



NORTH CAROLINA GENERAL ASSEMBLY  
STATE LEGISLATIVE BUILDING  
16 W. Jones Street  
Raleigh, North Carolina 27601-1030

March 5, 2020

Jamille Robbins  
NC Department of Transportation– Environmental Analysis Unit  
1598 Mail Service Center  
Raleigh, NC 27699-1598  
Submitted via email: [jarobbins@ncdot.gov](mailto:jarobbins@ncdot.gov)

**Re: Modernization of outdoor advertising rules 19A NCAC 02E .0225**

To the NC Department of Transportation,

We are North Carolina legislators who care about the scenic beauty of our state and

We are writing to oppose the proposed changes to the modernization of outdoor advertising rules (19A NCAC 02E .0225) that would limit local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

Instead, we support the considered “Alternative 2” described in the agency’s March 1, 2019, fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

Alternative 2 as described in the fiscal note:

“The second alternate is to further limit activities that industry could do as part of modernization. An example includes restricting companies to modernize from static to digital faces. Some local governments have more stringent rules associated with outdoor advertising regulations including moratoriums on allowing digital billboards. NCDOT considered excluding

digital faces as part of modernization. NCDOT chose not to make this exclusion since the state already allows digital billboards and that industry should be allowed to accommodate for technology enhancements.”

We wish to protect the ability of local communities to control billboards, especially taller, digitized billboards that impact the scenic beauty of North Carolina and can be a distraction to drivers.

Thank you,

Sen. Kirk deViere  
Sen. Valerie Foushee  
Sen. Michael Garrett  
Sen. Natasha R. Marcus  
Sen. Wiley Nickel  
Sen. Harper Peterson  
Sen. Gladys A. Robinson  
Sen. Sam Searcy  
Sen. Terry Van Duyn  
Sen. Mike Woodard  
Rep. Gale Adcock  
Rep. John Ager  
Rep. John Autry  
Rep. Cynthia Ball  
Rep. Mary Belk  
Rep. Scott T. Brewer  
Rep. Deb Butler

Rep. Becky Carney  
Rep. Christy Clark  
Rep. Terence Everitt  
Rep. Susan C. Fisher  
Rep. Wesley Harris  
Rep. Pricey Harrison  
Rep. Zack Hawkins  
Rep. Yvonne Lewis Holley  
Rep. Rachel Hunt  
Rep. Verla Insko  
Rep. Brandon Lofton  
Rep. Grier Martin  
Rep. Graig R. Meyer  
Rep. Marcia Morey  
Rep. Joe Sam Queen  
Rep. Robert T. Reives  
Rep. Julie von Haefen

**From:** [Adrian Fletcher](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] OPPOSING BILLBOARD RULE CHANGE  
**Date:** Saturday, February 29, 2020 8:01:20 AM

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I oppose the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance,  
AND support “Alternative 2” described on page 6 of the NCDOT Fiscal Note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

**From:** [Adrian Smith \(adsmith57@charter.net\) Sent You a Personal Message](mailto:adsmith57@charter.net)  
**To:** [Robbins, Jamille A](mailto:Robbins, Jamille A)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 9:46:03 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Adrian Smith  
PO Box 265  
Moncure, NC 27559  
[adsmith57@charter.net](mailto:adsmith57@charter.net)  
(919) 542-3807

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Agnes Crews](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Opposed to Digitized 50 ft high billboards  
**Date:** Friday, February 28, 2020 11:53:59 AM

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You must not allow state permits to override local and city ordinances that limit digitized billboards and their heights.

Thank you,

Aggie Crews  
Chapel Hill, NC

**From:** [A.M](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Comments on NCDOT Rule Change for Billboards  
**Date:** Friday, February 28, 2020 11:26:00 AM

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To Whom it May Concern:

Please accept my comment son the following changes to NCGS 136-131.2

l oppose the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support "Alternative 2" described on page 6 of the NCDOT Fiscal Note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

Respectfully,

Alejandro M

**From:** [Allison Chrestensen](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Billboard rule change  
**Date:** Friday, February 28, 2020 1:36:27 PM

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Hello,

I am writing to oppose the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height.

Digital billboards pose a significant roadway hazard by diverting drivers' attention away from the roadway. Given the hazards we already face due to distraction from smart phones, digital car interfaces, and other sources, we simply cannot afford to contribute further to the danger.

In addition, taller and more brightly lit billboards contribute to light pollution and detract from the natural landscape, which makes our NC roadways attractive to tourists and pleasant to drive.

I support "Alternative 2" described on page 6 of the NCDOT Fiscal Note, which recognizes local government ordinances and limits the changes that could be made to an existing billboard as part of modernization.

Thank you for your consideration,

Allison Chrestensen  
Durham, NC

**From:** [Robbins, Jamille A](#)  
**To:** [Jernigan, Hannah](#)  
**Cc:** [Landi, Helen E](#); [Putnam, Lauren N](#)  
**Subject:** FW: [External] Please revise proposed digital billboard rule  
**Date:** Wednesday, March 4, 2020 8:10:50 AM

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-----Original Message-----

From: Alison Woomert (awoomert@gmail.com) Sent You a Personal Message <automail@knowwho.com>  
Sent: Wednesday, March 4, 2020 8:06 AM  
To: Robbins, Jamille A <jarobbins@ncdot.gov>  
Subject: [External] Please revise proposed digital billboard rule

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Dear NCDOT Environmental Analysis Unit,

NC is beautiful and it's good for our souls to be able to see our state's natural beauty without interruption of digitized billboards.

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, "Alternative 2" described in the agency's fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Alison Woomert  
2604 Jefferson Choice  
Chapel Hill, NC 27516  
awoomert@gmail.com  
(919) 967-6513

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with N.C. Sierra Club. If you need more information, please contact Margaret Lillard at N.C. Sierra Club at [margaret.lillard@sierraclub.org](mailto:margaret.lillard@sierraclub.org) or (919) 833-8467.

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**From:** [Andrea Snyder \(asnyder\\_hky@yahoo.com\) Sent You a Personal Message](#)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 12:29:39 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Andrea Snyder  
228 14th Ave SE Apt F  
Hickory, NC 28602  
[asnyder\\_hky@yahoo.com](mailto:asnyder_hky@yahoo.com)  
(828) 328-4745

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**From:** [Andy Stewart](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Against Billboard rule changes  
**Date:** Friday, February 28, 2020 3:11:20 PM

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I oppose the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance. What about the value of subsidiarity and local determination? Why should out-of-town billboard owners and advertisers have more say in how our local environment looks than we who live here do?

I support "Alternative 2" described on page 6 of the NCDOT Fiscal Note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

Andy Stewart  
1412 Dollar Avenue  
Durham NC 27701  
919-641-5752  
[andystewart@mindspring.com](mailto:andystewart@mindspring.com)

**From:** [Andy Stretton \(stretton@gmx.com\) Sent You a Personal Message](mailto:stretton@gmx.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Friday, February 28, 2020 11:31:45 AM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Andy Stretton  
1600 Claiborne Ct  
Raleigh, NC 27606  
[stretton@gmx.com](mailto:stretton@gmx.com)  
(919) 521-2236

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with N.C. Sierra Club. If you need more information, please contact Margaret Lillard at N.C. Sierra Club at [margaret.lillard@sierraclub.org](mailto:margaret.lillard@sierraclub.org) or (919) 833-8467.

**From:** [Angela Vieth \(azvieth@earthlink.net\)](mailto:azvieth@earthlink.net) Sent You a Personal Message  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 8:44:27 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Angela Vieth  
3009 Bexley Ave  
Durham, NC 27707  
[azvieth@earthlink.net](mailto:azvieth@earthlink.net)  
(919) 423-4528

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Ann Eastabrooks \(scarf\\_lady@ureach.com\) Sent You a Personal Message](mailto:scarf_lady@ureach.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Friday, February 28, 2020 10:07:26 AM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Ann Eastabrooks  
PO Box 1489  
Andrews, NC 28901  
[scarf\\_lady@ureach.com](mailto:scarf_lady@ureach.com)  
(828) 321-4175

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**From:** [amr-illustrations@nc.rr.com](mailto:amr-illustrations@nc.rr.com)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] comment on Billboard Rule Change proposed by NCDOT  
**Date:** Wednesday, February 26, 2020 11:53:28 AM

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Dear Ms. Hannah B. Jernigan and others with our NCDOT,  
I wish to add my comment on the proposed NCDOT rule change for Billboards.  
I oppose the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support "Alternative 2" (as described on page 6 of the NCDOT Fiscal Note). Please recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization. Communities deserve to preserve their own scenic roadways and keep North Carolina unique.

Thank you.  
Sincerely,  
Anne Runyon  
1116 Poole Drive  
Garner, NC 27529

**From:** [Annie Ambrose](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Comment on rule change for billboards  
**Date:** Thursday, February 27, 2020 9:52:22 PM

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I oppose the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support "Alternative 2" described on page 6 of the NCDOT Fiscal Note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

Aesthetics are important to local communities, and to me. The proposed changes would have detrimental effects on my local area.

Anne Ambrose  
Durham resident

**From:** [Anne Kratzer](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Opposition to the billboard rule change  
**Date:** Thursday, March 5, 2020 8:24:00 AM

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Ms. Jernigan,

My husband and I absolutely are opposed to NCDOT's proposal of a rule change which would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50' in height. The citizens in Cary believe in the beauty of our natural environment and oppose any change that will encroach on our beautiful community. We support Alternative 2 which recognizes local government ordinances with regards to billboards.

Thank you for any effort to respect the wishes of communities.

Sincerely,  
Anne and Jerod Kratzer  
131 Shirley Dr.  
Cary, NC.27511

**From:** [Ann Stewart \(astewart5@ec.rr.com\) Sent You a Personal Message](mailto:astewart5@ec.rr.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 1:59:33 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Ann Stewart  
322 Loblolly St  
Emerald Isle, NC 28594  
[astewart5@ec.rr.com](mailto:astewart5@ec.rr.com)  
(252) 354-5984

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**From:** [Anneliese Kellner](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Billboard rule change  
**Date:** Friday, February 28, 2020 8:26:31 AM

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Dear Ms. Jernigan

I am part of the IBM RTP Green Team in Research Triangle Park and a 20-year resident of Durham County.

I strongly oppose the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support "Alternative 2" described on page 6 of the NCDOT Fiscal Note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

Regards,

Anneliese Kellner

**From:** [Schauer, Annika H.](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Comment in opposition to proposed changes in billboards rules  
**Date:** Wednesday, February 26, 2020 9:22:37 AM

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I oppose the digitization and sign height/size rule changes proposed by NCDOT. Changes like this make it appear like NCDOT is serving the billboard lobby, not taxpayers. Sign height/size and digitization standards should remain under local control and NCDOT should not attempt to override local preferences.

I support Alternative 2 on page 6 of the NCDOT Fiscal Note, which gives precedence to local ordinances and limits changes made on a state-wide basis.

Respectfully,  
Annika Schauer

**From:** [Anthony Snider \(asnider@fastmail.fm\) Sent You a Personal Message](mailto:asnider@fastmail.fm)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Friday, February 28, 2020 8:51:29 PM

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Dear NCDOT Environmental Analysis Unit,

This is ridiculous. We are beset by advertising constantly. One of the few opportunities we have to escape it is driving our beautiful highways and enjoying the wonderful scenery of our state. We do not need flashing advertisements ruining that. These signs are a pox on the landscape, and they distract drivers. Please don't allow them to expand!

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Anthony Snider  
5025 Pine St  
Wilmington, NC 28403  
[asnider@fastmail.fm](mailto:asnider@fastmail.fm)  
(910) 555-1212

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with N.C. Sierra Club. If you need more information, please contact Margaret Lillard at N.C. Sierra Club at [margaret.lillard@sierraclub.org](mailto:margaret.lillard@sierraclub.org) or (919) 833-8467.

**From:** [April Hardee \(ahh.runnergirl@gmail.com\) Sent You a Personal Message](mailto:ahh.runnergirl@gmail.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 5:32:22 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

April Hardee  
7528 Sound Dr  
Emerald Isle, NC 28594  
[ahh.runnergirl@gmail.com](mailto:ahh.runnergirl@gmail.com)  
(704) 280-6575

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Arielle Schechter \(acsarchitect@icloud.com\)](mailto:acsarchitect@icloud.com) Sent You a Personal Message  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Friday, February 28, 2020 2:55:20 PM

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Dear NCDOT Environmental Analysis Unit,

NC is the most beautiful state on the east coast -- we will RUIN this beauty unless we go with ALTERNATIVE 2!!!!

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Arielle Schechter  
440 Bayberry Dr  
Chapel Hill, NC 27517  
[acsarchitect@icloud.com](mailto:acsarchitect@icloud.com)  
(919) 933-1400

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**From:** [Arthur Goodwin \(arthur\\_goodwin@unc.edu\) Sent You a Personal Message](#)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Friday, February 28, 2020 8:51:38 AM

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Dear NCDOT Environmental Analysis Unit,

North Carolina has so much natural beauty. Please help protect it!

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, "Alternative 2" described in the agency's fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Arthur Goodwin  
3009 Bexley Ave  
Durham, NC 27707  
[arthur\\_goodwin@unc.edu](mailto:arthur_goodwin@unc.edu)  
(919) 590-3462

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Barbara Benson \(barbbenson@ec.rr.com\) Sent You a Personal Message](mailto:barbbenson@ec.rr.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Friday, February 28, 2020 12:22:03 AM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Barbara Benson  
104 Deerfield Ct  
Cedar Point, NC 28584  
[barbbenson@ec.rr.com](mailto:barbbenson@ec.rr.com)  
(252) 393-6495

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Barbara Burns \(bburnsprin@yahoo.com\) Sent You a Personal Message](mailto:bburnsprin@yahoo.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 3:13:35 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Barbara Burns  
176 Taylor Rd  
Marshallberg, NC 28553  
[bburnsprin@yahoo.com](mailto:bburnsprin@yahoo.com)  
(252) 617-9998

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Barbara Harvey \(barharvey@aol.com\) Sent You a Personal Message](mailto:barharvey@aol.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 11:41:05 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Barbara Harvey  
102 Ayr Ct  
Cary, NC 27511  
[barharvey@aol.com](mailto:barharvey@aol.com)  
(919) 388-7618

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**From:** [Ben Hitchings](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Comments on Proposed Rulemaking for Outdoor Advertising  
**Date:** Thursday, March 5, 2020 3:19:57 PM

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Hannah B. Jernigan  
NCDOT Rulemaking

RE: NCDOT Proposed Rulemaking for Outdoor Advertising

Dear Ms. Jernigan:

I am writing as a North Carolina resident to oppose the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance. One of the things I love about our state is our beautiful landscapes, which are especially visible while driving on our major roads. Large bright billboards that I can't avoid looking at destroy this beauty.

In addition, I support "Alternative 2" described on page 6 of the NCDOT Fiscal Note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization. Communities should continue to have the right to control their own appearance. Our communities should make these decisions, not billboard companies.

Thank you for your consideration.

Sincerely,  
Ben Hitchings

Ben Hitchings  
Durham, NC

**From:** [Bernice Turnipseed \(bdoturn1@aol.com\)](mailto:bdoturn1@aol.com) Sent You a Personal Message  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 4:04:53 PM

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Dear NCDOT Environmental Analysis Unit,

I moved to NC because of the beauty and peacefulness of the canopy. Please don't destroy it.

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Bernice Turnipseed  
7906 Scottwood Ter  
Charlotte, NC 28212  
[bdoturn1@aol.com](mailto:bdoturn1@aol.com)  
(704) 537-2252

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**From:** [Betsy Kennington](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Attn: Hannah B Jernigan: Change in rules for billboards  
**Date:** Thursday, March 5, 2020 2:35:43 PM

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Dear Ms. Jernigan,

I would like to express my opposition to a rule change that would allow digital and tall billboard advertising even if local governments prohibited such billboards.

I have observed digital advertising in out of state locations and find it a dangerous distraction to safe driving, especially for senior drivers such as myself.

I support Alternative 2 as referenced in the NCDOT Fiscal Note.

Thank you,  
Elizabeth Kennington  
1415 Pennsylvania Ave.  
Durham, NC 27705

**From:** [Betty Sones \(bjs1info2@gmail.com\) Sent You a Personal Message](mailto:bjs1info2@gmail.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Friday, February 28, 2020 2:04:48 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Betty Sones  
802 Wynnshire Dr # C  
Hickory, NC 28601  
[bjs1info2@gmail.com](mailto:bjs1info2@gmail.com)  
(828) 409-4459

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with N.C. Sierra Club. If you need more information, please contact Margaret Lillard at N.C. Sierra Club at [margaret.lillard@sierraclub.org](mailto:margaret.lillard@sierraclub.org) or (919) 833-8467.

**From:** [Beverly Tucker](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Cc:** [Beverly Tucker](#)  
**Subject:** [External] Opposed to measure overriding local billboard ordinances  
**Date:** Wednesday, March 4, 2020 4:32:35 PM

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To Whom It May Concern,

I find myself again writing to urge that the opinion of the elected bodies in Durham be respected; they have consistently voted to support rules to limit the size and scope of billboards on our roadways.

It defies logic that years of strong community opposition could be dismissed by a single in-house NCDOT rule change.

I strongly oppose the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height.

I support “Alternative 2” to recognize local government ordinances.

Beverly Tucker  
Durham, NC

----- Forwarded Message -----

**From:** Bill Johnson <[williamdjohnson@rocketmail.com](mailto:williamdjohnson@rocketmail.com)>

**To:** "[jeboyette@ncdot.gov](mailto:jeboyette@ncdot.gov)" <[jeboyette@ncdot.gov](mailto:jeboyette@ncdot.gov)>

**Sent:** Friday, February 28, 2020, 12:31:46 PM EST

**Subject:** NCDOT Proposed Rule Change for Billboards

Sec. Boyette,

Congratulations on being named our new Sec. of Transportation.

NCDOT has a legacy nationwide of beautiful attractive roadsides that we all as citizens can be proud of. The rule being considered for billboards would very seriously impact the appearance of our beautiful state and put as in a category with Las Vegas with towering flashing digital changeable message billboards.

Additionally local governments need to continue to have regulatory control over billboards as local jurisdictions have much at stake with roadside appearance as it affects tourism and business interests.

Attached is a letter from Dr. Michael Goodman who retired from the National Highway Traffic Safety Administration.

Dr. Goodman sent this letter to the Wilson Times Facebook Page in support of my letter of May 29, 2017 concerning

HB581 which would have possibly allowed digital changeable message billboards. His letter points out the safety concerns with digital billboards which are very serious.

This is to request that NCDOT oppose any rule change that will allow digital changeable message billboards and removing local regulatory control over billboards. Also please oppose the 50ft. height change.

This is a very serious matter that once done will affect the appearance of North Carolina forever.

My very best regards,

Bill Johnson

Retired, NCDOT State Roadside Environmental Engineer

Scenic North Carolina Board Member

**Michael Goodman**

The provisions of this Bill (HB 581) would eliminate local control over electronic billboards, would allow up to 10 digital billboards per mile, would allow the cutting of state-owned trees in front of billboards, allow billboards to be relocated from one part of the community to another, even if local ordinances currently prohibit it. Furthermore, the Bills would remove local control over billboard height and would dramatically increase the amount of money that state and local governments would have to pay to billboard owners if public works projects like schools or highway construction required condemnation or relocation of billboards, effectively providing a taxpayer subsidized bailout of the billboard industry.

While all of these issues should be of concern to North Carolina residents given the natural beauty of our state, no issue is more important than the safety of our roads and Highways. As a retired highway safety professional, who has focused on driver attention and distraction across more than 25 years, I believe State legislators have an obligation to ensure the safety of the public. The promotion of Electronic Billboards, as spelled out in the proposed bill, is contrary to safety of our residents and visitors throughout the State. The potential consequences of allowing these signs is highlighted in a critical analysis of 21 recent international studies of Electronic Billboards which provide compelling evidence of their adverse effect on highway safety.

Broadly summarized, the most recent studies have tended to find Electronic Billboards attract drivers' attention, and that more dramatic and attention getting signs attract longer and more frequent glances. This attention is often captured unintentionally and unconsciously by the sign's changing imagery, brightness, conspicuity, and/or image motion. Several cited studies suggested that the risks of distraction caused by these signs increased when such signs competed for the driver's visual attention with more demanding road, traffic, and weather conditions, when travel speeds were higher, or when an unanticipated event or action (such as a sudden lane change or hard braking by a lead vehicle) occurs to which drivers have to respond quickly and correctly.

The more recent research show that the drivers most susceptible to unsafe levels of distraction from these billboards are the young (who are more prone to distraction and less adept at emergency vehicle response) and the elderly (who have more difficulty

with rapidly shifting attention, poorer night vision and glare susceptibility, and slower mental processing time). These concerns are heightened today, with our elderly driver population growing quickly, traffic increasingly dense, more roads under maintenance or repair (construction and work zones create added risks), and larger, brighter digital and video roadside advertising signs competing for the driver's attention. Finally, the most recent studies demonstrate what has long been suspected but not proven – that roadside billboards are associated with increases in crash rates where such billboards are located.

With growing evidence of the adverse consequences of these signs for highway safety alone, not to speak of the environmental damage and the potential burden for the North Carolina taxpayer, it would be irresponsible to support this Bill. The loss of a single life resulting from these signs is one too many. We know from many studies that driver distraction plays a major role in highway crashes – as much as 25 percent or more with increasing technology use in vehicles. Let's not add to that highway safety burden.

Michael J. Goodman, Ph.D.  
Retired, National Highway Traffic Safety Administration

Like · Reply · 2 · 22 hrs



**Deborah Baro** · University of Rhode Island

I agree with Mr Goodman. Commercial business viability must be balanced with the comfort and safety of the residents within the state.

Like · Reply · 21 hrs

Facebook Comments Plugin

**From:** [Bob Robinson](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Proposed billboard rules  
**Date:** Sunday, March 1, 2020 1:33:37 PM

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Hi NCDOT,

I am writing to oppose the proposed rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

It is my firm belief that in matters regarding billboards, local governments should be able to exert control.

For this reason, I urge you to support **Alternative 2** described on p. 6 of the **NCDOT Fiscal Note** to recognize local government ordinances. We must limit modifications that could be made to existing billboards as part of modernization.

Thank you for your consideration.

Regards,

Bob Robinson  
1000 Norwood Ave, Durham, NC 27707

**From:** [Bob Wallen \(robertwallen@bellsouth.net\)](mailto:robertwallen@bellsouth.net) Sent You a Personal Message  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 11:21:55 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Bob Wallen  
302 Jeb Stuart Dr  
Wilmington, NC 28412  
[robertwallen@bellsouth.net](mailto:robertwallen@bellsouth.net)  
(910) 392-1771

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**From:** [Brandylyn Lemen \(brandylyn.lemen@gmail.com\) Sent You a Personal Message](mailto:brandylyn.lemen@gmail.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 1:29:49 PM

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Dear NCDOT Environmental Analysis Unit,

Please protect NC's scenic views and the rights of local communities to restrict billboards.

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, "Alternative 2" described in the agency's fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Brandylyn Lemen  
2 Twinleaf Pl  
Durham, NC 27705  
[brandylyn.lemen@gmail.com](mailto:brandylyn.lemen@gmail.com)  
(919) 555-1212

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**From:** [Brenda Carter \(bitsy4@windstream.net\)](mailto:bitsy4@windstream.net) Sent You a Personal Message  
**To:** [Robbins, Jamille A](mailto:Robbins, Jamille A)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 2:15:05 PM

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Dear NCDOT Environmental Analysis Unit,

Use highway signs to remind people not to litter, use headlights at dusk and when windshield wipers are on. Thank you

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Brenda Carter  
2172 Shore Rd  
Rural Hall, NC 27045  
[bitsy4@windstream.net](mailto:bitsy4@windstream.net)  
(336) 969-9471

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Brent Hassell \(hassell\\_2@msn.com\) Sent You a Personal Message](#)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 9:53:04 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Brent Hassell  
880 Lakecrest Ave Apt 1A  
High Point, NC 27265  
[hassell\\_2@msn.com](mailto:hassell_2@msn.com)  
(336) 491-3102

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**From:** [Brent](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Proposed Billboard Rule Change  
**Date:** Wednesday, March 4, 2020 9:56:38 PM

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Here we go again. Caving to the billboard industry big money special interest instead of representing citizens.

I oppose the proposal to allow billboards to be converted to digital and raising the height to 50 feet.

I find digital billboards of any height to be a safety hazard because of distracted driving.

No change is called for — I prefer the status quo. If a change is truly needed (why?), I prefer alternative 2.

Represent citizens! Don't cave to the billboard industry big money special interest!

Sent from this EyePhone thingy I capitulated to purchasing

**From:** [Brian Driska](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Proposed NCDOT Rule Change for Billboards  
**Date:** Friday, February 28, 2020 11:11:09 AM

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Hello Hannah,

I am writing to state that I oppose the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I do support "Alternative 2" described on page 6 of the NCDOT Fiscal Note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

Thank you for your consideration,

Brian Driska  
1518 echo road, Durham

--

Sent from Gmail Mobile

**From:** [Bronwyn Charlton](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Billboards rule change  
**Date:** Friday, February 28, 2020 10:57:08 AM

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Hi Ms. Jernigan,

I am writing to say that I oppose overriding local ordinances to allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I do support “Alternative 2” described on page 6 of the NCDOT Fiscal Note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

Regards,  
Bronwyn Charlton

**From:** [Brooke Heaton](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] NCGS 136-131.2  
**Date:** Wednesday, February 26, 2020 2:17:02 PM

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Dear Ms. Jernigan,

I am a resident of Asheville, NC and am writing to express my deep concern about current proposed changes to rules governing billboards - NCGS 136-131.2. I strongly OPPOSE any rule changes that would allow state permitted billboards to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I urge the NCDOT to adopt "Alternative 2" described on page 6 of the NCDOT Fiscal Note, which would recognize local government ordinances and limit changes that could be made to an existing billboard as part of modernization.

I thank you for your attention to this matter.

Kind regards,

Brooke Heaton

217 Brucemont Cir, Asheville, NC 28806

**From:** [Brian Burwell \(brianburwell@randomsongoftheday.org\)](mailto:brianburwell@randomsongoftheday.org) Sent You a Personal Message  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Saturday, February 29, 2020 5:12:07 AM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Brian Burwell  
PO Box 52342  
Durham, NC 27717  
[brianburwell@randomsongoftheday.org](mailto:brianburwell@randomsongoftheday.org)  
(815) 450-9696

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with N.C. Sierra Club. If you need more information, please contact Margaret Lillard at N.C. Sierra Club at [margaret.lillard@sierraclub.org](mailto:margaret.lillard@sierraclub.org) or (919) 833-8467.

**From:** [Carla Shuford \(cshuford2@gmail.com\) Sent You a Personal Message](mailto:cshuford2@gmail.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 8:40:45 PM

---

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Carla Shuford  
116 Pitch Pine Ln  
Chapel Hill, NC 27514  
[cshuford2@gmail.com](mailto:cshuford2@gmail.com)  
(919) 942-3995

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Carol George \(cgeo@bellsouth.net\) Sent You a Personal Message](mailto:cgeo@bellsouth.net)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 8:06:49 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Carol George  
4124 White Pine Dr  
Raleigh, NC 27612  
[cgeo@bellsouth.net](mailto:cgeo@bellsouth.net)  
(919) 782-6002

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Carol Williams \(carolclawsonwilliams@earthlink.net\) Sent You a Personal Message](mailto:carolclawsonwilliams@earthlink.net)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 2:50:41 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Carol Williams  
617 Kara Ct  
Greenville, NC 27858  
[carolclawsonwilliams@earthlink.net](mailto:carolclawsonwilliams@earthlink.net)  
(252) 917-4181

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Cashin Hunt \(cashinhunt@gmail.com\) Sent You a Personal Message](mailto:cashinhunt@gmail.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 8:38:44 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Cashin Hunt  
2333 Rosewood Ave  
Winston Salem, NC 27103  
[cashinhunt@gmail.com](mailto:cashinhunt@gmail.com)  
(336) 354-8548

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Cathy Lacienski \(cllaci56@gmail.com\) Sent You a Personal Message](mailto:cllaci56@gmail.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Saturday, February 29, 2020 11:25:07 AM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Cathy Lacienski  
9601 Providence Forest Ln  
Charlotte, NC 28270  
[cllaci56@gmail.com](mailto:cllaci56@gmail.com)  
(704) 351-1917

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with N.C. Sierra Club. If you need more information, please contact Margaret Lillard at N.C. Sierra Club at [margaret.lillard@sierraclub.org](mailto:margaret.lillard@sierraclub.org) or (919) 833-8467.

**From:** [Cecil Fisher \(cfishnc@yahoo.com\) Sent You a Personal Message](#)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 2:10:55 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Cecil Fisher  
1619 Fort Bragg Rd  
Fayetteville, NC 28305  
[cfishnc@yahoo.com](mailto:cfishnc@yahoo.com)  
(910) 868-9206

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

March 5, 2020

Hannah B. Jernigan, Rulemaking Program Manager  
NC Department of Transportation  
1 South Wilmington Street  
Raleigh, NC 27601



*(Delivered via email to [rulemaking@ncdot.gov](mailto:rulemaking@ncdot.gov))*

**RE: Proposed rulemaking changes to outdoor advertising**

Dear Ms. Jernigan,

The North Carolina Chapter of the American Planning Association is a trade association representing over 1,400 local government planners and land use professionals who live and work in North Carolina. We are an organization that promotes equitable, healthy, and prosperous communities across North Carolina through professional planning, leadership, advocacy, and education.

**We are deeply opposed to the NCDOT's consideration of rule changes that would allow existing outdoor advertising structures to be increased in height and converted to digital displays despite local regulations concerning these structures.** Outdoor advertising devices have clear impacts on public safety, aesthetics, and land values. For these reasons, local governments adopt development regulations to help control these impacts.

As you know, planning and land use control is highly political and very location-specific. Local government leaders are charged with representing the views of their constituencies, which can be highly varied and nuanced. State mandates and preemption of local development control make it extraordinarily difficult for local government officials to execute the will of those that voted them into office.

We have seen numerous proposed legislative changes from the outdoor advertising lobby of late – in fact, new legislation seeking taller heights, greater illumination, increased ability to clear vegetation, and increased local preemption has been proposed during every legislative session in recent memory. The bill proposed during the 2019 long session was ultimately vetoed by the Governor because of its potential impacts.

We understand that NCDOT is exploring how to implement its 2013 charge from the General Assembly regarding outdoor advertising modernization, but we note that the bill's sponsor was explicit in his explanations that the bill would not result in taller structures and would not result in digital sign faces – yet, these exact issues are now being considered by NCDOT in the rule making process. Further, we note that during the same 2013 legislative session the House voted 112 to 0 to prevent NCDOT from being considered an environmental agency with the authority to preempt local land use regulation.

We understand and appreciate the NCDOT and the vital role it plays in keeping our state safe and prosperous. **We urge you to consider an alternative to the proposed preemptory rulemaking that instead recognizes local government ordinances as we all work to ensure these structures are safe.** We would like to pledge our support for a state-driven comprehensive and inclusive process for consideration of changes to outdoor advertising requirements instead of an industry-driven ad-hoc process.

Thank you for considering our professional concerns and we are at your disposal should you desire increased information or any assistance from our organization.

Warmly,

*Benjamin H. Howell*  
Ben Howell, AICP, President, APA-NC

  
Chad Meadows, AICP, APA-NC Legislative Chair

**From:** [Cheryl Jednak \(cjednak@yahoo.com\) Sent You a Personal Message](mailto:cjednak@yahoo.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 1:11:56 PM

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Dear NCDOT Environmental Analysis Unit,

I find those billboards distracting when I'm driving, and therefore dangerous. I'm sure that's the case for many people.

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, "Alternative 2" described in the agency's fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Cheryl Jednak  
209 Ginseng Ln  
Hendersonville, NC 28791  
[cjednak@yahoo.com](mailto:cjednak@yahoo.com)  
(828) 692-7956

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Chip Crumpler](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Comments Outdoor advertising  
**Date:** Wednesday, February 26, 2020 9:05:52 AM  
**Attachments:** [image001.jpg](#)

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Hello,

1. Tell NCDOT that you oppose the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.
2. Tell NCDOT that you support "Alternative 2" described on page 6 of the NCDOT Fiscal Note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

Simply put per Senate Bill112 the NCDOT lost authority as an environmental agency. As long as a local governments sign regulations at least meet the state requirements, going over and beyond those regulations should be left to the residents of those districts. How, when and where outdoor advertising takes place should be a local choice and not forced upon the residents by a play upon the NCDOT regulations.

**Chip Crumpler**

**Assistant County Manager**

Wayne County, North Carolina

224 East Walnut Street

P. O. Box 227

Goldsboro, North Carolina 27533-0227

**Phone# 919-731-1415**

Email [chip.crumpler@waynegov.com](mailto:chip.crumpler@waynegov.com)



**From:** [Robbins, Jamille A](#)  
**To:** [Jernigan, Hannah](#)  
**Cc:** [Landi, Helen E](#); [Putnam, Lauren N](#)  
**Subject:** FW: [External] Please revise proposed digital billboard rule  
**Date:** Thursday, March 5, 2020 7:46:11 AM

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-----Original Message-----

From: Chrishelle Micolucci (chrismicolucci@yahoo.com) Sent You a Personal Message  
<automail@knowwho.com>  
Sent: Wednesday, March 4, 2020 4:40 PM  
To: Robbins, Jamille A <jarobbins@ncdot.gov>  
Subject: [External] Please revise proposed digital billboard rule

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Chrishelle Micolucci  
20811 Island Forest Dr  
Cornelius, NC 28031  
chrismicolucci@yahoo.com  
(704) 896-3499

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with N.C. Sierra Club. If you need more information, please contact Margaret Lillard at N.C. Sierra Club at [margaret.lillard@sierraclub.org](mailto:margaret.lillard@sierraclub.org) or (919) 833-8467.

---

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**From:** [Christopher Nicchitta, Ph.D.](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Proposed NCDOT Rule Change for Billboards  
**Date:** Thursday, February 27, 2020 5:44:30 PM

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Ms. Jernigan,

I am writing to express **my strong opposition to the proposed NCDOT rule change that prevents local governments from setting community standards for billboard height and lighting.** Communities have spoken clearly and directly on this issue, to say that they do NOT WANT state governance of this important local ordinance control. I DO SUPPORT “Alternative 2” described on page 6 of the NCDOT Fiscal Note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

Sincerely,

Chris Nicchitta

Durham, NC 27705

**From:** [Chris Storm \(ccstorm@pacbell.net\) Sent You a Personal Message](mailto:ccstorm@pacbell.net)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 1:12:54 PM

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Dear NCDOT Environmental Analysis Unit,

There are enough accidents on the freeways as it is.

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Chris Storm  
1008 Cadence Ln  
Durham, NC 27703  
[ccstorm@pacbell.net](mailto:ccstorm@pacbell.net)  
(984) 219-2158

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Christi Dillon \(racegirl1971@yahoo.com\) Sent You a Personal Message](mailto:racegirl1971@yahoo.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 5:39:17 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Christi Dillon  
175 Forest Ridge Rd  
Mooresville, NC 28117  
[racegirl1971@yahoo.com](mailto:racegirl1971@yahoo.com)  
(704) 230-1152

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Cindy Dunigan](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] billboards/NCGS 136-131.2  
**Date:** Wednesday, March 4, 2020 7:31:06 AM

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Hi Hannah -

I'm writing to express my opposition to the rule changes that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I also support "Alternative 2" described on page 6 of the NCDOT Fiscal Note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

Thank you  
Cindy Dunigan  
129 Bump Along Rd, Wilmington, NC 28411  
614-361-8400

**From:** [Cindy Parks](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Proposed NCDOT rule change re. billboards  
**Date:** Monday, March 2, 2020 3:44:58 PM

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To: Hannah B. Jernigan

Dear Ms. Jernigan:

This is to notify you of my opposition to the rule change that would override local ordinances concerning billboard height and digitization. I support "Alternative 2" described on page 6 of the NCDOT fiscal note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of "modernization." There are enough distracted drivers on our roads today with all the screens inside their vehicles. We do not need to give drivers more distractions! Digitization of signs is very distracting with changing messaging that the technology allows. Increased height to 50-ft. is clutter beyond belief. Space filled with ambulance chasing lawyers' ads is not the image NC needs for its future.

Kindest regards,

Cindy Parks

1105 W. Main St. #301

Durham, NC 27701

919/880-3605

Sent from [Mail](#) for Windows 10

**From:** [Claudia Kaplan \(kaplans@nc.rr.com\) Sent You a Personal Message](mailto:kaplans@nc.rr.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 12:48:42 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Claudia Kaplan  
4911 Victoria Dr  
Durham, NC 27713  
[kaplans@nc.rr.com](mailto:kaplans@nc.rr.com)  
(919) 932-9635

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Connie Clark \(clemysue2@aol.com\) Sent You a Personal Message](mailto:clemysue2@aol.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Friday, February 28, 2020 1:47:39 PM

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Dear NCDOT Environmental Analysis Unit,

North Carolina is blessed with beautiful scenery. Please don't trash it and cheapen it with more, bigger billboards!

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Connie Clark  
2830 4th Street PI NW  
Hickory, NC 28601  
[clemysue2@aol.com](mailto:clemysue2@aol.com)  
(828) 303-9348

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with N.C. Sierra Club. If you need more information, please contact Margaret Lillard at N.C. Sierra Club at [margaret.lillard@sierraclub.org](mailto:margaret.lillard@sierraclub.org) or (919) 833-8467.



THE  
VAN WINKLE  
LAW FIRM

February 17, 2020

**Via email and mail**

North Carolina Department of Transportation  
c/o Helen Landi  
NCDOT APA Coordinator  
1501 Mail Service Center  
Raleigh, NC 27699-1501  
[hlandi@ncdot.gov](mailto:hlandi@ncdot.gov)

**Re: Proposed DOT Rulemaking (2020) – Public Comment**

To Whom It May Concern:

I am the General Counsel for and represent the North Carolina Outdoor Advertising Association (hereinafter “NCOAA”). The NCOAA is the industry association for outdoor advertising businesses in the State of North Carolina. Our membership comprises more than 90% of outdoor advertising owners and operators in this State. The purpose of this letter is to set out in writing several comments to the North Carolina Department of Transportation (hereinafter “DOT”)’s proposed rules, as described in the fiscal note, as being related to the “Regulatory Reform Act, Specifically the Section on Outdoor Advertising (ODA) Modernization of outdoor advertising devices” (House Bill 74)(hereinafter “2020 Proposed Rules”). Thank you for this opportunity to comment.

Before I describe the troubling consequences of the 2020 Proposed Rules, it is important to denote the purposes of HB 74 by examining its title. It is called: “AN ACT TO IMPROVE AND STREAMLINE THE REGULATORY PROCESS IN ORDER TO STIMULATE JOB CREATION, TO ELIMINATE UNNECESSARY REGULATION, TO MAKE VARIOUS OTHER STATUTORY CHANGES, AND TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS.” The purpose of this statute is to streamline agency rules, make them more business friendly and to eliminate rules which are “obsolete, redundant, or otherwise not needed.” (G.S. §150B-21.3A(a)(6)). We believe that included within the latter category would be rules that are either without statutory authority or rules that conflict with statutory authority.

In a nutshell, the 2020 Proposed Rules accomplish the opposite effect of the clear purpose behind HB 74. In several instances, they substantially add to the regulatory processes applicable to outdoor advertising, negatively alter the financial and operational burdens on the regulated industry, and dramatically increase the costs to both the regulatees and the State if left to deal with the consequences of the sweeping rule changes. Moreover, the 2020 Proposed Rules directly subvert the goals of the modernization provisions of HB 74 and plainly conflict with those statutory changes, as hereinafter explained.

We understand that DOT has given two reasons for the 2020 Proposed Rules: (1) to “Comply with Session Law” dealing with modernization of outdoor advertising devices (G.S. §136-131.2); and (2) The effect of G.S. §150B-21.3A and its requirement for the agency to periodically review its rules and readopt “necessary rules” no later than August 31, 2020.<sup>1</sup>

It is important to understand what the statutory change related to modernization did and conversely what it did not.

G.S. §136-131.2 (HB 74, Sec. 8(b)) provides:

**§ 136-131.2 Modernization of outdoor advertising devices.**

No municipality, county, local or regional zoning authority, or other political subdivision shall, without the payment of just compensation as provided for in G.S. 136-131.1, regulate or prohibit the repair or reconstruction of any outdoor advertising for which there is in effect a valid permit issued by the Department of Transportation so long as the square footage of its advertising surface area is not increased. As used in this section, reconstruction includes the changing of an existing multipole outdoor advertising structure to a new monopole structure.

The whole point of G.S. §136-131.2 was to preempt *local governments* in the “repair or reconstruction” of existing DOT-permitted signs. It did not change DOT’s role in any way. It was meant to streamline the process as indicated in the title of HB 74; to eliminate one governmental player from the regulatory landscape. This statute was not an invitation for the DOT to materially increase the regulatory burdens placed on the industry, which, unfortunately, the 2020 Proposed Rules, if adopted, would do. In fact, as currently constituted, the 2020 Proposed Rules conflict with this preemptive goal by placing local governments squarely into the

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<sup>1</sup> As extended via a letter from the North Carolina Rules Review Commission dated April 19, 2019 per its authority in G.S. §150B-21.3A(d).

decision-making rubric when most of the billboards are to be repaired or reconstructed.

As for second reason given for the 2020 Proposed Rules, rather than eliminating rules as a result of the mandated goal to implement regulatory reform, the DOT has instead added unnecessary rules – those that are “obsolete, redundant, or otherwise not needed.”

According to DOT’s website, the 2020 Proposed Rules are deemed “necessary without substantive changes” and recommended for re-adoption. Based on the primary goal of regulatory reform in HB 74, a “substantive change” surely is one which materially increases the regulatory burdens placed on the regulated industry. In several instances, the 2020 Proposed Rules amend the current regulations in substantive ways harmful to the outdoor advertising industry.

Here are our initial public comments<sup>2</sup>:

**1. THE 2020 PROPOSED RULES CONFLICT WITH THE MODERNIZATION STATUTE OR ARE OTHERWISE IN EXCESS OF STATUTORY AUTHORITY.**

Clearly, the objective of G.S. §136-131.2 as enacted by HB 74 was to preempt local regulation in the field of repair or reconstruction of existing DOT-permitted outdoor advertising signs. This statute follows the preemption holding established by the North Carolina case of *Lamar v. Stanley County*, 186 N.C. App. 44 (N.C. Ct. App. 2007), *affirmed per curiam*, 362 N.C. 670 (N.C. Supr. Ct. 2008), where it was determined that local governments could not prohibit the relocation of DOT-permitted signs within the same “sign location/site” as defined in the DOT rules.

The 2020 Proposed Rules conflict with HB 74 and particularly G.S. §136-131.2 by:

- a. Requiring a new DOT permit (19A NCAC 02E .0225(b)(2)) anytime an existing billboard is “altered”. The act of altering billboards by increasing height, converting to steel from wood, or reconstructing to a monopole from multiple poles is not new. Like any structure, repairs and improvements are occasionally done for a myriad of reasons, including promoting attractiveness and insuring safety. Since the regulation of billboards in the early 1970s, there has never been the

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<sup>2</sup> The NCOAA reserves the right to introduce additional comments as the 2020 Proposed Rules proceed through the rule-making process.

requirement to obtain a DOT permit and pay a fee every time the components of an existing billboard are changed. This is so regardless of whether a sign being altered conforms to DOT standards or local standards.<sup>3</sup> After four decades, the 2020 Proposed Rules change this. Why now? Nothing in HB 74 or G.S. §136-131.2 suggests that the DOT should add to the regulatory burden, especially where history shows that a new “alteration” permit has never been necessary to meet the public interest. The regulatory reform statutes are a signal to DOT to streamline and reduce burdens, not add to them. G.S. §136-131.2 focuses on mitigating local control; there is no indication that the General Assembly authorized a whole new permitting scheme from DOT.

- b. Sec. .0225(b)(2) of the 2020 Proposed Rules refers to an OA-1A form for a new alteration permit. There is no rule implementing the particulars of that form. What are the standards to apply in order to receive permission to alter a sign? The 2020 Proposed Rules are ambiguous. Section .0206 deals with the erection of a new billboard, which states that a local permit is to be included as part of an OA-1 application for a State permit. That application requires a local zoning permit to be attached, which effectively brings local decision makers into play. It is not clear what DOT requires for the OA-1A form. If local approval is required, then it would expressly conflict with G.S. §136-131.2.
- c. The North Carolina Outdoor Advertising Control Act, G.S. §136-126 *et seq.* (hereinafter “OACA”), expressly authorizes DOT to require a permit for the erection and subsequent maintenance of a sign.<sup>4</sup> See G.S. §§136-130, 136-133. There is no statutory authority for a permit anytime an existing sign is “altered”. The term “erect” in the OACA means “to construct, build, raise, assemble . . . or in any other way bring into being or establish.” G.S. §136-128(1). Altering a sign that is

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<sup>3</sup> Signs not conforming to DOT standards must abide by the 50% rule when repaired. See 19A NCAC .02E. .0225(f). The sign owner may request a “review” by DOT; however, even this notification is not mandatory. No permit was ever required in that process.

<sup>4</sup> Unlike modernization, the act of “maintenance” means “to hold or keep in an existing state or condition.” *Friends of Hatteras Island Nat. Historic Maritime Forest*, 117 N.C. App. 556, 570, 452 S.E.2d 337, 346 (1995)(citing Black’s Law Dictionary 859 (5<sup>th</sup> ed. 1979)). The OACA also authorizes the DOT to request a permit if a State-controlled route is added to an area where an existing billboard is being maintained.

already existing would not qualify under that definition. Moreover, the term “alteration” is not defined. Would changing out one pole or swapping out face panels be an “alteration” necessitating a new permit and fee?

- d. G.S. §150B-19(5) prohibits an agency from establishing a new fee without statutory authority. There is no such authority for the new alteration permit fee. See G.S. §136-133 (setting forth fees for the initial permit and annual renewal).
- e. In several instances, the 2020 Proposed Rules employ the term “nonconforming” (19A NCAC 2E .0201(16)) in such a way as to effectively eliminate the repair or reconstruction of a billboard as authorized by G.S. §136-131.2, whenever local rules prohibit same even if the sign complies with DOT standards. See 19A NCAC .02E .0210(8), .0225(b). “Nonconforming” signs, as defined, would include those signs not meeting local standards. See G.S. 136-28(2a), (6). The whole point of that section was to preempt local rules because most billboards in this State have been rendered nonconforming to local standards. To promote jobs and allow for signs to be modernized, the General Assembly made the policy choice to allow those signs to be repaired or upgraded despite local regulations. The 2020 Proposed Rules, as constituted, deny outdoor advertisers the exercise of the rights given by HB 74.

Over the years, NCOAA, by and through counsel, has communicated with DOT regarding the consequences of rule-making that would eliminate the fruits of G.S. §136-131.2 or that would add to the industry’s burden by implementing a new permitting scheme for sign “alterations”, which is not needed. The proof is in the history of never needing a permit for “alterations”. Why is one now needed? Examples of communications are attached as Exhibits “1-5”.<sup>5</sup> In light of these communications going back to 2013 warning of the very problems exhibited by the 2020 Proposed Rules, why does DOT continue to stay the course?

As the above communications going back to 2013 show, we have heard the argument from DOT that the State statute’s definitions of “nonconforming” and “State law” create some impetus to reject the clear preemption point of G.S. §136-131.2. It is important to understand that the term “nonconforming” in the OACA is found only in two (2) places -- G.S. §136-131 dealing with DOT removal of signs and §136-133.1(d) for compensation related to removing existing trees. This term is not used in G.S. §136-131.2. or in any OACA provision addressing permitting. As we

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<sup>5</sup> The exhibits referenced in the Exhibit 5 letter are omitted due to redundancy.

have stated in the letters and in meetings with the DOT, new terms can be easily employed to implement modernization such as “signs not conforming to State standards”. Meaning, billboards that don’t meet the federal floor in the Highway Beautification Act and as set forth in the agreement between the State and the federal government cannot be “modernized” or substantially altered (measured, in part, by the historical 50% percent rule in Sec. .0225).

Over the years, we have also suggested a process for an addendum to the historical DOT permit, not a new permit that brings into play conflicting standards and exacts new fees.

**2. THE 2020 PROPOSED RULES CHANGING THE DEFINITION OF “SIGN LOCATION” WILL CAUSE SUBSTANTIAL FINANCIAL AND OPERATIONAL BURDENS ON THE INDUSTRY AND SUBJECT THE STATE BUDGET TO MATERIAL INCREASES IN PAYING OUT JUST COMPENSATION FOR HIGHWAY PROJECT TAKINGS.**

Since 2000 at least, the definition of “sign location/site” in the DOT rules encompasses an area measured by the “closest 1/100<sup>th</sup> of a mile.” 19A NCAC .02E.0200(27). At regular intervals, outdoor advertising signs are displaced as a result of State highway projects. In the past, the above definition allowed billboards to be moved on the same site without regard to local standards. This reality can be seen in the facts of the above-mentioned *Lamar v. Stanly County* case.

The first step that an outdoor advertiser normally takes when faced with forced removal as a result of a State highway project is to determine whether a sign can be moved within the same “sign location/site” boundaries. If so, this eliminates in most cases the need to worry about just compensation from the State. The DOT’s Secretary of Transportation has acknowledged in the past DOT’s practice to allow relocation on the same site when caused by a highway project. See Secretary Opinion attached hereto as Exhibit “6”.

The 2020 Proposed Rules seek to substantially change the definition of “sign location/site” to the exact GPS coordinates of the sign, thus eliminating any option to avoid a drawn-out fight for just compensation. Meaning, now local rules can prevent relocation on the same site. The State will be paying substantially more in right of way acquisition as a result of the stringent sign rules enacted for the aesthetic programs of local government. It is clear from the fiscal notes that neither the DOT or the Office of State Budget and Management analyzed the fiscal impacts on the regulatees and the State from this rule change. There is no explanation give for the change, which is substantive, despite the characterization to the contrary. In 2017, the North Carolina Supreme Court in the case of *DOT v. Adams Outdoor*

*Advertising* affirmed the right of owners of outdoor advertising signs to receive just compensation from governmental takings. Just compensation is based on fair market value. At times, depending on a myriad of factors such as location, fair market value in the industry may mean hundreds of thousands of dollars for one billboard. Eliminating the option to move the sign on the same site means the State will have to pay a lot more.

Currently, and for decades, a sign could be moved on the same site without the need for a new permit or the payment of new fees. Signs are sometimes moved to accommodate a landowner's development needs. Anytime a sign is reconstructed it is technically moved - not put back into the same holes containing the concrete footings. The 2020 Proposed Rules alter this without an explanation of the exigency driving the change.

**3. 19A NCAC 02E .0202 -AGREEMENT - APPEARS TO BE OBSOLETE AND UNNECESSARY.**

In Section .0202 of the 2020 Proposed Rules, the second sentence states that in the event that federal regulations are more restrictive than DOT rules related to outdoor advertising, the federal rules will be expressly incorporated by reference, and presumably enforced. This provision is not authorized by the OACA and, more specifically, G.S. §136-138, which expressly covers the subject matter of agreements with the federal government without mention of federal regulations being controlling. G.S. §150B-19(1) plainly directs the agency not to adopt a rule that "implements or interprets a law unless that law or another law specifically authorizes the agency to do so." The federal-state agreement related to the control of outdoor advertising sets the "floor" for regulations in this State. Nothing therein suggests that the Federal Highway Administrator and/or the federal DOT can change that agreement unilaterally and impose stricter standards.

**4. 19 NCAC 02E .0204 - LOCAL ZONING AUTHORITIES - APPEARS TO BE OBSOLETE AND UNNECESSARY.**

HB 74 for outdoor advertising is codified, in part, in G.S. §136-131.2 and provides that no municipality or county can "regulate or prohibit the repair or reconstruction of any outdoor advertising from which there is in effect a valid permit issued by the Department of Transportation." Obviously, the term "regulate" is very broad and would include any regulatory efforts by the local governments to impose its set of standards on a billboard's modernization. Moreover, the only statutory limitation in the new law is that the "square footage of the advertising surface" cannot be increased. The well-established rule of statutory construction is that mentioning a specific exception implies the exclusion of others.

*Morrison v. Sears, Roebuck & Co.*, 319 N.C. 298, 303, 354 S.E.2d 495, 498-499 (1987)(espousing the doctrine of *expressio unius est exclusio alterius*); *Granville Farms, Inc. v. County of Granville*, 170 N.C. App. 109, 114, 612 S.E.2d 156, 160 (2005). Notably, there are no additional exceptions in the statute addressing a sign's conformity to local standards or mentioning development restrictions related to height, setback, etc.

The clear intent of HB 74 is to streamline the regulation of existing outdoor advertising signs along the interstates and primary highways of this State. Modernization efforts are not to be measured by or judged according to local standards, except to the extent of increases in advertising square footage.

In addition to HB 74, G.S. §136-131.1 provides that a local government, in the exercise of its regulatory authority, cannot cause the removal of outdoor advertising for which there is in effect a DOT permit.

Section .0204 of the 2020 Proposed Rules states that DOT can delegate its regulatory authority to local governments. There is nothing in the OACA that suggests that local governments can be delegated through administrative action any authority to administer that statutory framework and any regulations promulgated pursuant thereto. The statute that the rule references as authority, G.S. §136-130, expressly and exclusively delegates rule making authority to the DOT only.

G.S. §150B-19(1) prohibits the DOT from adopting a rule that "implements or interprets a law unless that law or another law specifically authorizes the agency to do so." There is no statute that authorizes the DOT to insert local authority into the process of permitting decisions which are assigned exclusively to the DOT in the OACA. *See County of Wake v. DENR*, 155 N.C. App. 225, 249-250, 573 S.E.2d 572, 589 (2002)(in the absence of specific statute authorizing DENR to implement local government duties for landfills, said agency could not incorporate such local standard as part of its permitting).

**5. 19 NCAC 02E .0206 APPLICATIONS REQUIRING A LOCAL PERMIT APPEARS TO BE OBSOLETE AND UNNECESSARY.**

There is no statutory authority to require a local permit as a prerequisite to a State permit, as Section .0206 calls for. As noted throughout this letter, the proposed changes to "sign location/site" and to require an "alteration permit", which will then purportedly pull in local ordinances to many activities previously preempted by State law, conflict with the OACA and causes substantial hardship to the industry.

## CONCLUSION

In summary, the outdoor advertising modernization section of HB 74 is not a legitimate basis for the 2020 Proposed Rules and is certainly not an invitation to make the sweeping changes that the DOT has proposed. The 2020 Proposed Rules do not streamline the regulatory burdens.

Administrative agencies such as DOT only have regulatory authority that is conferred by statute. *In re: Appeal of Arcadia Dairy Farms, Inc.*, 289 N.C. 456, 464, 223 S.E.2d 323, 328 (1976). Our Supreme Court has stated:

Administrative rules and regulations, to be valid, must be within the authority conferred upon the administrative agency. The power to make regulations is not the power to legislate in the true sense, and under the guise of regulation legislation may not be enacted. The statute which is being administered may not be altered or added to by the exercise of a power to make regulations thereunder.

*States' Rights Democratic Party v. North Carolina State Board of Elections*, 229 N.C. 179, 187, 49 S.E.2d 379, 384 (1948). Clearly important to the matter at hand, an agency "may not, but its rules or order, forbid the exercise of a right expressly conferred by statute." *State of North Carolina ex. rel. Utilities Commission v. Lumbee River Electric Membership Corp.*, 275 N.C. 250, 257, 166 S.E.2d 663, 668 (1969).

As highlighted above, the 2020 Proposed Rules in several instances:

1. Substantively change existing law;
2. Are not expressly authorized by federal or State law;
3. Conflict with state statutes;
4. Fail to reduce the burden on the industry who is tasked with complying with the rules;
5. Are not clear and unambiguous: and
6. Are not reasonably necessary to implement or interpret an enactment of the General Assembly or federal law.

By the 2020 Proposed Rules, the DOT effectively forbids the exercise of the outdoor advertiser's right to modernize its sign without regard to local standards.

At the end of the day, each agency, including the DOT, is required to conduct an “annual review of its rules to identify existing rules that are unnecessary, unduly burdensome, or inconsistent with the principles” of regulatory reform as espoused in HB 74 and G.S. §150B-19.1. We are hopeful that these comments will spurn meaningful dialogue on outdoor advertising rules that satisfy the goals of HB 74 and other statutorily mandated regulatory reform principles.

Sincerely,

**VAN WINKLE, BUCK, WALL,  
STARNES AND DAVIS, P.A.**

*Craig D. Justus*

(Electronically Signed)

Craig Justus

CDJ/ca

Enclosures

cc. **Ebony Pittman, Esq.**  
**TJ Bugbee, Executive Director, NCOAA**  
**Jeanine Dodson, President, NCOAA**



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December 23, 2013

Via email and mail

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RE: Lamar Outdoor Advertising

Dear Roy:

Last week, I became aware of DOT's request that Lamar submit a new OA-1 form and pay \$120 regarding Lamar's plans to take advantage of House Bill 74 and reconstruct its outdoor advertising sign recently permitted as US 070 018005 and located at 1621 Hwy 70, Hickory, NC 28601 ("Hickory Sign"). A OA-1 form is, of course, an application for an outdoor advertising permit. The \$120 fee is the initial fee for a sign permit. Because this is a sign conforming to DOT standards and Lamar had previously secured a local building permit, a new permit should be easily issued. However, we believe that this is not the correct procedure for several reasons and consequently, we are concerned that this will set a bad precedent moving forward with House Bill 74 reconstruction activities.

One, a new permit implies that permission is needed from DOT to perform the reconstruction, which is false. As I indicated in my letter dated October 4, 2013 to you and Jon Nance regarding HB 74, DOT rules do not require a new permit for the repair or reconstruction of a DOT-permitted sign. New permits have only been triggered when the "site location" (as defined in the rules) changes. After hearing about the above OA-1 request for the Hickory Sign's reconstruction, I reached out to my clients in the outdoor advertising industry and confirmed that DOT has never in the past required a new permit to reconstruct a sign at the same location. You may think that asking for permission is harmless. However, having to ask for permission suggests that in some circumstances permission can be denied. As you know, local governments try to insert themselves into the permitting process all the time. The OA-1 form incorporates local government standards whenever an outdoor advertising company seeks to establish a new sign at a site that falls within a city or county's zoning

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boundaries. HB 74 specifically recognizes that local standards are irrelevant to the repair and reconstruction of a DOT-permitted sign. Your request for a "new permit" creates conflict where conflict is not necessary.

Two, HB 74 recognizes that the acts of "repair" and "reconstruction" involve an existing sign already permitted by DOT. Section .0225 of the DOT rules also recognizes that existing DOT-permitted signs may be repaired or reconstructed. There is no mention of permits in that section, and as stated above, no permits have been required for such actions. One can see the absence of permitting requirements for reconstruction even more clearly upon reading Section .0210. This section, of course, deals with the situation of what constitutes valid actions under an existing DOT permit. Stated another way, what are the scenarios where a DOT permit may be revoked? Here are some actions that may be taken without causing the revocation of a permit:

1. Moving a sign, even a nonconforming one on the same "site" (.0210(16)); and
2. Altering a conforming sign so long as it does not "fails to comply with the provisions of the Outdoor Advertising Control act or the" DOT rules (.0210(7)).

Looking at the above two subsections of .0210, it is plain that a conforming sign such as the Hickory Sign may be moved within the same location without needing a new permit. The Hickory Sign may also be altered in conformity with the DOT rules. DOT Permit No. US 070018005 sets forth the maximum standards (following DOT rules) of what is allowed at the site in question. For the Hickory Sign, its relocation does not trigger a new permit. For the Hickory Sign, the DOT does not normally care what type of support structure or materials is put on a sign conforming to DOT standards. Because the existing sign has digital components, there should be no issue regarding digital displays on the reconstructed sign. The existing DOT permit already authorizes the reconstruction in question. If reconstruction of a sign conforming to DOT standards was a cause for a new permit, then doing so without such authorization would presumably trigger the revocation of the existing permit. That is not mentioned as a specific excuse for revocation in Section .0210.

Although the amount of money may matter overtime, \$120 is not what we are concerned with at this stage. We are concerned with the request to "start over", to begin a new application process where local information is being requested (contrary to HB 74) and where the possibility of delays and controversy looms. This should not be the case, especially in light of the clear signals from the General Assembly regarding regulatory reform.

Roy T. Grasse  
December 23, 2013  
Page 3

Here, the Hickory Sign, a sign conforming to DOT standards, is intended to be reconstructed in such a way as to continue to be conforming to DOT standards. By letter dated December 16, 2013, my client notified the DOT of the reconstruction in accordance with the process I outlined in my October 4, 2013 letter. Since then, my clients have been told that the DOT is working on a new "conversion" form to memorialize reconstruction activities under HB 74. This seemed to us to be more of an addendum to the existing permit, rather than a totally new permit. I am hoping that the information we received last week is simply a reaction to the fact that such "conversion" form is not yet ready. In any event, a new permit for an activity already authorized by DOT rules should not be the answer in the interim.

Please re-visit this issue and contact me at your earliest convenience. In our jurisprudence, having a DOT permit in hand for an existing sign is very important to my clients. Reconstruction activities in conformity with DOT standards should not trigger "starting over."

I look forward to discussing the matter with you in the very near future.

Sincerely,  
VAN WINKLE, BUCK, WALL,  
STARNES AND DAVIS, P.A.



Craig Justus

cc: Client - via email  
Mason Thompson  
Ebony Pittman, Esq.

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Richard E. Greene, Jr.  
August 22, 2014  
Page 2

In a nutshell, one of HB 74's ways of streamlining the regulatory process was to eliminate local government standards as an obstacle to repairing or reconstructing DOT-permitted signs along interstates and federal aid primary highways.

Early on, we notified Jon Nance, your predecessor, of the clear implication of reading HB 74 together with existing preemption case law, which was that local government rules, regulations and/or policies are irrelevant to the maintenance, repair and/or reconstruction of DOT-permitted outdoor advertising signs. A copy of my October 4, 2013 letter to Jon Nance is attached hereto as Exhibit "A".

As you should see, there should be no local control over DOT-permitted locations. Unfortunately at a February 6, 2014 meeting in Raleigh with Jon Nance and several Department officials and staff attorneys, it was reported to us that DOT was going to keep in place its obsolete provisions that local regulatory standards can control the repair and/or reconstruction of DOT-permitted locations. It was made known to us at that time that this position was being pressed by the Governor, as Chief Executive Officer. Governor McCrory is not a fan of the outdoor advertising industry.

On March 7, 2014, Paul Hickman and Cameron Henley, on behalf of the NCOAA, met with Secretary Tata to discuss the rules process for the modernization piece of HB 74. Secretary Tata indicated that he clearly understood that DOT rules would have to be changed to eliminate local control as a consequence of HB 74 and he directed staff to make sure to properly handle the matter. As a follow up to that meeting, Paul Hickman delivered an email to Secretary Tata with several attachments, some of which contained our comments to proposed draft rules. A copy of this email with the comments are attached as Exhibit "B". Unfortunately, we are afraid that Secretary Tata's opinion may have been later compromised.

I understand that proposed rules implementing HB 74 are to be filed any day. It is important that DOT does not stay the course of ignoring clear legislative will by keeping in place in its rules local regulatory control. We believe that such position is clearly erroneous, is an effort to legislate policy and would lack substantial justification, entitling my folks to attorney's fees under N.C. Gen. Stat. 6-19.1 in the subsequent litigation to contest such action.

We received this week from Don Smith proposed SVR rules purporting to implement HB 74's new ramp cut allowances. One thing we did agree on with Jon Nance at the February meeting in Raleigh was separating the SVR rules from the rules dealing with modernization. We also supported the draft SVR rules then in place. Unfortunately, we noticed that local control has in some places been inserted in the

Richard E. Greene, Jr.  
August 22, 2014  
Page 3

most recent version contrary to our understanding. There should be no local control in any of the rules. This must be immediately addressed.

If you have any questions, please do not hesitate to let us know. We would love to have a meeting with you and others prior to filing the proposed rules. Thank you for your time in reading this letter. If for any reason, you believe that something stated in here is materially inaccurate, please let me know as soon as possible.

Sincerely,  
VAN WINKLE, BUCK, WALL,  
STARNES AND DAVIS, P.A.  
*Craig D. Justus*  
(Signed Electronically)  
Craig D. Justus

CDJ/ca

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October 4, 2013

Via email and federal express

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RE: House Bill 74

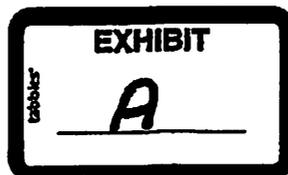
Dear Roy and Jon:

As you know, I represent the North Carolina Outdoor Advertising Association ("NCOAA"), which organization consists of a large proportion of the outdoor advertising/billboard companies in this State. As you also know, the North Carolina General Assembly recently passed House Bill 74, entitled "AN ACT TO IMPROVE AND STREAMLINE THE REGULATORY PROCESS IN ORDER TO STIMULATE JOB CREATION, TO ELIMINATE UNNECESSARY REGULATION, TO MAKE VARIOUS OTHER STATUTORY CHANGES, AND TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS." ("HB 74"). For my client and its members, HB 74 is an extremely important new law that, as the above title indicates, stimulates job creation and eliminates unnecessary regulation in the field of outdoor advertising.

I am writing this letter to both of you due to the fact that, at times, your roles overlap, especially in the area of selective vegetation removal by outdoor advertising folks within the State right of way. A misstep in selective removal may affect an outdoor advertising permit (as outlined in SB 183).

For your convenience in reading this letter, I have attached the two pages of HB 74 dealing with outdoor advertising.

Regarding the addition of subsection (a1) to G.S. 136-133.1, I understand that the North Carolina Department of Transportation ("DOT") intends to go through rule-making before any "ramp cuts" outside the previously defined cut zone will be approved pursuant to this new provision. We are not clear why rule-making is necessary. Even if so, it appears to be very minor adjustments of clarification.



**COPY**

Unlike SB 183, the General Assembly did not direct the agency to prepare rules. As you know after SB 183 became law, DOT went through an extensive process to create new temporary and then permanent rules, principally 19A NCAC 02E .0608-.0611 ("Current SVR Rules"). I will address each, to wit:

.0608 of the Current SVR Rules does not require any changes. It refers to G.S. 136-133.1(c) for defining a "site plan", which statutory section is clear as to what is required even for the "ramp cuts".

.0609 does not require any changes. It refers to G.S. 136-133.2 that mentions "required documentation" without further explanation. Because this term is not defined, it appears that any additional clarification that you may need associated with the "ramp cuts", could be accomplished by internal paper work that does not rise to the level of rule-making.

.0610, arguably, may need to be tweaked. Subsection one refers to G.S. 136-133.1(b)'s definition of "selected vegetation" by reference to point A to point D and from Point B to point E. I can see where new G.S. 136-133.1(a1) may be included here for clarification. Subsection eight refers to the marking of the "proper permitted cutting distances according to G.S. 136-133.1(a)(1)-(6)." Again, I see the possibility for clarification by adding the new ramp cut substitution. I don't see the necessity of changing any other subsections of this rule. Significantly, subsection ten is already written to account for the three compensatory options when "existing trees are requested to be removed" without regard to where.

.0611 does not require any changes.

It appears that Section 2 of Executive Order No. 23 may solve the "marking" of the cut zone points that I indicated above for .0610. In any event, if the DOT feels that rule making is needed, then we will work with you to make it happen in a productive and expeditious manner. The OAH rule-making statutes only mandate a minimum of one (1) public hearing. DOT held several hearings for the extensive re-write associated with SB 183. The minor tweaking that we see should not trigger more than one hearing.<sup>1</sup> In any event, there is no reason why these minor revisions could not be in

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<sup>1</sup> HB 74's provision about "ramp cuts" was merely a clarification of DOT authority that already existed in former G.S. 136-93. It also trumpets the "right to be clearly viewed." There is no need for material, substantive changes to the current rules. The issues raised in Executive Order No. 23 are already covered by either existing rules (.0610(10) handles the last sentence of Section

effect by January 1, 2014. As I will stress throughout this letter, if rule changes are being made, it is only reasonable, as before with SB 183, that the affected industry be privy to the thought process early on, rather than as a fait accompli and only after the rules are submitted to OAH. A public agency and the affected industry should be working partners in the process. I believe the recent changes to the statutes emphasize the importance of understanding a rule's fiscal impact and other effect on an industry up front and there is no better resource for such knowledge than the industry itself.

As for the modernization provisions in HB 74 with new G.S. 136-131.2, there is no requirement for rule changes in order to implement these statutory rights. This statute generally codifies the law established by the North Carolina Supreme Court's ruling in *Lamar v. Stanly County*, 2008 N.C. LEXIS 987 (N.C., Dec. 12, 2008) that local governments are preempted from using their regulations to prevent the maintenance and/or repairs of billboards permitted by the DOT. G.S. 136-131.2 expands this principle to also apply to "reconstruction" activities, including, but not limited to, the changing of a multi-pole structure to a monopole.<sup>2</sup> As you undoubtedly know, it is clear jurisprudence in our State that an agency "may not, but its rules or order, forbid the exercise of a right expressly conferred by statute." *State of North Carolina ex. rel. Utilities Comm. v. Lumber River Electric Membership Corp.*, 275 N.C. 250, 257, 166 S.E.2d 663, 668 (1969). Stated another way, "a statute which is being administered may not be altered or added to by the exercise of a power to make regulations thereunder." *States' Rights Democratic Party v. North Carolina State Bd. of Elections*, 229 N.C. 179, 187, 49 S.E.2d 379, 398 (1948). Moreover, an agency cannot create a "liability" or "duty" where the statutory law creates none. *Motzinger v. Perryman*, 218 N.C. 15, 20-21, 9 S.E.2d 511, 514-515 (1940); *Kinston Tobacco Bd. of Trade, Inc. v. Liggett & Myers Tobacco Co.*, 235 N.C. 737, 741, 71 S.E.2d 21, 24 (1952).

HB 74 is a clear statement that local government rules, regulations and/or policies are irrelevant to the administration of law related to outdoor advertising signs once permitted by DOT. The role that local governments play for a DOT-permitted billboard is now no different than a private citizen. Meaning, a local government may now only oppose changes to a DOT-permitted outdoor advertising use via repairs or reconstruction in two ways: (1) Appealing a DOT ruling but only to the extent they can

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<sup>2</sup> referencing "existing trees"; 0609(b)(4) referenced in Section 3 is not specific to location) or by statute (Section 4's reference to local comments is covered by G.S. 136-93(d)). Section 1 of the Executive Order is not authorized by statute. Neither the new subsection (a1) nor SB 183 limits cutting to "one-time". Obviously, any permissible cut area is subject to continual vegetation removal over time as part of maintenance of the initial cut.

<sup>3</sup> I believe that it could be reasonably argued that it merely clarified the allowances in G.S. 136-133.1 that already stated that a local government could not use their regulations to cause the removal of a DOT-permitted sign.

establish standing; or (2) Giving comment. Obviously, unlike private actors, a third way would be for the local government to condemn the outdoor advertising business and pay just compensation.

I state the above to emphasize that, as a result of HB 74 especially, DOT in administering its rules should not be placing any type of significance to the policies, positions, rules or regulations of a county or city who might be opposed to something my clients are doing related to a DOT-permitted sign. This fact should be well-received by DOT since it greatly simplifies your folks' work-life by mitigating against Roy, a District Engineer or some DOT-contractor having to wade through pages of local laws.

DOT rules do not require a new permit for the repair or reconstruction of a DOT-permitted billboard. New permits have only been requested if the "site location" as defined in the rules changes. I understand that DOT requests notice of updates to a sign such as changing from wooden poles to a steel monopole in order to simply track the current condition of the structure.

I have been told on numerous occasions by various DOT officials that the terms "nonconforming" and "conforming" in the DOT rules are interpreted to mean conformity when viewed in relation to the standards as to size, height, spacing and location set by DOT, not by any local government. New G.S. 136-131.2 supports this approach. However, clarification in the rules may be warranted, especially in the areas where the terms "nonconforming" and "conforming" are referenced. But I want to emphasize that a rule, whether existing or proposed, cannot defeat the "exercise of a right" provided by statute. Meaning, the statute trumps any conflicting rules and requires nothing further to be self-executing. In this case, repair and reconstruction rights in G.S. 136-131.2 are not dependent on any DOT rule revisions.

Based on the above, we feel the proper approach in the instance of any repair or reconstruction of a DOT-permitted sign on the same "site location" is to notify the Outdoor Advertising Coordinator in writing of any "updates" to changes to a DOT-permitted billboard only if they are material (i.e. going from wood to steel, multi-pole to monopole). As Roy has recently acknowledged, no notice is warranted anytime a sign that is deemed "conforming" to DOT standards is repaired.

Of course, we will remain cooperative if a local government reasonably requests a building permit for the limited purpose of inspecting the condition of any footing changes; provided, however, it is clear that this is not intended to open the door to the local officials to "regulate" or "prohibit" the repair and/reconstruction as stated in G.S. 136-133.2. Local rules conflicting with DOT standards such as height are of no effect.

G.S. 136-133.2's only caveat is not increasing the "square footage of [a sign's] advertising surface area."

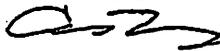
Please understand that my client, and to my knowledge, many of its members acknowledge that repairs and/or reconstruction may be materially limited or restricted if the status of the sign is "nonconforming to DOT standards as to size, height, spacing and location". The approach that we advocate regarding written notice to the Outdoor Advertising Coordinator is for signs "conforming to DOT standards as to size, height, spacing and location." We understand that some changes to signs "nonconforming to DOT standards as to size, height, spacing and location" may require specific written authorization from DOT. Of course, if a sign is considered "nonconforming to DOT standards", for example due to "double-stacking" or "spacing", and those issues are cured as part of reconstruction, then such activity should not be opposed by DOT.

My client and its members are obviously excited about the opportunities to "modernize" its existing signs from both a standpoint of economics and aesthetics. We believe that HB 74 truly advances regulatory reform. If the DOT believes that rule changes at any time are warranted, especially those that might relate in any way to HB 74, please advise immediately and, as mentioned above for the "ramp cuts", please include us in the process early on.

Thank you for your time in reading this letter. If for any reason, you believe that something stated in here is materially inaccurate, please let me know as soon as possible. We want to make the transition from HB 74 as smooth as possible for DOT and our industry.

I look forward to continuing our working relationship with you both.

Sincerely,  
VAN WINKLE, BUCK, WALL,  
STARNES AND DAVIS, P.A.



Craig D. Justus

CDJ  
Enclosure

cc: Client - via email  
Elizabeth Strickland, Esq. - via email  
Phyllis Tranchese, Esq. - via email

recognized by a college or university and those that are not."

SECTION 6.(c) Part 3 of Article 1 of Chapter 116 of the General Statutes is amended by adding a new section to read:

**"§ 116-40.11. Disciplinary proceedings; right to counsel for students and organizations.**

(a) Any student enrolled at a constituent institution who is accused of a violation of the disciplinary or conduct rules of the constituent institution shall have the right to be represented, at the student's expense, by a licensed attorney or nonattorney advocate who may fully participate during any disciplinary procedure or other procedure adopted and used by the constituent institution regarding the alleged violation. However, a student shall not have the right to be represented by a licensed attorney or nonattorney advocate in either of the following circumstances:

(1) If the constituent institution has implemented a "Student Honor Court" which is fully staffed by students to address such violations.

(2) For any allegation of "academic dishonesty" as defined by the constituent institution.

(b) Any student organization officially recognized by a constituent institution that is accused of a violation of the disciplinary or conduct rules of the constituent institution shall have the right to be represented, at the organization's expense, by a licensed attorney or nonattorney advocate who may fully participate during any disciplinary procedure or other procedure adopted and used by the constituent institution regarding the alleged violation. However, a student organization shall not have the right to be represented by a licensed attorney or nonattorney advocate if the constituent institution has implemented a "Student Honor Court" which is fully staffed by students to address such violations.

(c) Nothing in this section shall be construed to create a right to be represented at a disciplinary proceeding at public expense."

SECTION 6.(d) Each constituent institution shall track the number and type of disciplinary proceedings impacted by this section, as well as the number of cases in which a student or student organization is represented by an attorney or nonattorney advocate. The constituent institutions shall report their findings to the Board of Governors of The University of North Carolina, and the Board of Governors shall submit a combined report to the Joint Legislative Education Oversight Committee and the House and Senate Education Appropriations Subcommittees by May 1, 2014.

SECTION 6.(e) Subsection (c) of this section is effective when it becomes law and applies to all allegations of violations beginning on or after that date.

#### AMEND PRIVATE CLUB DEFINITION

SECTION 7. G.S. 130A-247 reads as rewritten:

**"§ 130A-247. Definitions.**

The following definitions shall apply throughout this Part:

(2) "Private club" means an organization that (i) maintains selective members, is operated by the membership, does not provide food or lodging for pay to anyone who is not a member or a member's guest, and is either incorporated as a nonprofit corporation in accordance with Chapter 55A of the General Statutes or is exempt from federal income tax under the Internal Revenue Code as defined in ~~G.S. 105-130.2(1)~~ G.S. 105-130.2(1) or (ii) meets the definition of a private club set forth in G.S. 18B-1000(5).

...."

#### OUTDOOR ADVERTISING AMENDMENTS

SECTION 8.(a) G.S. 136-133.1 reads as rewritten:

**"§ 136-133.1. Outdoor advertising vegetation cutting or removal.**

(a1) Notwithstanding any law to the contrary, in order to promote the outdoor advertiser's right to be clearly viewed as set forth in G.S. 136-127, the Department of Transportation, at the request of a selective vegetation removal permittee, may approve plans for the cutting, thinning, pruning, or removal of vegetation outside of the cut or removal zone defined in subsection (a) of this section along acceleration or deceleration ramps so long as the view to the outdoor advertising sign will be improved and the total aggregate area of cutting or removal does not exceed the maximum allowed in subsection (a) of this section.

...

(f) Tree branches within a highway right-of-way that encroach into the zone created by points A, C, and ~~DB~~, D, and E may be cut or pruned. Except as provided in subsection (g) of this section, no person, firm, or entity shall cut, trim, prune, or remove or otherwise cause to be cut, trimmed, pruned, or removed vegetation that is in front of, or adjacent to, outdoor advertising and within the limits of the highway right-of-way for the purpose of enhancing the visibility of outdoor advertising unless permitted to do so by the Department in accordance with this section, G.S. 136-93(b), 136-133.2, and 136-133.4.

...."  
SECTION 8.(b) Article 11 of Chapter 136 of the General Statutes is amended by adding a new section to read:

**"§ 136-131.2. Modernization of outdoor advertising devices.**

**No municipality, county, local or regional zoning authority, or other political subdivision shall, without the payment of just compensation as provided for in G.S. 136-131.1, regulate or prohibit the repair or reconstruction of any outdoor advertising for which there is in effect a valid permit issued by the Department of Transportation so long as the square footage of its advertising surface area is not increased. As used in this section, reconstruction includes the changing of an existing multipole outdoor advertising structure to a new monopole structure."**

**DISPOSITION OF DMH/DD/SAS RECORDS**

SECTION 9. The Division of Mental Health, Developmental Disabilities, and Substance Abuse Services shall amend its Records Retention and Disposition Schedule Manual to provide that if a Medicaid service has been eliminated by the State, the provider must retain records for three years after the last date of the service, unless a longer period is required by federal law. At the termination of that time period, records may be destroyed or transferred to a State agency or contractor identified by the Department of Health and Human Services.

**STUDY OCCUPATIONAL LICENSING BOARD AGENCY**

SECTION 10.(a) The Joint Legislative Program Evaluation Oversight Committee shall include in the 2013-2014 Work Plan for the Program Evaluation Division of the General Assembly a study to evaluate the structure, organization, and operation of the various independent occupational licensing boards. For purposes of this act, the term "occupational licensing board" has the same meaning as defined in G.S. 93B-1. The Program Evaluation Division shall include the following within this study:

- (1) Consideration of the feasibility of establishing a single State agency to oversee the administration of all or some of the occupational licensing boards.
- (2) Whether greater efficiency and cost-effectiveness can be realized by combining the administrative functions of the boards while allowing the boards to continue performing the regulatory functions.
- (3) Whether the total number of boards should be reduced by combining and/or eliminating some boards.

SECTION 10.(b) The Program Evaluation Division shall submit its findings and recommendations from Section 10(a) of this act to the Joint Legislative Program Evaluation Oversight Committee and the Joint Legislative Administrative Procedure Oversight Committee at a date to be determined by the Joint Legislative Program Evaluation Oversight Committee.

**PROHIBIT TRANSPORTATION IMPACT MITIGATION ORDINANCES**

SECTION 10.1.(a) Article 8 of Chapter 160A of the General Statutes is amended by adding a new section to read as follows:

**"§ 160A-204. Transportation impact mitigation ordinances prohibited.**

**No city may enact or enforce an ordinance, rule, or regulation that requires an employer to assume financial, legal, or other responsibility for the mitigation of the impact of his or her employees' commute or transportation to or from the employer's workplace, which may result in the employer being subject to a fine, fee, or other monetary, legal, or negative consequences."**

SECTION 10.1.(b) Article 6 of Chapter 153A of the General Statutes is amended by adding a new section to read as follows:

**"§ 153A-145.1. Transportation impact mitigation ordinances prohibited.**

**No county may enact or enforce an ordinance, rule, or regulation that requires an employer to**

## Cynthia Arrowood

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**From:** Paul Hickman <Paul.Hickman@fairwayoutdoor.com>  
**Sent:** Thursday, August 21, 2014 3:40 PM  
**To:** Craig Justus  
**Subject:** FW: HB 74 Rules Interpretation for Outdoor Advertising - Email 1 of 4  
**Attachments:** 19a ncac 02e 0206.3.14.14 (with ncoaa comments).doc; 19a ncac 02e 0226.3.14.14 (with ncoaa comments).doc; 19a ncac 02e 0201.3.14.14 (with NCOAA comments).doc; 19a ncac 02e 0204.3.12.14 (with ncoaa comments).doc; 19a ncac 02e 0207.3.12.14 (with ncoaa comments).doc; 19a ncac 02e 0225.3.12.14 (with ncoaa comments0.doc; 19a ncac 02e 0224.3.12.14 (with ncoaa comments).doc; 19a ncac 02e 0210.3.12.14 (with ncoaa comments).doc; 19a ncac 02e 0203.3.12.14 (with ncoaa comments).doc; 19A NCAC 02E 0204 (3).pdf; 19A NCAC 02E 0225 (3).pdf; NcdotOdaEmployeeFlowChart31414.docx

Paul Hickman | General Manager | 919.755.1900 | FAIRWAY

**From:** Paul Hickman  
**Sent:** Friday, March 14, 2014 12:34 PM  
**To:** 'ajtata@ncdot.gov'; 'srblake@ncdot.gov'; 'mholder@ncdot.gov'; 'ambell1@ncdot.gov'; 'vstanley@ncdot.gov'  
**Cc:** Cameron Henley ; Craig Justus  
**Subject:** HB 74 Rules Interpretation for Outdoor Advertising - Email 1 of 4

Secretary Tata, Ms. Blake & Mr. Holder,

Cameron Henley & I want to thank you again for meeting with us last Friday to discuss the outdoor advertising (ODA) rules process for the modernization piece of HB 74. We will be sending four emails today to provide all the information we discussed. We thought it would be more efficient if we went ahead and did a revision to the rules that would be fair and workable for the department & the industry that HB 74 applies too since this law was signed almost seven months ago.

This email contains 12 attachments, the first 9 attachments are the revised set of rules done by the NC Outdoor Advertising Association (NCOAA) General Council Craig Justus and would allow this process to move forward and be completed in a timely manner. The 10<sup>th</sup> & 11<sup>th</sup> attachment show the differences between January and February DOT drafts. Please note that the highlighted words are words that were taken out in January but put back in, in February, and the orange text is text that was added in February. The last attachment is an employee flow chart of NCDOT employees that the ODA industry works or meets with, we have highlighted in yellow those primary employees we communicate with.

The second email will be the January 6<sup>th</sup> set of rules for modernization, the third email will be the February 6<sup>th</sup> set of rules for modernization and the final email will be the selective vegetation removal (SVR) set of rules for HB 74 as well as my letter of response to Jon Nance & Don Smith this past Monday that will hopefully allow us to move this part of the rules covering SVR forward as well.

We thank you for reviewing the interpretation of HB 74 and after you have had a chance to review these emails and discuss internally the NCOAA would like to have an opportunity to meet with you again Secretary to follow up on our first meeting and discussion. Please advise us at your earliest convenience when we could meet again.

Paul Hickman | General Manager | 919.755.1900 | FAIRWAY



1 19A NCAC 02E .0201 is proposed for amendment as follows:

2  
3 SECTION .0200 – OUTDOOR ADVERTISING

4  
5 19A NCAC 02E .0201 DEFINITIONS FOR OUTDOOR ADVERTISING REGULATION CONTROL

6 In addition to the definitions set forth in G.S. 136-128, the following definitions shall apply for purposes of outdoor  
7 advertising control:

- 8 (1) Abandoned Sign: A sign that is not being maintained as required by the rules in this Section. The  
9 absence of a valid lease is one indication of an abandoned sign. An outdoor advertising sign structure  
10 shall be considered to be abandoned if for a period of 12 months the sign has been without a message,  
11 contains obsolete advertising matter, or is significantly damaged or dilapidated.
- 12 (2) Automatic Changeable Facing Sign: A sign, display, or device which changes the message or copy on  
13 the sign facing ~~automatically, electronically by movement or rotation of panels or slats.~~
- 14 (3) Blank Sign: A sign structure on which all faces contain no message, or which contains only a  
15 telephone number advertising its availability.
- 16 (4) Comprehensive Zoning: Zoning by local zoning authorities of each parcel of land under the  
17 jurisdiction of the local zoning authority placed in a zoning classification pursuant to a comprehensive  
18 plan, or reserved for future classification.
- 19 (a) A comprehensive plan means a development plan which guides decisions by the local zoning  
20 authority relating to zoning and the growth and development of the area.
- 21 (b) Even if comprehensively enacted, the following criteria shall determine whether such zoning  
22 is enacted primarily to permit outdoor advertising:
- 23 (i) If the zoning would constitute spot zoning, which means that it is designed primarily  
24 for the purpose of permitting outdoor advertising signs and in an area which would  
25 not normally permit outdoor advertising. Zoning shall not be considered "primarily  
26 for the purpose of permitting outdoor advertising signs" if the zoning would permit  
27 more than one principal commercial or industrial use, other than outdoor  
28 advertising, and the size of the land being zoned can practically support any one of  
29 the commercial or industrial uses; or ~~The zoning classification provides for limited  
30 commercial or industrial activity only incidental to other primary land uses;~~
- 31 (ii) The commercial or industrial activities are permitted only by variance or special  
32 exceptions; or
- 33 ~~(iii) The zoning constitutes spot or strip zoning. "Spot zoning" or "strip zoning" is  
34 zoning designed primarily for the purpose of permitting outdoor advertising signs in  
35 an area which would not normally permit outdoor advertising.~~
- 36 (5) Sign Conforming to NCDOT Standards Sign: A sign legally erected in a zoned or unzoned commercial  
37 or industrial area which meets all current legal requirements promulgated and enforced by the

Commented [A1]: These changes are consistent with SB 183 and codified in G.S. 136-133.5(c)

1 Department in terms of commercial or industrial area, size, height, lighting or spacing for erecting a  
2 new sign at that site. Local rules or standards are not applicable to determining whether a sign is  
3 conforming for purposes of this Section.

Commented [A1]: These are the "categories" of development standards that DOT has adopted.

4 (16) **Controlled Access Highway:** A highway on which entrance and exit accesses are permitted only at  
5 designated points.

Commented [A3]: This is consistent with HB 74.

6 (17) **Department or NCDOT:** The North Carolina Department of Transportation, an agency of the State of  
7 North Carolina.

8 (87) **Regulated Controlled Route:** Any interstate or federal-aid primary highway as it existed on June 1,  
9 1991, and any highway which is or becomes a part of the National Highway System (NHS).

10 (98) **Destroyed Sign:** A sign no longer in existence due to factors other than vandalism or other criminal or  
11 tortious acts. An example of a destroyed sign includes a sign which has been blown down by the wind  
12 and sustains damage in excess of 50 percent as determined by the criteria in 19A NCAC 22E .0225(f).

13 (104) **Dilapidated Sign:** A sign which is shabby, neglected, or in disrepair, or which fails to be in the same  
14 form as originally constructed, or which fails to perform its intended function of conveying a message.  
15 Characteristics of a dilapidated sign include, but are not limited to, structural support failure, a sign  
16 not supported as originally constructed, panels or borders missing or falling off, intended messages  
17 cannot be interpreted by the motoring public, or a sign which is blocked by overgrown vegetation  
18 outside the highway right of way.

19 (110) **Directional Sign:** A sign which contains directional information about public places owned or  
20 operated by federal, state, or local governments or their agencies; publicly or privately owned natural  
21 phenomena, historic, cultural, scientific, educational, and religious sites; and areas of natural scenic  
22 beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public.  
23 Directional and other official signs and notices include, but are not limited to, public utility signs,  
24 service club and religious notices, or public service signs.

25 (a) **Public Service Sign:** A sign located on a school bus stop shelter which meets all the  
26 following requirements:

- 27 (i) identifies the donor, sponsor or contributor of said shelter;
- 28 (ii) is located on a school bus shelter which is authorized or approved by city, county,  
29 or state law, regulation, or ordinance, and at places approved by the city, county, or  
30 state agency controlling the highway involved;
- 31 (iii) contains only safety slogans or messages which shall occupy not less than 60  
32 percent of the area of the sign;
- 33 (iv) does not exceed 32 square feet in area; and
- 34 (v) contains not more than one sign facing in any one direction.

35 (b) **Public Utility Sign:** A warning sign, informational sign, notice or other marker customarily  
36 erected and maintained by publicly or privately owned utilities, which are essential to their  
37 operations.

- 1 (c) Service Club and Religious Notices: Any sign or notice authorized by law which relates to  
 2 meetings of nonprofit service clubs, charitable associations, or religious services. These  
 3 signs shall not exceed eight square feet in area.
- 4 (124) Discontinued Sign: A sign no longer in existence. A discontinued sign includes a sign of which only  
 5 part of a sign face, not including border or trim, is missing more than 180 days. In some cases, a sign  
 6 may be both discontinued and dilapidated.
- 7 (132) Fully Controlled Access Highway Freeway: A divided arterial highway for through traffic with full  
 8 control of access.
- 9 (143) Highway: A highway that is designated as a part of the interstate or federal-aid primary  
 10 highway system as of June 1, 1991, or any highway which is or becomes a part of the  
 11 National Highway System. A highway shall be a part of the National Highway System on the  
 12 date the location of the highway has been approved finally by the appropriate federal  
 13 authorities.
- 14 (154) Lease: An agreement, in writing, by which possession or use of land or interests therein is  
 15 given for a specified purpose and period of time, and which is a valid contract under North  
 16 Carolina laws.
- 17 (165) Main Traveled Way or Traveled Way: Part of a highway on which through traffic is carried,  
 18 exclusive of paved shoulders. In the case of a divided highway, the traveled way of each of  
 19 the separated roadways for traffic in opposite directions is a traveled way. It does not include  
 20 frontage roads, turning roadways, or parking areas.
- 21 (176) Sign Not Conforming to NCDOT Standards Nonconforming Sign: A sign which was lawfully  
 22 erected but which does not comply with all legal requirements promulgated and enforced by  
 23 the Department with the provisions of State law or rules and passed at a later date or which  
 24 later fails to comply with Outdoor Advertising Control Act or NCDOT State law or rules due  
 25 to changed conditions. Also includes a sign legally erected prior to the effective date of the  
 26 Outdoor Advertising Control Act or prior to the addition of a route to the interstate or  
 27 federal-aid primary system or National Highway System in a zoned or unzoned commercial  
 28 or industrial area which does not meet all current standards promulgated and enforced by the  
 29 Department in terms of commercial or industrial zoning, size, height, lighting and spacing for  
 30 erecting a new sign at that site. For purposes of the outdoor advertising rules, nonconforming  
 31 signs also include those signs which have become nonconforming pursuant to 19A NCAC  
 32 02E .1002(d) on scenic byways which were part of the interstate or federal-aid primary  
 33 highway system as of June 1, 1991, or which are or become a part of the National Highway  
 34 System. Local rules or standards are not applicable to determining whether a sign is non-  
 35 conforming for purposes of this Section.
- 36 (187) Official Sign/Notice: A sign or notice erected and maintained by public officers or public  
 37 agencies within their territorial or zoning jurisdictions and pursuant to and in accordance with

Commented [A4]: Clarifies that DOT is talking only about the substantive parts of the sign face.

Commented [A5]: This is consistent with HB 74.

1 federal, state, or local law for the purpose of carrying out an official duty or responsibility.  
2 Official signs and notices include, but are not limited to, historical markers authorized by  
3 state law and erected by state or local government agencies or nonprofit historical societies.

4 (198) On-premise/On-property Sign: A sign which advertises the sale or lease of property upon  
5 which it is located or which advertises an activity conducted or product for sale on the  
6 property upon which it is located. An on-premise sign may not be converted to a permitted  
7 outdoor advertising sign unless it meets all rules in effect at the time of the conversion  
8 request. An on-premise sign must be located on property contiguous to the property on  
9 which the activity is located. Tracts not considered to be contiguous include, but are not  
10 limited to:

- 11 (a) Tracts of land separated by a federal, state, city, or public access maintained road;
- 12 (b) Tracts of land not under common ownership; or
- 13 (c) Tracts of land held in different estates or interests.

14 (2049) Parkland: Any publicly owned land which is designated or used as a public park, recreation  
15 area, wildlife or waterfowl refuge or historic site.

16 (210) Permit Holder: A permit holder shall be the sign owner, and for purposes of the rules in this  
17 Section the terms and definitions shall be interchangeable, unless the Department of  
18 Transportation, through the appropriate district office, has been notified in writing that the  
19 permit holder is a person or entity other than the actual owner of the sign. In this case, the  
20 actual sign owner's name, mailing address, and telephone number must be declared.

21 (224) Salvageable Sign Components: Components of the original sign structure prior to the  
22 damage that can be repaired or replaced on site by the use of labor only. If any materials,  
23 other than nuts, bolts, nails or similar hardware, are required in order to repair a component,  
24 the component is not considered to be salvageable.

25 (233) Scenic Area: Any area of particular beauty or historical significance as determined by the  
26 federal, state, or local official having jurisdiction thereof, and includes interests in land which  
27 have been acquired for the restoration, preservation and enhancement of beauty.

28 (243) Scenic Byway: A scenic highway or scenic byway designated by the Board of Transportation,  
29 regardless of whether the route so designated was part of the interstate or federal-aid primary  
30 highway system as of June 1, 1991, or any highway which is or becomes a part of the  
31 National Highway System.

32 (254) Sign: Any outdoor sign, sign structure, display, light, device, figure, painting, drawing,  
33 message, placard, poster, billboard, or other object which is designed, intended, or used to  
34 advertise or inform. A sign includes any of the parts or material of the structure, such as  
35 beams, poles, posts, and stringers, the only eventual purpose of which is to ultimately display  
36 a message or other information for public view. For purposes of these rules, the term "sign"  
37 and its definition shall be interchangeable with the following terms: outdoor advertising,

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outdoor advertising sign, outdoor advertising structure, outdoor advertising sign structure, sign structure, and structure.

~~(35)~~ **Sign Conforming by Virtue of the "Grandfather Clause"** A sign legally created prior to the effective date of the Outdoor Advertising Control Act or prior to the addition of a route to the interstate or federal-aid primary system or NHS in a zoned or unzoned commercial or industrial area which does not meet all current standards for creating a new sign at that site.

~~(36)~~ **(265)** **Sign Face:** The part of the sign, including trim and background, which contains the message or informative contents. For purposes of measuring the maximum area or height of a sign, embellishments or extended advertising shall be excluded.

~~(37)~~ **(276)** **Sign Location/Site:** A sign location or site for purposes of these rules shall be measured to the closest 1/100<sup>th</sup> of a mile in conformance with Department of Transportation methods of measurement for all state roads, measured to the closest 1/100<sup>th</sup> of a mile, in conformance with Department of Transportation methods of measurement for all state roads, the latitude and longitude as determined by recreational grade global position system (GPS) equipment. The location or site shall be determined and listed on each outdoor advertising permit application by DOT personnel.

~~(38)~~ **(287)** **Sign Owner:** A sign owner shall be the permit holder of record, and for purposes of the rules in this Section the terms and definitions shall be interchangeable, unless the Department of Transportation, through the appropriate district office, has been notified in writing that the sign owner is a person or entity other than the actual holder of the permit. In this case, the actual sign owner's name, mailing address, and telephone number must be declared.

~~(39)~~ **(298)** **Significantly Damaged Sign:** A sign which has been damaged or partially destroyed due to factors other than vandalism or other criminal or tortious acts to such extent that the damage to the sign is greater than fifty percent as determined by the criteria in 19A NCAC 02E .0225(f).

~~(30)~~ **(302)** **Unzoned Commercial or Industrial Area:** An area which is not zoned by state or local law, regulation, or ordinance, and which is within 660 feet of the nearest edge of the right of way of the interstate or federal-aid primary system or NHS, in which there is at least one commercial or industrial activity that meets all requirements specified in 19A NCAC 02E .0203(5).

~~(31)~~ **(310)** **Zoned Commercial or Industrial Area:** An area which is zoned for business, industry, commerce, or trade pursuant to a state or local zoning ordinance or regulation. Local zoning action must be taken pursuant to the state's zoning enabling statute or constitutional authority in accordance therewith. Zoning which is not part of comprehensive zoning or which is created primarily to permit outdoor advertising structures as defined in G.S. 136-133.5(d) shall not be recognized as valid zoning for purposes of the Outdoor Advertising Control Act

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Commented [A6]: This proposed change is not triggered by HB 74. This definition has been in place for over a decade and there is no discernible reason to change it.

1 and the rules promulgated hereunder, unless the land is developed for commercial or  
2 industrial activity as defined under 19A NCAC 02E .0203(6).  
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4 *History Note: Authority, G.S. 136-130;*

5 *Eff. July 1, 1978;*

6 *Amended Eff. MONTH 1, 2014; August 1, 2000; December 1, 1993; March 1, 1993; December 1,*  
7 *1990; January 1, 1984.*  
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1 19A NCAC 02E .0203 is proposed for amendment as follows:

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3 **19A NCAC 02E .0203 OUTDOOR ADVERTISING ON ~~CONTROLLED~~ REGULATED ROUTES**

4 The following standards shall apply to the erection and maintenance of outdoor advertising signs in all zoned and  
5 unzoned commercial and industrial areas located within 660 feet of the nearest edge of the right of way of the controlled  
6 route. The standards shall not apply to those signs enumerated in G.S. 136-129(1), (2), (2a) and (3), which are  
7 directional and other official signs and notices, signs advertising the sale or lease of property upon which they are  
8 located, signs advertising the sale of crops at roadside stands, and signs which advertise activities conducted on the  
9 property upon which they are located.

10 (1) Configuration and Size of Signs:

- 11 (a) The maximum area for any one sign shall be 1,200 square feet with a maximum height of 30  
12 feet and maximum length of 60 feet, inclusive of any border and trim but excluding the base  
13 or apron, embellishments, extended advertising space, supports, and other structural  
14 members.
- 15 (b) The area shall be calculated by measuring the outside dimensions of face, excluding any  
16 apron, embellishments, or extended advertising space.
- 17 (c) The maximum size limitations shall apply to each side of a sign structure: the signs may be  
18 placed back-to-back, side-by-side; or in V-type construction with not more than two displays  
19 to each facing, and such sign structure shall be considered as one sign.
- 20 (d) Side-by-side signs shall be structurally tied together to be considered as one sign structure.
- 21 (e) V-type and back-to-back signs shall not be considered as one sign if located more than 15  
22 feet apart at their nearest points.
- 23 (f) The height of any portion of the sign structure, excluding cutouts or embellishments, as  
24 measured vertically from the adjacent edge of pavement of the main traveled way shall not  
25 exceed 50 feet.
- 26 (g) Double-decking of sign faces so that one is on top of the other is prohibited.

27 (2) Spacing of Signs:

- 28 (a) Signs may not be located in a manner to obscure, or otherwise physically interfere with the  
29 effectiveness of any official traffic sign, signal, or device, or to obstruct or physically  
30 interfere with the driver's view of approaching, merging, or intersecting traffic.
- 31 (b) Controlled Regulated Routes with Fully Controlled Access (Freeways):
- 32 (i) No two structures shall be spaced less than 500 feet apart.
- 33 (ii) Outside the corporate limits of towns and cities, no structure may be located within  
34 500 feet of an interchange, collector distributor, intersection-at-grade, safety rest  
35 area or information center regardless of whether the main traveled way is within or  
36 outside the town or city limits. The 500 feet spacing shall be measured from the  
37 point at which the pavement widens and the direction of measurement shall be along

1 the edge of pavement away from the interchange, collector distributor, intersection  
2 at-grade, safety rest area or information center. In those interchanges where a  
3 quadrant does not have a ramp, the 500 feet for the quadrant without a ramp shall be  
4 measured along the outside edge of main traveled way for freeways highways as  
5 follows:

6 (A) Where a route is bridged over a freeway-fully controlled access highway,  
7 the 500 foot measurement shall begin on the outside edge of pavement of  
8 the freeway-fully controlled access highway at a point directly below the  
9 edge of the bridge. The direction of measurement shall be along the edge  
10 of pavement away from the interchange.

11 (B) Where a freeway-fully controlled access highway is bridged over another  
12 route, the 500 foot measurement shall be made from the end of the bridge  
13 in the quadrant. The direction of measurement shall be along the edge of  
14 main traveled way away from the bridge.

15 (C) Where the routes involved are both freeways-fully controlled access  
16 highways, measurements on both routes shall be made according to (A) or  
17 (B) of this Subitem, whichever applies.

18 Should there be a situation where there is more than one point at which the  
19 pavement widens along each road within a quadrant, the measurement  
20 shall be made from the pavement widening which is furthest from the  
21 intersecting roadways.

22 (c) **Controlled Regulated Routes Without Fully Controlled Access:**

23 (i) Outside of incorporated towns and cities --no two structures shall be spaced less  
24 than 300 feet apart.

25 (ii) Within incorporated towns and cities --no two structures shall be spaced less than  
26 100 feet apart.

27 (d) The foregoing provisions for the spacing of signs do not apply to structures separated by  
28 buildings or other obstructions in such a manner that only one sign facing located within the  
29 above spacing distances is visible from the highway at any one time.

30 (e) Official and "on-premise" signs, as permitted under the provisions of G.S. 136-129(1), (2),  
31 (2a) and (3), and structures that are not lawfully maintained shall not be included nor shall  
32 measurements be made from them for purposes of determining compliance with spacing  
33 requirements.

34 (f) The minimum distance between structures shall be measured along the nearest edge of the  
35 main traveled way between points directly opposite the signs along each side of the highway  
36 and shall apply only to structures located on the same side of the highways.

37 (3) **Lighting of Signs; Restrictions:**

- 1 (a) Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light
- 2 or lights including animated or scrolling advertising, are prohibited, which shall not mean
- 3 signs unless expressly allowed under Item 4, of this rule except those giving public service
- 4 information such as time, date, temperature, weather, or similar information.
- 5 (b) Signs which are not effectively shielded as to prevent beams or rays of light from being
- 6 directed at any portion of the traveled ways of the controlled routes and which are of such
- 7 intensity or brilliance as to cause glare or to impair the vision of the driver of any motor
- 8 vehicle, or which otherwise interfere with the operation of a motor vehicle are prohibited.
- 9 (c) No sign shall be so illuminated that it interferes with the effectiveness of, or obscures an
- 10 official traffic sign, device, or signal.
- 11 (d) All such lighting shall be subject to any other provisions relating to lighting of signs presently
- 12 applicable to all highways under the jurisdiction of the state.
- 13 (e) Lighting shall not be added to ~~or used to illuminate signs not conforming to NCDOT~~
- 14 ~~standards on nonconforming signs, signs or signs conforming by virtue of the grandfather clause.~~

Commented [A1]: Clarifies that digital displays if compliant with Item 4 would not be considered "flashing, etc."

15 (4) Automatic Changeable Facing Sign:

- 16 (a) Automatic changeable facing signs shall be permitted on the controlled routes under the
- 17 following conditions:
- 18 (i) The sign does not contain or display flashing, intermittent, or moving lights,
- 19 including animated or scrolling advertising;
- 20 (ii) The changeable facing remains in a fixed position for at least eight seconds;
- 21 (iii) If a message is changed electronically, it must be accomplished within an interval of
- 22 two seconds or less;
- 23 (iv) The sign is not placed within 1,000 feet of another automatic changeable facing sign
- 24 on the same side of the highway;
- 25 (v) The 1000-foot distance shall be measured along the nearest edge of the pavement
- 26 and between points directly opposite the signs along each side of the highway;
- 27 (vi) A sign conforming to NCDOT standards ~~legally conforming structure may be~~
- 28 ~~modified to an automatic changeable facing upon compliance with these standards~~
- 29 ~~and approval by the Department. A request to modify a structure shall be submitted~~
- 30 ~~by certified mail. Signs not conforming to NCDOT standards Non-conforming or~~
- 31 ~~grandfathered structures shall not be modified to an automatic changeable facing;~~
- 32 (vii) The sign must contain a default design that will freeze the sign in one position if a
- 33 malfunction occurs; and
- 34 (viii) The sign application meets all other permitting requirements.
- 35 (b) The outdoor advertising permit shall be revoked for failure to comply with this Item.

Commented [A2]: If lighting was already part of a sign legally erected but no longer complying with DOT rules it would not necessarily lose its right to have lighting. The intent of this rule was not to allow any lights to be added to signs that no longer conform to DOT standards. Clarifies that HB 74 mandates that local standards are not to be used for existing DOT permitted signs.

16 (5) Unzoned Commercial or Industrial Area Qualification for Signs

Commented [A3]: Clarifies that HB 74 mandates that local standards are not to be used for existing DOT permitted signs.

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- (o) To qualify an area unzoned commercial or industrial for the purpose of outdoor advertising control, one or more commercial or industrial activities shall meet all of the following criteria prior to submitting an outdoor advertising permit application:
  - (i) The activity shall maintain all necessary business licenses as may be required by applicable state, county or local law or ordinances;
  - (ii) The property used for the activity shall be listed for ad valorem taxes with the county and municipal taxing authorities as required by law;
  - (iii) The activity shall be connected to basic utilities including but not limited to power, telephone, water, and sewer, or septic service;
  - (iv) The activity shall have direct or indirect vehicular access and be a generator of vehicular traffic;
  - (v) The activity shall have a building designed with a permanent foundation, built or modified for its current commercial or industrial use, and the building must be located within 660 feet from the nearest edge of the right of way of the controlled route. Where a mobile home or recreational vehicle is used as a business or office, the following conditions and requirements also apply:
    - (A) The mobile home unit or recreational vehicle shall meet the North Carolina State Building Code criteria for commercial or business use.
    - (B) A self-propelled vehicle shall not qualify for use as a business or office for the purpose of these rules.
    - (C) All wheels, axles, and springs shall be removed.
    - (D) The unit shall be permanently secured on piers, pad, or foundation.
    - (E) The unit shall be tied down in accordance with local, state, or county requirements;
  - (vi) The commercial or industrial activity must be in active operation a minimum of six months prior to the date of submitting an application for an outdoor advertising permit;
  - (vii) The activity shall be open to the public during hours that are normal and customary for that type of activity in the same or similar communities but not less than 20 hours per week;
  - (viii) One or more employees shall be available to serve customers whenever the activity is open to the public; and
  - (ix) The activity shall be visible and recognizable as commercial or industrial from the main traveled way of the controlled route. An activity is visible when that portion on which the permanent building designed, built, or modified for its current commercial use can be clearly seen twelve months a year by a person of normal visual acuity while traveling at the posted speed on the main traveled way of the

1 controlled route adjacent to the activity. An activity is recognizable as commercial  
2 or industrial when its visibility from the main traveled way of the controlled route is  
3 sufficient for the activity to be identified as commercial or industrial.

4 (b) Each side of the controlled route shall be considered separately. All measurements shall  
5 begin from the outer edges of regularly used buildings, parking lots, storage or processing  
6 areas of the commercial or industrial activity, not from the property line of the activity and  
7 shall be along the nearest edge of the main traveled way of the controlled route.

8 (c) The proposed sign location must be within 600 feet of the activity.

9 (d) To qualify an area as unzoned commercial or industrial for the purpose of outdoor  
10 advertising control, none of the following activities shall be recognized:

- 11 (i) Outdoor advertising structures;
- 12 (ii) On-premise or on-property signs defined by Rule .0201(18) of this Section if the  
13 on-premise/on-property sign is the only part of the commercial or industrial activity  
14 that is visible from the main-traveled way;
- 15 (iii) Agricultural, forestry, ranching, grazing, farming, and related activities, including,  
16 but not limited to temporary wayside fresh produce stands;
- 17 (iv) Transient or temporary activities;
- 18 (v) Activities not visible and recognizable as commercial or industrial from the traffic  
19 lanes of the main traveled way;
- 20 (vi) Activities more than 660 feet from the nearest edge of the right of way;
- 21 (vii) Activities conducted in a building principally used as a residence;
- 22 (viii) Railroad tracks and minor sidings;
- 23 (ix) Any outdoor advertising activity or any other business or commercial activity  
24 carried on in connection with an outdoor advertising activity; and
- 25 (x) Illegal junkyards, as defined in G.S. 136-146, and nonconforming junkyards as set  
26 out in G.S. 136-147;

27  
28 *History Note: Authority G.S. 136-130;*

29 *Eff. July 1, 1978;*

30 *Amended Eff. MONTH 1, 2011; August 1, 2011; November 1, 1993; December 1, 1990; November 1,*  
31 *1988.*

1 19A NCAC 02E .0201 is repealed without notice pursuant to G.S. 150B-21.5(b)(3) and 136-131.2 as follows:

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3 ~~19A NCAC 02E .0201 — LOCAL ZONING AUTHORITIES~~

4 ~~Local zoning authorities may certify to the Board of Transportation when they have established effective control within~~  
5 ~~zoned commercial and industrial areas through regulations or ordinances with respect to size, lighting and spacing of~~  
6 ~~outdoor advertising signs consistent with the intent of the Highway Beautification Act of 1965, Section 131 of Title 33 of~~  
7 ~~the United States Code, and with customary use. Upon authorization from the Chief Engineer to the local zoning~~  
8 ~~authority, the size, lighting and spacing requirements set forth in G.S. 136 Articles 11 and 11A or 19A NCAC 02E .0200,~~  
9 ~~will not apply to those areas and the local zoning authority shall be authorized to issue permits for the erection and~~  
10 ~~maintenance of outdoor advertising signs.~~

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12 *History Note: Authority G.S. 136-130;*  
13 *Eff. July 1, 1978;*  
14 *Amended Eff. December 1, 2012; November 1, 1993.*  
15 *Repealed Eff. MONTH 1, 2014.*  
16

**Commented [A1]:** This should remain deleted for several reasons: (1) Because G.S. 136-130 or any other statute does not authorize the Department to delegate control to local governments, it is unlawful; (2) G.S. 136-131.1 and H 0 74 conflict with this Section; (3) Federal funding hinges on the State's compliance with the Highway Beautification Act and federal regulations. Why would the State subject itself to suffering the loss of funds if a local government improperly exercises control over outdoor advertising? (How does the DOT get it back from a local government once delegated? What remedies to the State if a local government violates the "effective control" requirement, which includes paying just compensation for signs taken pursuant to the exercise of regulatory or eminent domain powers) and (4) This Section is standard-less and therefore difficult to administer. Scott Cupps said the DOT would never allow a delegation of control to happen. If so, why set up an opportunity for a local government to litigate over a claim that DOT arbitrarily denied a local authority's certification of compliance with the Highway Beautification Act?

1 19A NCAC 02E .0206 is amended without notice pursuant to G.S. 150B-21.5(a)(2),(4) as follows:

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3 19A NCAC 02E .0206 APPLICATIONS

4 (a) An application for an outdoor advertising permit for a newly erected sign at a new location shall be made on NCDO  
5 form OA-1, which may be obtained at any District Office or the NCDOT website. Upon completion, the application shall be  
6 submitted to the district office for the district where the proposed site is located. The application shall be submitted by  
7 certified mail and include the following attachments:

*Commented (A1): This clarifies new sign versus reconstructed or repaired sign covered by HB 74.*

- 8 (1) A written lease or written proof of interest in the land where a sign is proposed to be constructed. An  
9 applicant may delete information pertaining to term and amount of lease;
- 10 (2) A right of entry form to provide the right of entry from the property owner or adjacent property owners to  
11 allow DOT personnel to enter upon property when necessary for the enforcement of the Outdoor  
12 Advertising Control Act or these rules;
- 13 (3) If zoned, a written statement from the local zoning authority indicating the present zoning of the parcel and  
14 its effective date. Upon request of the district engineer or designee, engineer, the applicant shall submit  
15 copies of minutes from the appropriate zoning authority pertinent to the zoning action;
- 16 (4) If the area is an unzoned commercial or industrial area, a copy of the documentation confirming that the  
17 requirements under 19A NCAC 02E .0203(5)(a)(i) and (ii) have been met;
- 18 (5) A sign permit or zoning permit, if required by the local government having jurisdiction over the proposed  
19 location;
- 20 (6) A written certification from the sign owner indicating there has been no misrepresentation of any material  
21 facts regarding the permit application, or other information supplied to acquire a permit; and
- 22 (7) The initial nonrefundable permit fee.

23 (b) Any omission of attachments or certification required in Items (1) through (7) in this Rule may cause the rejection of the  
24 application. If the application is incomplete, the entire application package, including application fee, shall be returned to the  
25 applicant.

26 (c) In the instance of the reconstruction of a sign conforming to NCDOT standards as set forth in Rule 0225 of this Section,  
27 the application requirements for a permit addendum are set forth in Rule 0225.

*Commented (A2): A use permit should not be required for reconstruction.*

28 (d) Where an outdoor advertising sign is erected prior to the addition of a route to the interstate or federal-aid primary system  
29 or National Highway System, and because of that addition a NCDOT permit is required to maintain the sign, the sign owner  
30 shall submit attachments (1), (2), (6) and (7) in subsection (a) above. The sign owner shall also submit proof of a current  
31 zoning map showing the site or, if unzoned, documentation confirming that the requirements of Rule 0203(5)(a)(i) and (ii) are  
32 met.

*Commented (A3): In this instance, the signs may have been in place for decades. Over those years, signs may have been sold at various times and original files lost, misplaced or simply not transferred. In any event, historical documentation of zoning, or building permits, at time of original erection is not necessarily readily available, even from the government. If the applicant submits a copy of the current zoning map, that should be enough. Any intentionally false statement will subject the applicant to possible revocation penalties.*

34 **History Note:** Authority G.S. 136-130;  
35 Eff. July 1, 1978;  
36 Amended Eff. MONTH 1, 2014; August 1, 2010; November 1, 1993; December 1, 1990; June 15, 1981.  
37

1 19A NCAC 02E .0207 is amended without notice pursuant to G.S. 150B-21.5(a)(2) as follows:

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3 **19A NCAC 02E .0207 FEES AND RENEWALS**

4 (a) Initial and annual renewal fees shall be paid by the sign owners for each permit requested in order to defer the costs of the  
5 administrative and inspection expenses incurred by the Division of Highways of the Department of Transportation in  
6 administering the permit procedures. Fees shall also be paid for any addendum to an existing permit applied for pursuant to  
7 Rule .0225 or Rule .0226 in this Section.

8 (b) An initial nonrefundable fee of one hundred and twenty dollars (\$120.00) per outdoor advertising structure shall be  
9 submitted with each permit application and an annual nonrefundable renewal fee of sixty dollars (\$60.00) per sign structure  
10 shall be paid by the sign owners on or before April 15 of each year to the appropriate district ~~engineer or designee~~, engineer.  
11 Sign owners must return the information required under Paragraph (c) of this Rule with their annual renewal fees. A  
12 nonrefundable fee of sixty dollars (\$60.00) shall be paid with each application for an addendum to an existing permit  
13 referenced above.

14 (c) The Division of Highways of the Department of Transportation shall send an invoice for the annual renewal fee to each  
15 sign owner/permit holder with a valid permit. For a renewal to be approved, the sign owner/permit holder must submit the  
16 signed invoice along with the renewal fee. If requested, the permit holder/sign owner shall provide a valid lease or other proof  
17 of interest in the land where the sign is located. Failure to submit this documentation within 30 days of written request from  
18 the district ~~engineer or designee~~ District Engineer by certified mail will subject the permit to revocation under 19A NCAC 2E  
19 .0210(4).

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21 *History Note: Authority: G.S. 136-130; 136-133;*  
22 *Eff. July 1, 1978;*  
23 *Amended Eff. November 1, 1993; October 1, 1991; December 1, 1990; July 1, 1986;*  
24 *Temporary Amendment Eff. November 16, 1999;*  
25 *Amended Eff. MONTH 1, 2014; August 1, 2000.*  
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Commented [A1]: Not addressed before.

1 19A NCAC 02E .0210 is proposed for amendment as follows:

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3 **19A NCAC 02E .0210 REVOCATION OF OUTDOOR ADVERTISING PERMIT**

4 The appropriate district engineer ~~or designee~~ shall revoke a permit for a lawful outdoor advertising structure based on any  
5 of the following:

- 6 (1) mistake of facts by the issuing ~~District Engineer~~ ~~district engineer or designee~~ for which had the correct  
7 facts been known, he would not have issued the outdoor advertising permit;
- 8 (2) misrepresentations of any facts made by the permit holder or sign owner and on which the ~~District~~  
9 ~~Engineer~~ ~~district engineer or designee~~ relied in approving the outdoor advertising permit application;
- 10 (3) misrepresentation of facts to any regulatory authority with jurisdiction over the sign by the permit  
11 holder or sign owner, the permit applicant or the owner of property on which the outdoor advertising  
12 structure is located;
- 13 (4) failure to pay annual renewal fees or provide the documentation requested under Rule .0207(c) of this  
14 Section;
- 15 (5) failure to construct the outdoor advertising structure except all sign faces within 180 days from the  
16 date of issuance of the outdoor advertising permit;
- 17 (6) a determination upon inspection of an outdoor advertising structure that it fails to comply with the  
18 Outdoor Advertising Control Act or the rules in this Section;
- 19 (7) any alteration of an outdoor advertising structure for which a permit has previously been issued which  
20 would cause that outdoor advertising structure to fail to comply with the provisions of the Outdoor  
21 Advertising Control Act or the rules adopted pursuant thereto;
- 22 (8) alterations to a sign not conforming to NCDOT standards ~~on a nonconforming sign or a sign conforming by~~  
23 ~~virtue of the grandfather clause other than reasonable repair and maintenance as defined in Rule~~  
24 ~~.0225(c).~~ For purposes of this Rule, alterations include:
- 25 (a) enlarging a dimension of the sign facing or raising the height of the sign;
- 26 (b) changing the material of the sign structure's support;
- 27 (c) adding a pole or poles; or
- 28 (d) adding illumination;
- 29 (9) failure to affix the emblem as required by Rule .0208 of this Section or failure to maintain the emblem  
30 so that it is visible and readable from the main-traveled way or controlled route;
- 31 (10) failure to affix the name of the person, firm, or corporation owning or maintaining the outdoor  
32 advertising sign to the sign structure in sufficient size to be visible as required by Rule .0208 of this  
33 Section;
- 34 (11) unlawful destruction or illegal cutting of trees, shrubs or other vegetation within the right-of-way of  
35 any State-owned or State-maintained highway as specified in G.S. 136-133.1(i);
- 36 (12) unlawful use of a controlled access facility for purposes of repairing, maintaining or servicing an  
37 outdoor advertising sign where an investigation reveals that the unlawful violation was conducted

Commented [A1]: Clarifies that HB 74 mandates that local standards are not to be used for existing DOT permitted signs.

1 actually or by design by the sign owner or permit holder, the lessee or advertiser employing the sign,  
2 the owner of the property upon which the sign is located, or any of their employees, agents, or assigns,  
3 including independent contractors hired by any of the above persons; and

4 (a) involved the use of highway right of way for the purpose of repairing, servicing, or  
5 maintaining a sign including stopping, parking, or leaving any vehicle whether attended or  
6 unattended, on any part or portion of the right of way except as authorized by the Department  
7 of Transportation, including activities authorized by the Department for selective vegetation  
8 removal pursuant to G.S. 136-131.1, G.S. 136-131.2 and G.S. 136-133.4. Access from the  
9 highway main travel way shall be allowed only for surveying or delineation work in  
10 preparation for and in the processing of an application for a selective vegetation removal  
11 permit; or

12 (b) involved crossing the control of access fence to reach the sign structure, except as authorized  
13 by the Department, including those activities referenced in Sub-Item (a) of this Item;

14 (13) maintaining a blank sign for a period of 12 consecutive months;

15 (14) maintaining an abandoned, dilapidated, or discontinued sign;

16 (15) a sign that has been destroyed or significantly damaged as determined by Rule .0201(8) and (29) of  
17 this Section;

18 (16) moving or relocating a sign not conforming to NCDOT standards ~~nonconforming sign or a sign~~  
19 ~~conforming by virtue of the grandfather clause which changes the location of the sign as determined by~~  
20 ~~Rule .0201(27) of this Section. as determined by Rule .0201(27) of this Section;~~

21 (17) failure to erect, maintain, or alter an outdoor advertising sign structure in accordance with the North  
22 Carolina Outdoor Advertising Control Act, codified in G.S. 136, Article 11, and the rules adopted  
23 pursuant thereto; and

24 (18) willful failure to substantially comply with all the requirements specified in a vegetation removal  
25 permit if such willful failure meets the standards of G.S. 136-133.1(i) as specified in G.S. 136-  
26 133.4(e).

27  
28 *History Note: Authority G.S. 136-93; 136-130; 136-133; 136-133.1(i); 136-133.4(e);*

29 *Eff. July 1, 1978;*

30 *Amended Eff. August 1, 2010; May 1, 1997; November 1, 1993; March 1, 1993; October 1, 1991;*  
31 *December 1, 1990;*

32 *Temporary Amendment Eff. March 1, 2012;*

33 *Amended Eff. MONTH 1, 2014; November 1, 2012.*

Commented (A2): Clarifies that HB 74 mandates that local standards are not to be used for existing DOT permitted signs. Also the definition of "location" should be reinstated.

1 ~~DO YOU HAVE CHANGES TO THIS ONE?~~

2

3 19A NCAC 02E .0224 SCENIC BYWAYS

4 (a) Outdoor advertising is prohibited adjacent to any highway designated as a scenic byway by the Board of Transportation  
5 after the date of the designation as scenic, regardless of the highway classification, except for outdoor advertising permitted in  
6 G.S. 136-129 (1), (2), (2a) or (3).

7 (b) All lawfully erected outdoor advertising signs adjacent to a Scenic Byway that is on a controlled route for outdoor  
8 advertising shall become signs not conforming to NCDO1 standards nonconforming signs and shall be subject to a|  
9 applicable outdoor advertising regulations provided in 19A NCAC 02E.0200. Any sign erected on a controlled route adjacent  
10 to a Scenic Byway after the date of official designation shall be an illegal sign as defined in G.S. 136-128 and G.S. 136-134.

Commented [A1]:

11 (c) Permits shall not be required for signs adjacent to scenic byways which were not on a controlled route for outdoor  
12 advertising. The department shall maintain an inventory of signs that were in existence at the time the route was designated a  
13 Scenic byway. Any sign erected after its designation as a Scenic Byway, except for outdoor advertising permitted in G.S.  
14 136-129(1), (2), or (3), shall be an illegal sign as defined by G.S. 136-128 and G.S. 136-134.

15 (d) Outdoor advertising signs adjacent to Scenic Byways that are not required to obtain permits are nonetheless governed by  
16 the rules in this section.

17

18 *History Note: Authority G.S. 136-129.2;*

19 *Eff. August 1, 2000.*

20

1 19A NCAC 02E .0225 is proposed for amendment as follows:

2  
3 19A NCAC 02E .0225 REPAIR/MAINTENANCE/ALTERATION OF CONFORMING SIGNS  
4 CONFORMING TO NCDOT STANDARDS

5 (a) Signs may not be serviced from or across the right of way of interstates and fully controlled access primary routes  
6 freeways or from or across controlled access barriers or fences of controlled routes. Prior to or within sixty (60) days of  
7 commencement of the below described reconstruction activity, ~~the sign owner shall submit an request for an addendum to~~  
8 ~~the existing NCDOT permit on~~~~An application for an outdoor advertising alteration permit shall be made on NCDOT form~~  
9 OA-1A, which may be obtained at any District Office or the NCDOT website. Notification to NCDOT is required in the form  
10 of an addendum request in the event a sign is reconstructed so that any of the following occurs: (i) the height of the sign is  
11 increased in compliance with NCDOT standards; (ii) the pole materials are changed; (iii) automatic changeable copy is  
12 installed; or (iv) the sign is changed from a multipole to a monopole.

13 (b) Signs conforming to NCDOT standards may be altered within the limits of the rules in this Section.

14 (1) A conforming sign that has been destroyed or significantly damaged may be reconstructed within the limits  
15 of the rules in this Section by notifying the district engineer in writing of any substantial changes that would  
16 affect the original dimensions of the initial permit application.

17 (2) Conforming sign structures may be reconstructed so long as the reconstruction does not conflict with any  
18 applicable state, state or federal or local rules, regulations or ordinances.

19 ~~(3) A nonrefundable permit fee is required with the request for an addendum application.~~

20 ~~(4) The alteration of a conforming outdoor advertising structure shall not commence until a permit has been~~  
21 ~~issued. The outdoor advertising structure except all sign faces must be completely reconstructed and~~  
22 ~~erected within 180 days from the date of the issuance of the addendum to the permit. If the outdoor~~  
23 ~~advertising structure except sign faces is not reconstructed within 180 days of issuance of the addendum to~~  
24 ~~the permit then any intervening rule change shall apply to the sign structure. During the 180 day period, the~~  
25 ~~altered outdoor advertising structure shall be considered in existence for the purpose of spacing of adjacent~~  
26 ~~signs.~~

27 (c) ~~Alteration to a nonconforming sign or sign conforming by virtue of the grandfather clause is prohibited. Reasonable~~  
28 ~~repair and maintenance are permitted including changing the advertising message or copy. The following activities are~~  
29 ~~considered to be reasonable repair and maintenance:~~

30 (1) ~~Change of advertising message or copy on the sign face;~~

31 (2) ~~Replacement of border and trim;~~

32 (3) ~~Repair and replacement of a structural member, including a pole, stringer, or panel, with like material;~~

33 (4) ~~Alterations of the dimensions of pointed bulletins incidental to copy changes; and~~

34 (5) ~~Any net decrease in the outside dimensions of the advertising copy portion of the sign but if the sign face~~  
35 ~~or faces are reduced they may not thereafter be increased beyond the size of the sign on the date it became~~  
36 ~~nonconforming.~~

Commented [A1]: Before, whenever a sign was repaired or altered, a new permit was not required and notice was only required if the size of the advertising space was increased. See below regarding "substantial changes that would affect the original dimensions of the initial permit application." Not every act of altering should trigger notice to the NCDOT and some level of administrative review with corresponding fees. This draft language is a suggestion of the types of activities that would trigger the need for an "addendum". Form OA-1A needs to match this Section. Since it is well-established that any change arising from reconstruction must comply with NCDOT standards as to height, size, spacing, etc, then there is no need to wait on NCDOT approval in advance. This is simply a notification mechanism. An addendum, rather than a new permit, is in keeping with the ministerial check-off of this activity.

Commented [A2]: Local rules should be deleted pursuant to HB 74.

Commented [A3]: Recommendation is the verb used in HB 74.

1 (d) The addition of lighting or illumination to existing nonconforming signs or signs conforming by virtue of the grandfather  
2 clause is specifically prohibited as reasonable maintenance; however, such lighting may be permanently removed from such  
3 sign structure.

4 (e) A nonconforming sign or sign conforming by virtue of the grandfather clause may continue as long as it is not abandoned,  
5 destroyed, discontinued, or significantly damaged.

6 (f) When the combined damage to the face and support poles appears to be significant, as defined in 10A-NCAC 02E  
7 .0201(29), the sign owner may request the Department to review the damaged sign, including salvageable sign components,  
8 prior to repairs being made. Should the sign owner perform repairs without notification to the Department, and the  
9 Department later determines the damage is greater than 50% of the combination of the sign face and support pole(s), the  
10 permit may be revoked. To determine the percent of damage to the sign structure, the only components to be used to calculate  
11 this value are the sign face and support pole(s). The percent damage shall be calculated by dividing the unsalvageable sign  
12 components by the original sign structure component quantities, using the following criteria:

13 (1) Outdoor Advertising on Wooden Poles: The percentage of damage attributable to poles shall be 50% and  
14 the percentage of damage attributable to sign face shall be 50%;

15 (2) Outdoor Advertising on Steel Poles or Beams: The percentage of damage attributable to poles shall be  
16 80% and the percentage of damage attributable to sign face shall be 20%; and

17 (3) Outdoor Advertising on Monopoles: The percentage of damage attributable to poles shall be 50% and the  
18 percentage of damage attributable to sign face shall be 20%.

19  
20 *History Note: Author's G.S. 136-131.2; 136-130; 136-49.5H;*

21 *Eff. August 1, 2000;*

22 *Amended Eff. MONTH 1, 2014; August 1, 2000.*

23

1 19A NCAC 02E .0226 is proposed for amendment as follows:

2  
3 **19A NCAC 02E .0226 ORDER TO STOP WORK ON UNPERMITTED OUTDOOR ADVERTISING**  
4 **REPAIR AND MAINTENANCE OF NON-CONFORMING SIGNS NOT**  
5 **CONFORMING TO NCDOT STANDARDS**

6 (a) Alteration to a sign not conforming to NCDOT standards, nonconforming sign is prohibited, unless the nonconformity is  
7 eliminated as a result of such alteration. Reasonable repair and maintenance are permitted including changing the advertising  
8 message or copy. The following activities are considered to be reasonable repair and maintenance:

- 9 (1) Change of advertising message or copy on the sign face;
- 10 (2) Replacement of border and trim;
- 11 (3) Repair and replacement of a structural member, including a pole, stringer, or panel, with like material;
- 12 (4) Alterations of the dimensions of painted bulletins incidental to copy change; and
- 13 (5) Any net decrease in the outside dimensions of the advertising copy portion of the sign; but if the sign face  
14 or faces are reduced they may not thereafter be increased beyond the size of the sign on the date it became  
15 nonconforming.

16 (b) The addition of lighting or illumination to existing sign not conforming to NCDOT standards, nonconforming signs is  
17 specifically prohibited as reasonable maintenance; however, such lighting may be permanently removed from such sign  
18 structure.

19 (c) A nonconforming sign not conforming to NCDOT standards may continue as long as it is not abandoned, destroyed,  
20 discontinued, or significantly damaged.

21 (d) When the combined damage to the face and support poles appears to be significant, as defined in 19A NCAC 02E  
22 .0201(28), the sign owner may request the Department to review the damaged sign not conforming to NCDOT standards,  
23 including salvageable sign components, prior to repairs being made. Should the sign owner perform repairs without  
24 notification to the Department, and the Department later determines the damage is greater than 50% of the combination of the  
25 sign face and support pole(s), the permit may be revoked. To determine the percent of damage to the sign structure, the only  
26 components to be used to calculate this value are the sign face and support pole(s). The percent damage shall be calculated by  
27 dividing the unsalvageable sign components by the original sign structure component quantities, using the following criteria:

- 28 (1) Outdoor Advertising on Wooden Poles: The percentage of damage attributable to poles shall be 50% and  
29 the percentage of damage attributable to sign face shall be 50%;
- 30 (2) Outdoor Advertising on Steel Poles or Beams: The percentage of damage attributable to poles shall be  
31 80% and the percentage of damage attributable to sign face shall be 20%; and
- 32 (3) Outdoor Advertising on Monopoles: The percentage of damage attributable to poles shall be 80% and the  
33 percentage of damage attributable to sign face shall be 20%.

34  
35 (e) If outdoor advertising is under construction and the Department determines that a permit has not been issued for the  
36 outdoor advertising as required under the provisions of this Chapter, the District Engineer may require that all work on the  
37 sign cease until the sign owner shows that the sign does not violate the provisions of this chapter. The order to cease work

Commented [A1]: This is consistent with HB 74 to clarify that local rules are not to be applied to existing DOT permitted signs.

Commented [A2]: Example: Sign is taller than 50 feet and therefore not conforming to DOT standards. If rebuilt so that the sign is less than 50 feet, this should be allowed. This would really clarify and encourage bringing signs into compliance with NCDOT standards.

Commented [A3]: This is consistent with HB 74 to clarify that local rules are not to be applied to existing signs.

Commented [A4]: This is consistent with HB 74 to clarify that local rules are not to be applied to existing signs.

Commented [A5]: This is consistent with HB 74 to clarify that local rules are not to be applied to existing signs.

1 shall be in writing and prominently posted on the outdoor advertising structure, and no further notice of the stop work order is  
2 required. The failure of a sign owner to comply immediately with the stop work order shall subject the outdoor advertising  
3 structure to removal by the Department of Transportation or its agent.

4 (b) For purposes of this rule only, outdoor advertising is under construction when it is in any phase of construction prior to  
5 the attachment and display of the advertising message in final position for viewing by the traveling public.

6 (c) The cost of removing outdoor advertising by the Department of Transportation or its agents shall be assessed against the  
7 sign owner.

8 (d) No stop work order may be issued when the Department of Transportation process agent has been served with a court  
9 order allowing the sign to be constructed. The District Engineer shall consult with the Outdoor Advertising coordinator to  
10 determine whether such an order has been served on the Department.

11

12 *History Note: Authority G.S. 136-130; 136-133;*  
13 *Temporary Adoption Eff. November 16, 1999;*  
14 *Eff. MONTH 1, 2014; August 1, 2000.*

15

16

Writer's Extension: 2404  
Writer's Facsimile: 828-267-2773  
Writer's E-mail: [cjustus@vwlawfirm.com](mailto:cjustus@vwlawfirm.com)

October 24, 2014

Via email and mail

Richard E. Greene, Jr.  
NCDOT - Division of Highways  
1536 Mail Service Center  
Raleigh, NC 27699-1536  
[rgreene@ncdot.gov](mailto:rgreene@ncdot.gov)

Scott Capps  
NCDOT  
1566 Mail Service Center  
Raleigh, NC 27699-1566  
[scapps@ncdot.gov](mailto:scapps@ncdot.gov)

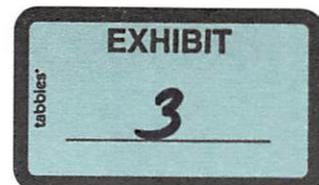
**RE: House Bill 74 and Rule Making**

Dear Ricky and Scott:

On behalf of my client, the North Carolina Outdoor Advertising Association ("NCOAA"), I wanted to thank you for the meeting that we had in Raleigh on October 14, 2014. As you know, the purpose of that meeting was to see if the Department of Transportation and the NCOAA could "get on the same page" with implementation of House Bill 74's allowances addressing modernization of outdoor advertising. At our meeting, we went over the issues presented in and material included with my August 22, 2014 letter (with exhibits) to Ricky as well as my December 23, 2103 letter to Roy Grasse. Here are some of the major points that I took away from the meeting:

1. You agree that submitting an "addendum" to permit is a proper course to follow whenever a sign owner seeks to modernize his billboard, rather than having to obtain a new DOT permit.
2. You agree that the following actions taken by sign owners for billboards conforming to DOT standards (not necessarily local) would be authorized by HB 74 and would not trigger any enforcement action by the DOT:
  - a. Reconstructing a billboard by swapping out wooden poles for steel poles;
  - b. Reconstructing a sign by replacing multi poles with a mono pole; and
  - c. Increasing the height of a sign.

Until an "addendum" process is in place in a new set of rules, my clients will use the process of notification outlined in my October 4, 2013 letter to Roy Grasse and Jon Nance that was included as an exhibit to the above August 22, 2014 letter.



Richard E. Greene, Jr.

October 24, 2014

Page 2

3. Consistent with No. 2 above, you would work on rewriting the rules to clear up inconsistencies dealing with the use of the term "nonconforming sign" to match up with HB 74's directive that local standards are not relevant to the repair and reconstruction of DOT-permitted signs, including the activities described above. As you know, we have suggested that you use the phrases "sign conforming to NCDOT standards" or "sign not conforming to NCDOT standards".
4. You intend to keep in place the reference to "nonconforming signs" in the rules dealing with digital, which allows local standards to continue to apply.
5. You would consider a clarification that would allow a "sign conforming to NCDOT standards" to be relocated anywhere on the same "lot" (same landowner) without having to seek a new permit. If necessary, the addendum approach mentioned above might be employed. As we discussed, allowing more room to relocate by express allowances in the rules will potentially lead to more resolutions in condemnation actions.

Several of my clients have expressed the strong desire to carry out the modernization benefits of HB 74. More than likely, you will see in the short term an increase in these endeavors. While you continue to work on the rules, my folks will rely in the meantime on the assurances provided by you that the above activities described in No. 2 above will not receive any resistance or negative response from the DOT. Because it takes a significant outlay of money, time and/or labor to modernize a sign and because local government resistance may be common place (despite the clear language of HB 74), it is important to know that we are "on the same page" with DOT.

Again, I thank you for the meeting we had. Once you complete a draft set of new rules, we would appreciate the opportunity for review and feedback (and perhaps another meeting) before they are filed for public comment.

If you have any questions, please feel free to contact my office.

Sincerely,  
VAN WINKLE, BUCK, WALL,  
STARNES AND DAVIS, P.A.

*Craig D. Justus*  
(Electronically Signed)  
Craig D. Justus

cc: Client - via email  
Ebony Pittman, Esq. - via email - [epittman@ncdoj.gov](mailto:epittman@ncdoj.gov)  
Roy T. Grasse - via email - [rgrasse@ncdot.gov](mailto:rgrasse@ncdot.gov)  
DMS4821-7834-1782-1|32783-32783-0007|10/23/2014



THE  
VAN WINKLE  
LAW FIRM

Writer's Extension: 2404  
Writer's Facsimile: 828-257-2773  
Writer's E-mail: [cjustus@vwlawfirm.com](mailto:cjustus@vwlawfirm.com)

May 12, 2015

Via email and mail

Scott Capps  
NCDOT  
1566 Mail Service Center  
Raleigh, NC 27699-1566  
[scapps@ncdot.gov](mailto:scapps@ncdot.gov)

**RE: I-95 Billboard in the Town of Benson; State Permit No. I-095-051034  
("Billboard")**

Dear Scott:

I hope you are doing well. As you probably know, my firm represents Capital Outdoor Advertising ("Capital"). As a follow up to my October 24, 2014 correspondence to you and to Ricky Greene<sup>1</sup>, a copy of which is attached hereto, I wanted to notify you on behalf of Capital that my client is in the process of reconstructing the above referenced Billboard located in the Town of Benson in order to increase its height, not to exceed the NCDOT standards of fifty (50) feet.

We believe that the Billboard conforms to NCDOT/State standards. As you know, Capital does not intend to use HB 74 to modify signs that are not conforming to DOT standards unless the modification cures the nonconformity. At our meeting last year in Raleigh, we all acknowledged that the federal Highway Beautification Act and the corresponding federal-state agreement establishes a minimum floor of standards for controlling outdoor advertising along interstates and federal aid primary highways. States can choose to be more restrictive. In our case, the North Carolina General Assembly has chosen to allow DOT-permitted billboards to be repaired and/or reconstructed without adherence to local standards, which still preserves the "floor" referenced above.

As indicated in my October 24, 2014 letter, we understand that the above activity is authorized by the House Bill 74 legislation and that your office would agree that such action would not trigger any enforcement by the NCDOT.

---

<sup>1</sup> As you know, I have on behalf of several outdoor advertising clients previously submitted this same type of notice of modernization activities so that your Department could update its records.



Scott Capps  
May 12, 2015  
Page 2

The notice provided for herein is consistent with the process of notification outlined in my October 4, 2013 letter to Roy Grasse and Jon Nance, my August 22, 2014 letter to Ricky Greene and my above mentioned October 24<sup>th</sup> letter.

If you have any questions, please do not hesitate to contact me at your earliest convenience.

Sincerely,  
VAN WINKLE, BUCK, WALL,  
STARNES AND DAVIS, P.A.  
*Craig D. Justus*  
(Electronically Signed)  
Craig D. Justus

CDJ/ca

cc: Client - via email  
Ebony Pittman. Esq. - via email - [epittman@ncdoj.gov](mailto:epittman@ncdoj.gov)  
Richard E. Greene, Jr. - via email - [rgreene@ncdot.gov](mailto:rgreene@ncdot.gov)  
Roy Grasse, NCDOT Outdoor Advertising Coordinator - [rgrasse@ncdot.gov](mailto:rgrasse@ncdot.gov)  
DMS:4846-6668-3363v1|33285-33288-0008|5/11/2015



THE  
VAN WINKLE  
LAW FIRM

Writer's Extension: 2404  
Writer's Facsimile: 828-255-0255  
Writer's E-mail: [cjustus@vwlawfirm.com](mailto:cjustus@vwlawfirm.com)

March 25, 2019

Via email and mail

Marc Morgan, P.E.  
615 Concord Road (NC 73)  
Albemarle, NC 28001  
[mmorgan@ncdot.gov](mailto:mmorgan@ncdot.gov)

Roy Grasse  
1567 Mail Service Center  
Raleigh, NC 27699  
[rgrasse@ncdot.gov](mailto:rgrasse@ncdot.gov)

RE: Lamar Outdoor Advertising - Outdoor Advertising Sign Along NC 24/27

Dear Marc and Roy:

As you know, I represent Lamar. I am writing to you concerning your letter dated February 28, 2019 wherein you provide the requisite 30 days-notice prior to revocation of Lamar's outdoor advertising permit under 19 NCAC 2E 0212. In your letter, you claim that my client's billboard along US 24/27 ("Sign") in Stanley County was illegally erected adjacent to a scenic byway.

As you know, Lamar possesses a State permit for the Sign (NC024 084020). You acknowledge that in your letter since the point of your letter is to provide notice "prior" to permit revocation. Most of your letter is truly a head-scratcher. In order to accommodate a North Carolina Department of Transportation ("DOT") road widening project, the Sign was relocated within the same "sign location/site" as defined in 19 NCAC 2E .0201(27)(i.e. 1/100 mile) ("Site"). This effort to mitigate damages associated with a State project by relocating straight back off the newly proposed right-of-way is a common occurrence all over the State; a time-honored practice going at least as far back as I have been practicing law (more than 25 years). It is one way for the outdoor advertiser to preserve an asset, especially a nonconforming one, while reducing expenditures of public funds normally triggered by condemnation. Now, after years and years of precedent, you claim this act of relocation is illegal. This surprising determination by you smacks in the face of decades and decades worth of the same or similar examples without the consequence of permit revocation, is contrary to unambiguous DOT rules on the topic, and conflicts with prior rulings from the North Carolina Secretary of Transportation.

19 NCAC 2E .0210(16) states that a DOT permit shall be revoked if a *nonconforming sign* is moved or relocated so as to change the location of the sign as defined by .0201(27) referenced above. The flip to this is that it is perfectly legal to move a sign, even a nonconforming one, within the same permitted address.

19 NCAC 2E .0224(b) provides that all "lawfully erected outdoor advertising signs adjacent to a Scenic Byway" shall be considered "nonconforming signs and shall be subject



Marc Morgan  
Roy Grasse  
March 25, 2019  
Page 2

to all applicable outdoor advertising regulations provided in 19A NCAC 02E .0200.”<sup>1</sup> In this case, the Sign was, again, relocated on the same Site, which is recognized as a permitted activity under 19 NCAC 2E .0210(16).

You mention G.S. 136-129.2 and G.S. 136-134 in your letter. Those statutes speak to signs “erected” in a manner contrary to the North Carolina Outdoor Advertising Control Act (“OACA”) or DOT rules promulgated to enforce same. In G.S. 136-128 of the OACA, the term “erect” “means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.” The key here is that the verbs mentioned do not include “relocate”, “reconstruct” or “reestablish.” The Sign was already existing, established and permitted on the Site. Rather than creating a new sign at a new location, the Sign was simply moved.

Consistent with the distinction between creating a new sign at a new location and activities associated with maintaining or operating an existing sign, G.S. 136-133 requires a person to obtain a State permit only for the former. Long ago, the Sign was lawfully erected on the Site. Lamar possesses a DOT permit for the Sign; Lamar does not need a new permit. The act of relocation has NEVER required a new permit or permission so long as the outdoor advertising sign is moved within the boundaries of the same “sign location/site”. Therefore, relocation has never been considered by the DOT as an act of “erection.” If it had, a new OA-1 permit application would have historically been part of the mix. It has not been.<sup>2</sup>

The fact that relocation does not trigger a new permit has been acknowledged in multiple communications and meetings between the outdoor advertising industry and DOT over the years. Attached as Exhibits “1”, “2”, “3”, “4” and “5” are a sampling of communications memorializing the long-standing position of the DOT that the act of relocation on the same “sign location/site” does not require a new permit. The Sign’s nonconforming nature does not change that outcome. The maintenance or operation of that Sign, even if it is nonconforming, included the right to relocate on the same Site; there is no other way to read 19 NCAC 2E .0210(16).

Attached as Exhibit “6” is a 2007 ruling from Lyndo Tippett, then North Carolina Secretary of Transportation, in a case involving an appeal from a District Engineer’s decision to revoke a permit based on moving a billboard on the same “sign location/site”.

---

<sup>1</sup> The Sign meets the standards imposed in the Federal-State agreement implementing the federal Highway Beautification Act.

<sup>2</sup> The undersigned is aware that there are draft DOT rule amendments to require a permit every time a sign is altered- which would include relocation. The very fact that the DOT rules may be changed to require a permit for that event supports the notion that heretofore a permit was not required.

Marc Morgan  
Roy Grasse  
March 25, 2019  
Page 3

The Rink Media sign in question, located ironically in Stanley County, was nonconforming due to agricultural zoning. Like this case, Rink Media's nonconforming sign was moved to accommodate a State highway project. Secretary Tippett ruled against the District Engineer and required permit reinstatement based on the plain language of 19 NCAC 2E .0210(16) that provided the outdoor advertiser with the right to relocate. It is interesting to note the following finding in Secretary Tippett's opinion:

It is DOT's practice to allow a nonconforming sign structure removed as a result of a highway project, to be moved within the same sign location as specified on the permit application. As applied, a sign structure may be moved up to 52.8 feet (26.4 feet left or right) back on the same property, without changing its location.

In light of the above clear precedent and unambiguous DOT rules, you must not revoke Lamar's permit. Such revocation would justify an award of attorney's fees to my client under G.S. 6-19.1 as well as any damages associated with a taking of Lamar's property.

The DOT should be thankful a new spot on the same "sign location/site" was reasonably available so as to minimize any just compensation impact associated with widening NC 24/27. In fact, there should be no excuse to hold up State relocation assistance funding since the act complained of is expressly allowed by DOT rules.

I look forward to hearing from you. I have copied Ebony Pittman with this letter. We hope to resolve this matter amicably and expeditiously.

Sincerely,  
VAN WINKLE, BUCK, WALL,  
STARNES AND DAVIS, P.A.  
*Craig D. Justus*  
(Electronically Signed)  
Craig Justus

CDJ/ca  
Enclosures  
Cc: Ebony Pittman - via email  
Client - via email

4842-1088-7822, v. 1



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

1501 MAIL SERVICE CENTER, RALEIGH, N.C. 27699-1501

MICHAEL F. EASLEY  
GOVERNOR

RECEIVED

MAR 06 2007

DIVISION ENGINEER TENTH DIVISION

Dist. \_\_\_\_\_ Maint. \_\_\_\_\_

Oper. \_\_\_\_\_ Plan. \_\_\_\_\_

LYNDO TIPPETT  
SECRETARY

February 28, 2007

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Betty S. Waller  
201 Shannon Oaks Circle, Suite 200  
Cary, NC 27511

MAR 06 2007

DEPARTMENT OF TRANSPORTATION  
DISTRICT ENGINEER  
27511

Dear Ms. Waller:

SUBJECT: Appeal of revocation of NCDOT Outdoor Advertising Permit number  
NC024 084010 for Rink Media, Stanly County, NC

This is in response to your October 31, 2006, appeal concerning the revocation  
of subject outdoor advertising permit by District Engineer D. R. Hearne.

Based on the outdoor advertising regulations and state law, my final decision is  
outlined in the attached document.

Sincerely,

  
Lyndo Tippett

LT/sw  
Enclosure

cc: W. S. Varnedoe, P.E., Chief Engineer - Operations  
J. P. Brandenburg, P.E., State Road Maintenance Engineer  
Scott Wheeler, Outdoor Advertising Coordinator  
B. S. Moose, P.E., Division Engineer  
D. R. Hearne, P.E., District Engineer  
Rink Media

PHONE 919-733-2520 FAX 919-733-9150



STATE OF NORTH CAROLINA  
DIVISION 10, DISTRICT 1

IN THE OFFICE OF THE  
SECRETARY OF TRANSPORTATION  
06 OA 008

IN RE: Rink Media )  
APPELLANT, Appeal of Denial of Outdoor ) FINAL DECISION  
Advertising Permit, Stanly County, North Carolina )

This matter was considered by Lyndo Tippett, Secretary of Transportation of the State of North Carolina, pursuant to an appeal dated October 31, 2006, by Rink Media (Appellant) which sought review of a decision by District Engineer D. R. Hearne dated September 8, 2006. Appellant granted Secretary Tippett an additional 30 days in which to render a Final Decision pursuant to N.C. Admin. Code t.19A, s.2E.0213.

#### ISSUES

Issue. Whether the district engineer properly revoked Appellant's permit for an outdoor advertising structure adjacent to NC 24 in Stanly County on property owned by Ruby Almond pursuant to N.C. Admin. Code t.19A, s.2E.0210(16)?

#### EXHIBITS

- A. Letter to Rink Media dated August 4, 2006, from District Engineer D. R. Hearne, notifying of alleged violation of N.C. Admin. Code t.19A, s.2E.0210(16).
- B. Letter to Rink Media dated September 8, 2006, from District Engineer D. R. Hearne, revoking outdoor advertising permit number NC024 084010 based on N.C. Admin. Code t.19A, s.2E.0210(16).
- C. Copy of appeal from Betty Waller, counsel for Rink Media, dated October 31, 2006.
- D. Copy of N.C. Admin. Code t.19A, s.2E.0210, Revocation of Permit.
- E. Copy of N. C. Admin. Code t.19A, s.2E.0201 (27), Definitions (Sign Location /Site)
- F. Copy of Form OA-1, Application for Outdoor Advertising Permit
- G. Letter to Gateway Outdoor (previous owner of subject sign) dated January 25, 2005 from NCDOT Right of Way Agent advising of acquisition of portion of Ruby Almond property.

- H. Letter to Rink Media dated February 2, 2006 from NCDOT Right of Way Agent sending payment for signs to be relocated on NC 24/27 west of Albermarle.
- I. Copy of sketch showing sign location.

### FINDINGS OF FACT

1. Rink Media is the permit holder/sign owner of Permit Number NC024-084010 that is assigned to a billboard located on property owned by Ruby Almond adjacent to NC 24 in Stanly County.
2. The sign structure was erected prior to the enactment of the NC Outdoor Advertising Control Act. The sign structure was permitted on April 6, 1977. At the time the permit was issued, the sign structure was located in an area zoned residential-agricultural. Based on these findings the sign was permitted as a nonconforming sign structure. (Exhibit F)
3. In a letter dated January 25, 2005, Roger L. Lisk, NCDOT Right-of-Way Agent informed Gateway Outdoor Advertising (previous owner of the subject sign) that the DOT had purchased the property on which the sign was located. The letter further informed the sign owner of the need to vacate the premises and remove all personalty from the right-of-way. The DOT informed the sign owner that it would pay \$3950.00 to move the sign structure. (Exhibit G)
4. In accordance with the DOT's request, on December 5, 2005 the nonconforming sign structure was moved.
5. The nonconforming sign structure was moved back less than 52.8 feet (26.4 feet left or right) from where it was previously situated. (Exhibit I)
6. N. C. Admin. Code t.19A, s.2E.0201 (27) provides that "a sign location for purposes of these rules shall be measured to the closest 1/100<sup>th</sup> of a mile, in conformance with Department of Transportation method of measurement for all state roads." As applied and in accordance with DOT policy regarding removing and relocating sign structures due to highway projects, a sign structure may be moved 56 feet back on the same property, without changing its location. (Exhibit E)
7. In a letter dated February 2, 2006 from NCDOT Right of Way Agent, Rink Media was sent the relocation payment for the subject sign structure. (Exhibit H)
8. In a certified letter dated August 4, 2006, District Engineer D. R. Hearne notified Rink Media that sign permit number NC024 084010 was in violation based on N.C. Admin. Code t.19A, s.2E.0210(16). (Exhibit A)

9. N.C. Admin. Code t.19A, s.2E.0210(16) provides that the district engineer shall revoke a permit for a lawful outdoor advertising structure for "moving or relocating a nonconforming sign or a sign conforming by virtue of the grandfather clause which changes the location of the sign as determined by .0201(27) of this section;" (Exhibit D)
10. In a certified letter dated September 8, 2006, District Engineer D. R. Hearne notified Rink Media that sign permit number NC024 084010 was being revoked based on N.C. Admin. Code t.19A, s.2E.0210(16). (Exhibit B)
11. In a letter dated October 31, 2006, Rink Media through legal counsel submitted an appeal to Secretary Tippet where in it contested the revocation of outdoor advertising permit number NC024 084010 ."( Exhibit C)

### CONCLUSIONS OF LAW

1. N. C. Admin. Code t.19A, s.2E.0201 (27) provides that "a sign location for purposes of these rules shall be measured to the closest 1/100<sup>th</sup> of a mile, in conformance with Department of Transportation method of measurement for all state roads."
2. It is DOT's practice to allow a nonconforming sign structure removed as a result of a highway project, to be moved within the same sign location as specified on the permit application. As applied, a sign structure may be moved up to 52.8 feet (26.4 feet left or right) back on the same property, without changing its location.
3. N.C. Admin. Code t.19A, s.2E.0210(16) provides that the district engineer shall revoke a permit for a lawful outdoor advertising structure for "moving or relocating a nonconforming sign or a sign conforming by virtue of the grandfather clause which *changes the location of the sign as determined by .0201(27) of this section;*" (emphasis added)
4. The revocation of the permit was based on the District Engineer's determination that the sign structure had been relocated in a manner which changed the location of the sign.
5. Findings of Facts 3-6 clearly indicate that the relocation of the nonconforming sign structure did not change the sign location, as determined by N. C. Admin. Code t.19A, s.2E.0201 (27), since the nonconforming sign structure was not moved more than 56 feet back on the same property.
6. Based on these findings, the decision to revoke the sign permit was not justified based on N.C. Admin. Code t.19A, s.2E.0210 (16).

**ORDER**

I HEREBY REVERSE the District Engineer's decision to revoke the outdoor advertising permit of Rink Media for permit number NC024 084010 based on N.C. Admin. Code t.19A, s.02E.0210(16) and order that the subject permit be reinstated by the District Engineer within 30 days of the date of this decision.

IT IS FURTHER ORDERED that a copy of this decision be served upon the appellant, Rink Media, and its attorney, by certified mail, return-receipt requested, addressed as follows:

Rink Media  
C/O Douglas Rink  
P. O. Box 405  
Newton, NC 28685

Betty S. Waller  
Waller & Stewart, LLP  
201 Shannon Oaks Circle, Suite 200  
Cary, NC 27511

**NOTICE**

Any party aggrieved by this final decision has thirty (30) days from the receipt of this decision to file a petition for judicial review in accordance with N.C. Gen. Stat. § 136-134.1.

This the 28<sup>th</sup> day of February, 2007.

  
\_\_\_\_\_  
Lyndo Tippet  
Secretary of Transportation

**From:** [cynthia](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Billboards  
**Date:** Wednesday, February 26, 2020 9:35:59 AM

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Please PLEASE care about NOT allowing digitized 50 foot assaults on our aesthetics at the local level. Signed Artist Cynthia Cooke , a resident of wilmington, nc 28411.  
Get [Outlook for Android](#)

**From:** [Dale Evarts](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Comments on NC DOT  
**Date:** Tuesday, March 3, 2020 10:21:54 PM

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To: Hannah B. Jernigan

Hello,

I am writing to oppose the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital billboards and be raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

Instead, I support "Alternative 2" (described on page 6 of the NCDOT Fiscal Note) to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I understand that NCDOT is making this rule change to comply with outdoor advertising modernization amendments enacted during the 2013 General Assembly session and codified as NC General Statutes 136-131.2. However, at the time the language in NCGS 136-131.2 was being debated by the NC House of Representatives, the bill's sponsor, Rep. Tim Moffitt, stated that "the bill is not intended to allow an increase in the size of the sign" and "does not allow digitizing of signs."

Sincerely,

Dale M Evarts  
2205 Pershing St  
Durham, NC 27705  
[dale.evarts@gmail.com](mailto:dale.evarts@gmail.com)  
+1 919 402 6275

3559 Hamstead Court  
Durham, NC 27707  
March 5, 2019

Hannah D. Jernigan  
APA/Rulemaking Program Manager  
N.C. Department of Transportation  
1 South Wilmington St.  
Raleigh NC 27601

Sent via e-mail to: [Rulemaking@ncdot.gov](mailto:Rulemaking@ncdot.gov)

Dear Ms. Jernigan,

I am writing to **OBJECT** to the proposed rule changes that would change NCDOT's outdoor advertising regulations. I especially **OBJECT** to overriding local ordinances and converting existing billboards to digital and raising the height to 50 feet. Here are some points I wish to make:

- Instead of what is proposed by NCDOT, I support Alternate 2 described in the Fiscal Note, as follows:

The second alternate is to further limit activities that industry could do as part of modernization. An example includes restricting companies to modernize from static to digital faces. Some local governments have more stringent rules associated with outdoor advertising regulations including moratoriums on allowing digital billboards. NCDOT considered excluding digital faces as part of modernization. NCDOT chose not to make this exclusion since the state already allows digital billboards and that industry should be allowed to accommodate for technology enhancements.

- I oppose the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height
- NCDOT states that this rule change is being made to comply with outdoor advertising modernization amendments enacted during the 2013 General Assembly session and codified as NC General Statutes 136-131.2. However, at the time the language in NCGS 136-131.2 was being debated by the NC House of Representatives, the bill sponsor, Rep. Tim Moffitt, stated that "the bill is not intended to allow an increase in the size of the sign" and "does not allow digitizing of signs." (Debate of Senate Bill 112 in the NC House on July 11, 2013). Furthermore, Representative Chuck McGrady on the same day offered an amendment to SB112 seeking to remove DOT as an "environmental agency" since the bill's text allowed any environmental agency to preempt all local government regulations, thus

removing all local controls over billboards statewide. Representative Moffitt supported McGrady's amendment, and the amendment passed 112 to 0.

- The original notice published in the North Carolina Register on January 2, 2020 was misleading, because it said the changes to 19A NCAC 02E.0225 were being readopted "without substantive changes." However, the public hearing packet that was published later said these changes were "substantive."
- NCDOT's press release about the February 20 public hearing was vague and did not mention that the rule changes affected billboards, including rule changes that would override local government ordinances.
- The public hearing was held on February 20 even though it was snowing and NCDOT and other officials were telling drivers to be careful and that road conditions could change quickly for the worse.

NCDOT Retweeted

 **Governor Roy Cooper** ✓  
@NC\_Governor

"Predictions are changing quickly, so I urge everyone to be prepared and continue to monitor their local forecast. Now is the time to prepare while the roads are drivable. If snow falls, roads and bridges can quickly become dangerous, so be careful."

[governor.nc.gov/news/governor-...](https://governor.nc.gov/news/governor-...)



6:39 AM · Feb 20, 2020 · [Twitter Media Studio](#)

- A poll of North Carolina voters conducted in May 2019 found that 66 percent were opposed or strongly opposed to taking control of billboards away from local government and 68 percent were opposed or strongly opposed to allowing billboard owners to build more digital billboards. Results are below.

**Q1** State lawmakers have introduced a bill to loosen restrictions on billboards along North Carolina's roads and highways. This bill may take control over billboards from local government and give it to the state government, allowing new billboards to be built in areas where they currently are not allowed. Do you strongly support, somewhat support, somewhat oppose or strongly oppose taking control of billboards away from local government?

<i>Strongly support</i> .....	11%
<i>Somewhat support</i> .....	16%
<i>Somewhat oppose</i> .....	27%
<i>Strongly oppose</i> .....	39%
<i>Not sure</i> .....	7%

**Q2** This bill may allow existing billboard signs to be replaced with electronic digital billboards that can change messaging frequently, adding another distraction for drivers, even in areas where local governments forbid digital billboards. Do you strongly support, somewhat support, somewhat oppose or strongly oppose allowing billboard owners to build more digital billboards?

<i>Strongly support</i> .....	15%
<i>Somewhat support</i> .....	13%
<i>Somewhat oppose</i> .....	26%
<i>Strongly oppose</i> .....	42%
<i>Not sure</i> .....	3%

Please put an ARC GIS map on the NCDOT website showing the location of billboards with an NCDOT permit and whether these billboards are considered conforming or nonconforming by NCDOT.

Thank you for your careful consideration of these comments.

Sincerely,

Dale McKeel  
Board member, Scenic North Carolina

**From:** [Dave Olverson](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Billboard Changes  
**Date:** Thursday, February 27, 2020 5:52:28 PM

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Hi Hannah,

As a current planning student at UNC, I often disagree with my neighbors and NIMBY actions in general. However, when I heard about NCDOT's push to increase the allowable height of billboards and allow them to be digitized, overruling local regulations, I felt the need to email you.

I realize the tradeoff is that the NCDOT could create more revenue streams. However, this would be detrimental to the sense of place and would be one (albeit small) link in a chain that could disrupt the great economic development and immigration to the state. Squeezing a few dollars, but creating an unappealing place to live is not in the best interest of the people of North Carolina.

I support Alternative 2 in this situation. Thank you for your time.

Best,  
Dave

**From:** [David Sices \(david.sices@gmail.com\) Sent You a Personal Message](mailto:david.sices@gmail.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 8:13:16 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

David Sices  
750 Weaver Dairy Rd Apt 140  
Chapel Hill, NC 27514  
[david.sices@gmail.com](mailto:david.sices@gmail.com)  
(919) 918-3530

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**From:** [David Williams \(dmw1nc@aol.com\) Sent You a Personal Message](mailto:dmw1nc@aol.com)  
**To:** [Robbins, Jamille A](mailto:Robbins, Jamille A)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 1:45:24 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

David Williams  
12 Willoughby Run Dr  
Asheville, NC 28803  
[dmw1nc@aol.com](mailto:dmw1nc@aol.com)  
(828) 687-2835

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**From:** [Debbie Burroughs \(debbieburroughs@hotmail.com\) Sent You a Personal Message](mailto:debbieburroughs@hotmail.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 6:04:28 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Debbie Burroughs  
111 Hobbs Acre Dr  
Edenton, NC 27932  
[debbieburroughs@hotmail.com](mailto:debbieburroughs@hotmail.com)  
(252) 482-7769

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**From:** [Debbie Kenyon \(dcjkenyon@aol.com\) Sent You a Personal Message](mailto:dcjkenyon@aol.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 12:37:41 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Debbie Kenyon  
509 Gablefield Ln  
Apex, NC 27502  
[dcjkenyon@aol.com](mailto:dcjkenyon@aol.com)  
(919) 303-6906

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**From:** [Deborah Bailey \(debbett@bellsouth.net\)](mailto:debbett@bellsouth.net) Sent You a Personal Message  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 12:40:54 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Deborah Bailey  
202 Blue Ridge Vis  
Asheville, NC 28805  
[debbett@bellsouth.net](mailto:debbett@bellsouth.net)  
(828) 222-4444

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**From:** [deborah hallam](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Oppose DOT rule change to override local community decisions  
**Date:** Thursday, March 5, 2020 4:23:19 PM

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Dear Hannah B. Jernigan,

I oppose a NC-DOT rule change that would override the local billboard ordinance and override the democratic process with an administrative rule change.

Our community came together on the issue of not allowing digital billboards on the roads and highways in our community.

Large distracting flashing billboards distract drivers' attention, potentially creating an unsafe roadway situation, and disrupt the visual landscape.

I am voicing my strong support for "Alternative 2", to recognize local government ordinances concerning Billboards and limit the changes that could be made to an existing billboard.

Thank you.  
Deborah Hallam  
Durham, NC

**From:** [Deborah Milkowski \(debmilkowski@centurylink.net\)](mailto:debmilkowski@centurylink.net) Sent You a Personal Message  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 3:06:48 PM

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Dear NCDOT Environmental Analysis Unit,

Drivers are already distracted by cell phones and other digital devices. Drivers don't need more distractions. In addition, I want to keep NC highways beautiful - billboards are unattractive to motorists.

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Deborah Milkowski  
573 Deer Run Rd  
New Bern, NC 28562  
[debmilkowski@centurylink.net](mailto:debmilkowski@centurylink.net)  
(252) 571-4330

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**From:** [dpilkington@nc.rr.com](mailto:dpilkington@nc.rr.com)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Rule change for Billboards  
**Date:** Saturday, February 29, 2020 11:01:03 AM

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Dear Ms Jernigan:

I am writing to **oppose** the proposed rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height. I understand this rule would supercede any applicable city or county ordinances.

Instead, I support "Alternative 2" (Page 6 of the NCDOT Fiscal Note) that recognizes local government ordinances and limits changes that could be made to an existing billboard as part of modernization.

I believe billboards are a blight on the beauty of our state, and digital ones also a hazard for drivers.

Thank you.

Deborah Pilkington

[dpilkington@nc.rr.com](mailto:dpilkington@nc.rr.com)

Durham, NC

**From:** [Devon Seltzer \(daikaijutanuki@gmail.com\)](mailto:daikaijutanuki@gmail.com) Sent You a Personal Message  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 8:59:02 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Devon Seltzer  
5856 Old Oak Ridge Rd Apt 1603  
Greensboro, NC 27410  
[daikaijutanuki@gmail.com](mailto:daikaijutanuki@gmail.com)  
(336) 543-4766

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Thomas, Diane](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] NCDOT - Proposed Billboard Rules  
**Date:** Thursday, February 27, 2020 10:48:34 PM

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I am writing because I vehemently **oppose** any rule changes that would make it possible to override local ordinances and permit billboards with a state permit to be raised in height or to be converted to digital (going against local ordinances).

Instead, please support Alternative 2 – which abides by local government ordinances, and limits changes (or modernization) to billboards.

Thank you,

**Diane Thomas**

**Durham, NC 27705**

[dthomas@unch.unc.edu](mailto:dthomas@unch.unc.edu)

----- Confidentiality Notice -----

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**CITY ATTORNEY**  
CITY OF DURHAM

March 5, 2020

Sent via e-mail

[jarobbins@ncdot.gov](mailto:jarobbins@ncdot.gov)

[Rulemaking@ncdot.gov](mailto:Rulemaking@ncdot.gov)

Re: Comments re: NCDOT Proposed Rules Change  
19A NCAC 02E .0201 (5) and (16)

Dear Ms. Robbins and Ms. Landi,

The City of Durham ("City") has reviewed NCDOT's proposed rule changes applicable to the regulation of outdoor advertising. See Draft 19A NCAC 02E .0201 *et. seq.* The City is concerned that NCDOT's proposed revisions to the definitions of "Conforming Sign" and "Nonconforming Sign" in .0201 are not consistent with the definitions of "Nonconforming sign" and "State law" as defined by N.C. Gen. Stat. 136-128 (2a) and (6).

In order to bring the definition of "conforming sign" (19A NCAC 02E .0201(5)) into compliance with N.C. Gen. Stat. 136-128 (2a) and (6) it should either not be revised or it should be revised as follows:

"(5) Conforming Sign: A sign legally erected in a zoned or unzoned commercial or industrial area which that currently meets State law, as defined in N.C. Gen. Stat. 136-128, and all current legal requirements for the Rules of this Section and Article 11 of Chapter 136 of NC General Statutes for erecting a new sign at that site."

In order to bring the definition of "nonconforming sign" (19A NCAC 02E .0201(16)) into compliance with N.C. Gen. Stat. 136-128 (2a) and (6) it should either not be revised or it should be revised as follows:

"(16) Nonconforming Sign: A non-conforming sign sign, as defined in G.S. 136-128(2a), shall include which was lawfully erected but which does not comply with the provisions of State law or rules passed at a later date or which later fails to comply with State law or rules due to changed conditions. [Also includes] a sign legally erected prior to the effective date of the Outdoor Advertising Control Act or prior to the addition of a route to the interstate or federal-aid primary system or National Highway System in a zoned or unzoned commercial or industrial area which does not meet all current State laws, as defined in N.C. Gen. Stat. 136-128, for erecting a new sign at that site. For purposes

of the outdoor advertising rules, nonconforming signs also include those signs which have become nonconforming pursuant to 19A NCAC 02E .1002(d) on scenic byways which were part of the interstate or federal-aid primary highway system as of June 1, 1991, or which are or become a part of the National Highway System.

If you would like to discuss this further, please contact me at 919-354-2752. Thanks for your attention to this matter.

Sincerely,



Donald T. O'Toole  
Deputy City Attorney

**From:** [Donald Bergey \(bergey@wfu.edu\) Sent You a Personal Message](mailto:bergey@wfu.edu)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 5:09:48 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Donald Bergey  
144 Greenvally Rd  
Winston Salem, NC 27106  
[bergey@wfu.edu](mailto:bergey@wfu.edu)  
(336) 765-9748

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**From:** [Donald Harland \(ddharland@bellsouth.net\)](mailto:ddharland@bellsouth.net) Sent You a Personal Message  
**To:** [Robbins, Jamille A](mailto:jamille@nc.gov)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 1:04:58 PM

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Dear NCDOT Environmental Analysis Unit,

I have a large billboard on my property that is easily 50 foot tall. It is ugly and disruptive to the surrounding environment. My billboard has a digital sign that is extremely unsightly at night. People come to North Carolina to experience its natural beauty and to see the trees. People do not come to North Carolina to see billboards!

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, "Alternative 2" described in the agency's fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Donald Harland  
PO Box 2080, 677 N Luther Rd  
Candler, NC 28715  
[ddharland@bellsouth.net](mailto:ddharland@bellsouth.net)  
(828) 665-9247

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**From:** [Donald Houser \(jdhouser489@gmail.com\)](mailto:jdhouser489@gmail.com) Sent You a Personal Message  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Friday, February 28, 2020 10:53:16 AM

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Dear NCDOT Environmental Analysis Unit,

Let the control be where it is and do not destroy the natural beauty of the areas.

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Donald Houser  
199 Cedardale Ct  
Clayton, NC 27520  
[jdhouser489@gmail.com](mailto:jdhouser489@gmail.com)  
(919) 585-2125

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with N.C. Sierra Club. If you need more information, please contact Margaret Lillard at N.C. Sierra Club at [margaret.lillard@sierraclub.org](mailto:margaret.lillard@sierraclub.org) or (919) 833-8467.

**From:** [Donald Smyth \(donaldsmyth@mindspring.com\) Sent You a Personal Message](mailto:donaldsmyth@mindspring.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Sunday, March 1, 2020 4:29:50 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Donald Smyth  
320 Kenmure Dr  
Flat Rock, NC 28731  
[donaldsmyth@mindspring.com](mailto:donaldsmyth@mindspring.com)  
(704) 794-8905

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with N.C. Sierra Club. If you need more information, please contact Margaret Lillard at N.C. Sierra Club at [margaret.lillard@sierraclub.org](mailto:margaret.lillard@sierraclub.org) or (919) 833-8467.

**From:** [Donna Wagoner \(wagoner.donna@gmail.com\) Sent You a Personal Message](mailto:wagoner.donna@gmail.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 2:10:41 PM

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Dear NCDOT Environmental Analysis Unit,

I want to see North Carolina I can be bombarded on tv with advertising

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Donna Wagoner  
1484 Quarry Rd  
Woodleaf, NC 27054  
[wagoner.donna@gmail.com](mailto:wagoner.donna@gmail.com)  
(704) 657-6225

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**From:** [Dorothy Lee \(lee.dort1@gmail.com\) Sent You a Personal Message](mailto:lee.dort1@gmail.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Friday, February 28, 2020 7:12:56 AM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Dorothy Lee  
62 Salem Rd  
Weaverville, NC 28787  
[lee.dort1@gmail.com](mailto:lee.dort1@gmail.com)  
(828) 230-3607

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Doug Franklin \(ldfranklinxx@yahoo.com\) Sent You a Personal Message](mailto:ldfranklinxx@yahoo.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Sunday, March 1, 2020 12:36:02 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Doug Franklin  
195 Downings Creek Ln  
Hayesville, NC 28904  
[ldfranklinxx@yahoo.com](mailto:ldfranklinxx@yahoo.com)  
(828) 389-1027

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with N.C. Sierra Club. If you need more information, please contact Margaret Lillard at N.C. Sierra Club at [margaret.lillard@sierraclub.org](mailto:margaret.lillard@sierraclub.org) or (919) 833-8467.

**From:** [Doug Wingeier \(dcwing@main.nc.us\) Sent You a Personal Message](mailto:dcwing@main.nc.us)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 7:40:06 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Doug Wingeier  
266 Merrimon Avenue  
Asheville, NC 28801  
[dcwing@main.nc.us](mailto:dcwing@main.nc.us)  
(828) 246-4885

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Drew Ball](#)  
**To:** [Robbins, Jamille A](#)  
**Cc:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Modernization of outdoor advertising rules 19A NCAC 02E .0225  
**Date:** Thursday, March 5, 2020 5:41:21 PM

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March 5, 2019

Ms. Jamille Robbins  
NC Department of Transportation - Environmental Analysis Unit  
20301 Mail Service Center  
Raleigh, NC 27699  
Sent via email: [jarobbins@ncdot.gov](mailto:jarobbins@ncdot.gov)  
CC: Hannah B. Jernigan at [Rulemaking@ncdot.gov](mailto:Rulemaking@ncdot.gov)

**Re: Modernization of outdoor advertising rules 19A NCAC 02E .0225**

N.C. Department of Transportation:

On behalf of our nearly 150,000 members and supporters across North Carolina, we write to express our strong opposition to the North Carolina Department of Transportation's (DOT's) proposed changes to the modernization of outdoor advertising rules (19A N.C.A.C. 02E .0225) which would limit the authority of local governments in our state. These proposed rule changes would allow billboards with a state permit to be converted to digital billboards and raised to 50 feet in height, even if local ordinances prohibit such actions. This action would undermine the ability of local governments to determine the appropriate size and type of outdoor advertising within their communities in order to protect public safety, the environment and their viewsheds.

Instead, we support the considered "Alternative 2" described on page 6 of the agency's March 1, 2019, fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

Alternative 2 as described in the fiscal note:

"The second alternate is to further limit activities that industry could do as part of modernization. An example includes restricting companies to modernize from static to digital faces. Some local governments have more stringent rules associated with outdoor advertising regulations including moratoriums on allowing digital billboards. NCDOT considered excluding

digital faces as part of modernization. NCDOT chose not to make this exclusion since the state already allows digital billboards and that industry should be allowed to accommodate for technology enhancements.”

Our goal is to ensure that local governments across our state maintain their ability to regulate billboards, especially taller, digitized billboards that impact the scenic beauty of our state and can be a dangerous distraction to drivers.

Sincerely,

Drew Ball

State Director

Environment North Carolina

19 West Hargett Street, Suite 405

Raleigh, NC 27601

Cell: 336.978.9699

[dball@environmentnorthcarolina.org](mailto:dball@environmentnorthcarolina.org)

**From:** [Ed Harris](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Cc:** [Natasha Marcus](#)  
**Subject:** [External] Rule Change  
**Date:** Wednesday, March 4, 2020 8:43:17 AM

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To: Hannah Jernigan

I am a native North Carolinian and I am adamantly opposed to the proposed "modernization" rule change to allow existing billboards to be converted to digital format and raised in height. These changes are inconsistent with many local ordinances and make our highways less safe due to the glare and distraction they create. Drivers are already overburdened by the distractions of mobile devices, high speed lane changers, NCDOT electronic signs, GIS maps, wrecks and lane closures.

Additional billboard company profits should not come at the expense of public safety.

Ed Harris  
Davidson NC

**From:** [Arton Ragsdale](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] No bigger taller billboards!  
**Date:** Thursday, February 27, 2020 9:08:28 PM

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Please do not force ill conceived laws and take away the ability for local communities to have their own rules and laws concerning outdoor advertising.

If there's one thing we don't need more if in this state it's huge and distracting digital signage. We also don't need the state butting into local decision making in this way. Billboards are dangerous and an eyesore already. We need more restrictions on them not less.

Local ordinances should always be respected in these types of matters.

Thanks for your time,  
Ed Ragsdale, Durham NC

**From:** [Ed Turley \(kagnew6770@gmail.com\) Sent You a Personal Message](#)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 3:27:26 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Ed Turley  
6 Shakespeare Cir  
Black Mountain, NC 28711  
[kagnew6770@gmail.com](mailto:kagnew6770@gmail.com)  
(828) 357-8476

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**From:** [Edith Duff-Loesch \(eduffloesch@gmail.com\)](mailto:eduffloesch@gmail.com) Sent You a Personal Message  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 12:20:59 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Edith Duff-Loesch  
2748 Millbrook Dr  
Greenville, NC 27858  
[eduffloesch@gmail.com](mailto:eduffloesch@gmail.com)  
(941) 376-8466

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**From:** [Elaine McNeill](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Billboards  
**Date:** Thursday, March 5, 2020 4:16:14 PM

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I write to voice my objections to the proposed change to rules affecting billboards. The increase in size and digitizing are troublesome enough but the worst is the idea that local communities would not have control of billboard size and configuration in their area.

I strongly object to the changes.

Elaine McNeill  
1017 Broad Street  
Durham

Sent from my iPhone

**From:** [Elaine Robbins \(elainerobbins535@gmail.com\) Sent You a Personal Message](mailto:elainerobbins535@gmail.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 1:59:28 PM

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Dear NCDOT Environmental Analysis Unit,

We moved to Western North Carolina for its beauty. As we age, we are less and less mobile but can still enjoy our surroundings by car. Please do not deprive us of this great joy.

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Elaine Robbins  
415 Blowhole Rd  
Marshall, NC 28753  
[elainerobbins535@gmail.com](mailto:elainerobbins535@gmail.com)  
(828) 380-1817

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**From:** [Elizabeth Celli \(elicelli@att.net\)](mailto:elicelli@att.net) Sent You a Personal Message  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 2:13:58 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Elizabeth Celli  
407 Legends Way  
Chapel Hill, NC 27516  
[elicelli@att.net](mailto:elicelli@att.net)  
(919) 546-4109

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Elizabeth Cruise \(bcruise1@frontier.com\) Sent You a Personal Message](#)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 4:33:12 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Elizabeth Cruise  
2604 Fairlawn Rd  
Durham, NC 27705  
[bcruise1@frontier.com](mailto:bcruise1@frontier.com)  
(919) 479-8146

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Elizabeth Harris](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] billboard change  
**Date:** Tuesday, March 3, 2020 4:31:05 PM

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**I oppose the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height. DOT should recognize local government ordinances and limit the changes that could be made to an existing billboard.**

**From:** [Robbins, Jamille A](#)  
**To:** [Jernigan, Hannah](#)  
**Cc:** [Putnam, Lauren N](#); [Landi, Helen E](#)  
**Subject:** FW: [External] Please revise proposed digital billboard rule  
**Date:** Wednesday, March 4, 2020 11:55:08 AM

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-----Original Message-----

From: Elizabeth Paley (mom2homer@yahoo.com) Sent You a Personal Message <automail@knowwho.com>  
Sent: Wednesday, March 4, 2020 11:09 AM  
To: Robbins, Jamille A <jarobbins@ncdot.gov>  
Subject: [External] Please revise proposed digital billboard rule

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Elizabeth Paley  
112 W. Lynch St.  
Durham, NC 27701  
mom2homer@yahoo.com  
(919) 956-5896

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with N.C. Sierra Club. If you need more information, please contact Margaret Lillard at N.C. Sierra Club at [margaret.lillard@sierraclub.org](mailto:margaret.lillard@sierraclub.org) or (919) 833-8467.

---

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**From:** [Elizabeth Sweeney](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Billboards  
**Date:** Wednesday, February 26, 2020 10:03:26 AM

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Ms. Jernigan,

As a zoning administrator for the town of Bogue I most definitely oppose the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support a rule to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

*Elizabeth Sweeney, CMC, CZO*

*Town Clerk/ Zoning Administrator*

Town of Bogue

252.393.3055 office

252.764.0845 fax

[www.bogue-nc.org](http://www.bogue-nc.org)

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**From:** [Elizabeth Teague](#)  
**To:** [NCDOT Service Account - Rulemaking](#); [Robbins, Jamille A](#); [bclarke@roberts-stevens.com](mailto:bclarke@roberts-stevens.com); [Jack Debnam](#) ([jack@wcproperties.com](mailto:jack@wcproperties.com))  
**Cc:** [Burch, Brian C](#); [Gibbs, Mark T](#); [Dale McKeel](#)  
**Subject:** [External] Possible rule changes to NCDOT procedures related to signage  
**Date:** Thursday, February 27, 2020 1:57:13 PM  
**Attachments:** [image001.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.jpg](#)

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### To Whom It May Concern:

I believe our North Carolina Highways are something to be proud of. NCDOT's efforts in Divisions 13 and 14 to promote roadway beautification and enhancements, wildflowers, stormwater management, visitor friendly rest areas, and highway safety and roadway improvements are greatly appreciated. A change in NCDOT signage policies would be a detriment to these efforts. I oppose any NCDOT rule change that would override local ordinances and allow billboards with a state permit to be converted to digital signage. I also understand that this possible rule change could raise the height of allowable signage to 50 feet, even if such changes are not allowed by the applicable city or county ordinance.

Economically, this change would be detrimental to Western North Carolina counties and municipalities. Our communities depend much on the beauty of the mountains and the views from our major highways. Our mountain landscape draws in visitors that contribute to our region's tourism sector and the hotels, small businesses and downtowns that depend on them. Allowing digital billboards and increasing the allowable height would impede visitors' views and impact their experience. With the care and ongoing costs that went in to I-40, I-26 and the Great Smoky Mountains Expressway and other State roads, particularly in the way of pull outs for viewsheds, rest areas, and roadway engineering, it would be counter-productive to then introduce signage along these corridors.

Environmentally, the light pollution impacts of digital billboards would not be welcome by our residents. The Town of Waynesville and several other western north Carolina towns enacted rules to protect the night sky. These rules limit the height of parking lot and street lighting, require cut-off and/or directed fixtures in all development, and prohibit digital billboards of any kind within our jurisdiction. This office will get complaints from residents whenever lighting is mis-directed and impacts their residences. Many of our citizens move to this area to get away from urban characteristics - lighting being a significant one.

Additionally, western north Carolina has a variety wildlife that could be impacted by the intrusion of light into certain areas. Many mammals, birds, reptiles and insects are naturally photoperiodic and their growth, development, reproduction, eating and locomotion of these animals depend on the balance between day and night and the introduction of artificial light can be detrimental.

If the rules must change, I ask that you consider "Alternative 2" to at least recognize local government ordinances and limit the changes that could be made to an existing billboard as

part of modernization. Local government is formed to implement and protect the will of its citizenry. Lighting and signage ordinances and policies were adopted on a local basis in response to Comprehensive Land Use Plans, and implemented through local zoning legislation recommended by local planning boards and citizen groups, and adopted by elected officials. In supporting the wishes of outdoor advertising interests, NCDOT would be undermining the past work and will of those who pay property and sales taxes.

Thank you for the opportunity to comment on this possible rule change.

**Elizabeth Teague, AICP, CTP, CFM** | Development Services Director

Town of Waynesville, NC

9 S. Main Street | PO Box 100 | Waynesville, NC 28786

(o) 828.456.2004 | (f) 828.452.1492

[eteague@waynesvillenc.gov](mailto:eteague@waynesvillenc.gov) | [www.waynesvillenc.gov](http://www.waynesvillenc.gov)



**From:** [Elisabeth Wixson \(ewixson@me.com\) Sent You a Personal Message](mailto:ewixson@me.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 1:37:21 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Elisabeth Wixson  
11202 Nevermore Way  
Charlotte, NC 28277  
[ewixson@me.com](mailto:ewixson@me.com)  
(704) 507-7742

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Reckhow, Ellen](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Cc:** [Commissioners](#); ["Dale McKeel"](#); [Young, Patrick](#); ["Wendell Davis \(wdavis@co.durham.nc.us\)"](#)  
**Subject:** [External] Billboard Rules  
**Date:** Thursday, February 27, 2020 8:29:34 AM

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I STRONGLY OPPOSE the rule change that would “override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.” Local control should NEVER be undone by an agency or department rule, that is not responsible or responsive to elected officials who are representing citizens. The citizens of Durham County feel very strongly about this issue.

Thanks for your consideration of my concern.

Ellen Reckhow  
Durham County Commissioner

**From:** [Francis Ellie](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Billboard changes  
**Date:** Thursday, February 27, 2020 6:44:29 PM

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I write to express my objection to rule changes that will allow both 50 ft high billboards and digitized billboards. As a human factors specialist with expertise in vision and driving, I can tell you that is a clearly established principle of driving that billboards are attention grabbers that take drivers' attention away from important aspects of the driving task thereby increasing driver response times and potentially contributing to collisions. Higher billboards are visible along longer portions of the roadway, increasing the amount of time that billboards can distract drivers from the roadway. In addition, digitized billboards are more likely to grab attention as they are more conspicuous than an undigitized the version. At night time, especially for older drivers, they affect light adaptation which has the potential to make roadway objects that are difficult to see even more difficult to see, with a similar result for response times and collisions.

They're a bad idea. Both of these changes make the roadways less safe.

I support "Alternative 2" on page 6 of the NCDOT Fiscal note to recognize local government ordinances.

Regards,  
Ellie L Francis, PhD, OD.

**From:** [Ellyn Kirschner \(ellynkirschner@gmail.com\) Sent You a Personal Message](mailto:ellynkirschner@gmail.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Friday, February 28, 2020 2:01:19 PM

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Dear NCDOT Environmental Analysis Unit,

Thank you for considering my input here. Ellyn Kirschner

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Ellyn Kirschner  
326 Tranquil Ave  
Charlotte, NC 28209  
[ellynkirschner@gmail.com](mailto:ellynkirschner@gmail.com)  
(704) 533-2694

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with N.C. Sierra Club. If you need more information, please contact Margaret Lillard at N.C. Sierra Club at [margaret.lillard@sierraclub.org](mailto:margaret.lillard@sierraclub.org) or (919) 833-8467.

**From:** [Judy Matheny \(hike109@gmail.com\) Sent You a Personal Message](mailto:hike109@gmail.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 3:11:19 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Judy Matheny  
PO Box 55  
Lake Junaluska, NC 28745  
[hike109@gmail.com](mailto:hike109@gmail.com)  
(828) 734-5242

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**From:** [Emergencycycle!](#)  
**Cc:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] OPPOSING BILLBOARD RULE CHANGE  
**Date:** Tuesday, March 3, 2020 8:19:23 AM

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I oppose the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance, AND support “Alternative 2” described on page 6 of the NCDOT Fiscal Note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

**From:** [Emily Kissee](#)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External]  
**Date:** Thursday, February 27, 2020 3:02:07 PM

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Dear Mr. Robbins,

I strongly object to the new rule change outlined by the NCDOT to override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support "Alternative 2" described on page 6 of the NCDOT Fiscal Note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

This rule change would not help the average citizen of North Carolina in any way. Digital billboards are a distraction for drivers and threaten the scenic character of our state. The only people that would be positively impacted by this rule are a very small minority of advertisers. The NCDOT should be looking out for the average citizen of NC and protecting our state's scenic beauty, just as they do with the roadside wildflower program and other similar initiatives. Our state's beauty is our most valuable resource.

Thank you,

Emily Kissee

**From:** [Eric Ridenour](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Cc:** [Paige Dowling](#)  
**Subject:** [External] Fwd: FW: [ncplan] Proposed NCDOT Rule Change for Billboards - Comment by March 5  
**Date:** Wednesday, February 26, 2020 12:42:44 PM

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Dear Ms. Jernigan,

I am town attorney for the Town of Sylva. Our Planning Director, John Jeleniewski, forwarded the following email from the listserv regarding the proposed changes to billboard sign materials and heights. The Town of Sylva first enacted its zoning Ordinances in 1998. Since that time, the Town has spent tens of thousands in enforcing its business sign size and height ordinance and enforcing its ordinance on billboard locations, material and aesthetics. Further, the local businesses have spent hundreds of thousands replacing and complying with such ordinances.

Sylva is a beautiful little mountain town largely dependent on tourism. If the DOT were to override the Town of Sylva's billboard ordinance regarding materials, size and height, such revision would destroy the beautiful traffic corridors that the municipality and its businesses have worked so hard, at substantial cost, to protect. In the event that such Rule change is likely, please advise if there is a process by which the Town of Sylva can apply to be exempt from such change.

Thank you,

Eric Ridenour  
RIDENOUR & GOSS, PA  
21 Colonial Sq.  
PO Box 965  
Sylva, NC 28779  
(828) 586-3131  
(828) 586-3763 (fax)  
[www.sylvalawyers.com](http://www.sylvalawyers.com)

----- Forwarded message -----

From: **John Jeleniewski** <[johnjeleniewski@jacksonnc.org](mailto:johnjeleniewski@jacksonnc.org)>  
Date: Wed, Feb 26, 2020 at 7:59 AM  
Subject: FW: [ncplan] Proposed NCDOT Rule Change for Billboards - Comment by March 5  
To: Paige R. Dowling <[townmanager@townofsylva.org](mailto:townmanager@townofsylva.org)>, Eric Ridenour <[eric@sylvalawyers.com](mailto:eric@sylvalawyers.com)>, Lynda Sossamon <[mayor@townofsylva.org](mailto:mayor@townofsylva.org)>

FYI Below.....Please read.

**John Jeleniewski, CZO, CET, CST**

**Senior Planner**

**Jackson County Planning Department**

email: [johnjeleniewski@jacksonnc.org](mailto:johnjeleniewski@jacksonnc.org)

website: <https://www.planning.jacksonnc.org>

Phone: 828-631-2282

**From:** [dale.mckeel@gmail.com](mailto:dale.mckeel@gmail.com) <[ncplan@listserv.unc.edu](mailto:ncplan@listserv.unc.edu)>

**Sent:** Wednesday, February 26, 2020 7:56 AM

**To:** NCPlan mailing list <[ncplan@listserv.unc.edu](mailto:ncplan@listserv.unc.edu)>

**Subject:** [ncplan] Proposed NCDOT Rule Change for Billboards - Comment by March 5

The NC Department of Transportation (NCDOT) is proposing a rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

NCDOT states that this rule change is being made to comply with outdoor advertising modernization amendments enacted during the 2013 General Assembly session and codified as NC General Statutes 136-131.2.

However, at the time the language in NCGS 136-131.2 was being debated by the NC House of Representatives, the bill sponsor, Rep. Tim Moffitt, stated that “the bill is not intended to allow an increase in the size of the sign” and “does not allow digitizing of signs.” \*

Yet, now NCDOT is proposing new rules that would allow existing billboards to be digitized and raised in height to 50 feet.

### What You Can Do

Please send comments to NCDOT; suggested comments are below. Comments should be sent to Hannah B. Jernigan at [Rulemaking@ncdot.gov](mailto:Rulemaking@ncdot.gov) **Comments must be sent by March 5, 2020.**

1. Tell NCDOT that you oppose the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.
2. Tell NCDOT that you support “Alternative 2” described on page 6 of the NCDOT Fiscal Note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

### More Information

The impact of the proposed rule change on local government regulatory authority is best understood by reading the NCDOT Fiscal Note, which can be viewed [here](#). The proposed NCDOT Rule Changes can be viewed [here](#).

\* Debate of Senate Bill 112 in the NC House on July 11, 2013. Furthermore, Representative Chuck McGrady on the same day offered an amendment to SB112 seeking to remove DOT as an “environmental agency” since the bill’s text allowed any environmental agency to preempt all local

government regulations, thus removing all local controls over billboards statewide. Representative Moffitt supported McGrady's amendment, and the amendment passed 112 to 0.

Please feel free to contact me if you have questions or would like to discuss.

Dale McKeel

Board Member, Scenic North Carolina

[dale\\_mckeel@yahoo.com](mailto:dale_mckeel@yahoo.com)

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**From:** [Erica Shirts](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Billboards in NC  
**Date:** Friday, February 28, 2020 9:05:53 AM

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Dear NCDOT,

I understand that there may be changes to the local rules about billboard advertising. One thing I love most about where I live is that there aren't a lot of billboards and I can appreciate the beauty of North Carolina. Any billboards completely ruin the natural beauty around us, and actually detract from possible tourism. (I do not like to travel to places with lots of advertising).

I oppose the change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support "Alternative 2" described on page 6 of the NCDOT Fiscal Note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

Thank you for your time,  
Erica Shirts  
Durham resident

**From:** [Erin Carey \(erin.carey@sierraclub.org\)](mailto:erin.carey@sierraclub.org) Sent You a Personal Message  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 12:52:34 PM

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Dear NCDOT Environmental Analysis Unit,

DOT has done such a great job with highway beautification I'm surprised that you would make such a move to blight our roadways. Let municipalities make their own decisions and keep digital billboards off roadways.

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Erin Carey  
5813 Wrightsville Ave Apt 181  
Wilmington, NC 28403  
[erin.carey@sierraclub.org](mailto:erin.carey@sierraclub.org)  
(910) 228-9268

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434 Fayetteville Street  
Suite 1900  
Raleigh, NC 27601  
919-715-4000  
nclm.org

March 4, 2020

N.C. Department of Transportation  
ATTN: Rule Making Coordinator  
1501 Mail Service Center  
Raleigh, NC 27699-1501

To whom it may concern:

The N.C. League of Municipalities (NCLM) is a statewide advocacy organization representing over 540 cities and towns across North Carolina. Due to the presence of state roads in most of these jurisdictions, N.C. municipal officials work closely with N.C. Department of Transportation (NCDOT) personnel in regulating activities in and around the public right-of-way, including regulation of outdoor advertising. These local officials appreciate the opportunity to comment through NCLM on the proposed rules contained in 19A NCAC 02E Section .0201 DEFINITIONS FOR OUTDOOR ADVERTISING CONTROL.

Broadly, this rule contains administrative updates to the existing definitions that apply throughout the entire outdoor advertising rule set. However, municipal officials hold concerns regarding two updates that potentially are not congruent with state statute.

For the first instance, it is important to note that N.C. Gen. Stat. 136-128(6) defines “State law” to include local ordinances or regulations. Local ordinances often regulate alterations and modernization of signs, and the type of alterations allowed at the local level usually hinge on whether a sign is deemed “conforming” or “non-conforming.” Therefore, the definition of “conforming sign” in .0201(5) takes on great importance to local implementation of outdoor advertising ordinances. The proposed changes to the definition include a general reference to state statutes, but in order to eliminate confusion, local officials suggest a reference in the proposed definition to specifically include their local ordinances, rewritten as: “(5) Conforming Sign: A sign legally erected in a zoned or unzoned commercial or industrial area ~~which that~~ currently meets State law, as defined in N.C. Gen. Stat. 136-128, and all current legal requirements for the Rules of this Section and Article 11 of Chapter 136 of NC General Statutes for erecting a new sign at that site.

For the second recommendation—and for the same reasons as listed above—city officials suggest that the proposed definition of “nonconforming sign” in .0201(16) also include a specific reference to the term “State law,” as defined in state statute:

~~“(16) Nonconforming Sign: A non-conforming sign sign, as defined in G.S. 136-128(2a), shall include which was lawfully erected but which does not comply with the provisions of State law or rules passed at a later date or which later fails to comply with State law or rules due to changed conditions. [Also includes] a sign legally erected prior to the effective date of the Outdoor Advertising Control Act or prior to the addition of a route to the interstate or federal-aid primary system or National Highway System in a zoned or unzoned commercial or industrial area which does not meet all current State laws, as defined in N.C. Gen. Stat. 136-128, for erecting a new sign at that site. For purposes of the outdoor advertising rules, nonconforming signs also include those signs which have become nonconforming pursuant to 19A NCAC 02E .1002(d) on scenic byways which were part of the interstate or federal-aid primary highway system as of June 1, 1991, or which are or become a part of the National Highway System.~~

NCLM strongly supports the rights of municipalities to determine the character and development within their local communities, and so retaining the ability to implement local preferences with respect to the placement and appearance of outdoor advertising is paramount. Thank you for considering these suggestions to clarify municipalities’ ability to maintain local control regarding outdoor advertising practices, and to conform NCDOT rules with existing state statute.

Sincerely,

Erin L. Wynia

Chief Legislative Counsel

**From:** [Evelyn Coltman \(ecoltman@bellsouth.net\)](mailto:ecoltman@bellsouth.net) Sent You a Personal Message  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 12:45:24 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Evelyn Coltman  
90 Evergreen Cir  
Waynesville, NC 28786  
[ecoltman@bellsouth.net](mailto:ecoltman@bellsouth.net)  
(828) 648-3226

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Fletch](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] OPPOSING BILLBOARD RULE CHANGE  
**Date:** Friday, February 28, 2020 11:54:06 AM

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I oppose the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance, AND support “Alternative 2” described on page 6 of the NCDOT Fiscal Note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

**From:** [Fred Broadwell](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] protect our local billboard ordinances  
**Date:** Thursday, March 5, 2020 10:33:08 AM

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Hello Ms Jernigan:

I am writing to support “Alternative 2” described on page 6 of the NCDOT Fiscal Note to protect local billboard ordinances. We have worked very hard in Durham to create fair and smart billboard rules. Anyone driving around Durham will appreciate that our sign laws have worked; we have struck the right balance. Residents need signage, just not giant intrusive billboards in the wrong places.

Please adopt Alternative 2.

Thank you.

Fred Broadwell  
912 Alabama Ave, Durham, NC  
919.943.1068 (voice/text)  
Pronouns: he, him, his

**From:** [Fred Coppotelli \(coppotelli@earthlink.net\) Sent You a Personal Message](mailto:coppotelli@earthlink.net)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 5:19:57 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Fred Coppotelli  
383 Seldon Emerson Rd.  
Cedar Mountain, NC 28718  
[coppotelli@earthlink.net](mailto:coppotelli@earthlink.net)  
(805) 284-8764

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**From:** [Galia Goodman](#)  
**To:** [Jernigan, Hannah](#)  
**Cc:** [Galia Goodman](#)  
**Subject:** [External] Billboard proposals  
**Date:** Saturday, February 29, 2020 3:06:41 PM

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Dear Ms. Jernigan:

I am a longtime resident of Wattshillandale neighborhood in west Durham. I am writing to express my dismay and disapproval of the proposed changes in the NCDOT rules regarding digital billboards.

I am adamantly opposed to these changes. I would prefer no digital boards at all, but since that is too much to ask, please do not allow these changes to go through without a longer public comment period. If that is also not possible, then please go with alternative two.

A number of years ago, Durham passed no-digital billboard rules and we have been hoping that NCDOT would honor the community's desire to have fewer rather than more of these monstrosities. If you have time, I suggest you drive to Greensboro from Durham through Alamance County. The whole Burlington strip is one long billboard, and I have seen numerous accidents, especially at night when it is impossible to miss the flashing lights.

These things are a waste of power, a blight on the landscape, damaging to vegetation and wildlife habitat, and are, in my opinion, just plain ugly.

Thanks for considering my comments.

Galia Goodman, Durham, NC (former WHHNA board member)

**From:** [Garver Moore](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] DOT regs re billboards  
**Date:** Thursday, March 5, 2020 1:32:16 PM

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Hannah,

I am a resident and I support 'alternative 2' recognizing local government ordinances for billboards and roadside advertising. Communities must be able to set their own standards.

**From:** [Gary Feimster \(georgef7373@gmail.com\) Sent You a Personal Message](#)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Friday, February 28, 2020 5:49:26 AM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Gary Feimster  
845 Graham Loop Rd  
Mount Ulla, NC 28125  
[georgef7373@gmail.com](mailto:georgef7373@gmail.com)  
(704) 638-0783

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**From:** [Gavin Dillard \(gavco@me.com\) Sent You a Personal Message](#)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 1:04:39 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Gavin Dillard  
528 Padgettown Rd  
Black Mountain, NC 28711  
[gavco@me.com](mailto:gavco@me.com)  
(828) 357-8069

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [GEOFF SANTOLIVIDO](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] NCDOT Proposed RulesChanges for Definitions for Outdoor Advertising Control, etc  
**Date:** Wednesday, March 4, 2020 7:47:57 PM

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Dear people,

Please know that I am adamantly opposed to allowing digital outdoor advertising on our roadways and am particularly disturbed that you are contemplating allowing signs that would tower above us at 50 feet.

I understand that this move will undermine local ordinances and is believed to be the product of a faulty interpretation of existing statute. Stop this madness. We want clean landscapes along our roadways populated with living trees that contribute to our health.

Sincerely,

Geoffrey C. Santolivido

Cary NC 27518

Sent from [Mail](#) for Windows 10

**From:** [George McDowell](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Proposed NCDOT Rule Change for Billboards  
**Date:** Wednesday, February 26, 2020 8:00:27 PM

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Dear Sir/Ma'am,

Please record my strong opposition to the proposed rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support "Alternative 2" described on page 6 of the NCDOT Fiscal Note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

Thank you very much.

~George McDowell

2220 W. Marilyn Circle

Cary, North Carolina 27513

919-376-7822

**From:** [George Spruill \(gmspruill@yahoo.com\) Sent You a Personal Message](mailto:gmspruill@yahoo.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 12:38:59 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

George Spruill  
134 Elizabeth Ct  
Murfreesboro, NC 27855  
[gmspruill@yahoo.com](mailto:gmspruill@yahoo.com)  
(252) 398-3979

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Jernigan, Hannah](#)  
**To:** [glennrape@earthlink.net](mailto:glennrape@earthlink.net)  
**Bcc:** [Landi, Helen E](#)  
**Subject:** RE: [External] Please revise proposed digital billboard rule  
**Date:** Tuesday, March 3, 2020 12:53:00 PM

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Good afternoon, Mr. Rape. Thank you for your comments. Please know they will be reviewed by staff and included in our record of comments.

-----Original Message-----

From: Glenn Rape ([glennrape@earthlink.net](mailto:glennrape@earthlink.net)) Sent You a Personal Message <[automail@knowwho.com](mailto:automail@knowwho.com)>  
Sent: Monday, March 2, 2020 2:12 PM  
To: Robbins, Jamille A <[jarobbins@ncdot.gov](mailto:jarobbins@ncdot.gov)>  
Subject: [External] Please revise proposed digital billboard rule

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Glenn Rape  
2921 Aprilia Ln  
Monroe, NC 28112  
[glennrape@earthlink.net](mailto:glennrape@earthlink.net)  
(704) 764-4459

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with N.C. Sierra Club. If you need more information, please contact Margaret Lillard at N.C. Sierra Club at [margaret.lillard@sierraclub.org](mailto:margaret.lillard@sierraclub.org) or (919) 833-8467.

---

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**From:** [Gloria Shen \(gloshen@yahoo.com\) Sent You a Personal Message](mailto:gloshen@yahoo.com)  
**To:** [Robbins, Jamille A](mailto:Robbins, Jamille A)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 1:36:41 PM

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Dear NCDOT Environmental Analysis Unit,

Also, drivers do NOT need another distraction while on the road. There is already enough to pay attention to. Our focus could temporarily be displaced from the important task of monitoring our speed, using our brakes for sudden stops or decreased speed by cars ahead of us, watching out for wildlife, looking out for obstructions in the road or materials that might have fallen off another vehicle, etc.

Why make driving even more hazardous than it already is?

It's just common sense to support Alternative 2. Anything other than that would just be reckless and a demonstration of support for the billboard industry at the expense of safety.

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Gloria Shen  
40 Rocking Porch Ln  
Asheville, NC 28805  
[gloshen@yahoo.com](mailto:gloshen@yahoo.com)  
(828) 775-1697

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Greg Rakauskas](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] New billboard rules  
**Date:** Sunday, March 1, 2020 11:09:20 AM

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Hi NCDOT,

I am writing to oppose the proposed rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

It is my firm belief that in matters regarding billboards, local governments should be able to exert control.

For this reason, I urge you to support **Alternative 2** described on p. 6 of the **NCDOT Fiscal Note** to recognize local government ordinances. We must limit modifications that could be made to existing billboards as part of modernization.

Thank you for your consideration.

Regards,  
--Greg Rakauskas

2408 Prince St.  
Durham, NC 27707

**From:** [Harold Erickson](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Billboards  
**Date:** Friday, February 28, 2020 10:00:55 AM

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I oppose the proposed change that would permit digital billboards and 50 ft. If local communities oppose these- let them. I support Alternative 2 that would let local communities limit changes to billboards.

Harold Erickson  
132 Pinecrest Rd  
Durham 27705

**From:** [Harriette Frank \(lfrank1999@aol.com\) Sent You a Personal Message](#)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 5:23:52 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Harriette Frank  
3603 Westover Rd  
Durham, NC 27707  
[lfrank1999@aol.com](mailto:lfrank1999@aol.com)  
(919) 489-0555

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**From:** [Harriet Lakin](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] from a concerned citizen; support alternative 2  
**Date:** Friday, February 28, 2020 7:13:35 AM

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To NCDot,

I **strongly oppose** the rule change that would override local ordinances and allow billboards with a permit to be converted to digital and be allowed to raised in height.

2. I am in favor of alternative 2 that is described on page 6 of NCDOT Fiscal note.

Sincerely,  
Harriet Lakin

**From:** [Heide Coppotelli \(goodshepherd@comporium.net\) Sent You a Personal Message](mailto:goodshepherd@comporium.net)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 5:18:55 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Heide Coppotelli  
383 Seldon Emerson Rd  
Cedar Mountain, NC 28718  
[goodshepherd@comporium.net](mailto:goodshepherd@comporium.net)  
(828) 884-4673

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**From:** [Helen Compton](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Billboards  
**Date:** Sunday, March 1, 2020 12:44:33 PM

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Dear NCDOT,

I am writing to oppose the proposed rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

It is my firm belief that in matters regarding billboards, local governments should be able to exert control.

For this reason, I urge you to support Alternative 2 described on p. 6 of the NCDOT Fiscal Note to recognize local government ordinances. We must limit modifications that could be made to existing billboards as part of modernization.

Thank you for your consideration.

Regards,  
Helen Compton  
Durham  
27701

Pardon any typos. Big fingers and little letters!

**From:** [Helen Harbett](#)  
**To:** [Jernigan, Hannah](#)  
**Subject:** [External] billboards  
**Date:** Saturday, February 29, 2020 7:43:52 PM

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Dear Ms Jernigan,

I am writing to voice my strong opposition to billboards. My reason is very simple: this is a beautiful area and billboards mar that beauty. They add nothing to the landscape but steel and concrete. They are obscene compared to the beauty of the natural area. We don't need them, they detract from all that is beautiful and I thought we had dealt with this subject a few years ago but now it is back. I don't understand that. The vast majority prefers not to have the distraction of these objects while driving. Can't we keep it simple and prevent their construction?

Thank you for your time..

Sincerely,

Helen Harbett  
Sunset Ave.  
Durham, NC

**From:** [Holly Biola](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Opposing digital billboards  
**Date:** Saturday, February 29, 2020 8:00:06 AM

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As someone with some visual challenges (nothing serious, but at 47, I already notice night driving is more difficult), I oppose changes to allow digital billboards. From driving in states that have these, I know that looking over at bright things along my path interferes with my ability to adjust my eyes afterwards. Bright lights overhead that light the way improve my ability to see. Lit up signs for gas stations, etc, far off the roadway are not bright enough nor close enough to matter. But if you stick a bright digital billboard as close to the roadway as most billboards, I know from experience that these are bright enough to keep me from seeing deer, drivers stopped along the side of the road just ahead of the digital billboard, etc.

Please help us all be safe. Do not allow Digital Billboards in our area.

My sincere thanks for all you do for our community,

---

**Holly Biola, MD, MPH, FAAFP**  
Chief of Family Medicine  
Lincoln Community Health Center  
1301 Fayetteville Street  
Durham, NC 27707-2325  
Desk: 919-956-4135, Clinic: 919-956-4000, Cell: 919-619-8222

**From:** [Hona Lee Harrington](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] No to digitized billboards  
**Date:** Friday, February 28, 2020 9:04:21 AM

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I am writing to express my objection to rule changes that will allow both 50 ft high billboards and digitized billboards.

Distracted driving is a safety problem. Higher billboards are visible along longer portions of the roadway, increasing the temptation for a driver to watch the billboard rather than the road in front of them. I have frequently experienced traffic suddenly coming to near stops on I-40. Distractions increase the chance for chain-reaction crashes. In addition, digitized billboards are more likely to grab attention as they are more conspicuous than an undigitized the version. At night time, especially for older drivers, they affect light adaptation which has the potential to make roadway objects that are difficult to see even more difficult to see, with a similar result for response times and collisions. They're a bad idea. Both of these changes make the roadways less safe.

I understand that at the time the language in NCGS 136-131.2 was being debated by the NC House of Representatives, the bill sponsor, Rep. Tim Moffitt, stated that "the bill is not intended to allow an increase in the size of the sign" and "does not allow digitizing of signs."

I support Alternative 2 on page 6 of the NCDOT Fiscal note to recognize local government ordinances.

Sincerely,  
HonaLee Harrington  
Durham NC

**From:** [Hwa Huang \(jiotienlong@gmail.com\)](mailto:jiotienlong@gmail.com) Sent You a Personal Message  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 12:27:14 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Hwa Huang  
7401 Ebenezer Church Rd # 27612  
Raleigh, NC 27612  
[jiotienlong@gmail.com](mailto:jiotienlong@gmail.com)  
(919) 374-8139

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Hyewon Grigoni](mailto:Hyewon.Grigoni@ncdot.gov)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] ATTN: Hannah B. Jernigan  
**Date:** Friday, February 28, 2020 8:36:33 AM

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Dear Ms. Jernigan,

I am a working homeowner in Durham, NC and am writing about the NCDOT rule change that would allow billboards with state permits to go up in local areas where they'd ordinarily be banned.

NC is growing by leaps and bounds and I am shocked that people who love our state would think to sell our views and highways for extra cash. I absolutely oppose the rule change that would **override local ordinances** and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

Please consider "Alternative 2" as described in the NCDOT Fiscal Note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

What a travesty to do otherwise.

Sincerely,  
Hyewon Grigoni  
Durham, NC

**From:** [Jack Cozort](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Cc:** [Grant Goings](#); [Jim Cauley](#)  
**Subject:** [External] Proposed Rules: Highway Operations (19A NCAC 02E Sections .0200 & .0600)  
**Date:** Wednesday, March 4, 2020 3:13:21 PM

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The City of Wilson has authorized me, as the City's Government Relations Consultant, to file the following Comments on behalf of the City, regarding the above-referenced Proposed Rule:

The City of Wilson opposes Proposed Rule Changes to 19A NCAC 02E Sections .0200 & .0600 on the grounds that the proposed changes override local ordinances and appear to allow billboards to be digital and larger than under current statutes and rules. The proposed changes are not necessary for the implementation of the 2013 legislation in question and appear to implement or could be read to implement various provisions of HB 645, 2019 Session of the North Carolina General Assembly, legislation that was vetoed by Governor Cooper.

Respectfully submitted this 4th day of March, 2020.

Jack Cozort

Jack Cozort  
Cozort Government Relations  
A North State Strategies Member Company  
2611 Glen Eden Drive  
Raleigh, North Carolina 27612  
919-787-6548 (office)  
919-810-4864 (mobile)  
[jlcozort@gmail.com](mailto:jlcozort@gmail.com)  
[www.northstatestrategies.com](http://www.northstatestrategies.com)

**From:** [Jack Le Sueur](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] I Strongly Oppose Proposed NCDOT Billboard Rule Change  
**Date:** Sunday, March 1, 2020 11:18:50 AM

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1. I oppose the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

2. I support "Alternative 2" described on page 6 of the NCDOT Fiscal Note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

Please, let's not let North Carolina become another New Jersey.

**From:** [Jaedra Luke \(jaedraluke@gmail.com\) Sent You a Personal Message](mailto:jaedraluke@gmail.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 9:43:35 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Jaedra Luke  
1320 Slick Rock Rd  
Brevard, NC 28712  
[jaedraluke@gmail.com](mailto:jaedraluke@gmail.com)  
(310) 422-7109

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [James Marsh \(will-mike@att.net\)](mailto:will-mike@att.net) Sent You a Personal Message  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 1:52:36 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

James Marsh  
6805 Grimaldi Ct  
Raleigh, NC 27612  
[will-mike@att.net](mailto:will-mike@att.net)  
(919) 608-2926

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Jim Moser](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] billboards  
**Date:** Thursday, March 5, 2020 6:41:48 PM

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I firmly believe that we already have enough dangerous, distracted drivers on the road without adding even more.

Please do not allow these billboards on our highways.

Regards,

James E. Moser

Kings Mountain, NC 28086

**From:** [James Zizzo \(jzizzo@ec.rr.com\) Sent You a Personal Message](mailto:jzizzo@ec.rr.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 1:35:37 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

James Zizzo  
2304 Wrightsville Ave Apt 106  
Wilmington, NC 28403  
[jzizzo@ec.rr.com](mailto:jzizzo@ec.rr.com)  
(910) 762-6218

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Jan Ross \(janross999@gmail.com\) Sent You a Personal Message](mailto:janross999@gmail.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 12:38:29 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Jan Ross  
93 Circle E Ranch Rd  
Burnsville, NC 28714  
[janross999@gmail.com](mailto:janross999@gmail.com)  
(828) 575-6298

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Jane Laping \(janelaping@sbcglobal.net\)](mailto:janelaping@sbcglobal.net) Sent You a Personal Message  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 8:36:59 PM

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Dear NCDOT Environmental Analysis Unit,

NC has beautiful scenery along our highways, from the coast to the mountains. Tall digital billboards not only distract drivers, but are an eyesore on our gorgeous landscapes. Please do not override local government common sense to protect our scenery by choosing 19A NCAC 02E .0225. The preferred choice by those who live in and care about their environment is Alternative 2.

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Jane Laping  
14 Concord Pl  
Asheville, NC 28803  
[janelaping@sbcglobal.net](mailto:janelaping@sbcglobal.net)  
(828) 277-7342

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Janet Clark \(jeclark47@gmail.com\)](mailto:jeclark47@gmail.com) Sent You a Personal Message  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Friday, February 28, 2020 7:46:52 AM

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Dear NCDOT Environmental Analysis Unit,

Please don't compromise our state's beauty just for money! And do not override local governments' power.

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, "Alternative 2" described in the agency's fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Janet Clark  
1642 Wycliff Ct  
Burlington, NC 27215  
[jeclark47@gmail.com](mailto:jeclark47@gmail.com)  
(919) 542-1074

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Janine Tokarczyk \(janine-t@triad.rr.com\) Sent You a Personal Message](mailto:janine-t@triad.rr.com)  
**To:** [Robbins, Jamille A](mailto:Robbins, Jamille A)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Friday, February 28, 2020 2:50:39 PM

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Dear NCDOT Environmental Analysis Unit,

Billboards are a distraction while drivers are trying to drive. We have enough accidents on the road so why make even more chances of accidents with billboards.

Why can't we be more like Spain, where there are no billboards on the highways?

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Janine Tokarczyk  
109 N Oakland Dr  
Mebane, NC 27302  
[janine-t@triad.rr.com](mailto:janine-t@triad.rr.com)  
(919) 563-0126

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with N.C. Sierra Club. If you need more information, please contact Margaret Lillard at N.C. Sierra Club at [margaret.lillard@sierraclub.org](mailto:margaret.lillard@sierraclub.org) or (919) 833-8467.

**From:** [Janna Peterson](#)  
**To:** [NCDOT Service Account - Rulemaking](#); [Robbins, Jamille A](#)  
**Subject:** [External] Revision of 19A NCAC 02E .0225  
**Date:** Wednesday, February 26, 2020 8:44:17 AM

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Good morning,

I oppose the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

This rule will likely bring many unintended consequences that NCDOT has not fully analyzed.

Thank you,

**Janna R. Peterson**

M.P.A. College of Charleston  
M.U.R.P. College of Charleston  
B.A. University of North Carolina, Asheville  
Tel: 828.712.6855

**From:** [Jeff](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Please stop the Senate's changes to H 645.  
**Date:** Thursday, March 5, 2020 9:58:13 AM

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I care about trees, don't you? This law will mean fewer trees in North Carolina.

I'm concerned about too much distracted driving, aren't you? The senate removed the provision protecting us against too many digital billboards, Let cities and towns at least make their own decisions!

Let's protect our citizens and our environment instead of bending to the will of a small number of special interests.... Who will stand up to the money people? You? Alternative 2 will keep control where it belongs, with the local governments!

Jeff Kosokoff, Durham

**From:** [Jay Gertz \(redbiblio@gmail.com\) Sent You a Personal Message](mailto:Jay_Gertz_(redbiblio@gmail.com)_Sent_You_a_Personal_Message)  
**To:** [Robbins, Jamille A](mailto:Robbins_Jamille_A)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Friday, February 28, 2020 4:07:43 PM

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Dear NCDOT Environmental Analysis Unit,

It's bad enough that we are subject to advertising on television, radio, smart phones, cable, streaming and through the internet. Old style billboards are a big enough blight along our highways. Make us all look like trailer trash rednecks with their stupid messages. Now NCDOT wants to preempt local governments and crap up more highways with irritating electronic ads.

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Jay Gertz  
70 High Valley Estates Dr  
Alexander, NC 28701  
[redbiblio@gmail.com](mailto:redbiblio@gmail.com)  
(828) 683-9702

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with N.C. Sierra Club. If you need more information, please contact Margaret Lillard at N.C. Sierra Club at [margaret.lillard@sierraclub.org](mailto:margaret.lillard@sierraclub.org) or (919) 833-8467.

**From:** [Jenafur Maherbernard \(jmaherbernard@gmail.com\) Sent You a Personal Message](mailto:jmaherbernard@gmail.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 12:41:58 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Jenafur Maherbernard  
4323 Mantua Way  
Raleigh, NC 27604  
[jmaherbernard@gmail.com](mailto:jmaherbernard@gmail.com)  
(919) 602-8903

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Jernigan, Hannah](#)  
**To:** [Jennifer Ansell](#)  
**Cc:** [Christopher Seaberg](#)  
**Bcc:** [Landi, Helen E](#)  
**Subject:** RE: [External] NCDOT Rule Change for Billboards  
**Date:** Thursday, March 5, 2020 8:41:00 AM

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Good morning, Ms. Ansell. Thank you for your email. I will ask a member of NCDOT staff who works directly with billboard and permitting to contact you. Thank you.

---

**From:** Jennifer Ansell <jansell@ci.swansboro.nc.us>  
**Sent:** Wednesday, March 4, 2020 2:01 PM  
**To:** Jernigan, Hannah <hjernigan@ncdot.gov>  
**Cc:** Christopher Seaberg <cseaberg@ci.swansboro.nc.us>  
**Subject:** [External] NCDOT Rule Change for Billboards  
**Importance:** High

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Hi Hannah,

I was provided your contact by Stephen Gardner in Outdoor Advertising, and just had a quick question about the proposed rule changes for billboard signs.

Page 5 of the Fiscal Note states that “Local Government and Resident Impact: More signs can be repaired and reconstructed that would have been prohibited under local rules or ordinances. Many local authorities have more stringent regulations than the State regarding outdoor advertising. Before GS 136-131.2, local municipal, town, and county governments had various controls over issues with billboards being modernized. Many types of alterations can be made to billboards through repair and reconstruction. Any type of alteration can be made to a conforming billboard as long as the alteration adheres to the State and Federal regulations.”

We have four billboards in our jurisdiction which are all nonconforming signs, so our ordinance would not allow expansion in area or height. Would this rule change allow them to expand?

Thank you,

Jennifer H. Ansell, CFM, CZO  
Planner  
Town of Swansboro  
601 W. Corbett Avenue  
Swansboro, NC 28584  
(910) 326-4428  
(910) 326-3101 Fax

**From:** [Jennifer Barbara \(jbarbara\\_family@yahoo.com\)](mailto:jbarbara_family@yahoo.com) Sent You a Personal Message  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Saturday, February 29, 2020 10:19:18 AM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Jennifer Barbara  
609 Appomatox Dr  
Marvin, NC 28173  
[jbarbara\\_family@yahoo.com](mailto:jbarbara_family@yahoo.com)  
(704) 256-4080

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with N.C. Sierra Club. If you need more information, please contact Margaret Lillard at N.C. Sierra Club at [margaret.lillard@sierraclub.org](mailto:margaret.lillard@sierraclub.org) or (919) 833-8467.

**From:** [Jeremy Stubbs \(bigskymt47@gmail.com\)](mailto:bigskymt47@gmail.com) Sent You a Personal Message  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 3:02:36 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Jeremy Stubbs  
38 Grouse Ln  
Brevard, NC 28712  
[bigskymt47@gmail.com](mailto:bigskymt47@gmail.com)  
(513) 255-5371

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Jesse Bikman](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Proposed NCDOT Rule Change for Billboards  
**Date:** Thursday, February 27, 2020 1:06:33 PM

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Please do not allow digital billboards in my city. That is my preference. If my city doesn't want them, don't overrule my city's desire to not have them either.

-

Jesse Bikman  
3 Medearis Ct.,  
Durham, NC 27707

Sent from my iPhone

**From:** [James, Jesse](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] NCDOT Billboard Amendment  
**Date:** Wednesday, February 26, 2020 2:55:46 PM  
**Attachments:** [image001.jpg](#)

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Hannah B Jernigan,

Good afternoon. Please use this email as my opposition to the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance. I support "Alternative 2" described on page 6 of the NCDOT Fiscal Note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

Thank you for your consideration on the matter. Have a good week.

*Jesse James*

*Senior Planner*

*W(828) 438-5268 fax (828)438-5264*

cid:image001.jpg@01D39467.051C7610



**From:** [Jill Gooch \(goochj@ecu.edu\) Sent You a Personal Message](mailto:goochj@ecu.edu)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 2:32:50 PM

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Dear NCDOT Environmental Analysis Unit,

Don't commercialize our highways! Give control to local government ordinances to limit eyesore signs!

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Jill Gooch  
2147 Hyde Dr  
Greenville, NC 27858  
[goochj@ecu.edu](mailto:goochj@ecu.edu)  
(252) 341-8536

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Jimbo Billy Bob](#)  
**To:** [NCDOT Service Account - Rulemaking; "jbrosnan@nc.rr.com"](#)  
**Subject:** [External] Please - No Changes to Billboards  
**Date:** Friday, February 28, 2020 10:13:05 AM

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NCDOT

Please don't change and laws/rules local ordinances that would allow billboards converted to digital and raised to 50 feet in height. I live 25 feet off I-85 and don't want lights blazing into my house at night.

Also, keep NC beautiful and don't litter our highways with any trashy billboards. Do something for the citizens of this state and not the paid lobbyists - No billboards.

Thanks. Jim

**From:** [Jin Adams Parker \(japarker@mail.com\) Sent You a Personal Message](mailto:japarker@mail.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 4:56:01 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Jin Adams Parker  
1924 Old Kanuga Rd  
Hendersonville, NC 28739  
[japarker@mail.com](mailto:japarker@mail.com)  
(828) 707-2021

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Joanne Heckel \(jch52969@aol.com\) Sent You a Personal Message](mailto:jch52969@aol.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 11:15:32 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Joanne Heckel  
115 Sir Patricks Ct  
Clemmons, NC 27012  
[jch52969@aol.com](mailto:jch52969@aol.com)  
(336) 766-8465

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Joanne Purnell \(rojo@ec.rr.com\) Sent You a Personal Message](mailto:rojo@ec.rr.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 3:06:29 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Joanne Purnell  
707 Wild Dunes Cir  
Wilmington, NC 28411  
[rojo@ec.rr.com](mailto:rojo@ec.rr.com)  
(910) 681-0223

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Joel Boggan](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Proposed NCDOT rule changes for billboards  
**Date:** Monday, March 2, 2020 8:14:28 PM

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Dear Ms. Jernigan,

Please accept these comments expressing my objection to rule changes proposed to allow both 50 ft. high billboards and digitized billboards to over-ride local ordinances. These higher, brighter, and changing billboards have the potential to make roadways less safe for the public by increasing distracted driving.

I support 'Alternative 2' on page 6 of the NCDOT Fiscal note to recognize ongoing local government ordinances, instead.

Sincerely,  
Joel Boggan  
Longtime Durham, NC resident

**From:** [John Calhoun \(johnccalhoun@bellsouth.net\) Sent You a Personal Message](mailto:John.Calhoun@bellsouth.net)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 1:22:38 PM

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Dear NCDOT Environmental Analysis Unit,

Here in Winston-Salem and Forsyth County, we have worked hard to develop ordinances to protect the environment and make our community more scenically appealing to residents and visitors alike. Please do not allow our local control and ordinances to be undermined. Alternative 2 is much more in the spirit of the balance between local governance and state level agencies. This is an important democratic issue: to honor cities' and towns' right to enact measures more protective of our scenic appeal.

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

John Calhoun  
1416 Brookstown Ave  
Winston Salem, NC 27101  
[johnccalhoun@bellsouth.net](mailto:johnccalhoun@bellsouth.net)  
(336) 777-8315

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [John Freeze \(jfreeze@triad.rr.com\) Sent You a Personal Message](mailto:jfreeze@triad.rr.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Friday, February 28, 2020 3:53:08 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

John Freeze  
648 Chaney Rd  
Asheboro, NC 27205  
[jfreeze@triad.rr.com](mailto:jfreeze@triad.rr.com)  
(336) 629-2208

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with N.C. Sierra Club. If you need more information, please contact Margaret Lillard at N.C. Sierra Club at [margaret.lillard@sierraclub.org](mailto:margaret.lillard@sierraclub.org) or (919) 833-8467.

**From:** [jhanks1@nc.rr.com](mailto:jhanks1@nc.rr.com)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Against NCDOT Proposed Billboard Sign Rules Changes  
**Date:** Thursday, March 5, 2020 5:03:27 PM

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To whom it may concern:

I oppose the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance. I have seen these types of signs before and they are distracting (which I understand is why they are desired by the advertisers) but when driving in busy areas IT IS A MAJOR DISTRACTION THAT WE DON'T NEED.

I have traveled a lot throughout the U.S. and I really enjoy driving in states that limit all billboards. Instead of haphazard advertising, businesses get standardized signs that let you know what is available at each exit. I think that is enough although I know NC would never go that far. Too bad!

I support "Alternative 2" described on page 6 of the NCDOT Fiscal Note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization. **My city - anybody's city - should be able to have the final say about how our roads and byways look.**

Thanks for considering my concerns.

Sincerely,

John Hanks  
2504 West Woodrow St.  
Durham, NC

**From:** [J Heafield](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] NCDOT rule change for billboards  
**Date:** Thursday, March 5, 2020 9:08:17 PM

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I oppose allowing the overriding of local billboard ordinances. Allowing digital billboards 50 feet high would impair the scenic quality of our state, discouraging tourism, and distract (actually by design!) and endanger motorists.

I support Alternative 2 to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

Please honor local government ability to regulate billboards in accordance with local priorities, instead of caving in to an industry devoted to visual pollution to profit a few.

John Heafield  
179 Skyview Circle  
Asheville, NC 28804

**From:** [John Robins \(john\\_robins@twc.com\) Sent You a Personal Message](mailto:john_robins@twc.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Sunday, March 1, 2020 9:09:55 AM

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Dear NCDOT Environmental Analysis Unit,

Enough of those with lots of money being able to buy eye sees that all are forced to see! Protect our environment from obnoxious commercial advertising. People have natural rights to natural vistas. I say NO!

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

John Robins  
124 Concord St  
Greensboro, NC 27406  
[john\\_robins@twc.com](mailto:john_robins@twc.com)  
(336) 274-0214

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with N.C. Sierra Club. If you need more information, please contact Margaret Lillard at N.C. Sierra Club at [margaret.lillard@sierraclub.org](mailto:margaret.lillard@sierraclub.org) or (919) 833-8467.

**From:** [John Schelp](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Opposed to measure overriding local billboard ordinances  
**Date:** Wednesday, March 4, 2020 2:56:03 PM

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Over the years, multiple elected bodies in Durham have consistently voted to support rules to limit the size and scope of billboards on our roadways.

It's troubling that years of strong community opposition can be wiped out by one in-house NCDOT rule change.

I strongly oppose the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height.

I support "Alternative 2" to recognize local government ordinances.

With appreciation,

John Schelp  
Durham, NC

**From:** [John Vining](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Attn: Hannah B Jernigan  
**Date:** Wednesday, February 26, 2020 10:35:13 PM

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Dear Ms Jernigan,

This email is my attempt to express my opposition to the North Carolina Dept of Transportation rule change that would override local ordinances concerning billboards that have a state permit. In my opinion local ordinances should take precedence unless the local regulation is ruled to be unconstitutional.

I would appreciate recording my opposition to this proposed rule change.

John Vining  
Tryon, NC

--

John Vining

**From:** [John Wiles \(jwiles3rd@gmail.com\) Sent You a Personal Message](mailto:jwiles3rd@gmail.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 7:42:42 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

John Wiles  
5205 Langford Ter  
Durham, NC 27713  
[jwiles3rd@gmail.com](mailto:jwiles3rd@gmail.com)  
(901) 301-8894

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**From:** [John Womack](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Attn: Hannah B. Jerrigan - Digitizing Billboards Proposed Rulemaking  
**Date:** Wednesday, February 26, 2020 1:13:52 PM

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To whom it may concern

I oppose the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support “Alternative 2” described on page 6 of the NCDOT Fiscal Note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

NC Resident  
John Womack  
Asheville, NC  
931.265.5287

**From:** [John Wood](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Billboard Rules Change  
**Date:** Thursday, March 5, 2020 9:18:52 PM

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Date: Wed, 4 Mar 2020 10:50:42 -0500  
Subject: Billboard Rules Change  
Attention: Hannah B. Jernigan

I am writing to express my strong objection to regulations that would allow either higher or electronic billboards adjacent to or within North Carolina DOT rights of way. As a practicing Landscape Architect and large scale community planner for over 40 years, I can attest to the negative impacts that electronic billboards have on both driver safety and community / statewide aesthetics. Our City and County along with many others throughout North Carolina have recognized these negative impacts and it would be devastating to our communities if these billboard regulations are changed to now allow taller and/or electronic billboards. Based on the above, I support "Alternative 2" described on page 6 of the NCDOT Fiscal Note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization. Thank you for your consideration and please feel free to contact me if you have any questions.

**From:** [Jon Beyerle](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] "NO" to NCGS 136-131.2  
**Date:** Wednesday, February 26, 2020 1:24:11 PM

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To whom it may concern,

I strongly oppose the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance. I support "Alternative 2" described on page 6 of the NCDOT Fiscal Note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

NC is a beautiful state and billboards are an eye sore... and once they're built, they're not going anywhere. I've been to Maine and Vermont where billboards are banned and it's just so beautiful without them (and this is coming from a business owner).

Thank you.

Jon Beyerle, Owner  
[Soccer Shots of Greater Charlotte](#)  
[The Official Soccer Provider for 2-5 Year Olds for US Youth Soccer](#)  
704-764-1575  
[facebook](#) // [instagram](#)

**From:** [Jonathan Halperen \(jhalperen@yahoo.com\)](mailto:jhalperen@yahoo.com) Sent You a Personal Message  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 7:29:44 PM

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Dear NCDOT Environmental Analysis Unit,

Vermont outlawed billboards over 20 years ago. I wish our legislature had that kind of courage.

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, "Alternative 2" described in the agency's fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Jonathan Halperen  
2606 Wells Ave  
Raleigh, NC 27608  
[jhalperen@yahoo.com](mailto:jhalperen@yahoo.com)  
(919) 787-9660

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**From:** [Joseph Jacob \(joejacob@mindspring.com\) Sent You a Personal Message](mailto:joejacob@mindspring.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 2:20:43 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Joseph Jacob  
747 Rock Rest Rd  
Pittsboro, NC 27312  
[joejacob@mindspring.com](mailto:joejacob@mindspring.com)  
(919) 545-0924

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**From:** [Joshua Allen](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Billboard Rule Change  
**Date:** Thursday, February 27, 2020 3:09:53 PM

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I oppose the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support "Alternative 2" described on page 6 of the NCDOT Fiscal Note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

--

Joshua Allen, Durham, NC Resident, Property Owner, and Taxpayer  
130 E Main St #201, Durham, NC 27701

**From:** [Joti Sekhon \(jotisekhon@gmail.com\)](mailto:jotisekhon@gmail.com) Sent You a Personal Message  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 12:36:02 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Joti Sekhon  
20050 Fountain  
Chapel Hill, NC 27517  
[jotisekhon@gmail.com](mailto:jotisekhon@gmail.com)  
(919) 590-5222

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Jernigan, Hannah](#)  
**To:** [japrizio@gmail.com](mailto:japrizio@gmail.com)  
**Bcc:** [Landi, Helen E](#)  
**Subject:** FW: [External] Please revise proposed digital billboard rule  
**Date:** Tuesday, March 3, 2020 7:53:00 AM

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Good morning, Ms. Prizio. Thank you for your comments. Please know that they will be reviewed by staff and included in our record of comments.

-----Original Message-----

From: Judith Prizio ([japrizio@gmail.com](mailto:japrizio@gmail.com)) Sent You a Personal Message <[automail@knowwho.com](mailto:automail@knowwho.com)>  
Sent: Sunday, March 1, 2020 11:01 PM  
To: Robbins, Jamille A <[jarobbins@ncdot.gov](mailto:jarobbins@ncdot.gov)>  
Subject: [External] Please revise proposed digital billboard rule

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, 'Alternative 2' described in the agency's fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Judith Prizio  
3926 Blumenthal Rd  
Greensboro, NC 27406  
[japrizio@gmail.com](mailto:japrizio@gmail.com)  
(336) 378-7843

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with N.C. Sierra Club. If you need more information, please contact Margaret Lillard at N.C. Sierra Club at [margaret.lillard@sierraclub.org](mailto:margaret.lillard@sierraclub.org) or (919) 833-8467.

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**From:** [Julia Slebos](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Digital billboards  
**Date:** Tuesday, March 3, 2020 7:17:21 PM

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We are totally opposed to allowing the state to override local ordinances and allow billboards to be converted to digital and raised 50 (!) feet in height. Ugly, crass, offensive...etc. We propose more beautiful highway plantings and let everyone see that this is a state still in touch with natural beauty; not a state grubbing for \$\$ with casino-style advertising.

Julia and William Slebos  
Durham, NC

**From:** [Julie Finn \(seedmoney@embarqmail.com\)](mailto:seedmoney@embarqmail.com) Sent You a Personal Message  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 5:57:50 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Julie Finn  
101 Hermans Ct  
Moyock, NC 27958  
[seedmoney@embarqmail.com](mailto:seedmoney@embarqmail.com)  
(252) 435-6986

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Julie Gaunt-Harris \(jewels121407@aol.com\)](mailto:jewels121407@aol.com) Sent You a Personal Message  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 6:14:59 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Julie Gaunt-Harris  
1463 Shiptontown Rd  
Lexington, NC 27292  
[jewels121407@aol.com](mailto:jewels121407@aol.com)  
(626) 712-6265

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**From:** [Julie Grubbs](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Proposed NCDOT Rule Change for Billboards  
**Date:** Saturday, February 29, 2020 6:08:14 PM

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To whom it may concern,

I oppose the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height.

I support “Alternative 2” described on page 6 of the NCDOT Fiscal Note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

Thank you for your time.

Best,  
Julie

Durham resident, 27701

**From:** [Julie Mooney](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] billboards  
**Date:** Tuesday, March 3, 2020 9:39:42 PM

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Ms. Hannah B. Jernigan,

I want to share that I oppose the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height.

Also, I support Alternative 2 (on page 6 of the NCDOT Fiscal Note) to recognize local government ordinances and limit the changes that could be made to existing billboard as a modernization.

Thank you -

Julie Mooney  
Durham, NC

**From:** [Justin Landry \(jl428182@yahoo.com\) Sent You a Personal Message](mailto:jl428182@yahoo.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 12:32:23 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Justin Landry  
119 Chestnut Pl  
Arden, NC 28704  
[jl428182@yahoo.com](mailto:jl428182@yahoo.com)  
(207) 735-3896

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Karen Kaser-Odor \(revko@juno.com\) Sent You a Personal Message](mailto:revko@juno.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 9:39:38 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Karen Kaser-Odor  
278 Fryling Ave SW  
Concord, NC 28025  
[revko@juno.com](mailto:revko@juno.com)  
(704) 782-3260

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [karen Langelier \(klang4678@gmail.com\) Sent You a Personal Message](mailto:klang4678@gmail.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 9:22:35 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

karen Langelier  
3613A Saint Johns Ct # 17  
Wilmington, NC 28403  
[klang4678@gmail.com](mailto:klang4678@gmail.com)  
(603) 340-0000

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**From:** [Karen Mallam \(karenmallam@yahoo.com\) Sent You a Personal Message](mailto:karenmallam@yahoo.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Friday, February 28, 2020 5:13:11 AM

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Dear NCDOT Environmental Analysis Unit,

I'm tired of the state taking over the powers of local governments.

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Karen Mallam  
810 Buckner Springs Rd  
Siler City, NC 27344  
[karenmallam@yahoo.com](mailto:karenmallam@yahoo.com)  
(919) 742-9953

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**From:** [Karen Otsea](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Changes to billboard rules  
**Date:** Friday, February 28, 2020 5:03:27 PM

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Greetings --

I am completely opposed to NC Department of Transportation (NCDOT)'s proposed rule change that would allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

None of us need more visual and light pollution and a community that will be most affected by this pollution deserves the right to limit it as they see fit. Please do not override local ordinances in this regard.

Please do not enact this proposed change.

Thank you,

Karen Otsea, voter  
Durham, NC

March 5, 2020

Hannah B. Jernigan  
[Rulemaking@ncdot.gov](mailto:Rulemaking@ncdot.gov)  
NCDOT

Re: NC DOT proposed rule changes to:  
19A NCAC 02E.0201 DEFINITIONS (5) “Conforming Sign” and  
19A NCAC 02E.0225 “Repair/Maintenance/Alteration .....” (b)(1), and deletion of (b)(2)

This comment is submitted in opposition to the two proposed rules on billboards cited above. The first is a change to the definition of “conforming sign.” It makes existing billboards that do not comply with local ordinances “conforming” rather than “nonconforming” and thus contravenes state statute. The second, which adds proposed language to 02E.0225(b)(1), and concurrently deletes 02E.0225(b)(2), eviscerates local government regulations regarding repair/maintenance/alteration of billboards. This proposal erroneously interprets a state statute in a manner not intended by the sponsors of the statute and expands it beyond its clear meaning. This regulation would allow billboard companies to ignore local ordinances that are more restrictive than state regulations, increase the height of existing billboards to 50 feet, add lighting, and digitize them. As an attorney with over 30 years of experience in state and local government, including statutory and regulatory drafting and interpretation, I believe that both of these regulations are legally problematic. I also spent more than 5 years successfully defending Durham's billboard ordinance at all levels in federal court, including the US Supreme Court, and so have some knowledge and background in this area.

Aside from the legal questions regarding these proposals, it appears that the drafters did not properly consider the substantial negative impacts that hundreds of new 50 foot tall, constantly changing, digitized billboards will have in some of the state's most populous urban areas and most scenic rural areas, as well as on the state fisc. Many billboards in urban areas are located next to residential neighborhoods. Local ordinances limiting the height, lighting, and digitizing of billboards protect those neighborhoods and their residents, and help protect some quality of life for citizens. Preempting these ordinances will degrade neighborhoods, harm citizens, and damage property values. Attention grabbing billboards also interfere with views of scenic rural areas and of attractive downtown development that public and private investment have created at the cost of hundreds of millions of dollars over the past decades. These views are part of the character of our cities and counties. ***The choice of protecting neighborhoods and attractive appearances in urban or rural areas versus increasing the visibility of advertising, especially digital advertising, should be left to local government and should not be preempted by the NC DOT*** unless the law clearly calls for such preemption. The proposed regulation could also cost the state millions of dollars. The state must pay for a billboard when rights of way are expanded and alternate locations for the billboard cannot be found. The cost and value of what NCDOT calls “modernized” billboards – newly constructed billboards 50 feet in height and digitized to carry multiple messages -- is immense and will have to be paid by the State in the event road improvements require their removal. It is bad fiscal policy to significantly increase the cost to the State of highway projects, or unduly delay them because of such costs, solely to benefit the billboard industry.

The legal issues regarding these two proposed rules are discussed below.

Proposed Rule 19A NCAC 02E.0201 DEFINITIONS (5) “Conforming Sign”

This proposed rule violates State law by making billboards that State statute defines as “nonconforming” into “conforming” billboards. This is labeled a “technical” change in the list of proposed rules. However, it is not merely technical, it is substantive and significant since under law conforming billboards are treated much more leniently than nonconforming billboards. GS 136-128(2a) defines a “nonconforming sign” as one which “was lawfully erected but which does not comply with the provisions of State law . . . . passed at a later date . . . .” “State law” is defined in NCGS 136-128(6) as incorporating not just statutes, but also state regulations, and local ordinances: “State law” is “a State constitutional provision or statute, or **an ordinance, rule or regulation enacted or adopted by a State agency or political subdivision of a State pursuant to a State Constitution or statute.**” (emphasis added) As cities and counties are political subdivisions of the State of North Carolina, and exercise zoning authority under NCGS 160A, Article 19, and NCGS 153A, Article 18, their ordinances regulating billboards are considered “state law” under the above definition. Under state statute, then, a billboard which was lawfully erected but which no longer complies with local ordinance is a “nonconforming sign.” Appellate decisions have affirmed this conclusion – that billboards which do not conform with later enacted local ordinances are “nonconforming signs.” They have done so after explicit analysis of the issue (see *Lamar OCI v Stanly County Zoning Board*, 186 NC App 44, 50-51 (2007)) as well as implicitly through application of DOT’s “nonconforming sign” provisions to billboards that did not conform with local ordinances (see *Morris Communications Corp. v. Board of Adjust. of Gastonia*, 159 N.C. App. 598, 604, 583 S.E.2d 419, 423 (2003), *reh’g denied*, 358 N.C. 155, 592 S.E.2d 690 (2004)).

Proposed rule NCAC 02E.0201 (5) in contrast to state statute categorizes billboards that do not conform with local ordinances as “conforming signs.” The proposal does this by dropping the current requirement that in order to be categorized as “conforming” signs must meet “all current legal requirements.” The language “current legal requirements” incorporates local ordinances. The proposed language instead defines conforming signs as those that meet only the “Rules of this Section and Article 11 of Chapter 36 of NC General Statutes . . . .” – in other words, state requirements alone. So a billboard that complies with State rules and regulations but not local ordinances becomes a “conforming sign” subject to much significantly less restrictive regulation.

***In sum, the proposed rule is inconsistent with NCGS 136-128(2a) and NCGS 136-128(6). NC DOT should leave in place the current language that “conforming signs” include only those signs that that meet “all current legal requirements.” This language is consistent with the state statutes cited above which give legal effect to local government ordinances.***

PROPOSED RULE 19A NCAC 02E.0225 (b)(2)“Repair/Maintenance/Alteration . . . .” and deletion of current (b)(2)

The second proposed rule that is legally problematic is 19A NCAC 02E.0225 “Repair/Maintenance/Alteration . . . .” (b)(1) and the concurrent elimination of existing (b)(2). Proposed (b)(1) states that “conforming sign structures may be reconstructed so long as the reconstruction does not conflict with any applicable state or federal rules, regulations, or ordinances.” The previous requirement that reconstruction conform with “local . . . ordinances” found in (b)(2) of the current regulations is deleted. The intent as explained in the fiscal note is to allow construction of

“modernized” billboards with substantially different characteristics in the place of older permitted billboards without regard to compliance with local ordinance. The new billboards must only comply only with state regulations which are more permissive than many local regulations and which allow billboards 50 feet high with digitized faces. Various cities and counties in our state have had ordinances in effect for more than 30 years that limit height, addition of lighting, and digitization which are allowed for conforming signs under state regulations. In these jurisdictions the hundreds of billboards that remain after decades of regulation are those on the heavily traveled, federally assisted highways. The proposed amendment would allow these billboards to be newly constructed as 50 foot tall billboards with constantly changing digitized messages without regard to these stricter local ordinances.

The justification offered for this rule is compliance with GS 136-131.2, an amendment passed by the legislature in 2013. It is surprising that a statute passed 7 years ago that does not state that it is preempting local ordinances is now interpreted by NC DOT to entirely preempt local ordinances in the area of alterations to existing billboards. The unnecessarily broad interpretation NC DOT has given to this amendment is not compelled by the language in the amendment. In addition it is inconsistent with statements made by the prime sponsor of the bill in 2013.

GS 136-131.2 states:

**"§ 136-131.2. Modernization of outdoor advertising devices.**

No municipality, county, local or regional zoning authority, or other political subdivision shall, without the payment of just compensation as provided for in G.S.136-131.1, regulate or prohibit the repair or reconstruction of any outdoor advertising for which there is in effect a valid permit issued by the Department of Transportation so long as the square footage of its advertising surface area is not increased. As used in this section, reconstruction includes the changing of an existing multipole outdoor advertising structure to a new monopole structure."

Unfortunately, the key terms "repair" and "reconstruction" in this amendment are not defined. NCDOT's proposed rule interprets these terms to allow construction of an entirely different billboard to replace an existing permitted billboard. The statute does not allow that, however, either expressly or by implication. The statute includes one limitation, that the advertising surface area not be increased, and one allowance, that reconstruction "includes the changing of an existing multipole ... structure to a new monopole structure." Otherwise the statute is silent. However, the bill's sponsor, Tim Moffitt, stated on the record during debate that "the bill is not intended to allow an increase in the size of the sign" and "does not allow digitizing of signs." (July 11, 2013).

Examination of dictionary definitions of "repair" and "reconstruct" is helpful. Both the Oxford and the Merriam-Webster definitions of "repair" are to "fix". Building a new billboard with entirely different components is not "fixing" an existing billboard. With regard to the term "reconstruct" both the Oxford and Merriam-Webster definitions are to "construct again." Merriam-Webster states that "reconstruct" is "to construct again: such as to build or assemble (something) again" as in "reconstruct a damaged chimney". The Oxford definition is to "build or form (something) again after it has been damaged or destroyed" as in "a small area of painted Roman plaster has been reconstructed". Building a thing **again** contemplates building the thing that was there before, and not an entirely different thing. Building something different is not "reconstruction" but rather "new construction." In the area of

redevelopment, for example, when a small deteriorated house is torn down and replaced by a house of different style and materials that is 3 times taller and 5 times the value, “new construction” rather than “reconstruction” has occurred.

The language of GS 136-131.2 does not clearly express an intent to entirely pre-empt local government regulation of newly constructed billboards that are built as replacements for state permitted billboards. Rather a proper interpretation of this amendment would continue to allow local government regulation of the height, lighting, and allowance of digital displays for these billboards as “new construction” rather than “reconstruction.” Unless it wished to pay compensation, a locality would have to allow conversion to monopoles since this is expressly allowed by the amendment. However it would not have to allow a billboard company to construct a 50 foot digital billboard with constantly changing displays worth a quarter million dollars as “reconstruction” of a 20 foot tall unlit billboard worth \$40,000. The line between what is “new construction” and “reconstruction” would properly be set by local governments.

NC DOT should eliminate the proposed language in 19A NCAC 02E.0225 (b)(1) “Repair/Maintenance/Alteration . . . .” and restore the language from existing (b)(2) proposed for deletion. In addition, it should modify the proposed regulation so as to reference GS 136-131.2 and at the same time explicitly acknowledge the authority of local governments to regulate the height, lighting, digitization and other key construction characteristics of billboards with valid DOT permits proposed for improvements, alterations, and new construction.

Respectfully submitted on May 5, 2020.

/s Karen Sindelar

Karen Sindelar

Former Senior Assistant City Attorney and City Attorney, City of Durham (retired)

[kasindelar@gmail.com](mailto:kasindelar@gmail.com)

206 McKinley St

Durham, NC 27705

919-451-7815

**From:** [Jernigan, Hannah](#)  
**To:** [krick002@yahoo.com](mailto:krick002@yahoo.com)  
**Bcc:** [Landi, Helen E](#)  
**Subject:** RE: Please revise proposed digital billboard rule  
**Date:** Tuesday, March 3, 2020 11:47:00 AM  
**Attachments:** [image001.png](#)

---

Good morning, Ms. Rickett. Thank you for your comments. Please know they will be reviewed by staff and included in our record of comments.

-----Original Message-----

From: Katherine Rickett ([krick002@yahoo.com](mailto:krick002@yahoo.com)) Sent You a Personal Message  
<[automail@knowwho.com](mailto:automail@knowwho.com)>  
Sent: Sunday, March 1, 2020 7:51 PM  
To: Robbins, Jamille A <[jarobbins@ncdot.gov](mailto:jarobbins@ncdot.gov)>  
Subject: [External] Please revise proposed digital billboard rule

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Katherine Rickett  
1694 Scarborough Rd  
Greenville, NC 27858  
[krick002@yahoo.com](mailto:krick002@yahoo.com)  
(252) 355-4931

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with N.C. Sierra Club. If you need more information, please contact Margaret Lillard at N.C. Sierra Club at [margaret.lillard@sierraclub.org](mailto:margaret.lillard@sierraclub.org) or (919) 833-8467.

---

**Hannah D. Jernigan**  
APA/Rulemaking Program Manager  
North Carolina Department of Transportation

919-707-2821

[hjernigan@ncdot.gov](mailto:hjernigan@ncdot.gov)



*Email correspondence to and from this address is subject to the  
North Carolina Public Records Law and may be disclosed to third parties.*

**From:** [Katherine Williams \(kitwits@earthlink.net\)](mailto:kitwits@earthlink.net) Sent You a Personal Message  
**To:** [Robbins, Jamille A](mailto:Robbins, Jamille A)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 5:45:47 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Katherine Williams  
2102 Bryant St  
Madison, NC 27025  
[kitwits@earthlink.net](mailto:kitwits@earthlink.net)  
(336) 427-4287

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Kathleen Basiewicz \(wolfydog71177@yahoo.com\) Sent You a Personal Message](mailto:wolfydog71177@yahoo.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 1:45:52 PM

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Dear NCDOT Environmental Analysis Unit,

These flashy and bright signs are such a distraction from driving. They should never be allowed.

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Kathleen Basiewicz  
PO Box 1204  
Dana, NC 28724  
[wolfydog71177@yahoo.com](mailto:wolfydog71177@yahoo.com)  
(828) 685-0547

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**From:** [Kathleen Donovan \(kdliteracy@hotmail.com\) Sent You a Personal Message](mailto:kdliteracy@hotmail.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Friday, February 28, 2020 6:04:55 AM

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Dear NCDOT Environmental Analysis Unit,

Billboards are just starting plane ugly. Please keep NC beautiful.

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Kathleen Donovan  
7317 Clarincarde Ct  
Wake Forest, NC 27587  
[kdliteracy@hotmail.com](mailto:kdliteracy@hotmail.com)  
(919) 554-8819

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**From:** [Kathleen Mcquaid \(kemcquaid@outlook.com\) Sent You a Personal Message](mailto:kemcquaid@outlook.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Saturday, February 29, 2020 3:08:48 PM

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Dear NCDOT Environmental Analysis Unit,

It's not right to limit local government ordinances. Communities should be able to restrict these unsightly, and sometimes well lit signs.

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Kathleen Mcquaid  
802 Brooklyn St  
Raleigh, NC 27605  
[kemcquaid@outlook.com](mailto:kemcquaid@outlook.com)  
(919) 829-0249

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with N.C. Sierra Club. If you need more information, please contact Margaret Lillard at N.C. Sierra Club at [margaret.lillard@sierraclub.org](mailto:margaret.lillard@sierraclub.org) or (919) 833-8467.

**From:** [Kathy L. Stuart](#)  
**To:** [Jernigan, Hannah](#)  
**Subject:** [External] Billboards  
**Date:** Saturday, February 29, 2020 4:50:56 PM

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Dear Ms. Jernigan,

I oppose the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by city or county ordinance. I support "Alternative 2" described on Page 6 of the NCDOT Fiscal Note recognizing local government ordinances and limiting the changes that could be made to an existing billboard as part of modernization.

Digital billboards are extremely distracting to drivers during evening hours.

I appreciate the opportunity to provide input.

Thank you.

Kathy Stuart  
1404 Georgia Avenue  
Durham, NC 27705

**From:** [Kelly Ashby](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] No to billboards  
**Date:** Thursday, February 27, 2020 7:55:07 AM

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I am writing to inform you of my opposition for more billboards along Market St in Wilmington, NC. We need to beautify the area by planting more trees, or how about azaleas! I truly believe that nature will attract people to the area more than massive advertising boards.

Thank you for your time.

**From:** [Keith Rokoske](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] I oppose the proposed NCDOT Rule Change for Billboards  
**Date:** Friday, February 28, 2020 8:46:02 PM

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Hannah B. Jernigan:

One of my favorite stretches of highway in NC is Highway 421 from Deep Gap to Boone, NC, where I grew up. Driving on that stretch of road always relaxes me and lifts my spirits - except for the one spot where there's a digital billboard! I'm so thankful that there's only one thus far, and that the view of the mountains and countryside during the day and the naturally dark sky at night, is basically unobstructed along those 10 miles... I hope that it will remain that way for generations to come!

I am opposed to digital billboards in North Carolina. The thought of digital billboards that are up to 50 feet above the ground is even worse! I find digital billboards an eyesore and that they detract from the natural beauty of our state.

Besides being an inefficient use, i.e., waste, of electricity, they cause light pollution in areas that are otherwise naturally dark and contribute to making suburban and urban areas unnaturally bright at night. This can have adverse effects on wildlife - and humans, too, contributing to problems with circadian rhythms

I oppose the proposed rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support "Alternative 2" described on page 6 of the NCDOT Fiscal Note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

Thank you,  
Keith Rokoske  
Durham, NC (formerly of Boone, NC)

**From:** [kjj1FB](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Respect local billboard ordinances  
**Date:** Thursday, February 27, 2020 6:08:21 PM

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I support local rule that respects the wishes of local Communities and oppose the proposed billboard rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height,

I support "Alternative 2" described on page 6 of the NCDOT Fiscal Note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

Kelly Jarrett  
Durham. NC

Kelly Jarrett. Sent from iPhone. Please take misspellings and autocorrect errors lightly.

**From:** [Kenneth Kahn](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Billboard stuff  
**Date:** Thursday, February 27, 2020 9:27:14 AM

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Dear Ms. Jernigan,

It frequently is distressing to see our elected officials seem determined to affect negatively the very things that make a Asheville such a wonderful place.

I oppose the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance. I hope you will also oppose this rule change.

I hope you will support "Alternative 2" described on page 6 of the NCDOT Fiscal Note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

Respectfully yours,

Ken Kahn  
Asheville

Sent from my mobile device.

**From:** [kad427@verizon.net](mailto:kad427@verizon.net)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] NCDOT proposed billboard control modifications  
**Date:** Wednesday, February 26, 2020 12:51:50 PM

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Dear Ms. Jernigan:

As a member of the Asheville Citizens I-26 Connector Aesthetics Advisory Committee, I am writing express my opposition to the rule change which would allow billboards with state permits to be converted to digital signs and raised to an elevation up to 50' in height even if such changes are not allowed by local ordinance.

Rather, I support "Alternative 2" described on Page 6 of the NCDOT Fiscal Note which recognizes local government ordinances and limits the changes the could be made to an existing billboard as part of the modernization process.

As we evaluate the manner in which the I-26 Connector can enhance the aesthetic attractiveness of Asheville, the control of roadside signage will be an important factor. I urge you not to overwrite local ordinances designed to place reasonable regulations on roadside signage so that the goals of the NCDOT Aesthetics Guidance Manual and Design Standards can be achieved on the state's interstate and primary road system.

Kenneth A. Dierks  
Asheville, NC

**From:** [Robinson, Kevin](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Cc:** [Ferris, Michael](#)  
**Subject:** [External] NCGS 136-131.2  
**Date:** Wednesday, March 4, 2020 6:29:06 PM  
**Attachments:** [image001.png](#)

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Ms. Jernigan,

The City of Albemarle strongly opposes proposed changes by DOT that override local ordinances concerning billboards and allow increases in billboard height and conversion to digital of existing billboards.

While the City respects the rights to the continued use of pre-existing, grandfathered signs by their owners, allowing these proposed changes undermines the City's rights and abilities to regulate its character and the ensure the quality of life of its residents. Further, we believe this to be an unwarranted change that represents the preferential treatment of those who already have signs much larger than what others are permitted in the City.

We kindly request that you consider the will of both residents and businesses of the City of Albemarle that our current ordinances were created for. We ask that you consider Alternative 2 on page 6 of the NCDOT Fiscal Note and will consider some changes to the current proposal addressing these concerns.

Thank you for your time and consideration.

J Kevin Robinson AICP

Planning & Development Services Director

City of Albemarle

P.O. Box 190

Albemarle, NC 28001

(704) 984-9424

[www.albemarlenc.gov](http://www.albemarlenc.gov)

LogoCropped



**From:** [Kevin](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Please Stop the insanity  
**Date:** Thursday, March 5, 2020 7:50:54 PM

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Hi Hannah,

Please, no deregulation of current billboard limits. In fact I really think Durham needs the opposite, fewer, smaller, simpler. Seriously, please don't let this happen.

Kevin Young

Sent from my iPhone

**From:** [Kimberly Hurtt \(kimmer760@gmail.com\) Sent You a Personal Message](mailto:kimmer760@gmail.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 7:44:05 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Kimberly Hurtt  
2712 Quail Point Dr  
Raleigh, NC 27603  
[kimmer760@gmail.com](mailto:kimmer760@gmail.com)  
(919) 763-2596

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Krissa Johnson-Sotomayor \(kjsotomayor@att.net\) Sent You a Personal Message](mailto:kjsotomayor@att.net)  
**To:** [Robbins, Jamille A](mailto:Robbins, Jamille A)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 12:25:09 PM

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Dear NCDOT Environmental Analysis Unit,

I urge you NOT to allow more billboards on our byways, most especially are scenic routes. Visual noise is a travesty.

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Krissa Johnson-Sotomayor  
106 Spring Needle Ct  
Cary, NC 27513  
[kjsotomayor@att.net](mailto:kjsotomayor@att.net)  
(919) 610-6871

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**From:** [Kristin B-B](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] please let communities make their own choices about billboards  
**Date:** Thursday, March 5, 2020 1:07:51 PM

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Dear Ms. Jernigan,

I am writing to request your leadership in opposing the rule change that would stop municipalities from making their own decisions about billboards.

Please support Alternative 2.

And please let our communities deal with the contentious and very-local issues of digital and 50-foot-tall billboards.

Thank you for your leadership on these important issues.

Respectfully,

Kristin Bradley-Bull  
Durham, NC

**From:** [lphilpott1@ec.rr.com](mailto:lphilpott1@ec.rr.com)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Proposed NCDOT Rule Change for Billboards - Spelling Correction  
**Date:** Tuesday, March 3, 2020 11:42:16 AM

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Dear Ms. Jernigan:

Several years past, the Town of Swansboro had considerable debate over the height of buildings within its zoning jurisdiction. One of the reasons for this was to maintain its historical small-town character, part of its branding for tourism as well as quality of life. Proposed changes to Billboards could have a significant impact on that desired appearance. Therefore, I am opposed to any rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height.

However, I do support the alternate proposal in the NCDOT Fiscal Note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

Currently serving on the Swansboro Board of Commissioners, these comments are my own and not necessarily representative of the board. I appreciate the opportunity to submit my comments.

Sincerely,

Larry Philpott, Commissioner  
Town of Swansboro

**From:** [Lauren Page](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Billboards  
**Date:** Wednesday, March 4, 2020 8:45:00 PM

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Hello,

Please keep billboards out of Durham and my neighborhood. Aside from distracting to drivers, they ruin the sight of our beautiful Durham.

Thank you,

Lauren Page  
2308 Dezern Place  
27705

--

-- Lauren

**From:** [Lawrence East \(rstyeast@aol.com\) Sent You a Personal Message](mailto:rstyeast@aol.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 12:38:48 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Lawrence East  
329 Richlands Ave Apt 8  
Jacksonville, NC 28540  
[rstyeast@aol.com](mailto:rstyeast@aol.com)  
(910) 333-8848

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**From:** [Lillian Swindell \(lrhswindell@hotmail.com\)](mailto:lrhswindell@hotmail.com) Sent You a Personal Message  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 1:45:50 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Lillian Swindell  
2118 Coniston Pl  
Charlotte, NC 28207  
[lrhswindell@hotmail.com](mailto:lrhswindell@hotmail.com)  
(704) 373-0139

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**From:** [Linda Duda](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Opinion about the rule change for billboards  
**Date:** Wednesday, March 4, 2020 7:03:35 PM

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Dear Ms, Jerrigan,

I am writing to let you know that I strongly oppose the proposed rule changes for billboards. You should not overrule local ordinances and create such a awful, negative impact on our beautiful state.

I am in support of Alternative 2 which would allow local government ordinances and limit the changes that can be made to existing billboards.

Thank you.

Linda and Turan Duda  
4210 Tyndrum Dr  
Durham, NC 27705  
[lindavzduda@gmail.com](mailto:lindavzduda@gmail.com)

**From:** [Linda Chupkowski](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] please do not allow digital billboards  
**Date:** Tuesday, March 3, 2020 1:17:23 PM

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I am writing to strongly oppose digital billboards. They are very distracting while driving. Please to do prioritize advertising money over driver safety.  
Thank you,  
Linda

**From:** [Linda Rupert](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Oppose new billboard changes  
**Date:** Friday, February 28, 2020 9:40:25 AM

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I am very concerned about rule changes that would allow both 50 ft high billboards and digitized billboards. As someone who commutes regularly between Durham and Greensboro, and also travels extensively by car throughout the east coast, I can tell you that digital billboards are **highly distracting**. I often find myself looking up at one repeatedly. They are especially distracting at night, and after I look away I find it more difficult to focus on the road. I also find higher billboards very distracting, for the same reason. I can see why advertisers want them--they definitely catch our eyes, but at the expense of safety. They're both really a terrible idea and will no doubt lead to increased accidents.

I support "Alternative 2" on page 6 of the NCDOT Fiscal note to recognize local government ordinances.

Respectfully,  
Dr. Linda Rupert

**From:** [Lindsay Goolsby](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] billboards  
**Date:** Thursday, March 5, 2020 1:31:25 PM

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## Hannah B. Jernigan

1. I oppose the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.
2. I that you support "Alternative 2" described on page 6 of the NCDOT Fiscal Note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

--

Lindsay

**From:** [Lisa Hatch \(gaiahokie@yahoo.com\) Sent You a Personal Message](mailto:gaiahokie@yahoo.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 12:51:28 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Lisa Hatch  
4217 Settlement Dr  
Durham, NC 27713  
[gaiahokie@yahoo.com](mailto:gaiahokie@yahoo.com)  
(919) 973-1539

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Lisa O'Brien-George \(lisaobg@aol.com\) Sent You a Personal Message](mailto:lisaobg@aol.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 7:25:43 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Lisa O'Brien-George  
2527 Winding Oak Dr  
Charlotte, NC 28270  
[lisaobg@aol.com](mailto:lisaobg@aol.com)  
(704) 752-8210

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**From:** [Louise Lavine](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] regarding changes to billboards  
**Date:** Friday, February 28, 2020 9:16:43 AM

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Dear Ms. Jernigan: I am writing to express my opposition to this change for billboards. They are incredibly ugly at best, and at worst make driving more hazardous. I understand that the NC House of Representatives did not want you to allow digitized or higher billboards, so what you are proposing is not right. North Carolina does not have to cowtow to the advertisers just for the money. Please do not go forward with this proposal. Louise Lavine, Durham, NC

**From:** [Lois Nixon](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Rulemaking on Billboards--Strongly OPPOSE  
**Date:** Wednesday, February 26, 2020 8:07:10 PM

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**I STRONGLY OPPOSE** the rule change that would “override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.” Local control should NEVER be undone by an agency or department rule, that is not responsible or responsive to elected officials who are representing citizens. Research indicates that the sponsor of the 2003 Bill, Rep. Moffitt, stated that his bill was not intended to allow “changes in size of billboards”, or that they be “digitized.” In addition, an amendment sponsored by Rep. Chuck McGrady, passed unanimously removing NCDOT from jurisdiction to overrule local ordinances in this case. I believe this “rule” is illegal.

A rule change should not be substituted for H645, which was vetoed by Gov. Cooper in 2019.

I don't know who had this idea, but it is a terrible one, and should be eliminated immediately!!!

Lois Nixon  
Scenic NC Board Member  
107 Overview Lane  
Cary, NC  
919-744-0117

**From:** [Lorraine Cocomero \(loricocomero@gmail.com\) Sent You a Personal Message](mailto:loricocomero@gmail.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 5:15:08 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Lorraine Cocomero  
1000 Sabre Ct  
Chapel Hill, NC 27516  
[loricocomero@gmail.com](mailto:loricocomero@gmail.com)  
(919) 960-9591

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**From:** [Lucie Laberge \(agilman@carolina.rr.com\)](mailto:agilman@carolina.rr.com) Sent You a Personal Message  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 9:32:43 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Lucie Laberge  
6442 Donnegan Farm Rd  
Charlotte, NC 28270  
[agilman@carolina.rr.com](mailto:agilman@carolina.rr.com)  
(704) 246-6569

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**From:** [Lucy Harris](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Opposition to changing local billboard rules  
**Date:** Thursday, March 5, 2020 2:20:36 PM

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Hello:

I am writing to register my opposition to a proposal before NCDOT that would allow local billboard ordinances to be overridden, allowing digital billboards and increasing the height limit of billboards.

I have spoken out against digital billboards before, and will continue to oppose them. For drivers, they are incredibly distracting and are a blight on our beautiful North Carolina landscapes. I commute on I-85 daily in Durham and Granville Counties and I simply cannot imagine having the vistas marred with digital billboards.

Additionally, I live just south of I-85 in Durham and the idea of one of these billboards being within sight of my house, illuminating my yard and home, is horrifying. Not to mention the effect that it would have on my property value.

Please do not give the outdoor advertising industry the right to override local rules regarding billboards.

Thank you for your consideration.

Best regards,  
Lucy Harris  
2310 Albany St.  
Durham NC 27705  
919-599-6007

**From:** [Lucy Tyndall \(beaverfalls1@yahoo.com\)](mailto:beaverfalls1@yahoo.com) Sent You a Personal Message  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Friday, February 28, 2020 3:12:22 PM

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Dear NCDOT Environmental Analysis Unit,

We pay tax dollars to create highways. Billboards impede our ability to drive undistracted on these highways. Local communities know best what is tolerable there. Let them alone!

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Lucy Tyndall  
2958 Caldwell Ridge Pkwy  
Charlotte, NC 28213  
[beaverfalls1@yahoo.com](mailto:beaverfalls1@yahoo.com)  
(336) 582-1973

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with N.C. Sierra Club. If you need more information, please contact Margaret Lillard at N.C. Sierra Club at [margaret.lillard@sierraclub.org](mailto:margaret.lillard@sierraclub.org) or (919) 833-8467.

**From:** [lynn andrews](#)  
**To:** [Jernigan, Hannah](#)  
**Subject:** [External] Billboards  
**Date:** Sunday, March 1, 2020 10:57:07 AM

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I am a resident of Durham who frequently travels NC and interstate highways. I am opposed to any changes in rules or regulations that would encourage commercial billboards, especially digital billboards.

Billboards are a distraction to drivers. Their very purpose is to cause drivers to take their eyes off the road. Digital billboards are even more distracting. As a society, we should be discouraging distractions to drivers on busy highways, not putting more up.

In addition to being dangerous, billboards encourage the removal of vegetation and are harmful to the environment. The last thing we need is more billboards.

Lynn Andrews  
2124 Sprunt Ave.  
Durham, NC 27705

**From:** [lynn.raker@gmail.com](mailto:lynn.raker@gmail.com)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Billboard regulations  
**Date:** Thursday, March 5, 2020 5:54:23 PM

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Dear Ms. Jernagin:

I was a city planner in Salisbury for 20 years and am currently a landscape architect consultant based in Asheville. Still heavily involved in the function and appearance of our highways, I am strongly opposed to the proposed expansion of billboard regulations to include digital and heightened signs. Billboards create visual blight along the highways in our state, and digital billboard are completely incongruous with the uncluttered landscape that our cities and counties strive to maintain. Tourism is critical to the economy of NC, and a proliferation of billboards, electronic billboards and taller billboards would undermine this thriving industry. And although the jury may still be out on the safety concerns caused by the distraction of digital billboards, it seems obvious that anything that would distract a driver's attention to the road would be problematic.

Therefore, I oppose the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance. Instead, I support "Alternative 2" described on page 6 of the NCDOT Fiscal Note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

Thank you for your consideration.

**LYNN RAKER**  
LANDSCAPE ARCHITECT

Landscape Architecture + Planning  
336.596.1263  
266 Pearson Drive, Asheville, NC 28801  
NC Registration: 739

**From:** [Lynne C \(catslc@aol.com\) Sent You a Personal Message](mailto:catslc@aol.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 12:37:54 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Lynne C  
6032 Kentworth Dr  
Holly Springs, NC 27540  
[catslc@aol.com](mailto:catslc@aol.com)  
(919) 553-8612

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**From:** [Robbins, Jammie A](#)  
**To:** [Jernigan, Hannah](#)  
**Cc:** [Putnam, Lauren N](#); [Landi, Helen E](#)  
**Subject:** FW: [External] Please revise proposed digital billboard rule  
**Date:** Thursday, March 5, 2020 2:28:59 PM

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-----Original Message-----

From: Lynne Kane (batya.etel@gmail.com) Sent You a Personal Message <automail@knowwho.com>  
Sent: Thursday, March 5, 2020 2:15 PM  
To: Robbins, Jammie A <jarobbins@ncdot.gov>  
Subject: [External] Please revise proposed digital billboard rule

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Dear NCDOT Environmental Analysis Unit,

Local communities know what is important to them. Some highway billboards are safe and helpful, but many billboards everywhere are just more exaggerated-claims ads.

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Lynne Kane  
625 Cedar Club Cir  
Chapel Hill, NC 27517  
batya.etel@gmail.com  
(919) 960-0983

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with N.C. Sierra Club. If you need more information, please contact Margaret Lillard at N.C. Sierra Club at [margaret.lillard@sierraclub.org](mailto:margaret.lillard@sierraclub.org) or (919) 833-8467.

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**From:** [Madison Frazier \(frazier.madison1@gmail.com\) Sent You a Personal Message](mailto:frazier.madison1@gmail.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 7:52:23 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Madison Frazier  
8027 Whthl Exe Ctr DrR Dr  
Charlotte, NC 28273  
[frazier.madison1@gmail.com](mailto:frazier.madison1@gmail.com)  
(828) 776-4615

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**From:** [Marcia Angle](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Republicans have always advocated for local autonomy!  
**Date:** Wednesday, March 4, 2020 4:50:32 PM

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hello kind rulemakers of the NC DOT,

Overriding the ability of a local municipality to control billboards on its premises goes against everything the Republican majority in the NC Legislature stands for, so please don't do this!

I support Alternative 2, described on page 6 of the NC DOT fiscal note, which would recognize local government ordinances (regarding limiting the changes that can be made to existing billboards being "modernized").

Thank you for your help with this,  
yours for local autonomy,  
Marcia A. Angle  
221 Deer Chase Lane,  
Durham NC 27705-7934

--

Sent from my iPhone

**From:** [Marge Nordstrom](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] New Billboard Rules  
**Date:** Sunday, March 1, 2020 11:41:59 AM

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Dear NCDOT,

I am writing to oppose the proposed rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

It is my firm belief that in matters regarding billboards, local governments should be able to exert control.

For this reason, I urge you to support **Alternative 2** described on p. 6 of the **NCDOT Fiscal Note** to recognize local government ordinances. We must limit modifications that could be made to existing billboards as part of modernization.

Thank you for your consideration.

Regards,  
Margaret Nordstrom  
65 Forest at Duke Drive  
Durham, NC 27705

**From:** [Marilyn Wendt \(mmwendt@mindspring.com\)](mailto:mmwendt@mindspring.com) Sent You a Personal Message  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 1:22:52 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Marilyn Wendt  
1813 Sarazen Pl  
Raleigh, NC 27615  
[mmwendt@mindspring.com](mailto:mmwendt@mindspring.com)  
(919) 790-0280

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**From:** [Marsha Earp \(marshaearp@gmail.com\) Sent You a Personal Message](mailto:marshaearp@gmail.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Saturday, February 29, 2020 10:02:05 AM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Marsha Earp  
6498 River Rd  
Vanceboro, NC 28586  
[marshaearp@gmail.com](mailto:marshaearp@gmail.com)  
(252) 244-9979

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with N.C. Sierra Club. If you need more information, please contact Margaret Lillard at N.C. Sierra Club at [margaret.lillard@sierraclub.org](mailto:margaret.lillard@sierraclub.org) or (919) 833-8467.

**From:** [Martha Arter](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] billboards/NCGS 136-131.2  
**Date:** Thursday, March 5, 2020 2:50:51 PM

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Hi Hannah -

I'm writing to express my opposition to the rule changes that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I also support "Alternative 2" described on page 6 of the NCDOT Fiscal Note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

Thank you

Martha Arter

*Humankind...Be both!*

**From:** [Martha Brimm \(mcb44444@aol.com\) Sent You a Personal Message](mailto:mcb44444@aol.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 2:02:02 PM

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Dear NCDOT Environmental Analysis Unit,

Can I just say that I hate billboards?! They are ugly, distracting, and block scenic views. They are all about the commercialization of culture. I can't think of one good thing about seeing a massed flock of billboards (or only one). They are truly---litter-on-a-stick----worthless. And the idea of making them taller and unrestricted by local communities---why, that's truly awful. We must all do our part to restrain the greed and selfishness of a few. I urge you to stop this proposed rule and rule in favor of scenic beauty.

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Martha Brimm  
7 Surrey Ln  
Durham, NC 27707  
[mcb44444@aol.com](mailto:mcb44444@aol.com)  
(919) 493-1775

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**From:** [Robbins, Jamille A](#)  
**To:** [Jernigan, Hannah](#)  
**Cc:** [Landi, Helen E](#); [Putnam, Lauren N](#)  
**Subject:** FW: [External] Please revise proposed digital billboard rule  
**Date:** Wednesday, March 4, 2020 7:38:00 AM

---

-----Original Message-----

From: Martha Spencer (spencer\_martha@hotmail.com) Sent You a Personal Message <automail@knowwho.com>  
Sent: Tuesday, March 3, 2020 8:35 PM  
To: Robbins, Jamille A <jarobbins@ncdot.gov>  
Subject: [External] Please revise proposed digital billboard rule

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Martha Spencer  
988 Henry Mountain Rd  
Brevard, NC 28712  
spencer\_martha@hotmail.com  
(828) 885-2680

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with N.C. Sierra Club. If you need more information, please contact Margaret Lillard at N.C. Sierra Club at [margaret.lillard@sierraclub.org](mailto:margaret.lillard@sierraclub.org) or (919) 833-8467.

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**From:** [Mary Fierle](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Billboards  
**Date:** Wednesday, February 26, 2020 11:15:10 AM

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Dear Hannah B. Jernigan,

I oppose the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support "Alternative 2" described on page 6 of the NCDOT Fiscal Note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

Local communities should have control of their local environment.

--

Mary Fierle  
[maryfierle@gmail.com](mailto:maryfierle@gmail.com)  
828 776-3014

**From:** [Mary Frazer \(frazem4@hotmail.com\) Sent You a Personal Message](mailto:frazem4@hotmail.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 8:18:14 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Mary Frazer  
1716 Evergreen Ave  
Raleigh, NC 27603  
[frazem4@hotmail.com](mailto:frazem4@hotmail.com)  
(919) 829-4210

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Mary Lou Buck \(maryloubuc@icloud.com\) Sent You a Personal Message](#)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 2:24:06 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Mary Lou Buck  
3406 Mar Vista Cir  
Charlotte, NC 28209  
[maryloubuc@icloud.com](mailto:maryloubuc@icloud.com)  
(704) 525-2293

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Mary Mcqueen \(meminavl@yahoo.com\) Sent You a Personal Message](#)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Friday, February 28, 2020 12:24:57 AM

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Dear NCDOT Environmental Analysis Unit,

Please listen to the will of the people!

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Mary Mcqueen  
171 Inglenook Rd  
Hendersonville, NC 28792  
[meminavl@yahoo.com](mailto:meminavl@yahoo.com)  
(828) 545-9010

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Mary Mountcastle](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Opposition to Proposed Rule Change for billboards  
**Date:** Tuesday, March 3, 2020 5:02:44 PM

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I'm writing to oppose the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if SUCH CHANGES AREN'T ALLOWED BY THE APPLICABLE CITY OR COUNTY ORDINANCE.

It is outrageous that you would overrule local will and destroy our beautiful state.

I support Alternative 2, described on page 6 of the NCDOT Fiscal Note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

Mary Mountcastle  
Durham

**From:** [Mary Schmuck Rsm \(mschmuck@mercysc.org\) Sent You a Personal Message](mailto:mschmuck@mercysc.org)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 12:24:17 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Mary Schmuck Rsm  
101 Mercy Dr  
Belmont, NC 28012  
[mschmuck@mercysc.org](mailto:mschmuck@mercysc.org)  
(704) 829-5260

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Susan Sewell](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] public comment on billboard rule changes  
**Date:** Saturday, February 29, 2020 9:16:49 AM

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**I support local authority** over bill boards and do not support your "new" interpretation on old regulations. My locale has worked long an hard to reduce billboard clutter in our area.

Alternative 2 agrees with this, I believe.

**I oppose rule changes** that would override local ordinances, especially if they allow an increase in height and changing to digital. I continue to see studies that show that digital signs are more distracting to drivers. I know I have been overly distracted by the frequent message changes.

At the time the language in NCGS 136-131.2 was being debated by the NC House of Representatives, the bill sponsor, Rep. Tim Moffitt, stated that "the bill is not intended to allow an increase in the size of the sign" and "does not allow digitizing of signs." \*

Mary Susan Sewell  
2904 Legion Ave  
Durham, NC 27707

**From:** [Mary White \(mvnw50@att.net\) Sent You a Personal Message](#)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 10:15:28 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Mary White  
2146 Sherwood Ave  
Charlotte, NC 28207  
[mvnw50@att.net](mailto:mvnw50@att.net)  
(704) 372-8836

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Maryjo Lanik \(icepondspinner@gmail.com\) Sent You a Personal Message](mailto:icepondspinner@gmail.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Friday, February 28, 2020 10:45:07 AM

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Dear NCDOT Environmental Analysis Unit,

It's been my experience that these digital billboards are too bright at night and are very distracting while driving on the highways! One more thing to distract drivers while driving at 65 mph. Think about it. The safety of highway driving should be the most important decision not making money on unsightly digital billboards. I'd rather see road tolls than those monstrosities.

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Maryjo Lanik  
420 N Fairground Ave  
Hendersonville, NC 28792  
[icepondspinner@gmail.com](mailto:icepondspinner@gmail.com)  
(914) 548-0496

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with N.C. Sierra Club. If you need more information, please contact Margaret Lillard at N.C. Sierra Club at [margaret.lillard@sierraclub.org](mailto:margaret.lillard@sierraclub.org) or (919) 833-8467.

**From:** [Melinda Elkins \(msedolly@yahoo.com\) Sent You a Personal Message](#)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 12:36:12 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Melinda Elkins  
4 Chipmunk Cove Rd  
Asheville, NC 28804  
[msedolly@yahoo.com](mailto:msedolly@yahoo.com)  
(828) 658-0602

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Melissa Griffin \(theschool@mindspring.com\)](mailto:theschool@mindspring.com) Sent You a Personal Message  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 4:42:43 PM

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Dear NCDOT Environmental Analysis Unit,

These billboards are dangerous distractions and local communities should have the right to reject them.

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Melissa Griffin  
7001 Orchard Knoll Dr  
Apex, NC 27539  
[theschool@mindspring.com](mailto:theschool@mindspring.com)  
(919) 387-3650

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Meredith Arkin \(meredith.arkin@gmail.com\)](mailto:meredith.arkin@gmail.com) Sent You a Personal Message  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 3:22:25 PM

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Dear NCDOT Environmental Analysis Unit,

Those billboard lights are Very distracting to night drivers!

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Meredith Arkin  
613 Woodvale Dr  
Greensboro, NC 27410  
[meredith.arkin@gmail.com](mailto:meredith.arkin@gmail.com)  
(336) 294-0207

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Michael T. Bacon](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Please do not approve the measure overriding local billboard ordinances  
**Date:** Wednesday, March 4, 2020 3:37:36 PM

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I have recently returned to North Carolina after six years of living in Richmond, Virginia.

One of the more frequent comments we heard from people who came to visit us in Richmond was, "wow, this city is actually beautiful, I had no idea!" They then tell us they associated Richmond with a strip of I-95 with an unending stream of gaudy billboards, including electronic ones flashing for drivers' attention at dangerous curves.

It has been a blessing to return to Durham, where the strong billboard ordinance has limited signs to those grandfathered in, and which provides beautiful sweeps of greenery and unobstructed views of downtown, Duke Chapel, and Falls Lake.

I support alternative 2 to recognize local government ordinances.

Many thanks,  
Michael Bacon  
Durham, NC

**From:** [Michael David Loven \(mdloven@icloud.com\) Sent You a Personal Message](mailto:mdloven@icloud.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 12:32:50 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Michael David Loven  
4915 Mill Hill Ln  
Chapel Hill, NC 27517  
[mdloven@icloud.com](mailto:mdloven@icloud.com)  
(919) 260-4293

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Michael Marshall \(mmmarsha@uncg.edu\) Sent You a Personal Message](mailto:mmmarsha@uncg.edu)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 1:05:14 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Michael Marshall  
605 Hannah McKenzie Dr  
Greensboro, NC 27455  
[mmmarsha@uncg.edu](mailto:mmmarsha@uncg.edu)  
(336) 545-0171

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [michael mcdonough](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] digital billboards  
**Date:** Friday, February 28, 2020 8:45:40 AM

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Hi,

I am writing to support local authority to control billboards.

I understand new interpretations or rules enacted by the NCGA might allow politicians from other parts of NC to dictate how folks in Asheville or other communities regulate billboard advertising in our communities.

We cherish our visual landscape along our roadways, and see no reason to be forced to allow mostly out of town companies to clutter our landscape with unsightly advertising, especially tall, lighted or digital billboards.

respectfully,

Michael McDonough

**From:** [Michael Teuschler \(michael.teuschler@hanescompanies.com\) Sent You a Personal Message](mailto:michael.teuschler@hanescompanies.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 3:59:41 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Michael Teuschler  
1010 Pebble Creek Trl  
East Bend, NC 27018  
[michael.teuschler@hanescompanies.com](mailto:michael.teuschler@hanescompanies.com)  
(336) 747-1690

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**From:** [Michele Clark \(uncmicha@gmail.com\) Sent You a Personal Message](mailto:uncmicha@gmail.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 2:53:07 PM

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Dear NCDOT Environmental Analysis Unit,

Please allow communities to vote against or restrict the use of billboards, especially the taller, digital billboards. No one wants to see them. We'd much rather enjoy the natural scenery!

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Michele Clark  
109 Shadowood Dr Apt V  
Chapel Hill, NC 27514  
[uncmicha@gmail.com](mailto:uncmicha@gmail.com)  
(919) 260-0895

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Michelle Mitchell \(michellemitchell@gmail.com\) Sent You a Personal Message](mailto:Michelle Mitchell (michellemitchell@gmail.com) Sent You a Personal Message)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 11:01:35 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Michelle Mitchell  
17227 Chardonnay Ct  
Cornelius, NC 28031  
[michellemitchell@gmail.com](mailto:michellemitchell@gmail.com)  
(704) 896-9629

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**From:** [Michelle Myers](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Billboard rule  
**Date:** Friday, February 28, 2020 1:16:24 PM

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I oppose the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance. Cities and counties should retain the right to make their own rules regarding billboards and their economic and aesthetic impact.

I support “Alternative 2” described on page 6 of the NCDOT Fiscal Note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

Michelle Vanderwalker

**From:** [Michelle Yates \(myates67@gmail.com\) Sent You a Personal Message](mailto:myates67@gmail.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 1:27:17 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Michelle Yates  
206 E Jules Verne Way  
Cary, NC 27511  
[myates67@gmail.com](mailto:myates67@gmail.com)  
(919) 380-7175

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Michi Njeri](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] NO OVERRULING LOCAL ORDINANCES  
**Date:** Thursday, March 5, 2020 5:17:03 PM

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Hi, please do NOT make a rule that disregards local ordinances (generally bans) about billboards.

First off, this already failed at the legislature - and then even it supposedly wasn't about making them bigger (which this would); this current move might be seen as sneaky and subversive.

Secondly and more importantly, if cities and local jurisdictions do not want obnoxiously lit and distracting billboards, they should have the ability to keep them out. Just because Avent Ferry (or Western Blvd, or whatever) are state maintained roads should not mean that City of Raleigh and its residents should have to accept lit signs over Lake Johnson (or along campus - where there is already too much problematic driving), etc.

Thirdly, there is no need for more electric billboards - the waste electricity and contribute to global climate change; they're distractions from the job at hand of drivers (which is DRIVING SAFELY); and they are not better than the static ones - unless you're the company charging more than one advertiser for rotating ads.

BOO! Do not go against local will.

Thank you,  
Michi Vojta  
Raleigh, NC

Njeri  
???Wherever you are, it is your friends who make your world?????? William James

**From:** [Miles Varner \(milesav@earthlink.net\) Sent You a Personal Message](mailto:milesav@earthlink.net)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 1:23:00 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Miles Varner  
114 NW 3rd St  
Oak Island, NC 28465  
[milesav@earthlink.net](mailto:milesav@earthlink.net)  
(919) 413-1958

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Mindy Fraiser](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Opposition to changing billboard regulations  
**Date:** Saturday, February 29, 2020 1:49:13 AM

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To whom it may concern:

I STRONGLY OPPOSE the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

Instead, I support "Alternative 2" described on page 6 of the NCDOT Fiscal Note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

Sent from my iPhone

**From:** [Mirinda Kossoff \(mkossoff31@gmail.com\) Sent You a Personal Message](mailto:mkossoff31@gmail.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 12:49:22 PM

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Dear NCDOT Environmental Analysis Unit,

Don't littler NC's beautiful landscape with advertising. Travel and tourism are a big part of the state's economy, and nobody wants to see billboards. NOBODY.

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Mirinda Kossoff  
1394 Fearrington Post  
Pittsboro, NC 27312  
[mkossoff31@gmail.com](mailto:mkossoff31@gmail.com)  
(919) 914-6567

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**From:** [MJ Sharp](#)  
**To:** [Jernigan, Hannah](#); [Galia Goodman](#); [whhna-list@whhna.org](mailto:whhna-list@whhna.org)  
**Cc:** [mj@mjsharp.com](mailto:mj@mjsharp.com)  
**Subject:** [External] Billboards  
**Date:** Saturday, February 29, 2020 3:18:01 PM

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Dear Ms. Jernigan,

I can do no better than add my name onto the very well-stated objections by my neighbor, Galia Goodman (copied below). I will add that it's extremely disheartening to have to repeat this vigilance every few years as another developer with deep pockets takes a run at seeing if they can ram this through. This feels like Year 20 of our trying to keep these dangerous monstrosities out.

With appreciation for your consideration,  
MJ  
MJ Sharp | [mj@mjsharp.com](mailto:mj@mjsharp.com) | [www.mjsharp.com](http://www.mjsharp.com)

From Galia Goodman

Dear Ms. Jernigan:

I am a longtime resident of Wattshillandale neighborhood in west Durham. I am writing to express my dismay and disapproval of the proposed changes in the NCDOT rules regarding digital billboards.

I am adamantly opposed to these changes. I would prefer no digital boards at all, but since that is too much to ask, please do not allow these changes to go through without a longer public comment period. If that is also not possible, then please go with alternative two.

A number of years ago, Durham passed no-digital billboard rules and we have been hoping that NCDOT would honor the community's desire to have fewer rather than more of these monstrosities. If you have time, I suggest you drive to Greensboro from Durham through Alamance County. The whole Burlington strip is one long billboard, and I have seen numerous accidents, especially at night when it is impossible to miss the flashing lights.

These things are a waste of power, a blight on the landscape, damaging to vegetation and wildlife habitat, and are, in my opinion, just plain ugly.

Thanks for considering my comments.

Galia Goodman, Durham, NC (former WHHNA board member)

**From:** [Molly Diggins](#)  
**To:** [Robbins, Jamille A](#)  
**Cc:** [NCDOT Service Account - Rulemaking](#); [Jernigan, Hannah](#); [Landi, Helen E](#)  
**Subject:** [External] Re: Revisions to outdoor advertising rules  
**Date:** Thursday, March 5, 2020 3:09:48 PM

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Jamille Robbins  
NC Department of Transportation, Environmental Analysis Unit  
20301 Mail Service Center Raleigh, NC 27699

Sent via email: [jarobbins@ncdot.gov](mailto:jarobbins@ncdot.gov)

Re: Revisions to outdoor advertising rules

Dear Ms. Robbins:

I am writing to you today in opposition to a proposed change to NC's outdoor advertising rules to conform with 2013 legislation. Specifically, I write in opposition to proposed rules for section 136-131.2, Modernization of Outdoor Advertising Devices.

The 2013 legislation did allow conforming billboards with a state permit to be repaired or reconstructed to modern standards, specifically to allow monopoles.

However, the proposed rule appears to broaden the definition of repair and reconstruction to allow increased height and digitalization. This, despite the fact that the legislature discussed at length and specifically rejected allowing such changes to be incorporated into the legislation. As legislative recordings will confirm, bill sponsor Rep. Tim Moffit stated during floor debate that his 2013 proposed legislation "does not allow digitizing of signs."

What's more, the proposed rule would seem to override local government's authority to regulate signs, and would permit increased height of signs and digitization where explicitly disallowed by local ordinance. I can find no evidence in DOT's rule-related documents or the statutes to support DOT effectively voiding existing local ordinances through the proposed rules. Nor does such an approach seem consistent with the Cooper administration's record on related matters, including the Governor's veto

of legislation sought by the billboard industry in the current session.

As an individual with three decades of personal and professional experience in the regulation of outdoor advertising, I am well familiar that proposals to significantly ease the regulation of outdoor advertising are inherently controversial due to the impact on the environment and the visual character of local communities. Legislative archives will document that substantive changes, such as DOT has proposed in this instance, have been extensively debated in legislative session after legislative session. Legislative intent, in this case, would seem to be clear.

Thank you for your consideration to these concerns. I look forward to a course correction from DOT in the final rule.

Regards,  
Molly Diggins  
2007 Pine Drive  
Raleigh NC 27608  
919.624-7096

**From:** [Monika Winchester \(mw2299@gmail.com\) Sent You a Personal Message](mailto:mw2299@gmail.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 5:14:46 PM

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Dear NCDOT Environmental Analysis Unit,

Billboards are not a federal issue solely. We MUST keep Alternative 2, meaning local communities determine what is acceptable for billboard height and style. Digitized billboards are distracting to drivers as they are constantly changing. Billboards, regardless of which type, are ugly, and diminish the areas in which they appear. As a registered Republican, I expect you to put NC's scenic beauty over billboard companies. Local communities must be able to control what appears in their areas.

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Monika Winchester  
1008 Pine Valley Dr  
Durham, NC 27712  
[mw2299@gmail.com](mailto:mw2299@gmail.com)  
(919) 477-2222

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Morgan Culver](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Stop Billboards from Digitizing  
**Date:** Friday, February 28, 2020 12:04:06 PM

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Hello!

I'm writing to inform NCDOT that I oppose the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance. I support "Alternative 2" described on page 6 of the NCDOT Fiscal Note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

Thank you for your time.

best,  
Morgan Culver  
Durham, NC

**From:** [Nancy LaPlaca](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] NC DOT: Oppose rule change overriding local ordinances on billboards  
**Date:** Monday, March 2, 2020 11:51:12 AM

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Dear NC DOT:

I oppose the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support "Alternative 2" described on page 6 of the NCDOT Fiscal Note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

Nancy LaPlaca  
239 Wildwood Ln, Boone, NC 28607  
828-434-3423

**From:** [Nasser Rahimzadeh](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Cc:** [Scott Buffkin](#)  
**Subject:** [External] Session Law 2013-413 (House Bill 74)  
**Date:** Wednesday, February 26, 2020 11:07:33 AM

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Comments regarding amendments to Session Law 2013-413 (House Bill 74):

1. I oppose the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height.
2. I support alternative 2 specified in the NCDOT fiscal note on page 6.

Nasser Rahimzadeh  
Village Planner  
Village of Clemmons  
3715 Clemmons Road  
Clemmons, NC 27012  
336.766.7511 Office  
336.703.7008 Mobile

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**From:** [Nathan Page](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Proposed NCDOT Rule Change for Billboards  
**Date:** Tuesday, March 3, 2020 8:04:46 AM

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The City of Graham is not in favor of additional preemption of our regulatory authority. We would be in favor of Alternative 2, supporting our local jurisdiction.

Nathan Page, MCRP

Planning Director for Graham, North Carolina  
(336) 570-6705x135 [npage@cityofgraham.com](mailto:npage@cityofgraham.com)  
[www.cityofgraham.com/departments/planning](http://www.cityofgraham.com/departments/planning)

**From:** [Nick H](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] NCDOT Rule Changes to Billboards  
**Date:** Wednesday, March 4, 2020 3:11:33 PM

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I am **opposed** to the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I **support 'Alternative 2'** NCDOT Fiscal Note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

**From:** [Nikki Robinson](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Proposed rule change for billboards  
**Date:** Thursday, March 5, 2020 2:21:58 PM

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Hello,

As a North Carolina citizen, I am opposed to the proposal to loosen restrictions on billboards to allow them to be taller and digital.

Billboards are a distraction to drivers who are already overly distracted by the temptation of using cell phones while driving.

Not only are billboards unsafe, but they are also unsightly. North Carolinians take pride in the beauty of our state. Our highways should not be a non stop advertisement. With the technology of navigation systems in most cars, drivers can find gas stations and rest stops without a monstrosity billboard telling them one exists 10 exits away.

Billboards also increase light pollution at night. This is detrimental for nocturnal wildlife. A single bat can eat thousands of insects in one night. This decreases the amount of dependence farmers have to use on pesticides to grow our food. Artificial lights confuse bats and hinder their ability to locate prey.

Please think about the long term effects on the citizens of North Carolina, the sustainability of our natural resources, and the integrity of our scenic beauty.

Thank you,

Nikki Robinson  
Boone, NC

--

Nikki Robinson

**From:** [Onja Bock](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Oppose to billboard law pending  
**Date:** Friday, February 28, 2020 8:43:20 AM

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I oppose the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support "Alternative 2" described on page 6 of the NCDOT Fiscal Note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization. Thank you,

Durham resident

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*To benefit your world, Your people, Your life; Consider consequences, Minimize harm, Ask questions, Seek answers, Learn, Teach. - Octavia Butler*

"You only have control over three things in your life – the thoughts you think, the images you visualize, and the actions you take." ~ Jack Canfield

**From:** [Pam Hoge \(pamhoge@yahoo.com\) Sent You a Personal Message](mailto:pamhoge@yahoo.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 2:55:33 PM

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Dear NCDOT Environmental Analysis Unit,

Please do not allow for more trashing of our fragile beautiful land

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Pam Hoge  
1112 Oval Dr  
Durham, NC 27705  
[pamhoge@yahoo.com](mailto:pamhoge@yahoo.com)  
(303) 440-3827

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Robbins, Jamille A](#)  
**To:** [Jernigan, Hannah](#)  
**Cc:** [Landi, Helen E](#); [Putnam, Lauren N](#)  
**Subject:** FW: [External] Please revise proposed digital billboard rule  
**Date:** Wednesday, March 4, 2020 10:12:01 AM

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-----Original Message-----

From: Pat Carstensen (pats1717@hotmail.com) Sent You a Personal Message <automail@knowwho.com>  
Sent: Wednesday, March 4, 2020 10:06 AM  
To: Robbins, Jamille A <jarobbins@ncdot.gov>  
Subject: [External] Please revise proposed digital billboard rule

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Pat Carstensen  
58 Newton Drive  
Durham, NC 27707  
pats1717@hotmail.com  
(919) 490-1566

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**From:** [Pat Vescio \(pat5vesc@aol.com\) Sent You a Personal Message](mailto:pat5vesc@aol.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 5:04:32 PM

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Dear NCDOT Environmental Analysis Unit,

We have to take every opportunity to improve our environment and not make it worse.

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Pat Vescio  
312 Arvo Ln  
Cary, NC 27513  
[pat5vesc@aol.com](mailto:pat5vesc@aol.com)  
(919) 650-1785

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**From:** [Patricia White \(pwhitehailey@yahoo.com\) Sent You a Personal Message](mailto:pwhitehailey@yahoo.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 5:30:17 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Patricia White  
7 Spring Park Rd  
Asheville, NC 28805  
[pwhitehailey@yahoo.com](mailto:pwhitehailey@yahoo.com)  
(404) 931-4895

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**From:** [Patrick Valle](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Proposed NCDOT Rule Change for Billboards  
**Date:** Friday, February 28, 2020 9:20:11 AM

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To whom it may concern:

I write to express my objection to rule changes that will allow both 50 ft high billboards and digitized billboards.

Billboards already take drivers' attention away from driving; increasing the presence of billboards is not going to help this. As someone who suffers from an eye disease called keratoconus, any bright lights at night can impair my driving ability. Digital billboards can only aggravate this impairment.

Allowing for enhanced billboards only benefits the owner of the billboard and the advertiser. Most likely it's not something that citizens at large will see any reward from. For that reason, I support "Alternative 2" on page 6 of the NCDOT Fiscal note to recognize local government ordinances. Give the people local to the billboard the choice, as it's their home.  
Thank you for your careful consideration.

Patrick Valle

**From:** [Paul Harvin](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] I Oppose the Proposed NCDOR Rule Change for Billboards  
**Date:** Friday, February 28, 2020 10:15:08 AM

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Hello, Ms. Jernigan -

I am writing to oppose the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I am writing to support "Alternative 2" described on page 6 of the NCDOT Fiscal Note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

Thank-you,

Paul Harvin  
1209 Dwire Place  
Durham, NC 27705  
919-627-1209

**From:** [Paul Kauffmann](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Proposed rule change...  
**Date:** Friday, February 28, 2020 3:09:40 PM

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Dear Ms. Jernigan,

I am going to try and be polite. Please stop this ridiculous rule change. Thanks.

Paul Kauffmann

Durham, NC 27705

**From:** [Paul Magnuson \(pmagnuson33@aol.com\) Sent You a Personal Message](#)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 12:43:21 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Paul Magnuson  
4945 Brookridge Dr NE  
Hickory, NC 28601  
[pmagnuson33@aol.com](mailto:pmagnuson33@aol.com)  
(828) 322-5368

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**From:** [Peggy Danka \(p.danka@yahoo.com\)](mailto:p.danka@yahoo.com) Sent You a Personal Message  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Friday, February 28, 2020 11:14:15 AM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Peggy Danka  
151 Outatha Way  
Advance, NC 27006  
[p.danka@yahoo.com](mailto:p.danka@yahoo.com)  
(336) 926-0600

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with N.C. Sierra Club. If you need more information, please contact Margaret Lillard at N.C. Sierra Club at [margaret.lillard@sierraclub.org](mailto:margaret.lillard@sierraclub.org) or (919) 833-8467.

**From:** [Peggy Henderson](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Cc:** [Stuart Gilbert](#); [Jessica Collins](#)  
**Subject:** [External] Rule Change Comment  
**Date:** Thursday, March 5, 2020 10:46:29 AM  
**Attachments:** [image001.jpg](#)

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Good morning to you!!!

I oppose the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

Thank you for your time!!!

Peggy C. Henderson, CZO  
Deputy Zoning Administrator  
City of Kings Mountain  
PO Box 429  
101 W Gold St  
Kings Mountain NC 28086  
704-730-2108 – Office  
[peggyh@cityofkm.com](mailto:peggyh@cityofkm.com)



*“The will of God will never take you where the grace of God will not protect you”.*

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**From:** [Peggy Kinney](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Rule change  
**Date:** Thursday, February 27, 2020 8:35:44 PM

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I oppose the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support "Alternative 2" described on page 6 of the NCDOT Fiscal Note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

Thanks for your attention.

Peggy Kinney

Sent from my iPad

**From:** [Barbara Welanetz](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] NC Billboard Rule change  
**Date:** Thursday, March 5, 2020 11:26:16 AM

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**We oppose the rule change** that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance. This would have a terrible impact in some locations.

**We support “Alternative 2”** described on page 6 of the NCDOT Fiscal Note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization. Local governments should have the ability to limit billboard locations and sizes as appropriate for residential neighborhoods.

Thank you for your consideration.  
Barbara and Peter Welanetz  
2612 W Knox St, Durham, NC 27705

**From:** [Peter Calingaert \(pc@cs.unc.edu\) Sent You a Personal Message](#)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 12:36:22 PM

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Dear NCDOT Environmental Analysis Unit,

We in North Carolina are fortunate to have a lot of green along many of our highways. Let's keep it that way, rather than succumb to visual pollution.

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Peter Calingaert  
39 Clover Dr  
Chapel Hill, NC 27517  
[pc@cs.unc.edu](mailto:pc@cs.unc.edu)  
(919) 933-5489

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Phyllis Holmes \(p.holmes@charter.net\) Sent You a Personal Message](mailto:p.holmes@charter.net)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 1:16:47 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Phyllis Holmes  
3 Windrow Dr  
Asheville, NC 28805  
[p.holmes@charter.net](mailto:p.holmes@charter.net)  
(828) 231-1126

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**From:** [Horton, Rachel Avery](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Opposition to changes re billboards  
**Date:** Thursday, March 5, 2020 9:55:56 PM

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Ms. Jernigan,

I am writing to express my opposition to the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support "Alternative 2" described on page 6 of the NCDOT Fiscal Note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

Thank you for your time,

Rachel Horton  
1409 Maryland Ave.  
Durham, NC 27705

**From:** [Ralph Cullom \(drcullom@embarqmail.com\) Sent You a Personal Message](mailto:drcullom@embarqmail.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 12:52:15 PM

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Dear NCDOT Environmental Analysis Unit,

Try to keep NC beautiful!! NO BLINDING LIGHTS!! NO TALLER BILLBOARDS!! Please listen...a LIFE-LONG NC RESIDENT-Ralph Cullom.

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Ralph Cullom  
4806 Meadow Court Dr  
New Bern, NC 28562  
[drcullom@embarqmail.com](mailto:drcullom@embarqmail.com)  
(252) 638-4329

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**From:** [Randy Bernard \(rb719504@gmail.com\) Sent You a Personal Message](mailto:rb719504@gmail.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 1:50:27 PM

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Dear NCDOT Environmental Analysis Unit,

I find the tall, digital billboards annoying, distracting, and a significantly greater assault on the natural environment. If Raleigh wants to become the billboard capital of the state, go for it. But let local communities retain some control over their own experiences.

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Randy Bernard  
18 Plateau Rd  
Asheville, NC 28805  
[rb719504@gmail.com](mailto:rb719504@gmail.com)  
(828) 273-2768

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**From:** [Raymond Occhipinti \(bleep2112@yahoo.com\) Sent You a Personal Message](mailto:bleep2112@yahoo.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Friday, February 28, 2020 12:14:36 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Raymond Occhipinti  
265 Brooklyn Rd  
Asheville, NC 28803  
[bleep2112@yahoo.com](mailto:bleep2112@yahoo.com)  
(828) 222-5555

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with N.C. Sierra Club. If you need more information, please contact Margaret Lillard at N.C. Sierra Club at [margaret.lillard@sierraclub.org](mailto:margaret.lillard@sierraclub.org) or (919) 833-8467.

**From:** [Rebecca Burmester \(rebeccaburmester@gmail.com\) Sent You a Personal Message](mailto:rebeccaburmester@gmail.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 10:14:33 PM

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Dear NCDOT Environmental Analysis Unit,

Limited billboards add to the beauty of traveling in our state.

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Rebecca Burmester  
2121 N Hills Dr Apt I  
Raleigh, NC 27613  
[rebeccaburmester@gmail.com](mailto:rebeccaburmester@gmail.com)  
(919) 395-1373

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**From:** [Rebecca Causey \(rcausey5@icloud.com\) Sent You a Personal Message](mailto:rcausey5@icloud.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 5:31:22 PM

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Dear NCDOT Environmental Analysis Unit,

Keep our state highways beautiful, or plan to make them more beautiful!

We do not need to ?up?grade to ?ugly?! Plant more low, beautiful, flowers, not high, uglifying, digital signs.

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Rebecca Causey  
4929 Tower Rd Apt C  
Greensboro, NC 27410  
[rcausey5@icloud.com](mailto:rcausey5@icloud.com)  
(336) 852-1068

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**From:** [Rebecca Schreiber](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] New billboard rules  
**Date:** Sunday, March 1, 2020 12:36:15 PM

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Hi NCDOT,

I am writing to oppose the proposed rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

It is my firm belief that in matters regarding billboards, local governments should be able to exert control.

For this reason, I urge you to support **Alternative 2** described on p. 6 of the **NCDOT Fiscal Note** to recognize local government ordinances. We must limit modifications that could be made to existing billboards as part of modernization.

Thank you for your consideration.

Regards,

Rebecca Schreiber  
3314 Pickett Rd  
Durham, NC 27705

**From:** [mcb44444@aol.com](mailto:mcb44444@aol.com)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Fwd: Proposed NCDOT Rules for Billboards  
**Date:** Thursday, February 27, 2020 2:25:23 PM

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Ms. Jernigan,  
I'm sorry, I forgot to sign my comment (copy below).

Yours for Scenic Beauty,  
The Rev. Martha Brimm  
Durham, NC

-----Original Message-----

From: mcb44444 <[mcb44444@aol.com](mailto:mcb44444@aol.com)>  
To: Rulemaking <[Rulemaking@ncdot.gov](mailto:Rulemaking@ncdot.gov)>  
Sent: Thu, Feb 27, 2020 2:16 pm  
Subject: Proposed NCDOT Rules for Billboards

Dear Ms. Jernigan,

I oppose the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support "Alternative 2" described on page 6 of the NCDOT Fiscal Note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

Truth to tell, I dislike all billboards because they are intrusive, ugly and scenic-beauty-blocking. And now you want to make them even taller---even in communities which have limited billboards!! This move is just awful. Don't do it! Why pander to the greed and selfishness of a few when most of us dislike litter-on-a-stick? I implore you not to implement this proposed rule.

**From:** [Rhonda Klevansky](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Billboards!  
**Date:** Friday, February 28, 2020 8:05:53 AM

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I write to express my objection to rule changes that will allow both 50 ft high billboards and digitized billboards.

Billboards take drivers' attention away from important aspects of the driving task thereby increasing driver response times and potentially contributing to collisions. Higher billboards are visible along longer portions of the roadway, increasing the amount of time that billboards can distract drivers from the roadway.

In addition, at night time, digitized billboards affect light adaptation which has the potential to make roadway objects that are difficult to see even more difficult to see, with a similar result for response times and collisions.

Larger billboards and digitized billboards make the roadways less safe.

I support "Alternative 2" on page 6 of the NCDOT Fiscal note to recognize local government ordinances.

Rhonda Klevansky  
MA, Duke University

**From:** [Richard Cary \(richard.cary@att.net\) Sent You a Personal Message](mailto:richard.cary@att.net)  
**To:** [Robbins, Jamille A](mailto:Robbins, Jamille A)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Friday, February 28, 2020 10:31:02 AM

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Dear NCDOT Environmental Analysis Unit,

These flashing billboard are DEATH MACHINES!!! It's like encouraging drivers to text on their cell phones-- DISTRACTION is barely the word-- more like FORCING THE DRIVER OFF THE ROAD. Please revise your thinking.

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Richard Cary  
36 Eagle St  
Hayesville, NC 28904  
[richard.cary@att.net](mailto:richard.cary@att.net)  
(828) 301-5779

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with N.C. Sierra Club. If you need more information, please contact Margaret Lillard at N.C. Sierra Club at [margaret.lillard@sierraclub.org](mailto:margaret.lillard@sierraclub.org) or (919) 833-8467.

**From:** [Richard Honeycutt \(rhoneycutt@alumni.wfu.edu\)](mailto:rhoneycutt@alumni.wfu.edu) Sent You a Personal Message  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 12:31:24 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Richard Honeycutt  
404 Olivia Dr  
Lexington, NC 27295  
[rhoneycutt@alumni.wfu.edu](mailto:rhoneycutt@alumni.wfu.edu)  
(336) 249-3526

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**From:** [Richard Wilson](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Modernization of outdoor advertising devices 136.131.2  
**Date:** Friday, February 28, 2020 4:41:04 PM

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Ms Jernigan,

The Fiscal Note related to the proposed rule changes involving outdoor advertising states, *"Aesthetics tends to be important to local governments and residents for personal enjoyment and to attract residents, tourists, and business to the area."* Aesthetics are indeed important to citizens, but that word is too weak to express the strong desire of most NC citizens to avoid the unwanted intrusion and distraction that taller and digitized billboards would cause. Garish billboards convey a message of cheap commercialism that large numbers of people reject and that is not attractive to many of the most desirable businesses that could potentially locate in NC.

Local community governments are in the best position to make decisions about the overall economic welfare of their constituents. Removing the power to regulate billboards would usurp that power and would likely result in economic damage to many cities — an issue not addressed in the Fiscal Note.

136.131.2 clearly limits itself to issues of repair or reconstruction in general and specifically includes only the relatively inconsequential case of changing from multipole to monopole support. Raising the height and conversion to digital, are much more drastic changes and do not fit into the common understanding of "repair or reconstruction". In the absence of specific inclusion, as was the case with multipole/monopole support, they should not be permitted to be done under the provisions of this law.

The word, "reconstruction," is ambiguous, but the Fiscal Note makes an unwarranted transition to "modernization", which then is assumed to include raising the height and digitization. The issue of billboards is a contentious one, and if those things were intended to be alterable, they would have been specifically included.

In sum, please to not remove local authority to regulate billboards.

Richard Wilson  
306 Oakridge Rd  
Cary, NC 27511

**From:** [R. N. Ferguson](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] blinkin" billboards  
**Date:** Thursday, March 5, 2020 2:45:24 PM  
**Attachments:** [rnfergus.vcf](#)

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Bigger is not always better, DOT!

We don't want commerce's stinkin', blinkin' towering billboards in Durham, NC!

Already, there is too much light pollution that disrupts natural habitats in our biodiverse countryside, and we certainly do NOT want any more of this artificial, interpolated greed-driven blinkin' metal infrastructure towering over our neighborhoods!

Say no to humongous billboards for Durham! WE DON'T WANT THEM HERE.\

R N Ferguson, Sprunt Avenue, Durham NC

--

Thank you for driving slowly on neighborhood streets.

**From:** [Robert Baron \(robert@rbaron.us\) Sent You a Personal Message](mailto:robert@rbaron.us)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 12:26:33 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Robert Baron  
312 Island Cove Ct  
Winnabow, NC 28479  
[robert@rbaron.us](mailto:robert@rbaron.us)  
(508) 353-8722

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Robert Belknap \(rebelknap@sms.edu\) Sent You a Personal Message](mailto:rebelknap@sms.edu)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 12:24:31 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Robert Belknap  
900 Hillsborough St  
Raleigh, NC 27603  
[rebelknap@sms.edu](mailto:rebelknap@sms.edu)  
(919) 424-3654

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Robert Burns \(skippero@aol.com\) Sent You a Personal Message](mailto:skippero@aol.com)  
**To:** [Robbins, Jamille A](mailto:Robbins, Jamille A)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Friday, February 28, 2020 11:56:52 AM

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Dear NCDOT Environmental Analysis Unit,

Please do not allow this to happen to us. There is already way too much unwanted advertising on every mobile phone and computer. It is just wrong to force us to deal with on our beautiful roadways.

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Robert Burns  
118 Fenner Ave  
Asheville, NC 28804  
[skippero@aol.com](mailto:skippero@aol.com)  
(609) 907-1189

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with N.C. Sierra Club. If you need more information, please contact Margaret Lillard at N.C. Sierra Club at [margaret.lillard@sierraclub.org](mailto:margaret.lillard@sierraclub.org) or (919) 833-8467.

**From:** [Robert Cherry \(bcherry001@gmail.com\) Sent You a Personal Message](mailto:bcherry001@gmail.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Saturday, February 29, 2020 3:55:43 PM

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Dear NCDOT Environmental Analysis Unit,

If you want more billboards in your neighbor then get your local government to do that. In Western NC we like to keep these decisions in the hands of local governments, not dictated to us by elites in Raleigh.

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Robert Cherry  
301 Perkins St  
Boone, NC 28607  
[bcherry001@gmail.com](mailto:bcherry001@gmail.com)  
(828) 719-6284

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with N.C. Sierra Club. If you need more information, please contact Margaret Lillard at N.C. Sierra Club at [margaret.lillard@sierraclub.org](mailto:margaret.lillard@sierraclub.org) or (919) 833-8467.

**From:** [boglenn@nc.rr.com](mailto:boglenn@nc.rr.com)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Billboards  
**Date:** Friday, February 28, 2020 9:51:53 AM

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I oppose any change to local billboard ordinances. I particularly oppose billboards that are bright as they are an unsafe distraction while driving, especially at night. I live in NC because I do not want to live in New Jersey with congestion, ugly streetscapes, and over the top advertising.

Let's keep NC's roadways beautiful and clutter free. With the growth of internet buying billboards do not really advance commerce as much as we have been led to believe. The smaller signs that the DOT uses to advertise services at each intersection are perfect. Let's not change the quality of life in NC because of some misguided belief that commerce will be benefited by street-side advertising.

Robert B Glenn Jr  
3000 Montgomery Street  
Durham, NC 27705  
Cell 919-623-6551

**From:** [Robert Swett \(robert.swett@att.net\) Sent You a Personal Message](mailto:robert.swett@att.net)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 4:41:46 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Robert Swett  
301 Montreat Rd  
Black Mountain, NC 28711  
[robert.swett@att.net](mailto:robert.swett@att.net)  
(828) 669-1073

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Robert Waring](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Cc:** [Mimi Gaither](#); [wdeccard@gmail.com](mailto:wdeccard@gmail.com)  
**Subject:** [External] Proposed NCDOT Rule Change for Billboards  
**Date:** Thursday, March 5, 2020 4:18:15 PM  
**Attachments:** [image001.png](#)

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To Whom It May Concern,

The Town of Shallotte oppose any legislation that would reduce, or remove municipal authority to regulate billboards, off-premise signage, or outdoor advertising structures. The Town has worked to develop and enforce reasonable and objective regulations for signage throughout the municipal limits.

The Town would support Alternative 2 so as to recognize local government ordinances when considering changes to existing billboards.

Thank you for your time and consideration.

Please contact me with any questions,

Robert Waring

Assistant Town Administrator

Planning Director

Town of Shallotte

106 Cheers Street, Shallotte, NC 28470

(P) 910-754-4032, (F) 910-754-2740



**From:** [Robin Middleton \(rlmiddle2119@gmail.com\)](mailto:rlmiddle2119@gmail.com) Sent You a Personal Message  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 1:35:58 PM

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Dear NCDOT Environmental Analysis Unit,

NC is too beautiful to become littered with signs. That is NOT what people want to see!

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Robin Middleton  
115 Amberleigh Dr Apt 201  
Wilmington, NC 28411  
[rlmiddle2119@gmail.com](mailto:rlmiddle2119@gmail.com)  
(716) 969-4777

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Ronald Clayton \(se-larvae@hotmail.com\) Sent You a Personal Message](#)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 11:52:12 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Ronald Clayton  
10860 Old US Highway 70  
Cove City, NC 28523  
[se-larvae@hotmail.com](mailto:se-larvae@hotmail.com)  
(336) 460-0019

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Rose Cnudde](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Billboards  
**Date:** Saturday, February 29, 2020 3:02:35 PM

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"I write to express my objection to rule changes that will allow both 50 ft high billboards and digitized billboards. Higher billboards are visible along longer portions of the roadway, increasing the amount of time that billboards can distract drivers from the roadway. In addition, digitized billboards are more likely to grab attention as they are more conspicuous than an undigitized the version. At night time, especially for older drivers, they affect light adaptation which has the potential to make roadway objects that are difficult to see even more difficult to see, with a similar result for response times and collisions.

They're a bad idea. Both of these changes make the roadways less safe.

I support "Alternative 2" on page 6 of the NCDOT Fiscal note to recognize local government ordinances.

Rose Cnudde. Sprunt Ave Durham

Sent from my iPhone

**From:** [Rosemary Tann \(rocatgo@gmail.com\) Sent You a Personal Message](#)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 12:21:14 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Rosemary Tann  
14 Painted Trillium Trl  
Black Mountain, NC 28711  
[rocatgo@gmail.com](mailto:rocatgo@gmail.com)  
(954) 646-6634

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Roy Fortmann \(rfortmann@att.net\) Sent You a Personal Message](#)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 12:31:54 PM

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Dear NCDOT Environmental Analysis Unit,

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I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Roy Fortmann  
7703 Still Crossing Rd  
Chapel Hill, NC 27516  
[rfortmann@att.net](mailto:rfortmann@att.net)  
(919) 998-8755

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Russell Fowler \(rfowler30@yahoo.com\) Sent You a Personal Message](mailto:rfowler30@yahoo.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Friday, February 28, 2020 6:40:30 PM

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Dear NCDOT Environmental Analysis Unit,

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I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Russell Fowler  
520 Harvest Pl  
Swansboro, NC 28584  
[rfowler30@yahoo.com](mailto:rfowler30@yahoo.com)  
(910) 326-7413

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with N.C. Sierra Club. If you need more information, please contact Margaret Lillard at N.C. Sierra Club at [margaret.lillard@sierraclub.org](mailto:margaret.lillard@sierraclub.org) or (919) 833-8467.

**From:** [Ruth Stambaugh \(deemare@juno.com\)](mailto:deemare@juno.com) Sent You a Personal Message  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 3:31:19 PM

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Dear NCDOT Environmental Analysis Unit,

I guess I can probably assume that some lawmakers have been getting secret payments from the billboard industry. I think we need to find out just who they are. Let's follow the money, shall we.

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Ruth Stambaugh  
93 Bird Creek Estate Rd  
Black Mountain, NC 28711  
[deemare@juno.com](mailto:deemare@juno.com)  
(828) 664-9236

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Ryan Draper \(raptorred01@yahoo.com\) Sent You a Personal Message](mailto:raptorred01@yahoo.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Friday, February 28, 2020 7:46:57 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Ryan Draper  
101 Foxridge Rd  
Chapel Hill, NC 27514  
[raptorred01@yahoo.com](mailto:raptorred01@yahoo.com)  
(919) 968-0690

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with N.C. Sierra Club. If you need more information, please contact Margaret Lillard at N.C. Sierra Club at [margaret.lillard@sierraclub.org](mailto:margaret.lillard@sierraclub.org) or (919) 833-8467.

**Ryke Longest**  
Clinical Professor  
Duke School of Law  
Nicholas School of the Environment  
[longest@law.duke.edu](mailto:longest@law.duke.edu)

March 4, 2020

Jamille Robbins  
NC Department of Transportation  
By Email to: [jarobbins@ncdot.gov](mailto:jarobbins@ncdot.gov)  
With copy to: [rulemaking@ncdot.gov](mailto:rulemaking@ncdot.gov) ; [hjernigan@ncdot.gov](mailto:hjernigan@ncdot.gov) ; [hlandi@ncdot.gov](mailto:hlandi@ncdot.gov)

RE: NCDOT Outdoor Advertising Rules Rewrite Public Notice of 1/2/2020

Dear PICSViz Group Leader Robbins,

These proposed rules grant privileges to billboard companies that those companies were unable to achieve through legislation. These proposed rules represent invalid exercises of NC DOT's rulemaking authority. NC DOT cannot give rights to billboard owners which the NC General Assembly have decided against giving them. Billboards are a parasitic, monopolistic use of public goods.

In 2013, the billboard industry was granted the ability to repair and reconstruct signs with a valid permit. See Section 8(b) of N.C. Sess. Law 2013-413. It added a new section which read as follows:

“ **§ 136-131.2. Modernization of outdoor advertising devices.**

No municipality, county, local or regional zoning authority, or other political subdivision shall, without the payment of just compensation as provided for in G.S. 136-131.1, regulate or prohibit the repair or reconstruction of any outdoor advertising for which there is in effect a valid permit issued by the Department of Transportation so long as the square footage of its advertising surface area is not increased. As used in this section, reconstruction includes the changing of an existing multipole outdoor advertising structure to a new monopole structure.”

Repair and reconstruction provision contained in N.C. Gen. Stat. § 136-131.2 enacted in 2013 was not carte blanche to the NC DOT to authorize whatever they wanted

to define as “modernization.” It was a very limited exception designed to deal with upgrading from wooden poles to monopoles when a sign needed to be repaired or reconstructed and it was prohibited by local ordinances, and was therefore nonconforming with local codes.

In 2013, I expressed concerns on behalf of Scenic NC to both NC DOT and the FHWA that the language enacted N.C. Gen. Stat. § 136-131.2 might be misused to authorize exemptions from local controls outside the narrow confines of the language. Both agencies responded regarding the Department’s interpretation as appropriately narrow, so as not to undercut local authority recognized by North Carolina law and the Highway Beautification Act to control advertising structures. Copies of those letters are attached to this comment.

In the years between, the law has not granted to the billboard companies what these rules propose. In 2017, the NC House killed HB 581 on the House Floor at Second Reading by a vote of 48-67. Sections 7, 9 and 10 of HB 581 would have extended “modernization” as the proposed rules suggest to include digitization. In 2019, Governor Cooper vetoed HB 645, legislation which would have extended modernization as the proposed rules suggest to include digitization through relocation rights in Section 4 of that Act. The North Carolina General Assembly has not overridden the veto.

The North Carolina Constitution recognizes the State’s duty to protect its scenic beauty. Governor Cooper protected our beauty by vetoing H645 in 2019. The N.C. House protected our beauty by killing HB 581 in 2017. I thank you for your service to the people of North Carolina and for your thorough consideration of my opinion.

Very Truly Yours,

/s/

Ryke Longest



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

JAMES H. TROGDON, III  
SECRETARY

March 1, 2019

**Fiscal Note**

**Session Law 2013-413 (House Bill 74) – Regulatory Reform Act, Specifically the Section on Outdoor Advertising (ODA) Modernization of outdoor advertising devices.**

**Proposed NCAC Rule Changes:**

<b>19A NCAC 02E .0201</b>	<b>Technical Changes</b>
<b>19A NCAC 02E .0203</b>	<b>Technical Changes</b>
<b>19A NCAC 02E .0206</b>	<b>Technical Changes</b>
<b>19A NCAC 02E .0207</b>	<b>Technical Changes</b>
<b>19A NCAC 02E .0208</b>	<b>Technical Changes</b>
<b>19A NCAC 02E .0209</b>	<b>Technical Changes</b>
<b>19A NCAC 02E .0210</b>	<b>Technical Changes</b>
<b>19A NCAC 02E .0212</b>	<b>Technical Changes</b>
<b>19A NCAC 02E .0213</b>	<b>Technical Changes</b>
<b>19A NCAC 02E .0215</b>	<b>Technical Changes</b>
<b>19A NCAC 02E .0225</b>	<b>Comply with Session Law</b>
<b>19A NCAC 02E .0226</b>	<b>Technical Changes</b>

Agency Contact: Helen Landi  
Interagency Director/APA Coordinator

Statutory Authority: G.S. 136-130 and G.S. 136-131.2

Impact Summary: Federal Government: No  
State government: Yes  
Local government: Yes  
Substantial impact: Yes

**Necessity:**

NCDOT is proposing to revise 19A NCAC 02E .0225 to comply with outdoor advertising modernization amendments enacted during the 2013 General Assembly session to G.S. 136-131.2. Session Law 2013-413 removed the authority of municipal, county, local or regional zoning authorities, or other political subdivision to prohibit the repair or reconstruction of any outdoor advertising for which the owner holds a valid permit issued by the Department of Transportation. Additional technical changes to a number of other rules are proposed to clarify and update language.

A summary of the impact from the proposed rule changes is presented in Table 1.

**Table 1. Impact Summary**

<i>Costs</i>	<b>Annual Impacts</b>
NCDOT cost to review application & inspect site	\$18,985
Industry cost to prepare application & inspect site <sup>1</sup>	\$22,730
Industry cost of modernization <sup>1</sup>	\$1,750,000
Aesthetic impacts to local residents and governments	Unquantified
<b><i>Benefits</i></b>	
NCDOT fee revenue	\$21,000
Industry benefits of modernization <sup>2</sup>	Unquantified

<sup>1</sup> There are many uncertainties related to estimating the cost of modernization. The numbers presented in this table assume a cost per site of \$50,000 (which may not be representative of the average cost) plus the cost of application and inspection. It is difficult to estimate industry benefits; this analysis assumes benefits would have to be at least equal to costs, or otherwise industry would not choose to modernize.

Statistics:

There are about 8200 signs that are currently permitted or in the process of being permitted. The federal transportation apportionment bill (MAP-21), which took effect on October 1, 2012, increased and extended the National Highway System (NHS) to include new routes classified as principal arterials. Since NCDOT is required to control outdoor advertising on any NHS route, the Department has tasked a consultant with inventorying and permitting signs on the additional mileage. For the past five years, NCDOT has been actively permitting these new MAP 21 signs; however, approximately 75 remain to be permitted. No new signs will be allowed on these routes without going through the established NCDOT application process.

Since the passage of S.L. 2013-413, approximately 120 signs were modernized. It is assumed that industry continue modernizing signs in in similar quantities over the next five years. It is estimated that NCDOT will receive 175 applications to modernize the following number of signs in the next five years:

- First year Estimated 20% = 35 signs modernized
- Second year: Estimated 20% = 35 signs modernized
- Third year: Estimated 20% = 35 signs modernized
- Fourth year: Estimated 20% = 35 signs modernized
- Fifth year: Estimated 20% = 35 signs modernized

Administrative costs could potentially increase for NCDOT and the Industry. A sample calculation for a continued modernization effort is described below.

NCDOT Administrative Cost Increase:

The NCDOT will have minimal extra cost involved in reviewing requests for modernization:

- NCDOT estimates it will take six extra (6) hours of an engineering technician’s time investigating each permit. This is for reviewing documents and conducting a field investigation once construction/modernization is complete. The technician will also have to travel to the site which is estimated at 2 hours for the round trip.
- An average ODA consultant technician rate is approximately \$29.41/hour. Adding the standard overhead and payroll burden of %125, the rate is approximately \$66.18/hour. The vehicle allowance in the current ODA contract is \$720 per month plus \$.16 per mile. Assuming 2000 miles per month, and 160 working hours per month, the average hourly rate for consultant technician vehicle use is \$6.50 per hour. This calculation assumes two hours of travel time and two hours for the consultant to conduct the field investigation. The current ODA consultant contract can be renewed for an additional year and no significant salary increases are expected over the next few years. So this analysis assumes no growth in the hourly NCDOT consultant technician cost.

Based on the assumptions above, the 5-year extra DOT costs are estimated as follows:

$$(\$’s \text{ for Investigation} + \$’s \text{ for Travel}) * \text{Number of Signs} = \text{Cost}$$

	<b>Calculation:</b>	<b>Cost:</b>
<b>Year 1, 35 signs</b>	$(\$66.18 * 6 \text{ hours}) + (\$66.18 + \$6.50) * 2 \text{ hours}$ * 35 signs	\$18,985
<b>Year 2, 35 signs</b>	$(\$66.18 * 6 \text{ hours}) + (\$66.18 + \$6.50) * 2 \text{ hours}$ * 35 signs	\$18,985
<b>Year 3, 35 signs</b>	$(\$66.18 * 6 \text{ hours}) + (\$66.18 + \$6.50) * 2 \text{ hours}$ * 35 signs	\$18,985
<b>Year 4, 35 signs</b>	$(\$66.18 * 6 \text{ hours}) + (\$66.18 + \$6.50) * 2 \text{ hours}$ * 35 signs	\$18,985
<b>Year 5, 35 signs</b>	$(\$66.18 * 6 \text{ hours}) + (\$66.18 + \$6.50) * 2 \text{ hours}$ * 35 signs	\$18,985
<b>Total</b>		<b>\$94,922</b>

NCDOT Fee Revenue Increase:

NCDOT charges a permit fee per sign of \$120. As a result of the proposed change and the resulting additional permit requests, NCDOT would see an increase in its fee revenue of \$21,000 based on applications for 175 sign modernizations over the next 5 years.

Industry Cost Increase:

Industry should have minimal extra cost involved in preparing the requests for modernization and it is not expected that these costs should increase significantly over the next few years.

- NCDOT estimates it will take eight (8) hours of an industry representative's time for each permit based upon input from field technicians with working knowledge of the industry. This is for populating a form and conducting a field investigation once construction/modernization is complete. This time estimate is based upon input from field technicians working knowledge of industry.
- Assuming industry's cost is similar to the NCDOT consultant technician rate, the hourly rate is \$66.18 per hour.
- Each sign's permit fee is \$120 (per G.S. 136-133 and 19A NCAC 02E .0207) and this fee is unlikely to change in the future.

Based on the assumptions above, the 5-year extra industry costs are estimated as follows:

$$(\$ \text{'s for Investigation} + \$120 \text{ permit fee}) * \text{Number of Signs} = \text{Cost}$$

	<b>Calculation:</b>	<b>Cost:</b>
<b>Year 1, 35 signs</b>	(\$66.18 * 8 hours + \$120 permit fee) * 35 signs	\$22,730
<b>Year 2, 35 signs</b>	(\$66.18 * 8 hours + \$120 permit fee) * 35 signs	\$22,730
<b>Year 3, 35 signs</b>	(\$66.18 * 8 hours + \$120 permit fee) * 35 signs	\$22,730
<b>Year 4, 35 signs</b>	(\$66.18 * 8 hours + \$120 permit fee) * 35 signs	\$22,730
<b>Year 5, 35 signs</b>	(\$66.18 * 8 hours + \$120 permit fee) * 35 signs	\$22,730

**Total \$113,650**

The industry would additionally incur the cost of the actual modernization; however, this cost is difficult to estimate. Modernization may entail a variety of changes to the sign, such as replacing wood poles with steel ones, billboard face upgrades, changes in the number of poles, etc.

Therefore, the range of cost per modernization could vary greatly. Based on information submitted by the NC Outdoor Advertising Association to a NCDOT survey, projecting modernization costs is further complicated by “uncertainties in the economy, including the fluctuating costs of materials such as steel...”

The NCDOT survey results indicate that the cost of replacing multiple wooden poles with a mono steel structure would cost between \$40,000 and \$60,000 at a site based on current steel prices. This example is selected for this fiscal analysis since it is the most common choice for modernization. It is unclear whether this range is at all representative of the average cost per modernization site. The Department of Revenue, which values billboard for tax purposes, estimate the cost of monopole structures from 25,000 to 164,000 depending upon the size and design of the structure.<sup>1</sup>

### Industry Benefits:

The industry would also clearly incur some benefits from being allowed to modernize their signs. The modernization would increase the value of a sign and, therefore, the amount of revenues collected. The response to the NCDOT survey mentioned above indicate that in some cases, depending on the firm, the location of the sign, increased height and visibility, the revenue could increase by as much as 100%. The responses to the survey also indicated the benefits could come in a variety of shapes, not just additional revenue gains, including “enhanced safety, aesthetics, operational efficiencies, environmental efficiencies, etc.”

The industry estimates that the benefits reaped from the proposed change would greatly exceed the costs associated with permit application and modernization. But, given the different characteristics of firms affected by this rule change and the lack of concrete available information, forecasting the benefit to the industry is extremely challenging.

### Local Government and Resident Impact:

More signs can be repaired and reconstructed that would have been prohibited under local rules or ordinances. Many local authorities have more stringent regulations than the State regarding outdoor advertising. Before GS 136-131.2, local municipal, town, and county governments had various controls over issues with billboards being modernized.

Many types of alterations can be made to billboards through repair and reconstruction. Any type of alteration can be made to a conforming billboard as long as the alteration adheres to the State and Federal regulations. Restrictions include: the square footage of the billboard cannot be increased; and the sign location cannot change. Examples of modernization include: static faces become digital; heights may be increased to the state maximum of 50’ as measured from the edge of pavement; and wood multi-pole structures become steel mono-pole structures.

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<sup>1</sup> NCDOR, 2019. Billboard Structures Valuation Guide. Accessible at [https://files.nc.gov/ncdor/documents/files/2019\\_billboard\\_structures\\_valuation\\_guide\\_final\\_0.pdf](https://files.nc.gov/ncdor/documents/files/2019_billboard_structures_valuation_guide_final_0.pdf)

Aesthetics tends to be important to local governments and residents for personal enjoyment and to attract residents, tourists, and business to the area. While this rule does not address vegetation cutting, placement of structures associated with modernization may not “fit” with the overall comprehensive plan of that community. Vegetation will not be allowed to be removed as part of this rule. G.S. 136-133.1 addresses outdoor advertising vegetation cutting or removal. Communities often strive to develop aesthetically pleasing corridors and often adopt rules or ordinances to preserve a certain appearance. This rule, which is consistent with 136-131.2, prohibits local communities from being able to restrict modifications on state conforming signs.

### Alternatives

The first alternate is the, “do nothing” alternate. GS 136-131.2 addresses modernization of outdoor advertising structures. Without clarifying 19A NCAC 02E .0225, locals and industry may not understand Department expectations with modernization, which could lead to inconsistencies with regulation. This rule without modification, currently requires local approval for alterations. While GS 136-131.2 clearly removes local approval, an unmodified 19A NCAC 02E .0225 could create unnecessary confusion.

The second alternate is to further limit activities that industry could do as part of modernization. An example includes restricting companies to modernize from static to digital faces. Some local governments have more stringent rules associated with outdoor advertising regulations including moratoriums on allowing digital billboards. NCDOT considered excluding digital faces as part of modernization. NCDOT chose not to make this exclusion since the state already allows digital billboards and that industry should be allowed to accommodate for technology enhancements.

The third alternate, which is the alternate endorsed by NCDOT, is to re-write 19A NCAC 02E .0225 to be consistent with GS 136-131.2. This rule defines expectations of industry for the repair, maintenance, alteration and reconstruction of conforming signs. This rule also defines expectations of industry for the repair and maintenance of non-conforming signs. It is the Department’s intent to be consistent and clear with regulating both conforming and non-conforming signs.

Code as defined in ~~G.S. 105-130.2(1)~~ G.S. 105-130.2(1) or (ii) meets the definition of a private club set forth in G.S. 18B-1000(5).

...."

## **OUTDOOR ADVERTISING AMENDMENTS**

**SECTION 8.(a)** G.S. 136-133.1 reads as rewritten:

### **"§ 136-133.1. Outdoor advertising vegetation cutting or removal.**

....  
(a1) Notwithstanding any law to the contrary, in order to promote the outdoor advertiser's right to be clearly viewed as set forth in G.S. 136-127, the Department of Transportation, at the request of a selective vegetation removal permittee, may approve plans for the cutting, thinning, pruning, or removal of vegetation outside of the cut or removal zone defined in subsection (a) of this section along acceleration or deceleration ramps so long as the view to the outdoor advertising sign will be improved and the total aggregate area of cutting or removal does not exceed the maximum allowed in subsection (a) of this section.

...  
(f) Tree branches within a highway right-of-way that encroach into the zone created by points A, ~~C, and DB~~, D, and E may be cut or pruned. Except as provided in subsection (g) of this section, no person, firm, or entity shall cut, trim, prune, or remove or otherwise cause to be cut, trimmed, pruned, or removed vegetation that is in front of, or adjacent to, outdoor advertising and within the limits of the highway right-of-way for the purpose of enhancing the visibility of outdoor advertising unless permitted to do so by the Department in accordance with this section, G.S. 136-93(b), 136-133.2, and 136-133.4.

...."

**SECTION 8.(b)** Article 11 of Chapter 136 of the General Statutes is amended by adding a new section to read:

### **"§ 136-131.2. Modernization of outdoor advertising devices.**

No municipality, county, local or regional zoning authority, or other political subdivision shall, without the payment of just compensation as provided for in G.S. 136-131.1, regulate or prohibit the repair or reconstruction of any outdoor advertising for which there is in effect a valid permit issued by the Department of Transportation so long as the square footage of its advertising surface area is not increased. As used in this section, reconstruction includes the changing of an existing multipole outdoor advertising structure to a new monopole structure."

## **DISPOSITION OF DMH/DD/SAS RECORDS**

**SECTION 9.** The Division of Mental Health, Developmental Disabilities, and Substance Abuse Services shall amend its Records Retention and Disposition Schedule Manual to provide that if a Medicaid service has been eliminated by the State, the provider must retain records for three years after the last date of the service, unless a longer period is required by federal law. At the termination of that time period, records may be destroyed or transferred to a State agency or contractor identified by the Department of Health and Human Services.

## **STUDY OCCUPATIONAL LICENSING BOARD AGENCY**

**SECTION 10.(a)** The Joint Legislative Program Evaluation Oversight Committee shall include in the 2013-2014 Work Plan for the Program Evaluation Division of the General Assembly a study to evaluate the structure, organization, and operation of the various independent occupational licensing boards. For purposes of this act, the term "occupational licensing board" has the same meaning as defined in G.S. 93B-1. The Program Evaluation Division shall include the following within this study:

- (1) Consideration of the feasibility of establishing a single State agency to oversee the administration of all or some of the occupational licensing boards.
- (2) Whether greater efficiency and cost-effectiveness can be realized by combining the administrative functions of the boards while allowing the boards to continue performing the regulatory functions.
- (3) Whether the total number of boards should be reduced by combining and/or eliminating some boards.

**SECTION 10.(b)** The Program Evaluation Division shall submit its findings and recommendations from Section 10(a) of this act to the Joint Legislative Program Evaluation



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

PATRICK L. MCCRORY  
GOVERNOR

ANTHONY J. TATA  
SECRETARY

December 16, 2013

Mr. Ryke Longest, Director  
Duke Environmental Law & Policy Clinic  
Box 90360  
Durham, North Carolina 27708-0360

Dear Mr. Longest:

As you are aware, the federal transportation apportionment bill (MAP-21) which took effect on October 1, 2012, increases and extends the National Highway System (NHS) to include new routes classified as principal arterials. Since the North Carolina Department of Transportation (NCDOT) is required to control outdoor advertising on any NHS route, the Department has tasked a consultant with inventorying and permitting signs on the additional mileage. A preliminary estimate is the state will regulate an additional 1,000 signs. No new signs will be allowed on these routes without going through the established NCDOT application process. The application permitting process will remain the same as it is now and the permit administration fee will remain unchanged at \$120.00.

Signs that were erected as of October 1, 2012, that do not conform to North Carolina's outdoor advertising laws may remain but will have the status of a non-conforming sign. All sign owners that are in need of a selective vegetation removal (SVR) on NCDOT's right of ways, must first obtain an outdoor advertising permit, before they can apply for a SVR permit.

Information regarding MAP-21 is located at the Federal Highway Administration (FHWA) website:  
<http://www.fhwa.dot.gov/map21>.

NCDOT is also working with the Office of Administrative Hearings as well as the Office of State Budget and Management regarding modifying the outdoor advertising rules in light of the 2013 Legislative session (House Bill-74) which modified GS 136-133.1 and created 136-131.2. Once NCDOT finalizes its draft rule changes, a copy will be sent to the NC League of Municipalities, the Outdoor Advertising Association and the Duke Environmental Law & Policy Clinic for review and comment. All three groups will be contacted by Department personnel to schedule separate meetings to discuss proposed rule changes.

Thank you in advance for your comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Nance".

Jon G. Nance, PE  
Deputy Chief Engineer

JGN:sh

**MAILING ADDRESS:**  
DIVISION OF HIGHWAYS  
CHIEF ENGINEER'S OFFICE  
1536 MAIL SERVICES CENTER  
RALEIGH NC 27699-1536

**TELEPHONE:** 919-733-2500  
**FAX:** 919-733-9428

**WEBSITE:** [WWW.NCDOT.GOV](http://WWW.NCDOT.GOV)

**LOCATION:**  
1 SOUTH WILMINGTON ST.  
RALEIGH, NC 27601



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

November 14, 2013

1200 New Jersey Ave., SE  
Washington, D.C. 20590

In Reply Refer To:  
HEPR

Mr. Ryke Longest  
Director  
Environmental Law and Policy Center  
Duke University  
Durham, NC 27708-0360

Dear Mr. Longest:

Thank you for your letter to Secretary of Transportation Anthony R. Foxx regarding recently enacted North Carolina Statutes, § 136-131.2 (“Modernization of outdoor advertising control devices”) and § 136-133.1 (“Outdoor advertising vegetation cutting or removal”). I have reviewed your July 27 letter to our North Carolina Division Administrator, Mr. John F. Sullivan III, and have consulted with him.

The Division Office did consider whether amended North Carolina statute § 136-131.2 would allow owners of existing nonconforming outdoor advertising signs to upgrade or replace their signs with new structures in violation of the Highway Beautification Act of 1965 (HBA). Mr. Sullivan met with Chief Engineer Terry Gibson of the North Carolina Department of Transportation (NCDOT) and his staff to discuss their interpretation of the amended statute and how it might affect the NCDOT’s administration of the outdoor advertising program.

During these discussions, NCDOT asserted that the new law could reasonably be interpreted as applying only to local governments’ ability to regulate conforming outdoor advertising signs, and not nonconforming advertising signs within their jurisdiction. If this interpretation is followed by NCDOT, the new law should not affect the NCDOT’s ability to provide effective control of outdoor advertising on HBA-covered roadways. If the new law, however, results in allowing sign owners to make substantial changes to nonconforming signs on HBA-controlled routes, we would seriously question whether NCDOT were meeting its statutory duty to provide effective control of outdoor advertising. The North Carolina Division Office will continue to oversee the NCDOT outdoor advertising program to ensure compliance with the applicable federal requirements.

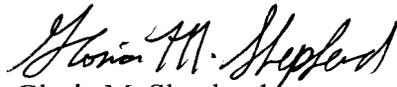
Regarding revised North Carolina Statute § 136-133.1, the maintenance of the rights-of-way of highways, including mowing and vegetation clearance, is the State’s responsibility. We do

not inquire into the motivation of a State in clearing vegetation on its highway rights-of-way. Officials of the NCDOT can best answer your questions about the removal of foliage and trees and whether a billboard's owner or the highway department should trim or remove foliage and trees growing in front of a billboard.

We are currently satisfied that the two changes to State law, by themselves, do not hinder the NCDOT's ability to comply with its responsibilities under Title 23, United States Code. Mr. Michael Dawson, Realty Officer in our Division Office, continues to monitor the NCDOT Outdoor Advertising Control program for compliance with applicable Federal requirements, including the HBA.

Please feel free to contact Mr. Dawson if you have any questions or need additional information. He can be reached at 919-747-7009 or by e-mail at [michael.dawson@dot.gov](mailto:michael.dawson@dot.gov).

Sincerely yours,



Gloria M. Shepherd  
Associate Administrator for Planning,  
Environment, and Realty

**From:** [Ryland Bowman](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Comment on Proposed NCDOT Rule Change for Billboards  
**Date:** Wednesday, March 4, 2020 8:40:30 AM

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Dear Hannah B. Jernigan:

I am writing in opposition to the proposed NCDOT rule change for billboards, particularly the fact that the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support "Alternative 2" described on page 6 of the NCDOT Fiscal Note, which recognizes local government ordinances and limits the changes that could be made to an existing billboard as part of modernization.

It is important that we preserve the scenic beauty of NC and that we don't give sacrifice the integrity of what amount to public lands owned by the taxpayers of NC, not a special interest in the General Assembly.

Thank you for you your time.

Sincerely,  
Ryland Bowman

2401 Huron St.  
Durham, NC 27707  
336.549.8021

**From:** [S Benton](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] STOP billboard blight in NC  
**Date:** Tuesday, March 3, 2020 3:18:23 PM

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STOP billboard blight in NC.

NCDOT

I oppose the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

NCDOT

I support "Alternative 2" described on page 6 of the NCDOT Fiscal Note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

Thank you,  
Sandra

**From:** [Sandra Resner \(sresner@triad.rr.com\) Sent You a Personal Message](mailto:sresner@triad.rr.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 2:50:35 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Sandra Resner  
7607 Middle Dr  
Greensboro, NC 27409  
[sresner@triad.rr.com](mailto:sresner@triad.rr.com)  
(336) 706-6479

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Sarah F](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Billboard legislation  
**Date:** Sunday, March 1, 2020 8:50:39 AM

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Ms. Jernigan,

I have been a Durham resident for 17 years and a Durham home owner for 7 of those.

In terms of the proposed billboard changes, I support “Alternative 2” described on page 6 of the NCDOT Fiscal Note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

Sincerely,  
Prof. Sarah Fox

--

Sarah E. Fox  
Assistant Professor of Spanish  
Wake Tech Community College

**From:** [Sasha Berghausen](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Opposition to digital billboards  
**Date:** Friday, February 28, 2020 8:59:48 AM  
**Attachments:** [Outlook-1460057560.jpg](#)

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Good morning,

I strongly oppose NCDOT permitting a height increase and digitization of billboards, and the potential overriding of local ordinances. Please support "Alternative 2" on page 6 of the Fiscal Note.

I have seen these digital billboards deployed elsewhere (thankfully Durham does not have them) and they are dangerously distracting, not to mention hideous. Don't give into the billboard salesmen charlatans. I've been at their presentations where they try to sway local sheriffs into recommending these are somehow a law enforcement tool, which is total hooey. Be strong and do what's best for our state, which is *\*not\** an increase in digital billboards.

Sincerely,  
Sasha

**Sasha Berghausen**, AIA, LEED AP  
Principal, BLOK Architecture  
721 Broad Street, Suite 108  
Durham, NC 27705  
919.627.1103  
[www.BLOKarchitecture.com](http://www.BLOKarchitecture.com)



**From:** [Scott Carter](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] NCDOT rules change regarding billboards  
**Date:** Sunday, March 1, 2020 12:35:04 PM

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Dear Ms Jernigan,

I have lived in south Durham for 35 years and seen the growth of the population and our roadways. I am writing to strongly oppose the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance. Durham values its ability to manage and restrict the visual damage caused by billboards to our highway landscape. I also believe that billboards create a driving distraction, particularly digital ones, and that all driving distractions make our roadways less safe.

I support Alternative 2 described on page 6 of the NCDOT Fiscal Note that recognizes local government ordinances and limits the changes that could be made to an existing billboard as part of modernization.

I believe my views are shared by a large majority of Durham citizens. I hope you will consider these views as you work on this rule update. Thank-you.

Scott Carter

31 Falling Water Dr

Durham, NC 27713

919 824 3965

[jcarter3@lenovo.com](mailto:jcarter3@lenovo.com)

# SOUTHERN ENVIRONMENTAL LAW CENTER

Telephone 919-967-1450

601 WEST ROSEMARY STREET, SUITE 220  
CHAPEL HILL, NC 27516-2356

Facsimile 919-929-9421

March 4, 2020

## **VIA EMAIL**

Jamille Robbins

NC Department of Transportation– Environmental Analysis Unit

1598 Mail Service Center

Raleigh, NC 27699-1598

[jarobbin@ncdot.gov](mailto:jarobbin@ncdot.gov)

CC: Hannah B. Jernigan at [Rulemaking@ncdot.gov](mailto:Rulemaking@ncdot.gov)

## **Re: Modernization of outdoor advertising rules 19A NCAC 02E .0225**

To the N.C. Department of Transportation:

We write to express our strong opposition to the North Carolina Department of Transportation’s (“DOT’s) proposed changes to the modernization of outdoor advertising rules (19A N.C.A.C. 02E .0225) that would limit local authority to determine what size and type of outdoor advertising is appropriate for a community, and would open the door to more unsafe and distracting digital billboards.

The proposed rules would disregard the wishes of local governments as expressed in applicable city or county ordinances, instead allowing a billboard with a state permit to be converted to digital and raised to 50 feet in height. Many local authorities have more stringent regulations than the State regarding outdoor advertising—the reason for which is often rooted in public safety. Studies show that digital billboards distract drivers, causing a significantly greater impairment to driving performance than static billboards. These giant flashing screens are especially dangerous to young drivers who may be easily distracted, and in areas with greater traffic safety challenges.

Instead of this proposed change, we support “Alternative 2,” described on page 6 of DOT’s March 1, 2019 fiscal note. In particular, we favor the restriction of companies’ ability to modernize billboards from static to digital faces. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboards as part of modernization.

Alternative 2 as described in the fiscal note reads:

The second alternate is to further limit activities that industry could do as part of modernization. An example includes restricting companies to modernize from static to digital faces. Some local governments have more stringent rules associated with outdoor

advertising regulations including moratoriums on allowing digital billboards. NCDOT considered excluding digital faces as part of modernization. NCDOT chose not to make this exclusion since the state already allows digital billboards and that industry should be allowed to accommodate for technology enhancements.

We wish to safeguard the ability of local communities to protect their residents and their environment by regulating billboards, especially taller, digitized billboards that impact the scenic beauty of North Carolina and are proven to be a distraction to drivers.

Sincerely,



Mary Maclean Asbill  
Senior Attorney  
Southern Environmental Law Center



Brooks Rainey Pearson  
Staff Attorney  
Southern Environmental Law Center

**From:** [Shannon T. Capezzali](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Proposed NCDOT Rule Change for Billboards  
**Date:** Thursday, March 5, 2020 9:07:51 AM

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Ms. Jernigan,

I would like to provide my comments on the proposed NCDOT rule change regarding billboards. I am an Urban and Regional Planner who works in a County of over 257,000 residents. Our department hears regularly from citizens about aesthetics, traffic safety, and many other issues that they feel very strongly about. Over the last decade there has been an effort to limit the visibility of billboards in our County because they are widely seen as unsightly for nearby neighborhoods, and distracting to drivers, among other reasons.

I oppose the rule change that would override local ordinances, especially the change to allow billboards to be raised to 50 feet in height which would make them even more visible to residential homes in nearby neighborhoods. Our County is home to parts of the scenic Blue Ridge Parkway, protected ridgetops, conserved lands, and many other special places which include natural viewsheds for our citizens and visitors. We are a valley community surrounded by mountains, and the ability to regulate the height of signs and other advertisements is important to maintain the character of our area.

I support any alternatives that would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization. Our local residents deserve the right to decide collectively how they want their community to look. If they and their local elected officials would like to allow large billboards, up to 50 feet in height, with digital lighting, they have the ability to propose and adopt ordinance changes at the local level to allow that.

Thank you for your time.

Shannon Capezzali, AICP  
Planner II  
Buncombe County Planning Department  
828-250-4832  
[Shannon.capezzali@buncombecounty.org](mailto:Shannon.capezzali@buncombecounty.org)

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**From:** [Sharon Fortner \(sharonfortner32@gmail.com\) Sent You a Personal Message](mailto:sharonfortner32@gmail.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 12:23:07 PM

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Dear NCDOT Environmental Analysis Unit,

Our state depends on tourist dollars. Let's keep our roadsides beautiful so that all of us can enjoy the natural beauty of North Carolina.

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Sharon Fortner  
2160 Royall Dr  
Winston Salem, NC 27106  
[sharonfortner32@gmail.com](mailto:sharonfortner32@gmail.com)  
(336) 444-1234

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Shirl Ware-Gully \(swaregully@yahoo.com\) Sent You a Personal Message](mailto:swaregully@yahoo.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Saturday, February 29, 2020 9:40:17 PM

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Dear NCDOT Environmental Analysis Unit,

Ask any driver if they enjoy billboards. No, they enjoy scenery. It's bad enough that billboards are a reality at all. No one wants bigger ones, and definitely not digital ones. So trashy. What an eyesore. There are lots of alternative choices for advertisers that reach the majority of customers, especially online.

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, "Alternative 2" described in the agency's fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Shirl Ware-Gully  
103 Bellshill Ct  
Cary, NC 27513  
[swaregully@yahoo.com](mailto:swaregully@yahoo.com)  
(913) 800-1219

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with N.C. Sierra Club. If you need more information, please contact Margaret Lillard at N.C. Sierra Club at [margaret.lillard@sierraclub.org](mailto:margaret.lillard@sierraclub.org) or (919) 833-8467.

**From:** [Stephanie Forman](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Oppose Billboard Rule Change  
**Date:** Thursday, February 27, 2020 9:49:54 PM

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Dear Ms. Jernigan,

I'm writing to let you and NCDOT know that I oppose the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

Instead, I support "Alternative 2" described on page 6 of the NCDOT Fiscal Note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

Thank you,  
Stephanie Forman  
2614 Lawndale ave., Durham, NC



## OFFICE OF THE MAYOR

CITY OF DURHAM

February 25, 2020

Hannah D. Jernigan  
APA/Rulemaking Program Manager  
N.C. Department of Transportation  
1 South Wilmington St.  
Raleigh NC 27601

Sent via e-mail to: [Rulemaking@ncdot.gov](mailto:Rulemaking@ncdot.gov)

Dear Ms. Jernigan,

I am writing to OBJECT to the proposed changes to 19A NCAC 02E .0225, which would allow existing billboards in Durham to be converted to digital and raised in height to 50 feet.

According to the Fiscal Note for this rule change, NCDOT considered limiting the activities of billboard companies, including restricting companies from changing static sign faces to digital faces. The Fiscal Note states that some local governments have more stringent rules associated with outdoor advertising regulations including restrictions on allowing digital billboards, but ultimately NCDOT chose not to make this exclusion "since the state already allows digital billboards and that industry should be allowed to accommodate for technology enhancements."

The City of Durham is one of the local governments in North Carolina that does not allow digital billboards. Several years ago the billboard industry proposed allowing digital billboards in Durham and there was a vigorous debate on this topic which lasted for several months. Ultimately the Durham City Council voted unanimously to not allow digital billboards. After having this discussion and making a decision at the local level, as Mayor of Durham I object to NCDOT in effect reversing the decision of the Durham City Council on this issue.

As Mayor I also strongly support the NC Vision Zero program. In light of this program's goal of reducing distracted driving, please revise the Fiscal Note to take into account the fiscal impact that additional digital billboards will have on driving safety in North Carolina. A study in Sweden found that drivers looked at digital billboards significantly longer than they did at other signs on the same stretch of road, with the digital signs often taking a driver's eyes off the road for more than two seconds. The Swedish government had given temporary authorization to erect digital billboards in 2009, but as a result of this and related studies the government ordered the removal of all digital billboards.

Thank you for your careful consideration of these comments.

Sincerely,

Stephen M. Schewel  
Mayor

**From:** [Stephen Wensman](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Billboard rules  
**Date:** Thursday, February 27, 2020 5:43:17 PM  
**Attachments:** [image001.png](#)

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To Whom it May Concern:

I am the Planning Director for the Town of Smithfield and I oppose the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance. The Town is trying to clean up its corridors, many of which have old Billboards. Any rule that would allow them to be enlarged would impact our efforts to redevelop the Town and to improve the Town's image. Furthermore, I believe digital billboards could have a place along an interstate, but I do not recommend the change along highways. The highways crisscross the Town and in some instances, adjacent to residential neighborhoods. Please recognize local control of signs when modernizing the regulations for billboards.

Sincerely,

**Stephen Wensman**, AICP

Town of Smithfield  
Planning Director  
919-934-2116, ext. 1114



**From:** [Steve Copulsky \(scopulsky@mindspring.com\) Sent You a Personal Message](mailto:scopulsky@mindspring.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 1:23:23 PM

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Dear NCDOT Environmental Analysis Unit,

Local communities deserve the right to control billboards in their area!

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Steve Copulsky  
6614 Lynn Ave  
Charlotte, NC 28226  
[scopulsky@mindspring.com](mailto:scopulsky@mindspring.com)  
(704) 543-7493

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Steve Hofstatter](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Digital Billboard Blight  
**Date:** Wednesday, March 4, 2020 9:10:14 PM

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Dear NCDOT Rulemaking,

I'm a 38 year resident of North Carolina living in Charlotte. One of the key attractions to moving here in 1982 were the breathtaking scenic highways throughout the state.

While highway billboards can provide helpful information for travelers, increasing the size and visibility of digital boards offers little benefit to offset the negatives of blight and motorist distraction. The beauty of our state is too precious to be squandered by advertisers.

I join many others in opposing the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I do support "Alternative 2" described on page 6 of the NCDOT Fiscal Note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

Please reconsider the terms of the proposed digital billboard rule in process. I know the outdoor advertising lobby is very effective in their propagation goal throughout the nation, but the State of North Carolina shouldn't sell out her citizens' best interests. We're depending on you to preserve the natural beauty of our highways.

Sincerely,

Steve Hofstatter

1816 Park Rd  
Charlotte NC 28203  
704-323-8262

**From:** [Stuart Gilbert](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Cc:** [Rickey Putnam](#); [Ron Humphries \(hmp76@aol.com\)](#); [Marilyn Sellers](#); [Nick Hendricks](#); ["Gates, Randi"](#); [Scott Neisler](#)  
**Subject:** [External] NCDOT proposed rule change regarding billboards  
**Date:** Thursday, March 5, 2020 10:39:57 AM

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Attention Hannah B. Jernigan, NCDOT

1. The Community Planning and Economic Development Department of the City of Kings Mountain opposes the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.
2. The Community Planning and Economic Development Department of the City of Kings Mountain supports "Alternative 2" described on page 6 of the NCDOT Fiscal Note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

It is our understanding that the last day to accept comments on this proposed NC DOT rule is today and I just found out about this proposed rule a few hours ago.

Sincerely:

Stuart C. Gilbert, MPA, MURP, CEcD, NC BIC  
Community Planning and Economic Development Director  
City of Kings Mountain  
101 W. Gold Street  
Kings Mountain, NC  
28086  
Work 704-730-2102  
Cell 980-285-9074  
[www.cityofkm.com](http://www.cityofkm.com)

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**From:** [Stuart Locklear \(stuartlocklear@yahoo.com\) Sent You a Personal Message](mailto:stuartlocklear@yahoo.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 3:07:56 PM

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Dear NCDOT Environmental Analysis Unit,

Please don't make the advertising pollution any worse than it already is. Forests are cut down near water sheds and other refuges to make space for these obnoxious monstrosities. Used to Americans had some rights over what happened on their lands. This bill shows the good old days are almost gone. Don't support big business over local communities.

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Stuart Locklear  
PO Box 1028  
Pembroke, NC 28372  
[stuartlocklear@yahoo.com](mailto:stuartlocklear@yahoo.com)  
(408) 334-3781

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Susan S. Phillips  
Village Manager

Stacy C. Eggers IV  
Village Attorney

(828) 898-9292  
www.seesugar.com



Gunther Jochl  
Mayor

Scott J. Brown  
Mayor Pro Tem

**Council Members**  
David Ammann  
Jonathan Green  
Van Lecka

**THE VILLAGE OF SUGAR MOUNTAIN**  
**251 Dick Trundy Lane**  
**Sugar Mountain, NC 28604**

**Resolution of the Village of Sugar Mountain in Opposition to Proposed  
Rule Change by NCDOT for Billboards**

**Whereas**, the Village of Sugar Mountain is a municipal corporation and body politic of the State of North Carolina; and

**Whereas**, the Village of Sugar Mountain is a resort and tourist destination for people who seek the natural beauty of the North Carolina mountains; and

**Whereas**, N.C. Highway 184, which is the main thoroughfare through the Village of Sugar Mountain, is a narrow two lane highway; and

**Whereas**, the Village of Sugar Mountain has determined that locating billboards along this highway would be incompatible with the aesthetic values and natural beauty of this area as enacted through its zoning authority; and

**Whereas**, the NCDOT has proposed a rule change which would override local ordinances and allow pre-existing (and non-conforming) billboards to be converted to digital and raised to 50 feet in height, even if such changes would otherwise be prohibited by local ordinances or incompatible with local needs; and

**Whereas**, in enacting General Statute 136-131.2, the bill sponsor specifically stated during debate that “the bill is not intended to allow an increase in the size of the sign” and “does not allow digitizing of signs;” and

**Whereas**, the proposed NC DOT rule change would erode local control by duly elected officials who are tasked with making land use and planning decisions within their municipality on behalf of their citizens by replacing it with a “one size fits all” regulation; and

**Whereas**, what may be appropriate on an urban freeway is not appropriate on a rural highway; and

**Whereas**, the proposed rule change does not take into consideration the unique characteristics of the various areas of our State, and will degrade the natural beauty of our State and its tourist destinations; and

**Whereas**, the proposed rule change will incentivize digital signage throughout the State, which is incompatible with the rural natural environment surrounding the Village of Sugar Mountain; and

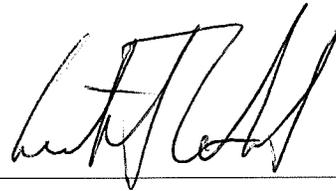
**Whereas**, the proposed rule change will increase motorist distraction, which is incompatible with winding mountain roads; and

**Whereas**, the Village of Sugar Mountain, by unanimous vote of its Council, wishes to convey to the North Carolina Department of Transportation and the Board of Transportation, its profound opposition to this proposed rule change.

**THEREFORE**, The Village of Sugar Mountain hereby resolves as follows:

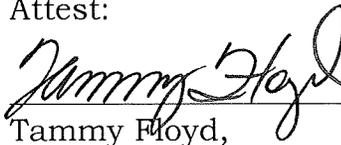
1. The Village of Sugar Mountain, by unanimous vote of its duly elected Council, **strongly opposes** the proposed rule change of the NCDOT which would preempt local regulations and impose digital billboards up to fifty (50) feet in height regardless of local circumstances or needs.
2. The Village Clerk is directed to distribute copies of this Resolution to the Governor of North Carolina, the Secretary of Transportation for North Carolina, all members of the North Carolina Transportation Board, the comment section for proposed rule changes maintained by the North Carolina Department of Transportation, our district and regional engineers, and appropriate members of the media.

This the 24 day of March, 2020.



\_\_\_\_\_  
Gunther Jochl, Mayor

Attest:

 (SEAL)  
Tammy Floyd,

Clerk to the Board



**From:** [Summer Bicknell](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] NC DOT billboard rule change  
**Date:** Thursday, March 5, 2020 1:23:58 PM

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- I strongly oppose the proposed rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.
- I do support "Alternative 2" recognizing local government ordinances and limiting the changes that could be made to an existing billboard as part of modernization.

Thank you,  
Summer Bicknell  
1309 Carroll St  
Durham, NC 27707

**From:** [Susan Allen \(su.allen50@gmail.com\) Sent You a Personal Message](mailto:su.allen50@gmail.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 1:41:21 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Susan Allen  
6824 Gloucester Rd  
Raleigh, NC 27612  
[su.allen50@gmail.com](mailto:su.allen50@gmail.com)  
(919) 645-1700

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**From:** [Susan Galante \(rosered857@centurylink.net\) Sent You a Personal Message](mailto:rosered857@centurylink.net)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 1:58:55 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Susan Galante  
5209 Red Wing Ct  
Fuquay Varina, NC 27526  
[rosered857@centurylink.net](mailto:rosered857@centurylink.net)  
(919) 557-4447

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**From:** [Susan Corts Hill](#)  
**To:** [Robbins, Jamille A](#)  
**Cc:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Comment on proposed rule on billboards  
**Date:** Thursday, February 27, 2020 3:00:34 PM

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Attn: Jamille Robbins  
NCDOT – Environmental Analysis Unit  
1598 Mail Service Center Raleigh, NC  
27699-1598  
Email: [jarobbins@ncdot.gov](mailto:jarobbins@ncdot.gov)

I oppose the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support “Alternative 2” described on page 6 of the NCDOT Fiscal Note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

Thank you,  
Susan Hill  
Raleigh, NC

**From:** [Susan Loftis](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] SB112/ NCGS 136-131.2  
**Date:** Wednesday, February 26, 2020 1:21:18 PM

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Dear Ms. Jernigan:

As a concerned citizen and environmental designer, I wanted to put forth the following two statements concerning SB 112 and NCGS 136-131.2

It is my understanding that when the language in NCGS 136-131.2 was being debated by the NC House of Representatives, the bill sponsor, Rep. Tim Moffitt, stated that “the bill is not intended to allow an increase in the size of the sign” and “does not allow digitizing of signs.”  
\*

*\* Debate of Senate Bill 112 in the NC House on July 11, 2013. Furthermore, Representative Chuck McGrady on the same day offered an amendment to SB112 seeking to remove DOT as an “environmental agency” since the bill’s text allowed any environmental agency to preempt all local government regulations, thus removing all local controls over billboards statewide. Representative Moffitt supported McGrady’s amendment, and the amendment passed 112 to 0.*

Therefore:

**1. I oppose the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.**

**2. I support “Alternative 2” described on page 6 of the NCDOT Fiscal Note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.**

Thank you for your consideration,

susan

susan b loftis  
environmental design  
170 montford avenue  
asheville nc 28801  
404.545.4815

**From:** [Susan Miller](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] NC proposed billboard legislation  
**Date:** Thursday, March 5, 2020 3:22:43 PM

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Please reject the proposed legislation to digitize billboards and allow them to be raised to 50' — many more distracted drivers on our roadways would increase the hazards of driving, which is already a problem.

The existence of our meaningful scenic roadways are under constant threat without the abomination of increased numbers of such billboards. We have a thriving tourism economy which is being degraded by a proliferation of these commercial intrusions; we need fewer, not more of them.

Thank you for your consideration.

Susan M. Miller  
Boone, NC

**From:** [manager.finance@seesugar.com](mailto:manager.finance@seesugar.com)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Cc:** [Tammy Floyd](#)  
**Subject:** [External] Village of Sugar Mountain Opposition to Rule Change regarding Billboards  
**Date:** Wednesday, March 4, 2020 2:22:29 PM

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Ms. Jernigan,

This communication is to inform the NCDOT of the Village of Sugar Mountain's opposition to the proposed rule change that would override local ordinances and allow billboards with a State permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance. There are several reasons for the Village's opposition to these proposed changes which are listed below:

- **Erosion of local control:** Our State is blessed with many magnificent regions from the western mountains to the eastern shores, with many diverse areas in between. To apply a "one plan fits all" change mandated from Raleigh, rather than allowing local control of billboards, is a continuance of the "takings" from local governments. Our local government officials are the ones that have the firsthand knowledge of what is needed for its residents and visitors. What is appropriate for advertising on urban freeways is most inappropriate for rural scenic State roads.
- **No consideration of the character of the area:** Once again from the western mountains to the eastern beaches, excessive signage degrades our beautiful State. Our State prides itself on the many naturally beautiful locales, attracting the many visitors/tourists to the State. Local control of this issue will help preserve these areas from sign pollution.
- **Digital profit incentives:** The technological advances of digital signage will incentivize the increase of signage throughout the state.
- **Motorist distraction:** Digital signage, with its vibrant colors and constantly changing messaging tends to create a significant distraction for motorists. Rather than "eyes on the road", digital signage tends to create "eyes on the sign" which can lead to unsafe driving.

I would remind the NCDOT that at the time the language in NCGS 136-131.2 was being debated by the NC House of Representatives, the bill sponsor, Rep. Tim Moffitt, stated that "the bill is not intended to allow an increase in the size of the sign and does not allow digitizing of signs". This current proposed rule change does much to degrade the scenic areas of our State, something nobody in North Carolina wishes to witness.

Thank you for the DOT's consideration of the Village of Sugar Mountain's opposition to the proposed rule change for billboards.

Susan Phillips  
Village Manager  
Village of Sugar Mountain  
251 Dick Trundy Lane  
Sugar Mountain, NC 28604  
828-898-9292  
828-898-9293 fax  
[manager.finance@seesugar.com](mailto:manager.finance@seesugar.com)

**From:** [Susan Reeves](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Opposed to measure overriding local billboard ordinances  
**Date:** Thursday, March 5, 2020 11:14:05 AM

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[Rulemaking@ncdot.gov](mailto:Rulemaking@ncdot.gov)

It is appalling that another attempt at overriding immense local opposition and ordinances over many years for the large, frequent billboards, and specifically digital ones, is in play.

I strongly oppose the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height. I do support "Alternative 2."

Respectfully,  
Susan Reeves  
NC Triangle resident in Durham and Orange counties

**From:** [Susie Winters](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External]  
**Date:** Thursday, March 5, 2020 8:20:37 PM

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I would like to register my extreme opposition to the proposed billboard rule changes. Having written letters to the editor & carried signs up & down our new 421 corridor in Watauga county we were able to get a scenic by-way designation for the Doc & Merle Watson HWY to prevent billboards. The other developmental guidelines have been ignored but at least we have no billboards. There has been at least one death if not more at the intersection of that road with old hwy 421 where a digital billboard exists. It is a distraction & impossible not to have your attention diverted to it when scenes change. Our community depends on tourism as its main tax revenue. These billboards block out the views from our roads that tourists come to see. Our community is struggling to have autonomy over our regulations to protect citizens' health , safety & property values. This is just another example of corporate welfare & state regulations coming before the rights & wishes of individual communities. It is wrong & I urge you to vote against it.  
Susie Winters, Member of High Country WATCH & BREDL Blue Ridge Environmental Defense League.

**From:** [Suzanne Dewhirst \(suzannedewhirst@yahoo.com\) Sent You a Personal Message](mailto:suzannedewhirst@yahoo.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 12:23:59 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Suzanne Dewhirst  
112 Alabama Ave  
Asheville, NC 28806  
[suzannedewhirst@yahoo.com](mailto:suzannedewhirst@yahoo.com)  
(828) 505-4025

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**From:** [Suzy Lawrence \(suzylawrence53@gmail.com\) Sent You a Personal Message](mailto:suzylawrence53@gmail.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 11:03:02 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Suzy Lawrence  
8622 Ryan Rd  
Chapel Hill, NC 27516  
[suzylawrence53@gmail.com](mailto:suzylawrence53@gmail.com)  
(919) 619-6788

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**From:** [Laurent Meilleur](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] NCGS 136-131.2  
**Date:** Monday, March 2, 2020 4:37:47 PM

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As town commissioner and voter, I believe that the state should **not** override cities, towns, and even counties that wish to control their own allowances for billboards and other signage.

Laurent Meilleur  
Swansboro

**From:** [Robbins, Jamille A](#)  
**To:** [Jernigan, Hannah](#)  
**Cc:** [Landi, Helen E](#); [Putnam, Lauren N](#)  
**Subject:** FW: [External] Please revise proposed digital billboard rule  
**Date:** Wednesday, March 4, 2020 1:48:58 PM

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-----Original Message-----

From: Tania Dautlick (tdautlick@hotmail.com) Sent You a Personal Message <automail@knowwho.com>  
Sent: Wednesday, March 4, 2020 1:40 PM  
To: Robbins, Jamille A <jarobbins@ncdot.gov>  
Subject: [External] Please revise proposed digital billboard rule

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Dear NCDOT Environmental Analysis Unit,

Local municipalities know the nuances of their community the best and should be permitted to manage their own ordinances and protect their scenic character which may influence livelihoods if scenic character and tourism is important to that community.

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Tania Dautlick  
708 E Forest Hills Blvd  
Durham, NC 27707  
tdautlick@hotmail.com  
(919) 672-6682

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with N.C. Sierra Club. If you need more information, please contact Margaret Lillard at N.C. Sierra Club at [margaret.lillard@sierraclub.org](mailto:margaret.lillard@sierraclub.org) or (919) 833-8467.

---

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**From:** [Jernigan, Hannah](#)  
**To:** [tsbratton@yahoo.com](mailto:tsbratton@yahoo.com)  
**Bcc:** [Landi, Helen E](#)  
**Subject:** RE: [External] Please revise proposed digital billboard rule  
**Date:** Tuesday, March 3, 2020 12:57:00 PM

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Good afternoon, Mr. Page. Thank you for your comments. Please know they will be reviewed by staff and included in our record of comments.

-----Original Message-----

From: Teresa Bratton ([tsbratton@yahoo.com](mailto:tsbratton@yahoo.com)) Sent You a Personal Message <[automail@knowwho.com](mailto:automail@knowwho.com)>  
Sent: Monday, March 2, 2020 10:52 PM  
To: Robbins, Jamille A <[jarobbins@ncdot.gov](mailto:jarobbins@ncdot.gov)>  
Subject: [External] Please revise proposed digital billboard rule

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Dear NCDOT Environmental Analysis Unit,

Signs on the road can be distracting. Distractions might contribute to accidents. Please allow local ordinances to take precedence.

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Teresa Bratton  
1110 Sunset Dr  
Greensboro, NC 27408  
[tsbratton@yahoo.com](mailto:tsbratton@yahoo.com)  
(336) 337-1034

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with N.C. Sierra Club. If you need more information, please contact Margaret Lillard at N.C. Sierra Club at [margaret.lillard@sierraclub.org](mailto:margaret.lillard@sierraclub.org) or (919) 833-8467.

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**From:** [Theresa Cantrell \(agmanc@hotmail.com\) Sent You a Personal Message](mailto:agmanc@hotmail.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 10:07:58 PM

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Dear NCDOT Environmental Analysis Unit,

NC is known for it's beautification efforts along the highways, don't destroy that with unsightly flashing garbage. The rights of the few, advertisers, do not override the rights of the many, many drivers who will be insulted by these signs and the rights of local citizens to regulate/restraint them.

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Theresa Cantrell  
12508 Holly Sprgs New Hill Rd  
Apex, NC 27539  
[agmanc@hotmail.com](mailto:agmanc@hotmail.com)  
(919) 417-5126

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**From:** [Theresa Joan Rosenberg \(trosenberg@mindspring.com\) Sent You a Personal Message](mailto:trosenberg@mindspring.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 2:59:35 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Theresa Joan Rosenberg  
2742 Rue Sans Famille  
Raleigh, NC 27607  
[trosenberg@mindspring.com](mailto:trosenberg@mindspring.com)  
(919) 781-5741

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**From:** [Thomas Mutton \(tpmutton@aol.com\) Sent You a Personal Message](mailto:tpmutton@aol.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Friday, February 28, 2020 8:40:43 AM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Thomas Mutton  
9671 Lissara Camp Ct  
Lewisville, NC 27023  
[tpmutton@aol.com](mailto:tpmutton@aol.com)  
(336) 946-6381

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**From:** [Thomas Wenink \(twenink@email.com\) Sent You a Personal Message](mailto:twenink@email.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Friday, February 28, 2020 12:32:35 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Thomas Wenink  
1034 Prestwick Ct  
Clemmons, NC 27012  
[twenink@email.com](mailto:twenink@email.com)  
(336) 778-9273

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with N.C. Sierra Club. If you need more information, please contact Margaret Lillard at N.C. Sierra Club at [margaret.lillard@sierraclub.org](mailto:margaret.lillard@sierraclub.org) or (919) 833-8467.

**From:** [Tim McDonough](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] billboards  
**Date:** Thursday, March 5, 2020 2:10:02 PM

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Dear Ms. Hannah B. Jernigan,

As a concerned voter, taxpayer, and recently retired public school teacher, including of Civics,

I vehemently oppose the rule change that would override local ordinances about billboards.

My brother owned a billboard company, and I am familiar with the difficulties of negotiating myriad local ordinances, not to mention all the other challenges associated with each ad setting being unique.

But as I was teaching just last week, there are times when Constitutional "rights" conflict.

Our North Carolina localities' rights should prevail in this instance. We the people should have a say in how our communities look and who decides. Jefferson favored power as local as possible (or appropriate) to every issue. Our relationship with "outdoor advertising" is just such an issue: cities & counties should decide, not politicians (& lobbyists) in Raleigh.

Please make clear to the DOT that I support "Alternative 2" and want to continue to recognize local government ordinances.

Thank you for your help,  
Tim McDonough

p.s. This is an expression on my First Amendment right to petition the government.  
Thanks, Bill of Rights!

**From:** [Tim Mengel \(timzoobo@yahoo.com\) Sent You a Personal Message](mailto:timzoobo@yahoo.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Friday, February 28, 2020 8:31:52 AM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Tim Mengel  
6118 Branson Davis Rd  
Randleman, NC 27317  
[timzoobo@yahoo.com](mailto:timzoobo@yahoo.com)  
(336) 434-5496

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North Carolina Outdoor Advertising Association

209 Fayetteville St. Box 6 - Raleigh, NC 27601

TJ Bugbee  
Executive Director  
tjbugbee@ncoaa.net

February 17, 2020

North Carolina Department of Transportation  
c/o Helen Landi  
NCDOT APA Coordinator  
1501 Mail Service Center  
Raleigh, NC 27699-1501

Public Comments Regarding 2020 Proposed Revisions to Rules Governing Outdoor Advertising

Mrs. Landi,

On behalf of the North Carolina Outdoor Advertising Association (NCOAA) and its members, thank you for the opportunity to respond to the proposed readoption of rules for the control of outdoor advertising in North Carolina, as required under G.S. 150B-21.3A, and submitted to the North Carolina Register on January 2<sup>nd</sup>, 2020. NCOAA's membership collectively represents more than 90% of the outdoor advertising industry in North Carolina. I write to you today on behalf of the industry, to raise practical, justifiable concerns as related to the amended rules, currently proposed by the North Carolina Department of Transportation (NCDOT).

The outdoor advertising industry in North Carolina has seen a steady decline in the overall number of outdoor advertising structures over the past ten years. The proposed rules identified in the written comments submitted by NCOAA counsel Craig Justus (Van Winkle Law Firm), entitled "Proposed DOT Rulemaking (2020) – Public Comment" outline a number of objections to the rules currently being proposed that will contribute to, and expedite this decline.

The rules as proposed are far from a simple readoption, and the newly proposed changes will result in an overall negative impact on our State, reaching well beyond businesses directly operating outdoor advertising structures. The unintended consequences of some of the proposed changes will also negatively impact other North Carolina businesses, landowners, and taxpayers.

The business of outdoor advertising is inherently local, with local businesses accounting from 70%, to upwards of 90% of the advertisers in some markets. As a tourism destination, North Carolina is also host to an abundance of out-of-state visitors, and many businesses rely on this medium to reach a very specific audience: the nearby travelling public. Local businesses depend on this medium to drive traffic off of the highways, and into our towns, or to their websites, on a day-to-day basis. Local nonprofits, civic groups, and government entities utilize the medium to keep residents informed. Sign owners employ people locally, pay local property tax on their signs, and provide regular income to local landowners through the lease of their property. In addition, numerous businesses and individuals not primarily involved in the operation of outdoor advertising structures, own one, or multiple off-premise signs, for the sole purpose of advertising their primary business, or simply providing additional income to their family.

In 2013, the North Carolina General Assembly (NCGA) required North Carolina's Departments and Agencies to periodically review their existing rules. The intent of the Regulatory Reform Act of 2013 (S.L. 2013-413) is clearly stated in the short title of the Session Law, "AN ACT TO IMPROVE AND STREAMLINE THE REGULATORY PROCESS IN ORDER TO STIMULATE JOB CREATION, TO ELIMINATE UNNECESSARY REGULATION...". The proposed rules identified in the written comments submitted by NCOAA counsel, neither streamline the regulatory process, nor do they stimulate job creation. On the contrary, the rules identified are directly adverse to the legislative intent of the General Assembly in requiring the periodic review of existing rules.

In particular, the proposed changes to the definition of "sign location" from 1/100<sup>th</sup> of a mile, to a GPS coordinate, will eliminate a mechanism by which sign owners are able to move a sign off of the new right-of-way established by a road widening, within the bounds of the same "Sign Location/Site". Currently, a sign may be moved within the same "Sign location/site" (26 feet either side of the pole:1/100 mile) as currently defined in NCDOT's regulations, and affirmed by the N.C. Supreme Court in *Lamar v. Stanly County*. The effect of this proposed change would overturn *Lamar v. Stanly County*, leading to further unnecessary, and extensive just compensation disputes over the taking of a sign.

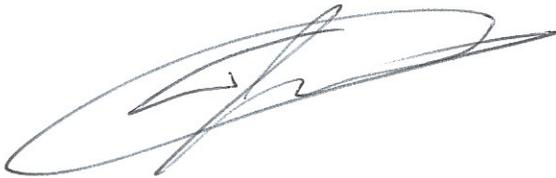
In addition, the establishment of a new "alteration permit", runs counter to the legislative intent of the modernization statute (*G.S. 136-131.2*), and would place additional, unnecessary red tape on sign owners. The practical effect of this proposal would also place additional workload on NCDOT. Requiring an entirely new permit to make even minor modifications to an established structure, only adds another regulatory hurdle that has not been, and is not necessary, for NCDOT's adequate control of outdoor advertising.

The practical effect of many of these rules as proposed, will increase the rate of the forced taking of signs. NCDOT has been aware of similar objections since March 15<sup>th</sup>, 2019, when NCOAA responded in good faith to a different set of draft rules, courteously provided to NCOAA by NCDOT, prior to a one-year extension granted to NCDOT by the Rules Review Commission. The rules as identified by NCOAA counsel will further contribute to that decline, and thus, increase the regulatory burden on the outdoor advertising industry, the workload on NCDOT, and the cost to North Carolina taxpayers.

To adhere to the intent set forth by the General Assembly in S.L. 2013-413, NCDOT should instead be proposing rules that reduce NCDOT's workload, by allowing NCDOT to focus its efforts on signs that do not meet current State or Federal regulations, and bad actors in the industry that do not adhere to those standards.

It is our sincere hope that NCDOT will take the concerns we have addressed into account. NCOAA and its members respectfully request that NCDOT amend its proposed rules to account for the concerns identified by NCOAA counsel and myself, and refrain from implementing these new, burdensome regulations, that will ultimately harm landowners, businesses, the travelling public, and the taxpayers of North Carolina. NCOAA stands ready, and looks forward to working with NCDOT ahead of its August 31<sup>st</sup>, 2020 readoption deadline, to preserve NCDOT's sufficient control of outdoor advertising, and equitably streamline regulatory burdens facing the outdoor advertising industry.

Sincerely,

A handwritten signature in black ink, appearing to read 'TJ Bugbee', written over a large, light-colored oval shape.

TJ Bugbee  
Executive Director  
North Carolina Outdoor Advertising Association

Cc: Jeannine Dodson, President NCOAA  
Ebony Pittman, Esq., NCDOT  
Craig Justus, Esq., Van Winkle Law Firm

**From:** [Tom Riggins](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Road side signs/billboards  
**Date:** Wednesday, February 26, 2020 10:39:56 AM

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First of all--they are distracting and dangerous--not to mention being a landscape blight--please do not change the existing laws -unless its a law to ban signage on the roads !! Regards , Tom Riggins

--

*Regards , Tom Riggins*

**From:** [Tom Rokoske](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] New Rules on Modernizing Billboards in NC  
**Date:** Monday, March 2, 2020 8:56:43 AM

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NC DOT:

I live in Boone and I am writing to oppose the proposed rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height.

Perhaps you have driven on US 421 towards Boone and viewed the beautiful natural scenery. It took much effort by local citizens of Watauga County to preserve this quality of nature and enhance tourism. There is one digital sign at the intersection of Old US 421 and the new US 421 and it stands out as an anomaly.

The truth be known, the modern way to advertise has been over-ridden by the cell phone. Why not develop an app which will automatically target a virtual sign to pop-up on a person's cell as they ride at a prescribed area. (We all know that cell towers can locate a car's position.) The sign company would receive monetary compensation for this virtual sign.

It is my firm belief that in matters regarding billboards, local governments should be able to exert control .

For this reason, I urge you to support **Alternative 2** described on p. 6 of the **NCDOT Fiscal Note** to recognize local government ordinances. We must limit modifications that could be made to existing billboards as part of modernization.

Tom Rokoske  
145 Arbor LN  
Boone, NC 28607

March 5, 2020

Hannah D. Jernigan  
APA/Rulemaking Program Manager  
NC Department of Transportation  
1 South Wilmington St.  
Raleigh, NC 27601

Sent via e-mail to: [Rulemaking@ncdot.gov](mailto:Rulemaking@ncdot.gov)

Dear Ms. Jernigan:

I am writing to object to the proposed changes to 19A NCAC 02E.0225, which would allow existing billboards in Matthews to be converted to digital and raised in height to 50 feet.

The Town of Matthews has not allowed new billboards to be erected since 1990. Since that time, the outdoor advertising industry has generally increased the message size of new signs, changed the structural support and height generally provided for such signs, and changed the technology on how messages are placed on sign panels (i.e. vinyl, rotating, digital). Matthews revised local zoning provisions for any type of changeable copy messages to be no less than 4 hours per message (formerly 12 hours). The Town has long felt the changeable copy messages were not in keeping with the Town's vision for an aesthetically pleasing, high quality environment.

Revision to 19A NCAC 02E .0225 if passed as currently drafted, billboards in Matthews could be rebuilt to remain in place permanently, and increased in height to be seen from greater distances including residential neighborhoods and could be upgraded to digital versions. These signs could remain in their same location or could be relocated on another major commercial corridor in Town that was not even constructed at the time the Town stopped allowing outdoor advertising signs.

The Town of Matthews is one of the local governments in North Carolina that no longer allows billboards. There are currently 7 billboards existing in Matthews and all are considered non-conforming signs. Any improvements to nonconforming sign would not be allowed according to the Matthews Unified Development Ordinance. Increasing the height or changing from static message to digital on these billboards would be in conflict with our ordinance.

Sign ordinances and policies are adopted by local elected officials in response to citizen input, Land Use Plans and policies. They are implemented through local zoning ordinances recommended by local planning boards and adopted by elected officials. In 2018 the Town engaged our citizens with a Special Town Meeting that provided direction for our elected officials for the next 10-15 years. Of the visions developed, keeping the small town feeling and identity was very important to our citizens. Losing the ability to regulate billboards in Matthews would hinder our ability to implement that vision.

According to the Fiscal Note for this requested rule change, NCDOT considered limiting the activities of billboard companies, including restricting companies from changing static sign faces to digital faces. The Fiscal Note states that some local governments have more stringent rules associated with outdoor advertising regulations including restriction on allowing digital billboards, but ultimately NCDOT chose **not** to make this exclusion "since the state already allows digital billboards and that the industry should be allowed to accommodate for technology enhancements."

According to the Digital Advertising Billboards and Driver Distraction- USDOT Office of the Assistant Secretary for Research and Technology Final Report April 2015, "The crash data analysis revealed that the presence of digital billboards increased the overall crash rates in areas of billboard influence compared to control areas downstream

of the digital billboard locations by 29% in Alabama. This increase was statistically significant, thus implying that digital billboard presence shows a positive correlation with increased crash frequency. Individual site data showed mixed results with crash rates decreasing at half of the study locations. The analysis by crash type revealed that sideswipe and rear end crashes (often related to driver distraction) were clearly overrepresented at the DBB influence zones in Alabama. Furthermore, consideration of crash severity provided some evidence of overrepresentation of severe crashes at DBB influence zones; however, the sample size is small to allow for a detailed statistical analysis or generalization of the findings.”\*

We are in opposition to the implementation of any rule change which could be used to potentially undermine local authorities' ability to determine community appearance, take away from the small town charming feel of Matthews, possibly impeded drive safety, and harm the scenic beauty of North Carolina. For these reasons we do not support this rule change.

Sincerely,

  
Mayor John F. Higdon

CC: Tony Lathrop, Board of Transportation (via email)  
Sam Bowles, Board of Transportation (via email)

\*Source: Digital Advertising Billboards and Driver Distraction- USDOT Office of the Assistant Secretary for Research and Technology Final, Report April 2015--Principal Investigator: Virginia Sisiopiku, Ph.D., pg43

**From:** [Town of Red Oak](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Billboard Changes  
**Date:** Thursday, March 5, 2020 12:29:08 PM

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The Town of Red Oak NC opposes the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

*Tracy Shearin, NCCMC, CMC*

Town Clerk, Chief Finance Officer,  
Zoning Officer

Town of Red Oak, North Carolina  
252-443-1239

Replace negative thoughts with positive ones and you will get positive results.

**From:** [Tricia King \(7lakeview@gmail.com\) Sent You a Personal Message](mailto:7lakeview@gmail.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 12:38:51 PM

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Dear NCDOT Environmental Analysis Unit,

Digital signage is not necessary and does not improve the overall quality of life for all of us... mostly due to light pollution. I think the landscape of NC is not a place that any of us need to be informed about marketing. Can't we be left alone for our drive to be pleasant. The one escape without distractions. Mobile phone/handheld devices are enough of a distraction and now digital flashing signs in the landscape? Don't we want our highways to be beautiful in scenic quality. You need to visit VT and see what they do for signage. It's memorable.

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Tricia King  
113 Yardley Ct  
Hendersonville, NC 28739  
[7lakeview@gmail.com](mailto:7lakeview@gmail.com)  
(802) 338-2906

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Valarie Snell \(valariesnell@yahoo.com\) Sent You a Personal Message](mailto:valariesnell@yahoo.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Saturday, February 29, 2020 7:15:37 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Valarie Snell  
1217 Cliffwood Dr  
Greensboro, NC 27406  
[valariesnell@yahoo.com](mailto:valariesnell@yahoo.com)  
(336) 404-1506

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with N.C. Sierra Club. If you need more information, please contact Margaret Lillard at N.C. Sierra Club at [margaret.lillard@sierraclub.org](mailto:margaret.lillard@sierraclub.org) or (919) 833-8467.

**From:** [Vickie Atkinson](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Oppose rule to override local ordinance  
**Date:** Thursday, March 5, 2020 2:43:51 PM

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I'm am writing to oppose the rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support "Alternative 2" on NCDOT Fiscal Note to recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I support local control on this issue.

Thank you for considering my input on this important decision.

Sincerely,  
Vickie Atkinson

Sent from my iPad

Susan S. Phillips  
Village Manager

Stacy C. Eggers IV  
Village Attorney

(828) 898-9292  
www.seesugar.com



Gunther Jochl  
Mayor

Scott J. Brown  
Mayor Pro Tem

**Council Members**  
David Ammann  
Jonathan Green  
Van Lecka

**THE VILLAGE OF SUGAR MOUNTAIN**  
**251 Dick Trundy Lane**  
**Sugar Mountain, NC 28604**

**Resolution of the Village of Sugar Mountain in Opposition to Proposed  
Rule Change by NCDOT for Billboards**

**Whereas**, the Village of Sugar Mountain is a municipal corporation and body politic of the State of North Carolina; and

**Whereas**, the Village of Sugar Mountain is a resort and tourist destination for people who seek the natural beauty of the North Carolina mountains; and

**Whereas**, N.C. Highway 184, which is the main thoroughfare through the Village of Sugar Mountain, is a narrow two lane highway; and

**Whereas**, the Village of Sugar Mountain has determined that locating billboards along this highway would be incompatible with the aesthetic values and natural beauty of this area as enacted through its zoning authority; and

**Whereas**, the NCDOT has proposed a rule change which would override local ordinances and allow pre-existing (and non-conforming) billboards to be converted to digital and raised to 50 feet in height, even if such changes would otherwise be prohibited by local ordinances or incompatible with local needs; and

**Whereas**, in enacting General Statute 136-131.2, the bill sponsor specifically stated during debate that “the bill is not intended to allow an increase in the size of the sign” and “does not allow digitizing of signs;” and

**Whereas**, the proposed NC DOT rule change would erode local control by duly elected officials who are tasked with making land use and planning decisions within their municipality on behalf of their citizens by replacing it with a “one size fits all” regulation; and

**Whereas**, what may be appropriate on an urban freeway is not appropriate on a rural highway; and

**Whereas**, the proposed rule change does not take into consideration the unique characteristics of the various areas of our State, and will degrade the natural beauty of our State and its tourist destinations; and

**Whereas**, the proposed rule change will incentivize digital signage throughout the State, which is incompatible with the rural natural environment surrounding the Village of Sugar Mountain; and

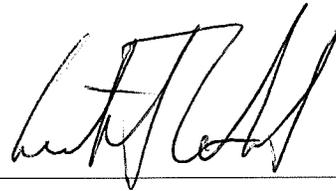
**Whereas**, the proposed rule change will increase motorist distraction, which is incompatible with winding mountain roads; and

**Whereas**, the Village of Sugar Mountain, by unanimous vote of its Council, wishes to convey to the North Carolina Department of Transportation and the Board of Transportation, its profound opposition to this proposed rule change.

**THEREFORE**, The Village of Sugar Mountain hereby resolves as follows:

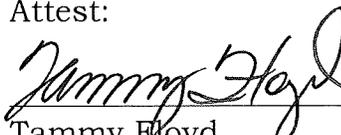
1. The Village of Sugar Mountain, by unanimous vote of its duly elected Council, **strongly opposes** the proposed rule change of the NCDOT which would preempt local regulations and impose digital billboards up to fifty (50) feet in height regardless of local circumstances or needs.
2. The Village Clerk is directed to distribute copies of this Resolution to the Governor of North Carolina, the Secretary of Transportation for North Carolina, all members of the North Carolina Transportation Board, the comment section for proposed rule changes maintained by the North Carolina Department of Transportation, our district and regional engineers, and appropriate members of the media.

This the 24 day of March, 2020.



\_\_\_\_\_  
Gunther Jochl, Mayor

Attest:

 (SEAL)  
\_\_\_\_\_  
Tammy Floyd,  
Clerk to the Board





Wendy Jacobs, *Chair*  
4308 Rivermont Road  
Durham, NC 27712  
Email: [wjacobs@dconc.gov](mailto:wjacobs@dconc.gov)

James Hill, *Vice-Chair*  
5505 Lake Elton Road  
Durham, NC 27713  
Email: [jahill@dconc.gov](mailto:jahill@dconc.gov)

Heidi Carter  
31 Falling Water Drive  
Durham, NC 27713  
Email: [hcarter@dconc.gov](mailto:hcarter@dconc.gov)

Brenda A. Howerton  
3325 Tarleton West  
Durham, NC 27713  
Email: [bhowerton@dconc.gov](mailto:bhowerton@dconc.gov)

Ellen W. Reckhow  
11 Pine Top Place  
Durham, NC 27705  
Email: [ereckhow@dconc.gov](mailto:ereckhow@dconc.gov)

## COUNTY OF DURHAM BOARD OF COMMISSIONERS

March 2, 2020

Hannah D. Jernigan  
APA/Rulemaking Program Manager  
N.C. Department of Transportation  
1 South Wilmington St.  
Raleigh NC 27601

Sent via e-mail to: [Rulemaking@ncdot.gov](mailto:Rulemaking@ncdot.gov)

Dear Ms. Jernigan,

I am writing to OBJECT to the proposed changes to 19A NCAC 02E .0225, which would allow existing billboards in Durham to be converted to digital and raised in height to 50 feet.

According to the Fiscal Note for this rule change, NCDOT considered limiting the activities of billboard companies, including restricting companies from changing static sign faces to digital faces. The Fiscal Note states that some local governments have more stringent rules associated with outdoor advertising regulations including restrictions on allowing digital billboards, but ultimately NCDOT chose not to make this exclusion "since the state already allows digital billboards and that industry should be allowed to accommodate for technology enhancements."

Durham County is one of the local governments in North Carolina that does not allow digital billboards. Several years ago, the billboard industry proposed allowing digital billboards in Durham County and there was a vigorous debate on this topic which lasted for several months. Ultimately the billboard industry withdrew its request to Durham County after the Durham City Council voted unanimously to not allow digital billboards. As Chair of the Durham County Board of Commissioners, I object to NCDOT in effect reversing the decision of the Durham City Council on this issue.

Sign ordinances and policies are adopted by local elected officials in response to Comprehensive Land Use Plans and implemented through local zoning ordinances recommended by local planning boards and residents and adopted by elected officials. According to an August 2009 independent survey commissioned by the Durham Convention and Visitors Bureau, Durham citizens clearly support maintaining the current sign ordinance and not allowing digital billboards. Seventy-two percent of those surveyed supported maintaining the ordinance, 20 percent were undecided, and 8 percent were opposed. NCDOT should not override the will of Durham residents and elected officials.

Thank you for your careful consideration of these comments.

Sincerely,

Wendy Jacobs, *Chair*  
Durham Board of County Commissioners

**From:** [Wendy Patoprsty](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] Billboard rules  
**Date:** Thursday, March 5, 2020 1:47:45 PM

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Hello,

Billboards need to be regulated by the community in which they are located. There are too many distractions as it is on the road, and digital billboards possess the ability to cause many accidents. The proposed rules would disregard the wishes of local governments as expressed in applicable city or county ordinances, instead allowing a billboard with a state permit to be converted to digital and raised to 50 feet in height. Many local authorities have more stringent regulations than the State regarding outdoor advertising—the reason for which is often rooted in public safety. Studies show that digital billboards distract drivers, causing a significantly greater impairment to driving performance than static billboards. These giant flashing screens are especially dangerous to young drivers who may be easily distracted, and in areas with greater traffic safety challenges.

Please don't loosen regulations on billboards.

Thank you,  
Wendy Patoprsty  
Boone, NC

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<"{}{}><

Wendy

**From:** [Jernigan, Hannah](#)  
**To:** [whitnoid86@hotmail.com](mailto:whitnoid86@hotmail.com)  
**Bcc:** [hlandi@ncdot.com](mailto:hlandi@ncdot.com)  
**Subject:** RE: [External] Please revise proposed digital billboard rule  
**Date:** Tuesday, March 3, 2020 12:55:00 PM

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Good afternoon, Ms. Eure. Thank you for your comments. Please know they will be reviewed by staff and included in our record of comments.

-----Original Message-----

From: Whitney Eure ([whitnoid86@hotmail.com](mailto:whitnoid86@hotmail.com)) Sent You a Personal Message <[automail@knowwho.com](mailto:automail@knowwho.com)>  
Sent: Monday, March 2, 2020 3:53 PM  
To: Robbins, Jamille A <[jarobbins@ncdot.gov](mailto:jarobbins@ncdot.gov)>  
Subject: [External] Please revise proposed digital billboard rule

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Dear NCDOT Environmental Analysis Unit,

This government over reach.

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, 'Alternative 2' described in the agency's fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Whitney Eure  
94 Tacoma Cir  
Asheville, NC 28801  
[whitnoid86@hotmail.com](mailto:whitnoid86@hotmail.com)  
(828) 545-0368

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with N.C. Sierra Club. If you need more information, please contact Margaret Lillard at N.C. Sierra Club at [margaret.lillard@sierraclub.org](mailto:margaret.lillard@sierraclub.org) or (919) 833-8467.

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**From:** [Will Wilson](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Cc:** [William Wilson](#)  
**Subject:** [External] Proposed NCDOT Rule Change for Billboards  
**Date:** Friday, February 28, 2020 9:55:05 AM

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I deeply oppose the proposed rule change that would override local choice with regards to billboards. Many people see billboards as visual pollution, and billboard owners have already been awarded permission to destroy trees and air pollution buffers along our highways. Let local communities express their wishes through ordinances in this concern -- if local wishes change, let the local political processes work their democratic way in changing said ordinances. Why let the state government push a favored status for the billboard industry onto local populations?

As such, I support Alternative 2 described on page 6 of the March 1 2019 NCDOT Fiscal Note. Certainly, do not let billboard companies upgrade static signs to digital ones when local communities forbid it. Digital signs are a blight on our "good roads."

It's already been ruled that recent General Assemblies were elected via unconstitutionally gerrymandered redistricting. Let's not destroy the state kowtowing to their worst visions for the environment.

Will Wilson  
16 Sunny Oaks Pl  
Durham NC 27712

**From:** [William S Holcomb \(doslobos@charter.net\) Sent You a Personal Message](#)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 1:22:24 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

William S Holcomb  
190 Hawks Haunt Ln  
Tryon, NC 28782  
[doslobos@charter.net](mailto:doslobos@charter.net)  
(612) 871-9569

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**From:** [William Hunter \(william.hunter30@gmail.com\) Sent You a Personal Message](mailto:william.hunter30@gmail.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Saturday, February 29, 2020 9:11:17 AM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

William Hunter  
228 Indian Trail Rd  
Chapel Hill, NC 27514  
[william.hunter30@gmail.com](mailto:william.hunter30@gmail.com)  
(919) 448-5779

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with N.C. Sierra Club. If you need more information, please contact Margaret Lillard at N.C. Sierra Club at [margaret.lillard@sierraclub.org](mailto:margaret.lillard@sierraclub.org) or (919) 833-8467.

**From:** [William Snyder \(whs@nc.rr.com\) Sent You a Personal Message](mailto:whs@nc.rr.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 9:54:06 PM

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Dear NCDOT Environmental Analysis Unit,

We need to get rid of the existing unsightly and distracting billboards rather than allowing new and even more distracting ones!!!

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

William Snyder  
7312 Grist Mill Rd  
Raleigh, NC 27615  
[whs@nc.rr.com](mailto:whs@nc.rr.com)  
(919) 848-0899

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**From:** [William St George \(wrstgeorge@aol.com\) Sent You a Personal Message](#)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 2:09:08 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

William St George  
2217 Camellia Dr  
Wilmington, NC 28403  
[wrstgeorge@aol.com](mailto:wrstgeorge@aol.com)  
(910) 254-4585

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**From:** [Willis B. Sullivan](#)  
**To:** [NCDOT Service Account - Rulemaking](#)  
**Subject:** [External] BILLBOARDS  
**Date:** Thursday, March 5, 2020 10:37:25 AM

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NCDOT:

I strongly oppose any change that would increase visual pollution by allowing larger sizes or digitization of billboards. Local ordinances that apply to the existence, location, size, operation, and content should take precedence over any State regulation.

Willis Sullivan  
Maxton, NC 28364



Scanned by [McAfee](#) and confirmed virus-free.

**From:** [Wyatt Mcghee \(wlmcgheeiv@hotmail.com\) Sent You a Personal Message](mailto:wlmcgheeiv@hotmail.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 2:44:24 PM

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Dear NCDOT Environmental Analysis Unit,

I am appalled by this proposal! We discourage drivers from texting and driving, but ignore the distractions of electronic changeable billboards. If anything we need to be adding new restrictions on how often electronic messages can change. The current 5 second industry standard is ridiculous; drivers should not have to view more than one change, unless they are stopped at a traffic signal!

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Wyatt Mcghee  
714 Bayberry Ln  
Nashville, NC 27856  
[wlmcgheeiv@hotmail.com](mailto:wlmcgheeiv@hotmail.com)  
(252) 459-4072

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Judy Matheny \(hike109@gmail.com\) Sent You a Personal Message](mailto:hike109@gmail.com)  
**To:** [Robbins, Jamille A](#)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Thursday, February 27, 2020 3:11:19 PM

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Dear NCDOT Environmental Analysis Unit,

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Judy Matheny  
PO Box 55  
Lake Junaluska, NC 28745  
[hike109@gmail.com](mailto:hike109@gmail.com)  
(828) 734-5242

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with Sierra Club. If you need more information, please contact Lillian Miller at Sierra Club at [core.help@sierraclub.org](mailto:core.help@sierraclub.org) or (415) 977-5500.

**From:** [Yvonne Moody \(yvonne37@bellsouth.net\)](mailto:yvonne37@bellsouth.net) Sent You a Personal Message  
**To:** [Robbins, Jamille A](mailto:Robbins, Jamille A)  
**Subject:** [External] Please revise proposed digital billboard rule  
**Date:** Friday, February 28, 2020 1:07:17 PM

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Dear NCDOT Environmental Analysis Unit,

When I travel there is enough to do paying attention to surroundings for safety, or enjoying scenery when it's not too traffic-y. I don't want additional distractions or scenery spoilage by huge flashing billboards!

I oppose the 19A NCAC 02E .0225 rule change that would override local ordinances and allow billboards with a state permit to be converted to digital and raised to 50 feet in height, even if such changes are not allowed by the applicable city or county ordinance.

I support the considered, but not chosen, ?Alternative 2? described in the agency?s fiscal note. Alternative 2 would recognize local government ordinances and limit the changes that could be made to an existing billboard as part of modernization.

I dislike that the proposed rules would restrict the ability of local communities to control billboards and open the door to taller, digitized billboards.

Sincerely,

Yvonne Moody  
609 Marsh Grass Ct  
Southport, NC 28461  
[yvonne37@bellsouth.net](mailto:yvonne37@bellsouth.net)  
(910) 454-9051

This message was sent by KnowWho, as a service provider, on behalf of an individual associated with N.C. Sierra Club. If you need more information, please contact Margaret Lillard at N.C. Sierra Club at [margaret.lillard@sierraclub.org](mailto:margaret.lillard@sierraclub.org) or (919) 833-8467.