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Periodic Review Report of Findings

Agency name	Commonwealth Transportation Board
Virginia Administrative Code (VAC) citation	24 VAC 30-11
Regulation title	Public Participation Guidelines
Date this document prepared	06/28/2019

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 (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

Acronyms and Definitions

Please define all acronyms used in this Report. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

There are no acronyms used in this report or any technical terms that are used in this document to be defined.

Legal Basis

Please identify (1) the agency or other promulgating entity, 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 entity to regulate this specific subject or program, as well as a reference to the agency or promulgating entity's overall regulatory authority.

Section 2.2-4007.2 of the *Code of Virginia* requires each agency that promulgates regulations to adopt public participation guidelines for soliciting the input of interested parties in the formation and development of its regulations. The Commonwealth Transportation Board is authorized to

promulgate regulations for the protection of and covering traffic on and for the use of systems of state highways pursuant to § 33.2-210 of the *Code of Virginia*.

Alternatives

Please 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.

There were no viable alternatives to this regulation that were considered during the periodic review.

Public Comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Ensure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency or board. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

There were no comments received during the public comment period following the publication of the Notice of Periodic Review.

Effectiveness

Pursuant to § 2.2-4017, please 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 Commonwealth Transportation Board’s public participation guidelines mirror the Department of Planning and Budget’s model public participation guidelines as those existed at the time Board’s guidelines were last amended in 2011 and are necessary to promote public involvement in the development, amendment or repeal of the regulations. Further, the regulation is clearly written and understandable.

Decision

Please explain the basis for the rulemaking entity’s decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

Section 2.2-4007.02 of the *Code of Virginia* was amended via Chapter 795 of the 2012 Acts of Assembly to allow for interested persons to be accompanied by and represented by counsel or other representative when submitting data, views and information to an agency during the promulgation of regulations. The Department of Planning and Budget’s model public

participation guidelines have accordingly been amended. The Commonwealth Transportation Board is therefore recommending amendment of its public participation guidelines to bring those guidelines into consistency with § 2.2-4007.02 and the most recent version of the Department of Planning and Budget's model public participation guidelines.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, include a discussion of the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (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 the stated objectives of applicable law, will minimize the economic impact of regulations on small businesses.

There is a continued need for this regulation because it promotes public involvement in the development, amendment or repeal of the Commonwealth Transportation Board regulations. There is no overlap, duplication, or conflict with federal or state law or regulation. This is a best practice and increased public participation is good for everyone who has an interest in rulemaking. The last review of this regulation occurred in 2008. The Commonwealth Transportation Board does not believe that these regulations will have a significant economic impact on small businesses.