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MEMORANDUM

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

FROM: Julie M. Whitlock
Senior Assistant Attorney General/Chief

DATE: December 20, 2019

SUBJECT: Repeal of the Department of Transportation Rules and Regulations Concerning
Roadway and Structure Lighting

At your request, I have reviewed VDOT's proposed repeal of the Rules and Regulations regarding Roadway and Structure Lighting (24VAC30-530), made after a periodic review pursuant to § 2.2-4007.1 of the *Code of Virginia* and Executive Order 14 (2018). This memorandum addresses legal matters only and is not intended as a comment for or against the merits of the proposed regulations.

Virginia Code § 33.2-210 provides that the Commonwealth Transportation Board has the power and duty to make regulations that are not in conflict with the laws of the Commonwealth for the protection of and covering traffic on and for the use of systems of state highways and shall have the authority to add to, amend, or repeal such regulations.

In my capacity as legal counsel for the Virginia Department of Transportation and the Commonwealth Transportation Board, it is my legal opinion that the Department and the Board have the authority to repeal the regulations.

Further, pursuant to Virginia Code § 2.2-4002(B)(3), this regulatory action is exempt from the Administrative Process Act.