



Exempt Action Final Regulation Agency Background Document

Agency name	Department of Transportation
Virginia Administrative Code (VAC) citation	24 VAC30-170 and 24VAC30-190
Regulation title	Rules and Regulations Governing the Use, Operation and Maintenance of State-Owned Fleet Vehicles (24VAC30-170) and Rules and Regulations Governing the Purchase or Lease of Motor Vehicles with Public Funds (24VAC30-190)
Action title	Repeal Two Fleet Mgt. Regulations pursuant to Chapter 485 of the 2013 Acts of Assembly
Final agency action date	October 16, 2013
Document preparation date	April 1, 2014

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The regulations, *Rules and Regulations Governing the Use, Operation and Maintenance of State-Owned Fleet Vehicles* (24VAC30-170), will be repealed by this action pursuant to Chapter 485 of the 2013 Acts of Assembly. The regulations establish the policies and procedures concerning the assignment, recordkeeping, and use of fleet vehicles. *Rules and Regulations Governing the Purchase or Lease of Motor Vehicles with Public Funds* (24VAC30-190) sets forth the procedures to be followed by state agencies in determining their vehicle needs on an annual basis prior to securing approval from the Virginia Department of Transportation to purchase or lease vehicles.

Prior to 2001, the Office of Fleet Management (OFM), the unit in charge of the centralized fleet of passenger-type vehicles, was under the jurisdiction of the Virginia Department of Transportation's (VDOT) Commonwealth Transportation Commissioner (now Commissioner of Highways), with statutory authority

contained in Chapter 12 of Title 33.1 (§§ 33.1-400 *et. seq.*) of the *Code*. At that time, VDOT had two Administrative Process Act (APA) exempt regulations in effect concerning the centralized fleet, 24VAC30-170 (*Rules and Regulations Governing the Use, Operation and Maintenance of State-Owned Fleet Vehicles*) and 24VAC30-190 (*Rules and Regulations Governing the Purchase or Lease of Motor Vehicles with Public Funds*). A third regulation dealing with use of state vehicles for commuting had been repealed in 1995.

The Office of Fleet Management was transferred to the Department of General Services (DGS) by Chapter 815 of the 2001 Acts of Assembly, which repealed the original authority in Chapter 33.1, and replaced it with new language in Title 2.1 of the *Code* (§§ 2.1-548.01 *et. seq.*, now §§ 2.2-1173 *et. seq.*). The Act provided that the DGS Director may promulgate regulations concerning passenger vehicles, and further stated that regulations promulgated by the Commonwealth Transportation Board concerning the subject would remain in effect until replacement regulations are promulgated by DGS. DGS chose to issue a manual of policies and procedures concerning fleet management rather than promulgate regulations.

In 2008, the Office of the Attorney General's Government and Regulatory Reform Task Force performed a review of transportation-related regulations listed in the *Virginia Administrative Code*. The Task Force recommended that Chapters 170 and 190 of 24VAC30 be repealed, as it is unnecessary for VDOT to continue to have regulations governing management of the centralized fleet.

In connection with Governor McDonnell's Regulatory Reform Initiative of 2012, state agencies were directed to review their regulations and identify those that were unnecessary or obsolete, and to propose legislation to eliminate mandates for regulations where appropriate. VDOT collaborated with DGS on proposing that the requirement for fleet management regulations be eliminated from the statute, since DGS had determined regulations were not necessary. Accordingly, HB 1393 was introduced in the 2013 General Assembly session to allow the existing regulations to be repealed.

Chapter 485 of the 2013 Acts of Assembly states that "regulations previously promulgated by the Commonwealth Transportation Board under the authority granted by § 33.1-407 concerning the purchase, use, storage, maintenance, repair, and disposal of all passenger-type vehicles owned by the Commonwealth and assigned to the centralized fleet shall remain in effect until the Director establishes replacement guidance documents under the authority granted by this title."

On July 1, 2011, the Department of General Services adopted a revised Office of Fleet Management Policies and Procedures Manual; this Manual has since been posted to the Department of Planning and Budget's (DPB's) Virginia Regulatory Town Hall website as a Guidance Document. The Manual established the procedures by which DGS manages the centralized vehicle fleet.

The purchase or lease of fleet vehicles is addressed in the DGS *Agency Procurement and Surplus Property Manual* (APSPM), which is filed by description in the VAC as 1VAC30-130-10. The APSPM covers all procurements initiated beginning September 15, 1998; revisions to the APSPM were adopted on July 8, 2010.

With the adoption of policies and procedures concerning management of the centralized fleet by DGS, along with posting them as guidance documents to the DPB website, the conditions set out in Chapter 485 have been satisfied. Therefore, the regulations can be repealed.

The regulations were originally filed as APA-exempt regulations pursuant to Chapter 479 of the 1989 Acts of Assembly. The APA exemption cited was § 9-6.14:4.1 C (2), which has since been recodified as § 2.2-4006 (A) 2, and VDOT believes this exemption still applies to the regulations. The statutory authority to repeal the regulations is Chapter 485 of the 2013 Acts. Therefore, since the repeal is necessary to conform to a change in state law, § 2.2-4006 (A) 4 (a) also applies.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

On October 16, 2013, the Commonwealth Transportation Board affirmed the regulations and authorized the repeal of 24VAC30-170, *Rules and Regulations Governing the Use, Operation and Maintenance of State-Owned Fleet Vehicles* and 24VAC30-190, *Rules and Regulations Governing the Purchase or Lease of Motor Vehicles with Public Funds*.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

There is no impact on the institution of the family and family stability.