



**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: October 25, 2023

SUBJECT: Periodic Review of Rules, Regulations, and Rates Concerning Toll and Bridge  
Facilities, 24 VAC 30-620

---

In my capacity as legal counsel for the Virginia Department of Transportation (VDOT) and the Commonwealth Transportation Board, it is my legal opinion that the Rules, Regulations, and Rates Concerning Toll and Bridge Facilities do not appear, on their face, to conflict with the Constitution of the United States or the Constitution of the Commonwealth of Virginia, nor do they appear to conflict with federal or state law currently in effect.

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. Further, Virginia Code § 33.2-1701 states that the Commonwealth Transportation Board may fix and collect tolls and other charges for the use of such projects or to refinance the cost of such projects built in accordance with the Transportation Development and Revenue Bond Act. Virginia Code § 33.2-611 authorizes tolls to vary according to specified variables, and that the amount of such toll or time of day when such toll will change shall be as fixed and revised by the Commonwealth Transportation Board.

Further, Virginia Code § 2.2-4006(A)(1) states that this regulatory action is exempt from the Administrative Process Act as an agency order or regulation fixing rates or prices. This memorandum addresses legal matters only and is not intended as a comment for or against the merits of the proposed regulations.