



COMMONWEALTH of VIRGINIA
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MEMORANDUM

TO: Joshua Heslinga
Director, Governance and Legislative Affairs Division

FROM: Christian A. Parrish
Senior Assistant Attorney General

DATE: April 7, 2026

SUBJECT: Periodic Review and Proposed Repeal of 24VAC30-120 of Rules and Regulations Controlling Outdoor Advertising and Directional and Other signs and Notices and Promulgation of a New Regulation 24 VAC 30-122

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 repeal of 24 VAC30-120 and promulgation of the proposed regulation 24 VAC 30-122 regarding Outdoor Advertising and Directional and Other signs and Notices 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. Furthermore, such authority also exists and has been granted in certain sections of the Code of Virginia, specifically VA Code §§ 33.2-1200 and 1220.

Pursuant to § 33.2-1200 of the Code of Virginia, “[i]n order to promote the safety, convenience, and enjoyment of travel on and protection of the public investment in highways within the Commonwealth, attract tourists and promote the prosperity, economic well-being, and general welfare of the Commonwealth, and preserve and enhance the natural scenic beauty or aesthetic features of the highways and adjacent areas, the General Assembly declares it to be the policy of the Commonwealth that the erection and maintenance of outdoor advertising in areas adjacent to the rights-of-way of the highways within the Commonwealth shall be regulated in accordance with the terms of this article [article 1 of Chapter 12 of Title 33.2] and regulations promulgated by the Board pursuant thereto.” Furthermore, § 33.2-1220 of the Code of Virginia states that the CTB “may issue regulations and is authorized to enter into agreements with the United States as provided in 23 U.S.C. § 131 with respect to the regulation and control of signs, advertisements, and advertising structures in conformity with § 33.2-1217, provided that such agreements shall not prevent the General Assembly of Virginia from amending or repealing § 33.2-1217 at any time, and provided further that in the event the federal law is amended to lessen the special restrictions applicable to signs, advertisements, and advertising structures adjacent to Interstate System or federal-aid primary highways, the Board is authorized to adopt regulations to conform to such change in federal law and to amend any agreement with the United States relating to such control.”

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