



# COMMONWEALTH *of* VIRGINIA

Office of the Attorney General

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March 29, 2005

The Honorable Philip A. Shucet, Commissioner  
Virginia Department of Transportation  
1201 East Broad Street  
Richmond, Virginia 23219

Re: Authority to Promulgate Comprehensive Roadside Management  
Program Regulations, 24 VAC 30-121

Dear Commissioner Shucet:

By letter dated January 10, 2005, I notified you that I had reviewed the above-referenced regulations and determined that the Commonwealth Transportation Board had the authority to promulgate the regulations by virtue of the specific authority granted by Section 33.1-223.2:9 of the Code of Virginia. General authority exists by virtue of Section 33.1-12(3) (General Powers and Duties of the Board), and Section 33.1-69 (Control, Supervision and Management of the Secondary Road System).

Since that time, I have been notified that the proposed regulations have been amended to include interstate interchanges. This change is acceptable as well based on the same rationale noted previously and under the authority of Section 33.1-49.

If I may be of further assistance to you in this matter, please do not hesitate to contact me.

Very truly yours,

Suzanne T. Ellison  
Assistant Attorney General