



Exempt Action Final Regulation Agency Background Document

Agency name	Virginia Department of Transportation (Commonwealth Transportation Board)
Virginia Administrative Code (VAC) citation	24 VAC 30-120-10 et seq.
Regulation title	Rules And Regulations Controlling Outdoor Advertising And Directional And Other Signs And Notices
Action title	Amendment of Sign Criteria due to Change in State Law
Final agency action date	(date signed on transmittal form)
Document preparation date	September 26, 2004

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 21 (02) and 58 (99).

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

This regulation was established by §§ 33.1-12, 33.1-351, 33.1-370 and 33.1-371 of the Code of Virginia. It sets forth the policies, criteria, and procedures that VDOT, on behalf of the Commonwealth Transportation Board (CTB), will follow in the regulation of outdoor advertising signs visible from federal-aid highways.

Section 24 VAC 30-120-170 (“Criteria for the maintenance and continuance of a nonconforming sign, advertisement or advertising structure”) is being changed to reflect changes to the underlying state statute. Specifically, § 24 VAC 30-120-170 B 4 states that “Rebuilding, or re-erecting the sign or structure, is a substantial change in existing use if such rebuilding, or re-erection expenses exceed 60% of the current replacement cost new of the entire sign or structure.” SB 58, passed as Chapter 656 of the 2004

Acts of Assembly, added § [33.1-370.2](#) specifying that maintenance of and repairs to nonconforming billboard signs shall be governed by that section and any applicable regulations promulgated by the Commonwealth Transportation Commissioner. The amendment also decreased the 60% threshold to 50%.

The table below lists the amendments to be made to 24 VAC 30-120-170. The Office of the Attorney General (OAG) reviewed these amendments and determined that they are exempt from the Administrative Process Act under § 2.2-4006 A (4) (a) (action necessary to conform to changes in Virginia statutory law where no agency discretion is involved).

Section Number	Amendment
24 VAC 30-120-170 B 4	Change “60” to “50”
First sentence of “Exception”	Change “60” to “50”
24 VAC 30-120-170 B 5	Change “60” to “50”
24 VAC 30-120-170 C 1	Change “60” to “50” and add “current” before phrase “replacement cost new.”
24 VAC 30-120-170 D	Add entire text in new subdivision “D”

Implementing this action will bring the regulation into line with the statute.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

This regulatory action will have no effect on the institution of the family and family stability.