, requiring each agency to reduce the agency’s discretionary regulatory burden on the public by 25%, and reductions generally will require amendments to regulations which are accomplished using the rulemaking process; and

**WHEREAS**, the Virginia Department of Transportation (VDOT) conducted an initial internal review and, pursuant to the ORM requirements, has identified potential opportunities for clarifying the regulatory language and/or streamlining the regulatory requirements in each regulation set forth in the table below:

Chapter	Title	Proposed Disposition
24 VAC 30-21	General Rules and Regulations of the Commonwealth Transportation Board	Amend—file NOIRA
24 VAC 30-50	Rules and Regulations for the Administration of Waysides and Rest Areas	Amend—file NOIRA
24 VAC 30-61	Rules and Regulations Governing the Transportation of Hazardous Materials Through Bridge-Tunnel Facilities	Amend—file NOIRA
24 VAC 30-100	Rules and Regulations for the Administration of Parking Lots and Environs	Amend—file NOIRA

; and,

**WHEREAS**, VDOT has completed Agency Background Documents (TH-01s) to be filed on Town Hall in conjunction with the NOIRAs for the above regulations (attached as Exhibits A-C); and

**WHEREAS**, the Commonwealth Transportation Board originally adopted the regulations listed in the table above pursuant to its authority in § 33.2-210 of the *Code of Virginia* and other relevant sections of the *Code of Virginia* and is authorized to take action to amend, repeal or retain said regulations.

**NOW THEREFORE, BE IT RESOLVED**, that the Commonwealth Transportation Board approves the respective Agency Background Documents for the regulations listed in the

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table above and attached hereto as Exhibits A-C, with any changes deemed necessary by the Commissioner of Highways or his designees.

**BE IT FURTHER RESOLVED**, that the Commonwealth Transportation Board directs the Commissioner of Highways or his designees to take all actions necessary to initiate the rulemaking process for the regulations listed in the table above by filing the NOIRAs and posting the associated Agency Background Documents to Town Hall.

**BE IT FURTHER RESOLVED**, that the Commonwealth Transportation Board directs the Commissioner of Highways to submit to the Board, for its approval, the proposed amendments to these regulations prior to advancing to the next stage of the rulemaking process.

####

**CTB Decision Brief**  
**Approval of Notices of Intended Regulatory Action in Conjunction with Periodic  
Regulatory Review**

**Issue:** The Administrative Process Act (APA) requires all state agencies that adopt regulations to periodically review those regulations. Executive Order (EO) 19 (2022) requires periodic reviews to take place every four years to determine if the regulation should be continued with no changes or be amended or repealed and requires agencies to follow the procedures developed by the Office of Regulatory Management (ORM) for conducting such review. In accordance with these requirements, the Virginia Department of Transportation (VDOT) has initiated a review of the regulations listed below and is providing a recommendation to the Commonwealth Transportation Board (CTB) that Notices of Intended Regulatory Action be filed for each regulation.

**Facts:**

- The APA, particularly in §§ 2.2-4007.1 and 2.2-4017 of the *Code of Virginia*, requires that all state agencies that adopt regulations periodically review those regulations, once every four years, including consideration of: 1) the extent to which the regulations remain supported by statutory authority and do not duplicate, overlap, or conflict with state or federal law; 2) the nature of complaints or comments received from the public; 3) whether the regulations are necessary for the protection of public health, safety and welfare; 4) whether the regulations are clearly written and easily understandable; 5) whether the regulations' economic impacts on small businesses and families are minimized as much as possible; and 6) the length of time since the regulation has been evaluated.
- The Governor's EO 19 created the Office of Regulatory Management (ORM) to also, among other things, work with each regulatory agency to review all existing regulations, for the purpose of reducing the overall regulatory burden on the public. The ORM procedures now outline the specific periodic review requirements.
- In addition, Chapter 444 of the 2018 Acts of Assembly requires the Department of Planning and Budget (DPB) to track and report to the General Assembly annually which agencies are complying with the periodic review requirements.
- VDOT has historically conducted periodic reviews using a process that is initiated by issuing/publishing a Notice of Periodic Review. However, when it is clear at the outset that a regulation that is undergoing review will need to be amended, the periodic review may also be initiated/conducted through the issuance/publication of a Notice of Intended Regulatory Action (NOIRA) which will also serve to initiate the rulemaking process necessary for a comprehensive review and amendment of the regulation.
- ORM has issued guidance on EO 19 requiring 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,

paperwork, etc.). Reductions generally will require amendments to regulations which are accomplished using the rulemaking process and thus are counted only when the regulatory process making the reductions has been completed.

- VDOT conducted an initial internal review of the regulations listed in the table below and, pursuant to the ORM requirements, has identified potential opportunities for clarifying the regulatory language and/or streamlining the regulatory requirements in each regulation. VDOT has also completed Agency Background Documents (TH-01s) to be filed on the Virginia Regulatory Town Hall in conjunction with the NOIRA for the regulations (attached as Exhibits A-C). The TH-01s provide additional information relating to each regulation and issues that will be considered during the intended rulemaking process.
- The regulations that are the subject of this proposed CTB review and action are listed in the table below, along with the proposed disposition of the regulation. The table is followed by a description of each regulation and the findings made by VDOT based upon its initial review.

Chapter	Title	Proposed Disposition
24 VAC 30-21	General Rules and Regulations of the Commonwealth Transportation Board	Amend—file NOIRA
24 VAC 30-50	Rules and Regulations for the Administration of Waysides and Rest Areas	Amend—file NOIRA
24 VAC 30-61	Rules and Regulations Governing the Transportation of Hazardous Materials Through Bridge-Tunnel Facilities	Amend—file NOIRA
24 VAC 30-100	Rules and Regulations for the Administration of Parking Lots and Environs	Amend—file NOIRA

- **24 VAC 30-21 General Rules and Regulations of the Commonwealth Transportation Board**

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*. Through this regulation, the CTB regulates generally the activities that occur on highway rights-of-way under its jurisdiction, dictating that uses other than travel are subject to the land use permit framework and that access/entrances are subject to the access management framework, and providing for regulation of other uses of the highway systems. VDOT’s initial review has identified opportunities to clarify/streamline the regulation, which will require amendments by means of a rulemaking process.

- **24 VAC 30-50 Rules and Regulations for the Administration of Waysides and Rest Areas**

This regulation establishes overall policies, procedures, and conditions under which waysides and rest areas under the control of the CTB may be used and addresses subjects such as operating hours and prohibited and restricted activities. The CTB 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. Pursuant to § 33.2-246 subsection E of the *Code of Virginia*, 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.”

VDOT’s initial review has identified opportunities to clarify and streamline 24 VAC 30-50, to include potential combination with 24 VAC 30-100, Rules and Regulations for the Administration of Parking Lots and Environs, as the two regulations are related. These clarification/streamlining measures will require amendments by means of a rulemaking process.

- **24 VAC 30-61 Rules and Regulations Governing the Transportation of Hazardous Materials Through Bridge-Tunnel Facilities**

This regulation establishes the rules by which transporters of hazardous materials are governed while traveling through state owned bridge-tunnel facilities. The CTB 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 and limitations and requirements related to highway routing. VDOT’s initial review has identified opportunities to clarify and streamline this regulation, to include potential amendments to the categories of materials grouped under the designations “Prohibited,” “No Restrictions,” or “Restricted,” which will require amendments by means of a rulemaking process.

- **24 VAC 30-100 Rules and Regulations for the Administration of Parking Lots and Environs**

This regulation establishes 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 regulation addresses subjects such as restrictions on parking, prohibited activities, and activities that may be performed under a permit from the Commissioner of Highways. The CTB 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 governs agreements between states and the federal government for the construction of projects on the Interstate System. Additional authority 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.

VDOT’s initial review has identified opportunities to clarify and streamline 24 VAC 30-100, to include potential combination with 24 VAC 30-50, Rules and Regulations for the Administration of Waysides and Rest Areas, as the two regulations are related. These clarification/streamlining measures will require amendments by means of a rulemaking process.

**Recommendations:** VDOT recommends that the CTB authorize VDOT to file NOIRAs, including the associated Agency Background Documents, for 24 VAC 30-21, 24 VAC 30-50, 24 VAC 30-61, and 24 VAC 30-100.

**Action Required by CTB:** A resolution will be presented for the CTB (i) to approve the Agency Background Documents for the regulations listed in the table above and to authorize VDOT to take all actions necessary to file the NOIRAs and post the Agency Background Documents to Town Hall, and (ii) to require VDOT to submit to the CTB, for approval, the proposed regulatory amendments for these regulations prior to moving forward with the next stage of the rulemaking process.

**Result, if Approved:** The NOIRAs and Agency Background Documents will, after executive reviews and approvals, be posted to Town Hall and published in the *Virginia Register of Regulations*. After the close of the public comment period, VDOT will finalize the proposed regulatory amendments and present them to the CTB for approval.

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

**Public Comments/Reactions:** The public comment period is open for 30 days after the NOIRA is published in the *Virginia Register of Regulations*. Public comments will also be received during the Proposed and Final stages of the rulemaking process.



[townhall.virginia.gov](http://townhall.virginia.gov)

## Notice of Intended Regulatory Action (NOIRA) Agency Background Document

<b>Agency name</b>	Commonwealth Transportation Board
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	24VAC30-21
<b>VAC Chapter title(s)</b>	General Rules and Regulations of the Commonwealth Transportation Board
<b>Action title</b>	Chapter 21 Regulatory Reform and Periodic Review
<b>Date this document prepared</b>	___, 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 the subject matter, intent, and goals of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation).*

The Commonwealth Transportation Board (CTB) is undertaking a comprehensive review of 24VAC30-21, General Rules and Regulations of the Commonwealth Transportation Board. Through this regulation, the CTB regulates generally the activities that occur on highway rights-of-way under the jurisdiction of the CTB and the Virginia Department of Transportation (VDOT), dictating that uses other than travel are subject to the land use permit framework and that access/entrances are subject to the access management framework, and providing for regulation of other uses of the highway systems. The intent of this action is to remove redundant or obsolete language and identify opportunities for regulatory reduction and streamlining in accordance with Governor Youngkin's Executive Order 19.



## Acronyms and Definitions

*Define all acronyms or technical definitions used in this form.*

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CTB means the Commonwealth Transportation Board.

VDOT means the Virginia Department of Transportation.

## 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 24VAC30-21 to potentially amend any overly burdensome requirements, remove any obsolete information, and provide more clarity with streamlined text. The CTB is conducting a review of its regulations in accordance with Governor Youngkin's Executive Order 19.

## 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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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.

## Purpose

*Describe the specific reasons why the agency has determined that this regulation is essential to protect the health, safety, or welfare of citizens. In addition, explain any potential issues that may need to be addressed as the regulation is developed.*

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This regulation is necessary to protect the health, safety, and welfare of the traveling public as the essential purpose of the regulation is to preserve the integrity of the state system of highways and to facilitate the safe and convenient transportation of goods and people. Potential issues that may be addressed as amendments are developed include removing overly burdensome requirements, redundant provisions, and obsolete information as well as providing more clarity to the regulation through streamlined text.

## Substance

*Briefly identify and explain the new substantive provisions that are being considered, the substantive changes to existing sections that are being considered, or both.*

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No new substantive provisions are being considered.

During its review of the regulation, the CTB is expected to consider the following topics:

1. Review to ensure the regulation comports with statute and applicable federal requirements.
2. Focus on making the regulation organized and clear.
3. Review for opportunities to reduce or alleviate regulatory burdens.
4. Review, revise, and update definitions where appropriate.

The above list is not inclusive of all items that may be considered. Draft regulatory text is not available at this time.

## 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.*

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As a part of the CTB’s review, alternatives to the current regulatory text will be considered. The CTB will also consider the burden on individuals and small businesses for achieving the goals set forth by the regulation.

## Periodic Review and Small Business Impact Review Announcement

*If you wish to use this regulatory action to conduct, and this NOIRA to announce, a periodic review (pursuant to § 2.2-4017 of the Code of Virginia and the ORM procedures), and a small business impact review (§ 2.2-4007.1 of the Code of Virginia) of this regulation, keep the following text. Modify it as necessary for your agency. Otherwise, delete the paragraph below and insert “This NOIRA is not being used to announce a periodic review or a small business impact review.”*

In addition, pursuant to the ORM procedures and § 2.2-4007.1 of the *Code of Virginia*, the CTB is conducting a periodic review and small business impact review of this regulation to determine whether this regulation should be terminated, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare; (ii) minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

## 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. In addition, as required by § 2.2-4007.02 of the Code of Virginia, describe any other means that will be used to identify and notify interested parties and seek their input, such as regulatory advisory panels or general notices.*

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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, and (iii) the potential impacts of the regulation.

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 the proposed stage of this regulatory action.



[townhall.virginia.gov](http://townhall.virginia.gov)

## Notice of Intended Regulatory Action (NOIRA) 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>	Rules and Regulations for the Administration of Waysides and Rest Areas and Rules and Regulations for the Administration of Parking Lots and Environs
<b>Action title</b>	Chapters 50 and 100 Regulatory Reform and Periodic Review
<b>Date this document prepared</b>	____, 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 the subject matter, intent, and goals of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation).*

The Commonwealth Transportation Board (CTB) is undertaking a comprehensive review of 24VAC30-50, Rules and Regulations for the Administration of Waysides and Rest Areas, and 24VAC30-100, Rules and Regulations for the Administration of Parking Lots and Environs.

Chapter 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. Chapter 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 from the Commissioner of Highways.

The intent of this action is to remove redundant or obsolete language and identify opportunities for regulatory reduction and streamlining of both regulations in accordance with Governor Youngkin's Executive Order 19.

## Acronyms and Definitions

*Define all acronyms or technical definitions used in this form.*

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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 is conducting a review of its regulations in accordance with Governor Youngkin's Executive Order 19.

## 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

*Describe the specific reasons why the agency has determined that this regulation is essential to protect the health, safety, or welfare of citizens. In addition, explain any potential issues that may need to be addressed as the regulation is developed.*

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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. Potential issues that may be addressed as amendments are developed include removing overly burdensome requirements and obsolete information as well as providing more clarity to the regulations through streamlined text.

## Substance

*Briefly identify and explain the new substantive provisions that are being considered, the substantive changes to existing sections that are being considered, or both.*

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A substantive change under consideration is to combine Chapters 50 and 100 as there are several overlapping requirements which are restated in both. The overlapping requirements could be consolidated into one section within the new regulatory text, thus streamlining the two regulations. The unique provisions of each current chapter could be retained as new standalone sections in a combined regulation to ensure the regulated community can easily find and understand the applicable requirements. Another substantive change which may be considered is establishing permit procedures for allowance of noncommercial activities at rest areas.

During its review of the regulation, the CTB will also consider the following topics:

1. Review to ensure the regulations comport with statute and applicable federal requirements.
2. Focus on making the regulations organized and clear.
3. Review for opportunities to reduce or alleviate regulatory burdens.

The above list is not inclusive of all items that may be considered. Draft regulatory text is not available at this time.

## 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.*

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As a part of the CTB's review, alternatives to the current regulatory text will be considered. The CTB will also consider the burden on individuals and small businesses for achieving the goals set forth by the regulation.

## Periodic Review and Small Business Impact Review Announcement

*If you wish to use this regulatory action to conduct, and this NOIRA to announce, a periodic review (pursuant to § 2.2-4017 of the Code of Virginia and the ORM procedures), and a small business impact review (§ 2.2-4007.1 of the Code of Virginia) of this regulation, keep the following text. Modify it as necessary for your agency. Otherwise, delete the paragraph below and insert “This NOIRA is not being used to announce a periodic review or a small business impact review.”*

In addition, pursuant to the ORM procedures and § 2.2-4007.1 of the *Code of Virginia*, the CTB is conducting a periodic review and small business impact review of 24VAC30-50 and 24VAC30-100 to determine whether these regulations should be terminated, amended, or retained in their current forms. Public comment is sought on the review of any issue relating to these regulations, including whether the regulations (i) are necessary for the protection of public health, safety, and welfare; (ii) minimize the economic impact on small businesses consistent with the stated objectives of applicable law; and (iii) are clearly written and easily understandable.

## 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. In addition, as required by § 2.2-4007.02 of the Code of Virginia, describe any other means that will be used to identify and notify interested parties and seek their input, such as regulatory advisory panels or general notices.*

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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, and (iii) the potential impacts of the regulations.

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 the proposed stage of this regulatory action.



[townhall.virginia.gov](http://townhall.virginia.gov)

## Notice of Intended Regulatory Action (NOIRA) Agency Background Document

<b>Agency name</b>	Commonwealth Transportation Board
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	24VAC30-61
<b>VAC Chapter title(s)</b>	Rules and Regulations Governing the Transportation of Hazardous Materials Through Bridge-Tunnel Facilities
<b>Action title</b>	Chapter 61 Regulatory Reform and Periodic Review
<b>Date this document prepared</b>	___, 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 the subject matter, intent, and goals of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation).*

The Commonwealth Transportation Board (CTB) is undertaking a comprehensive review of 24VAC30-61, Rules and Regulations Governing the Transportation of Hazardous Materials Through Bridge-Tunnel Facilities. This regulation establishes the rules by which transporters of hazardous materials are governed while traveling through state owned bridge-tunnel facilities. The intent of this action is to remove redundant or obsolete language and identify opportunities for regulatory reduction and streamlining in accordance with Governor Youngkin's Executive Order 19.

### Acronyms and Definitions

*Define all acronyms or technical definitions used in this form.*



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 regulatory requirements. The CTB is conducting a review of its regulations in accordance with Governor Youngkin's Executive Order 19.

## 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 and limitations and requirements related to highway routing.

## Purpose

*Describe the specific reasons why the agency has determined that this regulation is essential to protect the health, safety, or welfare of citizens. In addition, explain any potential issues that may need to be addressed as the regulation is developed.*

This regulation is necessary to protect the health, safety, and welfare of the traveling public. A hazardous material spill in a bridge-tunnel facility can be particularly difficult to respond to and clean and can cause significant damage, especially when the facility is in an urban area or near water. Potential issues that may be addressed as amendments are developed include removing overly burdensome requirements and obsolete information as well as providing more clarity to the regulation through streamlined text.

## Substance

*Briefly identify and explain the new substantive provisions that are being considered, the substantive changes to existing sections that are being considered, or both.*

Substantive changes to the regulation may be proposed if changes to the tables listing the categories of materials grouped under the designations “Prohibited,” “No Restrictions,” or “Restricted” in section 40 are determined to be warranted.

During its review of the regulation, the CTB is expected to consider the following topics:

1. Review to ensure the regulation comports with statute and applicable federal requirements.
2. Focus on making the regulation organized and clear.
3. Review for opportunities to reduce or alleviate regulatory burdens.

The above list is not inclusive of all items that may be considered. Draft regulatory text is not available at this time.

**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.*

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As a part of the CTB’s review, alternatives to the current regulatory text will be considered. The CTB will also consider the burden on individuals and small businesses for achieving the goals set forth by the regulation.

**Periodic Review and Small Business Impact Review Announcement**

*If you wish to use this regulatory action to conduct, and this NOIRA to announce, a periodic review (pursuant to § 2.2-4017 of the Code of Virginia and the ORM procedures), and a small business impact review ( § 2.2-4007.1 of the Code of Virginia) of this regulation, keep the following text. Modify it as necessary for your agency. Otherwise, delete the paragraph below and insert “This NOIRA is not being used to announce a periodic review or a small business impact review.”*

In addition, pursuant to the ORM procedures and § 2.2-4007.1 of the *Code of Virginia*, the CTB is conducting a periodic review and small business impact review of this regulation to determine whether this regulation should be terminated, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare; (ii) minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

**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. In addition, as required by § 2.2-4007.02 of the Code of Virginia, describe any other means that will be used to identify and notify interested parties and seek their input, such as regulatory advisory panels or general notices.*

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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, and (iii) the potential impacts of the regulation.

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 the proposed stage of this regulatory action.