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

<b>Agency name</b>	Commonwealth Transportation Board
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	24 VAC 30-61
<b>VAC Chapter title(s)</b>	Rules and Regulations Governing The Transportation of Hazardous Materials Through Bridge-Tunnel Facilities
<b>Date this document prepared</b>	September 18, 2020

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the **Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code**.

### Acronyms and Definitions

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

No acronyms are present in 24 VAC 30-61 or used in this report. There are no complex technical terms that require a definition.

### 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 or 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 the Interstate highways pursuant to § 33.2-300. Federal law authorizes 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, pursuant to 49 United States Code 5112.

This regulation establishes the rules by which interstate, intrastate, and public and private transporters of hazardous materials are governed while traveling through bridge-tunnel facilities.

**Alternatives to Regulation**

*Describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.*

No alternatives were considered or are being proposed at this time.

**Public Comment**

*Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.*

Commenter	Comment	Agency response

No informal advisory group was formed for purposes of assisting in the periodic review. No public comment was received as a result of the Town Hall announcement.

**Effectiveness**

*Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.*

This regulation meets the criteria set out in Executive Order 14. The regulation is necessary for the protection of the public health, safety, and welfare. A hazardous material spill in a bridge-tunnel facility can be particularly difficult to clean up and can cause significant damage, especially when the facility is in an urban area or near water. The regulation is clearly written and easily understandable.

**Decision**

*Explain the basis for the promulgating agency’s decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).*

The Commonwealth Transportation Board is proposing to retain the regulation as is. The regulation provides restrictions on the transport of hazardous materials over state-owned bridge-tunnel facilities (four urban, water-proximate facilities in the Hampton Roads District, and two

rural, distanced-from water facilities in the Bristol District). The Commonwealth Transportation Board believes the existing regulation is the least burdensome means for addressing the purpose of the regulation.

### Small Business Impact

*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.*

There is a continued need for this regulation as it provides safety guidelines and rules for transporting hazardous materials through bridge-tunnel facilities. The Commonwealth Transportation Board has received no complaints concerning this regulation. There is no overlap, duplication, or conflict with federal or state law or regulation for 24VAC30-61. Only members of the trucking industry traveling on specific facilities are affected by this regulation, so it is limited in the number of affected parties, as well as the location of the routes. The regulation was last reviewed in 2010. [REDACTED]