



# **COMMONWEALTH of VIRGINIA**

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## **MEMORANDUM**

**To:** C. Ray Davenport  
Commissioner  
Virginia Department of Labor and Industry

**From:** Joshua E. Laws  
Assistant Attorney General

**Date:** November 13, 2020

**Subject:** Letter of Assurance for Amended Regulations for Cranes and Derricks in Construction: Railroad Roadway Work, Final Rule found at 16 VAC25-175-1926.1440 and 16 VAC25-175-1926.1442

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I have reviewed the Department of Labor and Industry's proposed Amended Regulations for Cranes and Derricks in Construction: Railroad Roadway Work, Final Rule found at 16 VAC25-175-1926.1440 and 16 VAC25-175-1926.1442 that were posted on the Virginia Regulatory Town Hall on November 12, 2020. In my view, as counsel to the Department of Labor and Industry, these regulations may be promulgated pursuant to Title 40.1 of the Code of Virginia. Further, I certify that the proposed changes are exempt from the Administrative Process Act under Code of Virginia § 2.2-4006(A)(4)(c) as they are necessary to meet the requirements of federal law or regulations and they do not materially differ from those required by federal law or regulation.

This memorandum addresses legal matters only and is not intended to serve, nor should it be construed, as a comment for or against the merits of the proposed regulations.