



Periodic Review / Retain Regulation Agency Background Document

Agency name	Department of Transportation
Virginia Administrative Code (VAC) citation	24 VAC 30-10
Regulation title	Public Participation Guidelines for the Enactment of Regulations
Document preparation date	06/03/05

This form is used when the agency has done a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 21 (2002) and 58 (1999).

Legal basis

Please identify the state and/or federal legal authority for the regulation, including (1) the most relevant law and/or regulation, and (2) promulgating entity, i.e., agency, board, or person.

§ 2.2-4007 (D) of the *Code of Virginia* requires agencies to develop public participation guidelines for soliciting input from interested parties in promulgating regulations. The regulation addresses the requirements stipulated by statute. The regulation does not exceed the specific minimum authority of any federal or state mandate. The Virginia Department of Transportation (VDOT) administers this regulation on behalf of the Commonwealth Transportation Board (CTB). The CTB has authority to promulgate regulations concerning the use of State highways under § 33.1-12(3) of the *Code of Virginia*.

Alternatives

Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.

Since the regulation is required by the Administrative Process Act, there is no alternative to the stated purpose of the regulation. The regulation was drafted to meet the specific requirements of the statute.

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. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

Commenter	Comment	Agency response
None		

VDOT received no public comment concerning the regulation after the Notice of Periodic Review was published in the Virginia Register and posted on the Regulatory Town Hall. No informal advisory group was formed to assist in the review.

Effectiveness

Please indicate whether the regulation meets the criteria set out in Executive Order 21, e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

VDOT sought public comment regarding the following questions:

1. Does the regulation meet the following goals?
 - Provide a fair process for the promulgation of regulations;
 - Ensure that the public is informed of any new regulations or amendments to existing regulations and has opportunity to participate in the regulatory process;
 - Comply with statutory and procedural requirements concerning public participation; and
 - Protect the public’s health, safety, and welfare with the least possible cost and intrusiveness to the citizens and businesses of the Commonwealth
2. Is the regulation clearly written and understandable?

Based on the lack of public comment concerning possible amendments to the regulation, VDOT concludes that the goals listed above are met and that the regulation meets the criteria set out in Executive Order 21.

Result

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

Please provide an analysis of the regulation's impact on the institution of the family and family stability.

This regulation concerns the method by which transportation-related regulations are enacted, amended, or repealed under the Administrative Process Act; as such, it has no direct impact on the institution of family and family stability.