



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: December 22, 2022

SUBJECT: Periodic Review of Secondary Street Acceptance Requirements, 24 VAC 30-92

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 Subdivision Street Requirements 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.

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 § 33.2-326 vests in VDOT the control, supervision, management and jurisdiction over the secondary system of highways. Virginia Code § 33.2-327 grants VDOT the authority to review proposed design standards for secondary state highway system components for urban and urban development areas in localities using the urban county executive form of government. Virginia Code § 33.2-334 authorizes the Commonwealth Transportation Board to establish regulations specifying secondary street acceptance requirements.

This memorandum addresses legal matters only and is not intended as a comment for or against the merits of the proposed regulations.