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Periodic Review and Small Business Impact Review Report of Findings

Agency name	Commonwealth Transportation Board
Virginia Administrative Code (VAC) Chapter citation(s)	24 VAC30-620
VAC Chapter title(s)	Rules, Regulations and Rates Concerning Toll and Bridge Facilities
Date this document prepared	4/21/2020

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.

CTB means the Commonwealth Transportation Board.
P3 means facilities built pursuant to the Public Private Transportation Act.

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 adopted the Rules, Regulations and Rates Concerning Toll and Bridge Facilities, 24 VAC 30-620, pursuant to its general authority to adopt regulations governing the

use of highways in § 33.2-210, and more specific authority found in §§ 33.2-604, 33.2-613 and 33.2-1701, which say that toll rates may be charged as set by law or as fixed by the CTB and specify when tolls may not be charged.

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 viable alternatives were considered for achieving the goals of establishing rules and regulations and collecting tolls on non-P3, VDOT-owned toll facilities. The CTB is the legal entity assigned for making policy for all transportation matters in the Commonwealth, and is charged with fixing toll rates. The procedures for the suspension of toll collection during emergencies are designed for quick and appropriate action. As such, these are the least burdensome means to regulate policy and toll rates for toll roads established and operated by the Commonwealth of Virginia.

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.

No public comment was received during the public comment period.

Commenter	Comment	Agency response

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.

The regulation is necessary for the protection of the public welfare because it ensures that toll rates charged at toll facilities are fixed by a process that allows for public input, and that toll collection may be suspended during emergencies or other events where it is in the public interest to allow for free, efficient movement of vehicles through toll facilities. The regulations are 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 number and location of toll facilities in the Commonwealth has changed since these regulations were last amended. Therefore, the CTB recommends amending the regulations.

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. The CTB approves transportation policy for the Commonwealth; this includes policy related to toll facilities and tolling in the Commonwealth. The public has been given ample opportunity to comment on board actions related to the Tolling Program. This can be done during the public input portion of Board Meetings, or through written comments at public hearings. The regulation is not overly complex. Regulations are required to set rates on VDOT owned toll facilities, and to specify procedures for the suspension of toll collection.

This state regulation does not overlap with Federal regulation. Federal legislation also governs how toll revenue can be used. The regulation has not been amended substantively since 2005. The regulation needs to be updated to reflect the use of technology in regards to the use of an electronic device to facilitate free passage for certain individuals as noted in the *Code of Virginia*, and to reflect the changed number and locations of toll facilities in the Commonwealth.
