



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

W. Sheppard Miller, III
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Agenda item # 1

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

July 16, 2025

MOTION

Made By: Ms. Sellers, **Seconded By:** Mr. Good

Action: Motion Carried, Unanimously

**Title: Approval of Notice of Intended Regulatory Action in Conjunction with Periodic
Regulatory Review of 24VAC30-120, Rules and Regulations Controlling Outdoor
Advertising and Directional and Other Signs and Notices**

WHEREAS, the Virginia Administrative Process Act (the APA), particularly in §§ 2.2-4007.1 and 2.2-4017 of the *Code of Virginia*, requires that all state agencies that adopt regulations periodically review those regulations, taking into consideration various statutory factors; and

WHEREAS, Executive Order (EO) Number 19 (2022) requires, among other things, all regulations to be so reviewed every four years and requires agencies to follow procedures for conducting such review as developed by the Office of Regulatory Management (ORM); and

WHEREAS, a periodic review may be initiated either by issuing a Notice of Periodic Review or, when it is clear at the outset of a review that the regulation will need to be amended, the review may be initiated by issuing a Notice of Intended Regulatory Action (NOIRA); and

WHEREAS, by posting a NOIRA to the Virginia Regulatory Town Hall website, the public will be notified of the regulation's ongoing periodic review and comment from the public will be solicited for 30 days after the NOIRA is published in the *Virginia Register of Regulations*; and

WHEREAS, ORM has issued guidance pursuant to EO 19, requiring each agency to reduce the agency's discretionary regulatory burden on the public by 25%, and reductions

Resolution of the Board

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generally will require amendments to regulations which are accomplished using the rulemaking process; and

WHEREAS, while the Commonwealth Transportation Board (CTB) has already met its 25% reduction goal due to previous actions adopted by the Board, additional reductions or streamlining of requirements would be consistent with the Governor's objectives to reduce regulatory burdens on the public; and

WHEREAS, the Virginia Department of Transportation (VDOT) conducted an initial internal review of 24VAC30-120, Rules and Regulations Controlling Outdoor Advertising and Directional and Other Signs and Notices, and, pursuant to the ORM requirements, has identified potential opportunities for clarifying the regulatory language and streamlining the regulatory requirements, supporting the initiation of the rulemaking process by filing a NOIRA; and,

WHEREAS, VDOT has completed an Agency Background Document (TH-01) to be filed on Town Hall in conjunction with the NOIRA for 24VAC30-120; and

WHEREAS, the Commonwealth Transportation Board originally adopted 24VAC30-120 pursuant to its general authority to adopt regulations in § 33.2-210 of the *Code of Virginia* and the authority granted in other sections of the *Code of Virginia*, including § 33.2-1200 and § 33.2-1220, relating to outdoor advertising, and is authorized to take action to amend, repeal or retain this regulation.

NOW THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board approves the NOIRA Agency Background Document for 24VAC30-120, attached hereto as Exhibit A, with any changes deemed necessary by the Commissioner of Highways or his designees.

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board directs the Commissioner of Highways or his designees to take all actions necessary to initiate the rulemaking process for 24VAC30-120 by filing the NOIRA and posting the associated Agency Background Document to Town Hall.

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board directs the Commissioner of Highways to submit to the Board, for its approval, the proposed amendments to 24VAC30-120 prior to advancing to the next stage of the rulemaking process.

####

CTB Decision Brief
**Approval of Notice of Intended Regulatory Action in Conjunction with Periodic
Regulatory Review of 24VAC30-120, Rules and Regulations Controlling Outdoor
Advertising and Directional and Other Signs and Notices**

Issue: The Administrative Process Act (APA) requires all state agencies that adopt regulations to periodically review those regulations. Executive Order (EO) 19 (2022) requires periodic reviews to take place every four years to determine if the regulation should be continued with no changes or be amended or repealed and requires agencies to follow the procedures developed by the Office of Regulatory Management (ORM) for conducting such review. In accordance with these requirements, the Virginia Department of Transportation (VDOT) initiated a review of 24VAC30-120, Rules and Regulations Controlling Outdoor Advertising and Directional and Other Signs and Notices, and recommends that a Notice of Intended Regulatory Action be filed.

Facts:

- The APA, particularly in §§ 2.2-4007.1 and 2.2-4017 of the *Code of Virginia*, requires that all state agencies that adopt regulations periodically review those regulations every four years, including consideration of: 1) the extent to which the regulations remain supported by statutory authority and do not duplicate, overlap, or conflict with state or federal law; 2) the nature of complaints or comments received from the public; 3) whether the regulations are necessary for the protection of public health, safety and welfare; 4) whether the regulations are clearly written and easily understandable; 5) whether the regulations' economic impacts on small businesses and families are minimized as much as possible; and 6) the length of time since the regulation has been evaluated.
- The Governor's EO 19 created ORM to, among other things, work with each regulatory agency to review all existing regulations, for the purpose of reducing the overall regulatory burden on the public. The ORM procedures now outline the specific periodic review requirements.
- In addition, Chapter 444 of the 2018 Acts of Assembly requires the Department of Planning and Budget (DPB) to track and report to the General Assembly annually which agencies are complying with the periodic review requirements.
- VDOT has historically conducted periodic reviews using a process that is initiated by publishing a Notice of Periodic Review. However, when it is clear that a regulation that is undergoing review will need to be amended, the periodic review may also be initiated through the publication of a Notice of Intended Regulatory Action (NOIRA) which will also serve to initiate the rulemaking process necessary for a review and amendment of the regulation.
- ORM has issued guidance on EO 19 requiring each agency to reduce the agency's discretionary regulatory burden on the public by 25%. Reductions generally will require amendments to regulations which are accomplished using the rulemaking process and thus are counted only when the regulatory process making the reductions has been

completed. While the Commonwealth Transportation Board (CTB) has already met its 25% reduction goal due to previous actions adopted by the Board, additional reductions or streamlining of requirements would be consistent with the Governor's objectives to reduce regulatory burdens on the public.

- VDOT conducted an initial internal review of 24VAC30-120, Rules and Regulations Controlling Outdoor Advertising and Directional and Other Signs and Notices, and, pursuant to the ORM requirements, has identified potential opportunities for clarifying the regulatory language and streamlining the regulatory requirements. VDOT has also completed an Agency Background Document (TH-01) to be filed on the Virginia Regulatory Town Hall in conjunction with the NOIRA for the regulation (attached as Exhibit A). The TH-01 provides additional information relating to the regulation and issues that will be considered during the intended rulemaking process.
- **24VAC30-120 Rules and Regulations Controlling Outdoor Advertising and Directional and Other Signs and Notices**

The CTB originally promulgated/adopted the Rules and Regulations Controlling Outdoor Advertising and Directional and Other Signs and Notices (24VAC30-120) pursuant to its general authority to adopt regulations in § 33.2-210 of the *Code of Virginia* and the authority granted in other sections of the *Code of Virginia*, including § 33.2-1200 and § 33.2-1220, relating to outdoor advertising, and is authorized to take action to amend, repeal or retain this regulation. More specifically, the CTB promulgated 24VAC30-120, pursuant to its authority to make regulations regarding “the erection and maintenance of outdoor advertising in areas adjacent to the rights-of-way of the highways within the Commonwealth” under § 33.2-1200 of the *Code of Virginia*. Further, § 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...”

Through 24VAC30-120, the CTB regulates the placement and characteristics of outdoor advertising and signs consistent with requirements of federal law and regulation. VDOT's initial review has identified opportunities to clarify/streamline the regulation, which will require amendments by means of a rulemaking process.

Recommendations: VDOT recommends that the CTB authorize VDOT to file a NOIRA, including the associated Agency Background Document, for 24VAC30-120.

Action Required by CTB: A resolution will be presented for the CTB (i) to approve the Agency Background Document for this regulation and to authorize VDOT to take all actions necessary to file the NOIRA and post the Agency Background Document to Town Hall, and (ii) to require

CTB Decision Brief

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VDOT to submit to the CTB, for approval, the proposed regulatory amendments for this regulation prior to moving forward with the next stage of the rulemaking process.

Result, if Approved: The NOIRA and Agency Background Document will, after executive reviews and approvals, be posted to Town Hall and published in the *Virginia Register of Regulations*. After the close of the public comment period, VDOT will finalize the proposed regulatory amendments and present them to the CTB for approval.

Options: Approve, Deny, or Defer.

Public Comments/Reactions: The public comment period is open for 30 days after the NOIRA is published in the *Virginia Register of Regulations*. Public comments will also be received during the Proposed and Final stages of the rulemaking process.

townhall.virginia.gov

Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Commonwealth Transportation Board
Virginia Administrative Code (VAC) Chapter citation(s)	24 VAC 30-120
VAC Chapter title(s)	Rules and Regulations Controlling Outdoor Advertising and Directional and Other Signs and Notices
Action title	Review of the Rules and Regulations Controlling Outdoor Advertising and Directional and Other Signs and Notices
Date this document prepared	____, 2025

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of the subject matter, intent, and goals of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation).

The Commonwealth Transportation Board (CTB) is undertaking a comprehensive review of 24VAC30-120, Rules and Regulations Controlling Outdoor Advertising and Directional and Other Signs and Notices. Through this regulation, the CTB regulates the placement and characteristics of outdoor advertising and signs consistent with requirements of federal law and regulation. The intent of this action is to remove redundant or obsolete language and identify opportunities for regulatory reduction and streamlining in accordance with Governor Youngkin's Executive Order 19.

Acronyms and Definitions

Define all acronyms or technical definitions used in this form.

CTB means the Commonwealth Transportation Board.
VDOT means the Virginia Department of Transportation.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation, (e.g., new or modified mandate, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

On ____, 2025, the CTB approved a Notice of Intended Regulatory Action to review 24VAC30-120 to potentially amend any overly burdensome requirements, remove any obsolete information, and provide more clarity with streamlined text. The CTB is conducting a review of its regulations in accordance with Governor Youngkin's Executive Order 19.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

The CTB originally promulgated/adopted the Rules and Regulations Controlling Outdoor Advertising and Directional and Other Signs and Notices (24VAC30-120) pursuant to its general authority to adopt regulations in § 33.2-210 of the *Code of Virginia* and the authority granted in other sections of the *Code of Virginia*, including § 33.2-1200 and § 33.2-1220, relating to outdoor advertising.

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." Further, § 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."

Purpose

Describe the specific reasons why the agency has determined that this regulation is essential to protect the health, safety, or welfare of citizens. In addition, explain any potential issues that may need to be addressed as the regulation is developed.

This regulation is essential to protect the health, safety, and welfare of citizens because it addresses key issues for advertisements and directional and other official signs placed adjacent to the highway right-of-way, such as size, spacing, and lighting, in conformance with the requirements of the Highway Beautification Act (23 U.S.C. § 131) and 23 CFR Part 750.

Substance

Briefly identify and explain the new substantive provisions that are being considered, the substantive changes to existing sections that are being considered, or both.

No substantive changes have been identified at this time, but substantive changes may be considered during the review if necessary to clarify the regulation and to bring the regulation in line with current practice and federal law.

During its review of the regulation, the CTB is expected to consider the following topics:

1. Review to ensure the regulation comports with statute and applicable federal requirements.
2. Focus on making the regulation organized and clear.
3. Review for opportunities to reduce or alleviate regulatory burdens.
4. Review, revise, and update definitions where appropriate.

The above list is not inclusive of all items that may be considered. Draft regulatory text is not available at this time.

Alternatives to Regulation

Describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulatory change.

The regulation is necessary to enforce restrictions and requirements on outdoor advertising along or in sight of federal-aid highways in compliance with federal law, and without such regulation, the U.S. Secretary of Transportation could withhold federal-aid funds that the Commonwealth would otherwise be eligible to receive. As a part of the CTB's review, alternatives to the current regulatory text will be considered. The CTB will also consider the burden on individuals and small businesses for achieving the goals set forth by the regulation.

Periodic Review and Small Business Impact Review Announcement

If you wish to use this regulatory action to conduct, and this NOIRA to announce, a periodic review (pursuant to § 2.2-4017 of the Code of Virginia and the ORM procedures), and a small business impact review (§ 2.2-4007.1 of the Code of Virginia) of this regulation, keep the following text. Modify it as

necessary for your agency. Otherwise, delete the paragraph below and insert "This NOIRA is not being used to announce a periodic review or a small business impact review."

In addition, pursuant to the ORM procedures and § 2.2-4007.1 of the *Code of Virginia*, the agency is conducting a periodic review and small business impact review of this regulation to determine whether this regulation should be terminated, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare; (ii) minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

Public Participation

Indicate how the public should contact the agency to submit comments on this regulation, and whether a public hearing will be held, by completing the text below. In addition, as required by § 2.2-4007.02 of the Code of Virginia, describe any other means that will be used to identify and notify interested parties and seek their input, such as regulatory advisory panels or general notices.

The CTB is providing an opportunity for comments on this regulatory proposal, including but not limited to (i) the costs and benefits of the regulatory proposal, (ii) any alternative approaches, and (iii) the potential impacts of the regulation.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>. Comments may also be submitted by mail, or email to Jo Anne Maxwell, Agency Regulatory Coordinator, 1401 E. Broad St. Richmond, VA 23219, telephone (804) 786-1830, JoAnne.Maxwell@VDOT.Virginia.gov. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will not be held following the publication of the proposed stage of this regulatory action.