



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Nicholas Donohue
Chairperson

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Richmond, Virginia 23219

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Agenda item # 4

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

February 17, 2026

MOTION

Made By: Ms. Sellers, **Seconded By:** Ms. Dunlop

Action: Motion Carried, Unanimously

Title: Approval of Proposed Regulatory Amendments to 24VAC30-120, Rules and Regulations Controlling Outdoor Advertising and Directional and Other Signs and Notices

WHEREAS, pursuant to the resolution titled *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* approved at the Commonwealth Transportation Board's (CTB) July 16, 2025, action meeting, the Virginia Department of Transportation (VDOT) filed the approved Notice of Intended Regulatory Action (NOIRA) and associated Agency Background Document for the Rules and Regulations Controlling Outdoor Advertising and Directional and Other Signs and Notices (24VAC30-120); and

WHEREAS, this action was initiated to fulfill the periodic regulatory review requirements of the Virginia Administrative Process Act (Section 2.2-4000 *et seq* of the *Code of Virginia*) and Executive Order (EO) 19 (June 30, 2022); and

WHEREAS, VDOT conducted a full review of 24VAC30-120 and has identified opportunities for clarifying and streamlining the regulatory language through reorganization of this regulation, as detailed in Attachment A; and

WHEREAS, pursuant to the Administrative Process Act, the proposed amendments to the regulation must now be posted on the Virginia Regulatory Town Hall in conjunction with the Proposed stage of the regulatory process and published in the *Virginia Register of Regulations*

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for a public comment period of 60 days before the revised regulation may be finalized and become effective; and

WHEREAS, VDOT has completed an Agency Background Document (TH-02) to be filed on Town Hall in conjunction with the Proposed stage for these regulatory amendments (Attachment B); and

WHEREAS, one set of public comments was received during the 30-day public comment period held in conjunction with publication of the NOIRA in the *Virginia Register of Regulations*, and VDOT's proposed responses to the issues raised in the public comments are included in the Agency Background Document (Attachment B); and

WHEREAS, the CTB 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 hereby approves the proposed amendments to the Rules and Regulations Controlling Outdoor Advertising and Directional and Other Signs and Notices (24VAC30-120), attached hereto (Attachment A).

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board directs the Commissioner of Highways or his designees to take all necessary actions to promulgate the amended regulation, filing the necessary forms, including the Proposed Regulation Agency Background Document (Attachment B), as may be required by the Virginia Administrative Process Act.

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board authorizes and directs the Commissioner of Highways or his designees to complete the regulatory process for this regulation, including the Final Stage, and to bring Final amendments back to the Board for approval prior to finalization only if public comments are received, substantive changes are suggested to the proposed amendments attached hereto, or additional amendments are suggested for the regulation.

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CTB Decision Brief

Approval of Proposed Regulatory Amendments to 24VAC30-120, Rules and Regulations Controlling Outdoor Advertising and Directional and Other Signs and Notices

Issue: The Virginia Department of Transportation (VDOT) conducted a periodic review, in compliance with the requirements of the Virginia Administrative Process Act (APA), Executive Order (EO) 19 (June 30, 2022), and Office of Regulatory Management (ORM) procedures, of the Rules and Regulations Controlling Outdoor Advertising and Directional and Other Signs and Notices (24VAC30-120), and at the direction of the Commonwealth Transportation Board (CTB), filed a Notice of Intended Regulatory Action (NOIRA) to advise the public of the intent to modify the regulations. VDOT is now recommending that the CTB advance the reorganization of and specific changes to the regulation to the Proposed and Final stages of the regulatory process.

Facts: Sections 2.2-4007.1 and 2.2-4017 of the *Code of Virginia* require that all state agencies that adopt regulations periodically review those regulations once 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 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. 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 of 24VAC30-120 indicated there were opportunities for clarifying the regulatory language and streamlining the requirements contained in the regulation. VDOT sought and received approval from the CTB on July 16, 2025, to move forward with a NOIRA for the regulation to initiate the rulemaking process. VDOT filed the NOIRA and associated Agency Background Document on the Virginia Regulatory Town Hall. One set of public comments from Scenic America was received during the 30-day public comment period.

As a result of VDOT's full review of the regulation, VDOT developed proposed regulatory amendments which are set out in Attachment A. The amendments include significant reorganization and streamlining of the regulation to make the text easier for regulated entities to read and understand. Due to the extent of the reorganization, VDOT proposes to repeal Chapter 120 and promulgate a new Chapter 122. VDOT has also completed an Agency Background Document (TH-02) to be filed on the Virginia Regulatory Town Hall in conjunction with the Proposed stage for the regulations (Attachment B).

CTB Decision Brief

Approval of Proposed Regulatory Amendments to 24VAC30-120, Rules and Regulations Controlling Outdoor Advertising and Directional and Other Signs and Notices

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VDOT is seeking approval from the CTB to move forward with the Proposed stage of the regulatory process for the amendments to 24VAC30-120. This will entail posting the proposed regulatory amendments and necessary forms, including the Proposed Regulation Agency Background Document, to Town Hall and publication of the Proposed stage in the *Virginia Register of Regulations*, upon which the 60-day public comment period will commence. VDOT also seeks authorization from the CTB to complete the Final stage of the regulatory process, which will entail a final 30-day public comment period, and to finalize the regulatory amendments provided no public comments are received or substantive amendments to the regulation are proposed between the Proposed and Final stages.

Recommendations: VDOT recommends that the CTB authorize VDOT to file the Proposed stage, including the proposed amendments and associated Agency Background Document, for 24VAC30-120.

Action Required by CTB: The CTB will be presented with a resolution and the corresponding proposed regulatory amendments and Agency Background Document for a formal vote.

Result, if Approved: VDOT will advance the proposed amendments to 24VAC30-120 through the regulatory process by filing the Proposed stage. VDOT will also file the Final stage upon conclusion of the Proposed stage if no public comments are received or substantive changes are made to the proposed amendments.

Options: Approve, Deny, or Defer.

Public Comments/Reactions: One public comment from Scenic America was received during the NOIRA public comment period. VDOT's proposed responses to Scenic America's public comment are reflected in the Agency Background Document (Attachment B). The public comment period will be open for 60 days after publication of the Proposed stage and for 30 days after publication of the Final stage in the *Virginia Register of Regulations*.

Project 8470 - NOIRA**Department of Transportation****Review of Regulations Controlling Outdoor Advertising and Other Signs and Notices**

Chapter 120

Rules and Regulations Controlling Outdoor Advertising and Directional and Other Signs and Notices

(REPEALED)

Part I

~~Outdoor Advertising in Zoned and Unzoned Commercial and Industrial Areas~~**24VAC30-120-10. Definitions. (Repealed.)**

For the purposes of this chapter, the following definitions shall apply:

~~"Commercial or industrial activities" means those activities generally recognized as commercial or industrial by zoning authorities in this Commonwealth, except that none of the following activities shall be considered commercial or industrial:~~

- ~~1. Outdoor advertising structures.~~
- ~~2. Agricultural, forestry, grazing, farming, and related activities including, but not limited to, wayside fresh produce stands.~~
- ~~3. Transient or temporary activities.~~
- ~~4. Activities not visible from the main traveled way.~~
- ~~5. Activities more than 300 feet from the nearest edge of the right of way.~~
- ~~6. Activities conducted in a building principally used as a residence.~~
- ~~7. Railroad tracks and minor sidings.~~

~~"National highway system" means the federal aid highway system described in subsection (b) of § 103 of Title 23, United States Code, and regulations adopted pursuant to that law, or as defined in § 33.2-1200 of the Code of Virginia.~~

~~"Unzoned commercial or industrial areas" means those areas on which there is located one or more~~

~~permanent structures devoted to a business on industrial activity or on which a commercial or industrial activity is actually conducted, whether or not a permanent structure is located thereon, and the area along the highway extending outward 500 feet from and beyond the edge of such activity. Each side of the highway will be considered separately in applying this definition.~~

~~"Zoned commercial or industrial areas" means those areas which are reserved for business, commerce, or trade pursuant to a comprehensive state or local zoning ordinance or regulation. All measurements shall be from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the activities, not from the property lines of the activities, and shall be along or parallel to the edge or pavement of the highway.~~

24VAC30-120-20. Zoning requirements. (Repealed.)

~~A. In zoned commercial and industrial areas where the locality has regulations governing the size, spacing and lighting of signs, such regulations shall control and govern when so certified to the appropriate federal authority by the commissioner.~~

~~B. In all other zoned and unzoned commercial and industrial areas, the criteria set forth in this part shall apply.~~

24VAC30-120-30. Size of signs. (Repealed.)

~~A. The maximum area for any advertisement shall be 1,200 square feet with a maximum height of 25 feet and maximum length of 60 feet, inclusive of any border and trim but excluding ornamental base or apron supports and other structural members.~~

~~B. The area shall be measured by the smallest square, rectangle, triangle, circle, or combination thereof which will encompass the entire advertisement.~~

~~C. A sign structure may contain one or two advertisements per facing, not to exceed the maximum area.~~

~~D. Double-faced structures will be permitted with the maximum area being allowed for each facing.~~

24VAC30-120-40. Spacing of signs. (Repealed.)

~~A. Interstate highway and freeways on the national highway or federal aid primary systems.~~

~~1. No two structures shall be spaced less than 500 feet apart.~~

~~2. No structure may be located within 500 feet of an interchange, or intersection at grade, or rest~~

~~area (measured along the interstate or freeway from the sign to the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main traveled way).~~

~~B. Nonfreeway federal aid primary or national highway system routes.~~

~~1. Outside of municipalities. No two structures shall be spaced less than 300 feet apart.~~

~~2. Inside municipalities. No two structures shall be spaced less than 100 feet apart.~~

~~C. Explanatory notes.~~

~~1. Official and "on premise" signs, as defined in § 131(c) of Title 23, United States Code, shall not be counted nor shall measurements be made from them for purposes of determining compliance with spacing requirements.~~

~~2. The minimum distance between signs shall be measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway.~~

24VAC30-120-50. Lighting. (Repealed.)

~~Signs may be illuminated, subject to the following restrictions:~~

~~1. Signs which contain, include, or are illuminated by any flashing intermittent, or moving light or lights are prohibited, except those giving public service information such as time, date, temperature, weather, or similar information.~~

~~2. Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of the interstate or primary highway and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operation of a motor vehicle are prohibited.~~

~~3. No sign shall be so illuminated that it interferes with the effectiveness of, or obscures an official traffic sign, device, or signal.~~

~~4. All such lighting shall be subject to any other provisions relating to lighting of signs presently applicable to all highways under the jurisdiction of the Commonwealth.~~

24VAC30-120-60. Zoning requirements; interstate highways. (Repealed.)

~~Notwithstanding 24VAC30-120-20 A and 24VAC30-120-20 B, no signs, advertisements or advertising structures may be erected, maintained or displayed adjacent to interstate highways except:~~

~~1. In zoned commercial or industrial areas within the boundaries of incorporated municipalities as such boundaries existed on September 21, 1959.~~

~~2. In other areas zoned commercial or industrial as of September 21, 1959.~~

~~24VAC30-120-70. Certification of comprehensive zoning. (Repealed.)~~

~~At any time that a locality adopts a comprehensive zoning ordinance which also controls outdoor advertising including size, lighting and spacing controls in zoned commercial and industrial areas, the regulation of signs under these rules and regulations shall be transferred from 24VAC30-120-20 B to 24VAC30-120-20 A when so certified to the appropriate federal authority by the commissioner. Upon the written request of such locality or any other interested party, the commissioner will review such certification request for compliance with this section.~~

~~At such time as the commissioner determines that such locality no longer has a comprehensive zoning ordinance which also controls outdoor advertising including size, lighting and spacing controls in zoned commercial and industrial areas, such certification shall be withdrawn and the regulation of signs under these rules and regulations shall be retransferred from 24VAC30-120-20 A to 24VAC30-120-20 B.~~

Part II

~~Directional and Other Official Signs and Notices (Located Off Highway Right of Way)~~

~~24VAC30-120-80. Definitions. (Repealed.)~~

~~The following definitions apply to directional and other official signs and notices which are erected and maintained within 660 feet of the nearest edge of the right of way of interstate, federal aid primary and national highway systems, which are not erected on the highway right of way and which are visible from the main-traveled way of the system.~~

~~"Directional and other official signs and notices" means only official signs and notices, public utility signs, service club and religious notices, public service signs, and directional signs.~~

~~"Directional signs" means signs containing directional information about public places owned or operated by federal, state, or local governments or their agencies; publicly or privately owned natural phenomena, historic, cultural, scientific, educational, and religious sites; and areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public.~~

~~"Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.~~

~~"Federal or state law" means a federal or state constitutional provision or statute, or an ordinance, rule or regulation enacted or adopted by a state or federal agency or a political subdivision of a state pursuant to a federal or state constitution or statute.~~

~~"Freeway" means a divided arterial highway for through traffic with full control of access.~~

~~"Interstate system" means the national system of interstate and defense highways, described in § 103(e) of Title 23, United States Code.~~

~~"Maintain" means to allow to exist.~~

~~"Main-traveled way" means the through traffic lanes of the highway, exclusive of frontage roads, auxiliary lanes and ramps.~~

~~"National highway system" means the federal-aid highway system described in subsection (b) of § 103 of Title 23, United States Code, and regulations adopted pursuant to that law, or as defined in § 33.2-1200 of the Code of Virginia.~~

~~"Official signs and notices" means signs and notices erected and maintained by public officers or public agencies within their territorial or zoning jurisdiction and pursuant to and in accordance with direction or authorization contained in federal, state or local law for the purposes of carrying out an official duty or responsibility. Historical markers authorized by state law and erected by state or local government agencies or nonprofit historical societies may be considered official signs.~~

~~"Parkland" means any publicly owned land which is designated or used as a public park, recreation area, wildlife or waterfowl refuge or historic site.~~

~~"Primary system" means the federal-aid highway system described in § 103(b) of Title 23, United States Code.~~

~~"Public service signs" means signs located on school bus stop shelters, which:~~

- ~~1. Identify the donor, sponsor, or contributor of said shelter;~~
- ~~2. Contain safety slogans or messages, which shall occupy not less than 60% of the area of the sign;~~
- ~~3. Contain no other message;~~

~~4. Are located on school bus shelters which are authorized or approved by city, county, or state law, regulation or ordinance, and at places approved by the city, county, or state agency controlling the highway involved; and~~

~~5. May not exceed 32 square feet in area. Not more than one sign on each shelter shall face in any one direction.~~

~~"Public utility signs" means warning signs, informational signs, notices, or markers which are customarily erected and maintained by publicly or privately owned public utilities, as essential to their operations.~~

~~"Rest area" means an area or site established and maintained within or adjacent to the highway right of way by or under public supervision or control for the convenience of the traveling public.~~

~~"Scenic area" means any area of particular scenic beauty or historical significance as determined by the federal, state, or local officials having jurisdiction thereof, and includes interests in land which has been acquired for the restoration, preservation, and enhancement of scenic beauty.~~

~~"Service club and religious notices" means signs and notices whose erection is authorized by law, relating to meetings of nonprofit service clubs or charitable associations, or religious services, which signs do not exceed eight square feet in area.~~

~~"Sign" means an outdoor sign, light, display device, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, or used to advertise or inform any part of the advertising or informative contents of which is visible from any place on the main traveled way of the interstate or federal-aid primary highway.~~

~~"Single route" means one numbered highway or a combination of numbered highways affording a means of reaching an advertised activity from any one point.~~

~~"State" means any one of the 50 states, the District of Columbia, or Puerto Rico.~~

~~"Visible" means capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.~~

24VAC30-120-90. Prohibited signs. (Repealed.)

~~The following signs are prohibited:~~

~~1. Signs advertising activities that are illegal under federal or state laws or regulations in effect at the~~

~~location of those signs or at the location of those activities.~~

~~2. Signs located in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal, or device, or obstruction or interfere with the driver's view of approaching, merging, or intersecting traffic.~~

~~3. Signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.~~

~~4. Obsolete signs.~~

~~5. Signs which are structurally unsafe or in disrepair.~~

~~6. Signs which move or have any animated or moving parts.~~

~~7. Signs located in rest area, parklands or scenic areas.~~

~~8. Signs that identify ancillary sites, areas, features or activities.~~

24VAC30-120-100. Size. (Repealed.)

~~A. No sign shall exceed the following limits:~~

~~1. Maximum area — 150 square feet~~

~~2. Maximum height — 20 feet.~~

~~3. Maximum length — 20 feet.~~

~~B. All dimensions include border and trim, but exclude supports.~~

24VAC30-120-110. Lighting. (Repealed.)

~~Signs may be illuminated, subject to the following:~~

~~1. Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited.~~

~~2. Signs which are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way of an interstate or primary highway or which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operation of a motor vehicle are prohibited.~~

~~3. No sign may be so illuminated as to interfere with the effectiveness of or obscure an official traffic~~

~~sign, device, or signal.~~

24VAC30-120-120. Spacing. (Repealed.)

~~A. Each location of a sign must be approved by the state Department of Transportation.~~

~~B. No sign may be located within 2,000 feet of an interchange, or intersection at grade along the interstate system or other freeways (measured along the interstate or freeway from the nearest point of the beginning or ending or pavement widening at the exit from or entrance to the main traveled way).~~

~~C. No sign may be located within 2,000 feet of a rest area, parkland, or scenic area.~~

~~D. 1. No two signs facing the same direction of travel shall be spaced less than one mile apart;~~

~~2. Not more than three signs pertaining to the same activity and facing the same direction of travel may be erected along a single route approaching the activity;~~

~~3. Signs located adjacent to the interstate system shall be within 75 air miles of the activity; and~~

~~4. Signs located adjacent to the primary system shall be within 50 air miles of the activity.~~

24VAC30-120-130. Message content. (Repealed.)

~~The message on signs shall be limited to the identification of the approved site, feature, area or activity and directional information useful to the traveler in locating the site, area, feature, or activity, such as mileage, route number or exit numbers. Descriptive words or phrases, and pictorial or photographic representations of the activity or its environs are prohibited.~~

24VAC30-120-140. Administration of regulations. (Repealed.)

~~The Commissioner of Highways, under § 33.2-1201 of the Code of Virginia, has the duty to administer and enforce provisions of Chapter 12 (§ 33.2-1200 et seq.) of Title 33.2 of the Code of Virginia. The board and the Commissioner of Highways recognize that there are other state agencies which have as their primary purpose the control and administration of the type of specific unique phenomena or site, for which a directional sign application may be made, that have valuable experience and knowledge in the matters contained in the definition of "directional signs." Therefore, the following state agencies are hereby recognized for the purpose of making recommendations whether a site, area, agency, or phenomena falls within the definition of "directional signs" set forth in 24VAC30-120-80:~~

~~Department of Conservation and Recreation~~

Department of Historic Resources

The Library of Virginia

~~The recommendations must be based upon criteria presently utilized or hereinafter adopted by one of these agencies.~~

~~After the recommendation is received the commissioner must employ the following standards in addition to those which appear elsewhere to ascertain whether a site, area, agency, or phenomena is eligible for directional signs.~~

- ~~1. That publicly or privately owned activities or attractions eligible for directional signing are limited to the following: natural phenomena; scenic attractions; historic, educational, cultural, scientific, and religious sites; and areas naturally suited for outdoor recreation.~~
- ~~2. Any of the above must be nationally or regionally known as determined by the commissioner.~~
- ~~3. Any of the above must be of outstanding interest to the traveling public as determined by the Commissioner of Highways.~~

~~The area, site, agency, or phenomena seeking to qualify for "directional signs" shall be the principal area, site, agency, or phenomena which would appear on proposed sign and not ancillary to the message which would appear on the sign.~~

24VAC30-120-150. Final determination. (Repealed.)

~~The commissioner shall make the final determination whether a site, area, agency or phenomena is eligible for directional signs. The signs must conform to the requirements and standards set out herein in Part II (24VAC30-120-80 et seq.).~~

Part III

Signs on Rights of Way of the Interstate and Other Controlled Access Highways

24VAC30-120-160. Definitions. (Repealed.)

~~The original text of Part III pertains to traffic signs and other markers, which are exempt from the Administrative Process Act. The department has filed a replacement to this part as VR 385-01-63 ("Supplemental Signing Criteria") to comply with provisions of the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). This document is available for inspection at the Department of Transportation, in~~

~~the Office of Public Affairs in the Department's principal office at 1401 East Broad Street, Richmond, VA 23219.~~

~~Part IV~~

~~Control and Continuance of Nonconforming Signs, Advertisements, and Advertising Structures~~

~~The definitions set out in § 33.2-1200 of the Code of Virginia and the following definitions shall apply:~~

~~"Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.~~

~~"Nonconforming sign" means one which was lawfully erected but which does not comply with the provisions of state law or state regulations passed at a later date or which later fails to comply with state law or state regulations due to changed conditions.~~

~~An example of changed conditions would be a sign or advertisement lawfully in existence in a commercial area which at a later date becomes noncommercial and thus required to be protected, or a sign or advertisement lawfully erected on a federal-aid secondary highway later upgraded to a federal-aid primary highway. Illegally erected or maintained signs or advertisements are not nonconforming signs.~~

~~"Nonconforming sign — grandfather clause" means a sign lawfully in existence on certain dates or as specified in the state-federal agreement erected in a commercial or industrial area which does not conform to size, lighting, or spacing criteria.~~

~~24VAC30-120-170. Criteria for the maintenance and continuance of a nonconforming sign, advertisement or advertising structure. (Repealed.)~~

~~A. To be classified as a nonconforming sign or structure, such sign or structure must have been in lawful existence on the effective date of the state law or regulation or changed condition and must continue to be lawfully maintained.~~

~~B. To be allowed to continue as nonconforming, a sign or structure must remain substantially unchanged from its condition as of the effective date of the state law or regulations or changed condition.~~

~~1. Replacement, extension, or enlargement of the sign or structure is a substantial change in the existing use.~~

~~2. The change of location or height of such sign or structure is a substantial change in the existing use.~~

~~3. A change of the message content is not a substantial change in existing use. In the event a sign has been blank for a period of 18 consecutive months, the owner will be given written notice of 120 days to display a message on or remove such sign structure. In the event a message is not displayed on the sign structure within 120 days from the postdate of the aforementioned written notice, the permit shall be cancelled.~~

~~4. Rebuilding, or re-erecting the sign or structure, is a substantial change in existing use if such rebuilding, or re-erection expenses exceed 50% of the current replacement cost new of the entire sign or structure.~~

EXCEPTION:

~~If it can be demonstrated to the satisfaction of the commissioner that a nonconforming sign or structure has been vandalized or subject to other criminal or tortious act, then the replacement, rebuilding, or re-erecting of such sign or structure will not be considered a substantial change in existing use irrespective of the cost of such replacement; however, it will be considered a substantial change in existing use if damage to nonconforming signs or structures is caused by natural disasters, hurricanes, high winds, hail, or the like, and such damage exceeds 50% of the current replacement cost new of the entire sign or structure. In the event vandalism and an act of God combine to damage a nonconforming sign or structure, the commissioner shall determine the percentage allocated to each cause of damage before determining whether a substantial change in existing use has occurred.~~

~~5. Normal upkeep and repair of such sign or structure on a frequent basis, to the extent that the total cost of such repairs in the 12-month period would not exceed 50% of the current replacement cost new of the entire sign or structure, is not a substantial change in existing use.~~

~~G. In reaching a determination on the cost point in subdivisions B 4 and B 5 of this section the following will apply:~~

~~1. The sign owner shall furnish the commissioner cost data supporting any contention that such sign or structure is not damaged more than 50% of the current replacement cost new.~~

~~2. The commissioner may also utilize any other data available to him.~~

~~3. A sign or advertising structure lawfully in existence under the "Grandfather Clause" (see 24VAC30-120-160, Definitions) must conform to the criteria set out herein.~~

~~4. Certain standard maintenance practices and techniques utilized by the industry relating to how repairs are accomplished may be individually approved, in which case nonconforming rights shall not be terminated.~~

~~5. A nonconforming sign or structure that does not conform to the foregoing criteria shall constitute a substantial change in existing use thereby terminating nonconforming rights and legal status.~~

~~D. Once the sign owner has submitted the data per subsection C of this section, the commissioner, per §§ 33.2-1201 and 33.2-1219 of the Code of Virginia, shall make a determination whether the cost of the requested or required repairs exceeds 50% of the current replacement cost new of the entire billboard or structure. The determination shall be communicated to the sign owner and the building official of the locality. The sign owner is required to apply for a building permit from the locality before repairs can be commenced. If the building official of the locality objects to the commissioner's determination, for good cause shown, he may submit the objection to the commissioner, with a copy to the sign owner, within 30 days of the building permit application by the sign owner. Upon receipt of the objection the commissioner, per §§ 33.2-1201 and 33.2-1219 of the Code of Virginia, shall consider the documentation submitted by the building official and reissue a determination, which shall be binding upon the locality.~~

24VAC30-120-180. Right to continue. (Repealed.)

~~The right to continue a nonconforming sign, advertisement, or advertising structure is not confined to its owner or any one individual or corporation so using the land. Thus, a nonconforming sign, advertisement, or advertising structure may be sold, leased or otherwise transferred without affecting its status.~~

24VAC30-120-190. Owner's responsibility. (Repealed.)

~~The owner is responsible for the maintenance and continuance of a sign, advertisement, or advertising structure in conformity with the foregoing, which is not construed to relieve owner of such responsibility, nor to waive applicable provisions of the Code of Virginia relating to outdoor advertising including, but not limited to, §§ 33.2-1200, 33.2-1211, 33.2-1216, 33.2-1217, 33.2-1220, and 33.2-1227 of the Code of Virginia.~~

~~FORMS (24VAC30-120)(Repealed)~~

[Application for Outdoor Advertising Permit OA-105A \(rev. 2/2024\)](#)

Chapter 122

Regulations Controlling Outdoor Advertising and other Signs and Notices

24VAC30-122-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.

"Maintain" means to allow to exist.

"Main-traveled way" means the through traffic lanes of the highway, exclusive of frontage roads, auxiliary lanes, and ramps.

"Nonconforming sign" means one that was lawfully erected but that does not comply with the provisions of state law or state regulation passed at a later date, or that later fails to comply with state law or state regulation due to changed conditions. An example of changed conditions would be a sign or advertisement lawfully in existence in a commercial area that at a later date becomes noncommercial and thus is required to be protected. Illegally erected or maintained signs or advertisements are not nonconforming signs.

"Parkland" means any publicly owned land which is designated or used as a public park, recreation area, wildlife or waterfowl refuge, or historic site.

"Scenic area" means any area of particular scenic beauty or historical significance as determined by the federal, state or local officials having jurisdiction, and includes interests in land which has been acquired for the restoration, preservation, and enhancement of scenic beauty.

24VAC30-122-20. Owner's responsibility.

The sign owner is responsible for the maintenance and continuance of a sign, advertisement, or advertising structure in conformity with this chapter. Compliance with this chapter does not relieve the owner of complying with, nor does it waive, the applicable provisions of the Code of Virginia relating to outdoor advertising.

24VAC30-122-30. Prohibited signs.

The following signs are prohibited:

1. Signs advertising activities that are illegal under federal or state laws or regulations in effect at the location of those signs or at the location of those activities.
2. Signs that obscure or interfere with the effectiveness of an official traffic sign, signal, or device, or that obstruct or interfere with the driver's view of approaching, merging, or intersecting traffic.
3. Signs that are structurally unsafe or in disrepair.

4. Signs that move or have any animated or moving parts.

5. Signs located in rest areas, parklands, or scenic areas.

24VAC30-122-40. Lighting.

Signs may be illuminated subject to §33.2-1216 (2) of the Code of Virginia. Signs that are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways under the jurisdiction of the Commissioner of Highways, that are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or that otherwise interfere with any driver's operation of a motor vehicle are prohibited.

Part I

Off Right of Way Outdoor Advertising in Zoned and Unzoned Commercial and Industrial Areas

24VAC30-122-50. Zoning requirements generally.

A. Zoned commercial or industrial areas are areas reserved for business, commerce, or trade pursuant to a comprehensive zoning ordinance or regulation.

Unzoned commercial or industrial areas are those areas for which there is no zoning ordinance and on which one or more permanent structures devoted to a business or industrial activity is located or a commercial or industrial activity is conducted. Unzoned commercial or industrial areas include the areas along a highway extending outward 500 feet from and beyond the edge of such commercial or industrial activity. All measurements shall be from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the activities, not from the property lines of the activities, and shall be along or parallel to the edge or pavement of the highway. Each side of the highway shall be considered separately.

The following activities and structures are not considered commercial or industrial:

1. Outdoor advertising structures.
2. Agricultural, forestry, grazing, farming, and related activities, including wayside fresh produce stands.
3. Transient or temporary activities.
4. Activities not visible from the main-traveled way.
5. Activities more than 300 feet from the nearest edge of the right of way.

6. Activities conducted in a building principally used as a residence.

7. Railroad tracks and minor sidings.

B. In zoned commercial or industrial areas where the locality has regulations governing the size, spacing, and lighting of signs, such regulations shall control and govern when so certified to the appropriate federal authority by the Commissioner of Highways.

C. In all other zoned and unzoned commercial or industrial areas, the criteria set forth in this part shall apply.

24VAC30-122-60. Zoning requirements; interstate highways.

Notwithstanding 24VAC30-122-50 B and 24VAC30-122-50 C, signs, advertisements, or advertising structures may not be erected, maintained, or displayed adjacent to interstate highways except:

1. In zoned commercial or industrial areas within the boundaries of incorporated municipalities, as such boundaries existed on September 21, 1959; or

2. In all other areas zoned commercial or industrial as of September 21, 1959.

24VAC30-122-70. Certification of comprehensive zoning.

When a locality adopts a comprehensive zoning ordinance that also controls outdoor advertising, including size, spacing, and lighting controls in zoned commercial or industrial areas, the regulation of signs under part I of this chapter shall be transferred from 24VAC30-122-50 C to 24VAC30-122-50 B when certified to the appropriate federal authority by the Commissioner of Highways. Upon the written request of the locality, the Commissioner of Highways will review the certification request for compliance with this section.

At such time as the Commissioner of Highways determines that a locality no longer has a comprehensive zoning ordinance that also controls outdoor advertising, including size, spacing, and lighting controls in zoned commercial or industrial areas, the certification shall be withdrawn and the regulation of signs under part I of this chapter shall be re-transferred from 24VAC30-122-50 B to 24VAC30-122-50 C.

24VAC30-122-80. Size of signs.

A. The maximum area for any advertisement shall be 1,200 square feet with a maximum height of 25 feet and a maximum length of 60 feet, inclusive of any border trim but excluding ornamental base or apron supports and other structural members.

B. The area shall be measured by the smallest regular shapes that will encompass the entire advertisement.

C. A sign structure may contain one or two advertisements per facing, each facing not to exceed 1,200

square feet.

D. Double-faced structures will be permitted with the maximum area being allowed for each facing.

24VAC30-122-90. Spacing of signs.

A. On interstate highways and freeways on the National Highway System or Federal-Aid Primary system:

1. Structures shall be spaced at least 500 feet apart.
2. Structures may not be located within 500 feet of an interchange, intersection, or rest area (measured along the interstate or freeway from the sign to the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main-traveled way).

B. On non-freeway Federal Aid Primary or National Highway System routes:

1. Outside of municipalities, structures shall be spaced at least 300 feet apart.
2. Inside municipalities, structures shall be placed at least 100 feet apart.

C. Official signs, as defined in § 131(c) of Title 23, United States Code, and on-premise signs may not be counted nor may measurements be made from them for the purposes of determining compliance with spacing requirements.

D. The minimum distance between signs shall be measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway.

Part II

Off Right of Way Directional and Other Official Signs and Notices

24VAC30-122-100. Directional and other official signs and notices generally.

A. Directional signs are signs containing directional information about public places owned or operated by federal, state, or local governments or their agencies; publicly or privately owned natural phenomena, historic, cultural, scientific, educational, and religious sites; and areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public. Directional signs may be erected and maintained off highway right of way but within 660 feet of the nearest edge of the right of way of interstate, Federal-Aid Primary, and National Highway Systems, where they may be visible from the main-traveled way of the highway system.

B. The message on a directional sign shall be limited to the identification of the approved site, area, feature, or activity, and directional information useful to the traveler in locating the site, area, feature, or activity.

such as mileage, route number, or exit number. Descriptive words or phrases on pictorial or photographic representations of the activity or its environs are prohibited.

C. Official signs and notices are signs and notices erected and maintained by public officers or public agencies within their territorial or zoning jurisdiction in accordance with direction or authorization contained in federal, state, or local law, for the purposes of carrying out an official duty or responsibility. Historical markers authorized by state law and erected by state or local government agencies or non-profit historical societies may be considered official signs.

24VAC30-122-110. Administration.

In addition to those criteria which appear elsewhere in state or federal law or regulation, the Commissioner of Highways shall ascertain whether a site, area, agency, or phenomena is eligible for directional signs by determining that the publicly or privately owned activities or attractions eligible for directional signing are limited to those specified in 24VAC30-122-100 A, are nationally or regionally known, and are of outstanding interest to the traveling public. The area, site, agency, or phenomena seeking to qualify for directional signs shall be the principal area, site, agency, or phenomena which would appear on the proposed sign and not ancillary to the message that would appear on the sign.

24VAC30-122-120. Final determination.

The Commissioner of Highways shall make the final determination whether a site, area, agency, or phenomena is eligible for directional signs.

24VAC30-122-130. Prohibited directional or other official signs.

Signs that identify ancillary sites, areas, features, or activities are prohibited. Signs that are erected or maintained upon trees or painted or drawn upon rocks or other natural features are prohibited.

24VAC30-122-140. Size of directional or other official signs.

A. Directional and other official signs and notices may not exceed the following limits:

1. Maximum area: 150 square feet.
2. Maximum height: 20 feet.
3. Maximum length: 20 feet.

B. All dimensions include border and trim but exclude supports.

24VAC30-122-150. Spacing of directional or other official signs.

A. Each location of a directional or other official sign must be approved by the Commissioner of Highways.

B. Signs may not be located within 2,000 feet of an interchange or intersection along the interstate

system or other freeways, measured along the interstate or freeway from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main-traveled way.

C. Signs may not be located within 2,000 feet of a rest area, parkland, or scenic area.

D. The following spacing requirements apply to route signing:

1. Two signs facing the same direction of travel may not be spaced less than one mile apart;
2. No more than three signs pertaining to the same activity and facing the same direction of travel may be erected along a single route approaching the activity;
3. Signs located adjacent to the interstate system shall be within 75 air miles of the activity; and
4. Signs located adjacent to the primary system shall be within 50 air miles of the activity.

Part III

Control and Continuance of Nonconforming Signs, Advertisements, and Advertising Structures

24VAC30-122-160. Criteria for maintenance and continuance of a nonconforming sign, advertisement or advertising structure.

A. To be classified as a nonconforming sign or structure, the sign or structure must have been in lawful existence on the effective date of the state law, regulation, local ordinance, or changed condition which caused the sign to be nonconforming and must continue to be lawfully maintained.

B. To be allowed to continue as nonconforming, a sign or structure must remain substantially unchanged from its condition as of the effective date of the state law, regulation, local ordinance, or changed condition which caused the sign to be nonconforming.

1. Substantial changes in existing condition include:

- a. Replacement, extension, or enlargement of the sign or structure;
- b. Change in the location or height of such sign or structure; or
- c. Rebuilding or re-erecting the sign or structure if such rebuilding or re-erection expenses exceed 50% of the current replacement cost new of the entire sign or structure. If it can be demonstrated to the satisfaction of the Commissioner of Highways that a nonconforming sign or structure has been vandalized or subject to other criminal or tortious acts, then the replacement,

rebuilding, or re-erecting of such sign or structure will not be considered a substantial change in existing condition irrespective of the cost of such replacement; however, it will be considered a substantial change in existing condition if damage to nonconforming signs or structures is caused by natural disasters, hurricanes, high winds, hail, or similar causes, and such damage exceeds 50% of the current replacement cost new of the entire sign or structure. In the event vandalism and an act of God combine to damage a nonconforming sign or structure, the Commissioner of Highways shall determine the percentage allocated to each cause of damage before determining whether a substantial change in existing condition has occurred.

2. Substantial changes in existing condition do not include:

a. Normal upkeep and repair of such sign or structure on a frequent basis, to the extent that the total cost of such repairs in the 12-month period would not exceed 50% of the current replacement cost new of the entire sign or structure; or

b. A change of the message content. In the event a sign has been blank for a period of 24 consecutive months, the owner will be given written notice of 30 days to display a message on or remove the sign structure. In the event a message is not displayed on the sign structure within 30 days from the postdate of the written notice, the permit shall be revoked.

C. In reaching a determination on the cost point in subdivisions B 1 c and B 2 a of this section, the following apply:

1. The sign owner shall furnish the Commissioner of Highways cost data supporting any contention that such sign or structure is not damaged more than 50% of the current replacement cost new.

2. The Commissioner of Highways may also utilize any other available data.

3. The sign structure must be in place at its original location until the Commissioner of Highways' determination is made.

D. Once the sign owner has submitted the data as required in subdivision C 1 of this section, the Commissioner of Highways, in accordance with §§ 33.2-1201 and 33.2-1219 of the Code of Virginia, shall make a determination whether the cost of the requested or required repairs exceeds 50% of the current replacement cost new of the entire sign or structure. The determination shall be communicated to the sign owner and the building official of the locality. The sign owner is required to apply for a building permit from the locality before repairs can commence. If the building official of the locality objects to the Commissioner

of Highways' determination, for good cause shown, the building official may submit the objection to the Commissioner of Highways, with a copy to the sign owner, within 30 days of the building permit application by the sign owner. Upon receipt of the objection, the Commissioner of Highways, in accordance with §§ 33.2-1201 and 33.2-1219 of the Code of Virginia, shall consider the documentation submitted by the building official and reissue a determination, which shall be binding on the locality.

E. A nonconforming sign or structure that does not conform to the criteria in subsection B of this section shall constitute a substantial change in existing use, thereby terminating nonconforming rights and legal status.

24VAC30-122-170. Right to continue.

A nonconforming sign, advertisement, or advertising structure may be sold, leased, or otherwise transferred without affecting its status.

FORMS (24VAC30-122)

[Application for Outdoor Advertising Permit, OA-105A \(rev. 12/2025\)](#)



townhall.virginia.gov

Proposed Regulation Agency Background Document

Agency name	Commonwealth Transportation Board
Virginia Administrative Code (VAC) Chapter citation(s)	24VAC30-120
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	____, 2026

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 this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

The Commonwealth Transportation Board (CTB) has undertaken 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. Significant opportunities for regulatory reduction and streamlining were identified. As such, the CTB is proposing the repeal of 24VAC30-120 and the promulgation of a new regulation, 24VAC30-122, to reflect the reorganized text.

Acronyms and Definitions

Define all acronyms used in this form, and any technical terms that are not also defined in the "Definitions" section of the regulation.

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 July 16, 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. On [REDACTED], the CTB approved the proposed amendments to repeal 24VAC30-120 and promulgate 24VAC30-122.

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

Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.

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.

The CTB proposes to significantly streamline and reorganize the text within Chapter 120, necessitating the repeal of that chapter and the promulgation of a new Chapter 122. The existing regulation contains a considerable amount of outdated and unnecessary text. The goal of the regulatory change is to ensure the regulation is up to date and easy to understand, which will advance the health, safety, and welfare of citizens by ensuring outdoor advertising along Virginia's highways is conducted safely.

Substance

Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.

In addition to the general changes to streamline and reorganize the regulation, the CTB proposes to revise the text specifying the number of months a nonconforming sign can be blank from 18 to 24 months and the number of days the owner has to display a message after receiving written notice from 120 to 30 days. The change to 24 months adds flexibility for sign owners. The change to 30 days brings the regulation into conformance with the timeline for corrective action set in § 33.2-1229.

Issues

Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.

The primary advantage to the public and the agency is the increased clarity of the regulatory text. The text will be condensed and streamlined, allowing for regulated entities to more easily read and understand the regulation. There are no disadvantages to the public or the Commonwealth from this regulatory action.

Requirements More Restrictive than Federal

Identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.

There are no requirements that are more restrictive than federal requirements. The regulation is written to be consistent with and comply with the federal requirements.

Agencies, Localities, and Other Entities Particularly Affected

Consistent with § 2.2-4007.04 of the Code of Virginia, identify any other state agencies, localities, or other entities particularly affected by the regulatory change. Other entities could include local partners such as tribal governments, school boards, community services boards, and similar regional organizations. “Particularly affected” are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. “Locality” can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.

Other State Agencies Particularly Affected

No other state agencies are particularly affected.

Localities Particularly Affected

No localities are particularly affected.

Other Entities Particularly Affected

No other entities are particularly affected.

Economic Impact

Consistent with § 2.2-4007.04 of the Code of Virginia, identify all specific economic impacts (costs and/or benefits) anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Keep in mind that this is the proposed change versus the status quo.

Impact on State Agencies

<p><i>For your agency:</i> projected costs, savings, fees, or revenues resulting from the regulatory change, including: a) fund source / fund detail; b) delineation of one-time versus on-going expenditures; and c) whether any costs or revenue loss can be absorbed within existing resources.</p>	<p>There are no projected costs, savings, fees, or revenues for VDOT resulting from the regulatory changes.</p>
<p><i>For other state agencies:</i> projected costs, savings, fees, or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.</p>	<p>There are no projected costs, savings, fees, or revenues for other state agencies resulting from the regulatory changes.</p>
<p><i>For all agencies:</i> Benefits the regulatory change is designed to produce.</p>	<p>The benefit of the regulatory change is the increased clarity of the regulatory text.</p>

Impact on Localities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a or 2) on which it was reported. Information provided on that form need not be repeated here.

Projected costs, savings, fees, or revenues resulting from the regulatory change.	There are no projected costs, savings, fees, or revenues for localities resulting from the regulatory changes.
Benefits the regulatory change is designed to produce.	The benefit of the regulatory change is the increased clarity of the regulatory text.

Impact on Other Entities

If this analysis has been reported on the ORM Economic Impact form, indicate the tables (1a, 3, or 4) on which it was reported. Information provided on that form need not be repeated here.

Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect.	Outdoor advertisers and entities wishing to place signs off the right of way of Virginia’s highways will be affected by the regulatory changes.
Agency’s best estimate of the number of such entities that will be affected. Include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that: a) is independently owned and operated, and; b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	VDOT cannot estimate the number of entities that will be affected nor the number of small businesses affected.
All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Be specific and include all costs including, but not limited to: a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change; c) fees; d) purchases of equipment or services; and e) time required to comply with the requirements.	There are no projected costs for affected entities from the proposed changes.
Benefits the regulatory change is designed to produce.	The benefit of the regulatory change is the increased clarity of the regulatory text.

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.

No alternatives to the regulatory changes were considered. The changes are not burdensome, intrusive, or costly for small businesses.

If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.

Regulatory Flexibility Analysis

Consistent with § 2.2-4007.1 B of the Code of Virginia, describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.

A proposed change will revise the text specifying the number of months a nonconforming sign can be blank from 18 to 24 months. This will provide regulated entities with six additional months to display a message on or remove the sign structure. Otherwise, no alternative regulatory methods are applicable, nor were alternative regulatory methods considered. There are no anticipated adverse impacts on small businesses from the regulatory changes.

If this analysis has been reported on the ORM Economic Impact form, indicate the tables on which it was reported. Information provided on that form need not be repeated here.

Periodic Review and Small Business Impact Review Report of Findings

If you are using this form to report the result of a periodic review/small business impact review that is being conducted as part of this regulatory action, and was announced during the NOIRA stage, indicate whether the regulatory change meets the criteria set out in EO 19 and the ORM procedures, e.g., is necessary for the protection of public health, safety, and welfare; minimizes the economic impact on small businesses consistent with the stated objectives of applicable law; and is clearly written and easily understandable. In addition, as required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency’s consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency’s decision, consistent with applicable law, will minimize the economic impact of regulations on small businesses.

The regulation allows for the protection of public health, safety, and welfare and continues to be needed. The proposed changes are largely intended to streamline and clarify the regulation. The regulation is long and overly complex, and as such, the proposed streamlined text will be beneficial to the public. The regulation was last reviewed in 2021, and no complaints have been received since the last review. The proposed regulation is not overly burdensome for small businesses.

Public Comment

Summarize all comments received during the public comment period following the publication of the previous stage, and provide the agency's response. Include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. If no comment was received, enter a specific statement to that effect.

Commenter	Comment	Agency response
Mark Falzone, President, Scenic America	Recommends that the regulation be amended to: <ol style="list-style-type: none"> 1. Set specific daytime and nighttime luminance values for digital billboards; 2. Implement time restrictions for LED displays; 3. Clarify that converting a static billboard to a digital or electronic display constitutes a substantial change in existing use; 4. Prohibit maintenance requiring the destruction or cutting of trees, shrubs, or other vegetation located on the state-owned or -controlled right-of-way to increase the visibility of outdoor advertising structures. 	<ol style="list-style-type: none"> 1. Currently, the CTB and VDOT only regulate brightness when it impairs the vision of the traveling public. Section 33.2-1229 C (ii) of the Code of Virginia allows for the removal of signs that pose a risk to highway safety. However, this option has never been used. With the addition of 24VAC30-122-40 as a generally applicable section of the revised regulation, VDOT will be able to address lighting issues with all signs. 2. VDOT is not aware of specific concerns that would warrant adding this requirement to the regulation and is uncertain of the enforceability of this proposal. 3. Substantial changes in existing use are already addressed in Virginia law and regulation. VDOT notes that this type of sign conversion has been considered a substantial change under the requirements of Section 33.2-1219 in the Code of Virginia. 4. Section 33.2-1221 of the Code of Virginia requires VDOT allow vegetation cutting in front of outdoor advertising structures.

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.

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, (iii) the potential impacts of the regulation, and (iv) the agency's regulatory flexibility analysis stated in that section of this background document.

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 Steven Jack, 1221 E. Broad St., Richmond, VA,

23219, 804-786-3885, steven.jack@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 this stage of this regulatory action.

Detail of Changes

List all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Use all tables that apply, but delete inapplicable tables.

If an existing VAC Chapter(s) is being amended or repealed, use Table 1 to describe the changes between the existing VAC Chapter(s) and the proposed regulation. If the existing VAC Chapter(s) or sections are being repealed and replaced, ensure Table 1 clearly shows both the current number and the new number for each repealed section and the replacement section.

Table 1: Changes to Existing VAC Chapter(s)

Current chapter-section number	New chapter-section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of new requirements
120-10, 120-80, and 120-160	122-10	Sections 10, 80, and 160 represent three separate definitions sections within the existing regulation.	The definitions currently contained in the three separate sections will be consolidated into one section in the new regulation. Terms to be removed from the revised regulatory text include: directional and other official signs and notices, federal or state law, freeway, Interstate system, national highway system, nonconforming sign – grandfather clause, primary system, public service signs, public utility signs, rest area, sign, single route, state, and visible. These terms will be removed because they are either defined in the Code of Virginia or in federal law or regulation, not used in the body of the regulation, or otherwise not needed for general understanding of the regulatory text. Current defined terms that will be moved into the body of the new regulation include: commercial or industrial areas, directional signs, official signs and notices, unzoned commercial or industrial areas, and zoned commercial or industrial areas.
120-20	122-50	Section 20 establishes the zoning-related criteria for applicability of the regulation.	The previously defined terms of “zoned commercial or industrial areas,” “unzoned commercial or industrial areas,” and “commercial or industrial

			areas” will be added to this section for clarity. An issue with the existing regulation in which text that was incorrectly associated with the definition of “zoned commercial or industrial areas” has been resolved by associating the text with the description of “unzoned commercial or industrial areas.”
120-30	122-80	Section 30 sets the requirements for and restrictions on the size of outdoor advertising signs in zoned and unzoned commercial and industrial areas.	Minor clarifying changes are proposed to this text.
120-40	122-90	Section 40 sets the requirements for spacing of outdoor advertising signs in zoned and unzoned commercial and industrial areas.	Minor clarifying changes are proposed to this text.
120-50 and 120-110	122-40	Section 50 details the lighting restrictions for outdoor advertising signs in zoned and unzoned commercial and industrial areas. Section 110 details the lighting restrictions for directional and other official signs and notices located off the highway right of way.	The text from the current section 50 will be combined with the lighting-related text in section 110 to form a new, generally applicable section on lighting for all outdoor advertising signs regulated pursuant to this chapter. Text that is unnecessary or that duplicates requirements stated in the Code of Virginia will be removed.
120-60	122-60	Section 60 specifies in which zoned commercial or industrial areas outdoor advertising signs may be placed.	Minor clarifying changes are proposed to this text.
120-70	122-70	Section 70 details requirements for certification of a locality’s comprehensive zoning ordinance which also controls outdoor advertising.	Minor clarifying changes are proposed to this text.
120-90	122-30 and 122-130	Section 90 describes the prohibited directional and other official signs and notices located off highway right of way.	In the revised regulation, this section will become a generally applicable section as the listed prohibited signs are not limited to directional and other official signs and notices. Since obsolete signs are prohibited pursuant to § 33.2-1216 of the Code of Virginia, obsolete signs will be removed from the list. Two other categories of prohibited signs, those which identify ancillary sites, areas, features or activities and those erected or maintained upon trees or painted or drawn upon rocks or other natural features, will be moved to the new section 130 in Part II on directional signs.

120-100	122-140	Section 100 describes the size limits for directional and other official signs and notices located off highway right of way.	Minor clarifying changes are proposed to this text.
120-120	122-150	Section 120 describes the spacing requirements for directional and other official signs and notices located off highway right of way.	Minor clarifying changes are proposed to this text.
120-130	122-100	Section 130 describes the message content limitations for directional and other official signs and notices located off highway right of way.	The new section 100 will combine the text of current section 130, definitions of “directional signs” and “official signs and notices” found in current section 80, and other descriptive text in current section 80.
120-140	122-110	Section 140 describes certain requirements for the Commissioner of Highways in administration of the regulation.	Unnecessary text at the beginning of the existing section 140 regarding statutory authority and the other state agencies that can recommend whether a site falls within the definition of “directional sign” has been removed in the new section 110.
120-150	122-120	Section 150 describes the final determination to be made by the commissioner.	An unnecessary sentence from the existing section 150 requiring signs to conform to the requirements and standards set out in the regulation has been removed in the new section 120.
120-170	122-160	Section 170 sets the criteria for the maintenance and continuance of a nonconforming sign, advertisement or advertising structure.	The text stating the number of months a sign can be blank will be revised from 18 months to 24 months to provide added flexibility to regulants. The number of days the sign owner has to display a message after receiving written notice will be revised from 120 days to 30 days in conformance with the timeline for corrective action set in § 33.2-1229. Current subparts C3 and C4 will be removed as the text is either no longer needed or covered by § 33.2-1219. Other minor clarifying changes are proposed.
120-180	122-170	Section 180 details the right to continue a nonconforming sign.	Unnecessary text from the existing section 180 will be removed in the new section 170.
120-190	122-20	Section 190 describes the sign owner’s responsibility.	This section will become a generally applicable section in the proposed regulation.
120-FORMS	122-FORMS	This section contains the application form for an outdoor advertising permit.	The application form will be updated and included in the new chapter 122.

If a new VAC Chapter(s) is being promulgated and is not replacing an existing Chapter(s), use Table 2.

Table 2: Promulgating New VAC Chapter(s) without Repeal and Replace

New chapter-section number	New requirements to be added to VAC	Other regulations and laws that apply	Change, intent, rationale, and likely impact of new requirements

If the regulatory change is replacing an **emergency regulation**, and the proposed regulation is identical to the emergency regulation, complete Table 1 and/or Table 2, as described above.

If the regulatory change is replacing an **emergency regulation**, but changes have been made since the emergency regulation became effective, also complete Table 3 to describe the changes made since the emergency regulation.

Table 3: Changes to the Emergency Regulation

Emergency chapter-section number	New chapter-section number, if applicable	Current <u>emergency</u> requirement	Change, intent, rationale, and likely impact of new or changed requirements since emergency stage