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MEMORANDUM

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

FROM: Anna Johnson
Assistant Attorney General

DATE: January 10, 2022

SUBJECT: Proposal of the Department of Transportation Parking on Primary and Secondary Highways, 24VAC30-640

At your request, I have reviewed the Department's proposed regulation, "Parking on Primary and Secondary Highways", 24VAC30-640. This memorandum addresses legal matters only and is not intended as a comment for or against the merits of the proposed regulations.

In my capacity as legal counsel for the Virginia Department of Transportation, it is my legal opinion that the Department has the authority to promulgate the regulation. Virginia Code § 46.2-1223 gives the Commissioner of Highways the authority to regulate parking on any part of the primary and secondary systems of state highways through regulation.