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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 Comprehensive Roadside Management Program Regulations,
24 VAC 30-121

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 Comprehensive Roadside Management Program Regulations 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 § 33.2-265 states that VDOT shall promulgate regulations for a comprehensive roadside management program. Such program shall include opportunities for participation by individuals, communities, and local governments and shall address items, including safety, landscape materials, services, funding, recognition, and appropriate signing.

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

