



Virginia
Regulatory
Town Hall

Periodic Review and Retention of Existing Regulations Agency Background Document

Agency Name:	Virginia Department of Transportation (Commonwealth Transportation Board)
VAC Chapter Number:	24 VAC 30-15-10 et seq.
Regulation Title:	Delegation of Duties
Action Title:	Review and Retain
Date:	June 25, 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 sets forth the duties and responsibilities that the Commonwealth Transportation Commissioner has delegated or assigned to members of his executive staff and others (engineers, clerks, assistants, and employees) pursuant to §§ 33.1-8 and 2.1-20.01:2 of the Code of Virginia. The Office of the Attorney General has determined that this regulation is exempt from the APA under the exemption granted by: § 9-6.14:4.1 C (2).

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.

The statutory basis for this regulation is § 33.1-8 of the *Code of Virginia*, which permits the Commissioner to employ those individuals necessary to assist him in serving as chief executive officer of the agency, and to prescribe their duties. The 2001 General Assembly amended this statute to require the Commissioner to employ an assistant commissioner for the environment, transportation planning, and regulatory affairs. Otherwise, the Commissioner has broad discretion in determining the duties of those subordinate to him.

Furthermore, § 2.1-20.01:2 of the *Code of Virginia* provides that the chief executive officer “may delegate or assign to any officer or employee of his agency any tasks required to be performed by him or the agency . . . except as otherwise provided by law, the chief executive officer may also delegate to any officer or employee of any state or quasi-state agency non-discretionary duties conferred or imposed upon the chief executive officer or his agency by law where the delegation of duties is necessary to achieve efficiency and economy in the administration of government. The chief executive officer or supervisory board delegating or assigning tasks shall remain responsible for the performance of such tasks.” Delegations of authority made pursuant to this section may be accompanied by written guidelines for the exercise of the tasks delegated.

This regulation does not exceed the minimum requirements of the state mandate concerning the assignment of duties by the Commissioner, as the statute does not establish such requirements.

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 during the Notice of Periodic Review period, so no response was prepared. No advisory group was formed to assist in the periodic review. VDOT is implementing many recommendations mad by the Governor’s Commission on Transportation Policy (CTP), some of which deal with establishing new senior-level management positions, as well are reassigned or new duties for existing members of the Commissioner’s staff. Since this process is still underway, a more comprehensive assessment of roles, duties, and reporting relationships needs to be conducted before a final decision on amending this regulation can be made.

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.

This regulation's goals are:

1. To protect the public's health, safety, and welfare with the least possible intrusiveness to the citizens and businesses of the Commonwealth.
2. To designate appropriate responsibilities in a clearly understandable manner.
3. To comply with state statutes.

Goal 1: It is reasonable for the Commissioner to employ qualified and competent professionals in the fields of civil engineering, finance, administration, and other specialized fields to assist him in managing VDOT, a state agency with approximately 10,000 employees and a budget of over \$3 billion dollars. Permitting the Commissioner the flexibility to decide which duties to delegate, and what functions to assign to senior management helps ensure that critical functions are handled efficiently and effectively, but with accountability explicitly assigned. Given the impact of transportation on the economic health, mobility, and safety of motorists and others, these outcomes are desirable when matters of public safety and welfare are involved. Therefore, VDOT believes this regulation protects public safety and welfare with the least amount of intrusiveness.

Goal 2: The existing regulation lists individual duties and responsibilities for members of the Commissioner's senior staff, with reference to appropriate state statutes where necessary.

Goal 3: The existing regulation references written letters of delegation that outline duties and responsibilities, pursuant to § 2.1-20.01:2 of the *Code of Virginia*.

This regulation has no effect on the family or family stability.

Clarity and understandability are discussed under “Goal 2” above. VDOT believes that the lack of public comment received concerning the regulation indicates general satisfaction with the format of the regulation and its clarity and ease of comprehension.

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.

No other means exists for outlining duties and responsibilities for senior management in a concise manner. VDOT believes it is the least burdensome means of achieving the purposes outlined above.

Recommendation

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

VDOT recommends that this regulation be retained without change at this time. However, because the agency is still implementing a variety of Commission on Transportation Policy recommendations affecting virtually all functions within VDOT, reporting relationships and scope of individual management functions may change, depending on the specific position involved. Therefore, VDOT will re-evaluate this regulation after a more comprehensive review of the entire Executive Team management functions have been conducted. Any recommended changes will be addressed at that time.

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 has no effect on the family or family stability, nor does it affect any of the other factors listed above.