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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 for the Administration of Waysides
and Rest Areas, 24 VAC 30-50

In my capacity as legal counsel for the Virginia Department of Transportation (VDOT) and the Commonwealth Transportation Board, it is my legal opinion that Rules and Regulations for the Administration of Waysides and Rest Areas 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 § 33.2-246 states that the Commonwealth Transportation Board may establish regulations for the use of recreational waysides, including regulations relating to (i) the time, place, and manner of parking of vehicles; (ii) activities that may be conducted within such waysides; (iii) solicitation and selling within the waysides; and (iv) such other matters as may be necessary or expedient in the interest of the motoring public.

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