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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 Rules and Regulations Governing Relocation Assistance, 24
VAC 30-41

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 and Regulations Governing Relocation Assistance 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 § 33.2-221 states that the Commonwealth Transportation Board shall have the power and duty to comply fully with the provisions of the present or future federal aid acts. Further, Virginia Code § 25.1-402 states that all state agencies are authorized to promulgate such rules and regulations as are necessary to carry out the provisions of the Relocation Assistance and Real Property Acquisition Policies Chapter of Title 25.1.

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