



## Virginia Local Government Law

**New Virginia Supreme Court Opinions Affecting Virginia Local Government Law – November 4, 2011**

**By: Andrew McRoberts. Friday, November 4th, 2011**

The Virginia Supreme Court issued new opinions today. Two opinions relate to Virginia local government or laws applied by Virginia local governments.

One opinion involves a Virginia local government (Montgomery County) and an interpretation of the internal improvements clause and the credit clause of Article X, Section 10 of the Virginia Constitution:

**100350 Montgomery County v. Va. Dep't of Rail and Public Transportation** 11/04/2011 In an action by a county challenging the constitutionality of Code § 33.1-221.1:1.1 and an agreement entered thereunder between the Virginia Department of Rail and Public Transportation and a railroad, approved by the Commonwealth Transportation Board, for the development of an "intermodal" terminal in the county as a transition point for shifting the transportation of freight by road to shipment by rail, and vice versa, the statute as applied in this case does not violate either the internal improvements clause or the credit clause of Article X, Section 10 of the Constitution of Virginia. Accordingly, the judgment of the circuit court denying summary judgment to the county and awarding summary judgment in favor of the Department defendants, the Board, and the railroad, is affirmed.

Another is not a local government case, but interprets the Freedom of Information Act as it applies the Act's definition of "public body" to the State Corporation Commission:

**102477 Christian v. State Corporation Commission** 11/04/2011 In an appeal from proceedings before the State Corporation Commission in which an individual sought injunctive and declaratory relief for the Commission Clerk's alleged failure to produce information as required under the Virginia Freedom of Information Act, Code §§ 2.2-3700 through -3714, that Act is inapplicable to the Commission, which is not a "public body" under the Act, but derives its authority from Article IX of the Constitution of Virginia, and the Commission is not subject to a constitutional enforcement mechanism under the Act. The order of the Commission dismissing the petition is affirmed.

These summaries come from the Virginia Supreme Court website:

<http://www.courts.state.va.us/scndex.htm>

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