



Virginia  
Regulatory  
Town Hall

## Periodic Review and Retention of Existing Regulations Agency Background Document

<b>Agency Name:</b>	Virginia Department of Transportation (Commonwealth Transportation Board)
<b>VAC Chapter Number:</b>	24 VAC 30-190-10 et seq.
<b>Regulation Title:</b>	Rules and Regulations Governing the Purchase or Lease of Motor Vehicles With Public Funds
<b>Action Title:</b>	Review and Retain
<b>Date:</b>	September 28, 2000

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 policies and procedures that VDOT will use when purchasing or leasing vehicles with public funds.

### 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.*

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The statutory basis for this regulation is as follows: §§ 33.1-407 of the *Code of Virginia*. The regulation does not exceed the minimum requirements of the state mandate. Chapter 12 of Title 33.1 deals with the general topic of management of the centralized fleet of state vehicles, including the establishment of the appropriate administrative unit within VDOT to manage the fleet, the basis for assignment of vehicles, and the use of state-owned vehicles for commuting.

### 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.*

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VDOT received no public comment during the period specified in Notice of Periodic Review published in *The Virginia Register*, so no response was prepared. No advisory group was formed to assist in the periodic review.

### 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.*

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This regulation's goals are as follows:

1. To protect the public's health, safety, and welfare with the least possible cost and intrusiveness to the citizens of the Commonwealth.
2. To ensure the efficient use of funds in administering the state-owned fleet of vehicles.
3. To obtain satisfactory audit reports on fleet operations.
4. To ensure VDOT complies with applicable state statutes concerning procurement of the state-owned fleet.

The primary means of evaluating effectiveness of this regulation is the collection of input from the state agencies affected. Outside review of operations are also used; the Division of Fleet Management's operations are reviewed periodically by auditors from inside and outside the agency to ensure that the program is administered in accordance with generally accepted accounting or financial principles. In addition, the Division of Fleet Management periodically

evaluates the methodology it uses to review purchase or lease requests associated with this regulation to ensure it reflects up-to-date financial factors, and makes updates as needed. As a result, the Division of Fleet Management believes that this regulation is effective in achieving its purpose.

This regulation has no impact on the institution of the family and family stability, as it relates specifically to administration of a state-owned resource by state agencies.

VDOT believes that the lack of comment during the notice period indicates that the affected parties find the regulation satisfactory (clearly written and easily understandable).

**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.*

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There is no viable alternative to achieve the purpose of this regulation in another form. State statute permits the Commissioner to promulgate regulations for the use, storage, maintenance, repair and disposal of all passenger-type vehicles owned by the Commonwealth and assigned to the centralized fleet. The Commissioner has an obligation to ensure that assets purchased or leased with public funds (such as motor vehicles) are done so with due regard to reasonable and appropriate business practices. Such measures not only protect against inappropriate use of state funds; they also ensure that decisions regarding the centralized fleet are made consistently and equitably, but with the flexibility necessary to enable various state agencies access to the vehicles to meet specialized needs not otherwise met by the state fleet.

Therefore, VDOT considers this regulation to be the least burdensome alternative available for achieving the purpose of the regulation.

**Recommendation**

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

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VDOT recommends that this regulation be retained 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.*

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This regulation has no discernable effect on any of the factors listed above.