



COMMONWEALTH of VIRGINIA
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MEMORANDUM

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

FROM: Brian K. Stevens
Senior Assistant Attorney General II

DATE: November 25, 2024

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.

Based on Virginia Code §§ 33.2-230, 33.2-255, 33.2-1005 and 33.2-1010, the Commissioner of Highways has the discretionary power to adopt regulations that are not in conflict with the laws of the Commonwealth concerning the Conveyance of Lands and Disposal of Improvements and which, in the judgment of the Commissioner of Highways may be in the public interest.

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.