



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Shannon Valentine
Chairperson

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Agenda item # 3

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

December 8, 2021

MOTION

Made By: Mr. Yates **Seconded By:** Mr. Fowlkes
Action: Motion carried.

Title: Periodic Regulatory Review

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, including consideration of: 1) the extent to which 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; and

WHEREAS, Executive Order Number 14 (2018, amended) requires all regulations to be so reviewed every four years and specifies the procedures for conducting such review; and

WHEREAS, the Virginia Department of Transportation (VDOT) conducted a periodic review of the regulations listed in the table below, and pursuant to the requirements set forth in the APA and the process established in the Executive Order, notified the public of the regulations' ongoing periodic review on the Virginia Regulatory Town Hall website and solicited comment from the public for a minimum of 21 days, satisfying the minimum statutory requirement; and 3

WHEREAS, VDOT has completed all facets of the regulatory review of the regulations listed in the table below in accordance with the Executive Order 14 and the APA, including the completion of a Periodic Review Report of Findings for each regulation (attached as Exhibits A through C); and

WHEREAS, no public comments were submitted regarding the regulations under periodic review and based upon the results of the review, VDOT recommends action for each regulation as determined in the relevant Periodic Review Report of Findings for each regulation and set forth in the table below:

Chapter	Title	Proposed Disposition
24 VAC 30-120	Rules and Regulations Controlling Outdoor Advertising and Directional and Other Signs and Notices	Retain as is.
24 VAC 30-451	Airport Access Fund Policy	Repeal (but retain policy).
24 VAC 30-551	Integrated Directional Signing Program (IDSP) Participation Criteria	Retain as is.

; and,

WHEREAS, the Commonwealth Transportation Board originally adopted the regulations listed in the table above pursuant to its authority in § 33.2-210 of the *Code of Virginia* and other relevant sections of the *Code of Virginia*.

NOW THEREFORE, BE IT RESOLVED, that the Commonwealth Transportation Board approves and adopts the respective Periodic Review Report of Findings for each of the regulations listed in the table above, including the proposed disposition for each regulation.

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board directs the Commissioner of Highways or his designees to take all actions necessary to complete the periodic reviews for the regulations listed in the table above, and for those regulations for which repeal is approved, to complete the process necessary to repeal said regulations.

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board affirms that any current Policies of the Commonwealth Transportation Board relating to those regulations for which repeal is approved shall not be affected by this repeal action, however, the Commonwealth Transportation Board directs the Commissioner of Highways or his designees to begin a review of those Policies and to present any recommendations for further revisions or other action on those Policies to the Commonwealth Transportation Board no later than December 30, 2022.

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CTB Decision Brief **Periodic Regulatory Review**

Issue: The Administrative Process Act (APA) requires all state agencies that adopt regulations to periodically review those regulations. Executive Order 14 (2018) mandates that these reviews take place every four years to determine if the regulation should be continued with no changes or be amended or be repealed. In accordance with these requirements, the Virginia Department of Transportation (VDOT) has reviewed the regulations listed below and is providing recommendations as to the action to be taken by the Commonwealth Transportation Board (CTB) for each regulation.

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, including consideration of: 1) the extent to which 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 Executive Order Number 14 (2018, amended) requires all regulations to be so reviewed every four years and specifies the procedures for conducting such review. 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 conducted a periodic review of the regulations listed in the table below, and pursuant to the requirements set forth in the APA and the process established in the Executive Order, notified the public of the regulations' ongoing periodic review on the Virginia Regulatory Town Hall website and solicited comment from the public for at least 21 days, satisfying the minimum statutory requirement. No public comments were submitted regarding the regulations under periodic review by the CTB.
- VDOT has completed all facets of the regulatory review of the regulations listed in the table below, and has completed the Periodic Review Report of Findings for each regulation (Attached as Exhibits A-C), which is to be filed with the Virginia Registrar to complete the periodic review process.
- The regulations reviewed and which are to be considered by the CTB are listed in the table below, along with the proposed disposition of the regulation. The table is followed by a description of each regulation and the findings made by VDOT based upon the review.

Chapter	Title	Proposed Disposition
24 VAC 30-120	Rules and Regulations Controlling Outdoor Advertising and Directional and Other Signs and Notices	Retain as is.
24 VAC 30-451	Airport Access Fund Policy	Repeal (but retain policy).
24 VAC 30-551	Integrated Directional Signing Program (IDSP) Participation Criteria	Retain as is.

- **24 VAC 30-120 Rules and Regulations Controlling Outdoor Advertising and Directional and Other Signs and Notices**

Pursuant to § 33.2-1200, “[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.” The regulation is necessary to comply with federal and state law, and protects the public investment in the Commonwealth’s highways, promotes the safety and recreational value of public travel, and preserves the natural beauty of the Commonwealth. VDOT recommends retaining the regulation as is.

- **24 VAC 30-451 Airport Access Fund Policy**

Section 33.2-1509 authorizes the CTB to use certain funds “for constructing, reconstructing, maintaining, or improving access roads within localities to ... licensed, public-use airports.” The CTB has adopted an Airport Access Fund Policy and VDOT has developed a guide for the Airport Access Program which provides additional details for the program. The Airport Access Program Guide can be posted as a guidance document on Townhall, and provide sufficient guidance without the need for a separate regulation. Because the enabling legislation does not specifically require regulation, the guidance document is a viable alternative option. VDOT recommends repealing the regulation while retaining the Policy.

- **24 VAC 30-551 Integrated Directional Signing Program (IDSP) Participation Criteria**

Section 33.2-218 of the Code of Virginia authorizes the CTB to “establish reasonable fees to be collected by the Commissioner of Highways from any qualified entity for the purpose of participating in the Integrated Directional Sign Program (IDSP) administered by the Department or its agents that is designed to provide information to the motoring public relating to gasoline and motor vehicle services, food, lodging, attractions, or other categories as defined by the IDSP.”

Section 33.2-1220 of the Code of Virginia authorizes the CTB to issue regulations with respect to the regulation and control of, among other things, signs in conformity with § 33.2-1217.” Signage under the IDSP is not comprised of advertisements, but rather consists of signage placed on the right of way that contributes to the public health, safety, and welfare by facilitating motorist awareness and accessibility, and providing a safe and convenient means of directing motorists, to historical, cultural, or commercial attractions/services. It consolidates four specific highway signing programs described below:

- Specific Travel Services (Logo) Signs: guide motorists to specific gas, food, lodging, camping and attraction locations along Virginia’s interstates and limited-access highways.
- Tourist-Oriented Directional Signs (TODS): a program for signs used along roads that do not have limited access, such as most primary and secondary highways, to guide motorists to businesses, services, recreation and other facilities nearby.
- Supplemental Guide Signs: guide motorists traveling from outside the immediate area to specific cultural, recreational, historical, governmental, educational, military and other sites of interest on limited access, primary or secondary roadways.
- General Motorist Services Logo Signs: use standard symbols or general terms to let motorists know that services such as hospitals, public phones, gas, food, lodging, or camping are nearby.

In addition, the IDSP incorporates special programs signing criteria for the following programs:

- Civil War Trails;

- Birding and Wildlife Trails;
- Wayfinding Signs;
- Virginia Waterways Signage; and
- State Scenic River Signs
- Winery Signage Program

The IDSP criteria address issues such as: requirements businesses and other program participants must meet for eligibility, new categories for specific programs, and fee structures. VDOT recommends retaining the regulation as is.

Recommendations: VDOT recommends that the Rules and Regulations Controlling Outdoor Advertising and Directional and Other Signs and Notices and the Integrated Directional Signing Program (IDSP) Participation Criteria be retained as regulations as is. VDOT recommends that the Airport Access Fund Policy regulation be repealed while any existing policy and procedures relating to the Airport Access Program be retained as CTB policies or guidance documents, as appropriate.

Action Required by CTB: A resolution will be presented for CTB approval authorizing VDOT to complete the periodic review of these regulations by filing the respective Periodic Review Report of Findings for each regulation listed, and to authorize the Commissioner of Highways or his designee to take any actions necessary to repeal the regulations that are recommended to be so repealed.

Result, if Approved: The periodic reviews of the noted regulations will be completed, and the regulations will be retained as is or repealed as recommended.

Options: Approve, Deny, or Defer.

Public Comments/Reactions: There were no comments or other input received from the public.



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Periodic Review and Small Business Impact Review Report of Findings

Agency name	Commonwealth Transportation Board
Virginia Administrative Code (VAC) Chapter citation(s)	24 VAC30-120
VAC Chapter title(s)	Rules and Regulations Controlling Outdoor Advertising and Directional and Other Signs and Notices
Date this document prepared	8/24/2021

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the **Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code**.

Acronyms and Definitions

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

CTB means the Commonwealth Transportation Board.
U.S.C. means the United States Code.

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 or 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 Commonwealth Transportation Board promulgated the Rules and Regulations Controlling Outdoor Advertising and Directional and Other Signs and Notices, 24 VAC 30-120, pursuant to its general authority to “make regulations that are not in conflict with the laws of the Commonwealth for the protection of and covering traffic on and for the use of systems of state highways” under § 33.2-210 of the *Code of Virginia*.

More specifically, 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.”

Alternatives to Regulation

Describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

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. Without such regulation, the US Secretary of Transportation could, under federal law, withhold up to 10% of the federal-aid funds that the Commonwealth would otherwise be eligible to receive. The regulation is the least burdensome means for accomplishing its purpose.

Public Comment

Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

No comments were received from the public during the public comment period.

Commenter	Comment	Agency response

Effectiveness

Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

23 U.S.C. 131(a) states that “The Congress hereby finds and declares that the erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate System and the primary system should be controlled in order to protect the public investment in such highways, to promote the safety and recreational value of public travel, and to preserve natural beauty.” The Rules and Regulations Controlling Outdoor Advertising and Directional and Other Signs and Notices are written to be consistent with and comply with the federal requirements, and are necessary for the protection of public health, safety and welfare. The regulation is clearly written and easily understandable.

Decision

Explain the basis for the promulgating agency’s decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

The regulation is necessary to comply with federal and state law, and protects the public investment in the Commonwealth’s highways, promotes the safety and recreational value of public travel, and preserves the natural beauty of the Commonwealth. Therefore, the CTB recommends retaining the regulation as is.

Small Business Impact

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 is necessary to enforce restrictions and requirements on outdoor advertising along or in sight of federal-aid highways in compliance with federal law. The CTB has received no complaints concerning the regulation. The regulation is not complex, and is consistent with federal and state law. The regulation was last amended in 2004, and the most recent periodic review of the regulation was in 2001.



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Periodic Review and Small Business Impact Review Report of Findings

Agency name	Commonwealth Transportation Board
Virginia Administrative Code (VAC) Chapter citation(s)	24 VAC30-451
VAC Chapter title(s)	Airport Access Fund Policy
Date this document prepared	8/26/2021

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the **Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code**.

Acronyms and Definitions

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

CTB means the Commonwealth Transportation Board.

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 or 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 Commonwealth Transportation Board has "the power and duty to make regulations that are not in conflict with the laws of the Commonwealth for the protection of and covering traffic on and for the use of systems of state highways" pursuant to § 33.2-210. Section 33.2-1509 authorizes the CTB to use certain

funds “for constructing, reconstructing, maintaining, or improving access roads within localities to ... licensed, public-use airports.”

Alternatives to Regulation

Describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

The CTB has adopted a policy for the Airport Access Program and VDOT has developed a guide consistent with that policy which provides additional details for the program. The Airport Access Program Guide can be posted as a guidance document on Townhall, and provide sufficient guidance without the need for a separate regulation. Because the enabling legislation does not specifically require regulation, the guidance document is a viable alternative option.

Public Comment

Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

No comments were received from the public during the public comment period.

Commenter	Comment	Agency response

Effectiveness

Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

New or expanding airports and funding for airport access are recognized as valuable tools in economic development for localities. The regulation is clearly written and easily understandable.

Decision

Explain the basis for the promulgating agency’s decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

The Airport Access program guide can serve the same purposes as the regulation if posted on Townhall as a guidance document. Therefore, the CTB recommends repeal of the regulation.

Small Business Impact

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.

With the adoption of the Airport Access Program Guide as a guidance document, there is no continued need for the regulation. The CTB has received no complaints concerning the regulation. The regulation is not complex, and does not conflict with federal or state law. The regulation was last amended in 2012, and has not been subject to a prior periodic review.



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Periodic Review and Small Business Impact Review Report of Findings

Agency name	Commonwealth Transportation Board
Virginia Administrative Code (VAC) Chapter citation(s)	24 VAC30-551
VAC Chapter title(s)	Integrated Directional Signing Program (IDSP) Participation Criteria
Date this document prepared	8/26/2021

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the **Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code**.

Acronyms and Definitions

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

- "CTB" means the Commonwealth Transportation Board.
- "IDSP" means the Integrated Directional Signage Program.
- "TODS" means Tourist-Oriented Directional Signs.
- "U.S.C." means the United States Code.

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 or 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 Commonwealth Transportation Board has “the power and duty to make regulations that are not in conflict with the laws of the Commonwealth for the protection of and covering traffic on and for the use of systems of state highways” pursuant to § 33.2-210 of the *Code of Virginia*. Section 33.2-218 of the *Code of Virginia* authorizes the CTB to “establish reasonable fees to be collected by the Commissioner of Highways from any qualified entity for the purpose of participating in the Integrated Directional Sign Program (IDSP) administered by the Department or its agents that is designed to provide information to the motoring public relating to gasoline and motor vehicle services, food, lodging, attractions, or other categories as defined by the IDSP.”

Section 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.” Signage under the IDSP is not comprised of advertisements, but rather consists of signage placed on the right of way that contributes to the public health, safety, and welfare by facilitating motorist awareness and accessibility, and providing a safe and convenient means of directing motorists, to historical, cultural, or commercial attractions/ services.

Alternatives to Regulation

Describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

No viable alternatives to the regulation were identified or considered as part of this periodic review.

Public Comment

Summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Be sure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. Indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

No Comments were received from the public during the public comment period.

Commenter	Comment	Agency response

Effectiveness

Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

The Integrated Directional Signing Program (IDSP) contributes to the public health, safety, and welfare by facilitating motorist awareness and accessibility to historical, cultural, or commercial attractions. It consolidates four specific highway signing programs described below:

- Specific Travel Services (Logo) Signs: guide motorists to specific gas, food, lodging, camping and attraction locations along Virginia’s interstates and limited-access highways.

- Tourist-Oriented Directional Signs (TODS): a program for signs used along roads that do not have limited access, such as most primary and secondary highways, to guide motorists to businesses, services, recreation and other facilities nearby.
- Supplemental Guide Signs: guide motorists traveling from outside the immediate area to specific cultural, recreational, historical, governmental, educational, military and other sites of interest on limited access, primary or secondary roadways.
- General Motorist Services Logo Signs: use standard symbols or general terms to let motorists know that services such as hospitals, public phones, gas, food, lodging, or camping are nearby.

In addition, the IDSP incorporates special programs signing criteria for the following programs:

- Civil War Trails;
- Birding and Wildlife Trails;
- Wayfinding Signs;
- Winery Signage Program;
- Virginia Waterways Signage; and
- State Scenic River Signs

Further, additional criteria and considerations for the integration of the Winery Signage Program are addressed in the IDSP.

The IDSP criteria address issues such as: requirements businesses and other program participants must meet for eligibility, new categories for specific programs, and fee structures. The regulation is clearly written and easily understandable.

Decision

Explain the basis for the promulgating agency’s decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

The IDSP program contributes to the Commonwealth’s economy, and the regulation provides clear guidance on the use of the IDSP program. The CTB recommends retaining the regulation as is. VDOT is working to study the participation criteria based on HB1740 from the 2021 General Assembly Session. However, at this time, the study is not complete, and no recommendations have yet been made. The CTB will consider such recommendations and take appropriate action with respect to the regulation upon receipt of the study findings.

Small Business Impact

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 the 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.

VDOT is working to study the IDSP participation criteria based on HB1740 from the 2021 General Assembly Session and pursuant to the study process, has received some comments regarding those criteria.. However, at this time, the study is not complete, and no recommendations have yet been made. The regulation is not complex, nor does it conflict with federal or state law. The regulation was adopted in 2006 and has not been amended nor has it been the subject of a periodic review.

