



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 30-240-10 et seq.
Regulation Title:	Car Pool Regulations (Rules and Regulations Governing the Use, Operation, and Maintenance of State-Owned Fleet Vehicles)
Action Title:	Review and Retain Regulation
Date:	March 5, 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 policies and procedures VDOT's Division of Fleet Management uses in assigning vehicles in the Centralized Fleet to state agencies, as well as the rules and regulations for their use. 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.

§ 33.1-12 of the *Code of Virginia* establishes the general duties of the Commonwealth Transportation Board (CTB). Under (7), it has the authority to review the policies and operations of VDOT. Furthermore, Chapter 12 of Title 33.1 (§ 33.1-400 et seq.) deals with Centralized Fleet Management. Specifically, (§ 33.1-407) authorizes the Commonwealth Transportation Commissioner to promulgate regulations for the purchase, use, storage, maintenance, repair and disposal of all passenger-type vehicles owned by the Commonwealth and assigned to the Centralized Fleet. The chapter also directs the Commissioner to establish an organizational unit within VDOT to administer the fleet (§ 33.1-402).

This authority permits wide discretion to the Commissioner and the Division of Fleet Management in establishing the regulation's scope. For example, the regulation requires agencies to complete monthly mileage reports, and submit them to the Division of Fleet Management on a specific schedule; outlines how agencies will be billed by the division; establishes a policy for commuting with fleet vehicles; and addresses other miscellaneous items (e.g., toll charges, out-of-state travel, towing, accident reporting requirements, etc.) This discretionary authority is supplemented by statutes that mandate minimum criteria, such as § 33.1-405, which outlines the criteria under which the Commissioner may assign vehicles, or § 33.1-402, which outlines the basic duties of the Division of Fleet Management.

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, possibly due to the fact that it only concerned the use of state-owned passenger vehicles. Therefore, 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.

The regulation has the following goals:

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 safety of operators of state-owned vehicles.
3. To ensure the efficient use of funds in administering the state-owned fleet of vehicles.
4. To obtain satisfactory audit reports on fleet operations.
5. To ensure VDOT complies with applicable state statutes concerning management of the state-owned fleet.
6. Is the regulation written clearly and understandably?

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 contents of the regulation to ensure that it reflects current information. As a result, the Division of Fleet Management believes that this regulation is effective in achieving its purpose, as well as meeting the goals above.

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.

§ 33.1-407 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 not deliberately damaged due to abuse to preserve their utility and worth. In addition, VDOT believes it is reasonable to establish rules for topics such as responsibility for fuel, maintenance and repairs, reporting requirements for accidents, etc. Such measures not only protect against inappropriate use of state resources; they also ensure that decisions regarding the Centralized Fleet are made consistently and equitably, but with the flexibility necessary to meet specialized needs not otherwise met by the Centralized 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.

VDOT has identified some minor changes that need to be made to the regulation, but has not filed them with the Registrar's Office due to actions taken during the 2001 legislative session. The General Assembly passed two bills sponsored by the administration (SB 1048 and HB 2419) that will significantly affect the content of the regulation by transferring responsibility for managing the Commonwealth's fleet vehicles from the Commonwealth Transportation Commissioner to the Director of the Department of General Services (DGS). These bills represent an attempt to move functions not specifically related to transportation elsewhere in state government, as was done with VDOT's truck weigh operations in 2000. Changes include repealing Chapter 12 of Title 33.1 (§ 33.1-400 et seq.), and authorizing the Director of DGS to promulgate fleet management regulations rather than the Commonwealth Transportation Commissioner. Fleet Management will be retained as an organizational unit, but will be part of DGS rather than VDOT.

VDOT has proposed an amendment as part of the enrolled bill review to permit the regulations promulgated by the Commonwealth Transportation Commissioner to remain in effect until the Director of DGS can prepare replacement regulations under the authority granted by the new statute. The Division of Fleet Management plans to work with the Director of DGS to make the necessary revisions to the *Rules and Regulations Governing the Use, Operation, and Maintenance of State-Owned Fleet Vehicles*, as well as the *Rules and Regulations Governing the Purchase or Lease of Motor Vehicles With Public Funds*, filed as 24 VAC 30-190-10. The appropriate regulatory action will be taken once these changes have been identified.

Until the transfer of fleet management operations and related administrative review is finalized, VDOT recommends that the regulation remain in effect 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.

This regulation has no direct effect on the family or family stability, nor does it affect any of the factors outlined above.