



Virginia
Regulatory
Town Hall

Periodic Review and Retention of Existing Regulations Agency Background Document

Agency Name:	VAC # 30 - Commonwealth Transportation Board (Virginia Department of Transportation)
VAC Chapter Number:	24 VAC 30-10-10 et seq.
Regulation Title:	Public Participation Guidelines for the Enactment of Regulations
Action Title:	Retain
Date:	January 10, 2001

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to retain an existing regulation.

Summary

Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.

This regulation establishes the manner in which VDOT will solicit public input in the development of regulations promulgated under the Administrative Process Act.

Basis

Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.

§ 9-6.14:7.1(D) of the Code of Virginia requires agencies to develop public participation guidelines for soliciting input from interested parties in developing regulations. The regulation addresses the requirements stipulated by statute.

The regulation does not exceed the specific minimum authority of any federal or state mandate.

Public Comment

Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

VDOT received no public comment concerning the regulation as a result of the Notice of Periodic Review published in The Virginia Register.

No informal advisory group was formed to review the document. Generally, the regulation is reviewed when substantive changes are made to the Administrative Process Act to determine if changes are necessary. The regulation was last amended in 1992, and (if needed) opinions have been obtained from the Office of the Attorney General to confirm that the regulation meets statutory requirements.

Effectiveness

Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. Please assess the regulation's impact on the institution of the family and family stability. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.

VDOT sought public comment regarding the following questions:

1. Does the regulation meet the following goals?

- To ensure the public has opportunity to comment on regulations promulgation;
- To comply with statutory and procedural requirements concerning public participation; and
- To protect the public's health, safety, and welfare with the least possible cost and intrusiveness to the citizens of the Commonwealth

2. Is the regulation written clearly and understandably?

Based on the results of previous reviews by the Management Services Division and the Office of the Attorney General, as well as the lack of public comment concerning possible amendments to the regulation, VDOT concludes that the goals enumerated above are met.

The effect of the regulation on family stability is addressed below.

Alternatives

Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.

Since the regulation is required by the Administrative Process Act, VDOT's ability to evaluate alternatives to meet its stated purpose is non-existent. The regulation was drafted to meet the specific requirements of the statute.

Recommendation

Please state that the agency is recommending that the regulation should stay in effect without change.

VDOT recommends that the regulation be retained in effect without change.

Family Impact Statement

Please provide an analysis of the regulation's impact on the institution of the family and family stability including the extent to which it: 1) strengthens or erodes the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourages or discourages economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthens or erodes the marital commitment; and 4) increases or decreases disposable family income.

This regulation concerns how transportation-related regulations are enacted, amended, or repealed under the Administrative Process Act, and, as such, has no direct impact on family or family stability.