



COMMONWEALTH of VIRGINIA

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MEMORANDUM

TO: Richard L. Walton, Jr.
Chief of Policy and Environment

FROM: Christopher D. Eib *CDE*
Senior Assistant Attorney General

SUBJECT: Repeal of *General Rules and Regulations of the Commonwealth Transportation Board* (24 VAC 30-20) and Promulgation of Replacement *General Rules and Regulations of the Commonwealth Transportation Board* (24 VAC 30-21)

DATE: February 2, 2010

As requested in your memorandum to Jo Anne P. Maxwell, Senior Assistant Attorney General, I have reviewed the existing *General Rules and Regulations of the Commonwealth Transportation Board*, 24 VAC 30-20, and proposed replacement *General Rules and Regulations of the Commonwealth Transportation Board*, 24 VAC 30-21. Based on my review, I believe that §§ 33.1-12(3), 33.1-197, 33.1-198, 33.1-198.1 and 33.1-199 of the *Code of Virginia* authorize the Commonwealth Transportation Board to repeal existing *General Rules* and to adopt the proposed regulations and that the proposed regulations are consistent with the authority granted in those sections, as well as the mandates contained in Chapters 274 and 454 of the Acts of Assembly of 2008.

Further, based upon your assertion that the repeal of the existing *General Rules* and promulgation of the replacement *General Rules* is expected to be non-controversial, the Department's plans to utilize the fast track rulemaking process as provided in § 2.2-4012.1 appears to be proper and in compliance with the applicable statutory provisions provided the Department complies with all applicable procedural requirements.

If you should have any further questions concerning this matter or if I can be of any further assistance, please let me know.