



COMMONWEALTH of VIRGINIA

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MEMORANDUM

TO: The Honorable Gregory A. Whirley, Sr., Commissioner of Highways
Virginia Department of Transportation

FROM: Jeffrey R. Allen
Assistant Attorney General

DATE: October 12, 2011

SUBJECT: Statutory Authority to Promulgate Regulations Governing
The Administration of the Virginia Transportation Infrastructure Bank

I have reviewed the above-referenced regulations governing The Administration of the Virginia Transportation Infrastructure Bank, which are new regulations that will appear at 24VAC30-630.

In my capacity of legal counsel for the Virginia Department of Transportation and the Commonwealth Transportation Board, it is my opinion that the Virginia Department of Transportation and the Commonwealth Transportation Board has statutory authority to promulgate regulations governing the Virginia Transportation Infrastructure Bank laws found in Title 33.1, Chapter 1, Article 1.2 §§33.1-23.6 *et seq* of the Code of Virginia and pursuant to the provisions of Va. Code § 33.1-12 (general authority to adopt regulations).

Because of the authority to promulgate regulations pursuant to those Code sections, I believe that the Virginia Department of Transportation and the Commonwealth Transportation Board may promulgate regulations relating to the administration of the Virginia Transportation Infrastructure Bank. If any other questions arise, please do not hesitate to contact me.