




TO: WHOM IT MAY CONCERN

FROM: STEPHEN CAPALDO, 
ASSOCIATE UNIVERSITY LEGAL COUNSEL
AND ASSISTANT ATTORNEY GENERAL

RE: STATUS OF VIRGINIA TECH AS PUBLIC UNIVERSITY

DATE: MARCH 3, 2014

This office represents the interests of Virginia Polytechnic Institute and State University ("Virginia Tech") and is a unit of the Office of the Attorney General of Virginia. Virginia Tech is an agency of the Commonwealth of Virginia. This recognition is codified in the Code of Virginia, §23-114. I have attached a copy of this code section to this memorandum.

As a Public University, an aircraft owned by Virginia Tech qualifies as a "public aircraft" as defined in 49 USC 40102(a)(41). In addition, the Unmanned Aircraft Systems (UAS) would not be used for "commercial purposes" pursuant to 49 USC 40125.

Virginia Tech also engages in free and exclusive non-commercial leasing pursuant to 49 USC 40102(a)(41)(C) and USC 40102(a)(41)(D) with the federal government pursuant to federally sponsored research.

Please contact me if you have further questions at the address and telephone number below. Thank you.

§ 23-114. Board of visitors a corporation and under control of General Assembly.

The board of visitors shall be and remain a corporation under the name and style of the Virginia Polytechnic Institute and State University and shall at all times be under the control of the General Assembly. All acts and statutes relating to Virginia Polytechnic Institute, its predecessors by whatever name known, boards of visitors thereof, shall be construed as relating to the Virginia Polytechnic Institute and State University.

(Code 1919, § 860; 1944, p. 341; 1970, c. 98.)

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