



COMMONWEALTH of VIRGINIA
Office of the Attorney General

Jason S. Miyares
Attorney General

202 North 9th Street
Richmond, Virginia 23219
804-786-2071
FAX 804-786-1991
Virginia Relay Services
800-828-1120
7-1-1

MEMORANDUM

TO: Jo Anne P. Maxwell
Director, Governance and Legislative Affairs Division

FROM: Chandra D. Lantz
Senior Assistant Attorney General and Section Chief

DATE: December 22, 2022

SUBJECT: Periodic Review of Conveyance of Lands and Disposal of Improvements, 24
VAC 30-540

In my capacity as legal counsel for the Virginia Department of Transportation and the Commonwealth Transportation Board, it is my legal opinion that the Conveyance of Lands and Disposal of Improvements does not appear, on its face, to conflict with the Constitution of the United States or the Constitution of the Commonwealth of Virginia, nor does it appear to conflict with federal or state law currently in effect.

Virginia Code §§ 33.2-230, 33.2-255, 33.2-1005 and 33.2-1010 provide that the Commissioner of Highways has the power to adopt regulations that are not in conflict with the laws of the Commonwealth concerning the Conveyance of Lands and Disposal of Improvements.

Further, Virginia Code § 2.2-4002(B)(4) states that this regulatory action is exempt from the Administrative Process Act. This memorandum addresses legal matters only and is not intended as a comment for or against the merits of the proposed regulations.